

The Ministry Organization after the introduction of the recent reform

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This paper is an excerpt of a book, *La gestione Amministrativa dei Beni Culturali*[1], that will be printed in 2019.

The law number 5 of 29 January 1975 instituted the *Ministero per I Beni e le Attività Culturali e Ambientali* [2]. Its original tasks were related to the conservation and valorization of artistic heritage and natural beauties.

In 1998, the denomination of the Ministry has been changed in *Ministero per I Beni e le Attività Culturali* [3].

In 2013, its denomination changed again in *Ministero dei beni e delle attività culturali e del Turismo*[4] and once again, in 2018, with D.L.[5] 12 July 2018 entered into force on 13 July 2018, the Ministry came back to its previous denomination, with the transfer of the touristic competence to the *Ministero delle politiche agricole, alimentari, forestal*[6].

This intervention is just one of the latest provisions with which, since 2004 (year of the entry into force of the *Codice dei Beni Culturali e del Paesaggio*[7]), the legislator started a significant re-organization of the Ministry.

Such intervention deals with both the need to adapt the Ministry to the overall provisions adopted in Italy in terms of spending review, and also with the widespread need of redesign the functional and structural organization of the Ministry in order to solve its main dysfunctions and deficiencies.

The MIBACT, indeed, was characterized by a substantial structural disorganization, an insufficient organigram and the overlapping of hierarchical lines between the central and peripheral administration. These weaknesses hindered the development of proper investment and resource allocation policies, preventing an efficient management of cultural heritage.

The Reform has been thus realized in order to solve the cruxes that were indicated as the main causes of a substantial inadequacy of the Ministry in interpreting and acting coherently with the Article n. 9 of the Italian Constitution referring to the safeguarding and the development of cultural heritage and of the landscape.

Therefore, the reform introduced a series of legal instruments that succeeded in sparking several debates in these last 4 years, as also demonstrated by the number of legal provisions adopted in order to update and correct the Reform contents.

The years of the Reform: guidelines and main provisions

11 December 2014: The MIBAC reform entries into force with the DPCM 29th August 2014 n. 171: “*Regolamento di organizzazione del Ministero dei beni e delle attività culturali e del turismo, degli uffici della diretta collaborazione del Ministro e dell’Organismo indipendente di valutazione della performance*” [8]

23 January 2016: In order to simplify and rationalize the ministerial organigram and structure, entry into force the DM 43 and DM 44 laying down, respectively: “*Organizzazione e funzionamento dei musei statali*” [9] and “*Riorganizzazione del Ministero dei beni e delle attività culturali e del turismo ai sensi dell’articolo 1, subparagraph 327, della legge 28 dicembre 2015, n. 208*” [10]. The latter was, more in detail, addressed

to re-organize the managerial offices of the Ministry.

1 December 2017: the government approves the DPCM n. 238 laying down *Regolamento recante modifiche al decreto del Presidente del Consiglio dei ministri 29 agosto 2014, n. 171, concernente il regolamento di organizzazione del Ministero dei beni e delle attività culturali e del turismo, degli uffici della diretta collaborazione del Ministro e dell'Organismo indipendente di valutazione della performance, in attuazione dell'articolo 22, comma 7-quinquies, del decreto-legge 24 aprile 2017, n. 50, convertito, con modificazioni, dalla legge 21 giugno 2017, n. 96. (18G00037) (GU Serie Generale n.55 del 07-03-2018)* entered into force on 22 March 2018[11];

7 February 2018: DM[12] in the field of “*Organizzazione e funzionamento dei musei statali*”[13];

21 February 2018: DM 113 laying down rules about “*Adozione dei livelli minimi uniformi di qualità per i musei e i luoghi della cultura di appartenenza pubblica e attivazione del Sistema museale nazionale*”[14];

20 June 2018: DM 542 laying down “*Prime modalità di organizzazione funzionamento del Sistema Museale Nazionale*”[15];

9 August 2018: DM n. 360 which finally starts the part of the Reform related to the National Museum System with the nomination of the “*Commissione per il Sistema Museale Nazionale*”[16];

The guideline adopted for the reorganization of the Ministry was mainly addressed to the renewal of central structure and the simplification of the peripheral administration as well as to a more precise specification of the field of operation of the peripheral structures as, for example, the Museum Centers or the valorization of Italian Museums and Contemporary Arts.

Only after the complete fulfillment of the measure that transfer the competencies of the Tourism Sector to the Ministry of Agricultural, Food and Forestry Policies it will be possible to affirm whether this provision solved (and how) the problem of the lack of coordination and interaction between the two main activities of the MIBAC.

