



**SNA REPLY TO UNODC NOTE: IX Intergovernmental Working Group on Corruption Prevention – Vienna 6/7 September 2018: collection of information from Member States**

With MAE (Ministry of External Affairs) note prot. MAE00389662018-03-02, UNODC informs that the issues to be discussed in the Working Group meeting (Vienna, 6/7 September 2018) will be:

(a) *preventing and managing conflicts of interest*

(b) *asset and interest disclosure systems* SNA has so far developed the following specific training activities:

1. *(preventing and managing conflicts of interest)*

Training programs on: codes of conduct; workshops in risk area: “Appointments and assignments”; workshops on whistleblowers (focused on control instruments and on the reporting issue).

2. *(asset and interest disclosure systems)*

Training programs on transparency.

A concise supplementary worksheet follows.

**1. The Italian Civil Service Training System for the Prevention of Corruption.**

The SNA (Scuola Nazionale dell'Amministrazione – National School of Public Administration ) is the main stakeholder entrusted with the task of training civil servants, as laid down in art. 21 D.L. N. 90/2014 converted into Law N.114/2014. This law suppressed training schools run by the Ministries of Interior, Defence, Foreign Affairs and Economy and Finance and devolved their functions to the SNA.

Law 190/2012 appoints SNA as the main provider of training services in the field of the prevention of corruption for civil servants in Public Administrations<sup>1</sup>.

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<sup>1</sup>L. 06/11/2012, n. 190 on the Prevention and Suppression of Corruption in Public Administration, published in Official Gazette November 13 2012, n. 265. Art.1 par. 11: *The School of Public Administration, with no new or increased charges for using public finance and human resources, equipment and financial resources available to current legislation, prepares specific and sectoral training programs of employees of Public Administrations on the issues of ethics and legality. On a regular basis and in agreement with Administrations, the SNA provides for the training of civil servants working in sectors where there is the highest risk of corruption being committed.*



SNA organizes and delivers training programs on integrity and anti-corruption compliance in traditional classroom-based training sessions and through distance learning (e-learning and blended learning).

## **2.SNA anti-corruption courses**

SNA anti-corruption courses are divided into two main categories: a catalogue of training programs which can potentially be accessed by the whole civil service, and tailor-made training programs outlined in the National Anti-Corruption Plan - Piano Nazionale Anticorruzione (PNA), and in the Three-year Plans for the Prevention of Corruption and Transparency – Piani Triennali per la Prevenzione della Corruzione e per la Trasparenza (PTPCT).

SNA training activities are designed for managers and staff working in public administrations (as indicated in the PNA), and in particular those responsible for drafting and implementing anti-corruption and risk management policies, whether on the level of government or central state authorities, local authorities or institutions.

There are two main types of training:

1. "general level" training
2. "specialist level" training

The first area of intervention for training activities aims in particular to share and promote values associated with ethics and legality. The recipients of these activities are therefore not only civil servants, but anyone working with public authorities in any form. The underlying logic is that the only way to create a hostile habitat for corruption, and illegal behavior in general, is if everybody working within each public authority fully shares these values (creating an unfavorable environment for corruption).

The second training area is more "technical", and is divided into different areas according to the recipients and the role they play in anti-corruption measures. In particular, we provide:

- a. training for anti-corruption managers (risk managers) regarding risk management techniques applied to preventing cases of corruption;



- b. training for managers and staff in the risk areas;
- c. training for members of supervision bodies;
- d. Teacher training for instructors.

In particular, training programs delivered by SNA in the field of corruption prevention and integrity of civil servants are divided into five subgroups:

- A. Anti-Corruption and Risk Management
- B. Ethics, Codes of Conduct and Whistleblowing
- C. Public Contracts
- D. Transparency and F.O.I.A.
- E. Courses on Ethics and Corruption Prevention inserted in mandatory initial or in-service training paths (e.g. access training paths for managerial, prefectural or diplomatic careers).

### **3. Preventing and managing conflicts of interest; asset and interest disclosure systems**

Both relevant legislation and new codes of conducts consider conflict of interests and asset and interest disclosure system as transversal (general) measures of treatment, appropriate for every administration included in the objective scope of Law 190/2012.

For this reason, most of the SNA training offer specifically focuses on these two issues, in the learning catalogue training programs previously quoted (see Table 1).



**Table 1**

	<b>Conflict of interest</b>	<b>Asset and interest disclosure systems</b>
<b>A. Preventing Corruption and Risk Management</b>		
Drafting Three Year Plans for the Prevention of Corruption	X	X
The Role of the Anti-corruption Officer (basic and advance level)	X	
Planning and Implementing of Training as an Anti-corruption Measure	X	
The Prevention of Corruption in Public Administration	X	
Workshop for Personnel in Risk Areas: Permits and Authorizations, Public Contracts, Appointments, Legal Affairs and Litigation, Checks, Controls, Inspections and Sanctions	X	
The Role of the Independent Bodies for Assessment – OIV		
Programs on Ethics and corruption prevention in mandatory training courses	X	
<b>B. Ethics, Codes of Conduct, Whistleblowing</b>		
Ethics, Codes of Conduct	X	
Whistle-blowing	X	
E-learning: basic training course for civil servants, basic training course for public executives, advanced training course for public officials and anti-corruption officers	X	
<b>C. Public Contracts</b>		
Expert in Public Procurement SNA-ANAC	X	
The New Code of Public Contracts		
Management of Companies in Administration		
<b>D. Transparency and F.O.I.A</b>		
Rules for Access under FOIA: requirements for a correct compliance		X
The Italian F.O.I.A. and Administrative Transparency: requirements for a correct compliance		X
Managing FOIA and Access Registers: technical and operational issues		X
<b>E. Courses on Ethics and Corruption Prevention inserted in mandatory initial or in-service training paths (e.g. access training paths for managerial, prefectural or diplomatic careers).</b>	X	X



More in detail, as inferred by this table, the issue of conflict of interest is addressed:

- In programs entitled to “Ethics and codes of conduct”;
- In any program of the area “Anti-Corruption and Risk Management” (in modules concerning analysis of measures and resulting liabilities);
- In specific training programs devoted to the risk area “Appointments and Assignments”;
- In programs focused on “Whistleblowing” (as far as control instruments and reporting issues are concerned).

On the other hand, the issue of asset and interest disclosure systems is included in training programs on transparency and hence:

- Legal rules for general access (so-called F.O.I.A.).
- Italian F.O.I.A. and administrative transparency.
- Managing F.O.I.A. and Access Registers.



**Table 2: SNA anti-corruption courses 2015/2018**

Courses highlighted in red deal with conflicts of interest

Courses highlighted in yellow deal with disclosure

Courses highlighted in green deal with both of the above themes

**2015**

**ANTI-CORRUPTION AND RISK MANAGEMENT**

**LEARNING CATALOGUE**

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Advanced training program for Subjects Responsible for the Prevention of Corruption	11	264	316	175	141	164	152
Workshops for Independent Bodies for Assessment (OIV)	3	18	87	38	49	34	53
Workshops for training agents (training program for trainers)	4	72	75	34	41	21	54
Workshop for personnel working in the risk area: "Recruitment and promotion of employees"	9	59	244	87	157	87	157
Workshop for personnel working in the risk area: "Works, Services and Supplies Procurement"	9	59	438	204	234	108	330
Workshop for personnel working in the risk area: "Permits and Authorizations"	9	59	247	108	139	80	167
<b>TOTAL</b>	<b>45</b>	<b>531</b>	<b>1407</b>	<b>646</b>	<b>761</b>	<b>494</b>	<b>913</b>



### TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
AGENAS (Agency for Regional Health Services) General training course on Anti-Corruption	4	24	151	54	97	6	145
AGENAS (Agency for Regional Health Services) Advanced training course - Guide to the Redaction of the Three Year Plan for the Prevention of Corruption	1	18	31	8	23	8	23
MINISTRY OF JUSTICE Advanced course for the Department of Juvenile Justice in the field of Corruption Prevention	1	14	24	9	15	9	15
MINISTRY OF INTERIOR Training Course for the Subjects Responsible for the Prevention of Corruption in Prefectures and in the Ministry of Interior's Departments (Follow-Up L. 190/2012)	3	54	102	43	59	59	43
ISTAT (Italian National Institute of Statistics) Advanced course for ISTAT executives on methods and systems of corruption prevention	1	12	45	22	23	45	0
EQUITALIA (state-owned tax collection agency) Advanced course for Subjects Responsible for the Prevention of Corruption	2	24	60	52	8	37	23
ISTAT (Italian National Institute of Statistics) Advanced Course for the ISTAT Subjects Responsible for the Prevention of Corruption	1	24	38	12	26	3	35
PCM (Presidency of the Council of Ministers) Planning Risk Treatment Measures	1	4	31	15	16	23	8



MPLS (Ministry of Labour and Social Policy) Risk Management - Internal Auditing and Process Governance	1	36	55	23	32	22	33
MISE (Ministry of Economic Development) Workshop on corruption prevention for MISE executives	1	10	43	19	24	43	0
ISTAT (Italian National Institute of Statistics) Workshop for ISTAT personnel working in the risk area: "Recruitment and Promotion of employees"	1	7	32	9	23	4	28
ISTAT (Italian National Institute of Statistics) Workshop for ISTAT personnel working in the risk area: "Works, Services and Supplies Procurement"	2	14	54	43	11	4	50
ISTAT (Italian National Institute of Statistics) Workshop for ISTAT personnel working in the risk area: "Permits and Acquisition"	1	7	44	12	32	3	41
MEF (Ministry of Economy and Finance) Workshop for MEF personnel working in the risk area: "Works, Services and Supplies Procurement"	1	5	15	10	5	0	15
MEF (Ministry of Economy and Finance) Workshop for MEF personnel working in the risk area: "Inspections"	1	9	30	19	11	18	12
<b>TOTAL</b>	<b>22</b>	<b>262</b>	<b>755</b>	<b>93</b>	<b>82</b>	<b>29</b>	<b>146</b>





### ETHICS, CODES OF CONDUCT AND WHISTLEBLOWING

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Ethics, Codes of Conduct and Disciplinary Procedures for Civil Servants after Public Administration Reform	8	80	199	56	143	57	142
<b>TOTAL</b>	<b>8</b>	<b>80</b>	<b>199</b>	<b>168</b>	<b>236</b>	<b>104</b>	<b>300</b>

### PUBLIC CONTRACTS

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Public Procurement Expert Degree	2	228	70	30	40	23	47
Selection Stages of Procurement Process: from Eligibility of Competitors to Tender Evaluation	2	36	53	25	28	3	50
Fighting Collusion in Public Procurement	1	6	12	8	4	0	12
Adoption of the Award Criterion and its Practical Application in Service and Supply Procurement	2	24	53	27	26	14	39
<b>TOTAL</b>	<b>7</b>	<b>294</b>	<b>188</b>	<b>90</b>	<b>98</b>	<b>40</b>	<b>148</b>

### TOTAL AMOUNT CLASSROOM BASED COURSES

	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
<b>TOTAL</b>	<b>82</b>	<b>1167</b>	<b>2549</b>	<b>997</b>	<b>1177</b>	<b>667</b>	<b>1507</b>



**2016**

**ANTI-CORRUPTION AND RISK MANAGEMENT**

**LEARNING CATALOGUE**

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Tutoring and supporting the redaction of the Three Year Plan for the Prevention of Corruption	1	36	47	28	19	33	14
Advanced training program for Subjects Responsible for the Prevention of Corruption	9	216	207	116	91	97	110
Workshop for Independent Bodies for Assessment (OIV) and Internal Auditing	3	21	91	36	55	31	60
Workshops for training agents (training program for trainers)	4	72	75	20	55	22	53
Implementation of anti-corruption regulations in Public Administrations	10	120	293	109	184	81	212
Anti-corruption measures in government-owned, controlled and monitored subjects. ANAC guidelines application and sectorial regulations	3	15	44	18	26	8	36
Economics of corruption principles	1	6	27	13	14	11	16
Workshop for personnel working in the risk area: "Recruitment and promotion of employees"	9	45	145	49	96	29	116
Workshop for personnel working in the risk area: "Public Contracts"	11	55	411	184	227	115	296
Workshop for personnel working in the risk area: "Incompatibility, conflict of interests, pantouflage (art. 53 d. lgs. n. 165 del 2001)"	8	40	164	51	113	28	136
Workshop for personnel working in the risk area: "Legal affairs, litigation, and management of procurement procedures"	3	15	63	15	48	12	51
Workshop for personnel working in the risk area: "Preventing and combating corruption:"	6	30	133	50	83	20	113



focus on economical, ethical, managerial, organisational and liability issues (general frame)"							
Workshop for personnel working in the risk area: "Permits and Authorizations with or without direct and immediate economic effect for the beneficiary "	6	30	130	54	76	55	75
Workshop for personnel working in the risk area: "Recruitment and promotion of employees"	2	10	39	17	22	10	29
<b>TOTAL</b>	<b>76</b>	<b>711</b>	<b>1869</b>	<b>760</b>	<b>1109</b>	<b>552</b>	<b>1317</b>



<b>TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS</b>							
<b>TITLE</b>	<b>N° EDITIONS</b>	<b>TOTAL HOURS OF DIDACTICS</b>	<b>TOT PARTICIPANTS</b>	<b>MALE</b>	<b>FEMALE</b>	<b>EXECUTIVES</b>	<b>OFFICIAL</b>
AEEG (Regulatory Authority for Electricity Gas and Water) Implementation of anti-corruption regulations in Public Administrations	1	6	17		17		17
AGCM (Italian Antitrust Authority) Implementation of anti-corruption regulations in Public Administrations (basic course)	2	8	356		356		356
AGCM (Italian Antitrust Authority) Implementation of anti-corruption regulations in Public Administrations (advanced level)	1	3	50		50		50
AGENZIA DELLE DOGANE (Customs Agency) Risk Assessment	1	14	59	36	23	5	54
ANAC (Anti-Corruption National Authority) Training in prevention of corruption and transparency	6	294	273	119	154	20	253
ANAC-MINISTRY OF INTERIOR (PREFECTURES) Corruption prevention in procurements and management of companies into administration	4	84	108	39	69	47	61
Naples Municipality Recruitment and promotion of human resources	2	24	58	23	35		58
Naples Municipality "Financial Risk Area "	1	12	26	10	16	1	25
Naples Municipality "Risk area: relationship between citizen and companies"	2	24	56	33	23		56
Naples Municipality Ethics and behaviour	3	18	124	69	55		124



Naples Municipality Transparency after anti- corruption law 190/2012 and Madia Reform 124/2015	4	24	180	74	106	1	179
Naples Municipality Implementation of anti- corruption regulations (specific for executives)	1	12	27	14	13	27	0
Naples Municipality Implementation of anti- corruption regulations in Public Administrations (specific for Subjects Responsible for the Prevention of Corruption)	1	18	30	8	22	1	29
MEF (Ministry of Economy and Finances) General Training Course for Corruption Prevention	3	15	375	142	233	29	346
INPS (National Social Welfare Institution) Workshop for personnel working in the risk area: "Recruitment and promotion of employees"	1	4,5	157		157		157
INPS (National Social Welfare Institution) Workshop for personnel working in the risk area: "Works, Services and Supplies Procurement"	2	9	290	80	210	66	224
INPS (National Social Welfare Institution) Workshop for personnel working in the risk area: (Public Procurement)	1	4,5	166		166		166
<b>TOTAL</b>	<b>36</b>	<b>574</b>	<b>2352</b>	<b>647</b>	<b>1705</b>	<b>197</b>	<b>2155</b>



### ETHICS, CODES OF CONDUCT AND WHISTLEBLOWING

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Ethics, Codes of Conduct and Disciplinary Procedures in contractualized public sector after anti-corruption law (L. 190/2012) and Madia law (L.124/2015)	8	80	169	77	92	43	126
<b>TOTAL</b>	<b>8</b>	<b>80</b>	<b>169</b>	<b>77</b>	<b>92</b>	<b>43</b>	<b>126</b>

