

Adoption: 22 March 2024
Publication: 28 August 2024

Public
GrecoEval5Rep(2023)5

FIFTH EVALUATION ROUND

Preventing corruption and promoting integrity in
central governments (top executive functions) and
law enforcement agencies

EVALUATION REPORT

ITALY



Adopted by GRECO
at its 96th Plenary Meeting (Strasbourg, 18-22 March 2024)



Group of States against Corruption
Groupe d'États contre la corruption

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	4
II. INTRODUCTION AND METHODOLOGY	5
III. CONTEXT	6
IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS).....	8
SYSTEM OF GOVERNMENT AND TOP EXECUTIVE FUNCTIONS.....	8
<i>System of government</i>	8
<i>Status and remuneration of persons with top executive functions</i>	10
ANTICORRUPTION AND INTEGRITY POLICY, REGULATORY AND INSTITUTIONAL FRAMEWORK	14
<i>Anti-corruption and integrity policy, risk management mechanisms</i>	14
<i>Institutional framework</i>	15
<i>Ethical principles and rules of conduct</i>	16
<i>Awareness</i>	17
TRANSPARENCY AND OVERSIGHT OF EXECUTIVE ACTIVITIES OF CENTRAL GOVERNMENT	18
<i>Access to information</i>	18
<i>Transparency of the law-making process</i>	19
<i>Third parties and lobbyists</i>	20
<i>Control mechanisms</i>	20
CONFLICTS OF INTEREST	20
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES	22
<i>Incompatibilities, outside activities, contracts with state authorities and financial interests</i>	22
<i>Gifts</i>	24
<i>Misuse of confidential information, misuse of public resources</i>	24
<i>Post-employment restrictions</i>	25
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	25
<i>Declaration requirements</i>	25
<i>Review mechanisms</i>	28
ACCOUNTABILITY AND ENFORCEMENT MECHANISMS	28
<i>Criminal proceedings and immunities</i>	29
<i>Non-criminal enforcement mechanisms</i>	29
<i>Statistics</i>	31
V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES	32
ORGANISATION AND ACCOUNTABILITY OF SELECTED LAW ENFORCEMENT AUTHORITIES.....	32
<i>Overview of various law enforcement authorities</i>	32
<i>Organisation and accountability of selected law enforcement authorities</i>	33
<i>Access to information</i>	39
<i>Public trust in law enforcement authorities</i>	40
<i>Trade unions and professional organisations</i>	40
ANTI-CORRUPTION AND INTEGRITY POLICY.....	41
<i>Anti-corruption strategy and implementation, risk management measures for corruption-prone areas</i> ...	41
<i>Handling undercover operations and contacts with informants and witnesses</i>	43
<i>Ethical principles</i>	43
<i>Advice, training and awareness</i>	45
RECRUITMENT AND CAREER	46
<i>Recruitment and appointment</i>	46
<i>Promotion</i>	48
<i>Performance evaluation</i>	50
<i>Mobility, rotation</i>	51
<i>Dismissal from office</i>	52
<i>Salaries and benefits</i>	52
CONFLICTS OF INTEREST	54
PROHIBITION OR RESTRICTION OF CERTAIN ACTIVITIES	57
<i>Gifts and hospitality</i>	57

<i>Incompatibilities, outside activities and financial interests</i>	57
<i>Post-employment restrictions</i>	60
<i>Third party contacts, misuse of confidential information</i>	61
<i>Misuse of public resources</i>	61
DECLARATION OF ASSETS, INCOME, LIABILITIES AND INTERESTS	61
OVERSIGHT	63
<i>Internal oversight and control</i>	63
<i>External oversight and control</i>	65
<i>Complaints system</i>	65
REPORTING OBLIGATIONS AND WHISTLEBLOWER PROTECTION	66
<i>Reporting obligations</i>	66
<i>Whistleblower protection</i>	66
ENFORCEMENT PROCEDURE AND SANCTIONS	67
<i>Disciplinary liability</i>	67
<i>Immunities and criminal proceedings</i>	69
<i>Statistics</i>	69
VI. RECOMMENDATIONS AND FOLLOW-UP	75

I. EXECUTIVE SUMMARY

1. This report evaluates the effectiveness of the framework in place in Italy to prevent corruption among persons with top executive functions (the President of the Council of Ministers, ministers with and without portfolio, undersecretaries of state at the Presidency of the Council of Ministers, undersecretaries of state, extraordinary and special commissioners, as well as members of the offices of direct collaboration who provide advice to the President of the Council of Ministers and the ministers, hereafter “PTEFs”) and members of the State Police, the Carabinieri and the Guardia di Finanza. It aims at supporting the on-going reflexion in the country as to how to strengthen transparency, integrity and accountability in public life.

2. Italy has a sizeable legal and institutional framework dealing with the prevention and fight against corruption, but it is complicated to navigate, to the detriment of its efficiency. This is apparent in the regulation of conflicts of interest, where several texts address different aspects of such conflicts for different categories of officials, but ministers’ advisers are not covered by any of these regimes. Different financial disclosure regimes also apply to ministers and their advisers. Not all information disclosed is subject to substantial review by an independent authority.

3. More generally, there is no common integrity framework applicable to all PTEFs. Therefore, a systemic analysis of integrity risks and a specific code of conduct should apply to all, complemented by proper guidance, dedicated awareness-raising activities and confidential counselling on ethical issues. In this context, the rules and guidance relating to gifts, advantages and invitations, the rules on contacts between PTEFs and lobbyists and the post-employment regime need to be strengthened. It is also important that all violations of applicable rules attract proper sanctions, which is not the case at present.

4. There has been progress regarding the rules on transparency, but measures are needed to ensure an appropriate level of general public consultation on government draft legislation. More light should also be shed on the contacts of PTEFs with lobbyists.

5. Turning to the State Police, the Carabinieri and the Guardia di Finanza, GRECO is concerned about the low representation of women in all three forces, especially at managerial level. All three forces have a robust system in place for the prevention and management of integrity risks within their ranks. It could, however, be improved by introducing integrity checks in the context of transfers and promotions, as well as at regular intervals for the most exposed functions. The State Police does not have a dedicated code of conduct and the Carabinieri and the Guardia di Finanza need to complement their ethical rules by more practical guidance; all three forces also should introduce mechanisms for confidential counselling on integrity matters. Finally, dedicated awareness-raising activities should be organised for all staff on a regular basis on whistleblower protection measures.

II. INTRODUCTION AND METHODOLOGY

6. Italy joined GRECO in June 2007 and has been evaluated in the framework of GRECO's Joint First and Second (in July 2009), Third (in March 2012) and Fourth (in October 2016) Evaluation Rounds. The relevant Evaluation Reports, as well as the subsequent Compliance Reports, are available on GRECO's website (<http://www.coe.int/greco>). This Fifth Evaluation Round was launched on 1 January 2017.¹

7. The objective of this report is to evaluate the effectiveness of the measures adopted by the authorities of Italy to prevent corruption and promote integrity in central governments (top executive functions) and law enforcement agencies. The report contains a critical analysis of the situation, reflecting on the efforts made by the actors concerned and the results achieved. It identifies possible shortcomings and makes recommendations for improvement. In keeping with the practice of GRECO, the recommendations are addressed, via the Head of delegation in GRECO, to the authorities of Italy, which determine the national institutions/bodies that are to be responsible for taking the requisite action. Within 18 months following the adoption of this report, Italy shall report back on the action taken in response to GRECO's recommendations.

8. To prepare this report, a GRECO evaluation team (hereafter referred to as the "GET"), carried out an on-site visit to Italy from 22 to 26 May 2023, and reference was made to the responses by Italy to the Evaluation Questionnaire, as well as other information received from governmental institutions, civil society etc. The GET was composed of Ms Evgjeni BASHARI, Inspector General, High Inspectorate for the Audit of Assets and Conflict of Interest (Albania), Mr Olivier GONIN, Deputy Head of the International Criminal Law Unit, Federal Office of Justice (Switzerland), Mr Aidan MCCARTHY, D/Superintendent, Anti-Corruption Unit, An Garda Síochána (Ireland) and Mr Alvis VILKS, Head of the Quality Assurance Department of the State Joint Stock Company "Latvijas gaisa satiksme", former Deputy Director of the Corruption Prevention and Combating Bureau – KNAB (Latvia). The GET was supported by Ms Sophie MEUDAL-LEENDERS from GRECO's Secretariat.

9. The GET held interviews with the Presidency of the Council of Minister, the National Anti-Corruption Authority (ANAC), the Italian Competition Authority, the Court of Auditors, the State Police, the Carabinieri and the Guardia di Finanza. It also met representatives of the media, civil society, academia, as well as police trade unions and professional associations.

¹ More information on the methodology is contained in the Evaluation Questionnaire which is available on GRECO's [website](#).

III. CONTEXT

10. Italy has been a member of GRECO since 2007 and it has been subject to four evaluation rounds focusing on different topics related to the prevention and fight against corruption². Overall, Italy has a good track record in implementing GRECO recommendations: 77% of recommendations of the joint first and second evaluation round have been fully implemented, 75% of recommendations of the third evaluation round and 42% of recommendations of the fourth evaluation round. The compliance procedure under the fourth evaluation round is, however, still on-going.

11. Italy's position in public perception surveys has been improving slightly in the past five years, with scores ranging from 50 to 56 and ranking from the 52nd to the 41st position in Transparency International's Corruption Perception Index³. However, perception of corruption in Italy remains above the EU's average. According to Transparency International's Global Corruption Barometer 2021⁴, 85% of respondents living in Italy think that corruption in Government is a big problem (EU average: 62%) and, with 58% of respondents fearing retaliation for reporting corruption, Italy ranks well above the EU average (45%). The European Commission's 2023 Special Barometer on Corruption⁵ shows that 85% of respondents in Italy think that corruption is widespread in their country (EU average: 70%) and 85% think that corruption in government is a big problem (EU average: 62%)⁶. By contrast, the police are seen as the institution being least affected by corruption, with only 9% of respondents seeing most of its members as corrupt in the Global Corruption Barometer. 68% of respondents would turn to the police to report a corruption case (EU average: 61%)⁷.

12. Interviews held during the on-site visit confirmed this picture, with representatives of civil society stressing that the Italian democracy is "heavily impacted by corruption". Although Italy has a sizeable legal and institutional framework in this area, it is complicated to navigate, to the detriment of its efficiency. As noted in the Fourth Round Evaluation Report, "an important shortcoming of the Italian system is the coexistence of multiple laws, some of which overlap; this problem of overregulation results in confusion, disparity, and more generally, loss of focus, and thereby, dilution of the spirit of the law." The simplification and consolidation called for in that report have still to materialise.

13. Many of the GET's interlocutors also highlighted that the fight against corruption and conflicts of interest was no longer a key element of the public and political debate, as illustrated in the latest national election campaign. While law enforcement authorities are very active in the fight against corruption, some recent legislative developments may raise some concerns. A draft law has been prepared which would abolish the crime of abuse of

² Evaluation round I: Independence, specialisation and means available to national bodies engaged in the prevention and fight against corruption / Extent and scope of immunities; Evaluation round II: Identification, seizure and confiscation of corruption proceeds / Public administration and corruption / Prevention of legal persons being used as shields for corruption / Tax and financial legislation to counter corruption / Links between corruption, organised crime and money laundering; Evaluation round III: Criminalisation of corruption / Transparency of party funding; Evaluation round IV: Prevention of corruption in respect of members of parliament, judges and prosecutors.

³ [2022 Corruption Perceptions Index - Transparency.org](https://www.transparency.org/en/cpi)

⁴ [Global Corruption Barometer EU: People worried... - Transparency.org](https://www.transparency.org/en/global-corruption-barometer)

⁵ [Corruption 2023 Special Eurobarometer survey \(europa.eu\)](https://ec.europa.eu/eurobarometer/surveys/index.cfm?id=688)

⁶ Global Corruption Barometer EU.

⁷ 2023 Special Eurobarometer on Corruption.

office⁸ and a recent legislative reform reversed the burden of proof for conflicts of interest in the Code of public tenders , a development which many of the GET's interlocutors criticised. The authorities pointed out that some recent legislative initiatives are also relevant to tackle corruption and improve awareness of civil servants to public ethics⁹.

⁸The bill amending the Criminal Code, the Code of Criminal Procedure, the judicial system and the Code of Military Order (AC. 1718 S.808) that envisage the repeal of the abuse of office was approved by the Senate on 13 February 2024 and is now under discussion before the Chamber of Deputies.

⁹ Decree of the President of the Republic no. 81/2023 on a specific, periodic, compulsory training of civil servants on public ethics and ethical behaviour; legislative decree no. 54/2023 on the implementation of the EPPO offices; legislative decree no. 203/2023 on mutual recognition of decisions on the freezing and confiscation of assets; decree-law no. 19/2024 on urgent measures to prevent and tackle fraud in the implementation of the National Recovery Plan.

IV. CORRUPTION PREVENTION IN CENTRAL GOVERNMENTS (TOP EXECUTIVE FUNCTIONS)

System of government and top executive functions

System of government

14. Italy is a parliamentary republic in which the democratic representation of the will of the people is entrusted, through general elections, to the Parliament which interacts with the Government through a vote of confidence. The legislative power is vested in the Parliament, composed of two Chambers, the executive power in the Government and the judicial power in the Judiciary, which is independent of the executive and legislative powers.

15. Outside these three powers are the President of the Republic, as representative of the national unity with functions of guarantor of the Constitution, and the Constitutional Court which assesses the constitutional legitimacy of laws and acts having the force of law and settles conflicts of attribution between the powers of the state.

16. The President of the Republic, who is the Head of State, is elected by Parliament in a joint session of its members for a term of seven years (Art. 83, 85 and 87, Constitution). Among other powers, s/he calls parliamentary elections, authorises the submission of governmental draft laws to the Parliament, promulgates laws and issues decrees and regulations, appoints state officials in the cases provided by law, ratifies international treaties, having been authorised by Parliament, is the commander of the armed forces, may grant pardons, commute punishments and confer the honours of the Republic (Art.87, Constitution). No act of the President of the Republic is valid unless it is countersigned by the minister who proposed it and who assumes responsibility for it. Acts having the value of law must be countersigned by the President of the Council of Ministers.

17. As agreed by GRECO, a Head of State would be covered in the 5th evaluation round under “central governments (top executive functions)” when s/he actively participates on a regular basis in the development and/or the execution of governmental functions or advises the government on such functions. These may include determining and implementing policies, enforcing laws, proposing and/or implementing legislation, adopting and implementing by-laws/normative decrees, taking decisions on government expenditure, taking decisions on the appointment of individuals to top executive functions.

18. The GET notes that the President of the Republic of Italy does not form part of the executive power, which is exclusively vested in the Government according to the Constitution. The President of the Republic is a representative of the national unity, with functions of guarantor of the Constitution outside the executive, legislative and judicial powers. S/he is elected by Parliament and has limited powers as regards calling elections, appointments, promulgation of laws, issuance of decrees and ratification of international treaties. S/he has no role in the daily exercise of governmental functions; s/he is politically unaccountable and his/her decisions have to be proposed and countersigned by a minister or the President of the Council of Ministers, who bear responsibility for it. It follows that, for the purposes of this evaluation, the President of the Republic of Italy is not to be considered as a person entrusted with top executive functions (PTEF) according to the definition in the above paragraph.

19. The executive power is exercised by the Government, which is composed of the President of the Council of Ministers and ministers, who together form the Council of Ministers (Art. 92, Constitution). Each minister heads a ministry or department. Pursuant to Art. 95.3 of the Constitution, the number and powers of the ministries are established by law. Besides the Constitution, the structure and functions of Government are regulated by Law no. 400/1988 and Legislative Decrees no. 300 and 303 of 1999.

20. Law no. 400/1988 provides that, upon the constitution of the Government:

- ministers without portfolios (without a ministry) can also be appointed. They carry out the functions delegated to them by the President of the Council of Ministers through the structures of the Presidency of the Council of Ministers (Article 9). Ministers without portfolios participate in the Council of Ministers;
- undersecretaries of State do not participate in the Council of Ministers but assist the minister by exercising the tasks delegated to them. They may be given the title of deputy minister (Art. 10);
- an undersecretary of State at the Presidency of the Council of Ministers is appointed Secretary of the Council of Ministers (Article 4, paragraph 2, and Article 20). S/he participates in the Council of Ministers and is, as a rule, delegated by the President to sign his/her acts not subject to prior resolution by the Council of Ministers;
- the President of the Council of Ministers may propose to the Council of Ministers that one or more ministers be given the functions of Vice-President of the Council of Ministers acting as a substitute in the event of his/her absence or temporary impediment (Art. 8)
- the Government may also appoint Extraordinary or Special Commissioners (Art. 11) to deal with specific or extraordinary events. Their status is similar to that of ministers, but they do not form part of the Government.

21. Currently, the Government has 63 members, including 19 women. This includes the President of the Council of Ministers who is a woman, 15 ministers (of whom three are women), nine ministers without portfolios (of whom three are women), seven undersecretaries of state to the Presidency of the Council of Ministers (including two women) and 31 undersecretaries of state (including ten women). There are also 43 special commissioners (including 7 women), who do not form part of the Government. Many ministers and undersecretaries of state are also Members of Parliament. There are no standards or rules to promote gender equality in the composition of the government. Therefore, the GET wishes to draw attention to the Council of Europe [Recommendation Rec\(2003\)3 on balanced participation of women and men in political and public decision](#) according to which the representation of women and men in any decision-making body in political or public life should not fall below 40%.

22. The President of the Council of Ministers directs the general policy of the Government and is responsible for it. The Council of Ministers "determines the general policy of the Government and, for the purposes of its implementation, the general direction of administrative action; it also deliberates on any questions relating to the political direction established by the fiduciary relationship with the Chambers." (Art. 2 of Law no. 400 of 1988). The agendas of the meetings of the Council of Ministers are published on the Government's

website, along with press releases of the decisions taken¹⁰. Meetings of the Council of Ministers are held in camera.

23. The Government derives its legitimacy from the confidence of both chambers of Parliament which can be revoked, even by a single chamber, at any time, by a motion of no confidence (Art. 94, Constitution). If the Government is not granted confidence by Parliament after taking oath or following a specific motion of no confidence, it has to resign.

24. Pursuant to Article 6 of the decree of the President of the Council of Ministers (hereinafter referred to as DPCM) of 1 October 2012, which contains the "Organisation of the general structures of the Presidency of the Council of Ministers", the ministers without portfolios, the undersecretaries of the Presidency and the secretary of the Council of Ministers make use of offices of direct collaboration, which comprise the cabinet office, legislative sector, special secretariat and press office. Ministers are also assisted by offices of direct collaboration (Art. 14.2 of Legislative Decree no. 165/2001). These offices have exclusive competences of support and liaison with public administration. They are composed of civil servants, staff on fixed-term private law contracts and experts on task-based contracts, who are all appointed discretionarily by the President of the Council of Ministers or the relevant minister. These offices currently employ 423 members of staff, of whom 229 carry out managerial, advisory or expert tasks. Offices of direct collaboration are established and governed by regulations adopted pursuant to Article 17.4-bis of Law no. 400/1988.

25. The GET takes the view that the President of the Council of Ministers, ministers with and without portfolio, undersecretaries of state at the Presidency of the Council of Ministers, undersecretaries of state, extraordinary and special commissioners, as well as members of the offices of direct collaboration who provide advice to the President of the Council of Ministers and the ministers, whatever their status, are to be regarded as PTEFs for the purposes of the present evaluation.

Status and remuneration of persons with top executive functions

Status

26. The President of the Republic appoints the President of the Council of Ministers and, on his/her proposal, the ministers with and without portfolio (Art. 92, Constitution). Before taking up office, the President of the Council of Ministers and the ministers must take an oath before the President of the Republic (Art. 93, Constitution). Once appointed, the Government must request and obtain the confidence of both Chambers of Parliament. Each Chamber grants or revokes confidence by a reasoned motion voted by rollcall. Resignations submitted by the Government, following a no confidence motion by the Chamber or failure to grant initial confidence, must be accepted by the President of the Republic.

27. The Constitution does not explicitly regulate the possibility of revoking the office of individual ministers. However, Article 115, para. 3 and 4 of the Regulation of the Chamber of Deputies establishes the possibility for the Parliament to also present a no-confidence motion against a single minister. In that case, the minister must resign but the Government stays in office.

¹⁰ <https://www.governo.it/it/tipologie-contenuto/riunioni>

28. According to Art. 95 of the Constitution, ministers are collectively responsible for the acts of the Council of Ministers and individually for the acts of their departments. Responsibility may be of political, administrative or criminal nature. Political responsibility is exercised through motions of no confidence against the Government or individual ministers, as explained above. With reference to loss of revenue, members of the Government are subject to the administrative and accounting jurisdiction of the Court of Auditors, in accordance with the rules applicable to all public officials. Regarding criminal liability, members of the Government, even if they have ceased to hold office, may be held responsible for crimes committed in the exercise of their functions, under ordinary jurisdiction, subject to the authorisation of one of the Chambers (Art. 96, Constitution).

29. Undersecretaries of state are appointed by decree of the President of the Republic, upon the proposal of the President of the Council of Ministers, in agreement with the minister whom the undersecretary is called upon to assist, after consulting the Council of Ministers. Commissioners of the Government are also appointed by decree of the President of the Republic upon the proposal of the President of the Council of Ministers, after consultation of the Council of Ministers.

30. Members of the Government are not subject to any integrity vetting prior to or after their appointment. They are subject to the rules on conflicts of interest, on incompatibilities and on non-conferrable status (see below).

31. The heads of the offices of direct collaboration are appointed as follows:

- the chief of cabinet is in charge of the minister's cabinet and coordinates the offices of direct collaboration. S/he is appointed by decree of the minister from among the magistrates, state lawyers, parliamentary councillors, first-level state managers and equivalents, tenured or non-tenured university professors in service, from among experts belonging to other categories or from persons of high professionalism, unrelated to public administration;
- the legislative sector is headed by a legal adviser, appointed by decree of the minister among persons of high professionalism;
- the special secretary, responsible for the special secretariat, is appointed by decree of the minister;
- the head of the press office is also appointed by decree of the minister. s/he must be registered in the register of journalists.