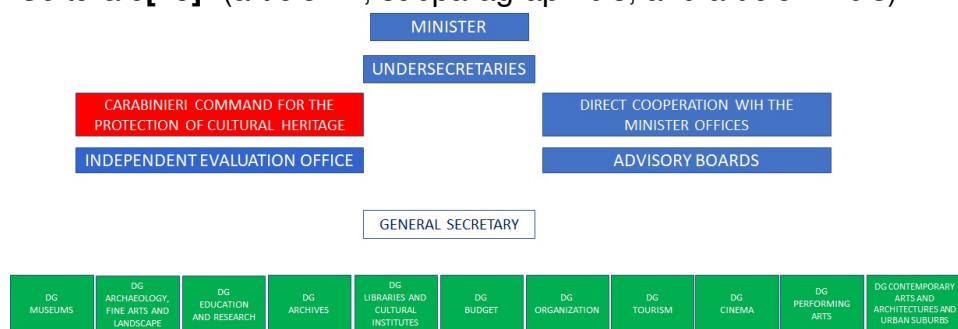
Indeed, the reform proposes (in its substance) an organigram that define a distribution between central and peripheral administration, including important innovations regarding competencies and the introduction of new institutional organisms.

Central Organization

Organizational Structure of the MIBAC, better described in the following organigram (Figure 1)[17], is currently constituted by a General Secretariat and 11 Directorates General.

In addition to the central consultative agencies, the organigram institutes the “*Istituti centrali e dotati di autonomia*”[18], expressly defined and regulated by the article 30 of the DM 171/2014 as modified by the article 2 of the DM 238/2017.

The same DM institutes as a central ministerial agency, the “*Unità per la Sicurezza del Patrimonio Culturale*”[19] (article 12, subparagraph bis, and article 12 bis).



The organigram of Ministry

The General Secretariat (Article 11 DPCM 171/2014)

The General Secretariat is a public body of administrative responsibility as stated by the article 21, subparagraph 2, of the law n. 196 of the 31 December 2009 and subsequent modifications and supplements and laid down by the article 11 of the DM 171/2014 that, with the Subparagraph 1 and 2, regulates its responsibilities and functions.

The General Secretariat works directly under the Minister in respect of whom it is directly responsible. Its main tasks are inherent to the coordination of the administrative action, the elaboration of the directives and the strategies related to the overall activity of the Ministry, the vigilance on the efficiency and the efficacy of the ministry activity and periodically refers to the Minister about the results of its activity.

The General Secretariat is also responsible for the activity of coordination among the different Directorates General and the peripheral general managerial offices of the Ministry.

Directorates General

Directorates General are the central offices constituting the Ministry.

Initially they were 12, as stated by the article 12 of the DM 171/2014, and subsequently reduced in 11 by the DM 44/2016 (entered into force on the 26 March 2016) which merged the *Direzione Generale Archeologia*[20] and the *Direzione Generale Belle Arti e Paesaggio*[21] in a unique managerial structure named *Direzione Generale Archeologia, Belle Arti e Paesaggio*[22].

Currently, although the Tourism Sector has been transferred to the competencies of the *Ministero dell'Agricoltura* [23] there are 11 Directorates General.

Museums

The Directorate-General "Museums" cares of Museums and the Places of Culture and, more in detail, its intervention is focused on the acquisition, loan, cataloging, fruition and valorization policies. The Directorate-General oversees the National Museum System and coordinates the Regional Museum Centers. It is also called upon in performing functions and activities related to the valorization of the Cultural Heritage, in line with the article 6 of the *Codice dei Beni Culturali e del Paesaggio* [24] specifically regarding all the Cultural Places and Institutes described by the article 101, subparagraphs 1 and 2, that belong to the State or have been created by the State.

Directorate-General exercises direction, guidance, coordination and control powers and only as matter of necessity and urgency, the powers of call-back and substitution referring to the activity run by Regional Museum Centers or the Directors of the Cultural Institutes and Museums referred to the article 30, subparagraph 3, letter b), also on a proposal of the Regional Secretary.

More in detail, the Directorate-General "Museums" oversees the National Museum System organized in Regional Museum Systems and City Museum Systems; it coordinates the (new) Regional Museum Centers and promotes the constitution of further Museum Centers for the integrated management and the coordination of Museums and Cultural Places activity within the same territory.

It is called upon to implement the strategies and the policies referred to the cultural fruition on the overall country territory. It is also called upon to perform actions addressed to the valorization of the Cultural Institutes and Cultural Places. Finally, the Directorate establishes the guidelines about pricing, entrance and museums services.