### PUBLIC CONTRACTS

#### LEARNING CATALOGUE

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Degree of expert in public procurement	3	276	148	69	79	36	112
Contracts in Public Administrations: administrative, economic and managerial issues	2	120	100	39	61	15	85
New legal discipline of procurement and grant contracts - Classroom programs	2		99	42	57	16	83
<b>TOTAL</b>	<b>7</b>	<b>396</b>	<b>347</b>	<b>150</b>	<b>197</b>	<b>67</b>	<b>280</b>

#### TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
MIT - (Ministry of Infrastructures and Transport ) authority for Public Works for Lazio, Abruzzo and Sardinia - "Procurement and construction contracts" - L'Aquila edition.	1	8	51	32	19	2	49
<b>TOTAL</b>	<b>1</b>	<b>8</b>	<b>51</b>	<b>32</b>	<b>19</b>	<b>2</b>	<b>49</b>



### PROGRAMS ON ETHICS AND CORRUPTION PREVENTION IN MANDATORY TRAINING COURSES

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
MIN INT - IV biennial training program of personnel in prefecture career	1	25	50	23	27		50
<b>TOTAL</b>	<b>1</b>	<b>25</b>	<b>50</b>	<b>23</b>	<b>27</b>	<b>0</b>	<b>50</b>

### TOTAL COURSES DELIVERED IN CLASSROOMS

	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
<b>TOTAL</b>	<b>129</b>	<b>1794</b>	<b>4838</b>	<b>1689</b>	<b>3149</b>	<b>861</b>	<b>3977</b>



**2017**

**ANTI -CORRUPTION AND RISK MANAGEMENT**

**LEARNING CATALOGUE**

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Implementation of anti-corruption regulations in Public Administrations	6	72	213	101	112	49	164
Specialistic course for Subjects Responsible for the Prevention of Corruption (basic level)	4	96	116	64	52	45	71
Specialistic course for Subjects Responsible for the Prevention of Corruption (advanced level)	2	48	63	34	29	25	38
Workshop for Independent Bodies for Assessment (OIV) and Internal Auditing	5	35	137	64	73	41	96
Change Agents and training programs as preventing corruption tools	1	18	15	5	10	0	15
ANAC Inspective activity and its procedure. Inspector's Power and responsibility. Protection of inspected subjects	1	6	12	6	6	5	7
Tutoring and supporting the redaction of the Three Year Plan for the Prevention of Corruption	1	36	28	8	20	11	17
Transparency and new right to access (supplementary workshop SNA-ANAC to the training program: Tutoring and supporting the redaction of the Three Year Plan for the Prevention of Corruption)	1	3	20	9	11	5	15
<b>TOTAL</b>	<b>21</b>	<b>314</b>	<b>604</b>	<b>291</b>	<b>313</b>	<b>181</b>	<b>423</b>





### TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
AGCM (Italian Antitrust Authority) Advanced program for AGCM staff in corruption preventing: risk management system	2	8	165	62	103	0	165
<b>TOTAL</b>	<b>2</b>	<b>8</b>	<b>165</b>	<b>62</b>	<b>103</b>	<b>0</b>	<b>165</b>

### ETHICS, CODES OF CONDUCT AND WHISTLEBLOWING

TITLE	N° EDITIONS	TOTAL HOURS OF DIDACTICS	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIAL
Ethics, Codes of Conduct and Disciplinary Procedures in contractualized public sector	8	80	284	98	186	106	178
ANAC code of conduct and new Disciplinary Procedure after Madia Law n. 124/2015 and anti-corruption law n. 190/2012: power, responsibility and management of the procedure	3	18	256	111	145	0	256
Whistleblower	1	6	37	17	20	4	33
<b>TOTAL</b>	<b>12</b>	<b>104</b>	<b>577</b>	<b>226</b>	<b>351</b>	<b>110</b>	<b>467</b>



## PUBLIC CONTRACTS

### LEARNING CATALOGUE

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Management of Companies into Administration	1	18	19	10	9	18	1
New legal discipline for procurement and grant contracts	2	160	99	42	57	16	83
Degree of expert in public procurement	1	120	43	23	20	11	32
<b>TOTAL</b>	<b>4</b>	<b>298</b>	<b>161</b>	<b>75</b>	<b>86</b>	<b>45</b>	<b>116</b>
<b>TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS</b>							
TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
MIT - (Ministry of Infrastructures and Transport ) authority for Public Works for Lazio, Abruzzo and Sardinia - "Procurement and construction contracts" - Rome edition	1	8	80	47	33	4	76
AICS (Italian Agency for Cooperation and Development) Training Program on Public procurement and grant contracts	1	18	13	4	9		13
<b>TOTAL</b>	<b>2</b>	<b>26</b>	<b>93</b>	<b>51</b>	<b>42</b>	<b>4</b>	<b>89</b>



### TRANSPARENCY AND F.O.I.A.

LEARNING CATALOGUE							
TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
General Access regulation ( FOIA): required instruments for a correct implementation in Public Administrations	1	28	39	11	28	9	30
General Access regulation ( FOIA): required basic instruments for a correct implementation from administrative departments	2	12	48	22	26	48	0
<b>TOTAL</b>	<b>3</b>	<b>40</b>	<b>87</b>	<b>33</b>	<b>54</b>	<b>57</b>	<b>30</b>



<b>TAILOR-MADE TRAINING PROGRAMS UNDER SPECIFIC AGREEMENTS</b>							
<b>TITLE</b>	<b>N° EDITIONS</b>	<b>TOTAL HOURS DIDACTIC</b>	<b>TOT PARTICIPANTS</b>	<b>MALE</b>	<b>FEMALE</b>	<b>EXECUTIVES</b>	<b>OFFICIALS</b>
MAECI (Ministry of Foreign Affairs and International Cooperation) Italian FOIA and administrative transparency: instruments for a correct application of general access	1	7	17	7	10	2	15
AICS (Italian Agency for Cooperation and Development) Transparency and anti-corruption	2	12	68	17	51	1	67
<b>TOTAL</b>	<b>3</b>	<b>19</b>	<b>85</b>	<b>24</b>	<b>61</b>	<b>3</b>	<b>82</b>



### PROGRAMS ON ETHICS AND CORRUPTION PREVENTION IN MANDATORY TRAINING COURSES

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
MIN INT - V biennial training program of personnel in prefecture career	1	26,5	38	16	22		38
MIN INT - procurement of services and supplies	1	7	82	5	77	16	66
MIN INT - XXX training course for access to the title of Deputy Prefect	1	17	27	7	20	27	0
MIN INT - XXXI training course for access to the title of Deputy Prefect	1	33	33	13	20	33	0
MEF - Training program for 179 recruit officials	1	90	169	63	106	0	169
MEF - Training program for 40 recruit officials	1	24	37	10	27	0	37
Training program for 34 recruits official at Corte dei Conti (Court of Auditors)	1	12	32	8	24	0	32
26° cycle executive career	1	20	26	15	11	26	0
Training program for on trial Secretaries of Legation	1	8	36	24	12		
Professional Refresher Course for Secretaries of Legation	1	10	19	16	3		
"Corruption Prevention and transparency" - preposting for personnel leaving for abroad service	2	4	100				
<b>TOTAL</b>	<b>12</b>	<b>251,5</b>	<b>599</b>	<b>177</b>	<b>322</b>	<b>102</b>	<b>342</b>

### TOTAL COURSES DELIVERED IN CLASSROOMS

	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
<b>TOTAL</b>	<b>59</b>	<b>1061</b>	<b>2371</b>	<b>939</b>	<b>1332</b>	<b>502</b>	<b>1714</b>



### TOTAL COURSES IN E-LEARNING

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC	TOT PARTICIPANTS	MALE	FEMALE	EXECUTIVES	OFFICIALS
Generalist program for public employees (e-learning)	1	6	4488				
Generalist program for public executives (e-learning)	1	6	291				
Specialist program for officials and Subjects Responsible for the Prevention of Corruption (e-learning)	1	21	172				
<b>TOTAL</b>	<b>3</b>	<b>33</b>	<b>4951</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



