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QUICK FACTS

Legal forms of philanthropic organizations included in the law: Association, Company Limited by Guarantee, Cooperative, Corporation, Foundation, Limited Liability Company, Society, Trust

The legal forms of corporation and company apply only to entities registered as social enterprise.

Under the Third Sector Code (Legislative Decree No. 117/2017), in addition to voluntary organizations, social promotion associations, philanthropic bodies, social enterprises, social cooperatives, associative networks, mutual aid societies, associations (whether recognized or not) and foundations, any private entity (other than companies) set up for the pursuit, on a nonprofit basis of civic, solidarity and socially useful purposes by carrying out, exclusively or principally, one or more activities of general interest in the form of voluntary action or the free provision of money, goods or services, mutuality or the production or exchange of goods or services, can register with the Single National Register of the Third Sector (“RUNTS”) and obtain Third Sector Entity (*Ente del Terzo Settore* –“ETS”) status, specifically for tax purposes. Governmental agencies, political parties, labor unions, professional, entrepreneurial, commercial, or industrial associations cannot qualify as ETS.

According to Law No. 208/2015, the so-called “*società benefit*” is a company that combines the goal of profit with a public-benefit purpose which operates in a transparent, responsible, and sustainable way.

Five main social issues addressed by these organizations: Arts and Culture, Others

According to 2020 Italian National Institute of Statistics (ISTAT) data, the subsector of culture, sports, and recreation comprises over 64 percent of the nonprofit organizations (NPOs) surveyed. This subsector is followed by social assistance and civil protection (over 9%), labor unions relations (6.5%), religion (over 4%), education and research (approximately 4%), and health (3.5%).

Average time established by law to register a philanthropic organization: 31-60 days

Registration time can take up to 60 days (from application submission) under the Third Sector Code, which applies to all nonprofit entities registering with RUNTS which is under the Ministry of Labor and Social Policies and is managed on a territorial basis. This process can be shortened up to 30 days if the articles of association and the bylaws of the organization are drawn up in accordance with standard typed models, prepared by associative networks, and approved by the Ministry of Labor and Social Policies.

Registration time can take up to 120 days under the Decree of the President of the Republic (DPR) No. 361/2000, which applies to associations, foundations and private entities registering with the Legal Persons Register that is kept by prefectures and regional governments.

In order to simplify the process, the Third Sector Code allows third sector associations and foundations to acquire legal status through a single registration with RUNTS and are subject to a minimum capital requirement of EUR 15,000 (USD 18,226) for associations and EUR 30,000 (USD 36,451) for foundations. Upon request filed by the notary responsible for the association or foundation's deed, the Third Sector Register Office provides for the registration of the entity and has control over the formal regularity of the documentation.

For Third Sector associations and foundations formerly registered with the Legal Persons Register, the registration's validity is suspended as long as the registration with RUNTS is maintained.

Average cost for registering a philanthropic organization: USD 0

The registration with RUNTS is free of charge. A registration tax of EUR 200 (USD 243) and a revenue stamp of EUR 16 (USD 19) is required. The total cost amounts approximately to EUR 150 (USD 182) as documents must be submitted in duplicates. The registration tax and revenue stamp apply to the registration of the creation documents, but exceptions are made for certain tax-exempt entities, such as voluntary organizations. The statutory amendments intended to adapt the creation documents with the Third Sector Reform Law of 2016 are tax-exempt for entities registered as voluntary organizations or social promotion associations.

For associations, foundations and other private entities registering with the Legal Persons Register, the registration fee amounts to EUR 16 (USD 19) for the revenue stamp, except for certain tax-exempt organizations.

Government levels primarily regulating the incorporation of philanthropic organizations: Central/Federal Government

Philanthropic Environment Scores:

Year	Ease of Operating a PO	Tax Incentives	Cross-Border Philanthropic Flows	Political Environment	Economic Environment	Socio-Cultural Environment	Overall Score
2022 GPEI	4.77	4.50	4.20	4.50	3.80	4.50	4.38
2018 GPEI	4.83	4.50	4.50	5.00	N.A.	4.50	4.67

Source: Indiana University Lilly Family School of Philanthropy, 2022 *Global Philanthropy Environment Index*

Key Findings

I. Formation/Registration, Operations, Dissolution of a Philanthropic Organization (PO)

The three indicator questions in this section pertain to the laws and regulations governing philanthropic organizations (POs). The scoring questions for this category cover three aspects of regulations: (A) formation and registration; (B) operations; and (C) dissolution.

Question One: To what extent can individuals form and incorporate the organizations defined?

Score: 4.8

As part of the constitutional framework, the Italian Constitution guarantees the freedoms of peaceful assembly (Art. 17), association (Art. 18), religion (Art. 19), expression (Art. 21), establishment of labor unions (Art. 39) and establishment of parties (Art. 49). Moreover, as of a constitutional reform of 2001, the principle of horizontal subsidiarity (Art. 118, Par. 4) provides that “the State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, as individuals or as members of associations, for the performance of activities of general interest, on the basis of the principle of subsidiarity.” According to the new public-private relationship outlined by the horizontal subsidiarity principle, private entities, rather than the government and public administrations, are vested with the primary responsibility in carrying out activities aimed at public-benefit goals.

As recently remarked by the Constitutional Court (No. 131/2020), the constitutional framework guarantees the sphere of the so-called “organization of social freedoms,” which correspond neither to the State nor to the market. According to this constitutional framework, the Third Sector Reform Law of 2016 (implemented by the 2017 Third Sector Code), recognized the social value of third sector entities as expressions of participation, solidarity, and pluralism, and therefore encouraged the sectors’ growth and contribution to the common good through forms of collaboration with the State, the regions, and the local authorities.

In terms of creation, permissible purposes, and registration, the Civil Code of 1942 permits the formation and operation of both organizations recognized as legal persons and unrecognized organizations (organizations that have not applied for the recognition or have not received it).

