



ITALIAN TRADE AGENCY

ICE - Agenzia per la promozione all'estero e
l'internazionalizzazione delle imprese italiane

**CODE OF CONDUCT
FOR ICE-AGENCY EMPLOYEES
(ICE-ITALIAN TRADE AGENCY)**

Approved by the Board of Directors on January 24th, 2017 - Resolution n. 402/17

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Art. 1 – Purpose and Scope

1. This Code of Conduct is adopted by ICE-Italian Trade Agency, according to Art. 54, clause 5, Legislative Decree (from now on: D.Lgs). n. 165 of March 30th, 2001 and according to Presidential Decree (from now on: D.P.R.) of April 16th, 2013 n. 62 (Public Servants Code of Conduct), considering: the guidelines of CIVIT – now A.N.A.C. (Autorità Nazionale Anticorruzione e per la valutazione e la trasparenza delle amministrazioni pubbliche – Anti-Bribery National Authority for Public Administration Evaluation and Transparency) Resolution 75/2013; the National Anti-Bribery Plan adopted through CIVIT Resolution 72/2013; the National Anti-Bribery Plan 2015 Update adopted through ANAC Resolution 12/2015; the National Anti-Bribery Plan 2016 Update adopted through ANAC Resolution 831/2016; the ICE-Agency Three Year Plan for Bribery Prevention adopted through B.o.D. Resolution 333/16; and the Whistleblowing Procedure adopted through B.o.D. Resolution 312/15.
2. This Code – as it includes April 16th, 2013 D.P.R. n. 62 provisions – describes principles and values which ICE-Agency employees shall comply with. It specifies the basic diligence, loyalty, impartiality and good conduct obligations that qualify the correct compliance to the work performance; these obligations aim at ensuring a responsible, quality, and user-oriented work.
3. Furthermore, this Code aims at providing the conduct rules which every employee must comply with while carrying out his or her activity; they must pay particular attention, as their activities involve economic interests and affect social interests that support and promote the internationalisation of Italian companies. Similarly, the Code defines the behavioural rules that all employees must follow in their social and relational life, in which their conduct has to meet dignity and decency principles, consistently with their relevant function.
4. This Code also represents one of the “actions and measures” included in the strategies for preventing bribery, as well as the Agency Three-Year Bribery Prevention Plan.
5. The violation of the behavioural obligations of the “Public servants Code of Conduct” and this Code is an infraction, hence it has disciplinary responsibility consequences; the infraction should be confirmed through relevant disciplinary procedures, complying with the sanction proportionality and gradualness principles. Violations will be evaluated according to the disciplinary regulations that the Law, the applicable National Collective Labor Agreements and the attached correspondence Tables A and B establish.
6. For every case not included in this Code, April 16th, 2013 D.P.R. n. 62 (Public servants Code of Conduct) regulations shall apply.

Art. 2 – Addressees

1. This Code Provisions Addressees – if not otherwise specified – are:
 - a) Permanent employees under D.Lgs. 165/2001 (managers and non-managerial staff), and temporary employees working at the ICE-Agency’s Italian or foreign offices;
 - b) Seconded staff belonging to other public Administrations working at ICE-Agency in a

non-permanent position. For this Code purposes, these are considered as employees under a);

- c) Under art. 2, clause 3, of D.P.R. n. 62/2013, this Code provisions also refer to every collaborator or non-occasional consultant, office and role holders who collaborate directly with top managers, when applicable;
- d) Anyone who collaborates with ICE-Agency suppliers and contractors, when applicable;
- e) Local staff of foreign ICE-Agency offices if this Code provisions are not in contrast with local laws;
- f) Those who work as interns, trainees, contract researchers and other institutions' employees working at ICE-Agency.

In the entrustment acts or in the purchase contracts of collaborations, consultancies, goods or services, the Administration includes provisions or clauses for the relation dissolution or termination, should any of this Code obligation be violated; the Code must have been previously read and understood;

- 2. Every addressee under letter a), b), c), e), and f) of this article must read and understand this Code. When they go on duty, a copy of this Code and a copy of the "Public Servants Code of Conduct" is delivered and signed by the new hired staff with defined relations.

Art. 3 – General Principles

- 1. The addressees of this Code, as identified under Art. 2, shall abide by the Constitution with discipline and honour and adjust their conduct to the good performance and impartiality principles of the administrative action. They shall carry out their tasks complying with the law, pursuing the public interest and not abusing their position or powers. Furthermore, they shall prevent any action or behaviour that violates or presumes a violation of the provisions included in laws, regulations or in this Code.
- 2. Furthermore, addressees shall comply with integrity, correctness, good faith, proportionality, objectivity, transparency, equality and good sense principles; their actions shall be independent and impartial. In the event of a conflict of interest, they shall abstain.
- 3. They shall not use information they have due to their office for personal purpose, they shall avoid situations and behaviours that might impede the correct task development or damage the public administration interests or image. Prerogatives and any public power shall be exercised solely for the general interest purposes they have been conferred.
- 4. Addressees shall comply with the professional secrecy and the confidentiality principle, and they shall commit to protect any piece of confidential information, both private and public, they have learnt while carrying out their functions – even after their duty has ended. They shall only refer to documents and files they are entitled to access to and use them according to their office duties.

