

**LA GESTIONE DEL RISCHIO NELLE AREE SCIABILI
ATTREZZATE: L'EFFICACIA SCRIMINANTE DELLA DELEGA DI
FUNZIONI**

di *Lina Musumarra**

ABSTRACT: The latest case law dealing with lethal ski accident and the need to reinforce the security prevention on the ski slopes are the main subjects of the paper.

The punctual analysis focuses in detail on the sometimes ambiguous and blurred share of responsibility for the security management tasks between the general manager/owner of the company monitoring the slopes and providing the ski services to the customers and the executives charged with the daily material assistance on the slopes and equipment monitoring.

Rightly, the ruling calls for a clear and precise distribution of decision powers and obligations for prevention security measures between the top level of management and the low executive level of workers monitoring the slopes. The distinctive tasks and responsibilities must be precisely written and known to all the stakeholders.

Finally the case law emphasizes the need for upgrading the prevention security measures to limit the accidents on the ski slopes.

Keywords: ski sport – ski slopes – security – risk prevention – monitoring – overall responsibility – manager obligations – delegation of monitoring.

SOMMARIO: 1. Premessa: il problema della sicurezza in montagna – 2. Delega di funzioni: limiti e condizioni – 3. Modalità di attuazione dell'obbligo di vigilanza – 4. La posizione di garanzia del gestore di aree sciabili attrezzate – 5. Conclusioni

* Avvocato, Studio Legale Musumarra, Roma. Docente di Diritto dello Sport, Università Luiss Guido Carli e Docente di Diritto del Lavoro sportivo, Link Campus University. E-mail: studiolegalemusumarra@yahoo.it.

Relazione presentata in occasione dell'8° Forum Giuridico Europeo della Neve, Bormio, 3 dicembre 2016.