

annual Transparency Plan to guarantee total public online access to administration performance planning and results, individual reward schemes and all other aspects of the administration's operations. These plans must also list the administrative activities in support of citizen participation.

In this perspective, the dimensions of organizational performance defined in the Reform Decree (Article 8) include the quality and quantity of citizen and stakeholder participation through two main channels: stakeholder engagement and customer satisfaction measurements. The overall performance of the organization shall thus take into account its level of performance in such fields. Through the establishment of compulsory transparency days, administrations are required to share process transparency data (Performance Plans and Reports) enabling citizens to participate in shaping policies.

Building on the positive results obtained early in the reform process, the Reform Decree sets a new standard in public administration transparency and a global framework for transparency, aimed at fostering a citizen-centered form of control. This form of control is reinforced by the rights granted in Legislative Decree 198/2009.

In fact, legislative decree No. 198 of December 17, 2009 has among other things introduced the concept of claim with regard to the efficiency of administrations and concessionaires of public utilities, with a modern view of the Public Administration as an administration of results, in the framework of a substantial concept of the principle of proper and fair operation under article 97 of the Italian Constitution, thanks to the fundamental and innovative idea to link the meeting of a claim laid by one or more citizens with the promotion of an external judicial-like control of the observance of (quality, inexpensiveness, timeliness) standards by public administrations enforced on them – in order to guarantee a high performance of public bodies for the community altogether.

Also on the contribution that civil society can make, it should be noted the EasyLife Project, - launched in the spring of 2010, provides an advanced communication channel with the public administration through a single integrated communications system point of access to several digital services via mobile phone or web. The initiative takes advantage of the Public Connectivity System (PCS) based on technical rules and tools for the integration and inter-operability among the public administration's back offices and a single model to manage the citizen identification process. As for GSM mobile phones, a USSD technology has been developed to offer interactive and real-time services free of charge (*e.g.* information on culture, education, public health and taxation systems).

Currently, services concerning the Vehicle Licensing Office (ACI - the Italian Automobile Association) and the school system are available on line. The former includes information on expiration dates and queries related to driver licenses and vehicles. The latter includes information on student attendance, request for certification, how to schedule an appointment with teachers and how to receive report cards via e-mail. EasyLife services will gradually be extended to other areas in line with a planned course of action (in particular, to the public healthcare, welfare, labour mobility, justice and taxation systems).

During the pilot phase, users will have the opportunity to express their satisfaction in order to make any adjustments or fine tune as they deem necessary. In order to reduce the digital divide, EasyLife services are made available to those citizens who are "not yet digitalized" through a linkage with a "Friendly Line" service. By bringing together these various communication channels (web, e-mail and certified mail) and unifying the identification and registration processes, once fully developed, with all services readily available to the public, the EasyLife platform will make an important contribution to innovating the way citizens and firms communicate with the public

administration and make use of the services offered, thus realizing the concept at the heart of both e-Gov 2012 Plan and i.2012Plan. See: [www.vivifacile.gov.it](http://www.vivifacile.gov.it)

It is worth to be recalled for immediacy that allows to detect situations of mismanagement, inefficiency where corruption thrives, the Show Your Face initiative was launched by the Italian Ministry for Public Administration and Innovation at the end of March 2009 as part of the overall reform strategy in which the citizens' "voice" option is seen as key for improving the quality of public services.

The initiative focuses on customer satisfaction, which is seen as central to improving the quality and effectiveness of public sector operations and to making the relationship between the public administration and citizens more transparent and participatory. Citizens can assert their central role in the relationship with the public administration, contribute to the identification of weak points of administrative processes, identify priorities for service delivery improvement and assess the overall performance of the public administration (Fountain, 2001).

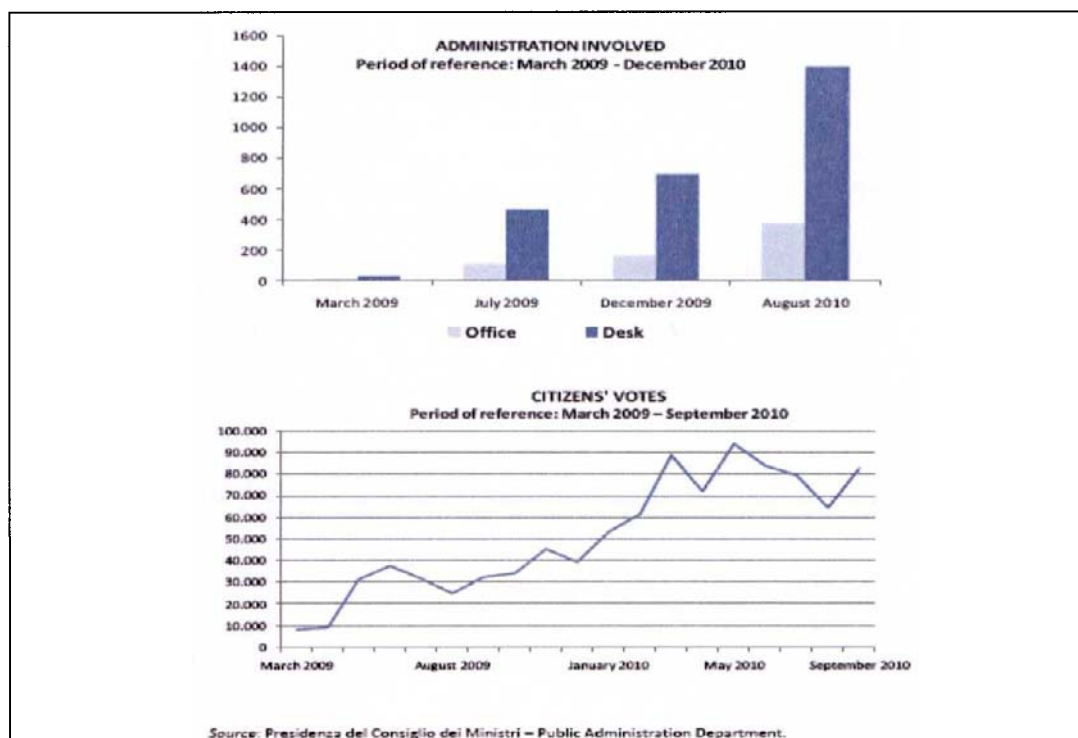
The advantage of this model is that it is user friendly, simple to implement and customise and easily adaptable to different channels (face-to-face, web and telephone). Moreover, the model enables citizens to assess services in real time, at any time; and it can be easily integrated with other tools to better identify reasons for dissatisfaction. The model delivers consistent data, enabling benchmarking and trend analysis, and detects reasons for dissatisfaction which could be useful to improve services.