5. Addressees shall carry out their tasks aiming at the utmost efficiency, effectiveness and cost-effectiveness. Public resource management for carrying out administrative tasks must be cost-effective and quality-oriented.
6. As far as relations with the administrative action addressees are concerned, these shall be developed under an equal treatment in equal conditions; arbitrary actions shall be avoided so as negative effects or discriminations based on gender, nationality, ethnic group, genetic features, language, religion or belief, personal or political ideas, belonging to a national minority, disability, social or health conditions, age and sexual orientation, or on any other factor are prevented.
7. Addressees shall ensure their utter collaboration and availability in the relations with both their co-workers at ICE-Agency and other public administrations; they shall guarantee that they will exchange and convey information or data in any format, including through telecommunication, in compliance with the applicable laws.

Art. 4 – Gifts, Payments and Other Utilities

1. The addressees under Art. 2 of this Code shall not ask for, nor demand, for themselves or third parties, gifts or other utilities. Furthermore, they shall not accept, for themselves or third parties, gifts or other utilities, excepting occasional low-value ones within normal courtesy relations and/or the ones included in the international customs.
2. In any case, they shall not ask for gifts or other utilities for themselves or third parties, no matter how cheap they are, as a compensation for carrying out a task included in their job, especially from subjects that can benefit from decisions or activities the office issues and from subjects that can benefit from the addressees' office activity or work.
3. In any case, regardless the circumstance that the fact may be a felony, any gift or other utility received shall not jeopardize the judgment independence, the impartiality and the integrity of the work activity.
4. Addressees under Art. 2 shall not accept direct or indirect gifts or other utilities, for themselves or third parties, from a direct report, excepting custom events low-value items. Furthermore, they shall not offer direct or indirect gifts or other utilities to their managers, excepting custom events low-value items.
5. For the purpose of this Article, low-value gifts or other utilities occasionally given within custom events means items of a maximum value of 150 Euros per calendar year; this includes discounts, too.
6. Addressees shall not accept collaboration or consultancy jobs, with any kind of contract or responsibility and in any capacity, from people, institutions or privates that:
 - have or have had during the previous two years relations with ICE-Agency due to contracts for the supply of works, services or other activities paid by the Agency;
 - receive or have received during the previous two years, subsidies, grants, allowances and financial aid or economic advantages of any kind from ICE-Agency.
7. Addressees shall deliver to the Administration any gift or other utility they received that is not allowed by this Article, so as it may be handed back or allocated for institutional or charity purposes.

8. To preserve the Administration's reputation and impartiality, the Organizational Unit Supervisors supervise the correct application of this Article and the Ufficio per i Procedimenti Disciplinari (U.P.D. – Office for Disciplinary Procedures) can carry out random controls.

Art. 5 – Participation to Associations and Organizations

1. With due regard for the applicable association right discipline, addressees under Art. 2 clause 1, letters a), b), c), e), and f) communicate in writing to their office supervisor their subscription or membership to associations, circles or organizations, regardless their confidentiality level, which scopes or activities may interfere with the office work, within 15 days from the subscription.
2. They shall not affiliate to associations, circles or organizations if, for subscription purposes, principles, ideologies, obligations or duty compliance is requested that go against the Administration principles, the contractual obligations, the duties established in the "Public Servants Code of Conduct" and the behavioural regulations established in this Code.
Particularly, employees shall not affiliate to associations, circles or any other bodies if, for subscription purposes, an oath or promise of principles, ideologies, obligations, and duty compliance is requested that goes against what established in this Code or what the "Public Servants Code of Conduct" obligations establish.
3. The hierarchically direct manager is entitled to evaluate the interference of the association activity with the working one; in case of interference, this manager shall communicate his or her evaluation to the employee and inform the HR Department within 30 days from the communication by the employee.
4. The employee shall not oblige other employees to subscribe to associations or organizations, nor shall he or she exert pressures for this aim, by promising benefits or career detriment.
5. This Article does not apply in case of affiliation to political parties or trade unions.

