

CODE OF CONDUCT FOR ITA - ITALIAN TRADE & INVESTMENT AGENCY

APPROVED BY RESOLUTION OF THE BOARD
OF DIRECTORS NO. 619/23 OF 27/01/2023

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Italian Trade Agency

Ufficio Gestione Giuridica e Sviluppo Risorse Umane

✉ gsp.personale@ice.it

Layout grafico e impaginazione

Ufficio Coordinamento Promozione del Made in Italy | Vincenzo Lioi, Irene Caterina Luca & Alessia Greco | Nucleo Grafica

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ART. 1 - SCOPE AND PURPOSE

1. This Code integrates and specifies the provisions of the Code of Conduct for Public Employees (Italian Presidential Decree no. 62 of 16 April 2013) and the current regulatory provisions, according to the characteristic activities performed by ITA-Agency.

Unless otherwise specified, in Annex A, which contains the list of sanctions related to each conduct, the reference to Articles 42 and 43 is to be understood as related to the CCNL for non-managerial personnel, Central Functions Area for 2019-2021. For the sanctions applicable to managerial personnel, Articles 33 to 36 of the CCNL for Central Functions for the three-year period 2016-2018, set out in Annex B, shall continue to apply.

ART. 2 - RECIPIENTS

1. Please find below the recipients of the provisions of this Code, unless otherwise specified:
 - a) permanent employees within the meaning of Italian Legislative Decree no. 165/2001 (managerial and non-managerial staff), both with an open-ended and a fixed-term contract, working at the Italian and foreign offices of ITA-Agency; staff belonging to other Administrations on secondment, detachment or off-site working at ITA-Agency; people in charge of bodies and entrusted with direct collaboration tasks with the top management; those working at ITA-Agency as trainees, contractors and with any other type of relationship;
 - b) staff recruited for the operational needs of ITA Operating Units abroad if the provisions of this Code do not conflict with local law;
 - c) collaborators in any capacity of companies supplying goods or services and carrying out work for ITA-Agency and non-occasional collaborators or consultants.
2. In deeds of appointment or in the contracts for acquiring collaborations, consultancies, goods or services, the Administration shall include specific provisions or clauses for the termination or forfeiture of the relation in the event of breach of the obligations arising from this Code, based on the seriousness and intentionality of the breaches committed.

ART. 3 - GENERAL PRINCIPLES

1. The recipients of this Code shall perform their duties with discipline and honour, conforming their conduct to the principles of good performance and impartiality of administrative action. They perform their duties in compliance with the law, in accordance with the principles of economy, efficiency and effectiveness, pursuing the public interest without abusing their position or powers.

The management of public resources for the purpose of carrying out administrative activities must follow a logic of cost containment and energy consumption reduction, environmental sustainability and respect, which does not compromise the quality of the results of administrative action.

2. They shall also avoid any act or conduct that violates or may be deemed to violate legal or regulatory provisions or those contained in this Code. They shall also respect the principles of integrity, fairness, honesty, good faith, proportionality, objectivity, transparency, equity and reasonableness and act independently and impartially, refraining from conflicts of interest.
3. In relations with the recipients of administrative action, they shall ensure full equality of treatment on equal terms, also refraining from arbitrary actions that adversely affect the recipients of administrative action or lead to discrimination based on sexual identity/orientation - also with reference to gender transition - nationality, territorial and ethnic origin, genetic characteristics, language, religion or belief, personal or political convictions, membership of a national minority, disability, social or health conditions, age or other factors.

All recipients of this Code are entitled to carry out their work in a peaceful environment conducive to the development of interpersonal relations based on the principles of equality, mutual fairness and respect for human freedom and dignity, also being free from any kind of inappropriate behaviour and unwanted discrimination. Physical and moral harassment, prevaricating, aggressive, persecutory behaviour or conduct detrimental to a person's dignity, mobbing and any other form of discrimination based on the factors referred to in paragraph 3 above are absolutely inadmissible.

4. Sexual harassment and all conduct that is in any case unwelcome by the recipient, with the purpose or effect of violating the dignity of the worker and of creating an intimidating, hostile, degrading, humiliating or offensive climate are prohibited. The Administration shall immediately put in place impartial and timely measures to stop both the harassing behaviour, whether verbal or non-verbal, and any retaliatory conduct, being direct or indirect, put in place following the complaint by the victim, who shall be guaranteed that the protections established by law are to be enforced.
5. Recipients are required to provide the utmost helpfulness and cooperation both in relations with colleagues at ITA-Agency and with other public administrations, ensuring the exchange and transmission of information and data in any form, even telematically, in compliance with the regulations in force.

ART. 4 - GIFTS, REMUNERATION AND OTHER BENEFITS

1. The recipients identified in Article 2 of this Code shall not ask for, nor solicit, for themselves or for others, gifts or other benefits. They shall not accept, for themselves or others, from persons in any way related to their work, including their collaborators, either directly or indirectly, gifts or other benefits, except those of modest value occasionally given as part of normal courtesy and/or within the scope of international custom. Furthermore, they shall not offer, either directly or indirectly, gifts or other benefits to one of their subordinates, except those of modest value.
2. In any case, they shall not require or accept, for themselves or for others, gifts or other benefits, including in the form of a promise, even of modest value, as consideration for performing or having performed an act of their office or contrary to their official duties or for not performing, delaying or having failed to perform an act of their office, in particular from persons who may benefit or be harmed by decisions or activities inherent to their office, or from persons towards whom they are

or are about to be called upon to perform or carry out activities or powers pertaining to the offices they hold.

3. For the purposes of this Article, gifts or other benefits of modest value given occasionally as part of custom shall mean those of a value not exceeding Euro 150.00, even in the form of a discount, over a single calendar year. Furthermore, in foreign offices, such modest value must be assessed in relation to the economic situation of the country concerned. Gifts or benefits, however small in value, must not be such that they compromise independent judgement, impartiality and integrity. Gifts whose per capita amount does not exceed the aforementioned value (so-called "group gifts") are excluded from the application of this Article.
4. Gifts and, when possible due to their nature, other benefits in any case received outside the cases permitted by this Article, by the same employee by whom they are received, shall immediately be made available to the Administration for return or donation for institutional purposes or initiatives with humanitarian or charitable aims.
5. The Managers of Organisational Units shall supervise the application of this Article and the Office for Disciplinary Proceedings (Ufficio per i Procedimenti Disciplinari, hereinafter UPD) is entitled to carry out spot checks.

ART. 5 - PARTICIPATION IN ASSOCIATIONS AND ORGANISATIONS

1. In compliance with the regulations in force concerning the right of association and without prejudice to the provisions of Article 5 of Italian Presidential Decree no. 62/2013, the recipients referred to in Article 2, paragraph 1, letters a) and b), shall notify in writing, within 15 days of their registration, the Manager of the office to which they belong of their enrolment or membership in associations, clubs or organisations, irrespective of their confidential or non-confidential nature, whose areas of interest or activities may interfere with the performance of the office's activities. This paragraph does not apply to membership of political parties or trade unions or of bodies or associations from whose membership health conditions or religious or sexual orientation of members may be presumed, and, in any case, without prejudice to the protection of the employee's privacy, as guaranteed by the provisions in force. Under no circumstances shall they participate in organisations of any kind if membership to the same requires compliance, even as a commitment, with principles, ideologies and obligations that conflict with the behavioural obligations laid down in the rules and in this Code.
2. In the event that the Manager assesses that the association activity interferes with the work activity, within 30 calendar days of receiving the communication, he/she shall inform the employee and the Head of the Legal Management and Human Resources Development Office of his/her assessment.