**2018**

**ANTI-CORRUPTION AND RISK MANAGEMENT**

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC
Redaction of the Three Year Plan for the Prevention of Corruption	3	126
Corruption Prevention in Public Administrations	8	96
Integrative workshops to the course: Corruption Prevention in Public Administrations	20	120
Functions of Subjects Responsible for the Prevention of Corruption - basic course	9	216
Functions of Subjects Responsible for the Prevention of Corruption - advanced course	7	168
Planning and implementation of training programs as prevention measure	6	72
Funcions and role of OIV (Independent Bodies for Assessment)	4	48
<b>TOTAL</b>	<b>57</b>	<b>846</b>

**ETHICS, CODES OF CONDUCT AND WHISTLEBLOWING**

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC
Whistleblowing	4	24
Ethics, Codes of Conduct and Disciplinary Procedures in public sector	8	80
<b>TOTAL</b>	<b>12</b>	<b>104</b>

**PUBLIC CONTRACTS**

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC
Degree of expert in public procurement	3	360
New Procurement Code	3	108
Service and Supply Procurement in First Aid and Acceptance Posts for foreigners (CPSA)	1	32
Economic Analysis of Public Contracts	2	24
Management of Companies into Administration	2	36
<b>TOTAL</b>	<b>11</b>	<b>560</b>



### TRANSPARENCY AND F.O.I.A.

TITLE	N° EDITIONS	TOTAL HOURS DIDACTIC
General Access regulation ( FOIA): required instruments for a correct implementation	3	75
Italian FOIA and administrative transparency: instruments for a correct application of general access	4	24
Management of FOIA issues and Access Register: technical and operational issues	3	18
<b>TOTAL</b>	<b>10</b>	<b>117</b>

### TOTAL COURSES DELIVERED IN CLASSROOMS

	N° EDITIONS	TOTAL HOURS DIDACTIC
<b>TOTAL</b>	<b>90</b>	<b>1627</b>



## **DESCRIPTION OF THE ITALIAN MEASURES/STEPS ADOPTED TO ENSURE FULL COMPLIANCE WITH PROVISIONS OF THE CONVENTION AND IN PARTICULAR TO ADOPT, MAINTAIN AND STRENGTHEN SYSTEMS THAT PROMOTE TRANSPARENCY AND PREVENT CONFLICT OF INTEREST**

### **Conflict of interest standards**

Italian legislation in matter of conflict of interests is concentrated on the achievement of the following objectives.

First of all, it has the aim of prohibiting the access to public offices to the holders of particular private interests. In this framework, reference is made to the discipline related to political offices (Legislative Decree no. 235/2012 implementing the Law no. 190/2012), and the one related to administrative offices in public administrations and private entities under public control (provided for in Legislative Decree no. 39/2013).

With regard to the holders of government offices, the relative discipline is contained in Law no. 215/2004 whose supervision is on the Antitrust Authority.

A further aim is avoiding holders of public offices to be involved in private businesses, reason why the principle of exclusivity of business relationship with the public administration applies and can be overcome only through specific authorization (according to art. 53 of Legislative Decree no. 165/2001).

According to the principle of exclusive service, stated under art. 98 of Italian Constitution “public employees are at the exclusive service of the Nation”, which is to say that public employees should abstain from providing services for their own personal interest or for that of the political party which they belong to.

Italian law does not provide one general definition of Conflict of interest, but there are several provisions, both in the Constitution and in other laws and regulations, that directly deal with potential conflict of interest situations.

Therefore, regarding the Italian law:

- Provisions on conflict of interest shall apply to public employees (general category including: elected and not elected public officials; civil servants; judges; MPs and members of the Government; as well as other public office holders);
- Cases of conflict of interest are defined by the law; there are different provisions for different categories of public employees;
- Conflict of interest also deals with incompatibility and disqualification (*incompatibilità*). This is to say that the discipline of conflict of interest is specified in cases in which the role of public employee cannot be accepted all (*incompatibilità*) or can be accepted only if the person chooses to divest from the incompatibility (for example, terminating or dismissing the position in conflict);
- Detecting and regulating cases of conflict of interest is a preventive measure;
- The criminal code also provides for specific offences when administrative office is used to gain unjust material advantage for public office holders or persons associated with them;
- Incompatibility: aims at preventing the continuation of the administrative mandate who is in

particular situations of conflict;

- Disqualification (*Inconferibilità*): it is a general preventive measure (the illegitimate behavior is avoided ex ante through the prohibition to accept the office).

According to the complex Italian legal framework, it is possible to distinguish three main areas to take into account: 1) Public Administration; 2) Judiciary; 3) Members of the Parliament and of the Government. There are different and specific legal provisions. for each of these areas, and within each of these areas it is possible to distinguish different categories of individuals.

a) Responsible for Administrative Procedure and executives:

The article 6 bis of law 241/90 on “conflict of interest” provides that:

The Responsible of the administrative procedure and the Responsible of the offices (the executives) in charge of advices; technical evaluations; internal acts and final acts should abstain in case of conflict of interest and signal it (introduced in Chapter II of Law n. 241/1990 on Administrative procedures by art. 1 , paragraph 41 of Law n. 190/2012);

b) Top-executive public officials; administrative officials (Managerial positions) (Legislative decree n. 39/2013 (adopted due to the provisions of art. 1 , paragraph 49 of Law n. 190/2012)).

- impossible (*inconferibile*)

- not compatible

(prohibition to discharge other public or political office)

c) Elected or appointed public officials in political decision-making bodies at a regional or local level

- d.lgs. 39/2013 (adopted due to the provisions of art. 1 , paragraph 49 of Law n. 190/2012)

- not conferrable (art. 7);

d) Top-executive public officials in Local Health Authorities

- Impossibility (art. 7)

- d.lgs. 39/2013 gives provisions on roles that cannot be mandated to by the Officials namely indicated in the abovementioned letters b), c) d): Members of the Government; Ministries; Vice Ministers; State Secretary; parliamentarians. On the contrary, Members of the Government; Ministries; Vice Ministers; State Secretaries; MPs cannot be at the same time in charge of one of the public office listed under the abovementioned letters b), c) d).

e) Civil Servant - Public Procurement: art. 42 d.lgs. 50/2016 (Conflict of interest)

“There is a conflict of interest when the staff (civil servants) of a Contracting Authority or a service provider who, also on behalf of the contracting Authority, intervenes in the performance of the award procedure and the concessions or may in any way influence the outcome”

In the Italian system it is necessary to distinguish between Substantial and Formal conflict of interest.

1. Substantial conflict of interest does not refer to cases described by the law, so the conflict of interest must be detected on the basis of the conduct of the Official, taking into account indications provided by the General Conduct Code of Public officials and civil servants (D.P.R. 62/2013), as well as more detailed indications that should be provided by specific Code of Conduct of each public administration.

2. Formal conflict of interest (incompatibilities) refers to specific legal provisions of d.lgs. 39/2013, which describes conducts that by nature are considered as an explicit conflict of interest. So in this case it is not necessary to detect if effective conflict of interest occurs in practice, because it is enough to verify that the Official is in the position described by the law.

### ***Transparency and publicizing of conflict of interest standards***

The whole regulatory framework on conflict of interests is supported by duties of conduct and requirements of reporting and transparency.

The discipline on administrative transparency in Italy serves different purposes and aims.

Transparency is mainly seen as full accessibility to the data and documents held by the public administrations, for the purpose of protecting the fundamental rights of citizens, promoting the participation of any interested party in the administrative activities and fostering widespread forms of control on the pursuance of the institutional functions and the use of public funds.

Moreover, the obligation to publish some data on the websites of public administrations is aimed at disclosing possible conflicts of interest between the public duty and private interests of a public official. To this end, the Italian legislator has provided for different dispositions summarized below.

With reference to incompatible duties or which cannot be conferred within public administrations and private entities under public control, pursuant to article 20 of Legislative Decree no. 39/2013 both statements on the groundlessness of causes of non-conferrable status submitted at the time of the conferment of the positions indicated in the decree and statements on the groundlessness of one of the causes of incompatibility referred to in the decree are published on the website of the public administration, public body or entity governed by private law under public control that confers the assignment.