Art. 6 – Conflicts of Interest and Duty of Abstention

1. This Code's addressees, identified under Art. 2, clause 1, letters a), b), c), e), and f) shall prevent conflicts of interest, by abiding by the duty of abstention, when applicable.
2. Considering the peculiarity of ICE-Agency activity, this Article's addressees cannot collaborate or be appointed for jobs that are included in the typical activities of their function within the Agency – even if these jobs are sporadic or occasional – both for free and paid to Associations or other entities representing goods and services production categories, including consortia and trade fair bodies, domestic or foreign, or with subsidiary groups, including foundations and non-profit organizations.
3. Without prejudice to the transparency duties established by laws or regulations, this Article's addressees shall inform in writing the Operational Unit Supervisor or their direct manager of every relation, whether direct or not, of any kind of paid collaboration with private and public stakeholders they have or had during the previous

three years. This communication shall take place when the job is assigned to them or when they sign the contract. Particularly, they shall specify whether the stakeholders they have a relation with have any interest in activities or decisions related to the addressee job and tasks.

4. If a real or potential conflict of interest arises while the addressees are already on duty, they must still communicate this situation. Addressees have to update their direct managers of every significant change about their situation.
5. This Article's addressees shall not make or help to make decisions or act in a way that might involve, directly or indirectly, financial and non-financial interests of theirs, their spouses, partners, relatives within the 4° degree or relatives-in-law within the 2° degree, or of subjects or organizations they have habitual relations with; neither shall these decisions involve stakeholders addressees have pending cases or severe animosity or significant credit or debit relations with, subjects or organizations they are guardians, curators, attorneys or agents of, or of entities, associations – even non-approved ones – committees, companies or plants they are administrators or supervisors or managers of. The conflict may concern any kind of interest, even non-patrimonial ones, such as the will of exerting political, union or managerial pressures.
6. Furthermore, they shall abstain from any other case in which convenience reasons exist and communicate in writing their abstention will, along with the reasons, to their direct manager, who shall evaluate whether the abstention is acceptable or not, by acquiring further information if necessary; the manager shall decide over the abstention and, if it is accepted, appoint another subject to replace the abstained one.
7. The HR Department shall be informed of every abstention case and it shall file the relevant documents. The Supervisor for Transparency and Bribery Prevention shall be informed as well.
8. Under Art. 20 of D.Lgs. 39/2013, when a managerial or top administrative responsibility job is assigned by ICE-Agency, the assignee shall file a declaration in which he or she confirms the non-existence of any causes of assignment impossibility. The assignment effectiveness is conditional to such declaration.
9. While in charge, the assignee shall file a declaration of incompatibilities non-existence at the beginning of every year.
10. As for vendors, the specific regulations on *antiplantouflage* apply.

Art. 7 – Bribery Prevention

1. This Code's addressees identified under Art. 2, clause 1, letters a), b), c), e), and f) shall comply with the necessary measures to prevent Administration from committing offences. Particularly, they shall comply with the prescriptions under the Piano Triennale per la Prevenzione della Corruzione (Three-Year Plan for Bribery Prevention, from now on P.T.P.C.) and collaborate through a Contact Person, the Supervisor for Transparency and Bribery Prevention, concerning data and risk situations communication which are not included in the above-mentioned P.T.P.C.
2. The Operational Unit Supervisors shall ensure that their collaborators comply with

regulations and measures.

3. The “critical risk” and “significant risk” sectors are identified by the Italian Law 190/2012 and, specifically for ICE-Agency, by the risk evaluation table included in the P.T.P.C.
4. Without prejudice to the reporting obligation to the judicial authority, this Article’s addressees shall report, within 48 hours and thoroughly, any unlawful fact, act or behaviour they have knowledge of, to their direct manager. If reporting concerns the Office Supervisor, this shall be done to the latter’s direct manager. Subjects who are reported situations included under the previous clause shall adopt any precaution so as the reporter anonymity is ensured and his or her identity is not revealed according to Art. 54-bis of D.Lgs. 165/2001.
5. The Administration shall guarantee any confidentiality measure through data anonymization, at digital level too; this is to protect employees who report an offence. Those who receive or are reported a situation must abide by the confidentiality obligation; this also applies to those who are later involved in the procedure triggered by the reporting. Any violation of the confidentiality obligation is subject to disciplinary penalties, whether not to more severe penalties established by law.
6. In case of anonymous reporting, the Administration might take into consideration the ones with documentation and/or detailed facts attached.
7. As for “whistleblowing” reporting, employees, according to D.Lgs. 165/2001, shall follow the procedure under ICE-Agency B.o.D. Decision n. 312 of November 24th, 2015.

Art. 8 – Transparency and Traceability

1. Addressees under Art. 2 of this Code shall guarantee or collaborate to comply with the transparency duties established in the public administration sector, according to the applicable regulations; they shall thoroughly collaborate in processing, tracing and transmitting data that must be posted on the ICE-Agency institutional website, so as citizens and users can control the administrative activity.
2. They shall report any need of updating and correcting information, data, and published documents concerning their sphere of competence.
3. Decision-making processes traceability must be supported by paper or digital documentation, which allows the decision-making process replicability and the compliance of the required procedures, according to the legal provisions on filing and retaining of records.
4. Every year, the Bribery Prevention Supervisor shall update the Three-Year Plan for Bribery Prevention, which contains the “Transparency and Integrity” section, aimed at furtherly promoting legality.

