
Listserv Summary: Italian Barile Law

November, 2017

An inquiry was made to the AIEA Listserv how SIO colleagues globally engaged in Italy have been addressing the Italian Barile Law (Italian Law No. 4 of 1999). This law may have implications for any institution administering global programs offered in Italy. Although, the Barile Law has been on the books since 1999, it has not been strictly enforced and, indeed, some may be unaware of it. Apparently, it is now being enforced with more intensity. It has been advised that if a U.S. institution of higher education offers a reoccurring faculty led program to Italy or a study center that is hosted by an Italian university, that U.S. institution is required by this Italian law to register to do business in Italy. It has been mentioned that if U.S. faculty members are being paid to offer instruction in Italy, that faculty member would be technically working without an appropriate visa, and, could be subject to immigration problems and the institution could face penalties. The costs of registration is estimated from \$12,000 to 15,000 as a one-time fee.

Summary of responses:

Eighteen AIEA members responded to this query between Oct 23rd and 30th, 2017. Of those who responded, eight indicated that they have in the past or are currently working on this issue; some respondents also provided resources on this topic.

Respondents that are currently or have previously dealt with this issue and are in compliance indicated:

- One institution is going through this process now and will shortly pay the AACUPI lawyer for registration. The process has been slow in large part because the Italian law firm is so unresponsive to details, invoices, etc.
- One institution registered their program in 2015 to ensure compliance.
- One institution confronted this issue a few years ago- Registration was handled by General Counsel's Office for the same cost mentioned (\$12,000-15,000).
- One institution has had a program in Italy since 1966 and has been engaged in compliance with the Barile law since its inception.
- One institution looked into this extensively with one of their lawyers and met with the lawyer who promotes this in the US and works with institutions to register. The bottom line was that their legal counsel advised us to register, which they did.

Several respondents suggested that they also have seen indications that the Barile Law is currently being enforced, saying:

- It is true that enforcement can be uneven, but we have a building and a long-term presence in Florence and so for us compliance is required.
- The Italian government actually is making sure that those programs operating in Italy do comply with those regulations. It turns out that they did a check on the internet for programs being offered in Italy and found many that were not adhering to the Barile Law. They are strictly enforcing this now, but we have not heard about fines, or anything else, if you do not belong.
- We recently received a flyer from AACUPI talking about new (and at this moment still not in force) regulations regarding registration with local authorities as a Business if you or your program (s) offer courses in Italy either independently or with an Italian institution.

Respondents suggest a few considerations associated with the process for compliance, including:

- Regulations regarding registration: institutions may have to include a list of those people that they employ in Italian programs, students' names and passport numbers, and courses taught each term.
- Tax payment: Italian tax payments are being more regulated, and one respondent stated they file financial statements each year to show that they are not subject to taxation.
- Legal counsel: One respondent suggested institutions hire an account firm and lawyer for agreements and labor issues.

Respondents described details on current programs they administer in Italy that are complaint:

- One institution teaches a Spring term (January-March) that is under 90 days but generally employs local academic staff. Visiting faculty teach in the very condensed terms in May and June.
- One institution circumvents the issue of payment to faculty members by ensuring they are teaching in compressed terms (generally 3-4 weeks only) so that they can still enter Italy and the Schengen region, complete the course and leave before the maximum stay of 90 days has elapsed. This has worked very well, and the only time it could be an issue is if a course was scheduled for longer than 90 days.
- One institution offers a semester program in partnership with a university in Italy and engages one of their faculty members as a Resident Director- paying him/her directly.

- One institution has a long-standing programmatic partnership with University of Arkansas at Rome Center, and they sub-lease space and admin services for programs there in Rome.

Potential Resources include:

- Eight respondents recommended the Association of American College and University Programs in Italy. AACUPI and its counsel, Gianfranco Borio, advise extensively on this issue. Link: <https://aacupi.org/contact/>.
- The University of Arkansas Rome Center