Having ANAC indicated to public administrations to accept only statements with a detailed list of all assignments carried out (Resolution n. 833/2016), the publication on the web site consents a general public scrutiny over all the activities performed by subjects holding managerial posts and administrative responsibility in public administrations, public bodies and entities governed by private law under public control.

To disclose the involvement of public officers in private businesses the article 18 of the Legislative Decree no. 33/2013 requires public administrations to publish all the appointments granted or the authorizations given on their websites, with an indication of the term of office and the remuneration owed to them for each appointment.

To make known possible conflicts of interest of holders of political offices, article 14 of the Legislative Decree no. 33/2013 requires that public administrations publish their income and asset declarations (refer to no. 335). The legislative decree no. 97/2016, amending the article 14 of the Legislative Decree no. 33/2013, extended the asset and income disclosure of holders of political offices also to senior civil servants.

Data and information to be published consists of: a statement on real rights on immovable properties and movable properties recorded in a public register, ownership of company shares and equity participations, ownership of companies, any company directorships or posts as internal company auditors, a copy of the latest tax return.

However, the duty of senior civil servants to publicly disclose income, assets and financial data has been challenged in March 2017 by some officials as violating the Italian Constitution and the

European law, in particular the right to privacy, the protection of personal data and the principle of proportionality. As a consequence the publication of income and asset declarations has been suspended for all senior civil servants until the delivery of the judgment of the Constitutional Court.

Article 15 of the Legislative Decree no. 33/2013 ensures transparency of potential conflicts of interest of outside contractors and consultants of public administrations. It provides the publication on the website of the same administration engaging them of: a) details of their deed of appointment (object and term); b) curriculum vitae; c) any data concerning the performance of tasks or any office held in private entities regulated or financed by the public administration, or the performance of professional activities; d) remuneration, however named, related to their consultancy or collaboration relationship, especially the variable components of it, if any, or the components related to the assessment. Public administrations publish the data within three months from the appointment and for the three years following the termination of the office.

Some of the above listed data (recipients, reason for their engagement, amount disbursed) are also published centrally by the Office of the President of the Italian Council of Ministers - Department for public administration (pursuant to article 53, paragraph 14, second sentence, of Legislative Decree 30 March 2001 no. 165). The Department allows the consultation of the data by name.

Finally, it has to be pointed out that article 15-bis of the Legislative Decree no. 33/2013 is a tool to detect conflicts of interest of collaborators and consultants of companies under public control and companies under extraordinary administration. It provides the publication, within 30 days from the appointment, and for two years following their termination, of the following information: a) details of their deed of appointment, object of their work performance, reason for their appointment and the relevant term; b) curriculum vitae; c) remuneration, however named, related to their collaboration or consultancy relationship, as well as to professional appointments, including those of arbitrators; d) type of procedure followed for selecting the contracting party and the number of participants in the procedure.

### ***Regulation of the outside activities of a public official***

Article 17 of the “Code of conduct for the public employees” (Presidential Decree no. 62/2013) contains provisions aimed at promoting the knowledge of code of conducts throughout the public service, including the measures related to conflict of interest. Public administrations are required to publish the National Code of conduct and the specific Code adopted internally which supplements and sets out in more detail the National Code of Conduct on their websites and on the intranet; to send the Codes via email to all their employees, external collaborators, consultants, holders of political offices and holders of positions of direct collaboration within political offices and to collaborators of companies providing services to the administration. A copy of the code of conduct is also delivered to employees who sign it at the time of recruitment. Moreover, the knowledge of the measures on conflict of interest is also promoted within the staff training activities on the correct application of Codes of conduct held each year by public administrations to verify the state of implementation of the Codes, as required by Law no. 165/2001 as amended by Law no. 190/2012.

In the National Anticorruption Plan 2015 ANAC designed a stronger transparency regime for conflicts of interest of some specific categories of personnel of the National Health Service. The subjects included are those with functions implying responsibilities in the management of resources, subjects with powers in the decisional processes related to medicinal products, medical devices, other technologies, research, experiment and sponsorship. A standard format for the declaration of activities/interests/relations has been provided to be filed and published annually.

In order to understand the actual implementation of the provisions, it is necessary to distinguish different cases of conflict of interest. In cases in which a situation is predetermined by dispositions provided for by the law (so-called presumption), there is no discretion in determining the conflict of interest (for instance, the hypotheses of incompatibility and non-conferrable status contained in Legislative Decree no. 39/2013). The subject in charge of the assessment is the Manager for the prevention of corruption and transparency, art. 15 of the Legislative Decree n. 39/2013.

For cases which are not explicitly considered by the law, reference is made to art. 6 bis of Law 241/1990. Additional dispositions on the matter are contained in the Presidential Decree n. 62/2013 and in the codes of conduct of the single public administrations. It is on the hierarchical superior to assess the conflict of interest.

The determination of a conflict of interest by a head of an office for a subordinate is taken considering the criteria included in the legislative framework described for the conflicts of interest. The criteria are assessed in order to determine whether a conflict exists. The decision is not left to a purely discretionary determination of the head of the office. To sum up, the decisions are not purely discretionary but they always refer to legal basis.

Also, ANAC has supervisory and sanctioning powers, as introduced, respectively, by art. 16 of the Legislative Decree n. 39/2013 and the law n. 114/2014.

### ***Incompatibility causes and disqualifications***

A set of incompatibility causes to hold a parliamentary mandate and other offices is directly defined by the Constitution or by constitutional laws: incompatibility between the office of Member of the Chamber of Deputies and Member of the Senate (Constitution, article 65, second paragraph), between President of the Republic and any other office (Constitution, article 84, second paragraph), between Member of Parliament and member of the High Council of the Judiciary (Constitution, article 104, last paragraph), between Member of Parliament and Regional Councillor or Executive (Constitution, article 122, second paragraph), between Member of Parliament and Judge of the Constitutional Court (Constitution, article 135, sixth paragraph).

Article 65, first paragraph, of the Constitution, states that the Law shall determine any other causes of incompatibility.

General provisions on this matter were set out by Law no. 60 of 13 February 1953, providing for incompatibility between parliamentary offices and Government or State Administration offices, positions in associations or authorities managing services on behalf of the public administration, or receiving public funds, positions in joint-stock companies with a prevailing financial activity. Subsequent specific legislative provisions clarified and confirmed such general incompatibility criteria for some specific offices.

Furthermore, any office as member of the Chamber of Deputies or Senate, or member of the Government, is incompatible with the office of member of legislative assemblies or executive bodies, both national and regional, in Foreign Countries (Law 60/1953, article 1-bis, as added by article 10, Law 459/2001).

The overlapping of parliamentary mandate with other offices is also prohibited under specific provisions contained in ordinary laws, including Law no. 78 of 27 March 2004, stating the incompatibility between the office of Member of the European Parliament and the office of Member of the Chamber of Deputies and Senate.

The Decree-Law no. 138 of 13 August 2011 (converted into Law no. 148 of 14 September 2011), article 13, paragraph 3, also provides for the incompatibility between the office of member of the Chamber of Deputies and of the Senate, as well as Government offices, with any other public-elected monocratic office for territorial governing bodies of public authorities having, on the date of appointment or in which elections are announced, a population exceeding 15,000 inhabitants.

In the end, a set of incompatibility causes was introduced by legislative decree no. 39 of 2013, enacted in the scope of implementation of one of the delegated laws under the anticorruption law (Law no. 190 of 2012).

In particular, the incompatibility between the office as Member of Parliament and the following offices is set out for:

- Top administrative offices (secretary general, head of department, director general, and similar ones) in state, regional and local administrations, as well as managerial offices in national, regional and local public authorities (article 11, paragraph 1)
- Managerial offices in public administrations, public authorities, and in private organisations under public control (article 12, paragraph 2)
- Chairman and Chief Executive Officer of national, regional and local private organizations under public control (article 13, paragraph 1)
- Director General, medical director and administrative director in Local Health Authorities (article 14, paragraph 1).

The Members of Parliament shall notify the President of their relevant Chamber any offices held with a view to assessing eventual causes of incompatibility. In case of incompatibility, a Member of Parliament shall choose between the parliamentary mandate and the office deemed incompatible.