Art. 9 – Behaviour in Personal Relationships

1. In personal relationships, addressees under Art. 2, clause 1, letters a), b), c), e), and f) shall not behave in a way that may damage the Administration image.

2. In non-work relationships, especially if with public officers, this Article's addressees shall not exploit nor mention their position within the Administration to gain utility.
3. In personal relationships, without prejudice to what the following Art.12 establishes, employees shall respect the professional secrecy, by keeping confidential news and information they got to know due to their activity and abstain from releasing offensive public declaration against the Administration.

Art. 10 – Behaviour on Duty

1. Without prejudice to the administrative procedure terms compliance, addressees of this Code under Art. 2, clause 1, letters a), b), c), e), and f) – excepting justified reasons – shall not be late nor adopt behaviours that oblige other employees to carry out their activities or make decisions on their behalf.
2. They must record their presence by using a badge or other instruments made available by the Administration; they shall justify absences or leaves according to the established modalities.
3. Furthermore, they shall use working leaves of absence, whatsoever they are denominated, complying with the legal provisions, the regulations, and the National Collective Labor Agreements. Respecting the working and duty hours, they shall carry out their tasks with commitment and avoid undue absences or leavings.
4. All the addressees of this Article must use materials, equipment, telephone and telematics services they have access to due to their job, complying with the limitations that the Administration established. Particularly – as far as digital applications are concerned – they must scrupulously comply with the security policies, so as they do not damage IT systems functionality and protection. Furthermore, they shall not use for personal purpose telephone and telematics equipment, photocopiers, and other equipment they have access to due to their job, they shall not send e-mails that do not concern their office activity, nor threatening or insulting messages, they shall not inappropriately make comments that might damage the person and/or ICE-Agency image, and they shall not visit websites which contents are indecorous or insulting.
5. They shall use the Administration transportation means, when available, solely for carrying out office tasks, and they shall not transport third parties, unless an office reason exists.
6. They shall use resources in a careful, efficient and cost-effective fashion and they shall pay attention to cost-saving behaviours, such as lighting, water, air conditioning, printers, and photocopiers handling.
7. When they are working abroad – in offices and in public – they shall respect local habits and customs, so as to avoid inappropriate or inopportune behaviours.
8. The Operational Unit Supervisors in Italy and abroad must ensure the provisions of this Article are applied. Particularly, they must control the legitimate use of work abstention authorizations and supervise the correct presence collection. They also must detect any violation by their collaborators and promptly adopt the relevant measures within their competence or promptly report to the Disciplinary Procedure Office violations within its

responsibility.

Art. 11 – Relations with the Public

1. Addressees under Art. 2, clause 1, letters a), b), c) e), and f) of this Code shall act with correctness, courtesy and helpfulness when they answer mails, phone calls, and e-mails, both in Italy and abroad. They shall carry out their tasks in the most complete and accurate way possible and they shall take into consideration cultural differences, so as to avoid potentially inadequate or insulting behaviours or expressions. Furthermore, they shall generally answer e-mails with the same means, reporting the eligible elements to identify the responsible. If they are not the right addressees due to their position or the matter of fact, they shall indicate the competent officer or office. They shall provide the required explanations, without prejudice to the professional secrecy and privacy rules.
2. Excepting the right to express evaluations and disclose information protecting the union rights, this Article's addressees abstain to release public declarations or other statements that insult and damage the Administration and its employees' image. The severity of this clause violation is proportional to the responsibility level of the assigned offices.
3. Those who carry out their job in an office that provides services to the public shall take care of the quality standards established by the Administration, by ensuring the service continuity and providing information on the performance modality.
4. While carrying out operations and dealing with processes, employees shall follow the chronological order – unless otherwise specified by the Administration – and shall not refuse tasks they have to carry out, unless justified reasons exist.
5. This Article's addressees shall not anticipate the result of decisions or actions related to the office, unless specifically allowed. They shall provide information and news about documents or administrative operations, ongoing or ceased, according to what laws and regulations on document access establish. They shall release copies and document excerpts or documents according to their office and the document access modalities that the Administration has established.
6. Furthermore, they must meet users' requests within the terms of ICE-Agency "Carta dei servizi al cliente" (Customer Service Chart).

Art. 12 – Confidentiality

1. This Code's addressees commit to comply with the confidentiality principle. Particularly, they must not provide confidential information dealing with contents related to activities, decisions to make and measures relating to ongoing procedures, before they have been officially approved and formally communicated to the parties. They also must not use confidential information for purposes other than their activity and shall give due diligence to their involuntary disclosure.
2. Without prejudice to the obligation to comply with the professional secrecy principle, this Code's addressees, complying with the activity transparency principles and rules,

shall abstain from disclosing confidential news related to the working activity to media, and from releasing public statements that, in their form or content, might damage the Administration image, reputation or effectiveness.