32. The heads of these offices are dismissed in the same manner as they are appointed.

33. The organisation of the offices of direct collaboration is defined by each ministry in specific regulations. Members of the offices of direct collaboration are selected discretionarily by the President of the Council of Minister or the relevant minister. Within 30 days of a minister's entry in office, s/he has to confirm all personnel assignments in these offices, including those at management level, fixed-term contracts and consultancies. All the non-confirmed positions automatically lapse at the end of that period.

34. The GET notes that persons with top executive functions are not subject to specific integrity checks upon their appointment or recruitment. Members of the offices of direct

collaboration are recruited discretionarily by the minister they serve. Many of them are civil servants, but they may also come from the private sector, working on fixed-term or consultancy contracts and may return to it at the end of their functions in government. Some functions have to be exercised on a full-time basis, such as those of chief or deputy chief of cabinet. However, there is no duty of exclusivity for other functions, especially those performed under fixed-term or consultancy contracts. They do have to fill in a statement regarding the absence of any cause of incompatibility, but these self-declarations do not cover all types of conflicts of interest. Some of the GET's interlocutors also referred in their respect to the obligation to disclose conflicts of interest, according to the Code of Conduct for Civil Servants. The GET has doubts regarding the actual application of this text to all members of the offices (see below). Consequently, **GRECO recommends that all persons with top executive functions undergo integrity checks as part of their appointment or recruitment in order to prevent and manage potential conflicts of interest.**

Remuneration

35. PTEFs are remunerated according to different systems, as follows¹¹. Ministers and undersecretaries of state are assigned a salary equal to that of personnel in levels I and II of the hierarchical order, as established by paragraph 575 of Article 1, Law no. 296 of 27 December 2006 and paragraph 2 of art. 5, decree-law no. 78 of 31 May 2010. The President of the Council of Ministers is entitled to the salary granted to ministers, plus 50% (Article 2, para. 1 of Law no. 212 of 8 April 1952).

36. Members of Parliament (MPs) who take on the role of President of the Council of Ministers, minister, deputy minister or undersecretary of state may not combine the salary corresponding to their functions in the executive with their parliamentary allowance (Article 3.1 of Decree-Law no. 54 of 21 May 2013). Accordingly, PTEFs who are also MPs receive the remuneration allocated to MPs.

37. PTEFs who are not MPs may choose one the four remuneration options described below. They may not combine the salary and special supplementary allowance¹² (I.I.S.) (option 1) with the compensation referred to in Law 418/99 (option 2).

¹¹ According to the "2022 Annual Report. The country's situation" elaborated by the ISTAT – National Institute of Statistics, the annual average gross contractual remuneration in 2021 was 26,580 Euros.

¹² The salary amounts and the special supplementary allowance are reassessed annually according to the ISTAT index to the extent provided for non-contracted personnel (teaching staff, university researchers, senior officers, general officers and admirals of the Armed Forces and personnel with corresponding qualifications and ranks of the civil and military police forces).

Economic treatment pursuant to Article 2 of Law 212/1952 YEAR 2022	NON-PARLIAMENTARY PTEFs	
OPTION 1	Monthly gross salary in Euros, including I.I.S x 13	Total annual gross in Euros
President of the Council (art. 2 c.2 L. 212/52 plus 50%)	7,862.23	102,208.99
Ministers and Vice-Presidents	5,241.48	68,139.24
Undersecretaries and Deputy Ministers	4,355.61	56,622.93

Parliamentary Compensation pursuant to Article 1, paragraph 1, of Law no. 418/1999 YEAR 2022	NON-PARLIAMENTARY PTEFs	
OPTION 2	Gross monthly parliamentary compensation in Euros x 12	Total annual gross compensation in Euros
President of the Council, ministers and vice-presidents, undersecretaries and deputy ministers	9,202.01	110,424.12

38. As an alternative to the previous two options, members of the Government who are public employees may choose to maintain the economic treatment they receive from their administration (option 3). Members of Government who are magistrates may keep the salary treatment received by their judicial institution of origin (option 4).

39. According to the DPCM, the remuneration of persons in charge of the offices of direct collaboration of ministers without portfolios and undersecretaries of state at the presidency is established by decree of the President of the Council of Ministers¹³. Spending limits for the offices of direct collaboration within the presidency of the Council of Ministers are defined by decree of the secretary general of the presidency. Ministers without portfolios or undersecretaries may determine the structure and composition of their office themselves within these spending limits. Partial exceptions to this rule are foreseen for the offices directly collaborating with the President and with the undersecretary of the presidency, secretary of the Council of Ministers, for which the parameters and limits of the DPCM do not apply and no expenditure limits are predefined. Expenditure limits for the offices of direct collaboration established by the ministries are also defined by regulation. Within these parameters and spending limits, ministers and undersecretaries of state have discretion to determine the remuneration of the staff of the offices.

¹³ Data on the remuneration of staff of the offices of direct collaboration is available at: [Governo Italiano - Amministrazione Trasparente: Incarichi presso gli Uffici di diretta collaborazione](#)

40. As regards additional benefits, ministers and undersecretaries of state are entitled to a daily allowance to cover living expenses in Rome. This allowance is currently paid to both non-residents and residents of Rome. This benefit ceases at the end of the term of office.

DAILY ALLOWANCE fixed part * Monthly total in Euros	DAILY ALLOWANCE variable part ** Monthly total in Euros	DAILY ALLOWANCE pursuant to Art. 2 of law 31 October 1965, no. 1261 Monthly total in Euros
129.68	3,373.43	3,503.11

* The fixed part of the daily allowance is paid if the member of the Government is present even only one day during the month.

** The variable part is paid in full if the presence is at least 15 days per month, otherwise it is paid in proportion to the days of presence declared.

41. Furthermore, the President of the Council of Ministers may reside in Palazzo Chigi, the main seat of the Presidency of the Council of Ministers.

42. Information on PTEFs’ remuneration and benefits is published on the websites of the Presidency of the Council of Ministers and of the respective ministries, in a section called “Transparent Administration”. This obligation stems from the principle of administrative transparency, as governed by Legislative Decree no. 33/2013 (see below under access to information), which foresees that public administrations have to publish the documents of appointment of the holders of political offices, even if not of an elective nature, at the state, regional and local level. They must also indicate the remuneration of any nature related to the assumption of office, the amounts pertaining to business travel and missions paid with public funds and any other appointments with charges borne by public finance, with an indication of the remuneration due¹⁴. Representatives of civil society met by the GET confirmed that these obligations are fulfilled in practice, including as regards the staff of the offices of direct collaboration¹⁵. The GET welcomes this transparency regarding the composition of the offices of direct collaboration, as well as PTEFs’ salaries and benefits as a good practice.

43. The use of public resources for the remuneration of PTEFs is subject to the control of the Court of Audit.

Anticorruption and integrity policy, regulatory and institutional framework

Anti-corruption and integrity policy, risk management mechanisms

44. The anti-corruption law no. 190/2012 foresees the adoption at national level of a three-year National Anti-Corruption Plan (PNA) by the National Anti-Corruption Authority (ANAC). The current PNA was adopted on 17 January 2023¹⁶. It aims at providing guidance for public administration authorities, for the purposes of adopting their own three-year plans for

¹⁴ <https://presidenza.governo.it/AmministrazioneTrasparente/Organizzazione/OrganilIndirizzoPolitico/index.html>

¹⁵ [Governo Italiano - Amministrazione Trasparente: Curriculum](#)

¹⁶ [Piano Nazionale Anticorruzione 2022 - www.anticorruzione.it](#)

the prevention of corruption and transparency. These plans are drawn up annually by 31 January. Civil society is consulted in the preparation of the PNA and since 2023, all government agencies have also had to allow for the participation of civil society in drawing up their respective anti-corruption plans. According to ANAC, this involvement received positive feedback from civil society stakeholders.

45. Legislative decree no. 80/2021 extended the list of entities subject to the obligation to prepare an annual plan and provided for the integration of the plan into an Integrated Plan of Activities and Organisation (PIAO), which also foresees other non-corruption-related planning and programming tools.

46. In the 2019 PNA, ANAC defined a methodology for risk management, divided in five interconnected cyclical phases (context analysis, risk assessment, risk treatment, consultation and communication, monitoring and review), that public administrations and other entities have to apply to identify their degree of exposure to corruption and to indicate the organisational measures aimed at preventing and addressing corruption risks.

47. The effectiveness of the system is guaranteed at the central level by ANAC, which supervises the anti-corruption and transparency section of the PIAO and is competent to impose sanctions upon entities which fail to adopt such plans. At decentralised level, each entity has a responsible for the prevention of corruption and transparency (RPCT), who is a member of the entity's managerial structure. S/he reports annually to ANAC on the implementation of the plan. These reports are public. Each public administration also has an Independent Evaluation Body, which is inter alia responsible for verifying the consistency between the objectives of the different elements of the PIAO.

48. The Presidency of the Council of Ministers has its own PIAO, which was adopted and published on 31 March 2023¹⁷, and its own risk register. The ministries also have PIAOs¹⁸ and risk registers. These instruments include the offices of direct collaboration and map all areas, processes and activities according to their corruption risks. They also contain remedial measures to address these risks. However, as confirmed to the GET by several interlocutors, these tools focus on administrative and management functions and processes, rather than on political activities. Therefore, they do not target PTEFs as such. This gap needs to be addressed, especially since the GET had the clear impression from its discussions on site that managerial and financial integrity risks and conflicts of interest were much more taken into account in Italy's regulatory framework than those stemming from political activities. Consequently, **GRECO recommends that a systemic analysis of corruption and integrity-related risks covering all persons with top executive functions be carried out on a regular basis and that corresponding remedial measures be included in a dedicated anti-corruption programme and made public.**

Institutional framework

49. The main entity responsible for promoting integrity and preventing corruption is the National Anti-Corruption Authority (ANAC), an administrative independent authority created by the anti-corruption Law no. 190/2012. Its board is composed of five members appointed

¹⁷ <https://presidenza.governo.it/AmministrazioneTrasparente/DisposizioniGenerali/PIAO/index.html>

¹⁸ See for instance the PIAO of the Ministry of Interior: <https://www.interno.gov.it/it/amministrazione-trasparente/disposizioni-generali/piano-integrato-attivita-e-organizzazione-piao>

by the President of the Republic for a non-renewable mandate of six years, upon the proposal of the Council of Ministers. ANAC has a staff of 350 employees and a yearly budget of 60 million Euros.

50. Law no. 190/2012 gave ANAC the responsibility: to draw up a preventive strategy against corruption – the PNA; to supervise the anti-corruption strategy of each public entity; to guarantee transparency in public administration; to guarantee the integrity of public officials, and to disseminate a culture of integrity and legality. ANAC pursues these goals through regulatory and supervisory activities, an advisory function, as well as inspection and sanctioning powers. Its mandate does not extend to government office holders, which fall under the remit of the Competition Authority, described below.

51. The Italian Competition Authority (AGCM) is an administrative independent authority established by Law no. 287/1990, which introduced antitrust rules in Italy. Subsequent laws endowed it with additional powers, the most important of which concern the repression of unfair commercial practices, misleading and unlawful comparative advertising and the application of conflicts of interest laws to government-office holders.

52. The Board of the Competition Authority consists of a Chair and two members, jointly appointed by the Presidents of the Chamber of Deputies and the Senate for a seven-year non-renewable term. The members are selected among the magistrates of the State Council, the Court of Auditors and the Court of Appeals, full university professors of economics or jurisprudence and outstanding personalities from the economic sector with an impeccable reputation.

Ethical principles and rules of conduct

53. A national code of conduct for public employees was adopted by Presidential Decree no. 62/2013 and amended in June 2023. It applies to public administration employees and to executive and senior administrative positions in public administrations, but not to political office holders. Public administrations are also required to extend, as far as possible, the provisions of the code to all their collaborators or consultants, whatever their employment relationship and capacity, as well as to the staff employed in the offices of direct collaboration of the political authorities.

54. The code has 19 articles containing general rules and principles. It covers inter alia the issue of gifts, remuneration and other benefits, disclosure of financial interests and conflicts of interest, the obligation to abstain, prevention of corruption, transparency, relations with the public. It also contains specific provisions for managers.

55. According to the decentralised anti-corruption strategies, each public administration is required to adopt its own code of conduct, based on the national code of conduct, following a participatory procedure and the compulsory opinion of its Independent Evaluation Body. ANAC has defined criteria, guidelines and uniform model codes¹⁹ for single sectors or types of administration. Codes of conduct have to be published on the administration's website, in the section "transparent administration" – subsection "general acts". If this is not the case, anyone may submit a request for civic access to the RPCT. The lack of adoption of a code of

¹⁹ <https://www.anticorruzione.it/-/delibera-numero-177-del-19-febbraio-2020>

conduct is subject to an administrative sanction between 1,000 and 10,000 Euros, imposed by ANAC. No such sanction was imposed in the past five years.

56. Supervision over compliance with the codes is entrusted to each administration's managers and internal control bodies. Violation of the codes' provisions may give rise to disciplinary liability for the administration's employees and to termination of the contract or the assignment for consultants and employees of offices of direct collaboration.

57. GRECO notes that ministers, vice-ministers, undersecretaries of state and commissioners, as political office holders, are not subject to the national code of conduct for public employees or to the specific codes adopted by public administrations. As to the members of the offices of direct collaboration, they are not directly submitted to these codes, but only to the extent decided by the individual administrations which have to extend the application of a code to them as far as possible. This heterogeneous situation is not satisfactory. It has been GRECO's constant position that PTEFs must be subject to a code describing the conduct expected of them during the government decision-making process. Such a document should deal with topical issues such as conflicts of interest; gifts and contacts with lobbyists and other third parties aimed at influencing government policies or bills; post-employment restrictions with a view to avoiding that the prospect of future employment in the private sector taints the taking of decisions, etc. It is important that PTEFs, as well as the general public, are clear as to the applicable standards. It is also particularly important to ensure the effectiveness of these standards through adequate monitoring and enforcement.

58. Consequently, **GRECO recommends (i) that code(s) of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions) and (ii) that such code(s) be coupled with a credible and effective mechanism of supervision and sanctions.**

Awareness

59. At the time of taking up their government role, political office holders are informed about the rules applicable to them, notably as regards their disclosure obligations. Both ANAC and the Competition Authority may be contacted by PTEFs for advice on the integrity-related issues pertaining to their respective mandates. In particular, the Competition Authority may be formally requested by a political office holder to issue a reasoned opinion on the potential incompatibility of individual positions or assignments with his/her office. Without prejudice to any confidentiality requirements, this opinion is published in the Authority's weekly bulletin. The Competition Authority issued two such opinions in the past five years.

60. The GET notes that in the absence of a dedicated code of conduct for PTEFs, there are no dedicated awareness-raising activities on integrity-related matters, nor any in-house mechanism to provide them with confidential counselling on ethical issues. The GET stresses that these activities are important so as to strengthen integrity in decision making and inform PTEFs on how to deal with ethical dilemmas in their daily activities. Therefore, **GRECO recommends developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions.**

Transparency and oversight of executive activities of central government

Access to information

61. Legislative Decree no. 33/2013, implementing the anti-corruption law no. 190/2012, has reorganised the provisions regarding the obligations of transparency and dissemination of information by public administrations into one single text. Information held by public administrations is subject to mandatory publication, civic access, or generalised civic access.

62. Information subject to mandatory publication includes:

- documents and information relating to the members of the political bodies at state, regional and local levels (appointment decision, curriculum vitae, remuneration, other positions, etc.);
- information relating to the holders of senior administrative posts and managerial posts conferred in any manner, as well as collaboration and consultancy.

63. This information is published in a dedicated section called "Transparent administration" on the home page of the administration's website for a period of five years and in any case as long as they remain applicable. Afterwards, the information remains available in the archive section of the website.

64. Civic access allows anyone to request information subject to mandatory publication, in cases where this has been omitted, without having to motivate the request or demonstrate an interest to obtain the information. Requests are addressed to the RPCT who must reply within thirty days. According to the information gathered by the GET, the Presidency of the Council of Ministers received 13 civic access requests in 2022, of which six were denied.

65. Information held by public authorities that is not subject to mandatory publication may be obtained, without any need to motivate the request, through generalised civic access. Such access may only be refused by the public authority in order to protect a particular public interest (public security, national security, defence and military matters, international relations) or a particular private interest (protection of personal data, freedom and secrecy of correspondence). In 2022, the Government received 112 requests for generalised civic access, of which 21 were rejected; it received 52 requests in the first half of 2023 and rejected 14. Total or partial rejections of access to information may be subject to a request for review to the RPCT or for appeal before the regional administrative court or the Ombudsman.

66. The implementation of transparency provisions is ensured by each public administration's RPCT and by ANAC. The RPCTs may report cases of delayed or non-compliance to ANAC, which is responsible for guidance and control. It may issue guidelines, standards and templates for publication, holds inspection powers and may issue orders to individual administrations. ANAC also monitors the work of the RPCTs, can request information from the administration's independent evaluation body and may report cases of non-compliance or partial compliance to the competent administration for initiation of disciplinary proceedings, to the Independent Evaluation Body or to the Court of Auditors.

67. Besides decree no. 33/2013, Law no. 241/1990 on administrative procedure provides for a broader right of access to public documents for persons justifying of a specific interest.

The Presidency of the Council of Ministers has a special committee to assess requests, which has to respond to the applicant within 30 days. Access refusals may be appealed to the administrative court, but representatives of civil society pointed out that the appeal process was lengthy.

68. Representatives of media and civil society whom the GET met agreed that legislative decree no. 33/2013 marked clear progress as regards transparency, with the online publication of relevant data about the activity of Government, even if some of this data was sometimes difficult to find in practice. The GET also notes that Italy has neither signed nor ratified the Council of Europe Convention on Access to Official Documents (CETS No. 205). It invites the authorities to envisage joining the state parties to this important instrument.

Transparency of the law-making process

69. Government legislative acts are brought to the attention of the public when they are approved by the Council of Ministers, through a press release published on the Government's website. Draft laws and legislative decrees are published on the Parliament's website, along with their supporting documents. Decree laws are published in the Official Journal, the Italian legislation website²⁰ and the Parliament's website as soon as they are adopted by the Government.

70. Public consultation on draft laws approved by the Government is carried out on the basis of proportionality, except when elements of urgency or secrecy are involved. Consultation may be open – generally carried out online through the *Participa* platform – or reserved to selected stakeholders. The impact assessment regulation (DPCM 169/2017) states that every impact assessment report on a draft law must contain a section regarding public consultation, its results and how the input received was taken into account in the decision-making process. In 2022, open or select public consultation was organised for approximately 53% of legislative texts.

71. Moreover, ANAC strongly encourages ministries to implement forms of public consultation for civil society and stakeholders in the process of preparation of the anti-corruption and transparency section of the PIAO²¹, in an adequately structured and advertised manner.

72. Representatives of civil society met by the GET had a contrasted experience of public consultation, depending on the ministries they had been working with. They pointed out that the choice to carry out public consultation, as well as the stakeholders invited to select public consultations, were too discretionary. A general framework providing clear indications seemed to be lacking and the open participation platform was said to be underused. The GET takes the view that the current percentage of government's legislative texts submitted to public consultation – around 53% in 2022 - is too low, especially since this percentage also includes select public consultations, which by definition are not open to the general public. For the GET the governing principle of public consultation is proportionality between the type and scale of consultation and the potential impact that the proposal or decision might have. Proper consideration (and action) should follow to achieving real engagement from the

²⁰ www.normattiva.it

²¹ Defined as citizens and all associations or other forms of organisations with collective interests, trade organisations and trade union organisations operating in the area.

relevant stakeholders and civil society, as appropriate, rather than following a bureaucratic process. Therefore, **GRECO recommends that an appropriate level of general public consultation on government draft legislation be effectively ensured and that only specific and limited exceptions to this rule made possible and clearly regulated.**

Third parties and lobbyists

73. There are currently no legally binding rules regulating the relationship between lobbyists and PTEFs, even though the regulation of lobbying has been the subject of long-term debate, with nearly 50 bills having been unsuccessfully drafted since 1945, according to the Fourth Round Evaluation Report. Contacts with lobbyists and third parties that could influence the decisions of the executive do not have to be disclosed.

74. Some ministries, namely the Ministry of Agricultural, Food and Forestry Policies, the Ministry of Economic Development, and the Department of Public Administration, have voluntarily introduced registers of lobbyists, some have introduced codes of conduct which the lobbyists have to sign. Some ministers and other PTEFs also voluntarily publish their agendas. The GET welcomes these initiatives towards more transparency of PTEFs' contacts with lobbyists. However, adopting rules to generalise such practices are crucial to uphold citizens' trust in the government. Therefore, **GRECO recommends that (i) rules be introduced on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion.**

Control mechanisms

75. Decisions concerning government policies contained in legislation and sub-legislation are subject to subsequent review by the Constitutional Court for compliance with constitutional principles and norms.

76. Parliament exercises control over the activities of the Government through acts of inspection and inquiries, including through parliamentary committees. This form of control gives rise to political responsibility.

77. The Court of Auditors exercises prior legitimacy inspections over the acts of the Government and subsequent inspections over the management of the State budget. Prior control concerns measures issued following a resolution of the Council of Ministers; acts of the President of the Council of Ministers and of the ministers concerning the definition of the organisation chart, the conferral of executive functions and general directives for the management and performance of administrative action; acts and contracts concerning the management of human resources. In addition, the Court of Auditors participates in inspections on the financial management of public entities. It is an institution foreseen by the Constitution (Art. 100), which is independent from the Government. It reports to the Parliament on the outcome of its assessments and follows-up on the measures taken to implement its recommendations.

