

## REGULATION ON COLLABORATION BETWEEN CITIZENS AND ADMINISTRATIONS FOR THE CARE, REGENERATION AND SHARED MANAGEMENT OF COMMON GOODS

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#### **CHAPTER I – GENERAL PROVISIONS**

#### Article 1 - Purpose, object and scope of application

1. This regulation, in harmony with the provisions of the Italian Constitution, of the municipal statute and on the basis of the principles contained in art. 3 of this Regulation, regulates the forms of collaboration between citizens and the administration for the care, regeneration and shared management of common goods, implementing articles 2, 3 paragraph 2, 118 paragraph 4, 114 paragraph 2 and 117 paragraph 6 of the Italian Constitution and art. 1, c. 2-bis, Law 7 August 1990, n. 241.

2. These provisions apply in cases of collaboration between citizens and the administration initiated by citizens' initiative or at the request of the municipal administration.

3. This regulation applies in all cases in which collaboration cannot take place according to articles 55 and 56 of Legislative Decree 3 July 2017, n. 117.

#### Article 2 – Definitions

1. For the purposes of these provisions:

a) common goods: goods, both material and immaterial, which citizens and the administration recognize as functional to the well-being of the community and its members, to the exercise of fundamental human rights and the interest of future generations, taking action accordingly towards them pursuant to article 118 paragraph 4 of the Italian Constitution, to guarantee and improve their individual and collective use, sharing with administration the responsibility for their care, shared management or regeneration;

b) municipality or administration: the Municipality of xxx in its various institutional and organizational structures;

c) active citizens: all subjects, including children, individuals, associated or in any case gathered in social formations, including informal social formations who, regardless of the requirements regarding residence or citizenship, are active for even limited periods of time for the care, regeneration and shared management of common goods pursuant to this regulation. Businesses can also be active citizens, as long as they act in the dimension of their social responsibility and not in view of a profit;

d) shared administration: the organizational model which, by implementing the constitutional principle of horizontal subsidiarity, allows for the creation of relationships that do not have a synallagmatic character between citizens and administration for the carrying out of activities of general interest;

e) collaboration proposal: the expression of interest, formulated by active citizens, aimed at proposing interventions for the care, regeneration or shared management of common goods in a shared form with the administration, provided that such interventions do not constitute forms of replacement of essential services which must be guaranteed by the Municipality itself according to the laws and regulations in force. The proposal can be spontaneous or formulated in response to a request from the Municipality;

f) collaboration pact: the act through which the Municipality and active citizens define the scope of interventions for the care, regeneration or shared management of common goods;

g) shared care: actions and interventions aimed at the protection, conservation and maintenance of common goods with characteristics of inclusiveness and integration;

h) regeneration: interventions aimed at the recovery of common goods, with characteristics of inclusiveness, integration and economic sustainability:

i) shared management: interventions aimed at the social valorization and collective use of common goods, with characteristics of continuity, inclusiveness, integration and sustainability, including economic sustainability;

I) public spaces: green areas, squares, streets, sidewalks and other public spaces or spaces open to the public, publicly owned or subject to public use.

# Article 3 - General principles

1. Collaboration between citizens and administration is inspired by the following general values and principles:

a) mutual trust: without prejudice to public prerogatives in matters of supervision, planning and verification, the administration and active citizens base their relationships on mutual trust and direct their activities to the exclusive pursuit of objectives of general interest;

b) publicity and transparency: the administration guarantees maximum knowledge of the opportunities for collaboration, the proposals received, the forms of support assigned, the decisions taken, the results obtained and the evaluations carried out. Recognizes transparency as the main tool for ensuring impartiality in relations with active citizens and the verifiability of the actions carried out and the results obtained;

c) responsibility: the administration values responsibility, both its own and that of citizens, as a central element in the relationship with citizens, as well as a necessary prerequisite for collaboration to be effectively oriented towards the production of useful and measurable results;

d) inclusiveness and openness: interventions of care, shared management and regeneration of common goods must be organized in such a way as to allow that, at any time, other interested citizens can make their contribution by joining the activities;

