



Rome, August 24<sup>th</sup>, 2020

Italy has recently gone through the second cycle of UNCAC evaluation. The responses to this questionnaire are to be considered as an addition and integration to the responses and data provided in that occasion, whose conclusions are available on the UNODC website<sup>1</sup>.

**Information requested from States parties in relation to best practices, lessons learned and challenges encountered in their efforts to enhance the effectiveness of anti-corruption bodies (art. 6 of the Convention)**

**Article 6, paragraph 1**

*1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:*

- a) implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;*
- b) Increasing and disseminating knowledge about the prevention of corruption.*

**1. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

In relation to article 6, para. 1 and measures/steps that have been taken, States parties and signatories may wish to consider including the following:

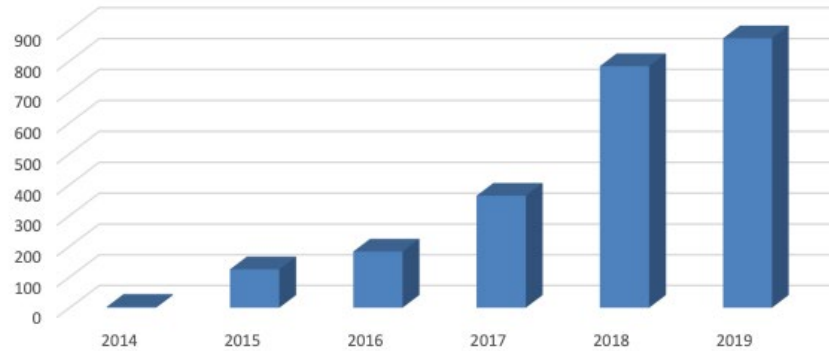
- Description of the main body or bodies that prevent corruption and, if applicable, oversee and coordinate the implementation of the policies referred to in article 5 of the Convention;
- Description of the measures taken that such body or bodies: effectively disseminate knowledge about the prevention of corruption and deal effectively with grievances and complaints from citizens concerning corruption;
- Description of measures taken to ensure that such body or bodies can assess their own effectiveness.

ANAC is one of the authorities charged with receiving whistleblowers' complaints (together with the judicial authorities and the officials responsible for the prevention of corruption in each public administration). In the past years, the number of complaints received by ANAC has dramatically increased, as shown in the table below:

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<sup>1</sup> See at

[https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019\\_11\\_22\\_Italy\\_Final\\_Country\\_Report.pdf](https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2019_11_22_Italy_Final_Country_Report.pdf)



Source: ANAC

In the past 3 years, following the adoption of the whistleblowing law 179/ 2017, ANAC has invested heavily in strengthening its whistleblowing unit. With the support of EU funding, ANAC has focused on improving the awareness, knowledge and skills of its personnel to effectively manage whistleblowing cases. In addition, efforts have been made to provide expertise in this area to the anticorruption “front liners”, i.e. the responsible officials for the prevention of corruption and transparency (RPCTs).

**2. Please provide examples of the implementation of those measures, including related court or other cases and available statistics.**

In relation to article 6, para. 1 and examples of implementation of those measures, States parties and signatories may wish to consider including the following:

- Reports prepared by the body or bodies that prevent corruption, notably on their effectiveness;
- External reports on the effectiveness of the body or bodies that prevent corruption;
- Surveys of the extent of public knowledge about the prevention of corruption.

### A Culture of Integrity

On this front, ANAC has engaged in collaboration with universities, research centers and NGOs for the co-planning and implementation of higher education courses, research activities, conferences and public debates on the subjects falling within the scope of their institutional competences. In this context, ANAC has established a collaboration with:

1. University of Turin, research and training activities including the II level Master in "Strategies for efficiency, integrity and innovation in public contracts" as well as collaboration on national and European research projects.
2. University of Perugia, for research and training activities including the Master in "Experts in the design and management of anti-corruption and transparency"
3. University of Naples Parthenope, for the classes on "Stabilization and Integration Policies for the BiH Public Administration system" in support of the culture of legality and ethics in public action and aimed at strengthening the integration process of Bosnia and Herzegovina into the European Union through the harmonization and implementation of the local public system. This Project provided for the activation in 2019 of two Summer Schools in Sarajevo (Bosnia



Herzegovina) and an eight-month master's course at the headquarters of the Department of Law of the University of Naples Parthenope.

4. University of Rome "La Sapienza", for research on the topic of "prevention and repression of conflict of interest".
5. Politecnico of Milan, to promote study and training initiatives aimed at strengthening and supporting a culture of legality.
6. University of Rome Tor Vergata, for the Master in "Anti-corruption"
7. University of Modena and Reggio Emilia, for the implementation of initiatives aimed at promoting the prevention and contrast of corruption in the public sector through the promotion of meetings, conferences and public debates, studies and research projects.
8. As for the relation with civil society organizations: ANAC signed MoUs with:
  - a. the NGO "LIBERA", following the activation of the "Free Line" desk, dedicated to the reception and support of potential whistleblowers.
  - b. the NGO Legambiente, aimed at carrying out initiatives for disseminating knowledge related to Green Public Procurement and Environmental Criteria by contracting authorities.
  - c. the NGO Transparency International Italy, for the dissemination of a culture of legality, responsibility, public ethics and transparency in civil society through the organization of information campaigns, conferences, public debates and studies
  - d. the Authority for the Italian Transparency and Anticorruption Association (AITRA), as well as the Consumers and Users Association (ACU) and the National Council of the Order of Psychologists, for the promotion of meetings, conferences and seminars, studies and research projects that contribute to the development of tools for preventing maladministration and the dissemination of good practices.
  - e. the Ministry of Education with the National Association of Judges (ANM), the National Anti-Mafia Directorate (DNA) to spread and strengthen a culture of responsible citizens and legality.
  - f. Multilateral project called "Citizenship and the Constitution", with the Ministry of Education (MIUR), Ministry of Justice, the National Anti-Mafia Department and the National Association of Magistrates.

