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## **Implementation Review Group**

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Agenda item 2

### **Review of implementation of the United Nations Convention against Corruption**

## **Executive summary: Italy**

### **Note by the Secretariat**

The present conference room paper is made available to the Implementation Review Group in accordance with paragraph 36 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (Conference of the States Parties resolution 3/1, annex). The summary contained herein corresponds to a country review conducted in the third year of the first review cycle.



## **Executive summary: Italy**

### **1. Introduction: Overview of the legal and institutional framework of Italy in the context of implementation of the United Nations Convention against Corruption**

Italy signed the United Nations Convention against Corruption (UNCAC) on 9 December 2003 and deposited its instrument of ratification with the Secretary-General on 5 October 2009. International agreements, such as the Convention, rank higher than ordinary laws. Once they have been ratified and have come into effect, they form an integral part of domestic law and override any other contrary provision of such law. Accordingly, the Convention has become an integral part of Italy's domestic law following its ratification by the Parliament and signature by the President of the Republic on 3 August 2009, and entry into force on 4 November 2009 in accordance with Article 68 of the Convention. Italy is a parliamentary democratic republic since 2 June 1946, with a multi-party system and a unitary State, but it recognizes the political autonomy to its twenty regions, which are endowed with legislative and administrative powers.

The Italian legal system, as designed by the Constitution, provides for different types of jurisdiction. Ordinary jurisdiction is exercised by ordinary judges and prosecutors (Article 102 Const.). The Constitution grants the privilege of independence (Articles 101-104 Const.) and self-government of the judiciary through an ad hoc body: the Superior Council of the Judiciary, "Consiglio Superiore della Magistratura". Ordinary jurisdiction is divided into criminal and civil jurisdiction, with criminal proceedings being instituted by a public prosecutor in accordance with Article 107 of the Constitution. Italy has adopted a strict principle of legality in prosecution matters.

The national legal framework against corruption includes the relevant provisions of the Criminal Code and Criminal Procedure Code, the Civil Code, as well as specific legislation on the public sector, money-laundering, and liability of legal persons. Law no. 190/2012 of 6 November 2012 on preventing and combating corruption and illegal activity in public administration introduced several reforms in the legal and institutional framework that strengthened Italy's compliance with the Convention.

The main institutions tasked with preventing and combating corruption in Italy are the judiciary, including the Ministry of Justice, the various law enforcement authorities (Guardia di Finanza, Carabinieri, State Police), the FIU, the ANAC, the AVPC, and the Public Administration Department.

### **2. Chapter III: Criminalization and law enforcement**

#### **2.1. Observations on the implementation of the articles under review**

##### *Bribery and trading in influence (arts. 15, 16, 18 and 21)*

Articles 317 to 321 of the Italian Criminal Code criminalize active and passive bribery of public officials. The elements of promise and offering are specifically covered in Article 322. Article 357 of the Criminal Code provides the definition of public officials, defined as those who perform legislative, judicial or administrative public functions. Italian jurisprudence interprets "public function" to the widest possible extent and may also include employees of public enterprises and companies which have been officially granted licences to perform public services.

Italy criminalizes active and passive bribery of officials of EU and EU MS, through the first paragraph of Article 322 bis, as well as active bribery of foreign officials and officials of public international organizations in relation to the conduct of international business through the second paragraph of Article 322 bis by reference to Articles 321 and 322 of the Criminal Code. Case law has been developed on the interpretation of the concept of foreign officials and officials of public international organizations.

Active and passive trading in influence is criminalized in Articles 346 and 346-bis of the Criminal Code respectively.

Italy has criminalized bribery in the private sector in Article 2635 (Bribery between Private Persons) of the Civil Code. However, prosecution may only be initiated if there is a complaint by the victim or if there has been a distortion in competition.

*Money-laundering, concealment (arts. 23 and 24)*

Italy criminalizes money-laundering and concealment through Article 648-bis (Money-laundering) and Article 648-ter (Use of money, property and advantages of unlawful origin) of the Criminal Code respectively. Article 379 of the Criminal Code (Aiding an offence) covers the element of helping to evade the legal consequences of the commission of corruption offences as required by article 23, paragraph 1(a) (i) of the Convention. Article 648 of the Criminal Code (Receiving of stolen property) covers the elements required by Article 23, paragraph 1 (b) (i)). Elements envisioned in article 23 (b) (ii) (i.e., participation, association, conspiracy to commit, aiding, abetting, facilitating and counselling) are covered by Article 56 (Attempted crime), Article 110 (Punishment for those who participate in an offence) of the Criminal Code. Self-laundering is not criminalized under Italian law, which was noted as one of the practical shortcomings of the current legislation.