Conflicts of interest

78. There is no general definition of the notion of conflict of interest in Italian law. Instead, several texts address different aspects of such conflicts for different categories of officials. Law no. 215/2004 on Conflicts of interest for members of the Government covers possible conflicts of interest between government responsibilities and professional and business activities in general. It deals with incompatibilities, conflicts of interest and financial declarations for holders of government roles, namely the President of the Council of Ministers, ministers, deputy ministers, undersecretaries of State and commissioners of the Government. Article 3 includes a requirement to refrain from a decision-making process (including at proposal stages), whenever the decision, act or omission in question has a specific and preferential effect on the assets and liabilities of the PTEF concerned, his/her spouse or relatives up to the second degree of kinship or of related companies or their subsidiaries, with detriment to the public interest. The Competition Authority is responsible for supervising compliance with these provisions.

79. Article 7, paragraph 1 of Law no. 215/2004 deals with conflicts of interest arising from holdings in or a relationship with the communications sector. Accordingly, companies operating in the communications sector which are headed by the holder of a government role, by his/her spouse or relatives within the second degree of kinship, may not provide preferential support to that office holder. Compliance with this rule is monitored by the Italian Communications Authority, but there are no sanctions attached to a lack of compliance.

80. The national code of conduct for public employees foresees an obligation of disclosure of financial interests and conflicts of interest (Article 6), as well as an obligation to abstain from carrying out activities, taking decisions and concluding contracts in situation of conflict of interest, even potential (Articles 6, 7 and 14). However, as already mentioned, this code does not apply to political office holders. It applies to the members of the offices of direct collaboration only to the extent decided by the individual administrations, and in the absence of other specific codes derived from the national code.

81. Finally, Article 6-bis of Law no. 241/1990 on administrative procedure also provides for an obligation to report conflicts of interest, even potential ones, to the person responsible for adopting opinions, technical assessments, acts adopted during the proceedings and the final measure.

82. The GET is of the view that there is much room for improvement in the conflicts of interest regime. GRECO criticised in the Fourth Round Evaluation Report the lack of consolidation and rationalisation of the rules on conflicts of interest, with a high number of dispersed norms, to the detriment of the transparency and the efficiency of the system. This picture remains valid as regards PTEFs. Two different regimes apply to members of the Government and to public administration officials but members of the offices of direct collaboration are not covered by either of these regimes, unless individual ministries decide to extend the provisions of their specific code of conduct, or of the national code of conduct, to them. The GET already criticised the heterogenous situation resulting from the absence of a dedicated code of conduct for PTEFs and addressed a recommendation to fill in this gap (see paragraph 57).

83. Turning to the conflicts of interest regime applicable to holders of government roles, the GET notes that Law no. 215/2004 only deals with certain types of conflicts of interest, namely those of a financial nature or deriving from a relationship with the communications

sector. Moreover, as already pointed out in the Joint First and Second Round Evaluation Report, it follows from the definition of conflict of interest under Article 3 that a member of government can act (or consciously choose not to act) in matters in which s/he has a direct personal financial interest; it is then up to the Competition Authority or the Communications Authority to intervene a posteriori to determine that such action or inaction caused a detriment to the public interest. Representatives of the Competition Authority whom the GET met confirmed that this flaw, which had been highlighted by GRECO in that Report, has to date not been remedied. They concurred with interlocutors from civil society and other independent authorities to highlight the lack of preventive effect of Law no. 215/2004 as regards conflicts of interest.

84. The GET is of the firm opinion that more attention needs to be paid to the prevention of conflicts of interest among members of the Government and of the offices of direct collaboration. The current rules clearly do not and cannot cover all situations in which a minister's or an adviser's interests could influence – or appear to influence – the objective and impartial exercise of his/her official functions and there is little guidance available to them on how to identify and manage such situations. Moreover, there should be an unequivocal obligation to disclose various situations of conflicts as they occur (on an ad hoc basis) as a necessary additional safeguard²². These rules should form part of the code(s) of conduct, the adoption of which is recommended above and should include practical advice and real-life examples of situations that can arise. Therefore, **GRECO recommends that (i) clear and comprehensive provisions and guidance be introduced for persons with top executive functions in order to prevent and resolve (potential) conflicts of interest and (ii) a requirement of ad hoc disclosure be introduced in respect of persons exercising top executive functions in situations of conflict between their private interests and official functions as they arise.**

Prohibition or restriction of certain activities

Incompatibilities, outside activities, contracts with state authorities and financial interests

85. The main text regulating incompatibilities is Legislative Decree no. 39/2013 concerning the non-conferrable status and incompatibility of assignments in public administrations and private entities under public control, which has been in force since May 2013. It applies inter alia to the President of the Council of Ministers, ministers, deputy ministers, undersecretaries of state and government commissioners.

86. Legislative Decree no. 39/2013 distinguishes cases of non-conferrable status and incompatibilities. The former is the permanent or temporary preclusion from holding top administration posts in state administrations for persons who have been convicted for offences against public administration (offences provided for in Chapter I of Title II of the Second Book of the Penal Code); for persons who have, in the previous two years, held offices or positions in private law entities regulated or financed by public administrations or have

²² The GET was made aware after the visit of a draft law that was examined on 2 March 2023 by the Constitutional Affairs Committee of the Chamber of Deputies (<https://www.camera.it/leg19/126?tab=&leg=19&idDocumento=304&sede=&tipo=>), that would address some of the flaws it identified. This draft law contains a broader definition of conflicts of interest, revised rules on incompatibilities and post-employment restrictions and a duty to declare assets. If adopted in its current form, it would repeal Law no. 215/2004 but it would still apply only to holders of government roles, and not to all PTEFs.

carried out professional activities in favour of the latter; in addition, persons who, in the previous two years, have been members of political bodies, may not be conferred the offices of general manager, health director and administrative director in local health agencies.

87. In cases of incompatibility, the person appointed or elected to a public office must choose between that office and any incompatible offices or positions. The offices of President of the Council of Minister, minister, deputy minister, undersecretary of state and commissioner of the Government are incompatible with:

- senior administrative positions in state, regional and local administrations and positions as directors of public bodies at national, regional and local level (art. 11.1);
- internal and external management positions in public administrations, public entities, and public-controlled private law entities at national, regional and local level (art. 12.2);
- the offices of president and chief executive officer or private law entities in public control at national, regional and local level (art. 13.1);
- the offices of general manager, medical director and administrative director in local health agencies (art. 14.1).

88. Article 2 of Law no. 215/2004 disqualifies persons holding government office from holding specific types of office or occupying specific kinds of posts, including in profit-making companies or other business undertakings; performing a professional activity of any kind or any work in a self-employed capacity, in an area connected with the government office in question; occupying posts, holding office or performing managerial tasks or other duties in professional societies or associations; and performing any type of public or private sector job. Law no. 215/2004 does not include ownership as such of a company among the cases of conflicts of interest: Government officials are barred from holding management or operational roles in private companies, but not from owning them. It also does not preclude the simultaneous holding of a government and a parliamentary position. In practice, this often takes place.

89. The GET notes that, while members of the Government cannot exercise any other functions or activities during their term of office, no rules or restrictions on the exercise of accessory activities apply to members of the offices of direct collaboration, except in case a code of conduct for public officials was made applicable to them. Reference was made by the authorities after the visit to art. 53 of legislative decree 165/2001, which provides that the performance of outside activities must be authorised and the authorised activities made public, but it does not seem that this rule covers unambiguously all the staff of the offices. This lack of common rules is worrying, all the more since some advisers work for ministers on a part-time or consultancy basis, while keeping their other activities. This is a wide-open door for possible conflicts of interest that needs to be regulated in order to differentiate between acceptable and unacceptable activities in a transparent and consistent manner. Therefore, **GRECO recommends (i) that members of the offices of direct collaboration be allowed to accept or retain paid or unpaid outside positions, occupations, board positions, or other paid assignments only after receiving a written authorisation based on a considered determination that the position/activity will not impede ordinary work or raise an issue of conflicts of interest, and (ii) making such authorisations available to the public.**

Gifts

90. The Presidential Decree of 20 December 2007 deals with protocol gifts received by members of the Government and their relatives. The maximum value of an individual acceptable gift that can be accepted by the President of the Council of Ministers, ministers and their relatives is fixed at EUR 300. If a member of government or their relative intends to keep a protocol gift of a value exceeding EUR 300, they have to pay to the administration the difference between the estimated value of the asset and EUR 300. The budget office of the Presidency of the Council of Ministers or of the relevant ministry may provide an estimation of the value of a gift in case of doubt.

91. As regards PTEFs who are not part of the Government, the national code of conduct for public employees contains a prohibition (art. 4) for the employee to request, solicit or accept gifts or other benefits in any other form, except for those of a modest value, "not exceeding, as a guideline, EUR 150". The codes of conduct adopted by individual administrations may provide for lower limits or even prohibit the acceptance of such gifts²³. As already mentioned, the national code of conduct applies to the members of the offices of direct collaboration only to the extent decided by the individual administrations, and in the absence of other specific codes derived from the national code.

92. The GET notes that no common rules and guidance are applicable to all PTEFs on how to handle situations where gifts, advantages or invitations are offered in the exercise of their functions. The only existing rules are those on protocol gifts (but not other gifts or invitations) applicable to members of the Government and those contained in the national code of conduct, which as highlighted previously, does not apply directly to members of the offices of direct collaboration. Moreover, both sets of rules focus solely on the value of the gifts and not on the context in which they are offered.

93. In addition to the future code of conduct, which should address the issue of gifts and invitations received by PTEFs, the GET takes the view that a set of common and specific rules is necessary. It should clearly define what gifts are acceptable according to their value and the context in which they are given, and cover gifts in cash and in kind, invitations, services, sponsorships and other benefits. Finally, in the interests of transparency, there should be a dedicated system for declaring, valuating and registering gifts received by PTEFs in connection with their functions. This would allow the public to be regularly informed about such gifts and the donors' identity. In light of the foregoing, **GRECO recommends ensuring that a full set of rules on gifts and other benefits be applicable to all persons with top executive functions, in the form of appropriate practical guidance, the obligation of reporting gifts and other benefits, and making this information available in a timely manner to the public.**

Misuse of confidential information, misuse of public resources

94. The national code of conduct for public employees contains some provisions dealing with the need to use public resources and information only for official purposes and the general interest and not for private purposes (art. 3, art. 11). The GET recalls, however, that this code does not apply to members of the Government and does not apply directly either to

²³ For instance, the Presidency of the Council of Ministers has adopted a circular of 2017 containing practical guidelines on the delivery of material gifts received by staff: CIR 5709 of 5 07 2017.

members of the offices of direct collaboration. It invites the authorities to fill the gap of specific rules in these matters in the context of the implementation of the recommendation on a code of conduct for PTEFs (see paragraph 58).

Post-employment restrictions

95. Reference was made by the Italian authorities to Legislative Decree no. 165/2001, which establishes a “cooling-off” period of three years in which public officials, who have exercised authoritative or negotiating powers on behalf of public administrations, must refrain from working for private bodies who are the recipients of the activity of public administration by virtue of those same powers. Any contract or work assignment agreed in violation of this provision is null and void, and the private bodies which have signed or agreed to such contracts or work assignments will not be awarded any contract with public administration in the following three years. ANAC carried out an analysis of this provision in the PNA 2022 and has suggested some improvements to the Government and Parliament in order to make it more efficient.

96. As regards members of the Government, Law no. 215/2004 prohibits them, for 12 months after they are leaving office, from working for public bodies, working in the private sector, and from carrying out professional activities in fields relating to their role in the Government. Supervision of compliance with this provision is entrusted to the Competition Authority.

97. Most of the GET’s interlocutors concurred to point out the weaknesses of the post-employment regime, a recurring criticism being that the 12-month cooling off period under Law no. 215/2004 is too short. The Competition Authority’s control is also hampered by the fact that members of the Government do not have to inform it of their subsequent position upon leaving office. As far as ministers’ advisers are concerned, it is unclear whether any rules, including those of Legislative Decree no. 165/2001, apply to them. The GET heard numerous examples of problematic moves to the private sector by both ministers and advisers, which are a clear indication that the pantouflage regime applicable to PTEFs needs strengthening. Therefore, **GRECO recommends that the post-employment regime be strengthened in order to improve its effectiveness and that it be broadened in scope to cover all persons with top executive functions.**

Declaration of assets, income, liabilities and interests

98. Another manifestation of the absence of consolidation of the rules on conflicts of interest highlighted earlier in this report lies in the different declaration regimes applicable to PTEFs. One set of declarations applies to all PTEFs, although the data to be declared by ministers is broader than that declared by the staff of the offices of direct collaboration. These declarations are public – compliance with the publication duties is overseen by the RPCTs and by ANAC – but their content is not reviewed. Another regime applies only to members of the Government, who have to file a declaration with the Competition Authority. The information declared is subject to review, but it is not public.

Declaration requirements

99. Members of the Government have been subject to declaration duties since Law no. 441/1982. This law was taken over by Legislative Decree no. 33/2013, which also extended disclosure duties to the heads and members of the offices of direct collaboration. The Decree is complemented by guidelines adopted by ANAC, namely guidelines no. 241/2017 for ministers, deputy ministers and heads of cabinet; guidelines no. 586/2019 for heads of cabinet; and guidelines no. 1310/2016 for ministerial advisers. These guidelines include formats for the asset declarations.

100. Within three months of taking up their duties, members of the Government are required to declare the following information to the Presidency of the Council of Ministers:

- a) act or notice of appointment, indicating the term of office or election term;
- b) curriculum vitae;
- c) compensation of any kind related to the office; public money spent on business trips and missions;
- d) other offices held in public or private entities and related compensation received in any capacity;
- e) any other positions financed by public money with an indication of the amount;
- f) statement of assets and declaration of income of the minister and deputy minister, spouse not separated and relatives within the second degree if they have consented to the disclosure. Evidence of an absence of consent must be provided.

101. Financial information requested under f) consists of:

- rights on immovable and movable properties as recorded in a public register, ownership of company shares and equity participations, any company directorships or posts as internal company auditors;
- costs and debts incurred in the election campaign, or else a declaration that the officials availed themselves exclusively of electoral materials and resources provided by the political party or movement for which they were elected.

102. Financial information under f) must also be declared to the Chamber to which the official belongs. For those who do not belong to Parliament, this declaration is to be made to the Senate. Formats for financial declarations are also prepared by the Presidential Offices of the Senate and the Chamber of Deputies. While in office, declarations must be updated any time a significant change occurs and at least annually. Within three months from the termination of the office, a last asset declaration is made and published, together with the latest tax return.

103. The information declared is published on the respective ministries' websites – in the "Transparent Administration Section" – within three months of the official taking up duties and until three years after the end of his/her duties. The information relating to the assets and income, including that of close persons who have authorised it, is published until the end of the term of office. Afterwards, it remains accessible through the rules on public access to information.

104. Compliance with the publication obligations is monitored in first instance by each administration's RPCT and in second instance by ANAC. The latter may exercise inspection powers for this purpose, order the publication of information and has sanctioning powers (see below).

105. Heads of offices of direct collaboration have to declare to the Presidency of the Council of Ministers or to their ministry the same information as ministers, with the exception of the asset declarations and tax returns. This information must be updated and is published in the same manner as the information declared by ministers.

106. As regards ministerial advisers, external collaborators and consultants, including those who do not perceive a remuneration, the following data is to be declared to their ministry and published:

- a) details of their deed of appointment (object and term);
- b) curriculum vitae;
- c) any data concerning the performance of tasks or any office held in private entities regulated or financed by public administration, or the performance of professional activities;
- d) remuneration, however named, related to their consultancy or collaboration relationship, especially its variable elements, if any, or the components related to the assessment;
- e) the attestation of the verification of the absence of a situation of conflict of interest, even potential.

107. All data regarding ministerial advisers, external collaborators and consultants is also published centrally by the Office of the President of the Council of Ministers – Department of public administration, in a manner that allows the consultation of the data by name.

108. As explained above, members of the Government are subject to additional declaration duties under Article 5 of Law no. 215/2004 on Conflicts of Interest for Members of Government. These duties also extend to their spouse and relatives up to the second degree of kinship. Declarations are to be made on specific forms available online from the Competition Authority within 90 days of taking up duties, and any subsequent changes must be communicated within 20 days. The communicated data is not made public. Data to be declared includes: 1) sole-trading business; 2) shareholdings in directly controlled companies; 3) shareholdings in indirectly controlled companies; 4) non-controlling shareholdings held through subsidiaries; 5) other corporate shareholdings.

109. The disclosure obligation concerns enterprises and companies under Italian and foreign law and is also extended to the ownership of financial instruments that give the right to buy or sell shares. The concerned persons must also declare: 1) fiduciary asset management; 2) investment portfolio management; 3) assets allocated to a specific business.

110. The GET welcomes that some disclosure obligations apply to all PTEFs, whatever their status, extending even to external collaborators and consultants working on a *pro bono* basis. Partners and close persons of the members of the Government are also covered by the declaration system and the related information is made public, unless they expressly refuse. This setup is understandable from the point of view of the privacy of the persons concerned. However, it could potentially make circumventing the rules on transparency easier. Data submitted to the GET showed that under the past three governments, around 40% to 50% of ministers' relatives refused the disclosure of their financial data. A system in which financial data relating to close persons would be declared in any case and be subject to supervision but would not be made public in case of an absence of consent, is preferable, in keeping with GRECO's constant position on this issue. Another positive element is that publication obligations appear fulfilled in practice.

111. The GET also notes that the scope of the declarations is incomplete for the staff of the offices of direct collaboration: the directors of these offices do not have to declare their assets and income, and ministerial advisers only have to declare the remuneration perceived for the exercise of their advisory activities. This appears insufficient to prevent conflicts of interest which may arise from any other activities they may have. The attestation of the absence of a conflict of interest that has to be published does not adequately remedy this gap, given the GET's concerns expressed above on the conflict of interest regime.

112. In view of the above, **GRECO recommends (i) extending to all persons with top executive functions the duty to declare all their financial interests and ensuring that this information is published in a timely manner; and (ii) considering including financial information on spouses and dependent family members in the declarations for review purposes by the relevant institutions (it being understood that such data would not be made public in the absence of consent by the persons concerned).**

Review mechanisms

113. The Competition Authority, through its Conflict of Interest Directorate, monitors the accuracy and completeness of the declarations filled in by members of the Government under Law no. 215/2004 for the purpose of detecting conflicts of interest or incompatibilities. It traces ministers' financial situations through intelligence work, public and reserved access databases and compares it with ministers' legislative activity. It can request cooperation from the Guardia di Finanza. The Conflict of Interest Directorate is composed of one executive, two officials and two support staff members.

114. It emerged from the interviews on site that the Competition Authority carries out substantial control over financial declarations in order to ascertain possible conflicts of interest and incompatibilities. It stated being adequately equipped for this purpose. However, the Authority's control does not extend to the immovable and movable property held by members of Government, as these need not be declared under Law no. 215/2004. This is a flaw, in the GET's view, as conflicts of interest may also stem from the ownership of assets or significant liabilities. The GET understands that some of this information is made public under Legislative Decree no. 33/2013. It would be important to ensure that it is taken into account in practice in the review by the Competition Authority of ministers' financial situation.

115. Another gap in the review system is that the declarations submitted by the members of the offices of direct collaboration are not subject to any substantial review as regards their content, as they do not fall under the remit of the Competition Authority. As explained above, ANAC supervises the fulfilment of the publication obligations of assets and interests of public officials. However, it does not review the content of the information published.

116. In view of the above, and in connection with the recommendation on the need to extend financial declaration duties to all PTEFs, **GRECO recommends that all declarations submitted by persons entrusted with top executive functions be subject to substantive verifications.**

Accountability and enforcement mechanisms

Criminal proceedings and immunities

117. There is no specific immunity applicable to ministers or their advisers. There are, however, specific rules on criminal proceedings applicable to ministers. The Prime Minister and ministers are subject to the jurisdiction of ordinary courts for offences committed in the exercise of their functions, subject to the authorisation of Parliament (art. 96 of the Constitution, as amended by Constitutional Law no. 1/1989). Reports concerning such offences are submitted to the public prosecutor of the competent court who, without prior further investigation, refers the record to a special tribunal, the Tribunal for Ministers, composed of three magistrates and three supplementary magistrates chosen by lot from among all qualified magistrates. The Tribunal for Ministers undertakes preliminary investigations, hears the public prosecutor and refers the record, together with a reasoned opinion, to the Prosecutor General who is then to transmit it to the competent parliamentary chamber which will decide on whether to give its authorisation for the taking of proceedings against the minister in question.

118. Ministers are also subject to immunity from criminal prosecution if they are simultaneously MPs – this is the case of a majority of them in the current Government. Parliamentary immunity (art. 68, Constitution) consists of non-liability for the opinions expressed or the votes cast in the performance of their functions. It also consists of inviolability during their mandate and in connection with the performance of official duties, from pre-trial arrest (except in *flagrante delicto*), house search, interception of communication and seizure of correspondence. The procedure for lifting immunity is dealt with by the Parliament at the request of a court.

119. More particularly, immunity matters are referred to a special committee in each chamber of Parliament which looks at the relevant documentation and hears the MP involved. The Committee recommends by a substantiated decision to the relevant chamber to either grant the immunity in the specific case or to consider it not applicable. A decision of Parliament not to lift immunity may be challenged by the court in the Constitutional Court, which has on several occasions repealed the immunity granted by Parliament. The issue of parliamentary immunity was considered by GRECO in the Fourth Evaluation Round Report, which found its application in practice to be quite balanced. According to the information gathered during the on-site visit, the GET finds no grounds to revisit this assessment.

Non-criminal enforcement mechanisms

120. The absence of consolidation of the integrity rules applicable to PTEFs results in non-criminal enforcement mechanisms being shared between different authorities, namely ANAC, the Competition Authority, the Communications Authority and the public administration for which the PTEF works.