ART. 6 - CONFLICTS OF INTEREST AND DUTY TO ABSTAIN

1. The recipients referred to in Article 2, letters a) and b) of this Code shall endeavour to prevent situations of conflict of interest, by abiding by the duty to abstain, when required. Given the characteristic activity of ITA-Agency, outside the activities needed for the performance of their work, they shall in no case collaborate with or receive assignments - even sporadic or occasional - paid or unpaid, to/from Associations or bodies representing categories of production of goods or services, including consortia and trade fair bodies, in Italy or abroad, or with companies referable or connected to them, including foundations and ONLUS (hereinafter Non-Profit Organisations), falling within the scope of ITA-Agency activities.
2. Without prejudice to the transparency obligations provided for by laws or regulations, the recipients of this Article, at the time of assignment to their Office - also after turnover/transfer - shall inform in writing, following the indications established by Art. 6 of Italian Presidential Decree no. 62/2013, the Head of the Operating Unit or their hierarchical superior, of all direct or indirect relations of collaboration with private bodies, howsoever remunerated, that they currently have or have had in the last three years. The recipients shall also fulfil the same duty of disclosure in the event of actual or potential conflict of interest arising subsequently. The employee shall not accept collaboration tasks from private persons who have, or have had in the previous two years, a significant economic interest in decisions or activities pertaining to the office they belong to. In any case, an employee who intends to accept collaboration tasks, even free of charge, shall comply with the regulations in force on the assignment of extra-institutional tasks (Article 53 of Italian Legislative Decree no. 165/2001).

If they are appointed as members of personnel selection/competition boards, they shall, upon acceptance of such appointment, make a declaration that they are not in a position of conflict of interest/incompatibility.

3. The recipients of this Article shall refrain from taking or participating in decision-making as well as from carrying out acts that may directly or indirectly involve their own financial and non-financial interests, or those of their spouses, cohabitants, relatives or relatives-in-law up to the 2nd degree of kinship, or of persons or organisations with which they have regular relations or on the contrary, with whom they have pending litigation or serious enmity or significant credit or debit relationships, of persons or organisations of which they are guardians, curators, attorneys or agents, or of bodies, associations, including unrecognised associations, committees, companies or establishments of which they are directors or managers. The conflict may concern interests of any kind, including non-economic ones. They shall also abstain in any other case in which there are reasons of expediency.
4. In all hypotheses of conflict of interest, the recipients of this Code shall promptly communicate in writing their wish to abstain and the relevant reasons to the Manager of the Office they belong to, who shall assess - also acquiring further information, if needed - the advisability of abstaining and shall decide on the same, if necessary identifying another person to replace the person abstaining and informing the HR Department and, for information, the Head of Corruption Prevention and Transparency. It is up to the Administration to carry out checks, also on a spot basis, on the existence of situations of conflict of interest, and, if they are found, to order the duty to abstain and the measure of ordinary turnover or transfer of functions or tasks.

The *anti-pantouflage* provisions of Article 53, paragraph 16-ter of Italian Legislative Decree 165/2001 shall apply.

ART. 7 - PREVENTION OF CORRUPTION AND MALADMINISTRATION

1. The recipients of this Code shall comply with the measures necessary for the prevention of offences in Administration, respect the prescriptions contained in the PIAO (Piano Integrato di Attività e Organizzazione or Integrated activity and organisation plan, hereinafter PIAO) and provide their cooperation to the Head of Corruption Prevention and Transparency, also by reporting any critical or relevant risk situations not covered by Italian Law no. 190/2012 and the mapping of risk areas. They shall also inform the Administration, as soon as they become aware of it, of the existence of orders entered in the register of criminal offences or indictments in criminal proceedings concerning them.
2. Without prejudice to the obligation to report to the judicial authorities, where applicable, the recipients of this Article shall report any facts, unlawful acts or conduct, or breaches of this Code of which they become aware, to the Office for Disciplinary Proceedings (upd@ice.it) and/or, if they deem it appropriate, to the Head of Corruption Prevention and Transparency. However, if a manager becomes aware of a breach, he/she is required to initiate the relevant disciplinary proceedings, paying particular attention to the general criteria, set out in Annex A, according to which the breach is considered of minor seriousness and for which a verbal reprimand is envisaged. On the other hand, should it concern breaches entailing the imposition of a sanction greater than a verbal reprimand, he/she shall immediately, and in any case within ten days, transmit the facts considered to be of disciplinary relevance to the UPD, providing his/her cooperation, where requested. The employee or manager, belonging to the same or a different public administration as the accused, who, for reasons of office or service, knows some information relevant to an ongoing disciplinary proceeding, shall offer the widest availability to the prosecuting UPD and make full and truthful declarations to the latter.
3. On the subject of whistleblowing reports, the recipients of the regulations pursuant to Italian Legislative Decree no. 165/2001 must follow the procedure set forth in ITA-Agency Board of Directors' Resolution no. 522 of 15 July 2020, as implemented by Service Notices no. 75 of 10 August 2020 and no. 83 of 15 September 2020 and subsequent additions and/or amendments.

ART. 8 - TRANSPARENCY AND TRACEABILITY

1. The recipients of this Code shall comply with the obligations of transparency provided for by the regulations in force applicable to public administrations, also in order to allow the control of the administrative activity by citizens and users, diligently collaborating in the processing, retrieval, transmission and updating/correction of the data subject to the mandatory publication on the institutional website of ITA-Agency.

2. The traceability of the decision-making processes adopted must be ensured by means of an adequate documentary support, in paper or electronic form, which allows the decision-making process to be replicated and the procedures to be observed, within the limits of the legal provisions on archiving and preserving documentary records.
3. The recipients shall also enable to know the Administration activity and organisation, guaranteeing in a spirit of cooperation to the recipient of administrative action the most complete application of the provisions on transparency and access.

ART. 9 - CONDUCT IN PRIVATE RELATIONS

1. In private relations, as well as on duty, the recipients shall not behave in such a way as to harm the image of the Administration and shall refrain from making public statements offensive to it.
2. In non-work relations, including those with public officials, the recipients of this article shall not exploit, nor mention their position in the Administration to obtain benefits.

ART. 10 - CONDUCT ON DUTY

1. The recipients shall perform their tasks with promptness and commitment and adapt their conduct not only to the fundamental principles set out in Article 3, but also to the principles of fairness, politeness and availability in interpersonal relations, including when sharing skills and information among colleagues.
2. Without prejudice to the compliance with deadlines of administrative procedure, the recipients of this Code as per Art. 2, paragraph 1, letters a) and b) - unless justified - shall not delay or behave in such a way as to cause other employees to perform activities or make decisions for which they are responsible. In the event that they are unable to complete a job they have started, they shall provide the office manager and any successor colleague with any information useful for service continuation. Similarly, in the event of transfer to other organisational units or offices, in Italy or abroad, they shall facilitate the handover related to their work, taking particular care to provide any useful information in this regard, highlighting the actions to be taken urgently and ensuring the widest cooperation, also sharing any skills they acquired being useful for the performance of duties.
3. They are required to certify their presence on duty by means of a time card (badge) or other instrument made available by the Administration, refraining from engaging in fraudulent conduct aimed at misleading the Administration. They shall avoid undue absences during working hours and use breaks permitted by custom with moderation and common sense. They shall also use leave of absence from work in accordance with the laws, regulations, the CCNL and ITA-Agency's internal provisions. Finally, during absence due to illness or injury, they shall not engage in activities that delay psycho-physical recovery. The recipients of the Code are required to use the material, equipment, telephone and telematic services at their disposal for office reasons and the Administration's means of transport, when made available to them, in compliance with the

constraints imposed, refraining from using them for personal reasons.