e) equal opportunities and fight against discrimination: collaboration between the administration and active citizens promotes equal opportunities by gender, origin, age, citizenship, social condition, religious belief, sexual orientation and disability;

f) participation of children: in collaboration agreements, the children's point of view must also be taken into account, encouraging their participation, both in school and outside school, in the care of common goods;

g) sustainability: the administration, in exercising discretion in the decisions it takes, verifies that collaboration with citizens does not generate burdens greater than the benefits nor costs greater than the available resources and does not determine negative consequences on environmental balances and on the use of common goods by future generations;

h) proportionality: the administration measures the administrative obligations, guarantees and quality standards required for the proposal, the investigation and the carrying out of the collaboration interventions with the actual needs of protection of the public interests involved, simplifying the relationship with active citizens;

i) adequacy and differentiation: the forms of collaboration between citizens and administration are adequate to the needs of care, regeneration and shared management of common goods and are differentiated depending on the type or nature of the common good and the people for whose wellbeing it is functional;

j) informality: the administration requires that the relationship with citizens takes place in compliance with specific formalities only when this is required by law. In the remaining cases it ensures flexibility and simplicity in the relationship, as long as it is possible to guarantee compliance

with public ethics, as set out in the code of conduct for public employees and the principles of impartiality, good performance, transparency and certainty;

k) civic autonomy: the administration recognizes the constitutional value of citizens' autonomous initiative and prepares all the measures necessary to guarantee its effective exercise by all citizens;
l) proximity and territoriality: the administration recognizes local communities as the subjects to be favored for the definition of collaboration agreements for the care, regeneration and shared

management of common goods.

#### Article 4 - Active citizens

1. The intervention of care, shared management and regeneration of common goods, understood as a concrete manifestation of participation and tool for the full development of the human person and the building of community bonds, is open to all subjects referred to in art. 2, letter. c, without the need for further legitimation.

2. Active citizens can carry out interventions of care, regeneration and shared management of common goods as individuals or through social formations, even informal, in which they express their personalities.

3. In the event that citizens take action through social formations, the persons who sign the collaboration pacts referred to in Article 5 of this regulation represent, in relations with the Municipality, the social formation that undertakes the commitment to carry out interventions of care, regeneration and shared management of common goods.

4. The care, regeneration and shared management activities of common goods carried out by active citizens do not in any way lead to the establishment of a working relationship with the Municipality, nor do they give rise to a commissioning relationship on the part of the Municipality to the implementing entities.

5. The interventions of care, shared management and regeneration of common goods can constitute civil service projects in which the Municipality can, according to methods agreed with the active citizens, employ the young people selected for this purpose.

## Article 5 - Collaboration pacts

1. The collaboration pact is the instrument with which the Municipality and active citizens agree on everything that is necessary for the implementation of care interventions, shared management and regeneration of common goods.

2. The content of the agreement, which may vary in relation to the degree of complexity of the agreed interventions and the duration of the collaboration, is identified jointly by the citizens and the administration through the co-planning that precedes and accompanies the drafting and signing of the pacts;

3. The pact, having regard to the specific regulatory needs that the collaboration presents, defines in particular:

a) the objectives that the collaboration pursues and the actions of care, shared management and regeneration;

b) the duration of the collaboration, the reasons for its suspension or early termination;

c) the methods of action, the role and mutual commitments, including economic, of the subjects involved, the requirements and limits of intervention;

d) the tools aimed at guaranteeing the collective use of the common goods covered by the pact;

e) the possible definition, for the specific pact, of governance and coordination instruments (however called: control room, steering committee, etc.) and participation (forms of coordination of

social formations active in the territory concerned, consultations, assemblies or other structured processes of participation in decision-making processes);

f) the methods of monitoring and evaluating the implementation process of the pact and its results; g) the publicity measures of the pact and the methods of documenting the actions carried out, monitoring and evaluation, reporting of the resources used and measuring the results produced by the pact;

h) the possible support of municipal staff towards active citizens, the supervision of the progress of the collaboration, the management of disputes that may arise during the collaboration itself and the sanctions for failure to comply with the clauses of the pact by both parties contractors;

i) the causes and methods of exclusion of individual citizens for failure to comply with this regulation or the clauses of the pact and the arrangements resulting from the conclusion of the collaboration; j) the consequences of any damage occurring to people or things during or due to care, shared management and regeneration interventions, the need and characteristics of any insurance coverage, the measures useful for eliminating or reducing interference with other activities, as well as the assumption of responsibility in accordance with the provisions of articles 18 and 19 of this regulation;

k) the methods for adapting and modifying the agreed interventions;

I) the methods for guaranteeing the sustainability of all activities connected with the implementation of the pact;

m) the tools to guarantee collaboration between pacts stipulated in the same territory.