Italy uses “all crimes approach” for predicate offences (Articles 648-bis, 648-ter and 379 of the Criminal Code).

The Italian law does not impose any limitation for the prosecution of money-laundering offences when relevant predicate offences are committed abroad, as long as they are considered offences under Italian law.

*Embezzlement, abuse of functions and illicit enrichment (arts. 17, 19, 20 and 22)*

Embezzlement, misappropriation and other diversion of any property by public officials are criminalized by Articles 314 (Embezzlement), 316 (Embezzlement by taking advantage of another’s error) and 323 (Abuse of office) of the Criminal Code. The Italian authorities noted that the embezzlement of immovable property could be covered by Article 323 (Abuse of office) or Article 633 (Trespass) of the Criminal Code. Other diversion of property could be covered by Article 323.

Embezzlement of property in the private sector is generally criminalized through Article 646 of the Criminal Code (Embezzlement), however, some of the elements are not clearly provided for in article 646. The prosecution of the embezzlement is possible only upon report of the victim in case when aggravating circumstances are absent.

Abuse of functions is criminalized by Article 323 of the Criminal Code and Article 328 (Refusal to perform and act of office). Omission covers the element of

the failure to perform an act in violation of laws by a public official in some circumstances.

Italy considered but decided not to criminalize the offence of illicit enrichment due to incompatibility with the fundamental principles of the Italian legal system. However, Italy provides for mandatory confiscation of assets where offenders cannot justify their origin. There are also specific rules imposing patrimonial disclosure obligations on elected officials and top public officials, and stipulating sanctions for non-disclosure.

*Obstruction of justice (art. 25)*

The Italian Criminal Code criminalizes obstruction of justice through Articles 377 (Subornation), 377-bis (Inducement not to give statement or to give an untruthful statement before the judicial authority) and 336 (Violence or threat to a public official).

*Liability of legal persons (art. 26)*

Italy has established administrative, civil and criminal liability for legal persons. Legislative Decree no. 231/2001, as amended by Legislative Decree no. 146/2006 on money-laundering, and by Law no. 190/2012, establishes administrative liability of legal persons for certain offences. Legal persons are defined as entities endowed with legal personality, as well as companies and associations without legal personality, excluding the State and other public entities exercising public powers. Pursuant to Article 5 of Legislative Decree no. 231/2001, legal entities are criminally liable for offences committed, for their own benefit or interest, by a person acting as a representative, manager or director, a person exercising powers of management and control, or a person subject to the direction or control of one of the aforementioned persons. Liability may be waived or mitigated in case the legal person is found to have an organizational model in place, but this has rarely happened in practice. The liability of legal persons does not prejudice the criminal liability of the natural persons who have committed the offences, according to Article 8 of Legislative Decree 231/2001. Article 9 of Legislative Decree No. 231/2001 provides for sanctions, including fines, disqualification from certain activities, confiscation, and the publication of the judgement. Interim protection measures also exist to enable freezing and seizing of proceeds of crime. A central register of companies indicted and convicted of corruption was set up and became operative in May 2007 (Anagrafe delle sanzioni amministrative dipendenti da reato). Furthermore, articles 11 and 12 of Legislative Decree 231/2011 provide the criteria for ensuring that pecuniary sanctions are determined in each case with due regard to proportionality.

*Participation and attempt (art. 27)*

Article 110 of the Criminal Code establishes a general provision on participation: “when more than one person participates in the same offence, each shall be subject to the penalty prescribed for such offence, except as provided in the following articles.” Participatory acts are therefore punishable as principal offences and it was confirmed that this general rule was reflected in the specific offences under the Convention. Article 56 of the Criminal Code criminalizes the attempt to commit

offences, and it was noted that the same provision applied to the preparation of offences.

*Prosecution, adjudication and sanctions; cooperation with law enforcement authorities (arts. 30 and 37)*

Criminal responsibility is personal and sanctions are tailored to each offence. Corruption offences are generally regarded as serious offences with correspondingly proportionate punishment and aggravating circumstances, and possible additional sanctions such as disqualification.

Italy does not foresee any immunities or jurisdictional privileges in relation to offences under the Convention.

