

## Legal Aspect: Comparative Foundations and Not-For-Profit Institutions

Professor Leon Irish, professor Karla Simon, professor Andrea Maltoni, professor Alceste Santuari, professor Valeria Golino

Professor Leon Irish and professor Karla Simon

### *Comparative Laws Affecting Foundations and Not-for-Profit Institutions*

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08/04/2008 - The Role and Purpose of Civil Society

*h. 2 – 4 p.m.*

Guidelines: *“Comparative Laws Affecting Foundations and Not For Profit Institutions”*, Preface and Chapter 1 (pp.9-16); and Glossary of Terms (pp. 99-105)

Reader: Chapter 1 (pp. 1-4)

09/04/2008 – Freedom of Association

*h. 11 a.m. – 1 p.m.*

Guidelines: *“Comparative Laws Affecting Foundations and Not For Profit Institutions”*, Chapter 2 (pp. 17-23)

Reader: Chapter 1 (pp. 4-40)

09/04/2008 – Freedom of Association

*h. 2 – 4 p.m.*

*“Comparative Laws Affecting Foundations and Not For Profit Institutions”*, Reader: Chapter 1 (pp. 40-57)

10/04/2008 - Establishment and Other Life Cycle Issues

*h. 11 a.m. – 1 p.m.*

Guidelines: *“Comparative Laws Affecting Foundations and Not For Profit Institutions”*, Chapter 3 (pp. 25-37)

Reader: Chapter 2 (pp. 58-95)

10/04/2008 - Determination of Public Benefit Status

*h. 2 – 4 p.m.*: Chapter 6 (pp. 53-55)

Guidelines: *“Comparative Laws Affecting Foundations and Not For Profit Institutions”* Chapter 6 (pp. 53-55),

Reader: Chapter 3 (pp. 96-111)

Review definitions of MBO and PBO in Glossary (pp, 103-104)

11/04/2008 - Activities of NPOs

*h. 11 a.m.- 1 p.m.*

Guidelines: “*Comparative Laws Affecting Foundations and Not For Profit Institutions*” Chapters 4, 5, 6, and 7 (pp. 39-64) and Chapters 10 and 11 (pp.87-94)

Reader: Chapter 4 (112-155)

11/04/2008 - Governance, Oversight, and Accountability

*h. 2 – 4 p.m.*

Guidelines: “*Comparative Laws Affecting Foundations and Not For Profit Institutions*”, Chapters 4 and 5(pp. 39-51) and Chapter 8 (pp. 65-75)

Reader: Chapters 5 and 6 (pp. 156-206)

## REFERENCE LIST

“ <i>Guidelines for Laws Affecting Civil Organizations</i> ” (second ed., Open Society Institute, New York, 2004)
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“ <i>Comparative Laws Affecting Foundations and Not For Profit Institutions</i> ”, Leon Irish and Karla W. Simon
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## Prtofessor Andrea Maltoni and Alceste Santuari

### *Examples of Foundation in Europe, in Italy and in U.S.*

21/04/2008

*h. 10 a.m. – 13 p.m.*

a) Governance, Oversight, and Accountability Foundations in Europe: historical overview and present characters.

b) Examples of Foundations: Charities in England, Stiftung in Germany, Fundaciones in Spain and Fondazioni in Italy.

21/04/2008

*h. 2 – 5 p. m.*

a) The Italian Banking Foundations

b) The Community Foundations in U.S. and in Italy

## REFERENCE LIST

Maltoni A., “ <i>Comment on Judgments of the Constitutional Court of Italy Concerning Banking Foundations</i> ”, in <i>International Journal of Civil Society Law</i> , July 2004, vol. II, issue 3, 79-91, see <a href="http://www.law.cua.edu/Students/Orgs/IJCSL">http://www.law.cua.edu/Students/Orgs/IJCSL</a>
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Maltoni A., “ <i>L'autorità di vigilanza sulle fondazioni di origine bancaria e sugli enti collettivi senza scopo di lucro: un'autorità indipendente sul modello della Charity Commission for England and Wales ?</i> ”, in <i>Non profit</i> , 1999, 9-
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57.
Maltoni A., "La fondazione della comunità locale", in "Fondazioni di origine bancaria e fondazioni di comunità locale", (a cura di) C. Bottari, Milano, Giuffrè, 2005, 241-281.
F. Merusi, <i>La privatizzazione per fondazioni tra pubblico e privato</i> , in <i>Dir. amm.</i> , 2004, 447 s.
M. Gorgoni, <i>Le fondazioni di partecipazione</i> , in <i>Il volontariato a dieci anni dalla legge quadro. Atti del convegno svoltosi a Pisa il 18 e 19 gennaio 2001</i> , a cura di L. Briscuglia, E. Rossi, Milano, 2002, 529 s
M. Immordino, <i>Le fondazioni teatrali e la loro ancora incerta collocazione tra pubblico e privato</i> , in <a href="http://www.diritto-amministrativo.org">http://www.diritto-amministrativo.org</a>
A. Santuari, <i>LE ONLUS, Profili civili, amministrativi e fiscali</i> , CEDAM, 2007
Alceste Santuari (with Carlo Borzaga), "From traditional co-operatives to innovative social enterprises", Chapter 9 Italy, in C. Borzaga - J. Defourny (eds.), <i>The Emergence of Social Enterprise</i> , Routledge, London - New York, 2001.
Alceste Santuari (with Carlo Borzaga) "New Trends in the Non-profit sector in Europe: The Emergence of Social Entrepreneurship", in OECD/OCDE, <i>The Non-profit Sector in a Changing Economy</i> , Parigi, 2003, Chapter 1, pp. 31-56.

## Professor Claudia Golino

### *Non profit Organizations and the Antitrust Law*

16/04/2008

*h. 2 – 5 p.m.*

Non Profit Organizations and the application of the antitrust law: introductory lecture

1. *Non profit organizations facing competition: introductory remarks*
2. *Non profit organizations vs. For profit firms*

18/04/2008

*h. 10 a.m. – 1 p.m.*

The application of antitrust law in the European community: comparing Italy and Germany

3. *European Community Antitrust Law and Non profit organizations:*
  - *Non profit organizations in Europe: definitions and terminology*
  - *European Competition Law: the relevant dispositions for the Non profit sector*
  - *The application of the European Competition Law to Non profit organizations*
4. *European member State Competition Law and Non profit organizations:*
  - *The case of Germany*

- *The case of Italy*

## REFERENCE LIST

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| C. CICORIA, <i>Nonprofit organizations facing competition. The application of United States, European and German Competition Law to Not-for-profit entities</i> , Frankfurt, 2006. |
| C. GOLINO, <i>Enti non profit, impresa e concorrenza</i> , in <i>Rivista trimestrale di diritto pubblico</i> , n. 3, 2006.9  |