Brief monthly reports on user satisfaction on one or more services are produced.

Citizens "cast their vote" on the service provided by means of an emoticon (indicating customer satisfaction): if the citizen is dissatisfied, a second mask appears asking the person to indicate the reason for disappointment with the quality of the service (see Figure below ).



The role of the Ministry is to promote the initiative in order to boost public entities' involvement (*e.g.* through seminars, conventions or establishment of a web address for the initiative, [www.mettiamocilafaccia.it](http://www.mettiamocilafaccia.it)), to support them in applying the model (*e.g.* providing guidelines and checklists for the pilot phase, personalized assistance) and to enhance its benefits in terms of public services improvement, citizen participation and employee motivation. A review of the first 12-month pilot phase conducted by the Ministry indicated that 43% of the administrations involved carried out improvements of services "within a month" of voting results; and almost 30% of them adopted the opinion of users as an indicator for rewarding the staff involved in the service delivery. Furthermore, Show Your Face encourages citizen participation in improving services: the number of monthly votes is growing constantly (the decrease over the summer period is physiologically linked to reduced flow of people in public offices during this period of the year); and more than half of the administrations declare that the opinion of customers has changed positively, as a result of improvement initiatives undertaken (see Figure below ).



At the end of 2008 a pilot initiative, named “Civic Evaluation”, was launched by the Department of Public Administration and Innovation in partnership with the NGO *Cittadinanzattiva*.

The general aim of this project, which is quite innovative within the context of the Italian public administration, is to promote wide collaboration between public administrations and citizens (users) in assessing public services. The citizen involvement starts from the very beginning, as the “point of view of the user” is taken as a “standpoint” to answer the following questions: What is the user’s perspective on how the services should be provided? Which are the most significant dimensions and indicators of a service?

The Civic Evaluation initiative goes beyond customer satisfaction, as it focuses on the actual quality of the delivered services. The initiative should not be regarded as a completely structured assessment, aimed at evaluating the quality of public services or as a sort of inspection. It is more a shared evaluation performed by citizens, in partnership with administrations and civic associations, in which the co-ordination and mediation role of the civic association is seen as strategic.

In the 2008 phase, the project focused on school services and front office services (*e.g.* general information, tax payment, demographic services) and it involved a selected number of municipalities and schools. The second phase of the project started in the second half of 2009 and focuses on the urban quality concept and aims at assessing, with the same collaborative methodology and approach, some important quality dimensions of Italian cities and neighbourhoods (*e.g.* road maintenance, street lighting, urban waste, state of public buildings).

The dimensions and the indicators applied within the spatial monitoring performed by local citizens have been chosen following a participative approach which has involved experts, referents of administrations, referents of associations and citizens. The selected dimensions refer to the following: security, access and reliability, information, weak social actors, sociability, transport and traffic, cleanliness, waste management and maintenance.

The civic evaluation initiative addresses problems (*e.g.* streets cleanliness) that affect

people's daily lives. Preliminary feedback on the civic evaluation of urban quality, which was presented during a final project seminar in July 2010, seems to show that this initiative allows for the collection of data that support improvement actions; moreover, it strengthens the partnership between citizens and administrations, fosters networking and social communication and facilitates the public's understanding of the problems faced daily by administrations. The initiative will be further promoted to make it largely available as a civic and participative tool for improving administration services and performance.

The initiative represents a good example in the direction of fostering open government. The initial positive feedback could constitute a basis to build on to increase its value and impact, for instance, by extending the participation of additional municipalities from different parts of the country.

Italy is also fostering the prevention of corruption, by adopting measures aimed to reducing the discretion of public officials which, when superfluous, may become breeding ground for corruption and maladministration. Among these measures it is worth mentioning:

*Conference of Services Article 49, L.D. n. 78 of 31 May 2010, converted into law with amendments by Law n° 122 of 30 July 2010 Article 1, paragraph 1.*

The important amendments to the discipline of the Conference of services finally provide certainty as to the time required to complete procedures: they put an end to an age-old problem that has been the cause of major delays and even of "forestalling" the authorization procedures for businesses due to the slow pace or paralysing attitude of some administrations (in particular those that have the task of protecting sensitive interests).

*Reporting the start of a business (Article 49, paragraph 4 bis and 4 ter, Law Decree n° 78 of 31 May 2010, converted into law, with amendment, by Article 1, paragraph 1, Law n° 122 of 30 July 2010).*

In order to start a business, instead of the multitude of authorizations that were required up to recently, from now on it will be enough to submit a certified statement of the start of the business. A simple notification with attached self-certifications or statements by technical experts certifying that all legal requirements are in place (the cases where environmental and landscape restraints, public security, as well as obligations laid down in Community regulations are not included).

If the Administration finds that the business does not have the requirements envisaged by law, it may suspend business for 60 days or request that the business take action to fulfil the requirements. Thereafter, the Administration may intervene only in case of severe and irreparable damage to the artistic and cultural heritage, to the environment, to health, to public security or for reasons of national defence. Penalties of up to three years of imprisonment are envisaged for individuals who make false statements, unless a more severe offence is involved.

*Simplification e PMI (Article 49, paragraph 4-quater, Law Decree n° 78 of 31 May 2010, converted into law, with amendments, by Article 1, paragraph 1, Law n° 122 of 30 July 2010)*

For the first time the principle of proportionality is introduced in administrative procedures in Italy. It is envisaged that the Government should adopt, also on the basis of the activities for measuring administrative burdens, specific regulations for small and medium sized enterprises that create an atmosphere that is conducive to them.