121. The Competition Authority and the Communications Authority (AGCOM) are responsible for the enforcement of violations by members of the Government of provisions of Law no. 215/2004. Decisions on violations of the rules on conflicts of interest or on incompatibilities are taken by majority by each authority's board, following administrative proceedings. Their findings are communicated to the Presidents of the two houses of Parliament and a fine can be imposed under certain conditions on a company that benefited from a government action carried out or omitted in a situation of conflict of interest. The Law

foresees no sanction for ministers. Both the decisions of commencing proceedings for the ascertainment of violations of Law no. 215/2004, and the final measures, are published in the weekly bulletin of the Competition Authority, which is available on the Authority's website.

122. In the event of a violation by a minister of his/her declaration duties, Article 8 of Law no. 215/2004 provides that the criminal offence of refusal to perform an official act under Article 328 of the Criminal Code is committed. It carries a penalty of imprisonment of up to one year and a fine of up to EUR 1,032. False declaration also carries a penalty of up to two years' imprisonment according to art. 76 of presidential decree no. 445/2000 and art. 483 of the Criminal Code.

123. Violations of the provisions of non-conferrable status and incompatibilities under Legislative Decree no. 39/2013 entail the nullity of the related acts and contracts. This implies the restitution of the remuneration received for the unlawful assignment. Further consequences are envisaged if the PTEF has issued a false declaration, namely criminal liability, disqualification from taking up the positions provided for by the Decree for five years and disciplinary liability. Supervision of compliance with these provisions is carried out internally, by the RPCT of each public administration, who must initiate an administrative investigation procedure in the event of a suspected violation. It is also supervised externally by ANAC, which can exercise inspection powers, initiate contestation proceedings in which the rights of the defence are guaranteed and declare whether there has been a violation. ANAC may also suspend the appointment procedure or report the case to the Court of Auditors for the assessment of any administrative liability. However, as already indicated, this supervision does not apply to members of the Government.

124. Similar sanctions of nullity and the obligation to repay any remuneration are foreseen in case of violation of the prohibition on pantouflage set out in Art. 53.16-ter of Legislative Decree no. 165/2001. Supervision of compliance with this provision is also entrusted to ANAC, which may initiate administrative proceedings and apply sanctions. Regulations for the exercise of these power have not yet been adopted, however, ANAC has prepared guidelines on this matter, which are currently under public consultation.

125. Failure of the disclosure duties under Legislative Decree no. 33/2013 carries a fine between EUR 500 and 10,000, and the publication of the sanction adopted by ANAC on its website, as well as on the website of the administration concerned.

126. Finally, violation of the provisions of the national code of conduct for public employees constitutes conduct contrary to official duties and entails disciplinary liability, without prejudice to any further civil, criminal, accounting or administrative liability. ANAC has recommended that public administrations provide for a specific procedure to ensure that violations are subject to enforcement measures.

127. The GET notes that several of the regulations described above foresee no sanctions for ministers, which was confirmed in the discussions on-site. This is the case in particular for the rules on incompatibilities under Law no. 215/2004 and Legislative Decree no. 39/2013. Both the Competition Authority and ANAC deplored that the declarations of violation that they adopt concerning ministers are communicated to the presidents of both chambers of Parliament but carry no other consequences for the ministers concerned. The system relies on their political responsibility, which the GET finds insufficient in the Italian context (see

paragraph 128). It recalls GRECO's constant position that misconduct must attract proper sanctions. Consequently, **GRECO recommends ensuring that the standards set forth for all persons with top executive functions regarding conflicts of interest and non-conferrability/incompatibilities be subject to effective, proportionate and dissuasive sanctions.**

Statistics

128. In the last five years, the Competition Authority has concluded three proceedings for the ascertainment of violations of the provisions on incompatibilities by PTEFs during their mandate. In two cases, the proceedings ended in finding the incompatibility and the subsequent communication of this outcome to the President of the Senate of the Republic and to the President of the Chamber of Deputies. As explained above, Italian law does not impose specific fines for this type of violation and no political consequences ensued. In one of these cases, the person resigned following the communication. In the third case, the incompatibility ceased during the proceedings.

129. In the last five years, no proceedings have been initiated for the ascertainment of cases of conflict of interest due to financial impact.

V. CORRUPTION PREVENTION IN LAW ENFORCEMENT AGENCIES

Organisation and accountability of selected law enforcement authorities

Overview of various law enforcement authorities

130. According to Article 16 of Law no. 121/1981 (Main Coordination Law), there are four law enforcement authorities (LEAs) in Italy. The State Police (Polizia di Stato) and the Carabinieri Corps are entrusted with general duties for the protection of public order and security. The other forces, namely the Guardia di Finanza (Finance Police) and the Penitentiary Police, concur in the performance of public order and security services. Until 2017, there was a fifth LEA, the State Forestry Corps, the duties of which were transferred to the other LEAs, in particular to the Carabinieri. This evaluation will cover the State Police, the Carabinieri and the Guardia di Finanza.

131. The activities of these LEAs are coordinated in order to ensure the effectiveness of the overall protection of public order and safety. Accordingly, the two police forces with general jurisdiction are not allocated exclusive territorial areas, but according to the dynamic criterion of “privileged employment”, the State Police is mainly present in the regional capitals and the Carabinieri in the remaining territory. The Carabinieri also has exclusive competence in the forestry, environmental and agri-food sectors, as well as regarding health, labour and cultural heritage. The Guardia di Finanza has general competence in economic and financial matters.

132. Coordination at central level is exercised by the ministry of the Interior, as the National Public Security Authority. The minister is supported in this task by the National Committee for Public Order and Security. Headed by the minister, the Committee is composed of the national commanders of all four law enforcements agencies. It advises the minister on any matter of general nature concerning the protection of public order and security and the elaboration of strategies for the fight against crime.

133. The Department of Public Security links the ministry in its policy-making role and the operational LEAs. It is headed by the Chief of Police – Director General of Public Security and staffed by personnel from each LEA and from the ministry of Interior on a rotating basis. The Department carries out tasks connecting to the analysis of information, scientific and technological research, statistics, general and operational planning, as well as EU and international relations.

134. At the level of the provinces, the prefect, as the provincial public security authority, disposes of public force and ensures unity of direction and coordination. The prefect's coordination action is essentially based on the principle of subsidiarity. The prefect may order joint action by several law enforcement agencies in order to achieve a given objective. Otherwise, the organisational and executive choices for the performance of institutional tasks remain within each LEA. The prefect reports to the minister of the Interior on the activities of the LEAs in the province. The prefect is advised by the Provincial Committee for Public Order and Security, in which the provincial heads of the LEAs provide their technical and operational assessments regarding the elaboration of strategies, the identification of objectives and the concrete ways of pursuing them.

135. The Questore, the highest authority of the Questura, Provincial Office of the Administration of Public Security, has the direction, responsibility and coordination, at a technical-operational level, of specific services of public order and of the employment, for this purpose, of the LEAs.

136. Finally, the functions of judicial police are carried out, under the direction and coordination of the judicial authority, by:

- the sections of the judicial police, composed of inter-force personnel, placed directly under the Prosecutor of the Republic;
- the judicial police services within each LEA.

Organisation and accountability of selected law enforcement authorities

137. The State Police is organically dependent on the ministry of Interior for its security police activities, but it enjoys operational independence in its organisation, performance of its tasks and discipline. The minister of the Interior, as the national public security authority, provides guidelines and defines objectives for the protection of public order and security, in the context of the security policy established by the Government. However, s/he does not issue instructions of a political nature in individual cases. The State Police's judicial police activities are performed under the direction of the judicial authority.

138. The State Police is managed at central level by the Department of Public Security, headed by the Chief of Police - Director General of Public Security. S/he is appointed by decree of the President of the Republic, upon decision of the Council of Ministers, on a proposal of the Minister of the Interior, from among the prefects of the Republic. There is no formal term of office but the GET was informed that it does not exceed seven years in practice, which coincides with the term of office of the President of the Republic.

139. The State Police recently underwent a territorial re-organisation²⁴. It is composed of two main categories of offices:

- *Operational offices*, among which the *Questure*, its detached police stations and offices set up under the *Questure*; inter-regional or inter-provincial investigation units for specific organised crime offences; inspectorates and special public security offices; peripheral offices for traffic, railway, communications and border police; mobile units; and units, centres or teams employing specially trained personnel, animals or other special means.
- *Offices, centres and institutes with instrumental and support functions*: Police Institute of Advanced Studies and training institutes, health facilities, forensic police centres, IT centres, equipment and vehicles centres.

140. The State Police is hierarchically organised, as regulated by Law no. 121/1981²⁵ on the Reorganisation of the Public Security Administration and by the Service Regulations of the Public Security Administration²⁶. Another text of reference for its activity is Decree no.

²⁴ Decree of the Chief of Police-Director General of Public Security of 28 June 2022 (so-called "*Atto Ordinativo Unico degli Uffici Territoriali*"), which established the nature, competences, line of dependance, seat and staffing of territorial offices.

²⁵ Art. 65 ("duties of subordination") and 66 ("hierarchical order and functional relations")

²⁶ Decree no. 782/1985, art. 4 and 8.

335/1982 on Regulations for State Police personnel performing police functions. State Police personnel is divided into "ordinary", "technical" and "medical and veterinary" careers and roles²⁷.

141. The staff of the State Police as of February 2024 is as follows.

Career or role	Women		Men		workforce
	workforce	%	workforce	%	
Career of State Police Officers	1.071	36%	1.938	64%	3.009
State Police Management Role	352	26%	982	74%	1.334
Role of State Police <i>Ispettori</i>	2.683	16%	14.505	84%	17.188
Role of State Police <i>Sovrintendenti</i>	2.112	14%	12.907	86%	15.019
Role of State Police <i>Agenti</i> and <i>Assistenti</i>	8.735	16%	47.571	84%	56.306
Total State Police personnel performing police functions	14.953	16%	77.903	84%	92.956

Career or role	Women		Men		workforce
	workforce	%	workforce	%	
Career of State Police Technical Officers	155	30%	369	70%	524
State Police Management in technical roles	19	53%	17	47%	36
Role of State Police <i>Ispettori</i> in technical roles	531	38%	858	62%	1.389
Role of State Police <i>Sovrintendenti</i> in technical roles	506	32%	1.061	68%	1.567
Role of State Police <i>Agenti</i> and <i>Assistenti</i> in technical roles	739	48%	798	52%	1.537
Total State Police personnel engaged in technical-scientific or technical activities	1.950	39%	3.103	61%	5.053

	Women		Men		workforce
	workforce	%	workforce	%	
Total State Police personnel carrying out police functions	14.953	16%	77.903	84%	92.856
Total State Police personnel carrying out technical-scientific or technical activities	1.950	39%	3.103	61%	5.053
Total State Police medical personnel	147	56%	114	44%	261
Total personnel of the State Police Musical Band	12	14%	76	86%	88
Overall total of State Police personnel	17.062	17%	81.196	83%	98.258

²⁷ Officials' career, Inspectors' role, *Sovrintendenti*' role and Assistants' and Agents' role (Presidential Decree no. 335, 337 and 338 of 1982).

142. As regards the management of financial resources, the rules of state accounting apply, which provide for control by the territorial state accountancy offices and the responsibility of the designated officer within the office. Related documents are not public, except as regulated by the rules on transparency and competition (e.g. tender notices, technical specifications, etc.). The central budget office, an autonomous entity within the State Police, verifies administrative and accounting regularity. The Court of Auditors exercises prior legitimacy control over the appointment of managerial staff.

143. The Carabinieri is a military police force with general competence and a dual role:

- as an armed force, it reports to the minister of Defence, through the Chief of Defence, for the performance of military tasks, including the exclusive military police and security tasks for all the armed forces, participation in operations and security of Italian diplomatic representations abroad;
- as a police force (LEA), it depends functionally on the minister of the Interior for the tasks of public order and security.

144. For the technical and administrative aspects of its activity, the Carabinieri report to:

- the ministry of Defence with regard to personnel, administration and logistics activities;
- the ministry of the Interior for the accommodation, furniture and equipment connected with police tasks, as well as for the use of financial resources aimed at strengthening the LEAs.

145. Some departments of the Carabinieri are constituted as part of:

- the ministries of Health, Environment and Energy Security, Culture, Labour and Social Policies, Agriculture, Food Sovereignty and Forestry, Foreign Affairs and International Cooperation and functionally depend on each minister;
- national organisations or authorities (Presidency of the Republic, Parliament, Constitutional Court, Presidency of the Council of Ministers, Court of Auditors, C.N.E.L., Bank of Italy and various independent authorities) for the performance of specific tasks and functionally depend on the heads of these organisations or authorities.

146. Finally, for the performance of the activities of the judicial police, the Carabinieri is placed functionally under the authority of the judicial authority.

147. The staff of the Carabinieri is composed as follows:

	Officers	Warrant Officers	Inspectors	Brigadiers	Appuntati/Carabinieri	Total
<i>Male staff</i>	4.399	25.419	26.037	21.567	51.596	102.981
	89,2%	93,4%	94,2%	97,3%	90,6%	92,6%
<i>Female Staff</i>	531	1.790	1.606	592	5.366	8.279
	10,8%	6,6%	5,8%	2,4%	9,4%	7,4%
<i>Total</i>	4.930	27.209	27.643	22.159	56.962	111.260
	4,4%	24,5%	25,4%	19,9%	51,2%	

148. The Code of Military Legal System (Legislative Decree no. 66/2010, hereafter the COM) defines the organisation, duties and attributions of the Carabinieri. Its organisational structure is divided into (art. 169 COM):

- general headquarters: through which the general commander directs, coordinates and controls the activities of the corps (art. 170 COM). The general commander is appointed for three years by the President of the Republic following a collegial procedure defined by law (art. 32 COM and Law no. 13/1991). The term of office is not renewable but the appointment may be extended for a maximum period of one year if the general commander has not reached the retirement age (art. 1094 COM). The establishment of a new government does not imply the termination of the general commander's term of office;
- training organisation (art. 172 COM);
- territorial organisation: it includes interregional, regional, provincial, infra-provincial and station commands. The latter are the basic structure of the Carabinieri at local level, with direct responsibility for the control of the territory and related institutional activities, as well as military tasks (art. 173 COM);
- organisation for forest, environmental and agri-food protection: it includes departments dedicated, as a priority or exclusively, to the performance of particular tasks or specialised activities in these fields, in support to or with the support of the territorial organisation (art. 174bis COM);
- mobile and special organisation: it includes departments dedicated, as a priority or exclusively, to the performance of particular tasks or specialised activities, in support to or with the support of the territorial organisation (art. 174 COM);
- departments for specific needs: within organisations, commands and various entities for the performance of specific activities (art. 175 COM).

149. Each organisational structure is headed by an army general with functions of command, senior management, coordination and control (art. 844 COM).

150. As regards the use of public funding, the Carabinieri corps:

- administers the resources allocated on the budget chapters of the ministry of Defence, exercising spending powers and related functions in contractual matters and administrative accounting management;
- also receives resources from the budget appropriations of the ministry of the Interior, as well as from other ministries (Labour and Social Policies, Environment and Energy Security, Culture, Health and Agriculture, Food and Forestry Sovereignty) to support the functional needs of the specialist component of the Corps;
- is subject to external control by the Central Office for Administrative Inspections of the ministry of Defence, the ministry of Economy and Finance, territorial accounting and the Court of Auditors.

151. The Guardia di Finanza is a military police force with general competence of prevention, investigation and repression of violations in economic and financial matters. It is primarily regulated by Law no. 189/1959, legislative decree no. 68/2001 and Law no. 121/1981. Other duties and functions are also envisaged by sectoral regulatory provisions. The Guardia di Finanza also exercises judicial police functions and tasks of public safety and order along with the other police forces. Finally, it has exclusive competence over sea safety

and preeminent competence over security in matters of circulation of the euro and other means of payment.

152. The Guardia di Finanza is headed by a general commander, chosen among the lieutenant generals in effective permanent service in the corps or of the army. The general commander is appointed by decree of the President of the Republic, after deliberation of the Council of Ministers upon the proposal of the minister of Finance and Economy, in agreement with the minister of Defence (art. 32 COM and Law no. 189/1959). The term of office is three years and cannot be extended or renewed. If s/he has not reached the age limit at the end of the term of office, the general commander remains in office until s/he reaches the age limit and, in any case, for another year at the most. The establishment of a new government does not imply the termination of the general commander's term of office. The Guardia di Finanza reports to the minister of Economy and Finance for its general competence. As regards its other functions, it falls functionally under the minister of the Interior for the preservation of public order and security, under the minister of Defence for its participation in military operations and under the competent public prosecutor for its judicial police activities.

153. The organisational structure of the Guardia di Finanza comprises the general headquarters and operational commands and bodies, which include territorial, special and aeronaval units. At territorial level, they are subdivided as follows:

- 6 interregional commands, located in Milan, Venice, Florence, Rome, Naples and Palermo. Each have two or more regional commands under their authority;
- 19 regional commands, which customarily have two or more Provincial Commands and an aeronaval operational unit under their authority;
- 105 provincial commands and 1 territorial command located in Aosta (equivalent in structure and functions to a provincial command), to which are subordinated an economic-financial police unit as well as one or more groups and/or companies. The further minor territorial units (metropolitan operational units, companies, lieutenancies and alpine rescue stations) are placed under the direct authority of the groups and/or of the same companies (lieutenancies and alpine rescue stations);
- 15 aeronaval operational units, to which are subordinated one or more naval stations and customarily an air section.

154. Special units are set up for investigations requiring high specialisation in certain fields, or for which the effectiveness of the control requires an unitary apparatus. They operate under a special units command. In particular:

- the following units are under the authority of the economy and finance protection command:
 - special revenue unit and fiscal fraud repression unit;
 - special public expenditure and EU fraud suppression unit;
 - special currency police unit;
 - special antitrust unit;
- the special units command has under its authority:
 - a special parliamentary commissions of inquiry unit;
 - a special privacy protection and technological fraud unit;
 - a special anti-bribery unit;
 - a special goods and services unit;
- the central organised crime investigation service.

155. The inspectorate for educational institutes is responsible for the academy (carrying out all basic training educational activities for officers and officer cadets), the economic-financial police school (managing all educational activities concerning qualification and further training, as well as the in-service training of personnel), the recruitment centre, the inspectors and superintendents school, the agents legion (from which the agents school, the alpine school, the nautical school and the specialisation training school depend) and the sports centre. At peripheral level, the in-service training of personnel is entrusted to 19 training centres under the authority of the regional commands.

156. Staff of the Guardia di Finanza as of 31 December 2022 is as follows²⁸:

CATEGORY	ORGANIC FORCE (FO)	EFFECTIVE FORCE (FE)			PERCENTAGE	
		TOTAL	MEN	WOMEN	MEN	WOMEN
INSPECTORS	26.747	25.435	22.631	2.804	88,975%	11,024%
SOVRITENDENTI	10.112	9.787	9.726	61	99,376%	0,623%
AGENTS	23.605	20.112	18.994	1.118	94,441%	5,558%
TOTAL	60.464	55.334	51.351	3.983	92,801%	7,198%

	FO	FE	di cui F	% personale per grado su totale FE	% uomini per grado su totale FE	% donne per grado su totale FE
RN						
Gen.C.A.	11	11	0	0,38%	0,38%	0,00%
Gen.D.	26	23	0	0,80%	0,80%	0,00%
Gen.B.	75	74	0	2,56%	2,56%	0,00%
Col.	350	325	1	11,26%	11,23%	0,03%
Ten.Col.	794	727	42	25,19%	23,74%	1,46%
Magg.	479	437	78	15,14%	12,44%	2,70%
Cap.	686	623	109	21,59%	17,81%	3,78%
Ten.	388	306	65	10,60%	8,35%	2,25%
Sten.	194	191	44	6,62%	5,09%	1,52%

	RTLA					
	FO	FE	di cui F	% personale per grado su totale FE	% uomini per grado su totale FE	% donne per grado su totale FE
Gen.B.	3	1	0	0,03%	0,03%	0,00%
Col.	22	10	0	0,35%	0,35%	0,00%
Ten.Col.	297	4	0	0,14%	0,14%	0,00%
Magg.		69	24	2,39%	1,56%	0,83%
Cap.		75	33	2,60%	1,46%	1,14%
Ten.		10	6	0,35%	0,14%	0,21%

TOTALE	3325	2886	402	100,00%	86,07%	13,93%
---------------	-------------	-------------	------------	----------------	---------------	---------------

157. The GET is concerned by the low representation of women in all three forces, especially at managerial level. This was explained by some of its interlocutors by the fact that women were allowed into the armed forces only since 2000 and that career advancement is largely dependent on seniority. However, the GET points out that the percentage of female staff is also low in the State Police, which is a civil force in which female staff was allowed as from the early 1980s. Even though the trends of application of women at start-of career posts are encouraging, the GET was not made aware of any on-going policy to achieve a better gender balance in any of the LEAs. Representatives of the State Police trade unions confirmed the need for innovative measures to reach such a goal. The GET underlines the importance of

²⁸ In the second table, RN stands for normal role and RTLA for technical-logistical-administrative role.

promoting gender balance in the police, as it contributes to avoiding groupthink and in turn corruption. Therefore, **GRECO recommends that further efforts be made to promote a more balanced representation of genders in all ranks of the law enforcement authorities as part of recruitment and internal career moves.**

Access to information

158. All three LEAs are subject to the same legal provisions²⁹ on access to information as PTEFs. Some documents have to be published, while others are published or provided on request through civic access³⁰ or generalised civic access³¹. For a detailed description of these provisions, see paragraphs 61 to 66.

159. Documents that have to be published in the “Transparent Administration” section of the LEAs’ websites include general information on the applicable regulations; rankings in public competitions; annual budget, final balance, staff account and related expenses; quarterly data on payments made by contracting authorities operating on the national territory; and acts relating to the procedures for the awarding of public contracts for services.

160. As explained under PTEFs, the right of civic access and generalised civic access are exercised free of charge. Civic access concerns information that ought to be published, while generalised civic access refers to information held by public administrations other than those subject to mandatory publication. No interest is required to get access to this information, but limits may be foreseen for the protection of public safety, public order, national security, international relations, the investigation of crimes and their prosecution. The website of the State Police contains information on the procedure for exercising the right of (civic) access to information. Requests are handled by the central offices of the Department of Public Security, which distribute them to the competent central offices according to the request’s topic.