The principle of mandatory prosecution applies in Italy under Article 112 of the Constitution. Public prosecutors oversee and direct criminal investigations by the police, and the prosecution's decision as to whether there is sufficient evidence for indictment is verified by a judge for preliminary investigations. Article 371 of the Criminal procedure Code provides for coordination at the national level.

The Criminal Procedure Code contains several precautionary requirements that can be put in place by a judge, including preventive detention. There is no possibility for bail applications to avoid detention as the presence of the defendant at trial is not required. Conditional release and parole are foreseen in the Criminal Code.

Several provisions of the Criminal Procedure Code enable judges to take precautionary measures such as suspension and temporary prohibitions for public officials who are suspects or accused. The Law of 2012 extends the duration of such measures. Articles 28, 29 and 31 of the Criminal Code foresee the possibility of imposing accessory sanctions after conviction, including temporary or permanent disqualification from public office. Article 32 provides for disqualification from management functions *including such functions in public companies*.

Legislative Decree no. 165/2001 governs the relation between disciplinary and criminal proceedings, along with Article 653 of the Criminal Procedure Code and Legislative Decree 150/2009. Disciplinary proceedings may be carried out and concluded in parallel to criminal proceedings, or suspended pending final judgement, which depending on conviction or acquittal may also lead to reviewing disciplinary sanctions. Further provisions are contained in the anti-corruption law of 2012.

Article 27 of the Italian Constitution and the Law no. 354 of 1975 provide for measures to reintegrate convicts into society.

Mitigating circumstances may be considered by judges under Article 62 and 62-bis of the Criminal Code, in particular, where the alleged offender has paid compensation or attempted to minimize or remove the consequences of the offence, before the trial proceedings. In such cases, the sentence may be reduced up to one third. Plea bargaining is provided for in Italian criminal procedure, but there can be no immunity from prosecution. The protection of participants in the offence was subject to the same provisions as for witnesses and collaborators of justice and no agreements in accordance with article 37 paragraph 5 of the Convention had been entered into.

*Protection of witnesses and reporting persons (arts. 32 and 33)*

Italy has extensive provisions for the protection of witnesses, under Law no. 82 of 1991, and for the protection of collaborators of justice, under Law no. 45 of 2001. Protection measures are requested by the public prosecutor, decided on by the Central Commission and implemented by the Central Protection Service. Protection measures may include security, relocation, provisional or definitive identity change, and the possibility of testifying by videoconference. Measures may also extend to the person's relatives and apply to victims insofar as they are witnesses. There are no specific protection measures for experts and Italy has not concluded any agreements for relocation with other States in relation to offences under the Convention.

The anti-corruption law no. 190/2012 establishes new provisions for whistle-blower protection in the public sector for public officials and employees who report cases of misconduct to the judicial authorities, Court of Auditors, or their hierarchical authorities. Several measures taken to establish whistle-blower protection in the private sector were also reported during the consultations with stakeholders.

*Freezing, seizing and confiscation; bank secrecy (arts. 31 and 40)*

Article 240 of the Criminal Code establishes a general provision on confiscation by an order of a judge of proceeds and instrumentalities of the offence. Further provisions exist in Articles 322, 325 and 335 of the Criminal Code, as well as in Legislative Decree no. 306/1992 and Law no. 97/2001. Confiscation can be value-based and is mandatory in several cases. Authorities may initiate investigations in order to identify, trace and freeze the proceeds of crime. Seizure is provided for in Articles 253 to 255 and 321 of the Criminal Procedure Code. It was noted that such measures were often ordered, which raised issues considering the length of criminal proceedings in Italy and the fact that such interim measures could therefore be imposed for a substantial period of time. The National Agency for the Administration and Destination of Seized and Confiscated Assets was set up in 2010 to assist judicial authorities in the management of assets. Confiscation applies also to proceeds that have been transformed, converted or intermingled, if necessary through their corresponding value, as well as income or benefits derived from such proceeds. Judicial authorities may seize bank records under Article 255 of the Criminal Procedure Code, as well as request information under Law 55/1990. Italy provides for mandatory confiscation of assets where offenders cannot justify their origin. The system of the protection of the rights of bona fide third parties is in place.

Italy does not allow bank secrecy and access to bank records is foreseen for criminal investigations under the Criminal Procedure Code carried out by judicial authorities.