4. Staff serving abroad, whether permanent or recruited on the basis of local law, must specifically inspire their conduct - in private, in office and in public - to the strictest principles of discipline, propriety and decorum imposed by the major duties arising from their representation functions or those of the office they belong to as well as by respect for local laws and customs.
5. In the performance of tasks referred to in Art. 53 of Italian Legislative Decree no. 165/2001, including cases which are not subject to authorisation rules, the persons concerned shall not use the name of ITA-Agency or the position held within the Agency in such a way as to let the recipients believe that the opinions expressed or the content, however named, of the task reflect a position attributable to ITA-Agency.

ART. 11- USE OF INFORMATION TECHNOLOGY

1. As far as computer applications are concerned, the recipients shall comply with security policies so as not to compromise the functionality and protection of information systems.
2. The administration, through its facility managers, has the power to carry out the necessary investigations and take all measures to ensure the security and protection of computer systems, information and data. The procedures for carrying out these checks are established by means of guidelines adopted by Agenzia per l'Italia Digitale (Agency for Digital Italy), after consulting the Garante per la protezione dei dati personali (Italian Data Protection Authority). As for the use of personal electronic devices, Art. 12, paragraph 3-bis of Italian Legislative Decree no. 82 of 7 March 2005 shall apply.
3. It is forbidden to use institutional accounts for purposes other than work-related or work-attributable ones if such use could compromise the Administration's security or reputation.

Personal e-mail accounts may not be used for institutional communications except in cases of Force Majeure.
4. Employees are responsible for the content of the messages they send. Employees shall comply with the methods for signing service e-mail messages identified by their administration. Each outgoing message must allow for the identification of the sending employee and must indicate an institutional address at which he/she can be reached.
5. Employees are allowed to use the IT tools provided by the Administration in order to perform personal duties without having to leave their workplace, provided that the activity is contained within restricted time limits and without prejudice to institutional tasks. In any case, it is forbidden to use IT tools provided by the Administration for purposes other than work-related or work-attributable ones if such use could compromise the Administration's security or reputation.
6. It is forbidden to send e-mail messages, inside or outside the Administration, that are insulting, discriminatory or that could in any way be a source of liability for the Administration. Furthermore, they shall not send e-mail messages that are unrelated to office activities, being threatening or insulting, and shall not express in them inappropriate comments that may cause offence to the person and/or harm the image of ITA-Agency.

ART. 12 - USE OF INFORMATION AND SOCIAL MEDIA

1. The recipients of this Code shall refrain from making public by any means, including the web or social networks, blogs or forums, comments, information and/or photos/videos/audio that may harm the image or prestige of the Administration, the honour of colleagues, as well as the confidentiality or dignity of individuals.
2. Employees shall use their social media accounts in such a way that the opinions expressed therein and the content published therein, whether their own or that of third parties, are in no way attributable to the Administration they belong to.
3. In any event, employees are required to refrain from any intervention or comment that might harm the prestige, decorum or image of the Administration to which they belong or of the public administration in general.
4. Employees are also prohibited from processing communications, directly or indirectly related to the service, through public conversations conducted on any digital platform.
5. If the employees' professional or job title can be derived or is expressly indicated in social platforms, this constitutes an element that can be assessed for the purposes of grading the possible disciplinary sanction in the event of a breach of the provisions contained in this Article.
6. The provisions of this Article shall apply whether the activities are carried out inside or outside the workplace, during or outside working hours, and whether they use the Administration's computer or communication systems, either its own or those that are permanently or temporarily available to it for any reason.
7. Without prejudice to the cases of prohibition provided for by law, employees may not disclose or disseminate documents, including investigative ones, and information that they have at their disposal, for reasons unrelated to their employment relationship with the administration and contrary to the provisions of Italian Legislative Decree no. 33 of 13 March 2013 and Italian Law no. 241 of 7 August 1990.

ART. 13 - RESPECT FOR THE ENVIRONMENT

1. The recipients shall conform their conduct in the workplace to respect the environment and to contribute to the objectives aimed at reducing energy consumption, water resources and more generally the materials and resources provided by the administration for the performance of their tasks, as well as at reducing waste and recycling, in full compliance with the directives issued by the Administration. Therefore, they shall make careful, efficient and economical use of resources, paying attention also to minimum economy behaviours such as proper management of lights, water, air conditioning, printers and photocopiers, also in view of the progressive trend towards document digitisation. They shall also pay constant attention to energy efficiency and saving, constantly monitoring the Administration's instructions in this regard, as well as to optimal waste management through separate waste collection. They shall respect the absolute ban on the use

of personal electrical equipment.

2. Recipients shall use the furniture, material, equipment, technological tools and, more generally, any resource made available by the Administration with scrupulous care and diligence.

ART. 14 - PUBLIC RELATIONS

1. The recipients referred to in Article 2, paragraph 1, letters a) and b) of this Code, in their relations with the public, and more generally with all the recipients of administrative action, in Italy and abroad, shall act, even in telephone conversations and correspondence, in a spirit of service, fairness, courtesy and helpfulness, and, in any case, directing their conduct towards user's satisfaction, identifying themselves, the office to which they belong and the person responsible for it, if requested.
2. They shall carry out their tasks with thoroughness and accuracy, ensuring equal treatment, on equal terms, among users, especially when they are enterprises that use ITA-Agency services, also taking into account cultural differences, so as to avoid behaviour or expressions that are potentially inappropriate or offensive or that may harm the prestige, decorum or image of the administration to which they belong or of the public administration in general. They shall ensure compliance with the quality standards set by the Administration, positively promoting its image, ensuring service continuity and providing information on the modalities of service in a clear and exhaustive manner, respecting the rules on official secrecy and personal data protection. If they are not competent by virtue of their position or subject-matter, even if they receive requests for access to administrative documents, simple or generalised civic access, they shall promptly refer the interested party to the competent official or office of the Administration or, if they are aware of it, to another Administration competent by subject-matter or function.

ART. 15 - CONFIDENTIALITY

1. The recipients of this Code shall not divulge for any reason whatsoever outside the permitted cases nor facilitate in any way the knowledge or anticipate the outcome of their own or others' decisions or actions pertaining to their office or of which they have become aware by reason of their work, and shall observe the strictest precautions to protect confidentiality and professional secrecy. In particular, they shall not provide to any person, including the mass media, or facilitate its knowledge in any way, confidential information on the contents of ongoing activities/decisions/proceedings, before it has been officially deliberated and communicated to the parties. They shall also use due diligence to prevent its inadvertent disclosure. The recipients of this Code shall process personal data in compliance with EU Regulation 2016/679 of 27 April 2016, the "General Data Protection Regulation" (GDPR), adhering to the principle of minimisation so that such processing is adequate, relevant and limited to what is necessary in relation to the purposes for which data are processed.
2. Persons who, having access to databases internal or external to the Agency, become aware

of confidential or personal information relating to their employees, collaborators, suppliers or customers, shall act so as to ensure the confidentiality of such information, if it is not already in the public domain. They shall take particular care in the management of documents intended for external use, including those intended for inspection, supervisory or control bodies or authorities, or those required by regulatory provisions. Under no circumstances shall they disclose to unauthorised persons the access codes to computer or telematic systems (by way of example only, Agenzia Entrate e Riscossione -Tax Collection Agency-, Agenzia delle Entrate -Revenue Agency-, INPS -National Institute for Social Security-) to which they have access for their service.

3. Information acquired as a result of relations maintained on behalf of ITA-Agency with other Administrations, Bodies or Organisations, including EU and international ones, in Italy or abroad, is not used outside the representation mandate received.
4. Employees, even if they are registered with the Association of Journalists or are copyright holders, who, participating in a personal capacity in conferences, seminars or debates, publish writings, studies, articles or give interviews on institutional matters, even if they do not make explicit mention of the position they hold within ITA-Agency, must be authorised in advance by their hierarchical superior. They shall also state that the opinions they express are of a personal nature and do not commit ITA-Agency.
5. All work-related communications addressed to Italian and international media must be shared, in advance, with the Head of the Communication Office, while those with the media of local relevance remain the responsibility of the Managers of the individual offices.