161. As regards the right of access to public documents under the law on administrative procedure, the applicant must demonstrate a direct, concrete and current interest, corresponding to a legally protected situation and linked to the document to which access is requested. The application can be submitted by post, e-mail (using digital signature, electronic identity card or national service card) or in person. The exercise of the right is excluded in specific cases provided for by law, namely when the documents concern the structures, means, endowments, personnel and actions strictly instrumental to the protection of public order, the prevention and repression of crime, with particular reference to investigative techniques, the identity of information sources and the security of the assets and persons involved, as well as judicial police activity and the conduct of investigations. Refusal, restriction of or delayed access must be motivated.

162. The Carabinieri have set up a structure dedicated to the management of relations with the public, composed of the public relations office at the general headquarters and 19 public relations units established at the legion commands. These offices provide advice to the army commands on access/participation in administrative procedures and processing of personal data; manage external and internal communication channels; and evaluate the degree of user

²⁹ Articles 22 et seq. of Law no. 241/1990.

³⁰ Art. 5, paragraph 1, Legislative Decree no. 33/2013 as amended.

³¹ Art. 5, paragraph 2, Legislative Decree no. 33/2013.

satisfaction. The statistics regarding access to information requests received and dealt with by the Carabinieri are as follows:

SIMPLE AND GENERALISED CIVIC ACCESS TO INFORMATION			
TIME PERIOD 2021-2023			
PERIOD	ACCEPTED	PARTIALLY ACCEPTED	REJECTED
2021	16	3	21
2022	9	4	14
2023	15	6	13
TOTAL	40	13	48

163. Discussions held on site did not reveal major issues regarding access to information within the LEAs.

Public trust in law enforcement authorities

164. According to a national survey, the 2022 EURISPES Report, a majority of respondents expressed trust in the State Police (60.3%), the Carabinieri (55%) and the Guardia di Finanza (59.6%). Interviews held on site confirmed this perception. While there is a general perception that Italy is heavily affected by corruption (see the context part of this report), the LEAs enjoy a good perception and are generally trusted.

Trade unions and professional organisations

165. In the State Police, as of 31 December 2021, there were six trade unions most representative of non-managerial staff. In a system that allows for multiple proxies (membership in more than one union at the same time), 95.454 union proxies had been conferred by that date, including 13.439 by female staff and 82.015 by male staff.

166. As regards managerial staff of the State Police, data as of 31 December 2020 identified five union organisations as the most representative at national level. In the same multiple proxy system, 2.258 union proxies had been conferred, including 792 by female staff and 1.466 by male staff.

167. The Italian legal system provides that military personnel, including members of the Carabinieri and of the Guardia di Finanza, can only be represented by military professional associations with trade union features. This right was only recognised to military personnel in 2018 following a ruling of the Constitutional Court. Until then, the protection of the rights and interests of military personnel (including their representation in defining the content of the employment relationship) was taken care of by the military representation, consisting of a system articulated around councils established at basic, intermediate and central levels, which help the respective Commanders. In order to ensure continuity in the representation of the rights and interests of military personnel, Law no. 46/2022 (merged into the Military Code

pursuant to Legislative decree no. 192/2023) provides for a transition period in which the military representation coexists with these military professional associations with trade union features.

168. There are currently eight authorised associations representing the personnel of the Carabinieri alone and five of an inter-force nature (Carabinieri, Army, Navy, Air Force and Guardia di Finanza). About 35.000 Carabinieri in total are registered in these professional associations.

169. In the Guardia di Finanza, there are currently five professional associations having a trade union nature registered. Professional associations in all three LEAs have no specific role in integrity policies.

Anti-corruption and integrity policy

Anti-corruption strategy and implementation, risk management measures for corruption-prone areas

170. The corruption prevention system foreseen by Law no. 190/2012 (see paragraphs 44 to 46) applies also to LEAs. Accordingly, the LEAs have to adopt a three-year plan for the prevention of corruption and transparency based on ANAC's model, in which they identify the organisational measures aimed at preventing corruption. The Head of Corruption Prevention and Transparency (RCPT) is tasked with ensuring the implementation of the corruption prevention system within the administration on a yearly basis.

171. For the Carabinieri, the plan³² is adopted by the ministry of Defence and the ministry's RCPT is selected by the minister, who is assisted by the anti-corruption and transparency representatives identified within each of the four armed forces. The anti-corruption and transparency representative of the Carabinieri is the head of the legal affairs and military condition office of the general headquarters, who monitors compliance with corruption prevention measures; reports corrupt conduct and violations of the Code of Conduct, as well as the measures taken to tackle them; examines at the request of the RPCT the reports on any cases of whistleblowing; reports annually to the RPCT on the state of implementation of the plan. The main purpose of the plan is to identify organisational measures aimed at containing the risk of non-impartial decision-making. In this regard, it is up to the administrations to assess and manage the risk of corruption, according to a methodology identified by the National Anti-Corruption Plan which includes context analysis (external and internal), risk assessment (identification, analysis and risk weighing) and risk treatment (identification and planning of measures).

172. The central aspect of this prevention system is the mapping of internal processes. In the Carabinieri, the anti-corruption and transparency referent completed the first mapping in 2018 with the involvement of all the general headquarters offices. The mapping is periodically updated and is subject to ongoing monitoring and review, with particular reference to the completeness of the organisational processes and the adequacy of the measures foreseen to manage the risk of corruption. An annual report, prepared by the RPCT on the basis of data

³²<https://www.difesa.it/amministrazione-trasparente/piano-integrato-attivita-organizzazione/3792.html>

transmitted by the referents, is published on the “Transparent Administration” section of the ministry of Defence’s website.

173. The risks mapping processes have been divided into eight mandatory areas (authorisations and concessions, public contracts, measures expanding the legal sphere; recruitment and progression of personnel, management of revenue, expenditure and assets, controls, verifications, inspections and sanctions, assignments and appointments, legal affairs and litigation), plus three optional ones (training, military health and merits). Based on this mapping, 837 positions at risk for corruption were identified.

174. Risk management measures implemented in the Carabinieri include ordinary and extraordinary rotation, training, whistleblower protection, rules on conflicts of interest incompatibilities, prior authorisation for carrying out outside activities, post-employment restrictions, administrative transparency and access to public information. These measures are described more in detail in the pertinent sections of this report. Other measures include double signatures of some acts, integrity agreements and the progressive computerisation of processes and systems, which allow the traceability of all processes.

175. The system for prevention of corruption in the State Police is similar. The ministry of Interior’s three-year Plan for the prevention of corruption and transparency 2022 – 2024³³, applies among others to the State Police. It is accompanied by a performance plan³⁴ valid for the same period which contains strategic and operational goals. It is updated yearly. These two planning documents are included in ministry’s PIAO. The ministry of Interior’s RPCT, appointed by the minister, is assisted by a network of reference persons, both at central and local level. Their names and contact details are published and kept up to date on the ministry’s website, attached to the plan for the prevention of corruption and transparency³⁵. Finally, the ministry’s risk mapping processes, which comprises a single risk table for the whole administration, as well as tables for each department and central office are also published on the “Transparent Administration” section of the ministry’s website.

176. Similarly, the Guardia di Finanza’s triennial plan for the prevention of corruption and transparency is prepared and monitored by the Guardia’s RPCT, who is the chief of staff, appointed by the General Commander. The plan is approved by the minister of Economy and Finance and published on the Guardia’s website. The risk registry has a total of 121 processes, distributed among the following areas: personnel; contracting of works, services and supplies; information coordination and international relations; operations; measures expanding the legal sphere of the addressees; economic treatment of current personnel; economic treatment of retired personnel; audit of administrative accounting regularity; IT infrastructure management; supervisory activities in the field of health and safety protection at work.

177. The GET sees merit in the system for the prevention and management of integrity risks within the LEAs. The Carabinieri and the Guardia di Finanza in particular provided the GET with many examples of the checks and remedial measures carried out.

³³<https://www.interno.gov.it/sites/default/files/2022-04/piano2022-2024-corrruzione-trasparenza.pdf>

³⁴ This planning document containing the strategic and operational goals of the administration of the interior for the period 2022-2024 can be found on the site: https://www.interno.gov.it/sites/default/files/2022-05/piano_performance_2022_2024_0.pdf

³⁵ <https://www.interno.gov.it/it/amministrazione-trasparente/altri-contenuti-prevenzione-corrruzione/piano-triennale-prevenzione-corrruzione-e-trasparenza>.

Handling undercover operations and contacts with informants and witnesses

178. Covert operations are regulated by art. 9 of Law no. 146/2006 on the so-called “Transnational Organised Crime Palermo Convention”. Undercover operations - which must be authorised by the top bodies or, by their delegation, by their respective managers at least at provincial level, giving prior communication to the competent judicial authority for investigations - can be initiated in order to collect evidence for a series of crimes, including corruption (articles 317 and foll. of the Criminal Code).

179. For the Carabinieri, undercover operations in the field of crimes against public administration are ordered by the General Command, following technical assessments carried out by the Special Operations Group. For the Guardia di Finanza, they are carried out by the central service for the investigation of organised crime, the special units within which an investigative group is established, the protection of privacy and technological fraud special unit and the economic and financial police units. Operations are authorised by the leadership of the Guardia di Finanza. The State Police refers to Law no. 3/2019 regulating undercover regulations.

180. For all undercover transactions provided for by law, it is possible to use the help of third parties, such as auxiliaries and intermediaries. The notion of auxiliary refers to anyone outside the police who is assisting in carrying out the infiltrated operation, without being directly involved. Intermediaries are individuals who perform activities directly related to undercover transactions that, if not specifically exempted, would constitute a crime. The Code of Criminal Procedure and its implementing provisions contain specific rules applicable to the procedures concerning testimony by these persons.

Ethical principles

181. The State Police does not have a dedicated code of conduct. The ministry of the Interior’s plan for the prevention of corruption and transparency refers to the code of conduct for the employees of the ministry of the Interior³⁶, that complements and specifies the provisions contained in the national code of conduct for public employees³⁷. However, the authorities pointed out that this code is not fully observed and only has inspirational value in the State Police, considering its specific organisation. They also refer to the service regulations³⁸, specifically articles 4-16, 18-20, 24-30, 32-34, 42-43 and 45 and to the disciplinary regulations³⁹.

182. The lack of a specific code of conduct for the State Police is a gap, in the GET’s view. The fact that the national code of conduct and the code of conduct for the employees of the ministry of Interior are not binding on police personnel – the latter is however binding on civil employees of the State Police – and are only seen as aspirational are evidence that these instruments are not entirely suited to the specificities of the police’s activities. While binding rules are contained in the service and the disciplinary regulations, they lack the illustrative and educational value that a dedicated code of conduct can bring. Such an instrument should be

³⁶ Decree of the Minister of 8 August 2016.

³⁷ Decree of the President of the Republic no. 62/2013.

³⁸ Decree of the President of the Republic no. 782/1985.

³⁹ Decree of the President of the Republic no. 737/1981.

elaborated in close cooperation amongst management, staff, unions and other relevant parties. It ought to include practical examples and be a “living instrument”, i.e. be updated on a regular basis. Furthermore, it should be coupled with oversight and enforcement measures and be given broad publicity. Consequently, **GRECO recommends (i) that a code of conduct for the State Police be adopted and published, with concrete examples and explanations regarding the conduct expected of police officers and (ii) that it be accompanied by effective oversight and enforcement.**

183. As regards the Carabinieri and the Guardia di Finanza, due to their military status, they are covered by the Code of Military Organisation (hereafter the COM) and the Consolidated Text of Regulatory Provisions on Military Order (Presidential Decree no. 90/2010, hereafter the TUOM) as regards their duties and discipline.

184. In addition, the General Regulation of the Carabinieri (RGA) constitutes the code of ethics of the Carabinieri and the inspiring norm of the action of each Carabiniere. It is currently being updated, in order to adapt to the changing social context. The new RGA will be adopted by the minister of Defence, in agreement with the minister of the Interior for its aspects related to the protection of public order and security.

185. The Guardia di Finanza also has its own Code of Ethics, which was issued in 1995 and revised in 2016, on the basis of the Code of Conduct for Public Employees, adapted to the specificities of the corps’ military personnel.

186. Finally, the Code of conduct for employees of the ministry of Defence also applies to military personnel, as far as compatible with the provisions of the COM and the TUOM. It is informed by the constitutional principles of legality, good performance and impartiality, at the exclusive service of the public interest, in order to ensure the quality of services and the prevention of corruption and is referred to in the plan for the prevention of corruption and transparency.

187. Violation of any duty relating to military status, including those connected to the implementation of the plan for the prevention of corruption and transparency, triggers disciplinary liability.

188. The GET takes note of the ethical norms applicable to staff of the Carabinieri and the Guardia di Finanza. The rules contained in the COM and the TUOM are binding but do not fulfil the illustrative and explanatory nature that a code should have. The different codes used in both forces have merit in covering relevant aspects for the prevention of corruption, such as gifts, conflicts of interest, contacts with third parties etc. However, they are for the most part drafted in a general manner and would certainly benefit from being further explained and exemplified with comments and concrete cases applicable to each force’s specific activities. Guidance should be understood as a manual including practical examples to illustrate the complexity of the situations covered by the rules of conduct and steps to be taken to avoid or defuse corruption threats. This manual should be the backbone of initial and in-service training and should be a living instrument that takes stock of recent developments. **GRECO recommends that the ethical principles and rules of conduct applicable to staff of the Carabinieri and the Guardia di Finanza be complemented with a manual containing practical guidance and examples that takes into account each force’s specificity, variety of duties and vulnerabilities.**

Advice, training and awareness

189. In the State Police, all initial and in-service training courses include topics on misconduct and corruption, anti-corruption legislation, police ethics, offences against public administration, police duties and private life behaviour. The ethical dimension of the police service is taught in a transversal manner in all subjects, with reference to national and international sources such as the European Code of Police Ethics and in different operational scenarios. Anti-corruption is a compulsory topic in initial and in-service training. In initial training, the time devoted to this topic varies from one to two training periods. This training is delivered through e-learning modules for a duration of two training periods for each topic in career progression courses. There are also ad hoc e-learning modules on professional ethics and anti-corruption for managerial staff. Advice on issues of ethics and integrity may be asked from the hierarchical superiors or the central offices competent in these matters.

190. In the Carabinieri schools, the theme of corruption is included in initial training, from the point of view of both internal and investigative prevention, with different levels in relation to the role of the students (8.384 in 2022). There are also dedicated courses on the plan for the prevention of corruption and transparency and the Code of conduct for Defence employees, with further focus on the "Ethics of the Carabiniere".

191. As regard in-service training, anti-corruption issues are included in the educational offer of the institute course for majors/lieutenant colonels (24 periods), attended in 2022 by 139 officers, with the contribution of professors from ANAC and universities; at the Higher Institute of Investigative Techniques of the Carabinieri (ISTI), a course on "Combating corruption" has been offered since 2015, aimed at providing cadets with a more up-to-date and in-depth knowledge of the subject (judicial police officers belonging to the various roles in service at investigative sections of provincial command and anti-crime sections, as well as, since 2018, personnel of the operative sections of company commands, specialised departments and structures of the forestry, environmental and agri-food organisation). The activity - which also includes the contribution of teachers from ANAC, the Revenue Agency and magistrates - trained 23 officers in 2022, who attended the two editions of the module, lasting 43 periods.

192. The general headquarters of the Carabinieri produced training materials related to integrity, namely a book on Ethics of the Carabiniere and a commented version of the Council of Europe's "European Code of Ethics for the Police Forces", personalised to the needs of the Carabinieri Corps. It also established in July 2022 an ethical-legal committee, composed of consultants from the judiciary, research and the academia, which provides advice on general and organisational issues falling into the remit of the Carabinieri.

193. As regards advice on the rules of ethics and conduct, staff may consult the intranet portal, which contains applicable rules, compendiums and other useful materials; turn to their direct superiors and the support offices of the Commander; for more complex issues, questions or requests may be submitted to the competent offices of the general headquarters.

194. For the staff of the Guardia di Finanza, the Economic and Financial Police School offers each year a e-learning course on prevention of corruption, which is compulsory for all staff. The teaching subjects include the following: applicable legal framework, the anti-corruption

role of the Corps, management of risk areas, monitoring of the implementation of prevention measures, ethics, legality in the actions of public administration and the culture of integrity, management of ethical dilemmas, disciplinary accountability, internal and external communication as a tool for spreading legality. Themes related to ethics and prevention of corruption are also addressed in courses for targeted publics, such as managers or contact persons on corruption prevention.

195. The GET notes that there are integrity-related training activities at all levels of career in all three LEAs and that some of them are compulsory, which is welcome. There are, however, no dedicated confidential counselling mechanisms on integrity-related issues⁴⁰. Staff may turn to their superiors or to the central offices within each force. The GET takes the view that a more institutionalised approach should be introduced in this matter. It would be advisable that a dedicated mechanism or persons outside the chain of command be available for providing confidential advice to staff in respect of ethical dilemmas, etc. The existence of these mechanisms should in turn be appropriately communicated to the staff. Finally, setting up databases on cases and questions received would offer added value. This could serve as a corporate vehicle to communicate organisational learning to staff on issues of ethics and integrity and the practical import of anti-corruption policies, practices, and procedures. Effective communication is a critical component in contributing to organisational learning and reaffirming expected standards of behaviour by staff members. To be effective, information must be clear, sufficiently detailed and accessible. Consequently, **GRECO recommends (i) that mechanisms be introduced for providing confidential counselling on ethical and integrity matters for staff of the law enforcement authorities; and (ii) developing databases of the topics addressed by these mechanisms, that are made available for their staff as a whole.**

Recruitment and career

Recruitment and appointment

196. Employment relationships in the State Police are exclusively for an indefinite period. Recruitment takes place, at the different hierarchical levels, through open competitions or internal competitions reserved for existing staff. There are no appointments of a political nature or based on trust.

197. Recruitment and career decisions are taken by the Chief of Police-Director General of Public Security, unless specific delegation of authority is granted to the Director of General Affairs and State Police Personnel Policies. They are supported in these tasks by collective bodies, the composition of which is established by law. Judicial and administrative appeals can be filed against all these decisions. All appointment and career decisions are subject to judicial and administrative appeals.

198. Vacancies are published on "*Doppia Vela*", the State Police intranet portal. Recruitment occurs following a merit-based selection process including a competitive examination. It includes several steps and written and/or oral qualifying tests according to the professional roles candidates apply for (high/middle-ranking officers, sergeants, officers).

⁴⁰ The GET was informed after the visit that since 2020, ethics and institutional communication had been established as a subject at the Carabinieri officers' school. Moreover, this school is developing a general counselling system on ethics and integrity matters. The GET welcomes these initiatives.

Beyond merit, these tests aim at assessing physical and medical fitness, as well as suitability for the functions and/or tasks candidates are required to perform.

199. Competitive exams aim at guaranteeing equal opportunities for applicants, with different parameters of physical fitness between men and women. In order to guarantee publicity, transparency and impartiality, as well as the need to prevent corruption, the following rules apply:

- subdivision of the competitive examination into specific selection phases provided for by law;
- transparency in the selection process, the criteria of which must be published on the State Police's website;
- separation between the candidate assessment, performed by boards that are appointed for each selection process and whose composition is established by law, and the administrative management of the competition, handled by the competent administrative authorities;
- rotation of the members of the boards, who are chosen from among technical experts on the range of subject matters. Persons holding political or union mandates or belonging to professional associations, persons convicted or subject to criminal proceedings or having conflicts of interest with candidates may not be appointed as board members. To that end, board members must make a formal statement about the non-existence of the above conditions before assuming their role.

200. In order to ensure their integrity, candidates have to display an exemplary behaviour. This requirement is verified by checking the absence of criminal records and other information contained in police databases and by verifying the information provided by the candidates themselves in their applications. Medical examinations include alcohol and drug tests. These elements are also verified throughout the officers' careers before their appointment to other positions. Prior to their appointment, the absence of criminal records or situations of potential conflict of interest is again verified. In case persons are subject to criminal proceedings but no final judgment has occurred, precautionary measures such as suspension or transfer may be taken. Such persons may also not be assigned to offices with a potential corruption risk and may not serve on competition boards.

201. In the Carabinieri, recruitment takes place through public competitions and internal progressions for officers and inspectors; exclusively through internal transfers for the brigadiers and only through public competitions for the Carabinieri. Selection procedures are publicly announced and managed by the national centre for selection and recruitment in a similar manner as that described above for the State Police.

202. In the Guardia di Finanza, all military personnel are incorporated after passing a specific public competition, which generally includes knowledge and physical tests, as well as the assessment of physical and psychological suitability. Following the selection process, attendance at special training courses is required, the duration of which varies according to the position to be occupied. Appointment as an officer is made by a specific ministerial decree.

203. Competition procedures are published on the Corps' website⁴¹ and on the single internet portal for recruitment of the public administration. Competition notices expressly

⁴¹ <https://concorsi.gdf.gov.it>

indicate, *inter alia*, the participation requirements, competition tests to be taken, additional and preferential qualifications that may be assessed and the procedures for drawing up a ranking of merit. Assessment criteria are drawn up by the competition selection boards before each procedure and are published on internet.

204. Verifications are carried out, *inter alia* by the territorial commands competent for the residence of candidates, to assess the impeccable behaviour requirement and the absence of situations incompatible with the acquisition of the status of military of the corps and the performance of the relevant institutional tasks. Further checks are also performed on criminal records in order to ascertain the absence of charges or convictions for crimes committed without criminal intent. Toxicological tests are also carried out. Members of the selection boards have to sign a declaration confirming that there is no conflict of interest between them and any of the candidates.

