

**▫COURT OF FIRST INSTANCE TURIN
CRIMINAL COURT- 1ST DIVISION
In composizione collegiale**

**N. 24265/04 Registration Number
N. 5219/09 Court RG**

**REPUBLIC OF ITALY
IN THE NAME OF THE ITALIAN PEOPLE
VERDICT¹**

The Court sitting with 3 judges

dr. Giuseppe Casalbore	Chief Justice
dr.ssa Fabrizia Pironti di Campagna	Justice
dr. Alessandro Santangelo	Justice

in the public hearing held on February the 13th, 2012, read the following out and thus considers it public

VERDICT

IN THE CASE OF

**DE CARTIER de Marchienne Jean Louis and
SCHMIDHEINY Stephan**

Defendants as stated in the proceedings of the case

Given articles. 533 and 535 of the Italian Criminal Code, the Court hereby declares De Cartier De Marchienne Jean Louis and Schmidheiny Stephan guilty as charged under point a) of the heading referring to the events following August 13th 1999, and guilty of the charges listed under point b) committed from June 27th and from September 1974 respectively in Cavagnolo and Casale Monferrato, to be considered as a single charge in view of the continuing criminal design. The defendants are thus sentenced to 16 years jail each as well as to the payment of all the costs of the court proceedings.

Pursuant article 531 of the Criminal Code Proceedings (*Codice di Procedura Penale* henceforth CPP) , the court dismisses the charges (against the afore mentioned defendants) listed under point a) of the heading, specifically only the charges ensuing from the events taking place and crimes committed before August 13th 1999, and dismisses the charges listed under heading b) referring to

¹ *Dispositivo*: the verdict read out in court; *Motivazioni*: the motivations of reasons, which in this case will be announced towards the end of the May 2012. Motivations have to be published before any appeal can be lodged.
(TN)

Rubiera and Naples-Bagnoli only as such crimes come under the statute of limitations.

Given articles . 29,32,32-ter and 32-quarter of the Italian Criminal Code, this Court declares the defendants De Cartier e Schmidheiny disqualified from holding any public office for life; furthermore the Court declares them legally interdicted for the duration of their sentence and also incapacitated from negotiating with any local authority, public body or administration for the next three years.

Given article . 538 and ff of the CPP , this Court

A) sentences the defendants De Cartier and Schmidheiny and those civilly liable in the Etex Group, Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 538, paragraphs 2^A and 3^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, totaling 100,000 € to each of the following parties appearing as plaintiffs in this Court:

- 1. The CGIL Union, Regional Branch for PIEDMONT**
- 2. The CGIL Union Headquarters of the City of ALESSANDRIA**
- 3. To the Union ALLCA NAZIONALE CUB**

Rejecting the request for an interim payment and immediate provisional enforcement²

B) sentences the defendants De Cartier and Schmidheiny and those civilly liable in Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article . 538, paragraphs 2^A and 3^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, totaling 100,000 € to each of the following parties appearing as plaintiffs in this Court:

- 1) USR CISL Union PIEMONTE**
- 2) UST CISL Union TORINO**

Rejecting the request for an interim payment and immediate provisional enforcement;

C) sentences the defendants De Cartier and Schmidheiny jointly and severally pursuant article . 538, paragraphs 2^A and 3^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to each of the following parties appearing as plaintiffs in this Court:

- | | |
|--|---------------------|
| 1) PROVINCIAL BRANCH of the UIL TU of the PROVINCE OF ALESSANDRIA | Euro 100,000 |
| 2) UIL TU of the REGION PIEDMONT | Euro 100,000 |
| 3) PROVINCIAL BRANCH OF THE UIL TU FOR ALESSANDRIA | Euro 100,000 |
| 4) UST CISL PROVINCIALE di ALESSANDRIA | Euro 100,000 |

² [TN the decision confirming enforceability is itself be provisionally enforceable despite the possibility of appeal]

- | | | |
|----|--|--------------|
| 5) | CGIL NAZIONALE | Euro 100,000 |
| 6) | ASSOCIATION FAMILIARI ESPOSTI AMIANTO (OF THE RELATIVES OF PEOPLE EXPOSED TO ASBESTOS) | Euro 100,000 |
| 7) | LEGAMBIENTE ONLUS (NGO) | Euro 100,000 |
| 8) | WWF ITALIA ONLUS NGO | Euro 70,000 |