# **CHAPTER II - PROCEDURAL PROVISIONS**

## Article 6 - General provisions

1. Collaboration with active citizens is envisaged as an institutional function of the administration pursuant to art. 118 last paragraph of the Italian Constitution.

2. The organization of this function must be such as to:

- ensure maximum proximity to the territory of the subjects responsible for relations with the citizen;

- allow maximum coordination with the political-administrative bodies at all levels and the transversal nature of its exercise;

- guarantee proposing citizens a single interlocutor in the relationship with the administration.

2. In order to simplify the relationship with citizens, an organizational unit is identified to oversee the process of implementing shared administration. This organizational unit, called the Office for Shared Administration (hereinafter Office):

a) activates and supports the other municipal offices in the relationship with citizens, in the identification of sponsorship and fundraising tools, in the definition of the contents of the individual collaboration pacts, in the promotion and social reporting of the results of the pacts;

b) collects the collaboration proposals put forward by active citizens, verifies and evaluates their content, identifies the manager or official responsible for the discussion with the proposing entity and for the shared development of the collaboration pact with the citizens, coordinates the various offices in case of overlapping skills and communicates to the proposing party the name of the manager or official responsible for the shared administration procedure;

c) monitors the phases of the process of formation and shared execution of collaboration pacts;

d) collects the data necessary for the development of process and impact indicators.

3. To carry out the activities referred to in paragraph 2, the Office may make use of an advisory committee composed of a representative of the administrative units of the municipality most interested.

#### Article 7 – Ordinary collaboration pacts

1. Citizens who intend to carry out modest care interventions, even repeated over time on the same spaces and common assets, present the collaboration proposal to the Municipality through the Office according to a model that will be made available on the Municipality portal.

2. The model on the Municipality's portal contains a list, by way of example and not exhaustively, of the most frequent modest care interventions that active citizens can carry out and indicates the prerequisites, conditions and preliminary investigation process for their realization.

3. By way of example and not exhaustively, the following interventions that active citizens can carry out on common material assets can be the subject of ordinary collaboration pacts: cleaning, painting, small ordinary maintenance, gardening, fittings, decorations, territorial animation activities, social aggregation, communication, cultural and educational activities.

4. The Office identifies the responsible Manager within 15 days who, having verified compliance with this regulation and technical feasibility, signs the collaboration agreement and publishes it on the Municipality's portal.

5. If the conditions for proceeding with the signing of the collaboration agreement do not exist, the responsible manager will communicate this to the proponents within 15 days of his designation as the responsible party, explaining the reasons or requesting additional information.

6. In the event that the responsible Manager remains inert, the Manager of the Shared Administration Office, also at the request of active citizens concerned, warns the responsible Manager to conclude the procedure within a further 7 days, after which the Manager of the Shared Administration Office initiates a mandatory consultation and discussion procedure between the responsible manager and active citizens to reach an agreement that also includes the adaptation of the ordinary pact.

#### Article 8 – Complex collaboration pacts

1. Complex collaboration pacts concern spaces and common goods which have characteristics of historical or cultural value or which, in addition or alternatively, have significant dimensions and economic value, on which citizens propose to carry out care or regeneration interventions which involve complex or innovative activities aimed at recovery, transformation and continuous management over time for the performance of activities of general interest.

2. The Municipality can independently identify and propose to citizens in a specific list the urban common assets that can be the subject of complex collaboration pacts.

3. Active citizens can in turn propose common goods to the administration to be included in the list, transmitting the proposal to the Office which will submit it to the Council for purposes of evaluation with respect to the objectives pursued with the complex collaboration pacts.

