

# NO-IMPEDIMENT AUTHORIZATION AND CERTIFICATION OF NECESSARY ECONOMIC RESOURCES TO NON-EUROPEAN FOREIGN CITIZENS GUIDELINES

## **Art. 1. Scope of application.**

These guidelines apply to the following subjects:

1. Non-European citizens resident and living in foreign countries in need of a no-impediment Authorization and a Certification of abstract recognition of the economic resources in order to undertake a business, through a third party (proxy) equipped with power of attorney (art. 26, par. 5 and 6, of Italian Legislative Decree (D.lgs) n. 286/1998 and of art 39, par. 1, 2, 3, and 7 of the Italian Decree of the President of the Republic (D.P.R.) n. 392/1999)
2. Non-European citizens currently in Italy in the following cases:
  - a) Without a residence permit (with a Visa of valid entrance)
  - b) In possession of a permit to be converted into a residence permit for independent work (i.e. residence permit for studies).

The office will issue the following documents:

**A) No-impediment authorization (NULLA OSTA) (art. 39, par. 1, DPR 394/99):** the applicant must complete the specific forms in order to receive the statement certifying no impediment to registration in the Chamber of Commerce Register of Businesses ("Registro Imprese");

**B) Certification of economic resources (art. 39, par. 3, DPR 394/99):** the applicant must complete the specific forms in order to receive a certification of the abstract economic resources required to carry out a trade or craft business activity, which must be registered in the Chamber of Commerce Register of Businesses ("Registro Imprese").

## **Art. 2. Territorial jurisdiction**

The applicants must apply to the Chamber of Commerce of the area (Province) where planning to undertake the business.

## **Art. 3. No-impediment Authorization – art. 39, par. 1, DPR 394/99**

1. The Chamber of Commerce issues the above certificate to non-European citizens when their business is due, by laws or regulations, to be registered in the Register of Businesses (Registro Imprese).
2. The no-impediment Authorization cannot be issued by the Chamber of Commerce when the business to be undertaken must be authorized by a license issued by an Institution other than the Chamber of Commerce.
3. The no-impediment Authorization cannot be issued for those independent activities lacking the necessary economic requirements to apply to register the activity in the Register of Businesses (Decreed by Minister of Foreign Affairs 12.07.2000).

4. The no-impediment Authorization guarantees that the applicant is in possession of the requirements and/or conditions to enter the Register of Businesses held by the Chamber of Commerce.

5. The no-impediment Authorization cannot be issued if the non-European citizen proves to be in possession of a residence permit for one of the following cases:

- Independent work
- Salaried work (employed)
- Unemployed
- Family
- Humanitarian
- Social protection
- Political asylum

In the above cases it is not required the issue of a visa since the above permit allows the non-European citizen to register directly in the Register of Businesses held by the Chamber of Commerce.

#### **Art. 4. Certification of economic resources - art. 1 – art. 39, par. 3, DPR 394/99**

1. The Certification is issued along with the no-impediment Authorization and therefore it conforms to the same limits and obligations.

In case the no-impediment Authorization is supposed to be released by an Institution other than the Chamber of Commerce, this office issues only the Certification of economic resources.

2. The Certification of economic resources is the abstract identification of necessary resources to undertake the entrepreneurial activity.

3. The Chamber of Commerce is not committed to check up the actual availability of the economic resources.

#### **Art. 5. Issue of Certification of economic resources only.**

The Chamber of Commerce issues only the Certification of economic resources (and not the no-impediment Authorization) when the business to be undertaken is subjected to the required verifications, licenses or similar, under the jurisdiction of Institutions other than the Chamber of Commerce (i.e. business requirements for retail trade are verified by the Municipality). In this case the no-impediment Authorization (or rather, the statement of the non-existence of impediment to the exercise of the business activity– art. 39, par. 1, DPR 394/1999) should be released by the Public Administration in charge of the due verifications, since the Chamber of Commerce can only certify the economic resources.

#### **Art. 6. Procedure to obtain the no-impediment Authorization and the Certification of economic resources.**

The application for the no-impediment Authorization and the Certification of economic resources should be submitted using the specific forms. Take note

that it is necessary to attach two tax stamps of €16.00 each (one for the application and one for the permission/certification). If the two applications are submitted at the same time, only one tax stamp is needed on one of the two forms, in addition to the tax stamps for each single statement to be issued.

If the non-European citizen is not in Italy, the application must be submitted by a proxy, who will sign the form on behalf of the applicant, attaching a valid proof of identification.

The proxy should have one of the following powers of attorney:

1. Released by an Italian notary
2. If it is drafted abroad, it should bear the authenticated (to certify the legitimacy of origin) signature of the delegate from the diplomatic representation of Italian consulate abroad (art. 33 DPR 445/00).
3. If drafted abroad, in one of the countries joining Aja convention ("Austria, Belgium, Finland, France, Germany, Japan, Great Britain, Greece, Ireland, Yugoslavia, Liechtenstein, Luxemburg, Norway, Holland, Portugal, Spain, Sweden, Switzerland, Turkey, Andorra, Argentina, Armenia, Australia, Belize, Brunei, Cyprus, El Salvador, Russia, Israel, Latvia, Liberia, Lithuania, Malawi, Malta, Mexico, New Panama, Czech Republic, San Christopher and Nevis, San Marino, Seychelles, Unites States of America, South Africa, Hungary, Venezuela, Antigua and Barbuda, Barbados, Belarus, Bosnia, Herzegovina, Botswana, Croatia, Fiji, Lesotho, Macedonia, Mauritius, Slovenia, Swaziland, Suriname, Tonga") it should contain L'APOSTILLE.

The no-impediment Authorization and the Certification of economic resources are valid for 3 months.

**Art. 7. Procedure for the no-impediment Authorization and the Certification of economic resources issue for who is willing to work as a partner of companies/cooperatives.**

1. The Chamber of Commerce issues the no-impediment Authorization and the Certification of economic resources only to non-European citizens planning to become working partners of companies that have been registered for at least 3 years (to be verified from the Chamber of Commerce company registration certificate)
2. The no-impediment Authorization and the Certification of economic resources cannot be issued to administrators or silent partners of companies/cooperatives (Declared MAF 12.07.2000 – Memorandum MAP n. 3589/c of 20.07.2005)
3. The no-impediment Authorization and the Certification of economic resources cannot be issued to non-European citizens planning to work as partners of companies registered for less than 3 years
4. The Chamber of Commerce issues the no-impediment Authorization and the Certification of economic resources to those businesses considered eligible for registration in the Register of Businesses

5. The no-impediment Authorization is not issued to businesses whose license or authorization is under the jurisdiction of an Institution other than the Chamber of Commerce.