*One-stop-desk for productive activities (D.P.R. n° 160 of 7 September 2010).*

The one-stop-desk for productive activities, accessible electronically via the portal [www.impresainungiorno.it](http://www.impresainungiorno.it), is the single point of contact at the local level for all formalities relative to the operation of businesses: point of access and of response for businesses where a single and timely electronic response is given instead of having to access all the public administrations involved in the procedure, including those that



have the task of protecting sensitive interests. Existing administrative procedures are simplified and computerized.

Through the computerized procedure, the automatic and immediate issuing of a receipt by the electronic system, in the cases in which the administrative activity is under restraint (SCIA), will have the efficacy of a favourable administrative measure, and is readily available to the business. For the other cases, for more complex procedures for which the expressed measure is valid, thanks to the new discipline on the Conference of Services the waiting time is shorter and defined. Once computerization is completed the two steps required to start a business that are now separate, will be unified: i.e. recording the business in the Register of Companies, simplified through the so-called single notification (thanks to which upon registration with the Register of Companies, the registration is instantly made also with the Inland Revenue, with INPS and INAIL), and obtaining the relevant authorizations (Municipalities, ASLs, Fire Brigade, etc.). If the Municipality is not equipped to provide this service, the function is automatically delegated to the Chambers of Commerce.

The Regulation envisages the following deadlines:

1. by end of January 2011 the Municipalities will have to declare whether they have set up a desk having the qualifications envisaged in the Regulation, if not, by the end of March the service is delegated to the Chambers of Commerce;
2. by end March 2011 the automated procedure will become operational;
3. on 30 September 2011 the discipline for complex procedures will become operational which envisages the discretionary assessment by the Administration (ordinary procedure).

Agency for businesses (*D.P.R. n° 159 of 9 July 2010*)

The "Agencies for businesses" shall be set up, these are private accredited bodies that can be addressed by businesses to carry out all the formalities relative to the documentation to be submitted to the SUAP. In the case of "restricted" activities of the P.A. the Agencies issue a statement of conformity which is the equivalent of an authorization.

Simplification of procedures for issuing landscape authorizations (Light interventions. *D.P.R. n° 139 of 9 July 2010*)

The issuing of landscape authorizations is easier for the 39 light interventions described in the Regulation (e.g. small expansions; demolition and reconstruction of a building without changing shape and volume; works on facades and roofs of buildings; building or modifying garages; adding rooms to houses for a volume up to 10% of the original volume and not more than 100 cubic metres, installation of solar, thermal and photovoltaic panels that entail changing the aspect of places or of the external appearance of buildings etc.). Applications for authorization forwarded electronically need be accompanied only by one simplified landscape report drawn up by a certified expert. The procedure is completed within 60 days from the date of receipt of the application.

Free house building (*Article 5, Law Decree n° 40 of 25 March 2010, converted into law, with amendments, by Article 1, paragraph 1, of Law n° 73 of 22 May 2010*)

Minor housing interventions, namely ordinary and extraordinary maintenance, such as the removal of architectural barriers, are radically simplified. For instance, for ordinary maintenance it is no longer necessary to apply for an authorization or make any report; to open doors in a wall or shift walls that do not involve the structural elements of the building the user must merely make a statement, also forwarded via email, accompanied by a report drawn up by a certified expert.

Time-saver (*Article 7, Law n° 69 of 18 June 2009*).

Starting from 4 July 2010 the deadlines for completing administrative procedures are 30 days, unless otherwise stated by legal provisions or ad hoc regulations. In any case,

the deadline shall not exceed 90 days.

Only in cases of exceptional complexity of the procedure can the maximum deadline be extended up to 180 days. For State administrations that have not adopted the regulations, the deadlines in excess of 180 days are “automatically” reduced to 30 days as a result of the “guillotine” time-saver effect. Failure to issue the measure within the deadlines is an element for the assessment and responsibility of managers. Moreover, if the administration does not comply with the envisaged deadline, and such noncompliance produces damaging effects,, in case of malice or gross negligence compensation for damages is envisaged. With the amendments to article 54 of the CAD, a database of administrative procedures shall be set up with the Department for Public Administration which will make available in a single point on the website, all the information about deadlines, the people in charge of the procedures and the duties to be fulfilled by citizens and businesses. In this way comparisons can be made among the various administrations as to the time required to complete procedures and fulfil duties.

Certainty of time in case of expert advice and technical evaluations (*Article 8, Law n° 69 of 18 June 2009*)

Consulting activities for the preliminary steps of an administrative procedure, by reducing to twenty days the deadline for obtaining compulsory and optional expert opinions. Furthermore, with regard to access, the procedure for the re-examination of expressed and tacit refusal is simplified.

Protection of parties involved in administrative procedures that come under the jurisdiction of Regions and Local Bodies (*Article 10, Law n° 69 of 18 June 2009*)

The scope of *Law n° 241 of 1990* on administrative procedures is extended to include also the administrative functions exercised by public companies (companies in which a public body owns all or the majority of shares). Furthermore it is specified that the provisions governing participation in the procedure, identifying the person in charge and the deadlines for completing the procedure, access to the documentation, SCIA and ‘silence-approval’ (the PA’s failure to respond is tantamount to approval) are all essential steps. The same level of protection shall be offered by the discipline of procedures that come under the jurisdiction of the Regions and Local Bodies.

Direct delivery of the DURC by issuing body (*Article 16-bis, paragraph 10, Law Decree 29 November 2008, n. 185, converted into law, with amendments , by Article 1, paragraph 1, of Law n° 2 of 28 January 2009*)

Public Tender Authorities (Procurement offices) shall receive the DURC (statement on regular payment of social security contributions) directly from the issuing institutes and bodies, also via email, in the cases in which this is required by law: businesses will no longer be asked to submit the DURC themselves. Savings are estimated to be some 16 million euro per year.

Legal value of electronic media (*art. 16, paragraph 12, Law Decree 29 November 2008, n. 185, converted into law, with amendments , by Article 1, paragraph 1, of Law n° 2 of 28 January 2009*).

Recourse to electronic management of documents is enhanced by envisaging that the copy or electronic medium should replace the original paper documents (analogue document) for all legal intents and purposes provided that conformity be certified by the person in charge of conservation through digital signature. With respect to existing legislation, the distinction between single original and non single original copies is abolished which also does away with the need to authenticate the document by a notary public or other public officer. Some exceptions are envisaged for some types of documents. .