4. Citizens who intend to stipulate complex collaboration pacts present their collaboration proposal, also electronically, to the Office which publishes the notice on the Municipality portal for the presentation of any further collaboration proposals by citizens and identifies the Manager delegated to sign the collaboration pact, who carries out the preliminary investigation within 30 days of submitting the proposal. Further collaboration proposals must be presented within 20 days of the publication of the notice and suspend the terms of the investigation procedure. Once the 20 days have expired, the main proceedings resume.

5. By the end of the preliminary investigation activity, if the conditions for stipulating a complex collaboration pact do not exist, the Office will communicate this to the proposers, explaining the reasons.

6. In order to give greater publicity to the collaboration proposals referred to in paragraph 3 and to ascertain the requests and needs of the reference community, the Office or the competent delegated manager may resort to participatory democracy procedures, convening within 15 days of publication of the notice an assembly of the subjects interested in the common goods.

7. Where multiple proposals for complex collaboration pacts are presented for the same spaces or common goods, the Office may initiate a discussion between the different proposers to facilitate the formulation of a shared proposal.

8. The competent Manager, having verified compliance with this Regulation and technical feasibility, prepares, within 10 days of the conclusion of the evaluation activity, the documents necessary for the presentation of a resolution to be approved by the Municipal Council, which decides in further 30 days.

9. The complex collaboration pact is signed by the competent Manager following approval by the Municipal Board, which is responsible for assessing the existence of the general interest in the implementation of the complex collaboration pact.

# CHAPTER III - CARE, REGENERATION AND SHARED MANAGEMENT OF BUILDINGS AND PUBLIC SPACES

# Article 9 - Actions and interventions for the care, regeneration and shared management of properties and public spaces

1. The actions and interventions for the care, regeneration and shared management of properties and public spaces are provided for by the collaboration pacts referred to in Article 5 of this Regulation.

2. Active citizens cannot in any way carry out activities or interventions that conflict with the collective use of the assets covered by the collaboration pacts referred to in paragraph 1, under penalty of cancellation of the collaboration pacts by the Municipality.

3. Collaboration proposals regarding complex collaboration pacts must reach the administration accompanied by documentation capable of describing in an exact and timely manner the intervention that is intended to be carried out.

4. The collaboration agreement may provide that active citizens directly take on the maintenance, restoration and redevelopment of real estate.

5. The signing of complex collaboration pacts does not exclude the need to ensure that the signatories guarantee organization and technical-financial capacity suitable for compliance with current regulations. The fulfillment of these obligations can also be satisfied by the involvement in the agreement of subjects who present the guarantees required to support active citizens.

6. Interventions relating to cultural and landscape assets subject to protection pursuant to Legislative Decree 22 January 2004 n. 42, are previously submitted to the competent Superintendency in relation to the type of intervention, in order to obtain the authorizations or acts of consent however called required by current legislation, so as to guarantee that the interventions are compatible with the artistic or historical appearance and decoration of the property. The procedures relating to the aforementioned authorizations are the responsibility of the Municipality. 7. Collaboration pacts concerning the shared management or regeneration of properties provide for the use of the property free of charge and with a permanent destination restriction, specifically

regulated in the pacts themselves.

8. The duration of complex collaboration pacts does not normally exceed nine years. Longer periods can exceptionally be agreed upon in consideration of the particular commitment required for building recovery works on the property.

9. The Municipality may promote and adhere to collaboration pacts concerning care interventions, shared management and regeneration of properties in a state of total or partial disuse owned by third parties, with the consent of the latter or pursuant to article 838 Civil Code.

10. The Municipality may allocate the properties confiscated from organized crime assigned to it to the care and regeneration interventions referred to in this chapter.

# **CHAPTER IV - FORMS OF SUPPORT**

## Article 10 - Attribution of economic advantages and other forms of support

1. The Municipality can directly assume, within the limits of available resources, costs for the implementation of actions and interventions within the scope of ordinary and complex collaboration pacts.

2. As part of the collaboration pacts, the Administration cannot in any way allocate monetary contributions to active citizens.