Under DPR No. 361/2000, any association, foundation, and private institution (classified differently from companies) pursuing a lawful and possible purpose and equipped with adequate assets may acquire legal personality upon registration with the Legal Persons Register. It is kept by the prefectures and regions and applies to entities operating in areas under the regional government’s jurisdiction and whose statutory purposes are limited to a single region. The legal designation allows the organization’s assets to be separated from those of the individual employees and board members. In case of registration denial due to lack of meeting legal registration conditions, the entity has the right to appeal. The application forms and details on the documentation are publicly available on government prefecture and region websites.

Under the Third Sector Code of 2017, any association, foundation, social enterprise, philanthropic entity, voluntary organizations, associative network, mutual association, and broadly any nonprofit private entity pursuing civic, solidarity, and social utility purposes and carrying out exclusively or principally one or more activities of general interest in the fields listed in the Third Sector Code, can obtain “Third Sector Entity” status by registering with RUNTS administered by the Ministry of Labor and Social Policy. In case of denial, the law recognizes the right to appeal before the competent administrative tribunal. Third sector associations and foundations are allowed to acquire legal personality through a single registration with RUNTS.

Finally, all third sector entities that carry out their statutory purposes exclusively or mainly through commercial activities must also register with the Business Register. Only in the case of social enterprises, the registration with the Business Register satisfies the registration requirement of registration with RUNTS. Most Italian POs operate as unrecognized associations (ISTAT, 2020).

Question Two: To what extent are POs free to operate without excessive government interference?

Score: 4.5

According to the Civil Code of 1942, rules on governance and administration for private legal persons must be stated in bylaws, which outline a few provisions regulating general meetings, members’ rights, and directors’ liability. Unrecognized associations and committees enjoy larger organizational freedom, as the entity is governed by agreements among members. The Third Sector Code of 2017 regulates in detail the governance of third sector associations and foundations and provides graduated requirements (e.g., mandatory control board and legal auditing of accounts) depending on net assets, amount of income and the number of employees. Moreover, it contains mandatory rules on competences of assembly, requirements of control board members, conflicts of interests, and the liability of board members with a large transposition of rules of company law. In addition, it defines mandatory structures for certain types of third sector entities, which includes voluntary organizations and associations of social promotion.

In terms of activities, the third sector entities must engage exclusively or principally in one or more nonprofit activities of general interest in the fields listed in the Civil Code of 1942. Activities other than those of general interest (i.e., business activities) are allowed only if they remain as secondary and instrumental activities. The distribution of funds, income or other assets of third sector organizations is prohibited with the exception of social enterprises. Nonprofit organizations are free to communicate and cooperate with partners from private and public sectors and to participate in networks, such as the Third Sector National Forum, the Italian Association of Foundations and Philanthropic Bodies (Assifero), the Association of Foundations and Savings Banks (ACRI), and the European Foundation Center (EFC) and the Donors and Foundations Networks in Europe (DAFNE) at the European Union (EU) level.

Overall, data indicate that innovative tools such as websites, social networks, blogs, forums, and chat applications are important tools for sharing ideas, creating communities, advertising, and disseminating newsletters; however, they do not replace more traditional mechanisms such as press releases, brochures, or magazines (ISTAT, 2014).

All third sector entities are subject to reporting requirements. In particular, all third sector entities are required to file annual financial statements in the form of a cash report for entities with income or revenues below EUR 220,000 (USD 267,310), which are drawn up in accordance with forms issued by the Ministry of Labor and Social Policies. Fundraising activity reports must file with RUNTS. Third sector entities that carry out their activities exclusively or mainly in the form of a business enterprise are required to keep accounting reports and to file financial statements with the Business Register drawn up in accordance with the rules of company law. Third sector entities with annual income exceeding EUR 1 million (USD 1.2 million) are required to file a social statement drawn up in accordance with uniform guidelines jointly issued by the Ministry of Labor and Social Policies and RUNTS. The social statement must also be on the organization's website for the purposes of the social impact assessment. Third sector entities with annual income exceeding EUR 100,000 (USD 121,505) are required to publish annually any form of emolument, compensation, or payment granted to board members, directors, and members and keep these documents updated on the entities' websites or the website of their associative network.

Question Three: To what extent is there government discretion in shutting down POs?

Score: 5.0

Under the Civil Code of 1942, the dissolution and consequent liquidation of private legal persons occur only for causes set forth in the founding acts and bylaws. Voluntary termination may be decided if the scope of activities is unfeasible or has been achieved. Associations may be voluntarily terminated with three-fourths majority vote of the members, in case of the achievement or unfeasibility of the associations' scope, or upon the death of all members. Thanks to the 2000 reform of the procedure for recognition of legal personality, the governmental authority has no longer ex-officio powers to declare the termination of a legal person. After dissolution has been officially declared by the competent prefecture or regional authority, the liquidation procedure is implemented under tribunal supervision. Only in the absence of specific provisions contained in the foundation acts, bylaws, or member resolution, the governmental authority will transfer the remaining assets to other nonprofit organizations pursuing similar purposes.

Under the Third Sector Code of 2017, the involuntary termination of a third sector entity by the Third Sector Register Office can occur in case of failure to comply with the reporting requirements if a requested correction of the violation has not occurred within the of up to 180 days. The involuntary termination and dissolution are subject to judicial supervision by the competent administrative tribunal. If the third sector organization is dissolved or otherwise ceases to exist, the dissolution is declared by the Third Sector Register Office. After the liquidation procedure, the entity is canceled from the Third Sector Register. Any remaining assets are transferred to other third sector entities in accordance with the terminated organization's bylaws, the board's resolution, or the *Fondazione Italia Sociale*, which is a government foundation created to support the activities of third sector entities.

In the case of dissolution due to the lack of requirements to operate as a third sector entity, the organization can continue to operate under Civil Code rules on associations or foundations, but its remaining assets must first be transferred pursuant to the Third Sector Register Office's rules.

II. Domestic Tax and Fiscal Issues

The two questions in this section pertain to laws and regulations governing the fiscal constraints of giving and receiving donations domestically.

Question Four: To what extent is the tax system favorable to making charitable donations?

Score: 4.5

Over the last decades, several reforms have gradually changed the less-beneficial tax treatment that Italian POs have traditionally received in terms of both income tax exemption and charitable contribution deductions. The Third Sector Reform Law of 2016 introduced a comprehensive reform of the legal and tax regime applicable to third sector entities (ETS). However, the entry of main tax innovations provided for by this reform is subject to the EU Commission's authorization, which was not yet received as of February 2021.