3. Addressees who, on behalf of the Administration, have relations with other Administrations, Institutions or Entities, including EU and international, in Italy or abroad, must not report and use the information they acquired due to these relations or classified as confidential, unless otherwise specified in the representation office they were assigned.
4. Employees who, in their own behalf participate in conferences, workshops or debates, who publish essays, studies, articles or release interviews on institutional matters, even though they do not explicitly mention their office within ICE-Agency, must be previously authorized by their direct manager. They shall also specify that their opinions are personal and are not expressed on behalf of ICE- Agency.
5. Employees belonging to the Association of Journalists and owning author rights who, in their own behalf, publish essays, studies, articles or release interviews on institutional matters, even though they do not explicitly mention their office within ICE-Agency, must previously inform their direct manager. They shall also specify that their opinions are personal and are not expressed on behalf of ICE- Agency.

Art. 13 – Special Provisions for Italian Offices and Foreign Operational Units Supervisors

1. Italian Office and the foreign Operational Unit Supervisors shall carry out their functions according to the entrustment act; they shall pursue the assigned goals and adopt an organizational behaviour which is adequate to the office assigned.
2. Without prejudice to what the P.T.P.C. establishes, Supervisors, before accepting their functions, shall communicate to the Administration shareholdings and other financial interests that may cause a conflict of interest with the public function they carry out; they shall also declare whether they have relatives or relatives-in-law within the second degree, spouses or partners that practise political, professional, or business activities, due to which they have frequent contacts with the office the assignees will manage, or whether the former are involved in office-related decisions or activities. The declaration must be provided when accepting any new office and when one or more particular case among the above mentioned ones arises, complying with the obligation of updating one's own status.
3. Supervisors shall behave loyally and transparently and shall be models of conduct and impartiality in the relationship with their co-workers, collaborators or the administrative action's addressees. They shall also take care of the assigned resources, so as they are used exclusively for institutional purposes and never for personal needs.
4. They shall take care of the organizational well-being in the structure they are responsible for, by fostering courteous and respectful relations among collaborators; they shall promote initiatives aimed at disclosing information, staff training and updating, as well as including and developing gender, age and personal status differences.

5. They are responsible for creating the conditions for a harmonic, respectful and employee-motivation-oriented environment, by preventing mobbing and/or mocking.
6. Supervisors shall assess the staff assigned to the structure they are responsible for, with impartiality and compliance of established indications and timing.
7. Furthermore, they shall control the assigned staff so as they ensure the staff compliance to the principles and obligations established in this Code and in the Bribery Prevention Plan, particularly referring to the presence control and users relationships.
8. When Supervisors learn of a violation, they shall promptly undertake any needed initiative, activate and conclude, if applicable, the disciplinary procedure or promptly report the violation to the Disciplinary Procedure Office; they shall collaborate if required. They shall also submit a prompt report to the criminal judicial authorities and/or to the Italian Court of Auditors according to their relevant competences. If they receive a violation report by an employee, they shall adopt any precaution so as the reporter is protected and his or her identity is not revealed during the disciplinary procedure, according to Art. 54-*bis* of D.Lgs. 165/2001.
9. Within their possibilities, they shall prevent untrue information about the organization, the activity and the employees from being disclosed. They shall foster good practice and good examples disclosure to strengthen the trust toward the organization.
10. They shall comply with the general rules in matter of incompatibility and assignment impossibility established by D.Lgs. n. 165/2001 and following amendments and by D.Lgs. n. 39/2013. They shall also control that incompatibility, conflicts of interest, job accumulation and external office rules are met by their collaborators.
11. In foreign Operational Units, Supervisors shall meet with correctness and punctuality their obligations, including administrative and accounting ones, so as the office management transparency is ensured. They shall also control that the measures on staff safety comply with national and local laws.
12. Supervisors shall urge their staff to familiarize with this Code contents. They shall also constantly control the compliance with the Public Servants Code of Conduct, taking into account the ascertained and sanctioned violations so as disciplinary procedures and individual assessments can be promptly triggered.

Art. 14 – Contracts and Other Negotiation Instruments

1. To sign agreements and negotiations and to stipulate contracts on behalf of the Administration, as well as to implement them, addressees under Art. 2, clause 1, letters a), b), c), and e) shall not use third-party mediation, nor give or promise utilities to anyone for their intermediation for facilitating the contract stipulation or implementation. This clause does not apply to cases in which professional intermediation is necessary.
2. They shall not stipulate, through direct entrustment, on behalf of the Administration, contracts with companies which they stipulated contracts with or received other utilities from, on their own behalf, during the previous two years, excepting the ones stipulated under Art. 1342 of the Italian Civil Code. Should the Administration stipulate contracts for procurement, supply, service, funding or insurance with companies which

employees have stipulated contracts with or received utilities from, on their own behalf, during the previous two years, these employees shall abstain from participating in the decision-making process and the contract implementation activities; they shall write the abstention minutes, which will be filed in the office documents.