Abolition of the book of shareholders and of the duty to provide the list of shareholders (*art. 16, paragraph 12 bis, Law Decree n° 185 of 29 November 2008, converted into law, with amendments , by Article 1, paragraph 1, Law n° 2 of 28 January*

2009)

Some amendments to the Civil Code simplify the way in which Company books, accounts and other company documents are to be kept. The paper document shall be replaced by an IT document which has the same legal value. The obligation of keeping a book of shareholders for limited liability companies is abolished. As a consequence that transfer of shares produces its effects starting from the time when the deed is deposited with the Register of Companies (instead of the time when the shareholder is registered). Also the duty of forwarding the list of shareholders and of other holders of rights on the company equity with the last approved financial statements is abolished.

Single labour book (*Article 39, Law Decree 25 June 2008 n. 112, converted into law, with amendments, by Article 1, paragraph 1, Law 6 August 2008, n. 133*)

Except for the employers of domestic helpers, all other employers shall adopt the single labour book which replaces the matricula book, the payroll, the true copies and all the duties related to them. The single book, in force starting from February 2009, is much simpler: it can be kept as an IT book and can be submitted by fax or e-mail, the daily notes are now monthly, and the book is to be kept for five years (instead of ten as was required in the past). This measure has entailed an estimated saving of 3.6 billion euro per year.

Simplification of the discipline for installing utilities systems in buildings (*Article 35, Law Decree n° 112 of 25 June 2008, converted into law, with amendments, by Article 1, paragraph 1, Law n° 133 of 6 August 2008*)

All the useless red tape of the discipline on this area has been eliminated. In particular, it is no longer required to keep the administrative and technical documentation, as well as the booklet on use and maintenance. It is no longer required to attach the energy certificate to real estate conveyance deeds if the property is endowed with it.

A company in one day (*Article 38, Law Decree n° 112 of 25 June 2008, converted into law, with amendments, by Article 1, paragraph 1, Law n° 133 of 6 August 2008*)

In order to simplify procedures for starting a business, the discipline on the one-stop-desk for entrepreneurial activities and the Agency for Businesses is to be reorganized and simplified by the adoption of the regulations described above.

Among those that are in progress mention should be made of:

Simplification of the keeping of company books (*Article 1, Bill A.S.2243*)

The keeping of company books has been simplified by reformulating Article 2215-bis, paragraphs 3 and 4 of the Civil Code: the duty to keep books, registers and papers, in the case in which IT instruments are used, consists in placing a date stamp and digital signature at least once a year instead of every three months as has been the case so far.

Simplification of business documentation (*Article 2, Bill A.S.2243*)

The one-stop-desk (SUAP) is aimed at implementing the provisions whereby Administrations shall not request certificates that the same Administrations or other Administrations have already received. The one-stop-desk gathers and stores in an electronic file all the documentation concerning a business and it forwards such information to the Chambers of Commerce so that they can enter the file into their REA; the SUAP forwards the file to any Administration that applies for it.

Simplification of the registration of businesses in the Register of Companies and Craft Businesses (*Article 5, Bill A.S.2243*)

The statement certifying that a business has the qualifications for being registered with the Register of Companies – special section for Craft Businesses – can be submitted together with the statement indicating the establishment of the business.

Simplification of duties for hotel managers (*Article 6, Bill A.S.2243*)

Hotel managers can notify the identity data of clients upon arrival in their hotels via ITC instruments. Hotel managers are no longer obliged to apply to the Police Authorities for licences to set up Internet points.

Simplification of the reporting of accidents or professional diseases (*Article 12, Bill*

**A.S.2243)**

The Employer shall report an accident at work in a single report to INAIL instead of the two reports to INAIL and to the Police. Moreover, INAIL will forward the report to the competent Provincial Labour Office.

**Simplification of procedures for exceptional transport (Article 18, Bill A.S.2243)**

Changes are made to the issuing of authorizations for the transport of exceptional items when transport of the same item is repeated in time, envisaging a single simplified authorization instead of the various Regional authorizations.

**Online construction permits (Article 25, Bill A.S.2243)**

It is envisaged that the one-stop-desk activities for the construction industry be carried out electronically also with a view to harmonizing construction regulations with the provisions regulating the one-stop-desk for productive activities.

**Charter of duties (Articles 41 and 42, Bill A.S.2243)**

In order to fight against administrative inconveniences and ensure citizens' and businesses' rights, the Government shall adopt a "Charter of duties of the public administrations" in which the general duties of the public administrations and of their employees vis-à-vis users are laid down. The Regions and local bodies, including the bodies belonging to the National Health Service, within their respective fields of competence, will have to abide by the provisions that constitute the general principles of the system. Moreover, the principles and criteria that will guide the legislator in issuing the Charter of Duties have been identified: transparency; good faith (*bona fide*) and fair cooperation in the relationships between citizens and businesses on the one hand, and P.A. on the other; reasonable timeframes for adopting measures; clear and simple language; dematerialization of documents and of procedures; interoperability between information systems; quicker and easier access to information and services; full application of the Consolidated Text on administrative documentation; access to administrative documents; administrative and accounting accountability in case of undue requests for payment addressed to citizens and businesses, accountability in the case of violation and failure to fulfil duties.

**P.A. Code (Article 43, Bill A.S.2243)**

Delegates the Government to adopt law decrees to simplify and rearrange the existing rules on administrative activity, procedures, powers and duties of public administrations and of their employees and to adopt law decrees for the coordination of the latter with the provisions of the Charter of Duties of public administrations.

**Transparency and reduction of disclosure obligations in public contracts (Article 4, Anticorruption Bill)**

The database set up with the Authority for the supervision of public works, services and procurement contracts, will also gather all the documentation showing proof of the general qualifications and of the technical-organizational, and economic-financial capacities of companies. The administrations will check that companies have the required qualifications by accessing the database. Moreover the Ministry for Infrastructure and the Ministry of Transport will prepare standard forms for entering the information proving that companies are endowed with the qualifications required to take part in tenders.

**Direct submission of the antimafia certificate (Article 5, Anticorruption Bill)**

It is envisaged that the Tender Authorities should receive the antimafia documentation from the issuing office via e-mail..