3. If the collaboration pact has as its object actions and interventions for the care, shared management or regeneration of common goods that the Municipality deems of particular public interest and the resources that active citizens are able to mobilize appear adequate, the collaboration pact may provide for the attribution of economic advantages in favor of active citizens, such as, by way of example:

a) the free use of municipally owned properties;

b) the attribution to the administration of expenses relating to utilities;

c) the attribution to the administration of expenses relating to maintenance;

d) the free availability of capital goods and consumables necessary for the implementation of the planned activities.

## Article 11 - Exemptions and concessions regarding local fees and taxes

1. Activities carried out under collaboration pacts that require the occupation of public spaces are excluded from the application of the fee of the C.O.S.A.P. Regulation. (Fee for Occupation of Public Spaces and Areas), as they are considered activities similar to those carried out by the Municipality in the public interest.

2. They do not constitute the exercise of a commercial activity, for the purposes of the exemptions and benefits provided for by the C.O.S.A.P. Regulation and for the application of the related fee, public fundraising carried out for the implementation of the collaboration pacts referred to in Article 5 of this regulation, if all the following conditions are met:

a) these are occasional initiatives;

b) the collection takes place in conjunction with celebrations, anniversaries or awareness campaigns;c) the goods transferred for collection are of modest value.

3. The Municipality, in the exercise of the regulatory power provided for by article 52 of Legislative Decree 15 December 1997, n. 446, may provide further exemptions and concessions, regarding revenue and taxes, in favor of social groups that carry out activities within the scope of the collaboration pacts referred to in Article 5 of this regulation.

#### Art. 12 – Concessions

1. Collaboration pacts may provide procedural facilitations in relation to the obligations that active citizens must undertake to obtain the permits, however named, instrumental to the implementation of collaboration pacts.

2. The facilitations may consist, by way of example, in the reduction of investigation times, in the simplification of the necessary documentation or in the identification of innovative methods for the exchange of information or documentation between active citizens and the administration, favoring rapid and informal such as telephone contacts, emails and electronic messaging platforms.

3. If the collaboration pact has as its object actions and interventions for the care, shared management or regeneration of common goods that the Municipality deems of particular public interest and the resources that active citizens are able to mobilize appear adequate, the collaboration pact can provide for the support of municipal employees with active citizens.

## Article 13 - Consumables and personal protective equipment

1. The Municipality, within the limits of available resources, can provide on free loan the capital goods and consumables necessary for carrying out the activities, including, for short-term activities, personal protective equipment. Such goods, except for normal deterioration due to use, must be returned in good condition at the end of the activities.

2. The collaboration pact may provide for the possibility for the borrower referred to in the previous paragraph to temporarily make the assets available to other citizens and social groups in order to carry out similar activities.

#### Article 14 – Training and schools

1. The Municipality promotes and organizes training courses, also for its employees, aimed at spreading a culture of collaboration between citizens and administration inspired by the values and principles of this regulation.

2. The Municipality promotes active citizenship education in schools of all levels through the signing of collaboration pacts between the educational institutions and parents, students, teachers and anyone else who wishes to commit to the care of schools as tangible and immaterial common goods.

#### Article 15 – Self-financing

1. The Municipality facilitates citizen initiatives aimed at raising funds for actions of care, shared management or regeneration of common goods provided that maximum transparency is guaranteed on the destination of the resources collected and their timely use.

2. In compliance with the provisions of the previous paragraph 1, the collaboration pact may provide for the implementation of economic activities of a temporary nature, in any case ancillary within the program of actions and interventions envisaged by the agreement, aimed at self-financing.

## CHAPTER V - COMMUNICATION, TRANSPARENCY AND EVALUATION

## Article 16 – Communication of general interest

1. In order to encourage the progressive rooting of shared administration, the Municipality uses all the communication channels at its disposal to inform about opportunities for participation in the

care, regeneration and shared management of common goods, also providing for the implementation of a dedicated area on the Municipality portal.

2. The communication activity aims in particular to:

a) allow citizens to acquire more information on shared administration, also enriching it thanks to the different experiences achieved;

b) encourage the consolidation of networks of relationships between groups of citizens, to promote the exchange of experiences and tools;

c) map the subjects and experiences of care, shared management and regeneration of common goods, making it easier for interested citizens to identify the situations in which to take action.