3. Furthermore, if they sign agreements or negotiations or if they stipulate contracts on their own behalf, except the ones signed under Art. 1342 of the Italian Civil Code, with private natural or legal persons which they stipulated contracts for procurement, supply, service, funding or insurance with, during the previous two years on behalf of the Administration, they shall inform their direct manager in writing.
4. Should they receive, from natural or legal persons participating in negotiations that involve the Administration, verbal or written complaints on the office or its collaborators work, they shall immediately inform, usually in writing, their hierarchical or functional direct manager.

Art. 15 – Supervision, Monitoring and Trainings

1. Under Art. 54, clause 6, of D.Lgs. 165/2001, Italian Offices and foreign Operational Units Supervisors and the Disciplinary Procedure Office shall monitor that this Code is applied.
2. The activities carried out under this Article by the Disciplinary Procedure Office shall adjust to any provisions contained in the Bribery Prevention Plan adopted by ICE-Agency according to Art. 1, clause 2, of Law 190/2012. The Disciplinary Procedure Office, besides the disciplinary functions under Art. 55-bis and following of D.Lgs. 165/2001, shall take care of updating this Code, analysing violation reporting, collecting confirmed and sanctioned illegal conducts, ensuring any warranty under Art. 54-bis of D.Lgs. 165/2001. To carry out the activities established by this clause, the Disciplinary Procedure Office works along with the Bribery Prevention and Transparency Supervisor.
3. The Bribery Prevention and Transparency Supervisor shall take care of publishing this Code on the institutional website *www.ice.gov.it* and on the Intranet. He or she shall also take care of communicating with the Autorità Nazionale Anticorruzione (A.N.A.C. - Anti-Bribery National Authority), according to Art. 1, clause 2, of Law 190/2012, and ensure that monitoring data provided by the organizational units Supervisors are taken into account when updating the Three-Year Plan for Bribery Prevention. The Human Resources Office shall inform the staff about this Code's adoption.
4. To activate the disciplinary procedure for the violation of this Code, the Disciplinary Procedure Office can ask the Anti-Bribery National Authority an optional opinion, according to Art. 1, clause 2, letter d), of Law n. 190/2012.
5. The O.I.V. - Organismo Indipendente di Valutazione (Independent Evaluation Body) of ICE-Agency, under Art. 54, clause 5 of D.Lgs. 165/2001, shall deliver a mandatory opinion in this Code adoption process, by verifying that it complies with the ANAC's Guidelines. O.I.V. monitors that this Code is applied, based on the data provided by the Bribery Prevention and Transparency Supervisor and the Disciplinary Procedure Office, complying with Art. 54, clause 6 of D.Lgs. 165/2001.
In its annual report, O.I.V. reports the overall functioning of the Evaluation, Transparency and Integrity System of internal checks. OIV shall also take care of

coordinating this Code's contents and the performance measurement and evaluation system, so as the Code compliance affects the evaluation of the results the employee or the office has achieved. Furthermore, OIV shall verify that this Code is implemented and met by top managers, whose results will be taken into account when proposing their annual assessment, too. This verification shall take place within the function carried out under Art. 14, clause 4, letter e) of D.Lgs. 150/2009, in line with what is established in the ANAC Decision 75/2013.

6. Integrity and transparency trainings are aimed at this Article's addressees; such trainings allow them to receive a full knowledge of this Code of Conduct contents, as well as an annual systematic update on the applicable measurements and provisions on this issues.

Art. 16 – Disciplinary Responsibilities due to Code Obligations Violation

1. According to Art. 54, clauses 3 and 5 of D.Lgs. 165/2001, as amended by Art. 1, clause 44, of Law 90/2012, by D.P.R. 62/2013 and by A.N.A.C. Decision of October 24th, 2013 n. 75, without prejudice to any criminal, civil, administrative or accounting responsibility established by the law, violating this Code provisions is a special case of disciplinary responsibility – which must be confirmed by the disciplinary procedure, complying with the sanction gradualness and proportionality principles – to which laws and National Collective Labor Agreements provisions apply for staff categories whom this Code applies to under Art. 2, clause 1, letters a) and b).
2. Violations of this Code also concern the measurement and assessment of the individual employee performance.
3. According to the disciplinary provisions established by law and National Collective Labor Agreements for every ICE-Agency staff category, this Article establishes the general correspondence – excepting the real special cases – between this Code violations and the disciplinary infractions under the “Disciplinary Code” which applies to every staff category.
4. Law and National Collective Labor Agreements provisions on recidivism and mitigating or aggravating circumstances are not affected.
5. According to Art. 54, clause 3, of D.Lgs. 165/2001, severe or repeated violations of this Code imply sanctions under Art. 55-*quater*, clause 1, of the mentioned D.Lgs. 165/2001, excepting the similar individual special cases application established by this Code, of Art. 16, clauses 2, 3 and 4, of D.P.R. 62/2013.
6. Nevertheless, dismissal without notice is enforced in the cases established by laws, regulations or National Collective Labor Agreements.
7. As for non-managerial staff under the National Collective Labor Agreements - Ministry Section - in force, the correspondence are established in the attached TABLE A. Violations which are not explicitly established are anyhow sanctioned according to Art. 13, clause 7, of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.
8. As for managers under the National Collective Labor Agreements - Area I Ministry