Archaeology, Fine Arts and landscape

This Directorate-General has been constituted by the DM 44/2016 and it is the merger between the former *Direzione Generale Belle Arti e Paesaggio*[25] and *Direzione Generale Archeologia*[26].

This Directorate merges the competencies of both the former Directorates and it is called upon to perform tasks related to protection and conservation of cultural heritage as referred to the archaeological, artistic and ethno-anthropological sectors, as well as of the architectural heritage and goods and landscape.

Education and Research

Directorate-General "*Educazione e Ricerca*" performs functions and tasks related to the coordination, the

elaboration and the evaluation of training, education and research programs in the matters covered by the Ministry.

More in detail, the Directorate drafts an Yearly National Plan for the Education to the Cultural Heritage, and the management and the updating of the Restorers List (articles n. 29 and 182 of the D. Lgs[27] 42/2004) and of the other categories of professionals for cultural heritage (art. 9-bis of the D. Lgs. 42/2004)

Archives

The Directorate-General Archives performs conservation and protection tasks addressed to the archival heritage, constituted by the documents owned by the State, included those documents owned by the States of Italy's pre-unification, of the peripheral public agencies and bodies and other bodies and institutes.

The National Archive is also constituted by privately-owned documents declared of particularly historic and cultural interest as laid down by the *Codice dei Beni Culturali e del Paesaggio*[28].

The protection and conservation activities consist of provisions, such as the declaration of cultural interest, the acquisition and the authorization related to the management of privately-owned archives, the exercising of the first-refusal, and the right of compulsory purchase. This activity includes also the recovering from foreign countries of stolen or illegally exported archival goods.

All the Bibliographical and Archival Superintendence Offices responds to this Directorate.

Libraries and Cultural Institutes

Directorate-General "Libraries and Cultural Institutes" performs functions and tasks related to public libraries owned by the State, bibliographical and library services, and related to the Cultural Institutes. The Directorate is also involved in promoting books and of the reading and in the field of intellectual property and copyright.

Budget Directorate

The Budget Directorate-General runs activities related to the budget and financial management, the performance audit of the Ministry for the European and National Financial Resource.

The Directorate verifies the respect of the goals expressed by the General Secretariat and provides the resource allocation following the results deriving of such a monitoring function.

The Directorate is also called upon to advise and support about public contracts.

Organization

This Directorate ensures the efficiency and the coordination of all the activities performed by the Ministry. Its competencies are related to the legal status of the personnel of the Ministry, Labor relations, internal communication activities, competitive examinations, hiring, evaluations, etc.

It is also responsible for the quality, the timeliness and the reliability of information flows related to the activity of the Ministry, through actions as the standardization of the procedures and the digitization of the processes and of document flows.

The Directorate-General also guarantees the availability, the management, the transmission, the storage and the accessibility of the information (also in digital format) between the central and peripheral structures of the Ministry.

Tourism

The Directorate-General Tourism performs functions related to the tourism sector. In this sense, it shall draw up the program, the coordination and the promotion of national touristic policies, the relationship with the Regions and touristic development projects, the relationships with Foreign Countries and with the European Union and with trade associations and with touristic enterprises.

Cinema

This Directorate performs tasks and functions related with the film and audiovisual industries and, more in particular, it performs those activities assigned by the law.

Performing Arts

The Directorate-General performs activities within the field of performing arts, music, dance, theater, circuses, traveling show and about theater festivals and events dealing with the promotion of the diversity among cultural expressions.

Contemporary Arts and Architecture and Urban Suburbs

This Directorate-General deals with the architectural and urbanistic quality and with the promotion of contemporary arts and architecture.

This Directorate is also involved in promoting urban renewal and the regeneration of urban suburbs.

The Decentralized Administrative Organization: The Peripheral Organization

Although the recent reform and subsequent modifications and supplements has redesigned the Peripheral Administration, its organization still maintain the regional level. Indeed, the reform rationalized those responsibility lines that have for long caused frequent conflicts between the Regional Directorates and the Superintendence Offices.

The DPCM 171/2014 reorganized the organigram in order to obtain a structural simplification and the functional rationalization thanks to the institution of Regional Secretariats and a new design of the Superintendence Offices.

Regional Secretariats

MIBAC's Regional Secretariats, whose headquarters are located into each Regional County Seats, substitute the Regional Directions and are called upon to coordinate all the peripheral offices of the Ministry that are active within the Regional Territory.

