

- 1) The so-called challenges in implementation contained in Italy's first cycle review report, were very useful to address Government policies and legislative reforms in the examined areas.

A) On chapter III of UNCAC, criminalization and law enforcement, following reforms were adopted:

- 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".

*Establishment of the register of beneficial owners, by decree 55 of the Ministry of Economics and Finance of 11 March 2022*

- 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.

*Paragraph V of art. 2635 of the Civil Code, which provided for the complaint of the injured person for the prosecution of the crime of corruption between private individuals, was repealed by Law 3 of 9 January 2019 and the crime is therefore prosecutable ex officio as required by the recommendation. Introduction, in 2017, with law 38/2017, of the new crime of "Incitement to corruption between private individuals", now contemplated by art. 2635-bis of the Italian Civil Code.*

- Consider criminalizing self-laundering in accordance with article 23, paragraph 2 (e) of UNCAC.

*With the introduction of art. 648-ter.1, the crime of self-laundering has been added to our criminal code in 2015 as required*

- 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.

*The repeated regulatory interventions made on the subject with the laws 69/2015, 103/2017, 3/2019 and most recently with the so-called "Cartabia Reform", have substantially innovated in terms of prescription, thus allowing, in particular with regard to the matter of corruption covered by UNCAC, to consider the problem satisfactorily solved.*

B) On chapter IV of UNCAC, international cooperation, following reforms were enacted:

- Consider adopting legislative amendments of internal procedure containing the approximate time limits for execution of MLA requests.

*The 2017 reform (Legislative Decree 149/2017) completely modified Book XI of the criminal procedure code by inserting new provisions aimed at containing the time of assistance such as art. 696 octie, which stipulates that the judicial authority recognizes and executes the decisions and judicial measures of other Member States "without delay and in a manner suitable to ensure their timeliness and effectiveness" thus taking into account the recommendation*

- 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.

*Recent Reforms introduced by Law 3/2019, which amended Articles. 266, paragraph 2-bis and 267 of the criminal procedure code, allowing environmental tapping also for the crimes of the public servants against the public Administration punished with a sentence of not less than 5 years, appear to respond to the expressed concern*

- 2) In general terms, peer reviews consent to draw direct and indirect benefits for the examined country. Direct benefits consist in punctual actions taken to address recommendations (or challenges in interpretation in the less prescriptive UNCAC review term). The recommendations accepted at the end of the evaluation process will engender specific initiatives –legislative reforms or adoption of new procedures- with the aim of reducing the gap between the situation under investigation and the standard of the Convention in the selected chapters. Direct benefit, therefore, will be the implementation of the recommendations. Nevertheless, the very effectiveness of this peer review mechanism creates indirect beneficial effects consisting in moral suasion and pressure on all the obligations assumed with the accession to the convention. This is the case regardless of the specific chapters examined in the peer review cycle.
- Countries will in fact carry out an assessment of opportunities, straining to adapt to the entire regulatory framework of the Convention. This will be the case, in view of future evaluations, also on chapters other than those already subject to evaluation and specific recommendations.
- The predictive (taking into account recommendations already formulated for countries with similar regulations) and preventive impact of anti-corruption peer review mechanisms is strongly asserting itself.
- Another indirect beneficial effect of anti-corruption peer review mechanisms lies in the plurality of conventional tools that deal with the subject, each assisted by its own evaluation system. In these terms, the recommendations given in other evaluation processes (for example the OECD Antibribery) may also have repercussions during the implementation of UNCAC with reference, for example, to Article 16.