Section - in force, excepting if the fact or the behaviour has criminal foundation, correspondences are established in the attached TABLE B. Violations which are not explicitly established are anyhow sanctioned according to Art. 9, clause 10 of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.

9. As for local staff under Art. 2, clause 1, letter e), specific provisions within every working contract and relevant local laws apply.

Art. 17 – Temporary, Adjustment and Final Provisions

1. Consistently and complying with what established in the Three-Year Plan for Bribery Prevention, this Code refers to the same Plan and to the relevant rules for any further provision.
2. This Code is published according to the same modalities as for the “Public Servants Code of Conduct”, included in D.P.R. 62/2013, on ICE-Agency institutional website and on the Intranet; it is also e-mailed to addressees under Art. 2 and conveyed to Administration service suppliers, which shall inform any of their collaborators.
3. ICE-Agency shall deliver a copy of this Code and have it signed by new staff, regardless their position, when a working contract is stipulated or when the office is assigned.
4. Addressees under Art. 2, with any kind of contract or office, commit to disclose this Code and promote citizen, staff, and media awareness about its principles.
5. This Code enters into force the day after it is published on ICE-Agency institutional website.
6. For issues not explicitly established by this Code, the “Public Servants Code of Conduct” provisions under D.P.R. 62/2013 apply.

**TABLE A - Disciplinary Sanctions for Non-Managerial Staff
Annex to ICE-Agency Employees' Code of Conduct**

- a) Violations of **Arts. 4 and 5** of this Code refer to the disciplinary infraction under Art. 13, clause 2, lett. a), or – in particularly severe cases – to that under Art. 13, clause 3, lett. a) of the National Collective Labor Agreements in force, non-managerial staff, Ministry Section. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- b) Violations of **Arts. 6, 7, 8 and 9** of this Code refer to the disciplinary infraction under Art. 13, clause 2, lett. a), or – in particularly severe cases – to that under Art. 13, clause 3, lett. a) of the above-mentioned . If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements violations which are not explicitly established are sanctioned according to Art. 13, clause 7 of the above-mentioned National Collective Labor Agreements;
- c) Violations of **Art. 10, clauses 2 and 3** of this Code refer to the disciplinary infraction under Art. 13, clause 2, lett. a), or – in particularly severe cases – to that under Art. 13, clause 3, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- d) Violations of **Art. 10, clauses 4, 5, and 6** of this Code refer to the disciplinary infraction under Art. 13, clause 2, lett. c), or – in particularly severe cases – to that under Art. 13, clause 3, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- e) Violation of **Art. 10, clause 7** of this Code refers to the disciplinary infraction under Art. 13, clause 2, lett. b), or – in particularly severe cases – to that under Art. 13, clause 3, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- f) Violations of **Art. 11, clause 1, 3, 4, and 5** of this Code refer to the disciplinary infraction under Art. 13, clause 2, lett. a) of the above-mentioned National Collective Labor Agreements, without prejudice to the application of Art. 13, clause 3, lett. a) in case of recidivism or high severity. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- g) Violation of **Art. 11, clause 2**, of this Code refers to the disciplinary infraction under Art. 13, clause 3, lett. g) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;
- h) Violation of **Art. 12** of this Code refers to the disciplinary infraction under Art. 13, clause 2, lett. a) and b) of the above-mentioned National Collective Labor Agreements, without prejudice to the application of Art. 13, clause 3, lett. a) in case of recidivism or high severity. If ICE-Agency or third parties suffered severe damage, violations refer to infraction under Art. 13, clause 4, lett. i) of the above-mentioned National Collective Labor Agreements;

- i) Violations of this Code which are not explicitly established above are sanctioned according to Art. 13, clause 7 of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.