Article 6, paragraph 2

*2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.*

**3. Please describe (cite and summarize) the measures/steps your country has taken, if any, (or is planning to take, together with the related appropriate time frame) to ensure full compliance with this provision of the Convention.**

In relation to article 6, para. 2 and measures/steps that have been taken, States parties and signatories may wish to consider including the following:

- Description of laws, policies and procedures ensuring the independence of the body or bodies that prevent corruption, notably those aligned with the "Jakarta Statement on Principles for Anti-Corruption Agencies", aimed at enabling them to carry out their functions effectively and protect them from any undue influence;



- Description of the material resources, specialized staff, and training facilities for staff.

The National Anti-Corruption Authority (ANAC) of Italy is responsible for the prevention of the corruption in the public sector. According to law 190/2012, ANAC analyses causes and factors of corruption to point out actions to prevent and fight corruption. ANAC is a prevention body and does not have law enforcement powers.

The independence of ANAC is established by the law through the following mechanisms:

- i. ANAC is one of the Italian independent administrative authorities  
The role of the authorities is to protect public interests in sensitive sectors. The parliamentary or governmental appointment of the members is aimed at ensuring the independence and impartiality of the Authority as a whole structure. Among others, for example we can mention the Italian Data Protection Authority, Market and Antitrust Authority, the Communications Guarantee Authority and the National Commission for Stock Exchange Companies.
- ii. Human resources
  - a. The President and the members of the Board are appointed by decree of the President of the Republic based on the designation by the Government, followed by the approval of 2/3 of the relevant parliamentary committees. The designated candidates must show relevant experience in the anticorruption area and lack of involvement with political parties or unions during the previous three years. Both Board members and the President are appointed for a non-renewable six-year mandate. The involvement of the highest State representatives, together with the single mandate provision guarantee ANAC's independence from the Government. ANAC also reports annually to the Parliament on its activities, analysis and overall effectiveness in the fight against corruption.
  - b. ANAC's staff is selected to public selection and highly specialized in the areas related to the Authority's mandate, notably: public procurement, codes of conduct, transparency, conflicts of interests, whistleblowing, etc.

iii. Financial resources

Although ANAC receives funds from the State budget and it is bound to financial restrictions and audit, the Authority obtains most of its resources through self-financing. In Italy, in order to participate to most of public procurement procedures, both the contracting party and the contractors must purchase a "tender identification code" that goes to ANAC. This mechanism covers most of the Authority's expenses (almost 90% of its budget), through market-based source.

**4. Please provide examples of the implementation of those measures, including related court or other cases and available statistics**

In relation to article 6, para. 2 and examples of implementation of those measures, States parties and signatories may wish to consider including the following:

- Annual reports prepared by the body or bodies that prevent corruption, including budgets and expenditure reports;



- Analytical evaluations of the necessary independence and/or the human and material resources of body or bodies that prevent corruption, including number of employees working on prevention activities;
- Monitoring and evaluation reports on the effectiveness and performance of the body or bodies that prevent corruption, including, for example, parliamentary reports.

With regard to the transparency of its financial resources, ANAC regularly publishes online<sup>2</sup> both its budget and expenditures, including the assessment on variations. The assessment on financial effectiveness are entirely available online<sup>3</sup>.

As other public institutions in Italy, ANAC has a specifically dedicated transparency page on its website, where the Board's decisions and other relevant documentation are publicly available, subject to the protection of personal data. In addition, in order to have the most inclusive and participatory process, strategic plans, guidelines, standard notices and specifications are published online for consultation and feedback, before the document is officially approved.

All the resolutions of the Board of ANAC are published online (in a sanitized manner, in order to guarantee the confidentiality of the information, and cover personal data protected under the privacy regulations). Furthermore, ANAC has recently invested in improving and restyling its communication strategy, including its webpage which is currently under implementation.

#### Performance:

Of particular relevance in terms of performance is ANAC's platform that allows the RPCT to upload their prevention plans. The mechanism can automatically check whether the data is accurate and largely compliant with the requirements of the national anticorruption plan (issued by ANAC). Through the collection of such data, the Authority has the possibility of a) obtain thorough and real-time information on the design and implementation of the prevention plans in the public sector, b) gather knowledge on issues and deficiencies in order to improve tailor-made support for all public administrations. Furthermore, the RPCTs can improve the development of their plans, (and avoid sanctions).

Concerning its own performance evaluation, since 2016 ANAC has developed and published online<sup>4</sup> its performance plan. The 5<sup>th</sup> generation of the plan (now 2020 to 2022), includes the following subjects: analysis of the internal and external context; strategic objectives and strategic/operational objectives.

*Nicoletta Parisi (Member of the Council of ANAC)*

*Laura Valli (EU Senior Advisor in ANAC)*

*Francesco Clementucci (Senior Advisor in ANAC)*

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<sup>2</sup> In Italian at <https://www.anticorruzione.it/portal/public/classic/AmministrazioneTrasparente/BilanciRendiconti>

<sup>3</sup> In Italian at <https://www.anticorruzione.it/portal/public/classic/AmministrazioneTrasparente/BilanciRendiconti/PianoIndicatoriDiBilancio>

<sup>4</sup> <https://www.anticorruzione.it/portal/public/classic/AmministrazioneTrasparente/Performance/PianoPerformance>