*Statute of limitations; criminal record (arts. 29 and 41)*

Articles 157 to 161 of the Criminal Code establish general principles for the period of limitation, as well as provisions for its beginning, suspension, interruption and consequences thereof. The statute of limitations period is calculated according to the maximum penalty which can be incurred for the offence in question. The recently adopted Law no. 190 of 2012 introduced new corruption offences and more severe penalties and therefore applies to such offences committed after this law's entry into

force. The length of period for limitation is overall consequently increased and the period may be suspended or interrupted due to prosecutorial activity. It was noted, however, that there was an ongoing need for reform of statute of limitations.

Article 12 of the Criminal Code provides for the recognition of any decision of foreign judicial authorities handing down a conviction for a serious crime on demand of the prosecution, for such aims as the recognition of the status of repeat offender, the application of an accessory penalty under Italian law, a security measure, or the execution of the accessory provisions on compensation of damages and restitution.

*Jurisdiction (art. 42)*

Territorial jurisdiction is established by Article 6 of the Criminal Code, with Article 4 of the same Code detailing that for purposes of criminal law this includes “the territory ‘of the Republic’, and every other place subject to the sovereignty of the State. Italian ships and aircraft shall be deemed to be territory of the State wherever located, unless subject, under international law, to a foreign territorial law.” Italy has also established jurisdiction over offences committed against one of its nationals or against the Italian State by foreigners present in its territory, for offences committed by its nationals or stateless persons residing in Italy, as well as offences under article 42 paragraph 2 (c) of the Convention. Italian nationals may be extradited if provided for in an international treaty, in accordance with Article 26 of the Constitution, or on the basis of “international courtesy” under Articles 696-722 of the Criminal Procedure Code. Article 9 of the Criminal Code provides for jurisdiction over offences committed abroad by Italian nationals, allowing for prosecution in case nationals are not extradited. Similar provisions are contained in Article 10 for aliens. It was noted that Italy may consult with other States on coordinating actions in exercising jurisdiction.

*Consequences of acts of corruption; compensation for damage (arts. 34 and 35)*

Article 1418 of the Italian Civil Code establishes a general provision on the nullity of contracts. Article 135 of Legislative Decree 163/2006 containing the Code of Public Contracts and amendments introduced by the 2012 law foresee the termination of a contract or withdrawal of qualification where the contractor has been convicted of corruption offences. The Authority for the Supervision of Public Contracts is tasked with transmitting the relevant case files to competent judicial authorities and can impose administrative sanctions.

The Criminal Code contains general provisions on compensation for damage under Articles 185 and 186, and entitlement to civil claims are foreseen in Articles 74 and 75 of the Criminal Procedure Code.

*Specialized authorities and inter-agency coordination (arts. 36, 38 and 39)*

Three law enforcement authorities are tasked with investigating corruption offences, under the supervision and direction of the public prosecutor: the Guardia di Finanza, the Carabinieri and the State Police. Whereas the Guardia has specialized competences and expertise for economic and financial crime, including a specific unit for combating corruption in public administration, the Carabinieri and State Police have general competence. There is coordination between the different law

enforcement authorities and independence through an autonomous duty to detect and investigate offences, though public prosecutors determine which law enforcement authority should carry out investigations.

Public officials and persons tasked with a public service are required to report to the public prosecutor or to the police criminal offences they become aware of in the exercise of their functions, in accordance with Article 331 of the Criminal Code. Articles 361 and 362 also criminalize the failure to report offences. Several national authorities, including the FIU and the Authority for the Supervision of Public Contracts, also report cases to the police or public prosecutors. The Italian Anticorruption Authority (ANAC) performs several functions to prevent and combat corruption and also reports cases to public prosecutors. While Article 371 of the Criminal Procedure Code addresses coordination of investigations, no specific provisions exist for coordination among the different prosecutors that may have concurrent territorial jurisdiction.

In addition to general provisions in the Criminal Procedure Code, specific measures are contained in Legislative Decree no. 231/2007 on preventing and combating money-laundering and terrorism financing, which provide for the obligation to report suspicious transactions for certain authorities and entities to the Financial Intelligence Unit. The FIU conducts the financial analysis of the suspicious transactions reports and contributes to the awareness-raising for reporting subjects by developing tools such as models of behaviour and indices profiles to assist those subjects. In order to encourage reporting of suspicious transactions which could be related to money-laundering of proceeds of corruption, measures have been taken in the public and private sectors to protect whistle-blowers and reporting entities and establish channels of communications.