Promotion

205. In the State Police, career advancement within a rank category occurs on the basis of an assessment of the candidates' merits, whereas advancement to a superior category results from an internal competitive exam. The number of available posts may be open, in which case all candidates with the required seniority and merit may be promoted; or it may be closed, with a limited number of posts available. A regulation determines the percentage of posts reserved to open, closed promotion and to those who have passed the competitive exam. The results of competitive exams and the merits of candidates are assessed by a commission and the final decision is taken by the Chief of Police. S/he may deny a candidate's promotion by a motivated decision. Candidates with criminal convictions for specific crimes, including corruption-related ones, are not allowed to take exams.

206. Promotions for high/middle-ranking officers take place on the basis of general criteria established on a three-year basis by a specific commission, chaired by the Chief of Police and composed of the deputy directors general of public security, as well as prefects and high-level officials. This commission proposes a merit-based list of candidates to be assessed with a view to promotion to the positions of *commissario*, *commissario capo*, *vice questore*, *primo dirigente* and *dirigente superiore* and equivalent qualifications, as well as to participation in training courses for promotion to the positions of *vice questore aggiunto* and equivalent qualifications. The criteria and the list of candidates are approved by the administrative council, headed by the ministry of the Interior and comprising the five heads of the departments of the ministry, with the deputy director general as acting director. In case it disagrees with the proposal, it must state the reasons for its decision.

207. Promotion to the position of *dirigente generale* of public security is established by Presidential Decree, following a decision by the Council of Ministers on a proposal submitted by the minister of the Interior. Finally, officers who have carried out operations of considerable relevance and shown exceptional skills may be awarded promotion for exceptional performance by decision of the Chief of Police, following the advice of the council for rewards for outstanding achievements and extraordinary service and of the competent commissions dealing with the legal status of personnel.

208. In the Carabinieri, the process for the promotion of officers is initiated by the general directorate for military personnel which, by issuing an "evaluation rate", indicates to the

general headquarters the personnel, divided by the various grades and roles, which must be subjected to evaluation for advancement to a higher grade. This is followed by the actual evaluation by different commissions responsible for the different ranks and roles. After the evaluation, the directorate general forms the "progress framework", registering the suitable officers, in the order of the merit ranking, according to the number of places corresponding to the promotions to be awarded. This order cannot be changed by the appointing authority. The formal act of promotion takes the form of a decree of the President of the Republic for officers promoted to the ranks of Gen. B., Gen. D. and Gen. CA (for the latter a deliberation of the Council of Ministers is also needed), and by ministerial decree for officers promoted to the other grades.

209. Regarding other staff, the promotions of inspectors and brigadiers is in the competence of the general directorate for military personnel and those of *appuntati* and carabinieri by the general headquarters.

210. The competence to evaluate officers for advancement of officers is divided between three different commissions: the summit commission, the superior advancement commission and the ordinary progress committee, each composed of high-ranking officers. The evaluation can occur in "seniority" mode, in which the suitability of the officer for advancement is assessed, or in "optional" mode, in which, in addition to suitability, a merit score is also attributed. This score assesses progress in the possession of moral, military and character qualities, professional qualities and relevance of the tasks performed, intellectual and cultural qualities, as well as the aptitude to assume positions in the higher grade.

211. The law also establishes the methods of advancement to the different grades, either by seniority or in the optional mode, as well as the documentation from which the commissions can draw the elements to carry out the merit assessment. Appeal to the administrative judge is possible against the evaluation procedures or the decisions of promotion.

212. Promotion in the Guardia di Finanza follows similar processes as in the Carabinieri. Non-managerial staff is promoted either by seniority or by merit, subject to a specific evaluation procedure by the permanent advancement commission. The promotion decision, which is assigned by law to the General Commander, is currently delegated to the head of the office for inspectors, superintendents, senior agents and agents of the headquarters.

213. The assessment of officers for promotion is carried out by the superior commission of advancement, chaired by the General Commander, for officers with a rank equal or higher than lieutenant colonel, and by the ordinary advancement commission, chaired by the deputy commander, for officers with the ranks of second lieutenant to major. Each commission is composed by high-ranking officers. For officers as well, promotion may be by seniority or by merit, with the latter being the only mode of promotion from the ranks from major onwards.

214. Promotion by merit is divided into two phases. The first stage is aimed at ascertaining whether each officer being assessed is fit to perform the duties of the higher rank. The second phase is aimed at awarding each of the officers judged fit a merit score from one to thirty. A merit ranking list is compiled accordingly by the relevant advancement commission. The minister of Economy and Finance approves the acts of the superior commission of advancement, while the General Commander approves those of the ordinary commission of

advancement. Hierarchical or judicial appeal of the decisions on assessment and promotion is possible, as well as extraordinary appeal to the President of the Republic for the decisions of the advancement commissions.

215. The GET notes that there is no dedicated integrity control throughout the career of law enforcement officers. According to the authorities, this is offset by a stringent system of hierarchical and internal control and by security clearance procedures. The GET takes the view that these systems are certainly valuable, but they do not as such cover all integrity risks that may appear over the course of staff members' career. For instance, they do not comprise financial background checks or security checks in relation to close relatives or associates. There is a need to take full account of the fact that the environment or personal situation of individual staff members can change throughout their working life and expose them to new risks. In this context, GRECO has consistently underlined that vetting at regular intervals is indeed an indispensable tool to prevent corrupt activities by staff members in service. Consequently, **GRECO recommends that integrity checks be carried out in the context of changes of positions and promotion and, for the most exposed functions, at regular intervals in the course of law enforcement officers' career.**

Performance evaluation

216. In the State Police, performance assessment and relevant procedures vary according to the career path/position held by personnel.

217. The department of public security assesses annually the managerial performance of high and middle-ranking officers, on the basis of an activity report they draw up throughout the year. This assessment is performed by a committee established by the Chief of Police and comprised of at least three prefects. The Chief of Police-Director General of Public Security delivers the final assessment. *Commissari* and *commissari capo*, who are middle-ranking officers with no managerial responsibilities, are assessed according to an information report by the heads of the offices where they work. Appeal of the results of the assessment is possible to the regional administrative court or to the President of the Republic. Annual assessments of managers are taken into consideration with a view to career progression.

218. Officers belonging to other categories are assessed on an annual basis by the director of the central directorate of the Department of Public Security or by the head of the office to which they belong. Appeal against the results of the evaluation is possible to the commissions dealing with personnel with no managerial responsibility or to ordinary courts. Performance evaluations may impact the career of the officer concerned and result in preventing or delaying progression.

219. Officers with positive evaluations – both managers and other officers – may receive rewards, upon the proposal of their managers, assessed by the relevant council for rewards (for extraordinary and special merits or for exemplary behaviour). The decision is taken by the commission having responsibility for personnel and takes the form of a decree by the Chief of Police.

220. In the Carabinieri and the Guardia di Finanza, the performance of all military personnel is evaluated (with express exceptions) on an annual basis through the "characteristic document", drawn up by the direct superior of the evaluated person. The characteristic

document is reviewed by the two superiors of the first compiler. Attitudes and activities are evaluated in the following fields: physical qualities (appearance - health); moral qualities (conduct in service and in private life - personal dignity); qualities of character (willpower - balance in judgement - self-confidence and self-assurance); intellectual qualities (ability to deduce, to give oral and written presentations, to analyse and to summarise); professional and technical preparation.

221. Evaluations are also carried out *inter alia* in the event of change of functions, at the end of a training course, with a view to advancement or when the person incurs suspension. The evaluations are autonomous and independent of each other, both in terms of time and in relation to the authorities involved in the formation of the characteristic document. The characteristic document constitutes an essential basis for career development and an orientation element for the rational employment of the military human resources. It is inspired by the principles of objectivity, impartiality and fairness. The evaluated person participates in the evaluation process by formally inspecting the document drawn up. Hierarchical or judicial appeal can be lodged against the results of the assessment.

Mobility, rotation

222. In the State Police, rotation of personnel is seen as an extremely important measure in the fight against corruption. For this reason, it is normally applied to the personnel employed in the most sensitive environments, taking into account the staffing plan, the specialisation levels required in various areas of employment and with the exception of cases of interpersonal conflicts (transfers then take place automatically following specific proceedings). Constraints arise, however, in relation to the high level of specialisation required in certain positions and to the sensitivity of information processed in certain sectors, which require continuity of personnel. In the past five years, 7.252 transfers took place for an effective staff of 2.816 executives and equivalents and of 2.197 non managerial officials. With regard voluntary mobility, a dedicated section of the "Doppia Vela" portal allows personnel to directly enter or modify transfer requests and verify the progress made. Transfers are approved by the Chief of Police.

223. In the Carabinieri, following the mapping of the internal processes of the administration foreseen by the three-year plan for the prevention of corruption, 837 "corruption risk" employment positions were identified. Staff occupying these positions are subject to rotation every 5 years. This measure is subject to subjective constraints, relating to the employment relationship (protection of parenthood, disability, trade union rights, etc.), and objective constraints, connected with the organisational structure of the administration (possession of the professional skills necessary for the performance of specific activities, with particular regard to those with a high technical content) and related to the need to ensure the smooth running and continuity of the administrative action. Where ordinary rotation is not possible, the administration has to justify the reasons for the non-application of this measure and to adopt alternative measures to prevent corruption.

224. In addition, the general headquarters have issued a circular on employment policy that sets the maximum permanence in assignments (all officers 7 years, station commanders 10 years, militaries employed in specialty areas 15 years). Transfers occur according to an annual planning of movements, also taking into account the five-year rotation for "at risk"

assignments and are decided by the relevant managers, upon delegation from the General Commander.

225. The Guardia di Finanza also gives great emphasis to personnel rotation as a preventive measure. It implements ANAC's guidelines about training, segregation of functions, patrols' rotation and provision for longer or shorter periods of support and training on the job.

226. Accordingly, regular rotation is foreseen every 3 or 4 years for managerial positions. As part of a broader effort to limit long stays in the same positions, priority is given to officers with 6 or more years of stay in the same place of employment. Warrant officers employed as commanders of an isolated department stay in the assignment for a maximum of 8 years, except for special derogations concerning personnel close to retirement. Turnover is also foreseen in the composition of operational patrols, the granting of free or paid assignments, the composition of selection boards and the admission of officers to training with a view to promotion.

227. Mobility may also be upon request. Annual planning circulars foresee rotation and mobility, in order to conciliate the needs of individual officers and those of the Guardia di Finanza. Managers may make transfer proposals to officers in their charge for reasons of, among others, environmental suitability/performance, commitment or preparation inadequate for the position held.

Dismissal from office

228. In all three LEAs, termination of employment may result from reaching the age of retirement, voluntary resignation, as a result of disciplinary proceedings or as an accessory penalty following a criminal conviction. Additionally, in the Carabinieri, dismissal can occur following resignation of authority (when the officer is subject to judicial, civil, support administration, in case of unavailability or when subject to a definitive prevention or personal security measure) or a cancellation from the roles (for loss of citizenship, assumption of service in another armed force or police force, or without authorisation in the armed forces of another state). In the Guardia di Finanza, dismissal may also result from disqualification from employment following violation of the rules on professional incompatibility; or from an "authoritative measure not of a disciplinary nature". The termination of the employment relationship follows "poor performance", "unsuitability for the functions of the rank" or "serious and repeated disciplinary misconduct sanctioned by penalty delivery" (the latter is applicable only to personnel belonging to the "agents" category). The administrative and jurisdictional remedies provided for by law (review, hierarchical, judicial, extraordinary appeal) are available against the above measures.

Salaries and benefits

229. In the State Police, annual salaries (including additional benefits) are the following. The amounts below do not take into account seniority or additional allowances for managerial tasks.

Qualification	Annual average salary (2021)
<i>Agente</i>	€ 34,609.39
<i>Vice ispettore</i>	€ 46,192.85
<i>Commissario capo</i>	€ 54,440.69

230. In the Carabinieri, the basic salary is related to the grade held. A variable part of remuneration takes into account the execution of certain tasks (external services, night services, missions, etc.), as well as services beyond normal working hours (overtime, flat-rate employment compensation, etc.).

FIXED AND CONTINUOUS ECONOMIC TREATMENT FROM THE RANK OF CARABINIERE TO CAPTAIN

RANKS	SALARY (from 1st January 2022 - D.P.R. 57/2022 art. 32 c. 3)		MONTHLY PENSIONABLE ALLOWANCE (from 1st February 2021 - D.P.R. 57/2022 art. 34 c. 1)		TOTAL	
	gross monthly	gross annual	gross monthly	gross annual	gross monthly	gross annual
Captain	2.297,01	27.564,08	932,67	11.192,04	3.229,68	38.756,12
Lieutenant	2.258,85	27.106,20	923,12	11.077,44	3.181,97	38.183,64
Second lieutenant	2.087,15	25.045,76	886,79	10.641,48	2.973,94	35.687,24
Lieutenant Special Charge	2.258,85	27.106,20	913,13	10.957,56	3.171,98	38.063,76
First Lieutenant	2.190,17	26.282,03	913,13	10.957,56	3.103,30	37.239,59
Mar. Major with 8 years in the rank	2.136,75	25.641,00	902,50	10.830,00	3.039,25	36.471,00
Major Marshal	2.098,59	25.183,13	902,50	10.830,00	3.001,09	36.013,13
Chief Marshal	2.037,54	24.450,53	863,80	10.365,60	2.901,34	34.816,13
Ordinary Marshal	1.999,39	23.992,65	836,98	10.043,76	2.836,37	34.036,41
Marshal	1.904,00	22.847,96	810,72	9.728,64	2.714,72	32.576,60
Brigadier Chief Special Qualification	1.999,39	23.992,65	833,08	9.996,96	2.832,47	33.989,61
Chief Brig with 4 years in the rank	1.919,26	23.031,11	833,08	9.996,96	2.752,34	33.028,07
Chief Brigadier	1.896,37	22.756,39	833,08	9.996,96	2.729,45	32.753,35
Brigadier	1.854,39	22.252,73	786,21	9.434,52	2.640,60	31.687,25
Vice Brigadier	1.781,90	21.382,76	782,53	9.390,36	2.564,43	30.773,12
Chosen Appuntato Special Qualification	1.854,39	22.252,73	712,20	8.546,40	2.566,59	30.799,13
Chosen Appuntato with 5 years in the rank	1.785,71	21.428,55	712,20	8.546,40	2.497,91	29.974,95
Chosen Appuntato	1.778,08	21.336,98	712,20	8.546,40	2.490,28	29.883,38
Appuntato	1.709,40	20.512,80	651,70	7.820,40	2.361,10	28.333,20
Chosen Carabiniere	1.655,98	19.871,78	605,36	7.264,32	2.261,34	27.136,10
Carabiniere	1.606,38	19.276,54	571,26	6.855,12	2.177,64	26.131,66

SALARY AND MONTHLY ALLOWANCES GENERAL OFFICERS AND SUPERIORS

RANK	SALARIES		MONTHLY INDEMNITY	
	AMOUNTS EFFECTIVE 1st JANUARY 2022(D.P.C.M. 25 July 2022 + 0.45%)		INCREASED AMOUNTS WITH EFFECT FROM 1st JANUARY 2022(D.P.C.M. 25 July 2022 + 0.45%)	
	GROSS MONTHLY AMOUNT	GROSS ANNUAL AMOUNT 12 monthly payments	GROSS MONTHLY AMOUNT	GROSS ANNUAL AMOUNT 12 monthly payments
Lieutenant General	€ 4.256,13	€ 51.073,56	€ 1.395,61	€ 16.747,32
Major General	€ 3.482,50	€ 41.790,00	€ 1.338,04	€ 16.056,48
Brigadier General	€ 2.976,68	€ 35.720,16	€ 1.229,77	€ 14.757,24
Colonel with 23 years as Officer	€ 2.976,68	€ 35.720,16	€ 1.229,77	€ 14.757,24
Colonel	€ 2.296,02	€ 27.552,24	€ 1.057,96	€ 12.695,52

Lieutenant Colonel with 23 years as Officer	€ 2.976,68	€ 35.720,16	€ 1.229,77	€ 14.757,24
Lieutenant Colonel with 18 years as Officer	€ 2.296,02	€ 27.552,24	€ 1.057,96	€ 12.695,52
Lieutenant Colonel with 13 years as Officer	€ 2.048,82	€ 24.585,84	€ 1.057,96	€ 12.695,52
Lieutenant Colonel	€ 1.674,95	€ 20.099,40	€ 1.057,96	€ 12.695,52
Major with 23 years as Officer	€ 2.976,68	€ 35.720,16	€ 1.229,77	€ 14.757,24
Major with 13 years as Officer	€ 2.048,82	€ 24.585,84	€ 1.057,96	€ 12.695,52
Major < 13 years as an Officer + 3 years in the rank	€ 1.544,88	€ 18.538,56	€ 876,81	€ 10.521,72
Major < 13 years as an Officer	€ 1.499,90	€ 17.998,80	€ 876,81	€ 10.521,72

231. In the Guardia di Finanza, there are three distinct initial career ranks, with the following gross annual salary (based on 13 monthly salaries):

- Agent: € 28.413,69;
- Warrant officer: € 35.415,08;
- Sergeant: € 38.796,90.

232. The gross annual salary varies mainly according to the length of service (which triggers a functional allowance) and career progression. The periodic evaluation does not directly affect salary while the function effectively carried out may determine the eligibility for additional ancillary allowances.

233. Information on salaries is available via the Official Journal, in which the regulations determining the salary elements are published. The correct allocation of allowances to personnel is monitored through:

- the use of the computer application “IP1Web” that prevents staff from entering request for allowances in the absence of supporting elements;
- control by the chain of command and the internal control bodies;
- administrative-accounting inspections carried out periodically on a sample basis by the National General Accounting Office.

Conflicts of interest

State Police

234. General rules for the prevention of conflicts of interest are contained in Legislative Decree no. 165/2001 containing general rules on public administration employment (that applies to members of police forces), which specifies that assignments must exclude cases of conflicts of interest (art. 53.5). Law no. 241/1990 on administrative procedure requires that “those in charge of proceedings and of the offices competent to adopt advice, technical assessments, acts occurring in the course of the proceedings and the final provisions must abstain from carrying out such activity in case of conflicts of interests and must report any conflict of interests, including potential ones”. (art. 6-bis)

235. ANAC’s National Anti-Corruption Plan contains the following definition: a “conflict of interests arises when the duty of an official to serve the public interest is neglected to favour competing interests that are directly or indirectly associated with the said official. Therefore, this is a situation posing a risk to the public administration concerned, irrespective of the

inappropriate behaviour that might ensue”. Similarly, the Ministry of Interior’s plan for the prevention of corruption and transparency for the years 2022-2024 specifies that “a conflict of interests occurs if, in the course of administrative proceedings, responsibility for a given activity is assigned to an official having personal interests or representing the interests of a third party, the pursuing of which necessarily entails the reduction of the public interest. Therefore, if an official is faced with such a situation, the risk exists that the public interest may be sacrificed to private interests”.

236. Several legal and regulatory provisions concur to the prevention of conflicts of interest with specific duties, prohibitions and offences applicable to police officers. This is the case of the Coordination Law no. 121/1981 (art. 67, 68, 72 and following articles, art. 81 and art. 82) and of the Public Security Administration Regulations (art. 10, 12, 13 and 24). This is also the case of the rules on incompatibilities and discipline, which will be described below. Moreover, various provisions on suspension from duties or compulsory transfer aim at preventing conflicts of interests stemming from administrative and political mandates.

237. There are several circumstances in which State Police personnel have to declare conflicts of interests, including when appointed to a selection board for a competitive examination. Managers must declare the absence of any incompatibility when taking up an assignment and yearly thereafter (art. 20 of legislative decree no. 39/2013). Finally, according to the authorities, a systematic interpretation of all the provisions of the above-mentioned Public Security Administration Regulations reveals a general duty of fairness and impartiality when performing police tasks, connected with the correct conduct of informing one’s managers about the existence of any possible conflict of interests which could jeopardise the impartial performance of duties. Procedures to resolve conflicts of interest include injunctions to cease prohibited activities, transfers due to incompatibilities or indictment and cautionary suspension pending criminal or disciplinary action.

238. The GET notes, as it did in respect of PTEFs, that rules on conflicts of interest are scattered among different norms, to the detriment of their overall visibility and ease of application. Reference is made by the authorities to two different definitions and to duties and prohibitions tackling different aspects of conflicts of interest. It observes that the State Police did not refer in its written replies or during the discussions on site to the provisions contained in codes of conduct, be they the national code of conduct for public employees or the code of conduct for the employees of the ministry of the Interior, that do however contain relevant provisions applicable to their staff. This may be an indication that these instruments are not used in the State Police, which adds even more relevance to the recommendation to adopt a specific code of conduct (see paragraph 181). Moreover, there is no general duty for staff of the State Police to report ad hoc conflicts of interest to their superior. The authorities state that the existence of such a duty may be inferred from a systematic interpretation of the Public Security Administration Regulations. Yet, this duty is nowhere expressly stated. The GET is of the view that this gap needs to be addressed in the code of conduct, the adoption of which is recommended above.

Carabinieri

239. Rules regulating specific situations of conflicts of interest are contained in the national code of conduct for public employees, art. 6 (disclosure of financial interests and conflicts of interest), 7 (obligation to abstain) and 14 (contracts and other acts of negotiation); code of

conduct for ministry of Defence employees, art. 5 (conflicts of interest), 6 (obligation to abstain); law no. 241/1990 on new rules on administrative procedures and the right of access to administrative documents, art. 6-bis; legislative decree no. 165/2001 on general rules on the organisation of work in public administration, art. 35-bis (prevention of corruption in the formation of commissions and assignments to offices), legislative decree no. 36/2023, public contracts code, art. 16 (conflicts of interest) and 93 (selection committee), code of civil procedure, art. 51 (abstention of the judge). Art. 51 and 52 of the code of civil procedure on the need to abstain in situations involving one's spouse or relatives to the fourth degree, are generally applied in all areas of public administration activity, as they are closely related to the transparent and correct exercise of public functions. Moreover, specific provisions on incompatibilities apply to military staff and will be described below. Reference is also made to the need to declare the absence of a conflict of interest in the context of public competition committees and to specific provisions to avoid conflicts of interest in disciplinary procedures.