Under the Third Sector Code, individual donors can deduct 30 percent of cash or in-kind contributions to non-commercial ETS (including social cooperatives and excluding social enterprises set up in the form of companies), up to a maximum of EUR 30,000 (USD 36,451) for each tax period from their gross income tax. The deductible percentage is raised to 35 percent for contributions to voluntary organizations. Alternatively, individual donors can deduct cash and in-kind contributions to non-commercial ETS from their total declared income, for an amount not exceeding 10 percent of the total declared income (the excess can be deducted up to the fourth subsequent tax period). Corporate donors can deduct cash and in-kind contributions to non-commercial ETS (including social cooperatives and excluding social enterprises set up in the form of companies) from their total declared income, for an amount not exceeding 10 percent of the total declared income (the excess can be deducted up to the fourth subsequent tax period). Individuals and corporations have access to tax credits—65 percent for individuals and non-commercial entities, up to a ceiling of 15 percent of declared income; and 50 percent for corporations, up to a ceiling of 5 percent of annual income. These tax credits apply to cash donations supporting ETS projects aimed at the renovation of unused public buildings and any assets confiscated from organized crime that will be devoted to non-commercial activities (known as a social bonus).

Question Five: To what extent is the tax system favorable to POs in receiving charitable donations?

Score: 4.5

The Third Sector Code provides for the following tax exemptions:

- Corporate income tax exemption, limited to ETS other than social enterprises assuming non-commercial status, defined as entities with non-commercial activities prevailing over commercial ones. Non-commercial activities are defined as public benefit activities carried out free of charge or against payment of fees that do not exceed the actual costs by more than 5 percent. Profits from commercial activities are taxed with an optional flat rate system. Resources derived from fundraising as well as public funds are not considered taxable income;
- Exemption from gift and inheritance taxes, mortgages, and cadastral taxes on free-of-charge transfers of assets destined to public-benefit activities (extended to social cooperatives);

- Exemption on fixed-rate registration, mortgages, and cadastral taxes on deed of incorporation and statutory amendments (e.g., mergers, split operations or transformations) and exemption from registration tax on statutory amendments intended to adapt the creation documents to regulatory changes;
- Exemption from registration tax on incorporation documents of voluntary organizations;
- Exemption on fixed rate registration, mortgages, and cadastral taxes on transfers for consideration of real properties destined to public-benefit activities (extended to social enterprises);
- Real estate tax exemption for non-commercial ETS properties that are exclusively devoted to non-commercial activities in certain fields (e.g., social assistance, health, scientific research, education, accommodation, culture recreation and sport, religion);
- Exemption or reduction (based on local regulations) from regional taxes on productive activities and other local taxes; and
- Other exemptions, such as a stamp duty tax, entertainment tax, or taxes on government concessions.

Especially favorable tax provisions apply to voluntary organizations and social promotion associations.

POs excluded from the Third Sector Code and those that autonomously decide not to register with RUNTS are subject to specific tax provisions under the income tax and value added tax regulations (see Articles 143-149 TUIR; Article 4 DPR 633/1972). Specific tax benefits apply to certain POs such as amateur sport associations.

III. Cross-Border Philanthropic Flows

The two questions in this section concern laws and regulations governing the fiscal constraints of giving and receiving cross-border donations. The scoring for these questions pertains to the donor and receiving entities.

Question Six: To what extent is the legal regulatory environment favorable to sending cross-border donations?

Score: 4.2

EU treaties establish the free movement of capital between member states. Ten years ago, there were no real tax benefits for cross-border philanthropy in the EU. The general rule across member states was that tax incentives were restricted to domestic public-benefit organizations and donors giving to domestic public-benefit organizations. However, the traditional regulatory approach has been overhauled. The European Court of Justice (ECJ), in a series of judgments specifically dealing with taxation of public-benefit organizations and their donors (e.g., Stauffer, Persche, Missionswerk, Laboratoires Fournier, and European Commission vs. Austria), developed a general “non-discrimination principle” with regards to tax laws in the area of public-benefit activities.

The ECJ has set the following rule for member states’ national tax laws: the non-discrimination principle provides that public-benefit organizations and their donors acting across borders within the EU are entitled to the same tax incentives as would apply in a domestic scenario, where a foreign EU-based public-benefit organization can be considered as comparable to a domestic one. Despite the EU legal framework suggesting that comparable foreign-based POs should not be discriminated,

barriers continue to exist. Several member states have not yet removed this discrimination, and even where they have, practical or legal problems persist. The EU Commission has issued a series of infringement procedures against member states that appear to not yet be in line with the non-discrimination principle and the free movement of capital with regard to taxation of cross-border philanthropy within the EU. For example, Italy faced infringement procedures around discriminatory inheritance tax in Cases No. 2012-2156 and 2012-2157.

Individual and corporate donors experience unfair treatment when carrying out philanthropic giving beyond their national boundaries, and so do third sector entities when it comes to administering their assets across borders.

Philanthropic giving across borders within the EU faces significant challenges. Representatives from the Italian foundation sector confirm that the situation has not become any easier for donors giving across borders within the EU, observing that “if you are an individual or corporate donor giving/donating/legating to a public-benefit organization based in another EU member state, you find it also hard to claim the tax incentives in income tax you are entitled to. What do you have to do? Where do you find information if you get a tax incentive? Can you clarify the situation before making the donation/legacy? No one should end up having made a donation and only then finding out that your tax authority does not consider the recipient organization comparable. Or you may find out that the tax authority applies a high rate of gift and inheritance tax on your cross-border donation or legacy.”

In conclusion, despite the fact that international philanthropy is assuming an increasingly important role in modern society, practical obstacles still remain. In an aim to stimulate international philanthropy and overcome the current obstacles, several solutions have been developed. In particular, in some countries such as the United States of America, nonprofit organizations recognized by the national tax agency and operating as affiliates of international nonprofit entities allow national tax residents to benefit from tax deductions and pursue international philanthropic goals. In the EU context, a similar project is undertaken by Transnational Giving Europe, a body that collaborates with various POs in Europe, to allow donors to make donations to nonprofit organizations of other member states and benefit from the tax advantages provided by the legislation of the donor’s home country.