ART. 16 - SPECIAL PROVISIONS FOR MANAGERS OF ITALIAN OFFICES AND FOREIGN OPERATING UNITS

1. Without prejudice to the application of the other provisions of the Code, this article applies to the Managers of Italian Offices, including the holders of executive appointments pursuant to Article 19, paragraph 6, of Italian Legislative Decree no. 165/2001, and of Foreign Operating Units, who diligently carry out their functions on the basis of a task assignment deed and adopt an organisational behaviour appropriate to the performance of the same, endeavouring and ensuring that their own person and the human resources assigned conform their behaviour to the principles and obligations provided for in this Code and in the internal Regulations, however denominated, of ITA-Agency, of which they are required to promote the widest knowledge.
2. Without prejudice to the provisions of the PIAO, before taking up his/her duties, the Manager shall inform the Administration of any shareholdings and other financial interests that may place him/her in conflict of interest with the public function he/she performs and shall comply with the further provisions of Article 13 of Italian Presidential Decree no. 62/2013. The declarations made must be updated in the event of one or more of the cases referred to in the regulations in force.
3. At the time of the appointment of an executive or senior management position by ITA-Agency, the person concerned shall submit, as a condition for the appointment's effectiveness, a declaration on the non-existence of grounds for ineligibility. The person concerned shall also submit an annual

declaration on the non-existence of causes of incompatibility and in any case, even before the annual deadline, shall promptly notify the occurrence of such causes. Italian Legislative Decree no. 39/2013 shall apply.

4. The Manager shall take a fair and transparent attitude and adopt exemplary behaviour in terms of integrity, impartiality, good faith and correctness, equal treatment, fairness, inclusiveness and reasonableness in relations with colleagues, collaborators and recipients of administrative action. The Manager shall take care of the professional growth of employees, fostering training events and promoting development opportunities within and outside the structure he/she is in charge of. Within the limits of available resources, he/she shall take care of the organisational well-being in the structure he/she is in charge of, favouring the establishment of cordial and respectful relations among collaborators, as well as of relations, both internal and external to the structure, based on loyal collaboration and mutual trust, and shall take initiatives aimed at the spread of information, inclusion and enhancement of differences in gender, age and personal conditions. He/she is responsible for creating the conditions for a harmonious, respectful and motivational climate for employees, preventing mobbing and/or harassment.
5. The Manager shall carry out the evaluation of the staff assigned to the structure he/she is in charge of with impartiality and respecting the prescribed directions and deadlines, measuring the achievement of results and organisational behaviour, supervising the lawful use of leave of absence from work and the correct recording of attendance. He/she shall observe and monitor his/her staff's compliance with the rules on incompatibility, ineligibility, conflicts of interest, accumulation of employment, and external work assignments laid down by Italian Legislative Decree no. 165/2001 and subsequent amendments as well as by Italian Legislative Decree no. 39/2013. He/she will abide by the provisions of the above mentioned Article 7, paragraph 2.
6. In Foreign Operating Units, the Manager shall fulfil all obligations, including administrative and accounting requirements, in a correct and timely manner, so as to ensure transparency in the office management. He/she shall also supervise personnel safety measures in accordance with national and local regulations.

ART. 17 - CONTRACTS AND OTHER NEGOTIATIONS

1. With regard to public contracts, the recipients shall comply with the provisions of the relevant legislation as well as the ANAC's (Italian Anti-Corruption Authority, hereinafter ANAC) Guidelines on conflicts of interest in public contract award procedures. Both in Italy and abroad, they shall also ensure the moral integrity, reputation and good name of their counterparts and assess, where possible, whether they have undertaken Corporate Social Responsibility initiatives - such as improving employees' working conditions, developing sustainable products and processes, environmental safety, combating corruption, or whether they have adopted their own Code of Ethics inspired by the principles of the UN Global Compact, as this Agency has already done.
2. In making agreements and negotiations and in concluding contracts on behalf of the Administration, as well as in the execution thereof, except in cases where it is necessary to act through professional intermediation, the recipients referred to in Article 2, paragraph 1, letters a) and b) shall not use

the mediation of third parties, nor shall they pay or promise to pay any benefits to anyone by way of intermediation, or to facilitate or have facilitated the conclusion or execution of the contract.

3. They shall not conclude, on behalf of the Administration, tender, supply, service, financing and insurance contracts with companies with which they have entered into contracts or received other benefits in a private capacity in the previous two years, with the exception of those concluded pursuant to Article 1342 of the Italian Civil Code. If such private activity involves natural or legal persons with whom they have concluded, in the previous two years, procurement, supply, service, financing and insurance contracts on behalf of the Administration, they shall inform their hierarchical superior in writing.

If the Administration concludes tender, supply, service, financing or insurance contracts with companies with which employees have concluded private contracts or received other benefits in the previous two years, they shall abstain from taking part in decision-making and in activities relating to the execution of the contract, drawing up a written record of such abstention to be kept on file in the office.

4. If the Manager is in the situations referred to in paragraph 3 of this Article, he/she shall inform the senior manager responsible for HR in writing.
5. If they receive, from natural or legal persons taking part in negotiation procedures in which the Administration is a party, oral or written complaints about the work performed by the office or their staff, they shall immediately inform their hierarchical or functional superior, as a rule in writing.

ART. 18 - SUPERVISION, MONITORING AND TRAINING ACTIVITIES

1. The Manager of Italian Offices and Foreign Operating Units, the Organismo Indipendente di Valutazione (Independent Evaluation Body, hereinafter OIV) of ITA-Agency, the internal control structures and the UPD supervise the application of this Code, and the latter takes care, in close liaison with the RPCT (person in charge of the corruption prevention and transparency), of updating it.
2. The recipients referred to in Article 2, letters a) and b) of this Code are addressed training activities, with annual and systematic updates, on the fight against corruption, transparency and integrity, as well as on issues of public ethics and ethical behaviour - to be compulsorily carried out, both following recruitment and in any case of transfer to higher roles or functions, as well as transfer of personnel, the duration and intensity of which are proportionate to the degree of responsibility - in order to enable them to achieve full knowledge and understanding of the contents of this Code of Conduct. Managers will also be provided with specific training activities on disciplinary offences, especially in order to allow the exact identification of the type and extent of the punishable act.

ART. 19 - DISCIPLINARY LIABILITIES RESULTING FROM THE BREACH OF DUTIES SET FORTH IN THE CODE

1. Without prejudice to the criminal, civil, administrative or accounting liability of the public employee, pursuant to Article 54 of Italian Legislative Decree no. 165/2001 and subsequent amendments and additions thereto, the breach of the obligations provided for by this Code and by the National Code of Conduct constitutes a conduct contrary to office duties and is a source of disciplinary liability ascertained at the outcome of the disciplinary proceedings, in compliance with the principles of gradualness and proportionality of the sanctions and on the basis of the disciplinary rules laid down by law and by the CCNL in force.
2. The provisions of Italian Legislative Decree no. 165/2001 and Italian Presidential Decree no. 62/2013 as well as any other legal provisions shall apply.
3. Compliance or non-compliance with the provisions of this Code is also relevant to the measurement and assessment of the individual performance of the employee/manager and consequently affects the payment of the productivity or performance bonus.

ART. 20 - TRANSITIONAL, ADJUSTMENT AND FINAL PROVISIONS

1. This Code is published on ITA-Agency institutional website and on the Intranet. It is also sent by ordinary e-mail to the recipients referred to in Article 2 and when an employment contract is signed or a task is entrusted by specific deed. The companies providing services to the Administration shall inform their employees in any capacity of the obligations of conduct contained in the Code. The Legal Management and Human Resources Development Office shall inform the staff of the adoption of this Code.
2. This Code comes into force on the day following its publication on ITA-Agency's institutional website.