240. Staff who believe to be at risk of or in a situation of conflict of interest must promptly communicate, in writing, to the head of their office the reasons why they must refrain from participating in the adoption of decisions or activities. The head of the office must notify promptly to the officer a reasoned decision on the methods and times of abstention (art. 6 of the code of conduct for employees of the ministry of Defence). Finally, military staff, pursuant to art. 748 TUOM, co. 5 must also promptly notify its command or body of any change of civil status and family, as well as events in which they have been involved and which may have repercussions on the service.

Guardia di Finanza

241. Reference is made to anti-corruption law no. 190/2012, which emphasises the need for public employees to perform their assigned tasks without conflicts of interest, even if only potential ones, by imposing the obligation to refrain from acting in case of a conflict of interest and to report it to their manager.

242. Like the Carabinieri, the Guardia di Finanza also refers to the provisions of the TUOM which requires every military personnel member to communicate with diligence the events in which they have been involved and which may have an impact on the service, as well as to the national code of conduct for public employees.

243. Specific internal provisions adopted by the Guardia di Finanza include its Code of Ethics and the annual circulars on the planning of employment of officers (see paragraph 273).

244. The following summary table indicates the number of officers who reported in annual planning forms that they have, within the entire national territory, at least one relative who is engaged in commercial, industrial, professional activities or at least one relative who is a member of the Guardia di Finanza.

	SESSO	SCHEDE PRESENTATE	INCOMPATIBILITÀ			
			PARENTI CON ATTIVITÀ COMMERCIALI	% SUL TOTALE	PARENTI NEL CORPO	% SUL TOTALE
2022	M	2541	1485	58,4%	930	36,6%
	F	326	194	59,5%	172	52,8%
	Totale	2867	1679	58,6%	1102	38,4%
2021	M	2579	1478	57,3%	933	36,2%
	F	297	183	61,6%	156	52,5%
	Totale	2876	1661	57,8%	1089	37,9%
2020	M	2622	1436	54,8%	904	34,5%
	F	290	169	58,3%	148	51,0%
	Totale	2912	1605	55,1%	1052	36,1%
2019	M	2514	1415	56,3%	883	35,1%
	F	277	165	59,6%	138	49,8%
	Totale	2791	1580	56,6%	1021	36,6%
2018	M	2623	1421	54,2%	851	32,4%
	F	256	149	58,2%	107	41,8%
	Totale	2879	1570	54,5%	958	33,3%

Prohibition or restriction of certain activities

Gifts and hospitality

245. Staff of the State Police cannot accept gifts or other benefits – either for themselves or for others – except for low-value ones given in a fully occasional way within the normal courtesy relations and customs, not even from their subordinates, directly or indirectly. In any case, police officers cannot request gifts or other benefits, even low-value ones, as a compensation for performing or having performed their police duties (art. 4 of the code of conduct for public employees). A similar prohibition, contained in art. 3 of the code of conduct for employees of the ministry of Defence, applies to staff of the Carabinieri.

246. Art. 7 of the code of ethics of the Guardia di Finanza also reflects this prohibition to accept gifts or other benefits, except those of modest value made occasionally as part of normal courteous relations and local or international customs. In this context, the amount of € 150 is used as a guideline, but the GET's interlocutors indicated that the context in which a gift was given is also important and that, on a case-by-case basis, gifts lower than this amount had to be refused. Art. 7 also contains a prohibition to offer gifts in excess of the uses of normal courtesy, if such gifts are or appear to be related to measures that concern the gift giver or in which s/he has or appears to have an interest. Gifts and other benefits received outside the cases permitted by this article are to be returned or given to the administration for further use for institutional or charitable purposes.

Incompatibilities, outside activities and financial interests

State Police

247. Applicable regulations (Statute of civil servants, presidential decree no. 3/1957 art. 60 and following; presidential decree no. 335/1982 on regulations for State Police personnel performing police functions, art. 50; legislative decree no. 165/2001 on general rules on the organisation of work in public administration, art. 53.7) contain prohibitions to engage in several public positions, in activities unrelated to police duties, in trade, industrial/business activities or in any profession, public or private positions or appointments by profit-making companies, except upon authorisation by the administration.

248. Requests for authorisation of accessory activities must be sent to the officer's head of office, who forwards them to the human resources department of the State Police. The administration verifies the absence of any incompatibility or conflict of interest, even potential, with the police officer's duties. The authorised activities are those that have an occasional nature and authorisations are issued for a maximum period of one year. The authorisations are published on the "transparent administration" section of the State Police's website. Periodic controls or monitoring of the authorised activities are carried out by the staff member's office.

249. This prohibition does not apply to positions within cooperatives set up by civil servants (e.g. cooperatives for building houses for the members) provided that membership does not entail the performance of direct management tasks of the legal entity. Furthermore, the prohibition does not apply in other cases envisaged by special provisions, such as teaching positions, publication of articles, etc.

250. Managerial positions in all three LEAs are assigned only after a verification of the absence of any of the causes of non-transferability and incompatibility provided for by law⁴². To that end, the persons concerned submit a declaration⁴³ stating the absence of such a cause⁴³ and update it annually. Moreover, managers have the duty to notify promptly any change that may affect the service, leading to possible situations of incompatibility.

Carabinieri

251. Articles 894-898 of the COM contain specific provisions for the accessory activities of military personnel. Accordingly, "military service is incompatible with the exercise of any other profession, except in cases provided for by special provisions. The exercise of a job, industry or trade, the office of director, adviser, statutory auditor or other similar person, whether gainful or not, in companies formed for profit shall also be incompatible."

252. According to a circular of the ministry of Defence (circular M_D GMIL 04_0396572, of 31 July 2008), any remunerated non-professional activities can only be carried out with the prior authorisation of the Directorate General for Military Personnel. To be authorised, the activities must be:

- compatible with the dignity of the rank and with the duties of office as well as with the prestige of military institutions and with the image of the public administration;
- not in conflict of interest, even potential, with the activities/tasks of the Carabinieri;
- carried out outside working hours;

⁴² Articles 3-14 of legislative decree no. 39/2013.

⁴³ An opinion of 3 December 2015 issued by ANAC clarified the need for members of the State Police to issue the declarations referred to in art. 20 of legislative decree no. 39/2013.

- carried out without continuity and assiduity, as well as without excessive time commitment, in such a way as not to affect the working capacity and performance in service of the officer and to guarantee an adequate psycho-physical recovery in the days dedicated to it;
- merely isolated and occasional, or consisting of individual services, well identified and circumscribed over time.

253. In the past 4 years, the Carabinieri have issued 226 authorisations to carry out accessory activities and denied 23. Activities typically authorised are of a literary, educational or teaching nature, as well as consultancy activities for courts. Income perceived from such activities has to be declared. The pursuit of charitable activities must be declared as well but is not subject to authorisation.

254. As regards financial interests, the status of partner in a company established for profit, without carrying out any activity for or on behalf of the company, is not incompatible. Such activity is not subject to authorisation. The holding of financial interests (e.g. purchase of real estate) arising from private investments is also allowed.

Guardia di Finanza

255. Incompatibilities and accessory activities in the Guardia di Finanza are also regulated by art. 894-898 COM and legislative decree no. 165/2001. Circular No. 200000 of June 20, 2005, containing provisions on the exercise of private non-professional activities by the military personnel members, also applies. The regulation of the exercise of extra-professional activities for certain concrete cases, has been the subject of further clarifications/directives contained in specific circulars.

256. Generally speaking, there is a duty of exclusivity of the employment relationship towards the administration. Any extra-professional activities must be authorised, in compliance with objective and predetermined criteria. Art. 53.6 of legislative decree no. 165/2001 identifies "liberalised" services (among others, participation in conferences and seminars or lectures), which do not fall under the authorisation regime but are subject to prior notification.

257. Circular No. 200000 and its subsequent additions highlight the activities prohibited in an absolute sense for staff, including:

- the pursuit of commercial or professional activities;
- employment for private individuals;
- the assumption of the offices of director, board member, auditor, or other similar paid or unpaid positions in companies, whether partnerships or corporations, established for profit;
- the holding of a VAT number;
- engaging in occupations or taking up positions that are incompatible with the performance of one's duties.

258. There is no absolute prohibition on holding financial instruments. However, the holding of majority shares in companies, from which direct or indirect control of the management of narrowly based entities may result, is discouraged.

259. With reference to extra-institutional activities in the period 2018-2022, a total of 1.964 activities were authorised, of which 1.273 were paid and 691 were unpaid.

		2022	2021	2020	2019	2018	TOTALE
Retribuite	Ufficiali di grado pari o superiore a Maggiore (2022, 2021, 2020) o a Colonnello (2019, 2018)	13	12	11	14	5	55
	Ufficiali fino al Grado di Capitano (2022, 2021, 2020) o a Tenente Colonnello (2019, 2018)	6	4	2	10	5	27
	Militari del ruolo I.S.A.F. (Ispettori, Sovrintendenti, Appuntati e Finanziari)	225	238	211	320	197	1.191
	Totale Retribuite	244	254	224	344	207	1.273
Non retribuite	Ufficiali di grado pari o superiore a Maggiore (2022, 2021, 2020) o a Colonnello (2019, 2018)	21	10	29	35	40	135
	Ufficiali fino al Grado di Capitano (2022, 2021, 2020) o a Tenente Colonnello (2019, 2018)	9	5	8	48	54	124
	Militari del ruolo I.S.A.F. (Ispettori, Sovrintendenti, Appuntati e Finanziari)	94	29	25	122	162	432
	Totale Non retribuite	124	44	62	205	256	691
TOTALE COMPLESSIVO		368	298	286	549	463	1.964

260. In the same reporting period, 18 reports of extra-institutional activities carried out without authorisation were received, resulting in the detection of 14 violations.

	N. Segnalazioni	N. Violazioni
2022	6	6
2021	4	3
2020	2	0
2019	2	2
2018	4	3
TOTALE	18	14

Post-employment restrictions

261. Art. 53, para. 16-ter of legislative decree no. 165/2001 applies to the personnel of all three LEAs. As mentioned in the part of this report on PTEFs, it provides for the prohibition for employees who, in the last three years of service, have exercised authoritative or negotiating powers on behalf of public administrations, to carry out work or work in the three years following the termination of the employment relationship with the private recipients of the administration activity carried out through the same powers.

262. In the Carabinieri, 100 managers are subject to this provision and the name of the procurement managers affected by this ban is published on the institution's website. In the Guardia di Finanza, newly hired employees are requested to declare that they have taken note of this prohibition. This clause is also inserted in the tenders and the preparatory acts for procurements.

263. An additional regulatory provision applies to the personnel of the Guardia di Finanza, namely art. 63 of presidential decree no. 600/1973. It specifies that former officers and inspectors may exercise tax-related activities only upon authorisation of the ministry of Economy and Finance after having performed at least 20 years of actual service, including at

least ten years in tax-related activities. However, these persons are prohibited from acting as assistants and representatives to tax collecting agencies and before tax commissions for a period of two years from the date of termination of their employment.

Third party contacts, misuse of confidential information

264. LEOs are subject to the general rules on confidentiality of preliminary criminal investigations (art. 329 of the Code of Criminal Procedure). Breach of this confidentiality may constitute a disclosure of secrets concerning criminal proceedings (art. 379 bis of the Criminal Code) or a disclosure of official secrecy (art. 326 of the Criminal Code). Official secrecy is defined by art. 15 of presidential decree no. 3/57. Moreover, according to art. 722 of presidential decree no. 90/2010, every member of the military forces must maintain strict secrecy on matters pertaining to service.

265. Prime ministerial decree no. 5/2015 on Provisions for the administrative protection of State secrecy and classified and exclusive dissemination information created a national security authority, headed by the President of the Council of Ministers, which makes use of the department of security information (DIS) as a national security body. In this respect, a central security body has been established at the general headquarters of the Carabinieri, with peripheral security bodies reporting to it, which carry out tasks of protection and safeguarding of classified information. The national security authority and the DIS issued directives in 2006 and 2019, which outline procedures for the management and transmission of classified information by electronic channels.

Misuse of public resources

266. The improper use of public resources is a source of both criminal and financial liability (Law no. 20/1994, legislative decree no. 174/2016, art. 532 COM and art. 452 to 454 TUOM). The competent authority for establishing financial liability is the Court of Auditors. The Carabinieri and the Guardia di Finanza have issued a Handbook on Administrative Liability around these issues.

Declaration of assets, income, liabilities and interests

267. Managers in all three LEAs have to declare the following data:

- act of appointment or proclamation, indicating the duration of the office or elective mandate;
- curriculum vitae in European format;
- remuneration of any kind connected with the assumption of office;
- amounts of service trips and missions paid for from public funds;
- data relating to the assumption of other offices, in public or private bodies, and related remuneration paid for any reason;
- any other assignments with charges borne by public finances and an indication of the remuneration due;
- total emoluments received from public finances.

268. This obligation applies to 21 administrative senior managers in the State Police and to 40 managers with tasks and functions connected to public procurement in the Carabinieri, for

whom the data is published online⁴⁴. It applies to 25 senior officers in the Guardia di Finanza, also with tasks related to the management of public procurement procedures.

269. For managers in the State Police and in the Guardia di Finanza, following a ruling of the Constitutional Court (ruling 20 of 2019), a presidential decree must determine those managers for whom the data should be published. This decree has been prepared by the minister of Public Administration but has not yet been agreed upon by the other competent ministers.

270. Staff of the Carabinieri and of the Guardia di Finanza also have a duty to declare their interests online in the context of the management of periodic rotation. In the Carabinieri, one system applies to officers and the other to military staff of the other categories.

271. Carabinieri officers must file an annual online declaration for the following year, indicating their preferred posting locations (administrative regions), the composition of their family, any possession of real estate on national territory, the places of residence and the profession of their relatives within the 3rd degree, special situations of difficulty/personal needs involving them or the members of their household and any availability for employment abroad. In this context, the officer is required to report any situations of incompatibility or conflict of interest in relation to the indicated areas. This data is used as part of the annual movement manoeuvre.

272. The annual planning of transfers on request is also managed electronically for inspectors, brigadiers, appuntati and carabinieri. Through a web platform, about 5000 transfer requests are received per year, required conditions are verified, an incremental and/or decremental score is assigned (based on seniority and service, the location in which service was provided, performance, willingness to take command of a station, subjective/family situations including care needs towards relatives - as well as any disciplinary/criminal situations) and finally a final ranking is drawn up, on the basis of which employment measures are arranged.

273. The control of the information provided by the military in the context of rotation and transfer requests is carried out by the respective Corpo commands, competent for the validation of the information entered. False or incomplete declarations are subject to criminal or disciplinary liability.

274. In the Guardia di Finanza, officers must provide relevant information about any relationships of marital status, kinship, affinity, within the 2nd degree in the straight line or within the 4th in the collateral line, as well as any situations of cohabitation and similar relationships of kinship or affinity with other military personnel serving in the Guardia di Finanza and with persons who engage in industrial, commercial or professional activities, hold positions in private economic entities (such as those of managing director, board member, member of the board of auditors, etc.), or are in other conditions that are in any case relevant to the employment or performance of the service (e.g., relatives holding significant corporate interests). Staff are also required to prepare a special declaration concerning the possible existence of situations of environmental incompatibility within the territorial constituencies where they serve or where they request to be employed. Such situations are resolved, after

⁴⁴ <https://www.poliziadistato.it> under the section “transparent administration”, and then “personnel”; <https://www.carabinieri.it/in-vostro-aiuto/amministrazione-trasparente/amministrazione-trasparente-arma-dei-carabinieri/personale/titolari-di-incarichi-dirigenziali/Incarichi-dirigenziali>

evaluation by the competent hierarchical authorities, through the adoption of specific employment measures designed to prevent or resolve conflicts of interest.

275. In addition, all military staff must communicate the remuneration received for accessory activities to their administration, for subsequent reporting to the Department of Public Administration (art. 53, paragraph 12 of legislative decree no. 165/2001). The information is published by the administration on its institutional website, and publication is periodically monitored by the RPCT of the ministry of Defence and the Independent Evaluation Body.

276. The authorities indicate that the compliance rate of the submission/publication of information and declarations required by law is 100% and that no penalties have been detected or applied to law enforcement officers.

Oversight

Internal oversight and control

State Police

277. The Central Inspecting Office (CIO) performs inspection activities in respect of both central and local offices and also impulses and coordinates the internal audit activities carried out by the heads of every police office towards their employees. Internal inspection aims at assessing the regularity, legality and correctness of the administrative action and of the asset and accounting management of the offices of the State Police.

278. The CIO is headed by a prefect or a director general of public security and is divided into:

- the internal affairs office, composed of 14 staff members. at the request of the minister or the chief of police, it collects information and investigates the execution/implementation of their orders or directives; monitors the correct implementation of the other activities falling within the competence of the central and peripheral offices and bodies of the public security administration, including with regard to service efficiency and proper asset management; carries out inspection and control functions with regard to employees;
- the general affairs office, with 14 staff members, deals with the handling of general affairs and planning of inspection activities in coordination with the inspection and control office;
- the inspection and control office, composed of 13 staff members, has duties in the field of investigation of inspection activities, both ordinary and extraordinary; it evaluates the general performance of the central and peripheral offices of the public security administration; it verifies the correct and uniform implementation of administrative and operational procedures by the central and peripheral offices of the public security administration;
- the workplace safety supervision office, with 12 staff members, carries out health and safety supervision activities in the workplaces of the department's offices and central and peripheral offices of the public security administration.

279. The CIO carries out inspection activities through the inspection corps, which is composed of no more than six inspectors general, with the rank of Dirigente Superiore of the State Police. The inspection corps operates under the direct authority and on assignment of the director of the central inspection office. Inspectors General are appointed by the Chief of Police from among directors in the State Police. They receive specialised training.

280. Internal controls are structured on three levels:

- first level checks, which are the responsibility of the head of the individual internal organisational units and territorial branches;
- second level checks, entrusted to the directors in top hierarchical positions of the territorial articulations, which are carried out at least once every two months and communicated to the CIO;
- third level checks, through so-called ordinary inspections, which take into account the findings of second level inspections.

281. Moreover, extraordinary inspections may be ordered to shed light on facts reported in complaints, news from open sources or findings from office records that require specific, targeted investigation. In these cases, verification disregards the findings resulting from previous checks, but aims to ascertain facts, situations or illegal or inappropriate conduct, which could lead to the adoption of disciplinary or other organisational measures against the responsible person or to a report to the judicial authority.

Carabinieri

282. The Carabinieri implements a pluralistic internal control system, which guarantees total autonomy of the evaluations by the various levels of command, thereby increasing the possibility of intercepting behaviours contrary to the integrity of the administration.

283. The anti-corruption and transparency referent of the Carabinieri (so-called RACT directly placed under the deputy chief of staff) is assisted by a support unit that, *inter alia*:

- verifies the effective implementation and suitability of the plan for the prevention of corruption and transparency;
- promotes risk mapping, assessment and mitigation activities at central and peripheral level, as well as the updating of related cards;
- monitors the effective rotation of assignments in the highest risk offices;
- verifies the correct application of other corruption prevention measures;
- monitors the correct fulfilment of the publication obligations on the website;
- collaborates with the public relations office to ensure the regular implementation of the freedom of information legislation.

284. In addition, the RPCT of the ministry of Defence ensures compliance with the provisions on non-transferability and incompatibility, *inter alia* by initiating procedures for verification of such situation, by declaring the nullity of assignments that cannot be conferred and sanctions, if applicable, the authors of the appointment declared null.

285. The control and innovation department, placed under the deputy Commander, among others:

- verifies the linearity of the institutional activity of all the organisational lines of the Carabinieri. The Department, on the basis of studies and analyses drawn from

personnel, operational and logistical-administrative data available, as well as on indications received from qualified external information sources, draws up a plan of controls for the departments;

- coordinates and integrates, to this end, the activities of the verification teams set up at the top commands, reporting to the deputy Commanders of those commands;
- reports every six months the results of the activities carried out to the Commander General and annually sends specific summaries to the top commands, supplemented by any lines of action to address the critical issues detected;
- draws up, at the end of each audit at the departments, a summary report of the activities carried out aimed at identifying the lessons identified and the lessons learned.

286. In addition, each commander has the duty to exercise control to detect situations of maladministration and to ensure the efficiency and the institutional integrity, through inspections and visits to departments. They have the obligation to initiate disciplinary proceedings if they come across facts that may constitute a disciplinary offence. The verification teams of the top commands are activated, in functional liaison with the control and innovation department.

Guardia di Finanza

287. Internal control is in the hands of the chain of command. Specifically, the administration directorate, inter alia, performs: a supervision of the accounts of the delegated officials; the review and control of the assets of the corps' territorial administrative organisation, in accordance with the rules issued by the central budget office of the ministry of Economy and Finance; visits to the administrative departments of the corps, in order to provide assistance, cooperation and advice to the staff of the technical units directly engaged in administrative and accounting management activities. The strategic planning and control directorate: supports the decisions of the lines of commands, spreading a culture of control; detects deviations and non-conformities of the activities, agrees on corrective measures with the persons responsible for the corresponding processes and monitors the implementation of these measures; verifies the correct fulfilment of the corps' publication obligations; and supports the RPCT in monitoring the implementation and effectiveness of anti-corruption measures foreseen in the plan for the prevention of corruption and transparency.,

External oversight and control

288. There is no dedicated external control body that has competence over the LEAs. However, in criminal matters, the prosecution service oversees the actions of all three LEAs. In doing so, it can order investigations into criminal conduct, using any of the forces to investigate another one.

Complaints system

289. All citizens can submit, free of charge, complaints on the behaviour of a carabinieri directly to his/her superiors or to the office of public relations that will liaise with the competent commands for the appropriate checks. Complaints about the behaviour of Guardia di Finanza personnel can be submitted to any department of the corps, or to the public utility number 117.