Outside the EU, incentive for international philanthropy could be pursued through international tax agreements. For example, the Convention between the United States of America and the Federal Republic of Germany for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital and Certain Other Taxes (August 29, 1989, Art. 27) and the Convention between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (December 18, 1992, Art. 36) contain a clause providing for the mutual recognition of nonprofit entities.

Question Seven: To what extent is the legal regulatory environment favorable to receiving cross-border donations?

Score: 4.2

Following the EU non-discrimination principle, when investing directly in EU markets, POs can expect to get tax exemptions that are applicable to local POs if they are considered “comparable” entities. However, data reveal that it is still not easy to claim the tax incentives that institutional philanthropy is entitled to. Furthermore, the method to claim back foreign withholding tax is often lengthy and costly. A representative of a German foundation with investments in Italy stated: “In 2017, a decision was still awaited for claims filed in the year 2007. We consider high costs, the need to translate documents (...) and the length of the process as key obstacles for going ahead with refund claims.”

IV. Political Environment

The four indicator questions in the next three sections concern the political context, economic conditions, and socio-cultural characteristics that influence the environment for philanthropy.

Question Eight: To what extent is the political environment favorable for philanthropy?

Score: 4.5

According to the public-private relationship defined by the constitutional principle of horizontal subsidiarity (Art. 118, para. 4, Italian Constitution), single or associated citizens, rather than the state and public authorities, are assigned the primary competence in carrying out activities of general interest, while the government should have a subsidiary role. In accordance with the constitutional guarantee granted to so-called “organizations of social freedoms” (Constitutional Court No. 185 of 2018 and 300 of 2003), the Third Sector Reform Law of 2016 recognized the social value of inviting third sector organizations as an expression of participation, solidarity, and pluralism when operating with autonomy and in cooperation with public authorities at both the state and local levels. Moreover, under Article 55 of the Third Sector Code, public authorities, when carrying out their functions on territorial planning and organization of interventions and services need to ensure third sector entities active involvement through forms of “co-programming”, “co-planning,” and “accreditation.” It outlines a partnership model between third sector entities and the public administrations (Constitutional Court, No. 131/2020).

However, the COVID-19 crisis highlighted the need for a stronger recognition of the nonprofit sector by the state and for an enhancement of its role as a co-protagonist, rather than a role of substitute or integrator of public policies. Indeed, despite the centrality of civil society organizations, thousands of volunteers and social cooperators participating in managing the emergency phase, mobilizing skills, and making extraordinary organizational capacities available, the pandemic revealed that Italy’s political environment still lacks an overall vision that considers POs as a crucial factor for the country’s social and economic development. Third sector entities were of low priority to be addressed by COVID-19 public measures. Some support measures, such as the expansion of interventions already provided to support small and medium enterprises (SMEs), were introduced only by the Relaunch Decree No. 34/2020.

To this extent, the pandemic calls for the implementation of an effective partnership model between public authorities and the third sector, as provided by Article 55 of the Third Sector Code. Namely, POs need an organizational model that goes beyond mere utilitarian exchange of the payment of prices/fees from the public to the private sector. Rather, cooperation should be based on the convergence of objectives and the aggregation of public and private resources for the joint planning

and design of services and interventions with the aim to raise the levels of active citizenship, cohesion, and social protection. This is a necessary and decisive step to reorganize health care and the post-COVID-19 reconstruction of the economic system, which will depend not only on the amount of resources available, but also on the organizational models and tools deployed.

Question Nine: To what extent are public policies and practices favorable for philanthropy?

Score: 4.5

In accordance with the constitutional framework, the Third Sector Reform Law of 2016 promotes the third sector and the culture of volunteering (particularly among young people), and provides for several support measures in addition to the tax benefits described in previous sections:

- Certain third sector entities that have obtained the approval for participating in projects providing public-benefit activities/services within agreements with public authorities, such as voluntary organizations, have access to subsidized credits;
- Certain third sector entities such as voluntary associations can receive privileged credits;
- Free access to public facilities for temporary events or initiatives organized by third sector organizations;
- Access to the EU Social Fund for third sector entities;
- Assignment of unused public buildings (by loan contracts of up to a 30 year term) to third sector organizations for non-commercial purposes;
- Concession (of up to 50 years term) of public cultural buildings to third sector entities at a lower rate in accordance with renovation and redevelopment projects implemented by them;
- Establishment of a fund for the financing of public-benefit projects and philanthropic activities, such as those undertaken by foundations or voluntary organizations; and
- Other financial resources to support projects developed by certain types of third sector entities that are implemented through partnership and collaboration with local authorities.

Under the Third Sector Code and through annual policy acts, the Ministry of Labor and Social Policies determines general objectives, priority areas of intervention, and the activities that can be financed within the limits of the resources available. To implement the policy acts, the Ministry of Labor and Social Policies identifies the beneficiaries among entities registered with the Single National Register of the Third Sector.

V. Economic Environment

Question Ten: To what extent is the economic context favorable for philanthropy?

Score: 3.8

According to the Bank of Italy's 2020 Annual Report, Italy's 2020 gross domestic product (GDP) recorded its largest drop since World War II (-8.9%). The impact of the COVID-19 pandemic was felt through various channels: the decline in global economic activity, exports, and inbound tourist flows; the reduction in mobility and consumption; and the impact of uncertainty on corporate investments. In May and November 2020, the Italian National Institute of Statistics (ISTAT) conducted two surveys on the impact of COVID-19 health emergency on businesses, involving a sample of approximately

90,000 businesses (comparing to a total of 1 million businesses) with at least three employees active in the industry and services sectors. According to the results, at the end of 2020, more than two-thirds of businesses recorded revenue declines as compared to 2019. Sixty-two percent expected a continuous decrease of revenues in the first six months of 2021 and 32 percent believed their chances of survival were compromised. Less than one fifth of the businesses reported that they have been substantially spared from the crisis. The pandemic has mainly affected small businesses: illiquidity and the fall in domestic demand stand out as the main effects of the sudden recession, impacting 58.1 percent and 34.1 percent of businesses, respectively.