ANNEX A: TABLE OF CORRESPONDENCE BETWEEN THE BREACH OF DUTY AND DISCIPLINARY SANCTIONS FOR NON- MANAGERIAL STAFF

Disciplinary liability arises from the breach of duties inherent in the employment relationship by the employee contained in the CCNL for personnel of the Central Functions Sector for the three-year period 2019-2021, or in Italian Legislative Decree no. 165/01, or in the General Code of Conduct for public employees referred to in Italian Presidential Decree no. 62/2013, or in the Code of Conduct of ITA-Agency, including the duties relating to the implementation of the Plan for Corruption Prevention, the latter expressly included in Art. 54, paragraph 3, of Italian Legislative Decree no. 165/2001.

As set out in Article 43, paragraph 1, "Disciplinary Code" of the CCNL for personnel of the Central Functions Sector for the three-year period 2019-2021, the type and extent of each disciplinary sanction are determined in relation to the following general criteria, in compliance with the principle of gradualness and proportionality of the sanctions in relation to the seriousness of the misconduct:

- a) intentionality of the conduct, degree of proven negligence, recklessness or inexperience, also taking into account the event foreseeability;
- b) relevance of the breached obligations;
- c) responsibilities related to the position held by the employee;
- d) degree of damage or danger caused to the administration, users or third parties or to the inconvenience created;
- e) existence of aggravating or mitigating circumstances, with particular regard to the employee's conduct, disciplinary record of the two-year period provided for by law, and conduct towards users;
- f) participation in the breach by several workers in agreement with each other.

Article 43, paragraph 2, further provides that an employee who is responsible for several breaches committed with a single action or omission or with several related actions or omissions and ascertained by means of single proceedings shall be subject to the sanction foreseen for the most serious breach if said breaches are punished with sanctions of different seriousness levels.

Below is a table of correspondence, not being exhaustive, of the breaches of duties by ITA-Agency's employee and the corresponding disciplinary sanctions, with the warning that, according to the above mentioned Art. 43, paragraph 10, misconducts not expressly provided for are still sanctioned according to the criteria set out above in paragraph 1, making reference, as to the identification of punishable acts, to the obligations of workers referred to in Art. 42, which establishes the "Employee's obligations", and referring, as to the type and extent of sanctions, to the principles inferable from the same Article 43 of the CCNL.

DISCIPLINARY SANCTION	BREACH
<p>From the minimum extent of a verbal or written reprimand to the maximum extent of a fine of four hours' pay</p> <p>(Art. 43, paragraph 3 of the CCNL)</p>	<p>It shall apply in the following cases, grading the extent of sanctions in relation to the general criteria set out above in Article 43, paragraph 1 of the CCNL 2019-2021:</p> <ul style="list-style-type: none"> a. failure to comply with service provisions, including those relating to smart working, even for absences due to sickness, and working hours, where the cases referred to in Article 55-quater, paragraph 1, letter a) of Italian Legislative Decree no. 165/2001 do not apply (therefore, excluding the cases for which the sanction of disciplinary dismissal is provided for: false attestation of presence on duty, by altering the presence detection systems or by other fraudulent means, or justification of absence from duty by means of a false medical certificate or which falsely attests a state of illness) b. conduct inconsistent with the principles of fairness towards superiors or other employees or towards users or third parties; c. negligence in the care of the premises and movable property or instruments entrusted to him/her or over which, in connection with his/her responsibilities, he/she has to perform custody or supervision; d. failure to comply with obligations concerning the prevention of accidents and safety at work where this does not result in damage or harm to the service or the interests of the administration or third parties; e. refusal to submit to personal checks ordered to protect the assets of the administration, in accordance with the provisions of Article 6 of Italian Law no. 300/1970 (which regulates the cases in which personal checks may be ordered by the employer); f. negligence or inadequate performance in carrying out the duties assigned, where the cases referred to in Article 55-quater of Italian Legislative Decree no. 165/2001 do not apply, (cases for which the sanction of disciplinary dismissal is provided for - see below); g. breach of the obligation laid down in Article 55-novies of Italian Legislative Decree no. 165/2001 (concerning the obligation to identify personnel in contact with the public); h. breach of duties and obligations of conduct not specifically covered in the preceding paragraphs.

DISCIPLINARY SANCTION	BREACH
<p>Suspension from work with deprivation of pay for up to 10 days</p> <p>(Art. 43, paragraph 4 of the CCNL)</p>	<p>It shall apply in the following cases, grading the extent of the sanction in relation to the general criteria set out above in Article 43, paragraph 1 of the CCNL 2019-2021:</p> <ul style="list-style-type: none"> a. repeated misconducts provided for in Article 43, paragraph 3 of the CCNL (see above); b. very serious misconducts provided for in Article 43, paragraph 3 of the CCNL (see above); c. unjustified absence from work - even when performed in smart mode - or arbitrary abandonment thereof, where the case provided for in Article 55-quater, paragraph 1, letter b) of Italian Legislative Decree no. 165/2001 is not applicable (thus excluding the cases - for which disciplinary dismissal is provided for - of "absence without valid justification for a number of days, including non-continuous ones, exceeding three within a two-year period or, in any case, for more than seven days over the last ten years, or failure to return to work, in the event of unjustified absence, within the deadline set by the administration" - see below). <p>In such cases, the extent of the sanction is determined in relation to the duration of absence or abandonment of duty, the inefficiency created, the seriousness of the employee's breach of duty, and any damage caused to the administration, users or third parties.</p> <ul style="list-style-type: none"> d. unjustified delay, not exceeding 5 days, in moving to the workplace assigned by superiors; e. carrying out activities that delay psycho-physical recovery during illness or injury; f. insulting manifestations against the administration, unless they are an expression of freedom of thought, pursuant to Art. 1 of Italian Law no. 300/1970 ("Workers, without distinction of political opinion, trade union or religious faith, have the right, in the places where they work, to freely manifest their thoughts, in compliance with the principles of the Italian Constitution and the rules of this law"); g. acts, conduct or harassment detrimental to personal dignity, where the seriousness and repetition of the offences referred to in Article 55-quater, paragraph 1, letter e) of Italian Legislative Decree no. 165/2001 do not apply (such cases, for which disciplinary dismissal is provided and which relate to the repetition in the workplace of serious aggressive, harassing, threatening or insulting conduct, or in any case conduct detrimental to the honour and personal dignity of others - see below); h. hostile and denigrating acts or aggressive conduct taking the form of moral violence towards another employee, threatening, insulting, slanderous or defamatory conduct towards other employees or users or third parties, where the seriousness and repetition of the offences referred to in Article 55-quater, paragraph 1, letter e) of Italian Legislative Decree no. 165/2001 do not apply (see letter g) above); i. breach of duties and obligations of conduct not specifically covered in the preceding paragraphs, from which inconvenience, damage or danger to the administration, users or third parties resulted.
<p>Suspension from work with deprivation of pay for up to 15 days</p> <p>(Art. 43, paragraph 5 of the CCNL)</p>	<p>It shall apply, pursuant to Article 55-bis, paragraph 7 of Italian Legislative Decree no. 165/2001, to the employee (or manager), belonging to the same or a different public administration as the accused, who, having knowledge for official or service reasons of information relevant to an ongoing disciplinary proceedings, refuses, without a justified reason, to cooperate with the Disciplinary Office in the proceedings or makes statements being false or reticent.</p>