- 2°. che la legislazione presente e futura attuativa della Convenzione penale del Consiglio d'Europa sulla corruzione sia formulata in maniera tale da consentire agli operatori del diritto di una agevole fruizione;
- 3°. la realizzazione di un programma globale di formazione specialistica per gli appartenenti alle forze dell'ordine, che consenta loro di condividere le conoscenze e la comprensione



- comune sul modo di affrontare i casi di corruzione e i crimini finanziari connessi con la corruzione;
- 4°. che siano potenziate ulteriormente le forme di coordinamento tra i diversi soggetti coinvolti nelle indagini dei casi di corruzione su tutto il territorio nazionale, prendendo in considerazione l'opportunità e la fattibilità dell'istituzione di una struttura interforze di sostegno a tutti i soggetti coinvolti nelle indagini suddette;
  - 5°. al fine di assicurare che si possa giungere ad una decisione nel merito dei casi di corruzione e che lo si possa fare in tempi ragionevoli, (i) di predisporre uno studio sulla percentuale di procedimenti per corruzione che terminano con la prescrizione del reato, al fine di individuare l'estensione e le cause del fenomeno; (ii) di adottare un piano specifico per affrontare e risolvere, secondo una tempistica precisa, i problemi evidenziati dallo studio suddetto; (iii) di rendere pubblici i risultati dell'attività in questione;
  - 6°. di modificare la legge 124/2008 per escludere la sospensione quando essa possa costituire un ostacolo per il perseguimento efficace dei reati di corruzione, ad esempio, per quanto concerne i casi gravi di corruzione, in caso di flagranza di delitto o quando il procedimento si trova in uno stato avanzato;
  - 7°. l'introduzione della confisca *in rem* al fine di agevolare l'acquisizione dei proventi della corruzione;
  - 8°. di adottare le misure necessarie per valutare l'efficacia pratica dell'attività dei soggetti incaricati dell'applicazione della legge con riferimento ai proventi della corruzione, con particolare riferimento all'applicazione delle misure di sequestro e confisca, anche per quanto riguarda il profilo della cooperazione internazionale;
  - 9°. che sia fatta presente agli operatori interessati l'importanza di segnalare le operazioni sospette, di cooperare in questa materia e degli effetti positivi che ciò può avere nella lotta alla corruzione; di adottare misure per chiarire a coloro che hanno l'obbligo di effettuare le segnalazioni che la segnalazione tardiva o l'omissione della segnalazione non sono accettabili, ad esempio attraverso il ricorso a delle sanzioni;
  - 10°. dotare il S.A.eT. o altro organismo dei poteri e delle risorse necessarie per valutare sistematicamente l'efficacia dei piani amministrativi generali adottati per prevenire e individuare la corruzione; rendere pubbliche le suddette valutazioni e trarne ispirazione per formulare progetti di riforma;

The initiative to foster transparency and corruption prevention in the Public Administration was one of the key innovative elements of the Italian reform of the public administration. The general strategy and guidelines to reform were issued by the Italian Ministry for Public Administration and Innovation on 28 May 2008. This strategy was enacted into law on 4 March 2009 (Law 15/2009). On 27 October 2009, the Government approved Legislative Decree 150 implementing the Reform.

The classical approach to transparency, as defined in Italian administrative law (Law 241/90) aims to protect individual rights by granting access to administrative acts under specific conditions. This type of approach to transparency can be considered as a retrospective process of the new initiative.

The government acted on the firm belief that restating ethical values and promoting a culture of legality were an inherent need for the proper functioning of the public administration.

From an internal perspective of the public administration, the objective was to transform the perception of legality into one that would favor the culture of public ethics and be able to encourage the creation and development of social capital as a public resource.

Openness, transparency and prevention of corruption have been seen as tools to enhance democracy, participation and efficiency in the public administration and to ensure greater trust from citizens and businesses.

This initiative reinforced previous non legal and legal initiatives with the aim of ensuring total access to all aspects of public organization in order to ensure a widespread form of friendly citizen control. This approach also concerns organizing data in order to make information not just accessible, but also comprehensible.

This participatory and transparent approach has also been used during the decision-making process leading to the adoption of the decree: an online public consultation has been carried out with stakeholders (managers, professors, trade unions and research organizations) in order to inform them and receive their feedback.

First of all, November 12, 2009 the Council of Ministers passed, upon proposal of the Minister for the Public Administration and Innovation, the bill "Provisions with regard to the simplification of relations between the Public Administration and citizens and companies and delegated to the Government the drawing up of the Charter of public administrations' duties", linked with the 2010-2013 financial law, with 35 articles dealing with a series of thorough measures concerning transparency and simplification/reduction of costs for companies and citizens. This provision appears to be a natural development of the reform started by the Government with the decree-law No. 112 of 2008 (passed as law No. 133 of 2008), which in article 25, in line with the Lisbon strategy and the goal of reducing by 25% costs resulting from Community legislation by 2012, implemented a process to measure and reduce costs. In the firm belief that cutting bureaucracy costs is a key factor to eliminate constraints and release resources to promote development and competitiveness of companies without increasing public expenditure, the so-called "Cost-cutter" decree permitted to cut 5,5 billion euro a year, with simplification measures affecting at least 2 million small and medium-sized enterprises (additional analytical information on the initiative at [www.innovazionepa.it](http://www.innovazionepa.it)).

In this perspective, the establishment of the "Committee for the assessment, transparency and integrity of Public Administrations" (CIVIT), under Article 13 of Legislative Decree n° 150/2009 settles the problems related to meritocracy, evaluation, efficiency and transparency once and for all (Title II of the same Legislative Decree, see annex 3).

The question of transparency as an antidote to corruption is a priority issue in the Legislative Decree n° 150/2009 which provides for a series of provisions aimed at ensuring full access to information concerning all aspects of the organization and activity of each administrative structure (Article 11).