According to the map of structural risk facing businesses following the COVID-19 pandemic, which classifies Italian businesses (with at least three employees) into four risk classes based on the Receiver Operation Characteristics (ROC) methodology (solid, resistant, fragile, and at-risk), only 11 percent of businesses are solid, 19 percent are resistant, about 25 percent are fragile, and about 45 percent are at-risk. Small businesses face the greatest challenges in resilience. New waves of infection continued to weaken economic activity, with the country's GDP declining by 0.4 percent in the first quarter of 2021, following a rise and reduction in the service industry. Although data by the Bank of Italy point to signs of recovery in the second half of 2021, the economic outlook is still subject to risks. Economic recovery will depend on the success of the COVID-19 vaccination campaign, whether monetary policies will remain expansionary, and on the roll-out of the National Recovery and Resilience Plan (NRRP). The NRRP envisages a wide variety of interventions that pursue an overall strategy for modernizing the country. In particular, it provides a strong stimulus to the digital and environmental transition of firms and the general government and sets out a detailed program of reforms to resolve some of Italy's structural weaknesses.

VI. Socio-Cultural Environment

Question Eleven: To what extent are socio-cultural values and practices favorable for philanthropy?

Score: 4.5

Foundations' representatives have described the increasing growth and social impact of the Italian nonprofit sector over the last decades as a "rediscovery of philanthropy." Indeed, as also recently highlighted by the Constitutional Court (No. 131/2020), "...since ancient times, the relationships of solidarity have been at the origin of a network of free and autonomous mutuality reconnecting to different cultural souls of our tradition, which has profoundly affected the social, cultural and economic development of our country. Even before public welfare systems came to light, the creativity of individuals expressed itself in a multiplicity of associative forms (i.e., mutual aid societies, "*opere pie*", "*monti di pietà*," etc.), which have been able to guarantee assistance, solidarity, and education to those who, in the most difficult moments of our history, were excluded." In accordance with longstanding philanthropic tradition, the constitutional principle of horizontal subsidiarity (Art. 118, Para. 4, Constitution) "overcomes the idea that only the public action is intrinsically suitable for carrying out the activities of general interest, and rather recognizes that such activities can also be pursued by an 'autonomous initiative' of citizens which, in line with ancient expressions of social solidarity, is still strongly rooted in the society of the country." Under the Third Sector Code, this principle is implemented by Article 55, which proceduralized the subsidiary action of the public authorities by assigning them the task of ensuring active involvement of third sector entities in the programming, planning, and organization of interventions and services in the sectors of public-

benefit activities listed by the Code. In order to assure the fulfillment of public-benefit goals by autonomous organizations that are granted tax benefits, the Third Sector Code provides tools for transparency and reporting requirements as well as for social impact assessment.

While the Third Sector Reform Law of 2016 outlines a collaborative relationship between third sector entities and public authorities through forms of co-programming and co-project planning, in the COVID-19 pandemic response, third sector entities continued to cover simple but useful support functions to the decision-making powers. The government did not intend to implement a strategic plan that would provide, especially at the single municipality level, a more constructive relationship with associations active in the local area. Thus, a cultural change is still necessary to abandon top-down approaches and enhance the contribution of nonprofit organizations.

VII. Future of Philanthropy

These questions are used to provide a general picture of the future of philanthropy in this country as well as recommendations to improve the philanthropic environment.

Current state of the philanthropic sector

Over the last few decades, the size and the role of the Italian nonprofit sector have undergone deep transformations along with the crisis of the welfare state and gradual changes in the legal framework. These changes led to the Third Sector Reform Law of 2016 and the subsequent enactment of the 2017 Third Sector Code.

According to the latest available data from ISTAT, as of 31 December 2018, there were 359,574 nonprofit institutions active in Italy with 853,476 employees. Compared to the national production system, the number of nonprofit institutions continues to increase, rising from 5.8 percent in 2001 to 8.2 percent in 2018, while the number of employees remains stable at around 6.9 percent. Associations make up 85 percent of nonprofit organizations, followed by other legal forms (8.4%), social cooperatives (4.4%), and foundations (2.2%). In terms of cause areas, the culture, sport, and recreation sector comprises almost two-thirds of nonprofit organizations (64.4%), followed by social assistance and civil protection (9.3%), union relations (6.5%), religion (4.7%), education and research (3.9%), and health care (3.5%).

Currently, despite the harmonization objectives pursued by the recent Third Sector Reform Law of 2016, the Italian nonprofit organizations are regulated by several sources of law. The Third Sector Code applies to a cluster of legal entities called ETS, which account 25 percent of the Italian nonprofit sector (ISTAT, 2020). ETS are identified with specific characteristics: they are aimed at “pursuing the common good,” carry out exclusively or principally one or more “activities of general interest” through “forms of voluntary action, or free delivery of money, goods or services, or mutuality, or production and exchange of goods and services,” under the rule of non-distribution constraint (except for social enterprises). ETS organizations are subject to register in the Single National Third Sector Register and to meet transparency and reporting requirements. The third sector does not include political formations and associations, unions, and professional associations of economic categories.

Besides the Third Sector Code, special laws regulate certain foundations established by the law within the privatization of formerly public entities, such as opera house foundations, foundations of banking origin, or cultural foundations, among others.

Foundations of banking origins are certainly the most innovative and fastest growing element that brought Italian philanthropy onto the European and international scene. They are private, nonprofit, autonomous organizations first appeared in the early 1990s following the credit system reform. Today, there are 86 of these foundations in Italy, differing in provenance, size, and activities, which intervene in different philanthropic areas including social welfare, art and culture, sustainability, primary education, and scientific research. Their mission is social utility and promotion of economic development, not only within the territories where they are based and deeply rooted but also across the entire country. Some of the major joint projects coordinated by ACRI, are the fund for the fight against child educational poverty, the social housing plan, and the “*Fondazione con il Sud*” to promote social cohesion path and good networking practices to encourage the development of southern regions.