DISCIPLINARY SANCTION	BREACH
Suspension from work with deprivation of pay for up to 3 months (Art. 43, paragraph 6 of the CCNL)	<p>It shall apply to the cases provided for in Article 55-sexies, paragraph 3 of Italian Legislative Decree no. 165/2001, which provides for the application of the sanction for "failure to take or lapse of disciplinary action, due to the omission or delay, without justified reason, of the acts of the disciplinary proceedings, including the report referred to in Article 55-bis, paragraph 4 or to manifestly unreasonable assessments of the non-existence of the breach in relation to conduct of objective and obvious disciplinary relevance, without prejudice to the greater sanction of dismissal provided for in the cases referred to in Article 55-quater, paragraph 1, letter f-ter), and paragraph 3-quinquies" - (see below - disciplinary dismissal).</p>
Suspension from work with deprivation of pay for a minimum of 3 days and a maximum of 3 months (Art. 43, paragraph 7 of the CCNL)	<p>It shall apply in the case provided for in Article 55-sexies, paragraph 1, of Italian Legislative Decree no. 165/2001, i.e. in the case of breach of obligations concerning work performance, which has led to the administration being ordered to pay damages, in proportion to the amount of the compensation, unless the conditions for the application of a more serious disciplinary sanction are met.</p>
Suspension from work with deprivation of pay from 11 days to a maximum of 6 months (Art. 43, paragraph 8 of the CCNL)	<p>It shall apply in the following cases, grading the sanction extent in relation to the general criteria set out above in Article 43, paragraph 1:</p> <ul style="list-style-type: none"> a. repeated misconducts, in the two-year period, provided for in Article 43, paragraph 4; b. concealment, by the person responsible for the custody, control or supervision, of facts and circumstances relating to the unlawful use, tampering, misappropriation or removal of sums or assets belonging to the Agency or entrusted to it; c. acts, conduct or harassment of a sexual nature where there is no seriousness and repetition; d. altercations with violence in working environments, including with users; e. breach of duties and obligations of conduct not specifically covered in the preceding paragraphs, from which serious damage to the administration, users or third parties still resulted; f. up to two unjustified absences from duty right after public holidays and weekly rest days; g. unjustified collective absences during the periods identified by the administration when it is necessary to ensure continuity in the provision of services to users.

DISCIPLINARY SANCTION	BREACH
Disciplinary dismissal with prior notice and without prior notice (Art. 43, paragraph 9 of the CCNL)	<p>Without prejudice to the general rules on dismissals for just cause and justified reason, the sanction of disciplinary dismissal applies in the following cases:</p> <p><u>With prior notice for:</u></p> <ul style="list-style-type: none"> a. the following hypotheses considered by Italian Legislative Decree 165/2001, Art. 55-quater, paragraph 1: letter b): absence without valid excuse for a number of days, including non-continuous absence, of more than three days over a two-year period or, in any event, for more than seven days over the last ten years, or failure to return to work, in the event of unjustified absence, within the period fixed by the administration; letter c): unjustified refusal of transfer ordered by the administration on the grounds of service needs; letter f-bis): serious or repeated breaches of the codes of conduct, pursuant to Article 54, paragraph 3 of Italian Legislative Decree no. 165/2001; letter f-ter): wilful or grossly negligent commission of the breach referred to in Article 55-sexies, paragraph 3 (breach relating to the failure to take or lapse of disciplinary action); letter f-quater): the repeated breach of obligations concerning work performance which has led to the application, in disciplinary proceedings, of suspension from service for a total period exceeding one year within a two-year period; letter f-quinquies): inadequate performance, due to repeated breach of the obligations concerning work performance, laid down by law or regulations, by collective or individual agreement, or by acts and measures of the administration the employee belongs to, and detected by the constant negative performance evaluation of the employee for each year of the last three years, made for those specific purposes pursuant to article 3, paragraph 5-bis, of Italian Legislative Decree no. 150 of 2009. b. repeated breaches referred to in Article 43, paragraphs 5, 6, 7 and 8; c. multiple repeated breaches in one of the cases referred to in the preceding paragraphs, even if of a different nature, or repeated breaches within two years of a case which has already led to the application of the sanction of suspension from service and pay; d. repeated acts, behaviour or harassment of a sexual nature within two years or when the act, behaviour or harassment is of a particularly serious nature; e. final conviction, for an offence committed outside the service and not directly related to the employment relationship, which does not permit its continuation because of its specific seriousness; f. breach of the obligations of conduct set out in Article 16, paragraph 2, second and third sentences of Italian Presidential Decree no. 62/2013. g. breach of the duties and obligations of conduct not specifically included in the preceding points of such seriousness, according to the criteria set out in Article 43, paragraph 1, as not to permit continuation of the employment relationship; h. failure to return to work, except in cases of proven impediment, after periods of interruption of activity provided for by the laws and contractual provisions in force, at the end of the period of suspension or at the expiry of the time limit set by the administration.

DISCIPLINARY SANCTION	BREACH
Disciplinary dismissal with prior notice and without prior notice (Art. 43, paragraph 9 of the CCNL)	<p><u>Without prior notice for:</u></p> <ul style="list-style-type: none"> a. the hypotheses considered in Italian Legislative Decree no. 165/2001, Article 55-quater, paragraph 1, letter a): false attestation of presence on duty, by altering the systems for recording attendance or by other fraudulent means, or justification of absence from duty by means of a false medical certificate or falsely attesting a state of illness; letter d): documentary or declaratory falsehoods committed for the purposes of or in connection with the establishment of the employment relationship or career advancement; letter e): repetition in the work environment of serious aggressive, harassing, threatening or insulting conduct or in any event conduct detrimental to the honour and personal dignity of others; letter f): final criminal conviction, in relation to which there is provision for perpetual disqualification from holding public office or termination, however named, of the employment relationship; b. serious criminal offences, including those that may give rise to precautionary suspension, in accordance with the provisions of Article 64 of the CCNL 12 February 2018, without prejudice to the provisions of Article 65 of the CCNL 12 February 2018; c. final conviction for an offence committed in the course of duty or off duty which, although not directly related to the employment relationship, does not permit its continuation, even provisionally, on account of its specific severity; d. generally committing - including against third parties - malicious acts or deeds, which, while not constituting criminal offences, are so serious as not to permit the continuation, even provisionally, of the employment relationship; e. conviction, even if not final: -for the offences indicated in article 7, paragraph 1 and article 8, paragraph 1 of Italian Legislative Decree no. 235/2012; - when the conviction results in any case in perpetual disqualification from holding public office; - for the offences provided for in Article 3, paragraph 1 of Italian Law no. 97 of 27 March 2001; - for serious offences committed in the course of duty; f. wilful breaches of obligations, not specifically covered by the preceding letters, even towards third parties, of such seriousness, in relation to the criteria set out in Article 43, paragraph 1, as not to permit the continuation, even provisionally, of the employment relationship.

ANNEX B: CONTRATTO COLLETTIVO NAZIONALE DI LAVORO (CCNL) - MANAGERS AND PROFESSIONALS - CENTRAL FUNCTIONS AREA - THREE-YEAR PERIOD 2016-2018 CHAPTER III - DISCIPLINARY LIABILITY

Art. 33 - General Principles

1. Given the specific professional contents, the particular responsibilities that characterise the manager profile, in compliance with the principle of distinction between the policy-making and control functions pertaining to the governing bodies and the management functions pertaining to management, as well as the constitutional case law on the subject, and given the particular nature, the depth of the liability and the degree of autonomy of professionals, in order to ensure better functionality and operation of the administrations, specific cases of disciplinary liability are established for the personnel referred to in Article 1 of this CCNL, as well as the relevant system of sanctions with the guarantee of adequate protection for managers and professionals in compliance with Italian Legislative Decree no. 165/2001.
2. For managers, it is a general principle to distinguish between the procedures and criteria for performance assessment and those relating to disciplinary liability, including with regard to their outcomes. Disciplinary liability relates to the breach of obligations of conduct, in accordance with the principles and procedures set out in this CCNL and is distinct from managerial responsibility under Article 21 of Italian Legislative Decree no. 165/2001, which instead concerns the achievement of results in relation to assigned targets, the quality of the contribution made to the overall performance of the structure, the professional and managerial skills demonstrated, as well as the organisational conduct required for the most effective performance of the functions assigned. Managerial responsibility is ascertained according to the procedures and by means of the bodies provided for under the administration's assessment system, in compliance with the regulations in force.
3. For professionals, the general principle consists in distinguishing between the criteria for assessing professional activity and those relating to disciplinary liability.