Rejecting the request for an interim payment and immediate provisional enforcement;

D) sentences the defendant De Cartier pursuant article . 538, paragraphs 2^A and 3^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, totaling 4,000,000 € to the party appearing as plaintiffs in this Court:

1. the MUNICIPALITY OF CAVAGNOLO

Rejecting the request for an interim payment and immediate provisional enforcement;

E) sentences the defendants De Cartier and Schmidheiny jointly and severally pursuant article 538, paragraphs 2^A and 3^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to each to the following parties appearing as plaintiffs in this Court with immediate payment of the interim payments listed below:

- | | | |
|----|--|-----------------|
| 1) | INAIL (Gov Workers' Compensation Agency) | Euro 15,000,000 |
| 2) | ASSOCIAZIONE MEDICINA DEMOCRATICA - MOVIMENTO DI LOTTA PER LA SALUTE – ONLUS NGO (Democratic Medicine NGO) | Euro 70,000 |

F) sentences the defendants De Cartier and Schmidheiny jointly and severally pursuant article 539, paragraphs 1^A and 2^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to each to the following parties appearing as plaintiffs in this Court with immediate payment of the interim sum of 30,000 € to the plaintiffs listed below:

[241 names of individual plaintiffs follow]

G) sentences the defendants De Cartier and Schmidheiny jointly and severally pursuant article 539, paragraphs 1^A and 2^A, of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to each to the following parties appearing in this Court with immediate payment of the interim sum of 30,000 € to the plaintiffs listed below:

[11 names of individual plaintiffs follow]

G-bis) sentences the defendants De Cartier e Schmidheiny and those civilly liable, Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, with immediate payment of the interim sum of 35,000 € to the plaintiff listed below:

(1 name follows)

H) sentences the defendants De Cartier e Schmidheiny and those civilly liable in Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to be awarded in the Civil Courts with immediate payment of the interim sum of 35,000 € to the plaintiffs listed below

[70 names of individual plaintiffs follow]

I) sentences the defendants De Cartier e Schmidheiny and those civilly liable in Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, to be awarded in the Civil Courts with immediate payment of the interim sum of 35,000 € to the plaintiffs listed below:

[2 names of individual plaintiffs]

L) sentences the defendants De Cartier e Schmidheiny jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages to assets and non financial damages ensuing from the crimes committed, with immediate payment of the interim sums to the plaintiffs and for the sums listed below:

- | | |
|---|------------------------|
| 1. The REGION PIEDMONT | Euro 20,000,000 |
| 2. The MUNICIPALITY OF CASALE M.TO | Euro 25,000,000 |
| 3. The HEALTH DISTRICT -ASL ALESSANDRIA | Euro 5,000,000 |
| 4. ASSOCIAZIONE FAMIGLIARI VITTIME AMIANTO (AFEVA) | Euro 100,000 |

M) sentences the defendants De Cartier e Schmidheiny jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages ensuing from the crimes committed, to be awarded in the Civil Courts with immediate payment of 60,000 € as interim sums to the plaintiffs listed below:

[3 names of individual plaintiffs]

M-bis) sentences the defendants De Cartier e Schmidheiny jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages ensuing from the crimes committed, to be awarded in the Civil Courts with immediate payment of 30,000 € as interim sums to the plaintiffs listed below:

[3 names of individual plaintiffs]

N) sentences the defendants De Cartier e Schmidheiny jointly and severally pursuant article 539,1^A and 2^A of the CPP to pay compensation for damages ensuing from the crimes committed, to be awarded in the Civil Courts with immediate payment of 35,000 € as interim sums to the plaintiffs listed below:

[11 names of individual plaintiffs]

O) sentences the defendant De Cartier and the CEO civilly liable for the Etex Group, jointly and severally pursuant art. 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 30,000 € as an interim sum to the plaintiffs listed below:

[167 names of individual plaintiffs]

P) sentences the defendant De Cartier and the CEO (civilly liable for) of the Etex Group, jointly and severally pursuant art. 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 35,000 € as an interim sum to the plaintiffs listed below:

(1 name of plaintiff follows)

Q) sentences the defendant De Cartier pursuant art. 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 30,000 € as an interim sum to the plaintiffs listed below:

(92 names of plaintiffs follow)

R) sentences the defendant De Cartier pursuant art. 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 35,000 € as an interim sum to the plaintiffs listed below:

(11 names of plaintiffs follow)