A series of disqualifications are set out in the regulations in force, applying to electoral candidacy as members of parliament.

In particular, legislative decree no. 235 of 31 December 2012 includes the Consolidated Law on disqualification and prohibition to hold elective and Government offices following final judgements of conviction for non-culpable offences.

This provision was enforced by the Government under the delegated power set out in article 1 of Law no. 190 dated 6 November 2012; among its guiding principles, this law sets out the temporary disqualification of those convicted for some specific offences, being understood the provisions of the criminal code on the permanent disqualification from holding public offices.

The text provides for the disqualification from the Chamber of Deputies and the Senate, besides stating that those who were convicted through a final judgment, also in case of application of penalties upon request of the parties (the so-called plea bargaining procedure) under article 444 et seq. of the code of criminal procedure, for three classes of final judgments relating to non-culpable, perpetrated or attempted offences, shall not - in any - case stand for election.

The first category concerns prison sentences exceeding 2 years for the offences under article 51, paragraphs 3-bis and 3-quater of the Code of Criminal Procedure.

Paragraph 3-bis refers to the following types of offences falling within criminal association:

- article 416, paragraph 6, Criminal Code (criminal organisation aimed to perpetrate offences including trafficking and slavery or servitude, or purchase or selling of slaves, as well as trafficking in illegal migrants);

- article 416, paragraph 7, criminal code (criminal organisation aimed to perpetrate sexual offences against minors, or to perpetrate sexual violence against minor, sexual activities with minors or gang rapes against minors, or to perpetrate offences including solicitation of children);
- article 416, criminal code, to perpetrate the offences provided for under articles 473 and 474 (criminal organisation aimed to perpetrate offences including counterfeiting and marketing of products with fake marks);
- article 416-bis, criminal code (mafia association), including all the offences perpetrated under the conditions provided for in article 416-bis above, or to facilitate the activities under said article;
- article 74 Consolidated Law on drugs (organisation aimed to the illicit traffic in narcotic drugs and psychotropic substances);
- article 291-quater Consolidated Law on customs (criminal organisation aimed to tobacco smuggling).

Paragraph 3-bis adds to the offences above the trafficking in human beings and the placing and holding individuals in conditions of slavery or servitude, or the trade in slaves (articles 600, 601 and 602 of the criminal code), kidnapping for ransom or reward (article 630 criminal code), bargaining of votes between politicians and members of Mafia (article 416-ter Criminal Code) and organised offences for the illegal traffic of waste (under article 260 of the Environmental Code, Legislative Decree 152/2006).

Paragraph 3-quater concerns offences, not listed in the Code, aiming to terrorist activities.

The regulatory provision includes both the typical offences perpetrated by the organised crime (i.e. criminal association with purposes of terrorism including international terrorism, or subversion of the democratic order, ex article 207-bis, Criminal Code), and any common offences aggravated by the purposes of terrorism, defined under article 270-sexies of the criminal code.

The second category is represented by prison sentences exceeding 2 years for the offences under Book II, Title II (Offences against the Public Administration), Head I (Offences by public officials against the Public Administration) of the criminal code, made up of articles from 314 to 335-bis.

The third category - for which the Code is not exhaustive, as there are at least 400 special laws providing for particular criminal cases - concerns the cases of prison sentences exceeding 2 years for the offences for which imprisonment is imposed for at least 4 years under article 278 of the Code of Criminal Procedure. This article defines the determination of the penalty for the purpose of defining the supervision measures to be imposed.

The assessment of disqualification is carried out on the occasion of the submission of the lists of candidates and within the deadline set for their acceptance.

Such assessment is performed by the Central Constituency Office - for the Chamber of Deputies - and by the Regional Electoral Office - for the Senate - and by the Overseas Constituency - for the Members of Parliament to be elected abroad -, on the basis of the statutory declarations stating the absence of the disqualification condition, made by each candidate under article 46 of the Consolidated Law as per Presidential Decree 445/2000 on administrative documentation.

The electoral offices assess the disqualification condition also on the basis of the documents at their disposal, attesting their right to stand as candidates.

In case of appeals against the decisions on the assessment of disqualification, article 23 of the Consolidated Law for the Election to the Chamber of Deputies applies.

In case of disqualification either intervened or assessed after the submission of lists, and before the announcement of elected members, the relevant electoral offices (the Central Constituency Office - for the Chamber of Deputies - and by the Regional Electoral Office - for the Senate - and by the Overseas Constituency - for the Members of Parliament to be elected abroad) perform a statement of non-proclamation towards the disqualified subject.

In case a cause for disqualification either intervenes or is assessed during the elective office, the Chamber of which he or she is a member decides during the credential verification phase, in compliance with article 66 of the Constitution, according to which each House of the Parliament decides the qualifications for admission of its members and subsequent causes of ineligibility and incompatibility. To this end, the final convictions entailing disqualification, issued against members of parliament currently in office, are immediately notified to the relevant Chamber by the public prosecutor at the executing judge (article 665 Code of Civil Procedure).

In case the assessment of disqualification intervenes in the phase of validation of the candidates elected, the Chamber involved, also while waiting for the completion of such phase, immediately resolves on the non-validation.

In case of a vacant seat, the relevant Chamber, while validating the membership of the successor, assesses the absence of disqualification conditions of the latter.

As regards the duration of disqualification for the mandate of Members of Parliament, it is effective as from the date in which the judgment becomes final and is in force for a period corresponding to the double of the duration of the ancillary penalty of temporary disqualification from holding public offices imposed by the judge. In any case, also without an ancillary penalty, the disqualification has a minimum duration of six years.

The period of disqualification increases by one third in case the offence that determines the disqualification is perpetrated through an abuse of powers or in breach of the duties related to the elective office.

The decision of rehabilitation of the sentenced person represents a cause of early termination of disqualification, whereas the eventual revocation of the rehabilitation decision entails the recovery of disqualification for the remaining period of time. Furthermore, the disqualification is terminated in case of “anti-mafia” rehabilitation as per article 70 of Legislative Decree 159/2011, the so-called Anti-Mafia Code.

Lastly, the mayors and the presidents of provinces considered as liable for the financial difficulties (bankruptcy) of the relevant local authority shall be disqualified for ten years for the national and European Parliament, for any elective offices as mayor, president of province, president of regional executive council, and as member of municipal councils, provincial councils, and regional committees and councils (Legislative Decree 267/2000, article 248, paragraph 5, as amended by Legislative Decree 149/2011, article 6, paragraph 1, and by Legislative Decree 174/2012, converted into Law 213/2012, article 3, paragraph 1, letter s).

### ***Limitation to the official actions of a public official***

For cases of conflict of interests that are not explicitly considered by law, reference is made to art. 6 bis of the law 241/1990. This article on “conflict of interest” provides that:



The Responsible of the administrative procedure and the Responsible of the offices (the executives) in charge of advices; technical evaluations; internal acts and final acts should abstain in case of conflict of interest and signal it (introduced in Chapter II of Law n. 241/1990 on Administrative procedures by art. 1 , paragraph 41 of Law n. 190/2012)

In order to avoid that holders of public offices can be influenced by a private interest in their decisions, in 2013 the Presidential Decree n. 62/2013 - “Code of conduct for the public employees”- has been issued. This Decree contains rules and provisions that in general terms contribute to contrast the phenomenon of bribery.

The code defines the standard of conduct of due diligence, loyalty, impartiality and proper conduct public officials have to comply with. The code establishes general principles of conduct, replying those ones settled within the Constitution and specifying them, for instance by addressing the duty of abstention in case of conflicts of interest. The code also outlines the issues of gratuities, establishing a general principle according to which public officials are not allowed to receive gratuities due to the risk of corruption of the public function they exercise. The codes also establish that public officials have to fully comply with the anti-corruption plan adopted by the public administration he belongs to as well as with the transparency legal framework. The violation of the provision settled by the code, moreover, is a basis for disciplinary measures against the public official who has breached it. The public bodies have to adopt specific codes of conduct for their own sake, in compliance with the Constitutional provision and the National code of conduct for public officials. The code includes a section dedicated to senior civil servants

The Code of Conduct of public officers (Presidential Decree n. 62/2013) provides, in art. 6, that the employee shall inform the senior civil servant of his office about all the business relationships, whether direct or indirect and in any way remunerated, he has undertaken during the last 3 years, specifying detailed provisions also for his relatives and/or subjects who have or may have an interest in the activity related to the office.