## **2.2. Successes and good practices**

Overall, the following successes and good practices in implementing Chapter III of the Convention in Italy are highlighted:

- The participatory and inclusive self-assessment and dialogue process were positively noted, in particular with the regard to the consultation of private sector stakeholders.
- Recent legislative and institutional developments, in particular through Law no. 190/2012, are welcomed and contribute to further strengthening implementation of the Convention.
- The “all crimes” approach taken with regard to predicate offences for money-laundering.
- The comprehensive measures taken in relation to the establishment of liability of legal persons, including the enactment of legal provisions encompassing different forms of such liability, the possibility for the legal entity to use the defence of “organizational model”, as well as the broad range of sanctions foreseen.
- Wide scope and practice for seizing and confiscation of proceeds of crime, including value-based seizure and confiscation.

- Specialization of the Guardia di Finanza and coordination during investigations among the different police forces.
- Recent efforts to encourage the reporting of corruption offences by persons or entities, inter alia by providing for whistle-blower protection.

### 2.3. Challenges in implementation

The following steps could further strengthen existing anti-corruption measures:

- Take legislative measures to ensure that the domestic provisions implementing article 17 of the Convention fully cover the following; the element of third-party beneficiaries; the broad scope of property to include immovable property as well; and the conduct of “other diversion of property”.
- Consider removing the requirement that the prosecution of the offence of bribery between private persons can be started only by complaint of a victim of the offence or in case of the distortion of competition.
- Consider extending the scope of embezzlement in the private sector to all types of property, as defined in article 2(d) of the Convention, and consider removing the requirement of a complaint by the victim.
- Consider criminalizing self-laundering in accordance with article 23, paragraph 2 (e).
- Furnish copies of laws that give effect to article 23 to the Secretary-General of the United Nations.
- Continue efforts to establish and strengthen disciplinary proceedings against public officials accused or convicted of corruption offences.
- As a general issue, the length of judicial proceedings was of concern, in particular with regard to the statute of limitations. Therefore efforts geared towards streamlining the relevant legal framework need to be made.
- Enhance coordination among law enforcement authorities and the public prosecutors, in particular with a view to avoiding overlaps in territorial jurisdiction for corruption cases.
- Strengthen capacity to collect and analyse cases and statistics.

## 3. Chapter IV: International cooperation

### 3.1. Observations on the implementation of the articles under review

*Extradition; transfer of sentenced persons; transfer of criminal proceedings  
(arts. 44, 45 and 47)*

Under Article 696 of the Code of Criminal Procedure, extradition is governed by international conventions in force and by rules of general international law (Article 696 of the Criminal Procedure Code).

It was noted that due to the unavailability of statistics it was not possible to assess effectiveness of the practical implementation of the provisions under review.

The Ministry of Justice conducts a preliminary verification of the incoming extradition request to assess whether this request meets the requirements of the domestic legislation (or the applicable extradition treaty). If that is the case, the request is forwarded to the competent judicial authority which makes a decision on the eligibility of extradition. Italy makes extradition subject to review by the Court of Appeal; its decision can be appealed before the High Court. The final decision is political and belongs to the Minister of Justice, which could be appealed before the administrative court. With regard to other Member States of the European Union, the surrender of fugitives is carried out in line with the requirements of the European Council Framework Decision of 13 June 2002 on the European Arrest Warrant (EAW) and the surrender procedures between Member States of the European Union. The surrender procedure based on the EAW is removed outside the realm of the executive and is placed in the hands of the judiciary.

Extradition requests may be granted only subject to the requirement of dual criminality. Italian law does not contain minimum penalty requirements for the offence to be extraditable. As all UNCAC mandatory offences are generally criminalized in Italy, they are considered as extraditable ones.

Italy considers the Convention as a legal basis for extradition. Italy does not require a treaty with a requesting State. Extradition can be granted on the basis of mere international courtesy with a promise of reciprocity.

Under Italian law (Article 701 of the Criminal Code), the consent of the person sought is required for simplified extradition procedures to be applied.

Although nationality is a ground for refusal of extradition, an Italian national can still be extradited in cases explicitly provided in international conventions (Article 26 of the Constitution). Italy is in compliance with the provisions of paragraphs 11, 12 and 13 of article 44 of UNCAC that are directly applied by virtue of Article 696. The legal principle of “aut dedere aut iudicare” is the cornerstone of the Italian legal system.

Italy ratified the European Convention for Extradition (1957) and its Second Additional Protocol (1978) and has bilateral extradition treaties with 20 countries. Negotiations for several additional bilateral extradition treaties were ongoing at the period of the review process.

Fair treatment protection during extradition proceedings is afforded under the Constitution (Article 111) and numerous corresponding ad hoc and procedural rules.