With their community welfare perspective aimed at achieving the horizontal subsidiarity principle enshrined in the Constitution, the foundations of banking origin favor the establishment of community foundations in Italy: these institution type is borrowed from the Anglo-Saxon world. Community foundations are established to respond to community needs with resources coming in part from a promoting foundation and donations are also collected directly from citizens, businesses, and institutions. Moreover, these foundations are the main supporters of volunteering. They annually support the Single National Fund, which provides resources to the entire system of service centers for volunteering (CSV), contribute to defining the general strategic guidelines to which all centers must comply, and take part in the governance of the national volunteer control body and the territorial bodies connected to it.

Overall, since 2000 foundations of banking origin have disbursed over EUR 23 billion (USD 25.7 billion) to 400,000 projects and invested substantial resources to pursue their mission as established by the law—foundation resources used to carry out these projects must be drawn from the profits generated by the investments of their assets. According to the 25th Annual Report published by ACRI, which presents aggregate data from 2019 financial statements, the book value of equity for the 86 Italian foundations of banking origin amounts to EUR 40.3 billion (USD 45.1 billion), up from EUR 39.6 billion (USD 44.3 billion) in the previous year (1.6 %). Moreover, the data indicates a significant increase in total foundation income, which amounted to EUR 2.6 billion (USD 2.9 billion) in 2019, compared to EUR 1.1 billion (USD 1.2 billion) in 2018 (140.4 %) (ACRI, 2020).

As a consequence of the income increase, these foundations saw a significant increase in their annual surplus, which rose from EUR 5 million (USD 643 million) in 2018 to EUR 1.9 billion (USD 2.1 billion) in 2019 (232%). Total charges were near stable at EUR 261 million (USD 292 million), an increase of 4.6 percent. There was a significant increase in tax charges, which rose from EUR 323 million (USD 362 million) in 2018 to EUR 510 million (USD 571 million) in 2019.

Despite the sharp increase in the 2019 surplus, there was a decrease in disbursements, which are now mainly made on the basis of the previous year’s surplus. Disbursements in fact fell from EUR 1 billion (USD 1.1 billion) in 2018 to EUR 911 million (USD 1 billion) in 2019 (-11.1%), a level that is substantially in line with the recent years’ average.

The ACRI report thus confirms the foundations of banking origins’ commitment to communities, the charitable sector, both in the field of welfare and beyond, with the aim of combating inequalities, starting with child educational poverty. This commitment was further confirmed in the first half of

2020, when the foundations made an extraordinary effort to respond to the COVID-19 pandemic and support the reopening of the country.

Three major recent events affecting the philanthropic landscape between January 2018 and December 2020

- 1) The EFC-TGE recommendations on cross-border philanthropy: In 2017, the European Foundation Centre (EFC) and the Transnational Giving Europe network (TGE) developed a set of new recommendations and ideas for legislators, authorities, philanthropists, and the nonprofit sector as a whole to lead to simplify procedures for implementing the non-discrimination principle around the tax treatment of cross-border philanthropy. Examples of these recommendations include making more information available to donors and POs; providing better training for staff of tax authorities; disseminating efficient practices for the comparability test that is already implemented by some EU countries; and adopting a more functional approach to the public-benefit concept for the comparability test purposes by taking into account the definition of “non-financial” entity adopted by the Organisation for Economic Co-operation and Development’s (OECD) Common Reporting Standard (CRS). While transnational philanthropy in Europe is growing as POs are investing more across national borders as part of their asset management strategy and private and corporate donors are increasing their reach outside their home countries, the fiscal ecosystem is still inefficient, despite the principle of non-discrimination promoted by the EU.
- 2) Regulations implemented under the Third Sector Code of 2017:
 - Legislative Decrees No. 95/2018 and 105/2018 provide supplementary and corrective provisions to the Third Sector Code and the Social Enterprise Law;
 - Ministry of Labor and Social Policies Decree of 4 July 2019—“Guidelines for the drafting of the social report of the third sector entities”
 - Ministry of Labor and Social Policies Decree of 23 July 2019—“Guidelines for the implementation of systems of social impact assessment for the activities carried out by third sector entities”;
 - Ministry of Labor and Social Policies Decree of 5 March 2020—“Financial statements forms for third sector entities”;
 - Ministry of Labor and Social Policies Decree of 15 September 2020 establishing the Single National Third Sector Register, which is managed operationally and technically on a territorial basis by each region and autonomous province. The Decree provided guidance for registration, updating procedures, cancellation, and migration to another section classification (for certain third sector entities such as volunteering organizations); and -
 - Ministry of Labor and Social Policies Decree of 31 March 2021—“Guidelines on the relationship between public authorities and the third sector.”
- 3) COVID-19 measures for the third sector and the Recovery and Resilience Plan (RRP): During the first emergency phase, the Italian government introduced measures aimed at protecting third sector entities from the negative consequences of the pandemic, such as:
 - a. Expanding eligibility for the “*Cassa Integrazione*” (government support of salary payment) to third sector entities;
 - b. Suspending withholding payments, social security and welfare contributions, and premiums for compulsory insurance; and
 - c. Extending approval terms for financial statements, among others.

- 4) Relaunch Decree: The government intervened in support of the third sector by increasing the resources available for the implementation of interventions carried out by voluntary organizations, social promotion associations, and third sector foundations, including:
 - a. Strengthened collaboration between third sector entities and public administrations in the territorial assistance;
 - b. Increased funding by EUR 100 million (USD 122 million) for the financing of projects and public-benefit activities provided by the third sector in 2020;
 - c. Provided resources to third sector entities to purchase COVID-19 protection items; and
 - d. Approved a series of indirect measures in favor of third sector entities, particularly through tax credits, such as for the rent of buildings intended for the statutory activities, expenses related to interventions necessary to enforce health requirements and containment measures against the spread of the COVID-19 virus.

Eventually, the government extended access to the resources of the Guarantee Fund for SMEs to third sector entities, allocating up to EUR 100 million. It provides 100 percent guarantee on loans up to EUR 30,000 (USD 36,451) with a duration exceeding 120 months.

Finally, the government established the extraordinary fund for the support of third sector entities, with a budget of EUR 70 million (USD 5 million) for 2021. The fund was established to cope with the economic crisis third sector entities faced as the COVID-19 pandemic limited many entities to carry out business activities. In 2021, the fund's budget was increased to EUR 100 million (USD 122 million).