They look after the relation between the Ministry, its peripheral structures and the Regions, the local agencies and the other institutions located into the regional territory.

With this legal prevision, the administrative role of these offices is fully acknowledged and potential overlaps with the scientific competencies that are proper of the Superintendence Offices are prevented.

On the administrative level, the Regional Secretariats acts as contract authorities for those contracts that do not fall under the competencies of other peripheral structures. With regards to the conservation and protection level, the Regional Secretariat cooperates with the Regional Administration for the development of landscape plans and the realization of agreements with private citizens for the realization of conservative interventions.

The Regional Secretary convenes the Regional Commission for Cultural Heritage, of which he/she is the president, for the review of the advises and of the other acts issued by the other peripheral bodies of the Ministry and for the authorization in matter of cultural heritage and landscape.

The Regional Secretary also inform, periodically, the General Secretary and the Central General Directors about the progresses of the activities of the peripheral offices and the call-back proposal of the acts for which the Superintendents are responsible.

The novelty, with regards to the past roles that was played by the former Regional Direction, is basically the absence of any management power of the Sectorial Superintendence Offices, that are now more involved in coordination tasks.

Such a managerial power seems to be transferred to the Regional Commissions for Cultural Heritage referred to in Article 39, that have to coordinate and harmonize the conservation and the valorization activities related to the regional territory and to enhance the multidisciplinary and interdisciplinary integration among the different peripheral offices.

The 39 Unique Superintendence Offices

They're classified into: Archaeology, Fine Arts and Landscape Superintendence Offices (SABAP); Archival and Bibliographical Superintendence Offices (SAB); Autonomous Museums and Museum Centers; Regional Commission for Cultural Heritage. In addition to the Superintendence offices there are also 2 Special Superintendence Offices specifically constituted for Pompeii and the Coliseum.

Archaeology, Fine Arts and Landscape Superintendence – SABAP

The DM number 44, of the 23 January 2016 laying down the *Riorganizzazione del Ministero dei beni e delle attività culturali e del turismo ai sensi dell'articolo 1, comma 327, della legge 28 dicembre 2015, n. 208*^[29], institutes on the whole national territory the Archaeology, Fine Arts and Landscape Superintendence Offices. They are organized in 7 functional areas and they're the result of the merger between the Archaeological Superintendence and the Fine Arts and Landscape Superintendence. These Superintendence are peripheral bodies of the Ministry and they perform, as stated by the article 4 of the DM 44/2016, a wide task of conservation of the cultural heritage, as better specified into the already cited procedural rule.

Archival and Bibliographical Superintendence – SAB

To these Superintendence are attributed responsibilities about the conservation and the valorization of the archival and librarian goods, stored by public or private subjects that are located into the territory that fall under their responsibility.

Particularly, the Superintendence monitors the archives, also in digital format, of territorial and non-territorial public bodies and the archives or the single documents that, despite their private ownership, have been declared of particularly important historic interest by the Superintendent.

The Superintendence also provides the other public institutions with assistance in the redaction of classification and conservation plans and in the design and the management of documents archiving projects.

Superintendence perform also activities addressed to promote the knowledge and the fruition of archival and librarian heritage present on the territories for which they're responsible, in cooperation with Regions, with the other territorial bodies and, more generally, in collaboration with all public or private interested subjects.

The Superintendence develops training and education plans for the managers of archiving systems and for their employees.

Autonomous Museums and Museum Centers

They represent a novelty of great relevance in the organization of the peripheral administration.

Museum Centres, under the article 3 of the DPCM n. 171/2014, are peripheral subordinated entities of the Directorate-General Museums and they perform on the whole territory for which they're responsible, activities in the field of fruition and valorization of the Cultural Places and Institutes.

The Reform has added to the Regional Museum Centers a series of Museums that own a special autonomy. These museums are listed in the article n. 30, subparagraph 3 of the already cited DPCM, and they own scientific, accounting and organizational autonomy.

The creation of a National Museum System (that was already indicated by the DM 23/12/2014), the prevision of autonomy for Public Museums owned by the State and the creation of a specific Directorate-General they were all instruments widespread required by the public debate as a solution for the criticalities characterizing national cultural places.

Particularly, the National Museum System, headed by the Directorate-General Museums and consisting of a network of interlinked museums and cultural places represents, in the intention of the legislator, a solution aimed at improving the fruition system, the accessibility and the sustainable management of

cultural heritage. This System has been finally created by the DM n. 542 of 20/06/2018 while the recent DM n. 360 of 09/08/2018, appointed the namesake committee laid down by the DM n. 113 of 21/02/2018.