In order to achieve this goal, the reform attributes full autonomy and responsibility to the public official, as employer, in managing human resources and in identifying the professional skills required to carry out the institutional tasks and achieve institutional goals, and in controlling the productivity of individual civil servants and the efficiency of the structure, on pain of losing a part of the official's fringe economic benefits (Articles 32, 40, 41, 45 Legislative Decree n°150/2009). Similar benefits are bound to come from the actions adopted to fight against absenteeism, which confirm the measures on controlling absences, with penalties for cases of false reporting for duty and malingering, and from the definition of further infringements that entail the firing of civil servants such as: extended or repeated unjustified absences; unjustified refusal to being transferred; false statements or false documents for being hired or for career promotions; reiterated aggressive or offensive behaviour, harassment; having been sentenced for crimes against the P.A. or for other severe crimes; low performance for extended periods of time.

Decree n° 206 of 18 December 2009 (See annex n. 4) (Hours during which an official doctor can call on an employee on sick leave)

Circular n° 7/2009 (Checks on employees on sick leave) (See annex n. 5)

Circular n° 9/2009 (Disciplinary measures)

Circular n° 1/2010 - Department for Public Administration and Digitization

Department (On-line submission of medical certificates) - (*See annex n. 6*)  
Circular n° 1/2010 - Department for Public Administration (Transparency Operation)  
(*See annex n. 7*)  
Circular n° 1/2010 - Digitization Department (Use of PEC)  
Circular n° 2/2010 - Department for Public Administration and Digitization  
Department (On-line submission of medical certificates. Further indications)  
Circular n° 7/2008 (Sickness absence of civil servants) - (*See annex n. 8*)

- 11°. per quanto riguarda l'accesso alle informazioni, i) effettuare una valutazione e adottare le misure appropriate per far sì che le amministrazioni locali si adeguino alle esigenze in materia di accesso alle informazioni poste nella loro disponibilità; ii) procedere ad una valutazione delle leggi in vigore per stabilire se l'obbligo di motivazione [delle istanze di accesso agli atti, n.d.t.] non determini una restrizione ingiustificata al potere del pubblico di giudicare le decisioni amministrative, quando la conoscenza di una prassi sistematica o di decisioni individuali potrebbe invece fornire forti elementi di informazione su eventuali casi di corruzione; rendere pubbliche le conclusioni di tale valutazione; iii) al fine di evitare che i ricorsi in materia vadano ad intasare ulteriormente i tribunali amministrativi, di valutare l'opportunità di attribuire alla Commissione per l'accesso ai documenti amministrativi l'autorità di ordinare ad una pubblica amministrazione, a seguito di udienza, di comunicare l'informazione richiesta;

System-wide interventions aimed at developing infrastructure like the Public Network System, and at expanding capacity like the projects for bridging the digital divide and improving access to services: 4 macroprojects  
International interventions to continue commitment to the European infrastructure network and to the European innovation and best practices network. As regards the need to adopt appropriate measures in order to make sure that the local administrations will ensure access to the information in their possession as per *letter i)* of the Recommendation, we point out that this has already been provided for at the legislative level through various interventions by the legislator.  
The issue of total or partial limitation to the requirement of motivating requests for having access to administrative documents as per *letter ii)* of the Recommendation, is subject matter for political assessment that is exclusively attributed to the legislator that will be provided for at the time of issuing the general rules governing the matter.  
Moreover, the legislator has already issued regulations governing access to the documents of the municipal and provincial administrations and to the documents on environmental issues.  
As to the need expressed in *letter iii)* of the Recommendation, it is pointed out that in its annual reports the Commission has repeatedly asked Government and Parliament to assess the desirability of meeting this request in the meaning expressed in the Recommendation.  
In any case, starting from the moment when the Commission was attributed judicial powers over access to administrative documents, there has been a sharp decrease in jurisdiction-related disputes in this area.

- 12°. che, nel contesto delle misure adottate per ridurre i tempi dei processi e l'arretrato, le autorità prendano in considerazione alternative ai ricorsi giurisdizionali;  
13°. che, nell'ambito della riforma complessiva della pubblica amministrazione, tutte le pubbliche amministrazioni abbiano accesso a forme di revisione interna, sia diretta, sia in maniera condivisa;  
14°. i) che siano imposti standard etici coerenti e applicabili a tutti i funzionari pubblici (compresi i dirigenti e i consulenti), a tutti i livelli dell'amministrazione; ii) di prevedere

procedure disciplinari tempestive in caso di violazione degli standard suddetti, senza attendere una sentenza penale definitiva; iii) di fornire alle persone alle quali tali standard si applicano formazione, direttive e consulenze in merito alla loro applicazione;

Training and skills development are essential to the implementation of the reform process. The Industrial Plan for Public Administration has reorganised the two training bodies under the umbrella of the Minister, the Italian National School of Public Administration and Formez.

Law 69/2009 provided the general framework for the reorganisation, implemented via legislative decrees (178/2009 and 6/2010), under the surveillance of the Office for Training in the Public Administration Department.

As already mentioned, the Reform Delivery Unit played an important role in aligning the training strategies of several key players involved in the provision of training support. The strategy developed for training support entails various aspects of the reform and interacts with other reforms carried out by the Italian government.

The training support strategy focuses on the following areas:

- ✓ Public administration reform and public management, including support to the implementation of norms that are compulsory and the development of crucial skills to implement the performance management cycle;
- ✓ Transparency and integrity in light of the reform, in particular, the preparation of multiannual transparency plans and the promotion of a culture of integrity;
- ✓ Procurement and acquisitions, to support the public administration's effort to provide users with "exit" options and to guarantee an efficient and transparent use of public money;
- ✓ Innovation and e-government, to support the development and requalification of staff in the face of major innovation, as well as enhance the use of information and communication technologies (ICT) in public services;
- ✓ Budget and public finance reform, to develop the evidence-based analysis and evaluation of public spending and support the necessary synergy between budgeting and performance management;
- ✓ Fiscal federalism, to support local authorities in creating synergy between public administration reform and the new competences delegated through the administrative fiscal and federalist reform.

As of the end of August 2010, many training projects in support of the reform were already implemented or planned by both the School of Public Administration and Formez. The total sum invested in such projects, funded by national as well as European funds, amounts to almost EUR 12.8 million (see table below). About EUR 3.2 million has already been spent on projects aligned with the Industrial Plan, and programmed since 2008, while the remaining EUR 9.6 million refers to activities to be performed in 2012. Other conference, publication, networking and research projects aimed at supporting the reform have been developed, in the amount of EUR 0.9 million.