290. If the complaint concerns facts of criminal relevance, a report must be submitted directly to the judicial authority or to the command of any LEA. In the latter case, the complaint will be transmitted to the judicial authority. Criminal proceedings are compulsorily initiated if the legal conditions are met, under the responsibility of an investigative judge. Anonymous complaints are possible and are transmitted to the judicial authority.

291. Suspicion of corruption offences by LEOs may be reported, including anonymously, to ANAC, which is competent for anti-corruption matters for all public administration bodies.

Reporting obligations and whistleblower protection

Reporting obligations

292. LEOs, as judicial police officers and agents, are obliged to report any offence of which they are informed while executing or because of their duties to the public prosecutor (art. 347, code of criminal procedure). Non-compliance with this obligation constitutes the crime of omission of official acts (art. 328, Criminal Code). LEOs who fail to report an offence are also subject to the disciplinary sanction of censure and, in the most serious cases, to suspension from employment for a period not exceeding six months (art. 16 of the implementing provisions of the criminal procedure code).

293. Moreover, staff of the State Police have a duty to report to their superiors any significant event that occurred during service, as well as disciplinary violations they are aware of (art. 27.1.c and art. 10 of the Service Regulations of the Public Security Administration). Carabinieri and staff of the Guardia di Finanza, as members of the military, have a broad duty to report to their superior any misconduct or illegal activity of which they become aware, including any element that may affect the service (art. 722.1.c, art. 748.5.b, art. 729.2 TUOM). Ignoring this obligation leads to criminal or disciplinary consequences.

Whistleblower protection

294. In Italy, whistleblowing was introduced by anti-corruption law no. 190/2012. In 2014, ANAC was made the recipient of whistleblowing reports. A reform of 2017 introduced distinctions between the public and private sectors. By decree-law no. 24 of March 2023, Italy transposed the EU Directive 2019/1937 into national law. It entered into force on 15 July 2023, but the decree's implementing provisions still needed to be adopted at the time of the on-site visit.

295. The new whistleblower protection regime does not differentiate between the public and private sectors. It applies to all public administration entities and to private legal entities with at least 50 employees. The new rules require the creation of safe channels for reporting both within an organisation, private or public, and to public authorities. Besides, the new regime does not only apply to employees and self-employed workers as the previous one, but also to all the individuals connected to the whistleblower, such as colleagues. Whistleblower protections include confidentiality, protection against retaliation and discrimination, and immunity from responsibility. The use of encrypted IT platforms to protect confidentiality is encouraged by ANAC.

296. Under the previous regime, the recipients of the reports were the RPCT within the organisation, ANAC or judicial authorities. Under the new regime, ANAC will be the only external channel for reporting. By contrast to the previous regime, whistleblower reports can now be made public directly under certain conditions. ANAC will also handle reports of retaliatory measures, breaches of confidentiality and concealment of reports by entities, with a possibility to issue fines up to EUR 50,000. ANAC now also has the power to sanction whistleblowers found guilty by a court for intentionally unfounded reports.

297. Since 2014, ANAC observed an exponential growth in whistleblowing reports and retaliatory measures. It received 529 whistleblowing reports in 2021, with a reduction of 14.95% compared to the previous year due to the pandemic and teleworking measures. It received 352 reports in 2022. Approximately 66% of the reports received in 2021 were acquired through IT platforms. The reports mainly concerned the procurement sector, the management of public resources as well as numerous cases of maladministration, with criminal repercussions such as, for example, abuse of office. From 2019 to 2022, ANAC imposed seven sanctions against retaliation measures.

298. All three LEAs have existing whistleblower protection measures in place according to the previous legal framework. At the time of the on-site visit, it was unclear to what extent these systems would have to be updated pursuant to the entry into force of decree-law no. 24. Encrypted internal channels for reporting were in place and in use, with full information and links available on each authority's website. The State Police stated that it had provided full information to all its staff on the whistleblower protection framework but it did not provide any figures as to reports received. The Carabinieri reported having received six whistleblower reports since 2019. As to the Guardia di Finanza, it received two reports since 2018. Depending on the facts of the case, reports may be investigated internally – the Guardia establishes ad hoc teams for this purpose – or transmitted to the prosecution service.

299. The GET has not been in a position to assess any changes in the practice of the whistleblower protection regime as resulting from the decree-law transposing the EU Directive. The representatives of civil society and the academics had an overall positive view of the regime prior to the entry into force of the decree-law and that regime did foresee that all public administrations had to plan awareness initiatives for their staff. The GET's interlocutors stressed, however, the importance to maintain such initiatives to make staff aware of the need to report any wrongdoing and of the positive value of whistleblower protection rules. The GET also recalls that GRECO has constantly underlined that it is crucial to promote the awareness of law enforcement officers and employees in this domain at all levels, to counter the "code of silence" that could informally rule in hierarchical organisations. In view of the foregoing, **GRECO recommends conducting dedicated training and awareness-raising activities on a regular basis about whistleblower protection measures for all levels of hierarchy and chains of command in the law enforcement authorities.**

Enforcement procedure and sanctions

Disciplinary liability

State Police

300. Disciplinary proceedings are regulated by presidential decree no. 737/1981 on “Disciplinary sanctions against the personnel of the Public Security Administration and regulation of related proceedings”. Each hierarchical superior is competent to monitor the conduct of the personnel accountable to him/her⁴⁵ in order to detect infringements, notify the charge to the person concerned and forward the relevant documents to the sanctioning authority which, for minor penalties, is the director of the office.

301. For more serious offences, an inquiry is carried out, with the intervention of ad hoc bodies appointed by the office manager, in charge of initiating disciplinary proceedings. Such bodies differ in their composition according to the kind of sanction and rank of the accused person⁴⁶. In addition to representatives of the administration, they include staff representatives appointed by the more representative trade unions at provincial or at national level, depending on the rank of the accused person. Rights of the defence as guaranteed during the proceedings. The ad hoc bodies issue a mandatory opinion prior to sentencing. The person authorised to impose sanctions for such offences is the Chief of Police.

302. In order of severity, the sanctions provided for are the following: verbal warning may be imposed by any superior; written warning, fine and censure may be imposed by the office of department manager; suspension from duty and removal from office, as well as pecuniary penalties for officers, may only be imposed by the Chief of Police. The less serious sanctions are subject to hierarchical appeal to the Chief of Police, while the serious ones may be challenged by ordinary appeal to the administrative judge or extraordinary appeal to the Head of State.

Carabinieri and Guardia di Finanza

303. Any action, manifestation, attitude held in disregard of the oath or the main duties of the military constitutes a disciplinary infraction. Disciplinary action does not preclude any concomitant criminal, civil or administrative-accounting liability for the same facts. It is mandatory for serious offences and every superior is obliged to report facts of possible disciplinary nature (art. 1397 COM). Disciplinary procedure is foreseen by the COM, with two different procedures and sets of sanctions depending on the gravity of the facts: violation of fundamental duties carries state disciplinary sanctions (art. 1357 COM), while violation of the service relationship is subject to corps disciplinary sanctions (art. 1358 COM).

304. The corps sanctions are: oral warning, written reproach, consignment for up to seven days or rigorous consignment for up to 15 days. The state sanctions are: disciplinary suspension from employment for one to twelve months; functions of the grade disciplinary suspension from one to twelve months; forced retirement for serious disciplinary failure or serious violation of the duties of the military; loss of rank by removal. For the crimes of embezzlement, extortion, and the various hypotheses of corruption, art. 4 of Law no. 97/2001 provides, in the event of a conviction, even if not definitive, the mandatory suspension from service.

305. The decision to initiate disciplinary proceedings – either corps or state – and to impose sanctions lies with the hierarchical superior entitled to evaluate the military’s conduct –

⁴⁵ Conduct to be censured from a disciplinary viewpoint might be detected also with regard to non-directly accountable personnel. In such cases, it is necessary to report to the employee’s direct supervisor.

⁴⁶ Central and Provincial Disciplinary Board (art. 16, presidential decree no. 737/1981).

department commander, corps commander, interregional commander or an authority equivalent to it, general commander or minister, depending on the type of sanction and on the military rank concerned. State disciplinary proceedings include a formal investigation by an inquiry officer, who produces a report on the case for the sanctioning authority. In the most severe cases, the superior is supported by a collegial organ formed on a case-by-case basis (disciplinary board), that expresses an obligatory (but not binding) opinion about the sanction of rigorous consignment. For removal, the collegial organ must express an opinion by absolute majority whether this sanction should be applied. This decision is binding if the authority, after a first conclusion, requests a second one. Rights of the defence are guaranteed during the proceedings by the right for the accused to be assisted by a lawyer, to inspect the case file, produce defensive briefs, request new investigations or testimonies, as well as the suspension of the procedure. The procedure also foresees rule on the delegation of disciplinary action to another superior in case the sanctioning officer has a conflict of interest. Disciplinary decisions are subject to hierarchical appeal, judicial appeal or extraordinary appeal to the President of the Republic.

306. Representatives of both forces informed the GET that information from disciplinary cases is used in training, in an anonymised manner. It also appears in annual reports on the plan for the prevention of corruption and transparency, which are published and communicated to all staff.

Immunities and criminal proceedings

307. Law enforcement officers do not enjoy any immunity or procedural privileges. On the contrary, the criminal code foresees specific aggravating circumstances for crimes committed by public officials with abuse of powers or violation of duties. Staff of the Carabinieri and the Guardia di Finanza, due to their military status, are also subject to the military penal codes of peace and of war. Where their conduct could entail responsibility for both common and military crimes, art. 13 of the criminal code foresees that they could be subjected to separate ordinary and military criminal proceedings in relation to the same event.

Statistics

308. Statistics of the past 5 years on sanctions imposed on members of the State Police are as follows:

Police officers	
Sanction imposed	Number
Removal from office	2
Suspension from duty	11
Censure	5
Fine	33
Written warning	57
Verbal warning	42
TOTAL	150

Role of Ispettori

Sanction imposed	Number
Removal from office	21
Suspension from duty	73
Censure	33
Fine	265
Written warning	436
Verbal warning	138
TOTAL	966

Role of <i>Sovrintendenti, Assistenti e Agenti</i>	
Sanction imposed	Number
Removal from office	153
Suspension from duty	293
Censure	183
Fine	1.527
Written warning	2.986
Verbal warning	737
TOTAL	5,879

Officers	
Types of crimes	Number
Art. 416 c.c. (criminal conspiracy), Art. 319 c.c. (bribery for an act contrary to official duties), Art. 321 c.c. (punishment for the corruptor), art. 326 c.c. (disclosure and use of official secrets), art. 615-ter c.c. (abusive access to a computer or telematic system).	1
Sanction imposed	Number
Precautionary suspension from duty	1

Sergeants	
Types of crimes	Number
Art. 314 c.c. (embezzlement)	17
Art. 317 c.c. (extortion)	7
Art. 318 c.c. (bribery for the exercise of function)	9
Art. 319 c.c. (bribery for an act contrary to official duties)	10
Art. 319-ter c.c. (bribery in legal acts)	1
Art. 314 c.c. (embezzlement)	17

Art. 317 c.c. (extortion)	7
Sanction imposed	Number
Dismissal	1
Suspension from duty	9
Censure + Fine	1
Written warning	-
Oral warning	-

Sovrintendenti, assistants and police officers	
Types of crimes	Number
Art. 314 c.p. (embezzlement)	17
Art. 317 c.p. (extorsion)	7
Art. 318 c.p. (bribery for the exercise of function)	9
Art. 319 c.p. (bribery for an act contrary to official duties)	10
Art. 319-ter c.p. (bribery in judicial acts)	1
Sanction imposed	Number
Dismissal	24
Suspension from duty	11
Fine	4
Written warning	2
Oral warning	3

309. Below is a table of corruption cases involving Carabinieri officers in the past 5 years.

YEAR	RANK (*)	CRIME			sentence	DISCIPLINARY EXAMINATION		
		abuse of office	Corruption	exaction		Sanction of Corpo	Disciplinary suspension Employment / Functions Grade	Grade loss
2018	OF-4	X			absolution			
	OF-2			X	absolution	Richiamo		
	OF-1		X		conviction		12 months	
	OF-3	X			absolution			
2019	OF-2		X		absolution			
	OF-5	X			absolution			
	OF-5		X		prescription			X
2020	OF-3		X		absolution			
	OF-2			X	absolution			
	OF-3		X		conviction			X
	OF-5	X			prescription			
2021	OF-5	X			absolution			

	OF-4		X		absolution			
	OF-3	X			extinction		12 months	
	OF-4	X			absolution	Richiamo		
	OF-8	X			absolution			
	OF-6		X		absolution			
	OF-5	X			absolution			
2022	OF-3		X		conviction			X
	OF-2	X			absolution			

(*) See tables comparing the ranks of the armies of NATO Member States <https://it.wikipedia.org/wiki/NATO>.

310. Data relating to disciplinary sanctions for the years 2018-2021 are set out below.

SANCTIONS IMPOSED		OFFICERS	WARRANT OFFICERS	BRIGADIERS	APP. AND CAR.	TOTAL
C O R P O	ORAL WARNING	11	204	73	358	646
	WRITTEN WARNING	5	166	39	362	572
	STERN WRITTEN WARNING	2	29	6	41	78
	TOTALS	18	399	118	761	1296
S T A T E	SUSPENSION EMPLOYMENT REGULATIONS	4	16	8	48	76
	FIRM CESSATION VOL.	0	0	0	1	1
	LOSS OF RANK FOR REMOVAL	2	10	3	38	53
	TOTALS	6	26	11	87	130
TOTALS 2018		24	425	129	848	1426

SANCTIONS IMPOSED		OFFICERS	WARRANT OFFICERS	BRIGADIERS	APP. AND CAR.	TOTAL
C O R P O	ORAL WARNING	12	215	90	412	729
	WRITTEN WARNING	4	201	86	379	670
	STERN WRITTEN WARNING	5	23	8	60	96
	TOTALS	21	439	184	851	1495
S	SUSPENSION EMPLOYMENT	6	45	13	89	153

T A B L E	REGULATIONS					
	FIRM CESSATION VOL.	--	--	--	0	0
	LOSS OF RANK FOR REMOVAL	5	25	5	62	97
	TOTALS	11	70	18	151	250
TOTALS 2019		32	509	202	1002	1745

SANCTIONS IMPOSED		OFFICERS	WARRANT OFFICERS	BRIGADIERS	APP. AND CAR.	TOTAL
C O R P O	ORAL WARNING	12	160	71	336	579
	WRITTEN WARNING	6	171	72	288	537
	STERN WRITTEN WARNING	2	25	17	49	93
	TOTALS	20	356	160	673	1209
S T A T E	SUSPENSION EMPLOYMENT REGULATIONS	4	41	15	80	140
	FIRM CESSATION VOL.	--	--	--	2	2
	LOSS OF RANK FOR REMOVAL	3	6	10	37	56
	TOTALS	7	46	25	119	197
TOTAL 2020		27	402	185	792	1406

SANCTIONS IMPOSED		OFFICERS	WARRANT OFFICERS	BRIGADIER S	APP. AND CAR.	TOTAL
C O R P O	ORAL WARNING	6	169	88	278	541
	WRITTEN WARNING	8	153	75	271	507
	STERN WRITTEN WARNING	1	18	14	36	69
	TOTALS	15	340	177	585	1117
S T	SUSPENSION EMPLOYMENT REGULATIONS	6	26	11	76	119

A T E	FIRM CESSATION VOL.	--	--	--	0	0
	LOSS OF RANK FOR REMOVAL	3	10	5	65	83
	TOTALS	9	36	16	141	202
	TOTALS 2021	24	376	193	726	1319

311. In the Guardia di Finanza, during the period 2018 to September 2022, there were 39 final criminal convictions (13 during 2022) and 14 convictions for fiscal damage (including 1 during 2022) against military personnel. Consequently, the percentage of personnel having received a conviction in the five-year period under review out of the total effective force (59.320 military personnel as of 31 December 2021) is 0.09 percent.

312. Final convictions that have occurred in the past five years for corrupt acts, both in the criminal and treasury spheres, correspond to illicit events that have mostly occurred in operational contexts, such as tax control activities or in the performance of judicial police duties. A portion of the offences, however, involve conduct outside service hours and unrelated to the daily service performed by the convicted military personnel (regardless of the level of risk). The possible existence of links with organised crime has not been extracted centrally from the available data.

VI. RECOMMENDATIONS AND FOLLOW-UP

313. In view of the findings of the present report, GRECO addresses the following recommendations to Italy:

Regarding central governments (top executive functions)

- i. that all persons with top executive functions undergo integrity checks as part of their appointment or recruitment in order to prevent and manage potential conflicts of interest (paragraph 34);**
- ii. that a systemic analysis of corruption and integrity-related risks covering all persons with top executive functions be carried out on a regular basis and that corresponding remedial measures be included in a dedicated anti-corruption programme and made public (paragraph 48);**
- iii. (i) that code(s) of conduct for persons with top executive functions be adopted, published and complemented with clear guidance regarding conflicts of interest and other integrity related matters (such as gifts, contacts with third parties, outside activities, contracts with state authorities, the handling of confidential information and post-employment restrictions) and (ii) that such code(s) be coupled with a credible and effective mechanism of supervision and sanctions (paragraph 58);**
- iv. developing efficient internal mechanisms to promote and raise awareness of integrity matters in the government, including confidential counselling and training at regular intervals of persons entrusted with top executive functions (paragraph 60);**
- v. that an appropriate level of general public consultation on government draft legislation be effectively ensured and that only specific and limited exceptions to this rule made possible and clearly regulated (paragraph 72);**
- vi. that (i) rules be introduced on how persons with top executive functions engage in contacts with lobbyists and other third parties who seek to influence the government's legislative and other activities; and (ii) sufficient information about the purpose of these contacts be disclosed, such as the identity of the person(s) with whom (or on whose behalf) the meeting(s) took place and the specific subject matter(s) of the discussion (paragraph 74);**
- vii. that (i) clear and comprehensive provisions and guidance be introduced for persons with top executive functions in order to prevent and resolve (potential) conflicts of interest and (ii) a requirement of ad hoc disclosure be introduced in respect of persons exercising top executive functions in situations of conflict between their private interests and official functions as they arise (paragraph 84);**
- viii. (i) that members of the offices of direct collaboration be allowed to accept or retain paid or unpaid outside positions, occupations, board positions, or other paid assignments only after receiving a written authorisation based on a considered**

determination that the position/activity will not impede ordinary work or raise an issue of conflicts of interest, and (ii) making such authorisations available to the public (paragraph 89);

- ix. ensuring that a full set of rules on gifts and other benefits be applicable to all persons with top executive functions, in the form of appropriate practical guidance, the obligation of reporting gifts and other benefits, and making this information available in a timely manner to the public (paragraph 93);**
- x. that the post-employment regime be strengthened in order to improve its effectiveness and that it be broadened in scope to cover all persons with top executive functions (paragraph 97);**
- xi. (i) extending to all persons with top executive functions the duty to declare all their financial interests and ensuring that this information is published in a timely manner; and (ii) considering including financial information on spouses and dependent family members in the declarations for review purposes by the relevant institutions (it being understood that such data would not be made public in the absence of consent by the persons concerned) (paragraph 112);**
- xii. that all declarations submitted by persons entrusted with top executive functions be subject to substantive verifications (paragraph 116);**
- xiii. ensuring that the standards set forth for all persons with top executive functions regarding conflicts of interest and non-conferrability/incompatibilities be subject to effective, proportionate and dissuasive sanctions (paragraph 127);**

Regarding law enforcement agencies

- xiv. that further efforts be made to promote a more balanced representation of genders in all ranks of the law enforcement authorities as part of recruitment and internal career moves (paragraph 157);**
- xv. (i) that a code of conduct for the State Police be adopted and published, with concrete examples and explanations regarding the conduct expected of police officers and (ii) that it be accompanied by effective oversight and enforcement (paragraph 182);**
- xvi. that the ethical principles and rules of conduct applicable to staff of the Carabinieri and the Guardia di Finanza be complemented with a manual containing practical guidance and examples that takes into account each force's specificity, variety of duties and vulnerabilities (paragraph 188);**
- xvii. (i) that mechanisms be introduced for providing confidential counselling on ethical and integrity matters for staff of the law enforcement authorities; and (ii) developing databases of the topics addressed by these mechanisms, that are made available for their staff as a whole (paragraph 195);**

- xviii. that integrity checks be carried out in the context of changes of positions and promotion and, for the most exposed functions, at regular intervals in the course of law enforcement officers' career (paragraph 215);**
- xix. conducting dedicated training and awareness-raising activities on a regular basis about whistleblower protection measures for all levels of hierarchy and chains of command in the law enforcement authorities (paragraph 299).**

314. Pursuant to Rule 30.2 of the Rules of Procedure, GRECO invites the authorities of Italy to submit a report on the measures taken to implement the above-mentioned recommendations by 30 September 2025. The measures will be assessed by GRECO through its specific compliance procedure.

315. GRECO also invites the Italian authorities to authorise, at their earliest convenience, the publication of this report, and to make a translation of it into the national language available to the public.

About GRECO

The Group of States against Corruption (GRECO) monitors the compliance of its member states with the Council of Europe's anti-corruption instruments. GRECO's monitoring comprises an "evaluation procedure" which is based on country specific responses to a questionnaire and on-site visits, and which is followed up by an impact assessment ("compliance procedure") which examines the measures taken to implement the recommendations emanating from the country evaluations. A dynamic process of mutual evaluation and peer pressure is applied, combining the expertise of practitioners acting as evaluators and state representatives sitting in plenary.

The work carried out by GRECO has led to the adoption of a considerable number of reports that contain a wealth of factual information on European anti-corruption policies and practices. The reports identify achievements and shortcomings in national legislation, regulations, policies and institutional set-ups, and include recommendations intended to improve the capacity of states to fight corruption and to promote integrity.

Membership in GRECO is open, on an equal footing, to Council of Europe member states and non-member states. The evaluation and compliance reports adopted by GRECO, as well as other information on GRECO, are available at: www.coe.int/greco.