Regarding the RPP (part of the Next Generation EU program), in order to overcome the economic and social impact of the pandemic, the government mobilized over EUR 300 billion (USD 365 billion) around three strategic axes defined at the EU level; digitalization and innovation, ecological transition, and social inclusion. The third sector is actively involved in transversal challenges such as gender mainstreaming, social housing, education, upskilling and reskilling, infrastructures and services for vulnerable communities, tackling social exclusion, and addressing inequality in rural areas and suburbs.

Three keywords that describe the philanthropic environment between 2018 and 2020 in your country

1. Growth: Continuing growth of the Italian nonprofit sector
2. Action: Active role of the nonprofit sector to address health, economic, and social challenges during the COVID-19 pandemic
3. Challenges: Economic challenges facing the nonprofit sector as a consequence of the COVID-19 outbreak

In recent years, the social economy model has developed extensively throughout the country and through original organizational forms in various fields of activity of general interest. The capacity to affect territorial policies effectively and promptly are core characteristics of the Italian Third Sector, thanks to over 5.5 million volunteers and 1 million paid workers. Overall, the sector comprises 5 percent of Italy's gross domestic product (GDP) through the production of goods and services in social assistance, culture, territorial cohesion, research, local health, education, training, and policies of active labor, urban regeneration, circular economy, and other sectors.

The COVID-19 pandemic highlighted the essential role of the Third Sector entities, acting as an accelerator of processes and changes that have been taking place long since in society and in our economic model. Indeed, as representatives of the "solidarity society" (Const. Court No. 131/2020), Third Sector entities are able to make available to public authorities valuable information and data that would with longer times and higher costs, in addition to organizational and intervention capacity. This model produces positive effects, both in terms of saving resources and increasing the quality of services and activities provided in favor of the society in need.

Future development trends in the philanthropic landscape

Over the last years, a climate of change has been affecting the way foundations and POs carry out their work and perceive their role within society. This phenomenon seems to be due to several factors, such as the challenge of measuring social impact, the wider access to reliable information, the new technologies reducing time and costs of collaboration, redefining models and practices of philanthropy, favoring new forms of participatory financing, greater attention to investment policies, and an increase in the use of digital technologies and big data. The growth of networks is also becoming a distinctive feature of the philanthropic sector, particularly within family, business, and community foundations, which represent a relatively recent phenomenon.

The pandemic provided an opportunity to reflect on new philanthropic practices and tools to sustain the civil society sector. Above all, the future of the sector may require groups to come together and work in a more coherent and cohesive way, given the limited availability of resources (ARIADNE, 2021). Some foundations have already started bringing their grantees together to help them develop joint approaches in order to optimize skills, resources, and know-how. Moreover, as a result of the pandemic, some foundations started to change their project-based funding practices and flexibly support the resilience-, capacity-, and creativity-building for POs. The pandemic also brought new types of donors in Italy, including corporations, and many Italian funders see opportunity for greater collaboration, not only in terms of co-funding, but also actively working across sectors, both among foundations and between foundations, other private stakeholder, and public authorities. Some foundations are planning to invest more in building the capacity of the organizations that they support, such as in communications, fundraising, or program development. Italian foundations are focusing more on their investment strategies and how they align with their mission. More foundations are engaging with digital tools and supporting their organizations to implement these tools to work more effectively in a remote environment. Finally, some funders are also considering how philanthropy could better support and learn from academic research and are looking for new and innovative ideas for addressing the challenges that lie ahead (ARIADNE, 2021).

Three key recommendations to improve the environment for philanthropy

- Simplify and further harmonize the legal and tax framework for nonprofit organizations and reduce current constraints on statutory autonomy, such as on the governance of third sector entities;
- Within the limits permitted by EU state aid rules (being revised at present), extend the tax-favorable regime of the Third Sector Code, currently limited to non-commercial entities, with the exception of entities registered as social enterprises, to business activities carried out by all third sector entities in the furtherance of their statutory purposes; and

- Enhance the fiscal framework for tax-effective cross-border philanthropy and improve the process of comparability checks of foreign, EU-based POs.

VIII. Philanthropic Response to COVID-19

These questions are used to provide a general picture of the philanthropic response to the COVID-19 pandemic in this country and recommendations for improving cross-sectoral collaboration.

Areas where the nonprofit sector and philanthropy are playing a role in responding to COVID-19

As a result of the COVID-19 pandemic, for the first time, Italy, Europe, and a large part of the whole world were hit simultaneously by four dramatic crises: health, economic, financial and social. The health crisis has immediately and violently heightened inequalities, making the vulnerable more fragile, and increasing exponentially the number of the poor. The diocesan charity, Caritas reports an average increase of 114 percent in the number of new people who turned to their listening centers and other services; the Food Bank Network saw a 40 percent increase in the number of requests for aid; and a strong increase in educational poverty was already widespread in Italy before the crisis. In these circumstances, many public measures were adopted to face the health and economic crisis, but the country could also count on the extraordinary generosity and irreplaceable role of volunteers, associations, social cooperatives, and the third sector as a whole, which in several cases has taken the role of total substitution with respect to public institutions. In particular, the volunteers have generously committed themselves to the health emergency. The third sector has faced the most dramatic social needs: the explosion of food emergencies, unprecedented problems of homelessness, the assistance to female victims of violence, prisoners' families, non-self-sufficient elderly, and children who became deprived of learning and socialization opportunities as a consequence of school closures, among others.

Besides the third sector, the pandemic emergency has also spread social interventions by other nonprofit actors. Above all, since the beginning of the crisis, the foundations of banking origin mobilized to face the emergency and to provide a first response to various needs of their territories. Overall, they have allocated more than EUR 130 million (USD 158 million), including through crowdfunding campaigns; these resources were for the most part immediately available for hospitals and healthcare companies to purchase intensive care unit (ICU) systems, respirators, monitoring systems, resuscitation beds, and everything necessary to respond to the health emergency. Other interventions were intended to support nonprofit and cultural organizations challenged by the necessary measures to contain the spread of COVID-19. Finally, in the post-emergency, the foundations of banking origin have undertaken further initiatives to support economic recovery and scientific research. Moreover, through ACRI, the foundations of banking origins have started a fund to support the financial needs of third sector organizations. With a starting endowment of EUR 5 million (USD 6 million), the fund will allow the allocation of tens of millions of euros, reimbursable in maximum 18 months, bringing liquidity to thousands of organizations. Subsequently, there have been voluntary contributions from other foundations too to enhance the capacity of the fund.