**Table 2.4. Training projects implemented or programmed by the National School of Public Administration and Formez***(Central and local government)*

| SUBJECTS                                |                                        |                             |                       | RECIPIENTS |                    | FINANCIAL RESOURCES (EURO) |                     |                     |
|-----------------------------------------|----------------------------------------|-----------------------------|-----------------------|------------|--------------------|----------------------------|---------------------|---------------------|
| The Reform in general and other aspects | Performance measurement and assessment | Disclosure and transparency | Customer satisfaction | Managers   | Official and staff | Already spent              | Programmed          | Total               |
| x                                       | x                                      |                             |                       |            | x                  | 750,000,00                 | 2,750,000,00        | 3,500,000,00        |
| x                                       | x                                      | x                           |                       | x          | x                  | 2,500,000,00               |                     | 2,500,000,00        |
| x                                       | x                                      | x                           | x                     | x          |                    | 29,000,00                  | 1,166,850,00        | 1,197,850,00        |
| x                                       | x                                      |                             |                       | x          | x                  | 285,000,00                 | 215,000,00          | 500,000,00          |
| x                                       | x                                      |                             |                       |            | x                  | 80,000,00                  | 109,690,00          | 189,690,00          |
| x                                       |                                        |                             |                       | x          | x                  | 50,000,00                  |                     | 50,000,00           |
|                                         | x                                      |                             |                       | x          |                    | 1,997,820,00               | 675,000,00          | 2,672,820,00        |
|                                         | x                                      |                             | x                     | x          | x                  |                            | 2,500,000,00        | 2,500,000,00        |
|                                         |                                        | x                           |                       | x          |                    |                            | 62,430,00           | 62,430,00           |
| <b>TOTAL (sum)</b>                      |                                        |                             |                       |            |                    | <b>3,191,820,00</b>        | <b>5,575,950,00</b> | <b>8,771,770,00</b> |

Note: as of 31 August 2010.

Source: Public Administration Department.

In particular, Law Decree n° 178/2009 reorganizes the rules governing the Advanced Public Administration School, an institution for advanced training and research aimed at supporting and promoting the updates to the Public Administration. An amendment to Article 1 (*See annex n. 10*) of the Anticorruption bill (A.S.2156, currently being examined by the Committee) envisages, amongst other things, under letter f) that, in conjunction with the Advanced Public Administration School, training curricula be prepared for civil servants and, in cooperation with the Supervisory Authority on public contracts, training curricula be prepared for the officials working for Tender Authorities and Procurement Offices, on tendering procedures and on the drawing up and implementation of contracts for public works, services and supplies;

The main obstacle in the definition and implementation of the initiative was the cultural aspect as well as the lack of the proper capacity to fully utilize the tools that are available today through technology and in particular by Internet.

With a public administration sector involving more than 15.000 entities, this “cultural” obstacle is very relevant and almost structural. Supporting the diffusion of transparency and ensuring the continuous monitoring was therefore one of the biggest challenges.

To face this challenge, a new system based on rules, processes and technologies had to be developed. This system allows for a continuous improvement of transparency in the whole Italian public sector as well as for the monitoring of all relevant actions at all levels of government. In particular the government:

1. Ensured the convergence between the existing legal and regulatory constraints and the new needs for transparency and open government;
2. Re-engineered the back office processes, focusing on the processes to preserve data and on the reduction of the information load, in order to achieve transparency on the front office;
3. Defined technical standards, methodologies and technologies in order to monitor and measure transparency in real time and in a simple way.

With regard to corruption, another issue was the lack of empirical and quantitative knowledge of the phenomenon and a somewhat confused approach in dealing with the matter.

These obstacles were also tackled by providing a correct and objective information that was realized in particular through the use of Internet in order to reach all the citizens directly and in real time with the logic of total disclosure of information, which is, in fact, one of the key drivers of the reform.

Further to the first phase of the reform implementation, which gave managers, officials and staff a clear appraisal of the reform process and its implication for the managerial role and human resources management, the main focus is now performance measurement and assessment, including the organisation of the performance cycle and individual performance assessment. There are also a number of important projects aimed at training managers and officials in how to comply with disclosure and transparency regulations, as well as with customer satisfaction provisions.

Lessons from the training strategy formulation will be extended on a collaborative basis to other public bodies involved in training at the national, regional and local level. The collaborative approach to training evaluation in public administration is another area of co-operation between the key players. In a view to create efficiency and enhance the overall quality of training, this co-operation aims at creating a quality label for public and private bodies involved in the training provided to civil servants.

In this perspective, is worthy of reporting, the Cross-border knowledge sharing: international e-learning programme. The Distance Learning for Innovative Public Sector (DL4iPS) programme is an international initiative aimed at providing high-quality e-learning courses for public sector managers to increase their knowledge and skills in the field of public sector innovation. This initiative is expected to facilitate and accelerate the process of homogenisation in the field of regulation and administrative action in the Euro-Mediterranean region, a process that is considered one of the key drivers to boost economic, business and social development in the area.

DL4iPS is a distance learning programme aimed at gathering on a single platform the best e-learning courses already available in partner countries and most useful to support the process of public sector modernisation.

Content will be based on the best available administrative practices in order to ensure not only the development of individual managers' skills, but also to improve the organisational context in which managers operate and the results of their administrative action.

The DL4iPS programme is based on a reinforced co-operative approach and is currently supported by nine Middle East and North Africa (MENA) Countries, the OECD and Italy. The involvement of local partners, international organisations and universities from the very beginning has a strategic value in that it ensures better knowledge of local needs and priorities and offers a more comprehensive participation to all the stakeholders, promoting co-ownership of the initiative

The 2006-2009 collective National labour contract for senior civil servants introduced the "Code of conduct for civil servants". The Code must be complied with by all employees who carry out administrative functions. (See annex n. 11)

The so called "Transparency Operation", launched by the Public Administration Department, is a first step towards more transparent administration and is meant to thwart inefficiency and to reward merit. It represents one of the interventions on which the upgrading of the public administration is based and aims to guarantee citizens and enterprises a more efficient public administration, better quality of services, valorization and recognition of public servants' experiences and skills, and strengthening of citizens' trust in public institutions.