TABLE A - Disciplinary Sanctions for non-managerial staff

ICE-Agency Employees Code of Conduct Violated articles		Disciplinary Sanctions established by the National Collective Labor Agreements - Non-Managerial Staff - Ministry Section					
		Non-compliance with the duty provisions		Recidivism or especially severe non-compliance		Severe damage to ICE-Agency or third parties	
		<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Art. 4	Gifts, Payments and Other Utilities	Verbal or written reprimand	Fine equal to the payment of 4 working hours	Unpaid suspension from duty minimum 1 day	Unpaid suspension from duty maximum 10 days	Unpaid suspension from duty minimum 11 days	Unpaid suspension from duty maximum 6 months
Art. 5	Participation in Associations and Organizations						
Art. 6	Conflicts of Interest and Duty of Abstention						
Art. 7	Bribery Prevention						
Art. 8	Transparency and Traceability						
Art. 9	Behaviour in Personal Relationships						
Art. 10	Behaviour on Duty						
Art. 11	Public Relationships						
Art. 12	Confidentiality						
Code violations which are not explicitly established are sanctioned according to Art. 13, clause 7 of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.							

TABLE B - Disciplinary Sanctions for Managers
Annex to ICE-Agency Employees' Code of Conduct

- a) Violation of **Art. 4** of this Code refers to the disciplinary infraction under Art. 9, clause 4, lett. e), or – in particularly severe cases– to that under Art. 9, clause 8, lett. a) of the National Collective Labor Agreements in force for Area I managers, Ministry Section;
- b) Violation of **Art. 5** of this Code refers to the disciplinary infraction under Art. 9, clause 4, lett. a) of the above-mentioned National Collective Labor Agreements, without prejudice to the application of Art. 9, clause 8, lett. a) in cases of recidivism or high severity;
- c) Violations of **Arts. 6, 7, 8, and 9** of this Code refer to the disciplinary infraction under Art. 9, clause 4, lett. a), or – in cases of recidivism or high severity – to that under Art. 9, clause 8, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffer severe damage, violations refer to the infraction under Art. 9, clause 8, lett. g) of the above-mentioned National Collective Labor Agreements;
- d) Violations of **Art. 10, clauses 4, 5, and 6** of this Code refer to the disciplinary infraction under Art. 9, clause 4, lett. a), or – in cases of recidivism or high severity – to that under Art. 9, clause 8, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffer severe damage, violations refer to the infraction under Art. 9, clause 8, lett. g) of the above-mentioned National Collective Labor Agreements;
- e) Violation of **Art. 10, clause 7** of this Code refers to the disciplinary infraction under Art. 9, clause 4, lett. b), or – in cases of recidivism or high severity – to that under Art. 9, clause 8, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffer severe damage, violations refer to the infraction under Art. 9, clause 8, lett. g) of the above-mentioned National Collective Labor Agreements;
- f) Violation of **Art. 10, clause 8** of this Code refers to the disciplinary infraction under Art. 9, clause 4, lett. d) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffer severe damage, violations refer to the infraction under Art. 9, clause 8, lett. g) of the above-mentioned National Collective Labor Agreements;
- g) Violations of **Art. 11, clauses 1, 3, 4, and 5** of this Code refer to the disciplinary infraction under Art. 9, clause 4, lett. a), or – in cases of recidivism or high severity – to that under Art. 9, clause 8, lett. a) of the above-mentioned National Collective Labor Agreements;
- h) Violation of **Art. 11, clause 2**, of this Code refers to the disciplinary infraction under Art. 9, clause 4, lett. a), or – in cases of recidivism or high severity – to that under Art. 9, clause 8, lett. a) of the above-mentioned National Collective Labor Agreements. If ICE-Agency or third parties suffer severe damage, violations refer to the infraction under Art. 9, clause 8, lett. g) of the above-mentioned National Collective Labor Agreements;
- i) Violations of **Art. 12** of this Code refer to the disciplinary infractions under Art. 9, clause 4, lett. a), b), and g) of the above-mentioned National Collective Labor Agreements.
- j) Code violations which are not explicitly established above are sanctioned according to Art. 9, clause 10 of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.

TABLE B - Disciplinary Sanctions for Managers

ICE-Agency Employees Code of Conduct Violated articles		Disciplinary Sanctions established by the National Collective Labor Agreements - Managers of Area I - Ministry Section			
		Non-compliance with the duty provisions		Recidivism or especially severe non-compliance	
		<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>
Art. 4	Gifts, Payments and Other Utilities	Fine from €. 200,00	Fine up to €. 500,00	Unpaid suspension from duty minimum 3 days	Unpaid suspension from duty maximum 6 months
Art. 5	Participation in Associations and Organizations				
Art. 6	Conflicts of Interest and Duty of Abstention				
Art. 7	Bribery Prevention				
Art. 8	Transparency and Traceability				
Art. 9	Behaviour in Personal Relationships				
Art. 10	Behaviour on Duty				
Art. 11	Public Relationships				
Art. 12	Confidentiality				
Code violations which are not explicitly established are sanctioned according to Art. 9, clause 10 of the above-mentioned National Collective Labor Agreements according to the criteria under clause 1 of the same Article.					