# Article 17 - Measurement and evaluation of collaboration activities

1. The documentation of the activities carried out and the evaluation of the resources used are essential in order to guarantee transparency and allow a public evaluation of the results produced by collaboration pacts.

2. The Municipality works to allow effective dissemination of these results, making all the documentation available to citizens through tools such as publication on the website, the organization of press conferences, conferences, dedicated events and any other form of communication and diffusion.

3. The methods for carrying out the documentation and evaluation activities are agreed in the collaboration pact.

4. The evaluation of the activities carried out complies with the following general principles regarding:

a) clarity: the information contained must have a level of clarity, comprehensibility and accessibility appropriate to the various subjects for whom the assessment is intended;

b) comparability: the type of information contained and the methods of its representation must be such as to allow easy comparison both temporally and with other entities with similar characteristics and in the sector;

c) periodicity: the reports must be drawn up on an annual basis and in any case at the conclusion of the collaboration agreement, in parallel with the accounting reporting in the strict sense, without prejudice to the possibility of providing for intermediate evaluations in the collaboration pact;

d) verifiability: the data collection and processing processes must be documented in such a way that they can be subject to examination, verification and revision. The elements relating to the individual evaluation areas must be described in such a way as to provide the quantitative and qualitative information useful for formulating an opinion on the work carried out.

5. The assessment must contain information relating to:

a) objectives, directions and priorities for intervention;

b) actions and services rendered;

c) results achieved;

d) resources available and used.

# **CHAPTER VI - RESPONSIBILITY AND SUPERVISION**

## Article 18 - Training to prevent risks

1. The Municipality promotes the training of active citizens on the risks potentially connected with the activities of implementing collaboration pacts and on prevention and emergency measures.

2. Active citizens undertake for their part to correctly use personal protective equipment appropriate to the activities carried out under the pacts, to act with prudence and diligence and to implement all the measures necessary to reduce health risks and safety.

 The Municipality can promote insurance coverage for active citizens through the stipulation of framework agreements with operators in the insurance sector which provide the possibility of activating coverage on request, at favorable conditions and with flexible and personalized methods.
 The Municipality may stipulate for the benefit of active citizens specific insurance policies for the care, regeneration and shared management of common goods. To this end, it may require the active citizens concerned to be registered in a public register.

# Article 19 - Allocation of responsibilities

1. The collaboration pact indicates and regulates in a timely manner the tasks of care, regeneration and shared management of common goods agreed between the administration and citizens and the related responsibilities.

2. Citizens who take action for the care, regeneration and shared management of common goods are personally liable for any damage caused, through negligence or willful misconduct, to people or things in the exercise of their activity.

# Article 20 - Conciliation attempt

1. If disputes arise between the parties to the collaboration pact or between them and any third parties, a conciliation attempt can be made before a Committee made up of three members, one of which is designated by the active citizens, one by the administration and one by the municipality or, in case of disputes concerning third parties, by the latter.

2. The Conciliation Committee, within thirty days of the request, submits a non-binding conciliation proposal to the parties.

## **CHAPTER VII - FINAL AND TRANSITIONAL PROVISIONS**

## Article 21 - Interpretative clauses

1. In order to facilitate collaboration between the Administration and citizens, the provisions of this regulation must be interpreted and applied in the sense most favorable to the possibility for citizens to contribute to the care, shared management and regeneration of common goods.

## Article 22 - Entry into force and testing

1. The provisions of this regulation are subject to a period of experimentation and evaluation lasting two years from entry into force.

## Article 23 - Online communication of shared administration

1. In order to correctly apply this regulation, the municipal administration undertakes to create a section dedicated to shared administration on the institutional portal which, in addition to allowing the publication of the stipulated collaboration pacts, must satisfy the needs of information, transparency and evaluation, as well as facilitating online participation by all citizens. The contents of the portal itself must be georeferenced, usable and accessible on the main technological devices.

#### Article 24 - Transitional provisions

1. Collaboration experiences already started on the date of entry into force of this regulation may be governed by collaboration pacts, in compliance with these provisions.