The Transparency Operation initiative is in line with international instruments emphasizing transparent and open decision-making processes supporting public scrutiny, such as the OECD

Principles for Improving Ethical Conduct within the Public Service. Under the Transparency Operation, the government has provided total disclosure on data and figures concerning the public administration to ensure visibility and provide citizens with control and protection tools, making them more aware of the mechanisms underlying the functioning of public administration and its costs.

Disclosed data include information on proceedings, tenders, evaluations, absences,

remuneration for consortia and companies in which the State has a share, assignments for consultants and external freelancers. Information is available on remunerated assignments to civil servants, secondments, salaries, curricula vitae, e-mail addresses and contacts of managers and secretaries at municipal and provincial level, as well as public administration success stories. Information on all leave granted by public administrations to civil servants to participate in trade union activities (secondments, "leaves of absence" and time off work) or elected public office activities also must be published on line.

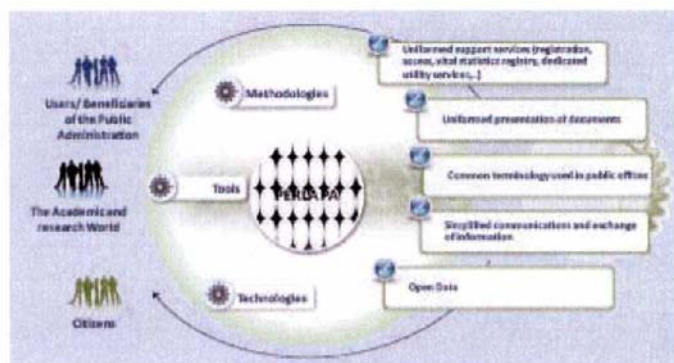
To comply, every administration has to adopt a three-year program for performance transparency and integrity, and provide a specific web page on the program. The program must, in fact, be made public in order to implement all organizational and procedural changes related to the new requirements. Moreover, administrations are required to disclose the annual performance plans and reports containing the strategic and operational objectives, as well as the results achieved and the outcomes of the performance appraisal of staff. Both Transparency Plans and Performance Plans should be discussed with stakeholders in dedicated "transparency days" organized annually by each administration.

This required a restructuring of the communication process (previously managed differently for the various administrative requirements and procedures), which has led to the improvement of such communication.

In line with these objectives, in July 2010 the Ministry for Public Administration and Innovation, after online public consultation, published guidelines for websites of public administrations in order to reach comprehensive and agreed principles to improve the quality of online information and public services. Feedback from the users of the systems focuses on the request to increase the usability of the application (e.g. create a single access point for all communications, present the functionalities clearly and concisely, and avoid asking multiple times for the same information provided in relation to different activities).

It will be interesting to see how the various public entities, within the various levels of government, will address the main internal issues and problems, which will be brought to light by this initiative.

Within the framework of the Transparency Operation, the Public Administration Department has created a model inspired by the principles of open data governance. In 2010 the Minister for Public Administration and Innovation launched the PERLA PA Program to collect, monitor and publish relevant information on public employment. The program involves about 15,000 public administration entities. PERLA PA, which will be available in early 2011, is an integrated system that manages all compliance levels that fall within the direct responsibility of the Public Administration Department.



Articles 68 and 69 of Legislative Decree 150/2009 introduced major changes to Legislative Decree n° 165 of 30 March 2001 in the area of accountability, sanctions and



disciplinary procedures. In particular the law traces a timely and efficient system by defining the forms and terms of the disciplinary procedure and makes such procedure autonomous with respect to criminal proceedings by providing that “a disciplinary proceeding concerning matters that, wholly or in part, are being prosecuted by the judicial authority, shall be carried out and concluded independently of the judicial criminal proceedings”. “Without prejudice to the discipline on civil, administrative, penal and accounting responsibility, Article 2106 of the Civil Code shall apply to the labour relations provided for in paragraph 1. Except for the provisions of this Heading, the type of offences and respective penalties is defined by the collective contracts. Publication on the institutional website of the Administration of the disciplinary code containing a list of the aforementioned offences and respective penalties is equivalent for all intents and purposes to its being posted at the entrance of the workplace” (art. 55 legislative decree 165/2001 (See annex n. 12)

With regards steps be taken to provide for a system of timely discipline for violating these standards without regard to a final criminal conviction, it is essential to highlight the work carried out by the Inspectorate of Public Administration against civil servants after the entry into force of the so called Brunetta reform.

| Administrations       | Disciplinary proceedings<br>Jan/June 2010 | PROCEEDING INITIATED AND<br>SUSPENDED FOR JUDICIAL<br>PROCEEDING |      |     |      | PENALTIES INFLICTED |                         |           |                               |
|-----------------------|-------------------------------------------|------------------------------------------------------------------|------|-----|------|---------------------|-------------------------|-----------|-------------------------------|
|                       |                                           |                                                                  |      |     |      | Minor penalties     | Suspendedn from<br>work | Dismissed | Cases dismissed/<br>acquitted |
| Ministries & Agencies | 355                                       | 80                                                               | 3,9  | 258 | 88,6 | 123                 | 47                      | 14        | 74                            |
| Various public bodies | 174                                       | 11                                                               | 49   | 156 | 32,5 | 87                  | 38                      | 18        | 13                            |
| Provinces             | 16                                        | 0                                                                | 42   | 16  | 65   | 12                  | 3                       | 1         | 0                             |
| Municipalities        | 115                                       | 12                                                               | 5,8  | 102 | 38,4 | 59                  | 15                      | 4         | 24                            |
| ASLs & Hospitals      | 316                                       | 12                                                               | 32,3 | 297 | 41,4 | 121                 | 98                      | 12        | 66                            |
| Universities          | 51                                        | 0                                                                | 0    | 50  | 71,2 | 16                  | 27                      | 1         | 6                             |
| Schools               | 0                                         | 0                                                                | 0    | 0   | 0    | 0                   | 0                       | 0         | 0                             |
| Total                 | 1027                                      | 115                                                              | 19   | 879 | 48,2 | 418                 | 228                     | 50        | 183                           |

As for information provided by the respective Administrations, as at 29 September 2010 n. 33 disciplinary proceedings are currently in progress