Italy has a practice of consulting with requesting States before refusing extradition. Paragraph 17 of article 44 of the Convention is applied directly.

Italy is a party to the Council of Europe Convention on the Transfer of Sentenced Persons (1983) and has signed five bilateral treaties to that effect.

Italy indicated that it will be willing to transfer to other Member State proceedings for the prosecution of corruption offences in case such need arises.

#### *Mutual legal assistance (art. 46)*

Italy is a party to the European Convention on Mutual Legal Assistance in Criminal Matters (1959) and its First Additional Protocol (1978). Italy also has bilateral MLA

treaties with 23 States. The negotiation of more treaties was ongoing at the time of the review process.

The general comment above about the lack of the corresponding statistical information was reiterated with regard to article 46 as well.

Legal assistance in cases involving legal persons can be provided based on the Legislative decree no. 231 of 2001.

Italy can provide the types of assistance listed in subparagraphs 3 (a-i) of article 46 UNCAC based on Article 723 et. Seq of the Criminal Procedure Code; and subparagraphs 3 (j-k) based on Articles 740-bis and 740-ter of the Criminal Procedure Code.

Dual criminality is not a required condition to provide assistance under the Italian law.

The spontaneous exchange of information is feasible through the direct applicability of paragraphs 4-5 of article 46.

Bank secrecy is not a ground for refusing mutual legal assistance.

The provisions of subparagraphs 10 and 11 of Article 46 can be directly applied in relation to other States Parties to the Convention.

On 10 December 2009, Italy notified the United Nations Secretary-General that its Central MLA Authority is Office II of the General Directorate of Criminal Justice of the Ministry of Justice. Italy would also accept urgent MLA requests via INTERPOL channels.

After receiving an MLA request, the Central Authority would transfer it to the competent judicial Italian authority within approximately 10 days. The judicial authorities responsible for the execution of the request are designated by the Court of Appeals.

The Italian law allows hearings to take place by videoconferences and in the presence of foreign judicial authorities.

The confidentiality of information or evidence furnished by the requested State in the context of MLA is protected by virtue of Articles 729 and 191 of the Criminal Procedure Code.

Italian law does not contain any grounds for refusal of MLA beyond the grounds listed in paragraph 21 of article 46 of the Convention.

Italy can provide government records based on paragraph 29 of article 46 of the Convention by virtue of Article 696 of the Criminal Procedure Code.

*Law enforcement cooperation; joint investigations; special investigative techniques (arts. 48, 49 and 50)*

Italy is a member to regional (Europol and SIRENE) and global (INTERPOL) international police organizations. Information between law enforcement agencies is shared through the SIS database in Europe and through the ICPO-INTERPOL database worldwide.

Italy concluded agreements on bilateral police cooperation with 104 countries, a multilateral agreement with SICA (Central American Law Enforcement Network) and is currently negotiating an agreement with SELEC (Southeast European Law Enforcement Center).

The Italian Police Service of International Cooperation has liaison officers stationed in 19 countries. The Italian Financial Guard also has liaison officers stationed in 13 countries in addition to 3 officers specifically covering EU, OECD and the United Nations.

Italy considers the Convention as a basis for mutual law enforcement cooperation.

Although, no provisions have been introduced until now for the establishment of joint investigation teams in the Italian Criminal Code, Italy clarified that such could be established based on the Convention on an ad hoc basis.

Special investigative techniques may be used only with regard to the most serious offences, the list of which currently does not include most of the corruption offences except the offence of money-laundering.

### **3.2. Successes and good practices**

The following successes and good practices in respect of the implementation of Chapter IV of the Convention are highlighted:

- Considering UNCAC as a legal basis for extradition and law enforcement cooperation.
- Existence of bilateral treaties on extradition and MLA and continuing efforts to conclude additional treaties with other States.
- Membership in law enforcement cooperation networks and a large number of bilateral agreements on police cooperation.

### **3.3. Challenges in implementation**

The following steps could further strengthen existing anti-corruption measures:

- Create a comprehensive mechanism for collecting the statistical information on the execution of extradition and MLA requests.
- Consider adopting clearer rules on confidentiality of the spontaneously transferred information from other States in domestic legislation.
- Notify the Secretary-General of the languages acceptable for Italy for MLA requests.
- Consider adopting legislative amendments of internal procedure containing the approximate time limits for execution of MLA requests.
- Consider amending corresponding domestic legislation in order to include corruption offences in the list of the most serious offences to allow the use of special investigative techniques in the investigation of such offences.