Furthermore, the employee shall disqualify himself from participating in certain matters which may create a situation of conflict of interest, even if potentially, on issues of any nature.

In the perspective of differentiation, following the enactment of Presidential Decree n. 62/2013, "Regulations on the code of conduct for civil servants, in accordance with Article 54 of Legislative Decree n. 165 of 30th March 2001", the Authority, following a series of meetings with entities and after consulting with them, adopted Resolution n. 75/2013 "Guidelines on codes of conduct for the public sector", according to which entities should proceed with the adoption of individual codes of conduct. The guidelines aim at creating the conditions for the preparation of differentiated codes depending on the particularities of each administration, thus avoiding that the codes themselves are resolved, as already happened in the past, on the basis of previous legislation, in a generic and not very useful repetition of the contents of the general code.

The Italian system is grounded in two different levels of Codes of Conduct: the General Code and the individual code of each public entity. All these codes have specific juridical consequences, i.e. the application of disciplinary sanctions.

The National Anti-corruption Law, Article 1, p. 44, establishes that each public body shall define own code of conduct, according to the general principles of the Code issued by the Presidential Decree n. 62/2013 and the guidelines of the ANAC, with an open procedure for participation after obtaining the mandatory opinion of its own independent evaluation body. The code of conduct of each public administration supplements and sets out in more detail the Code of conduct. Further specific incompatibilities or cases of conflict of interest, related to the activities and organization of the public body, can be added

The same law establishes that the Authority defines guidelines and uniform standard form of the codes of conduct, related to the different typologies of public administrations and individual sectors of activities.

The managers responsible for each structure, the internal control structures and the disciplinary offices oversee the application of the codes of conduct.

The ANAC monitors compliance with the obligation of the adoption of the codes of conduct. The procedures of the Authority are established in the own regulatory acts on the supervisory and sanction powers.

### ***Criminal, administrative or other sanctions where public officials do not comply with applicable conflicts of interest regulation***

Art. 16 of Presidential Decree n. 62/2013 lays down the rules related to the responsibility caused by the violation of the code of conduct, identifying 4 main types of responsibility: penal, administrative, civil and, first of all, disciplinary.

Sanctions applied shall respect the principle of proportionality and be based on a gradual approach. They are contained in laws, regulations, collective agreements and may provide from the simple disciplinary reprimand up to the dismissal without notice.

It is on the office dedicated to disciplinary proceedings of the administration itself to deal with the issue, supported by the supervision of the Department of Public Service. ANAC is not involved in this sense.

Sanctions are defined by the Consolidated Law on Public Employment (Legislative Decree 165/2001) and by the National Collective Labor Contracts. The National Collective Labor Contracts provide for the following types of sanctions that apply according to the principle of proportionality with the violation committed:

- verbal or written reprimand;
- fine of equal amount variable up to a maximum of four hours of salary;
- suspension from the service without salary for up to ten days;
- suspension from the service without salary from a minimum of 11 days up to a maximum of 6 months (from the 11th day, payment of 50% of the salary);
- dismissal with or without notice.

Pursuant to art. 55 bis, paragraph 4 of the Legislative Decree. 165/2001, public administrations are required to transmit data relating to the sanctioning procedures activated to the “Inspectorate for the public administration”. The information received is collected in a database which shows, for each administration, the number of proceedings initiated, those suspended due to pending criminal proceedings, those concluded and those archived, as well as the sanctions applied, divided into:

- minor penalties (lower than the suspension from the service);
- suspension up to 10 days;
- suspension over 10 days;
- dismissal.

### ***Training about conflict of interest regulations***

Law 190 of 2012 assigns to SNA (first called High School of Public Administration and then SNA - National School of Administration), as the sole subject appointed to state public education, pursuant to Article 21 of Decree Law No. 90/2014 converted into L no.114 / 2014, which abolished the schools of the Ministries of the Interior, Defense, Foreign Affairs and Economics and Finance and the related functions transferred to the SNA) the role of referent for the anti-corruption training of employees of public administrations state.

Education programs and trainings are considered to be part of the measures of prevention of corruption that all administrations have to include in their Triennial Corruption Prevention and Transparency Plans (PTPCT).

The SNA organizes and delivers, either in standard classroom mode, e-learning or blended, catalog for all public employees or on agreement with individual administrations in compliance with the provisions contained in the related PTPCT, training courses specifically dedicated to the implementation of the corruption prevention system to promote the integrity of public employees and the application of the code of conduct legislation.

In order to make the educational offer as appropriate and coherent as possible with the specific needs of the administrations, the training courses are subdivided into four sub-groups:

- a) Anti-corruption and Risk Management Area
- b) Ethics, codes of behaviour, whistleblowing
- c) Public Contracting Area
- d) Ethics and anti-corruption modules included in the initial training courses (management competition course, legation secretaries, prefecture advisers) or compulsory (vice-prefects, legation counselors).

### ***Information on government processes whit a higher risk of conflict of interest***

The public contract area has a highest risk of conflict of interest.

The Code of Public Contracts (Legislative decree n. 50/2016) identifies (article 213) ANAC as the responsible entity for the supervision and regulation of public contracts, to ensure compliance with the principles of transparency, legitimacy and competition of the operators in the public procurement market, in order to prevent corruption. So the whole strategy of corruption prevention is now concentrated in one single institution.

The creation of a unique safeguard for the protection of legality in public management comes from the need to attempt to control a highly economic and strategic sector, exposed more than any other to the risk of penetration by illegality and maladministration.

The Authority achieves its goals by mainly fulfilling a regulatory activity of the sector - also including an advisory function, in order to prevent disputes -, and supervising activity, along with inspection and sanctioning powers. These competences are followed by an important monitoring activity through the collection of data on tenders and on the companies operating in the sector: for this purpose an Observatory for public contracts operates. These data are made public through the institutional website, in order to increase the transparency of the market.

In particular, in order to situations of conflict of interest, the article 42 of Legislative Decree 50/2016 provides that:

For the Civil Servant in Public Procurement there is conflict of interest if he/she has, directly or indirectly, a financial, economic or other personal interest which may be perceived as a threat to its

impartiality and independence in the context of the procurement or concession procedure. In particular, it constitutes a conflict of interest a situation which impose the obligation of abstention provided for in article 7 DPR 62/2013.

***Duties and responsibilities of the specialized staff or bodies given responsibility to strengthen transparency and prevent conflicts of interest in government***

The Anti-Corruption Law introduces a system of integrity risk assessment and risk management measures based on the model proposed by Legislative Decree 231/2001. In addition, the Law requires that each public administration should establish a prevention plan devoted to, on one hand, assess the degree of risk of corruption's exposure and, on the other hand, draw tailor-made organizational measures as to mitigate such risks.

Each public administration should adopt a Triennial Corruption Prevention and Transparency Plans (PTPCT) based on the PNA adopted by the National Anti-Corruption Authority. The PTCPT analyses and estimates any specific administration's risk of corruption and indicates appropriate preventive measures also in order to prevention conflicts of interest. To be effective, the PTCPT must contain appropriate targets and adequate measuring indicators.

Annually the Manager responsible for the prevention of the corruption proposes the PTPCT for adoption by the political organ of his administration, verifies its correct implementation and its suitability, as well as reports the results of his activity.

The Manager responsible for the prevention of the corruption can be sanctioned if the organization is convicted for corruption, unless he/she proves that the anti-corruption plan was "diligently implemented".

***Description of the institutional structure and procedures to oversee the compliance with conflict of interest legislation and apply respective sanctions.***

The Manager responsible for the prevention of the corruption supervises the correct application of the provisions concerning conflicts of interest and informs the competent bodies of any violations.