The activities of professionals within the bodies are carried out in accordance with the legal and contractual regulations and the ethical rules governing the exercise of the respective professions. Professionals are held accountable for this in accordance with the law, the contract and the individual professional rules and regulations, and they take on the resulting liabilities.
4. Strict compliance both with the disciplinary rules set out in Italian Legislative Decree no. 165/2001 and in this contract, but also with the rules of professional ethics that emanate from the respective professional Associations, is a primary obligation for each professional.
5. For the personnel referred to in Article 1 of this CCNL, the other cases of liability referred to in Article 55, paragraph 2 of Italian Legislative Decree no. 165/2001, which have a distinct and specific value with respect to disciplinary liability, remain unaffected.
6. Disciplinary sanctions are applied according to the principles and criteria defined in this CCNL, in compliance with the provisions of Articles 55 et subs. of Italian Legislative Decree no. 165/2001.

Art. 34 - Obligations

1. The personnel referred to in Article 1 of this CCNL shall conform their conduct to the constitutional duty to serve the Italian Republic with commitment and responsibility and to respect the principles of good performance and impartiality of administrative activity, putting respect for the law and the public interest before their own and other people's private interests, also observing the code of conduct referred to in Article 54 of Italian Legislative Decree no. 165/2000, as well as the specific code of conduct adopted by the administration they work for.
2. The personnel referred to in Article 1 of this CCNL also conform their conduct to the principles of diligence and loyalty referred to in Articles 2104 and 2105 of the Italian Civil Code and contribute to the management of public affairs with commitment and responsibility, with the aim of pursuing and protecting the public interest.
3. The manager's conduct is marked by the pursuit of the objectives of innovation, quality of services and improvement of the organisation of the administration, in the primary consideration of the needs of citizens-users.
4. In relation to the provisions of paragraphs 1, 2 and 3, the personnel referred to in Article 1 of this CCNL must specifically:
 - a) respect official secrecy in the cases and in the manner provided for by the rules of law pursuant to Article 24 of Italian Law no. 241/1990;
 - b) not use for private purposes the information in its possession for working reasons;
 - c) in the performance of their activities, maintain a conduct in line with the principles of fairness and cooperation in interpersonal relations, within the administration, with all staff (managerial and non-managerial), refraining, especially in relations with users, from conduct detrimental to the dignity of the person or which, in any case, may harm the image of the Administration;
 - d) within the scope of their activity, maintain a conduct in line with their role and professional activity, organising and ensuring their presence on duty, correlated to the needs of the structure and to the performance of the task entrusted to them, in compliance with legislative and contractual regulations and service provisions. In particular, all personnel to whom this code is addressed are required to comply with the contractual provisions on work commitments or, where provided for, working hours;
 - e) refrain from participating, in the performance of their duties and professional activity, in decision-making or in activities that may directly or indirectly involve personal interests or the ones of spouses, cohabitants, relatives and relatives-in-law up to the second degree, pursuant to Italian Presidential Decree no. 62/2013;
 - f) supervise, in the exercise of their managerial power, the proper performance of the activities of the staff, including at managerial level, assigned to their pertaining structure, as well as compliance with the rules of the code of conduct and disciplinary code, including the initiation of disciplinary action, in accordance with the provisions in force;
 - g) inform the administration that they are indicted or that criminal proceedings are being brought against them;
 - h) refrain from asking for or accepting gifts or favourable treatment, except for customary ones

provided that they are within the limits of normal courteous relations and of modest value;

- i) comply with the laws in force on sick note and illness-related absence certification.
5. The manager must ensure compliance with the law, also with regard to the rules governing the employment relationship and contractual provisions, as well as compliance with the general directives and those issued by the administration, directly pursuing the public interest in the performance of his/her duties and in the conduct that is put in place and reporting on the results achieved and the objectives attained.
 6. In any case, the manager is obliged to ensure compliance with the rules in force on professional secrecy, confidentiality and protection of personal data, transparency and access to administrative activity, information to users, self-certification, accident protection and safety at work, as well as the smoking ban. All personnel covered by this Chapter are in any case obliged to observe these rules.
 7. As regards incompatibilities, the provisions of Article 53 of Italian Legislative Decree no. 165/2001 shall remain in force, also with reference to Article 1, paragraphs 60 et subs. of Italian Law no. 662/1996, insofar as applicable.

Art. 35 - Disciplinary sanctions

1. The breaches by personnel referred to in Article 1 of this CCNL regarding the obligations governed by Article 34 (Obligations), depending on the seriousness of the breach, after disciplinary proceedings, shall give rise to the application of the following sanctions:
 - a) fine ranging from a minimum of EUR 200 to a maximum of EUR 500;
 - b) suspension from service with deprivation of pay, in accordance with the provisions of Article 36 (disciplinary code);
 - c) dismissal with prior notice;
 - d) dismissal without prior notice.
2. The following disciplinary sanctions are also provided for by Italian Legislative Decree no. 165/2001:
 - a) suspension from work with deprivation of pay for up to 15 days pursuant to art. 55-bis, paragraph 7;
 - b) suspension from work with deprivation of pay for a minimum of 3 days and a maximum of 3 months pursuant to art. 55-sexies, paragraph 1;
 - c) suspension from work with deprivation of pay for up to 3 months pursuant to art. 55-sexies, paragraph 3.
3. For the modes and terms of disciplinary proceedings, the provisions of Article 55-bis of Italian Legislative Decree no. 165/2001 shall apply.
4. Disciplinary proceedings are carried out by the office responsible for disciplinary proceedings pursuant to Article 55-bis, paragraph 4 of Italian Legislative Decree no. 165/2001.
5. In the context of the disciplinary proceedings provided for by Article 55-bis of Italian Legislative Decree no. 165/2001, the notice of the same must be specific and timely, in compliance with the

deadlines laid down by the law, and must also contain a clear and punctual statement of the facts actually occurring, in order to inform the personnel referred to in Article 1 of this CCNL of the elements charged and to allow them to exercise their right of defence.

6. Disciplinary sanctions may not be taken into account for the purposes of other disciplinary proceedings after two years from their application.
7. The measures referred to in this Article do not relieve the manager or the professional from any other liability he or she may incur, including managerial responsibility, which will be established in the modes provided for in the evaluation system.
8. In any case, the provisions of Article 55-quater of Italian Legislative Decree no. 165/2001 shall remain unaffected.