In addition, numerous solidarity initiatives were undertaken by banking institutions in the social, education and higher education sectors. Solidarity programs by for-profit companies—not only large and well-known companies mainly based in northern Italy, but also by small businesses and micro-

enterprises—were also prevalent such as donations of goods made by supermarkets, neighborhood businesses, and small entrepreneurs in the agricultural sector.

Innovation and new trends in the nonprofit sector and philanthropy related to COVID-19 responses

The health emergency accelerated the process of digital transformation of the production system. According to ISTAT data measuring the impact of the COVID-19 crisis on for-profit businesses, the pandemic influenced the spread of investments in cloud servers. Use of virtual workstations more than doubled between March and November 2020, with 27 percent of businesses involved. Nineteen percent of businesses used software for shared project management. The pandemic saw a rapidly growing supply of digital services complementary to business activities, and the number of businesses using e-commerce doubled at 17.4 percent.

Although a similar analysis of the crisis' effects on POs is lacking, a survey issued by Cariplo Foundation (Fondazione Cariplo) shows comparable trends. The survey is limited to third sector entities active in its reference territory and sectors. Forty-two percent of third sector entities have modified or completely re-invented their businesses to avoid interruption during the lockdown period. Among the response strategies to COVID-19, data highlight some active reorganization strategies such as new investments, conversion processes, remodeling services, and acceleration in digital transformation. In addition, third sector entities have also implemented more traditional strategies like the use of wage supplementation or recourse to donations. Overall, almost 30,500 entities (92%) have implemented or are considering implementing at least an active reorganization strategy; but only about 7,800 (24%) of respondents have implemented active reorganization strategies already.

Impact of COVID-19 on the philanthropic environment

The government-led measures to limit the spread of the COVID-19 virus, such as the lockdown in March 2020, had a significant negative impact on the economic system. Despite support measures implemented through a substantial increase in public spending in deficit, the effects of the crisis on households and businesses appear to be significant. Third sector entities have also been severely affected by the COVID-19 pandemic.

In particular, a report by Italia Nonprofit illustrating the impact of health emergency on Italian nonprofit organizations and the support of the third sector by foundations and philanthropic bodies, shows that some entities, such as organizations active in the arts and culture, or training and education, were probably affected even more intensively than for-profit enterprises (based on 1,378 respondents). During the first lockdown, 78 percent of the sample had stopped or halved their businesses. For many entities, income expectations have been reduced drastically, due to issues such as cancellation of public events, suspension of fundraising campaigns, closure of services provided under accreditation programs, and expenses that the organizations continued to face such as personnel, utilities, rents, or digital investments. In terms of solutions or tools to limit the financial impact of the emergency, temporary wage supplementation was the most commonly adopted solution.

In 2021, the Cariplo Foundation, with ISTAT's support, released an analysis estimating the impact of the COVID-19 pandemic and lockdown measures on third sector entities (based on the data of June 2020). The survey focused on POs active in the cause areas supported by Cariplo Foundation, including environment, culture and recreation, health, social services, education, and international

affairs, or active in geographic areas of intervention supported by the Foundation, which are the Lombardia and Piemonte regions. Over 33,000 organizations, with over 200,000 employees, were surveyed. The analysis collected detailed information on the vulnerability of third sector entities, the level of economic fragility caused by the COVID-19 pandemic, the type of services and beneficiaries, and the impact of COVID-19 crisis on them. Results indicate that the pandemic had a highly negative impact on the revenue and profits of third sector entities. In particular, during the most stringent lockdown period between March–May 2020, third sector organizations were immediately affected by the crisis, worsening the difference between revenues and costs for the March–May 2020 period by approximately EUR 375 million (USD 456 million), as compared to the same period in 2019. The total value of the sector's quarterly loss amounted to approximately EUR 971 million (USD 1.210 billion). Moreover, third sector entities surveyed fores33 that the crisis will have a significant impact on their revenue, estimating reductions of over EUR 3 billion (USD 3.6 billion) in aggregate, which is a decline of almost 30 percent compared to average revenue of the previous three years. Respondents also projected profit loss, which doubles the number of entities that foresee a loss in 2020, now close to two-thirds of all third sector organizations. Aggregate losses are expected to reach EUR 1 billion (USD 1.2 billion), compared to average profits exceeding EUR 160 million (USD 194 million) in the last three years.

Anticipated impact of COVID-19 on the philanthropic environment in 2021

With regard to the possible long-term consequences of the COVID-19 pandemic, it is difficult to make reliable predictions, given the current uncertainty. Along with the impact on revenue and profits, job positions may be at risk. Indeed, at the time of the Cariplo Foundation's 2020 survey, about one-fifth of respondents, accounting for about 168,000 employees or 84 percent of the total, have accessed wage supplementation (*Cassa integrazione*). Thirty-eight percent of the organizations (83,000 employees or 41 percent of the total) had not yet resumed in whole or in part their businesses. Almost 29 percent of the third sector entities (153,000 employees or 76 percent of the total) had applied for one or more government support measures. Overall, 57 percent of the entities faced at least one of the three situations described above, representing a total of 188,000 employees or approximately 94 percent of the sample. 5.6 percent of the respondents (57,000 employees or 28.5 percent of the total) experienced all the conditions at the same time— having wage supplementation, not having resumed activities as of June 30, 2020, and having applied for one or more support measures.

The pandemic could also have a significant impact on the organizational models that guide the operation of POs. PO boards have been called toward a responsible commitment to the implementation of skills that could favor greater resilience in the evolutions of the COVID-19 crisis, such as enhancing technology and digital efforts, improving coordination internally and with other organizations, collaborating with other actors in shared areas, strengthening networks, exploring the transformations underway, prefiguring evolutions and new critical issues, designing innovations and new chances, mobilizing creative energies, and building prospects for stability and development.

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