***Measures aimed at preventing conflicts of interest concerning former public officials in private entities (pantouflage)***

The article 53 of Legislative Decree no. 165/2001 aims to avoid holders of public offices to be involved in private businesses and in situations of conflict of interests even when employment is terminated.

The revolving doors discipline (also called pantouflage) provides for the limitation of negotiating power with private parties for a certain defined period after the termination of public service. In fact, the employees that, in the last three years of service, have practiced authoritative and negotiating power on behalf of the public administrations, in the three following years to the cessation of the relationship of public employment, cannot take up professional activity with private subjects, beneficiaries of public administration's activity through the same powers. The concluded

contracts and the charges conferred in violation of the revolving doors discipline are void and private subjects that have concluded or conferred them cannot bargain over with the public administrations for the following three years, with the additional obligation of returning remunerations eventually received.

### **1. THE ACTIONS REQUIRED TO ENSURE OR IMPROVE THE IMPLEMENTATION OF THE MEASURES DESCRIBED ABOVE AND ANY SPECIFIC CHALLENGES TO FACE**

During the last year there was an increase of the alerts referring to relevant current or potential conflicts of interest in academic sphere.

A report revealed the conflict of interests of a member of a competition committee. Following the analysis of the specific situation, the Authority requested the introduction, in the university ethical code, of abstention obligations for preventing conflicts of interest, especially in the field of competitions.

Other reports have revealed situations of conflict of interests between universities and foundations that finance the university. Following the analysis of the specific situation, the Authority is committed to send a report on the legislative deficiency found.

It would be necessary to regulate the relations between universities and foundations with rules of transparency and to introduce in academic sphere specific abstention rules in the event of a current or potential conflict of interest.

### **2. TECHNICAL ASSISTANCE REQUIRED**

The implementation of the activities indicated requires legislative intervention and the cooperation of various institutional bodies.

## **Information on asset and interest disclosure**

Article 14 of the Legislative Decree no. 33/2013 provides for holders of political offices some transparency measures on asset, interest and financial data. In 2016 the Legislative Decree no. 97, amending the article 14, extended the asset and income disclosure to Executive officials.

The obligation applies to:

- holders of political offices of State, Regions and Local entities ;
- holders of administrative, direction or Government offices, however named, except in the case of appointments without remuneration; holders of management positions, granted for whatever reason, including any appointment granted at the discretion of the political bodies without resorting to public selection processes.

This category includes, e.g., the President and the members of the board of Independent Authorities; the Presidents and the Steering Board of public bodies such as the National Social Welfare Institution (INPS); members of the bodies determining the policy of public controlled companies and controlled private entities (private entities include associations, foundations and any private entity with a budget over €500.000, whose activities has been financed for the most part by public administrations in the last 2 years and with all the members of the administrative body appointed by public administrations);

- holders of management positions, granted for whatever reason, including any appointment granted at the discretion of the political bodies without resorting to public selection processes. This category includes managerial senior positions such as Secretary General, Head of Department, General Manager and any other managerial position, also those conferred on subjects who do not possess the rank of employees of public administrations (external appointments).

However, it has to be pointed out that the disclosure for all the subjects of this category is suspended until the delivery of the judgment of the Italian Constitutional Court. The duty to disclose asset and income data has, in fact, been challenged in March 2017 by some Executive officers as violating the Italian Constitution and the European law, in particular the right to privacy, the protection of personal data and the principle of proportionality.

Public officials, as above identified, are subject to disclose and publish on the websites of the administrations where they hold offices the following information related to their income and asset:

- a) remuneration of whatever type related to the acceptance of the office included the public money spent on business travels and missions;

- b) data related to the acceptance of other offices, both in public and private bodies, and the relevant remuneration received on any ground;
- c) other appointments, if any, remunerated with public money with an indication of the relevant amount;
- d) copy of the latest tax return (annually)
- e) a statement on his/her real rights on immovable properties and movable properties recorded in a public register, ownership of company shares and equity participations, ownership of companies, any company directorships or posts as internal company auditors (within three months from the appointment and then annually to communicate any variation).

The obligation to publish the copy of the latest tax return and a statement on the real rights on immovable properties and movable properties recorded in a public register, ownership of company shares and equity participations, ownership of companies, any company directorships or posts as internal company auditors, also applies to public officials' not separated spouse and relatives within the second degree of kinship, if they have consented to such disclosure. Evidence shall in any case be given in case of lack of consent.

All asset and income declarations are published on the websites of the public administration where the public official holds his/her office. All information is public.

Public administrations publish the data within three months from the appointment and for the three years following the termination of the appointment, except for the information relating to the patrimonial situation and, where permitted, the declarations of the not separated spouse and the relatives within the second degree of kinship, that are published up to the termination of the office or of the mandate. At the expiry of the period of publication, the relevant data and information are accessible with a request under the Freedom of Information Act.

With the resolution no. 241/2017 the ANAC adopted Guidelines for the implementation of article 14 of Legislative Decree no. 33/2013 which requires, inter alia, the publication of asset and income declarations. The Guidelines also include formats for the asset declarations and indicate that the obligation to publish the income declarations is fulfilled with the publication of the same tax return presented to the Revenue Agency or with the tax summary contained in the same tax return.

## **Oversight of transparency and asset disclosure obligations**

From a general point of view, according to the legislative framework, ANAC is in charge of the oversight on the compliance with the transparency obligations (Legislative Decree no. 33/2013 ). To this end it could: perform the monitoring ex officio or following a complaint/report; order to proceed, within 30 days, with the publication of data; apply sanctions for lack/delay of compliance of certain kind of data.

ANAC adopts guidelines to support public administration and all other entities to enforce the provisions on asset and declaration disclosure. It also defines criteria, models and standard schemes for the organization, codification and representation of the documents, information and data object to mandatory publication. Also the oversight activities as well as the sanctioning procedures are codified in specific regulations adopted by ANAC and published in the Italian Official Journal.

Concerning asset declaration obligations (related to holders of political offices of State, Regions and Local entities, public society, etc.; holders of administrative, direction or government offices, etc.),

ANAC controls the correct compliance with the obligation of publication on asset declaration, (Article 14 of the Legislative Decree no. 33/2013) exercising its powers of inspection through request of information, acts and documentation to the public entities and ordering to proceed with the publication of data, documentation, and information required, and applying sanctions in case of lack or delay of the publication.

The reviewing of declarations is requested to the subject obliged to present them by the same public administration which receives the declarations for the publication. It should be reminded that the declarations are made under the personal and penal liability of the signer.

Provisions confer to the ANAC only the power to verify that the information and data published fully respond to the data and information the law requires to be disclosed. It is a review limited to verify the declarations in terms of publication, updating, completeness of information, readiness for consultation. The review is done by the ANAC ex officio or following a complaint.

The same public administration which receives the declarations for the publication is in charge of demanding their correction. In particular the check is carried out by the Manager for corruption prevention and transparency.

Provisions confer to the ANAC only the power to verify that the information and data published fully respond to the data and information the law requires to be disclosed. It is a review limited to



verify the declarations in terms of publication, updating, completeness of information, readiness for consultation. ANAC verifies that all data and information provided by the law are published in the internet website of the monitored administration in the specific section “Transparent Administration”, specifically in the sub-section (holder of political and administrative office positions). In case of request of access, by subjects involved or by other subjects, to document and data related to the oversight process, the access is postponed to the end of the procedure.

Revealing a non-compliance with publication of data for which the legislative decree no. 33/2013 provides an administrative sanction - information related to patrimonial situation, included tax return, the stock detained in companies, shareholdings, compensation related to the appointment- the ANAC verifies the reason for the violation. Information is requested from the Manager for corruption prevention and transparency of the administration and from the Independent evaluation body. If it is found that the holder of the duty has refused to communicate the information required, a sanction from 500 to 10.000 euros is applied to him/her by the ANAC. The related decision is published on the website of the administration or body involved.

A list with the name of all non- compliant subjects is published on the website of ANAC.

Non-compliance with the obligation of publication also constitutes element of evaluation for managerial responsibility related to the administration object of monitoring by ANAC, possible cause of responsibility for damage to the reputation of the administration and are in any case evaluated for the provision of the retribution of result and accessory retribution related to the individual performance of the individuals involved.