Art. 36 - Disciplinary Code

1. Administrations are required to respect the principles of gradualness and proportionality of sanctions in relation to the misconduct seriousness. To this end, the following general criteria are laid down concerning the type and extent of each of the sanctions:
 - the behaviour intentionality;
 - the degree of negligence and malpractice shown, also taking into account the event foreseeability;
 - the relevance of the infringement and non-compliance with the breached obligations and provisions;
 - the responsibilities related to the managerial position held and the professional activity performed, as well as the seriousness of the damage to the prestige of the administration;
 - the extent of the damage caused to property or persons, including users;
 - the possible existence of aggravating or mitigating circumstances, including those related to the overall manager conduct or to the concurrence of several persons in the infringement.
2. Repeated misconducts provided for in paragraphs 4, 5, 6 and 7, as well as paragraph 8, already sanctioned in the two-year reference period, shall entail a more serious sanction of a different type among those identified in this Article.
3. An employee or professional being responsible for several breaches committed with a single action or omission or with several related actions or omissions and ascertained by means of single proceedings shall be subject to the sanction foreseen for the most serious breach if said breaches are punished with sanctions of different seriousness levels.
4. A fine ranging from a minimum of EUR 200 to a maximum of EUR 500 shall be applied, grading its amount in relation to the criteria set out in paragraph 1, in cases of:
 - a) failure to comply with the contractual and legislative provisions in force, as well as with the directives, measures and instructions issued by the service, including those concerning absences due to sickness, extra-institutional assignments and presence on duty related to the requirements of the structure and to the performance of the assignment entrusted, where the cases provided for in Article 55-quater, paragraph 1, letter a) of Italian Legislative Decree no. 165/2001 do not apply;
 - b) conduct, in the workplace, that does not comply with the principles of fairness towards management bodies, colleagues (managers and others), users or third parties;

- c) altercations in the workplace, including with users or third parties;
 - d) breach of the obligation to inform the Administration without delay that he/she is indicted or has become aware that criminal proceedings or disciplinary action is being taken against him/her by the association to which he/she belongs;
 - e) non-compliance with the obligations laid down for managers with regard to the prevention of accidents or safety at work, as well as the prevention of smoking, even if no damage or disservice to the administration or users arose, as well as, for all staff covered by this code, compliance with the accident prevention and safety requirements and the smoking ban;
 - f) breach of professional secrecy, as governed by the rules of the individual legal systems pursuant to Article 24 of Italian Law no. 241/1990, as well as of the rules on the protection of confidentiality and personal data, even if no damage is caused to the Administration. The amount of the fines will be entered into the administration's budget.
5. Suspension from service with deprivation of pay up to a maximum of 15 days applies in the case provided for in Article 55-bis, paragraph 7 of Italian Legislative Decree no. 165/2001.
6. Suspension from service with deprivation of pay for up to a maximum of 3 months, with failure to pay performance-related remuneration in an amount equal to that due for twice the period of the suspension, applies in the cases provided for by Article 55-sexies, paragraph 3 - except for the most serious cases indicated therein, pursuant to Article 55-quater, paragraph 1, letter f-ter) and paragraph 3-quinquies - and by Article 55-septies, paragraph 6 of Italian Legislative Decree no. 165/2001.
7. Suspension from service with deprivation of pay for a minimum of 3 days and a maximum of 3 months applies in the case provided for in Article 55-sexies, paragraph 1) of Italian Legislative Decree no. 165/2001.
8. The disciplinary sanction of suspension from service with deprivation of pay ranging from a minimum of 3 days to a maximum of 6 months shall be applied, grading the extent of the sanction in relation to the criteria set out in paragraph 1, for:
- a) repeated misconducts provided for in paragraph 4 in the two-year period or when the misconducts provided for in the same paragraph are characterised by high seriousness;
 - b) threats, serious insults, slander or defamation against the public or against the administration or management bodies or colleagues (managers and others) and, in any case, aggressive, hostile and denigrating acts or conduct or altercations, with violence, in the workplace, including with users;
 - c) offensive manifestations against the administration or management bodies, colleagues (managers and others) or third parties, unless they are an expression of freedom of thought, within the meaning of Article 1 of Italian Law no. 300/1970;
 - d) tolerance of irregularities in the course of duty, acts of indiscipline, misconduct or abuses of a particularly serious nature, by personnel over whom managerial powers are exercised, where the cases referred to in Article 55-sexies, paragraph 3, of Italian Legislative Decree no. 165/2001 do not apply;
 - e) unjustified delay in moving to the seat assigned by the Administration;
 - f) carrying out activities that delay psycho-physical recovery during illness or injury;

- g) unless the cases referred to in Article 55-quater, paragraph 1, letter b) of Italian Legislative Decree no. 165/2001 apply, unjustified absence from the service or arbitrary abandonment thereof; in such cases, the extent of the sanction is determined in relation to the duration of the absence or abandonment of duty, the inefficiency created, the seriousness of the breach of the obligations referred to in Article 34 of this CCNL, and any damage caused to the administration, users or third parties;
 - h) concealment or failure to report facts and circumstances relating to the unlawful use, tampering, misappropriation or removal of sums or assets belonging to the administration or entrusted to it;
 - i) any negligent conduct resulting in serious harm to the administration or third parties, without prejudice to paragraph 7;
 - l) acts, behaviour or harassment detrimental to the dignity of the person;
 - m) acts, conduct or harassment of a sexual nature where there is no seriousness or repetition;
 - n) up to two unjustified absences from duty right after public holidays and weekly rest days;
 - o) unjustified collective absences during periods when it is necessary to ensure continuity in the provision of services to users.
9. Without prejudice to the rules on dismissal for just cause or justified reason, the disciplinary sanction of dismissal shall apply:

with prior notice for:

- a) the cases covered by Article 55-quater, paragraph 1, letters b), c), f-bis) to f-quinquies) of Italian Legislative Decree no. 165/2001 and 55-septies, paragraph 4 of the same Legislative Decree;
- b) repetition of one of the misconducts referred to in paragraphs 5, 6, 7 and 8 or, in any event, when the misconducts referred to in the preceding paragraphs are characterised by high seriousness;
- c) the case referred to in Article 55-quater, paragraph 3-quinquies of Italian Legislative Decree no. 165/2001;
- d) breach of the obligations of conduct set out in Article 16, paragraph 2, second and third sentences of Italian Presidential Decree no. 62/2013;
- e) repeated acts, behaviour or harassment of a sexual nature within two years or when the act, behaviour or harassment is of a particularly serious nature;

without prior notice for:

- a) the cases covered by Article 55-quater, paragraph 1, letters a), d), e) and f) of Italian Legislative Decree no. 165/2001 and art. 55-septies, paragraph 3 of the same Legislative Decree;
 - b) serious criminal offences, including those that may give rise to precautionary suspension, in accordance with the provisions of Article 38 (Provisional suspension during criminal proceedings) without prejudice to the provisions of Article 39, paragraph 1 (Relationship between disciplinary and criminal proceedings)
 - c) conviction, even if not final:
- for the offences indicated in article 7, paragraph 1 and article 8, paragraph 1 of Italian Legislative

Decree no. 235/2012;

- when the conviction results in any case in perpetual disqualification from holding public office;
 - for serious offences committed in the course of duty;
 - for the offences provided for in Article 3, paragraph 1 of Italian Law no. 97/2001;
 - d) acts and conduct not specifically included in the preceding points, albeit unrelated to work, also committed against third parties, which are so serious as not to permit the continuation, even provisionally, of the employment relationship, pursuant to Article 2119 of the Italian Civil Code.
10. Failures not expressly provided for in paragraphs 4 to 9 shall in any case be sanctioned in accordance with the criteria set out in paragraph 1, referring, as regards the identification of the facts that can be sanctioned, to the obligations set out in Article 34 (Obligations) and, as regards the type and extent of sanctions, to the principles inferable from the preceding paragraphs.
11. Pursuant to the last sentence of Article 55, paragraph 2 of Italian Legislative Decree no. 165/2001, the disciplinary code referred to in this Article, as well as the codes of conduct, must be published on the Administration's institutional website. Such publication is to all intents and purposes equivalent to posting at the entrance to the workplace.
12. Upon the first application of this CCNL, the Disciplinary Code must be made public in the mode laid down in paragraph 11, within 15 days from the date of the stipulation of this CCNL and shall apply from the fifteenth day following its posting or publication on the administration's website, without prejudice to the sanctions already provided for by law.



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