S) sentences the defendant Schmidheiny and civilly liable in Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 30,000 € as an interim sum to the plaintiffs listed below:

(4 names of plaintiffs follow)

T) sentences the defendant Schmidheiny and civilly liable in Anova Holding AG, Becon AG e Amindus Holding AG, jointly and severally pursuant article 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 35,000 € as an interim sum to the plaintiffs listed below:

(2 names of plaintiffs follow)

U) sentences the defendant Schmidheiny pursuant article 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 30,000 € as an interim sum to the plaintiffs listed below:

(10 names of plaintiffs follow)

V) sentences the defendant Schmidheiny pursuant article 539, 1^A and 2^A of the CPP to pay compensation for the damages ensuing from the crimes, to be awarded in the Civil Courts with the immediate payment of 35,000 € as an interim sum to the plaintiffs listed below:

(2 names of plaintiffs follow)

Z) sentences the defendants De Cartier and Schmidheiny and those civilly liable in Etex Group, Anova Holding AG, Becon AG and Amindus Holding AG, jointly and severally pursuant art. 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

(185 names of plaintiffs follow)

Rejecting the request for an interim payment and immediate provisional enforcement

Aa) sentences the defendants De Cartier and Schmidheiny and those civilly liable liability in Etex Group, Anova Holding AG, Becon AG and Amindus Holding AG, jointly and severally pursuant art. 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

(640 names of plaintiffs follow)

Rejecting the request for an interim payment and immediate provisional enforcement

Ba) sentences the defendants De Cartier and Schmidheiny, jointly and severally pursuant art. 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

- 1.The Municipality of BALZOLA**
- 2.The Municipality of MIRABELLO MONFERRATO**
- 3.The Municipality of PONTE STURA**
- 4.The Municipality of VILLANO VA MONFERRATO**
- 5.The Municipality of MORANO SUL PO**
- 6.The Municipality of OZZANO MONFERRATO**
- 7.The Municipality of CONIOLO**
- 8.INPS PROVINCE OF TURIN**

- 9. The PROVINCE OF ALESSANDRIA**
- 10. The REGION EMILIA ROMAGNA**
- 11. The Municipality of RUBIERA**
- 12. UIL REGION CAMPANIA**
- 13. CGIL-REGION CAMPANIA**
- 14. FILLEA CGIL REGION CAMPANIA**

(334 names follow)

Rejecting the request for an interim payment and immediate provisional enforcement;

Ca) sentences the defendant De Cartier and the CEO (civilly liable) of the Etex Group, jointly and severally pursuant . 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

(159 names follow)

Rejecting the request for an interim payment and immediate provisional enforcement.

Da) sentences the defendant De Cartier 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

- 1) The Municipality of MOTTA DE' CONTI**
- 2) The Municipality of CARESANA**
- 3) The Municipality of STROPPIANA**
- 4) The Municipality of CANDIA LOMELLINA**

(625 names follow)

Rejecting the request for an interim payment and immediate provisional enforcement.

Ea) sentences the defendants De Cartier and Schmidheiny and those civilly liable in Etex Group, Anova Holding AG, Becon AG and Amindus Holding AG, jointly and severally pursuant art. 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

(11 names follow)

Rejecting the request for an interim payment and immediate provisional enforcement.

Fa) sentences the defendant Schmidheiny pursuant 539, 1^A of the CPP to pay for damages ensuing from the crime, to be awarded by the Civil Courts to each of the plaintiffs listed below:

- 1. CGIL FILLEA REGGIO EMILIA**
- 2. CAMERA DEL LAVORO TERRITORIALE of REGGIO EMILIA**
- 3. CGIL REGION EMILIA ROMAGNA**
- 4. The PROVINCE of REGGIO EMILIA**

(3 names follow)

Rejecting the request for an interim payment and immediate provisional enforcement.

Pursuant art 541 of the Code of Criminal sentences the defendants De Cartier and Schmidheiny and those civilly liable in Etex Group, Anova Holding AG, Becon AG and Amindus Holding AG, jointly and severally pursuant to refund trial costs in favour of the previously listed plaintiffs who were assisted by the lawyers below

[names of lawyers and sums are listed below, see the Italian version for details]

Pursuant article 544 of the CPP, the motivations³ will deposited within 90 days.

Turin, February the 13th 2012

The Chief Justice

Dr Giuseppe Casalbore

³ [the comprehensive verdict with motivations TN]