The Regional Committee for Cultural Heritage

This Committee represents a novelty introduced by the reform of the Ministry for Cultural Heritage and Activities laid down by the DPCM 171/2014. This Committee fill the gap created by the deletion of the Regional Directorates, foreseen in the same DPCM.

The Committee is regulated under the article 39 of the DPCM that indicates its functions. It consists of a collegiate body with intersectoral competencies that verifies the presence of cultural interest (as regulated by the articles 12 and 13 of the d. lgs 42/2004) of the cultural objects and performs the functions of a Guarantee Committee for Cultural Heritage (article 12, subparagraph 1-bis of the DL 83/2014).

Criticalities and food for thought

The most relevant innovation introduced by the Reform concern both, the organization level and the distribution of responsibilities to the different offices following an approach that separates the conservation responsibilities from the valorization of the cultural heritage.

With regards to the administrative organization, the Reform distributed managerial powers to the central offices, and executive powers to peripheral institutions. This implies a hierarchical relationship that could solve the overlap of responsibilities that, for long, has negatively influenced the efficiency and the efficacy of the Ministry.

The reform introduced also a collegiality principle in the field of conservation and protection with the institution of the Regional Committee. Nevertheless, the tasks assigned to this committee could maybe be reduced in order to improve its efficiency.

The mergers of the superintendence could improve both the timeliness and the decision processes of these offices. Despite the new recruitment, the lack of personnel, on the other hand, still remain an important weakness for the proper performing of the tasks that the new merged Superintendence are called upon.

It is estimated that the current personnel cover less of the 50% of the actual needs and this could explain the great attention to the recruitment plan without which there is the high risk that the goals of the reform could not be reached.

The main change realized by the reform is addressed to Museums.

Indeed, the reform introduced an autonomy principle for the most important museums owned by the State. Nowadays the directors of these museums have been selected with an international open call, and, given the financial and organizational autonomy, they could run the museums following the most innovative managerial approaches.

At a local level, the creation of the Regional Museum Centers that coordinate the numerous cultural institute that are present on the regional territory, represent an important opportunity for the valorization of the widespread cultural heritage that is present on our region for the benefit of the whole citizenship.

Footnotes

[1] The Administrative Management of Cultural Heritage. The Book: edited by Stefano Monti and Loredana Bracchitta will be published in the first half of 2019.

[2] Ministry for Cultural Heritage and Environments

[3] Ministry for Cultural Heritage and Activities;

[4] Ministry for Cultural Heritage Activities and Tourism

[5] D.L. : Legislative Degree

[6] Ministry of Agricultural, Food and Forestry Policies

- [7] Code of Cultural Heritage and Landscape
- [8] Regulation about the organization of the Ministry for Cultural Heritage, Activities and Tourism, of the offices of direct collaboration of the Minister and the Independent Organism for the performance evaluation
- [9] Organization and functioning of public museums owned by the State
- [10] Reorganization of the Ministry for Cultural Heritage, Activities and Tourism pursuant to article 1, subparagraph 327 of the law n.208 of 28 December 2015
- [11] Regulation amending decree of the Prime Minister's Decree n. 171 of 29 August 2014, on the regulation of the organization of the Ministry for Cultural Heritage, Activities and Tourism, of the offices of direct cooperation of the Minister and the Independent Organism of Performance Evaluation, in application of the article 22, subparagraph 7-quinquies, of the Law Decree n. 50 of 24 April 2017, converted into law, with amendments, by the law n.96 of 21 June 2017.
- [12] DM: Ministerial Decree
- [13] Organization and functioning of public museums owned by the State
- [14] Adoption of uniform minimum quality levels for public museums and cultural places and activation of the National Museum System.
- [15] First organization and functioning modes of the National Museum System
- [16] Commission for the National Museum System
- [17] The Organigramme, visible on the website of the MIBAC is currently being updated.
- [18] Central and autonomous Institutes
- [19] Unit for the Cultural Heritage Security
- [20] Directorate-General for Archaeology
- [21] Directorate-General for Fine Arts and Environments
- [22] Directorate-General for Archaeology, Fine Arts and Environments
- [23] Ministry of Agricultural, Food and Forestry Policies
- [24] Cultural Heritage and Environment Code
- [25] See footnote 18
- [26] See footnote 17
- [27] Legislative Decree
- [28] See footnote number 22
- [29] Reorganization of the Ministry for Cultural Heritage and Activities and Tourism, under article 1, subparagraph 327 of the law n. 208 of 28 December 2015



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