



Agenzia per la Coesione Territoriale

Three-year plan for transparency and prevention of corruption 2021-2023

The national legislator has put in place a complex mechanism involving several actors and instruments to prevent corruption in Italy. In particular, Law No. 190/2012 introduces a risk management system based on two-tier plans: the National Anti-Corruption Plan (a.k.a. PNA) adopted at national level by ANAC (the National Anti-Corruption Authority), and the Three-Year Plan for Transparency and Prevention of Corruption (a.k.a. PTPCT) adopted by each Public Administration at decentralised level. Both plans have three-year mandates, are updated on an annual basis, and must be coordinated with each other and with the other planning/programming tools adopted by public administrations. The mentioned National Anti-Corruption Plan provides guidance and lays down the directives that regulate the three-year plans for transparency and prevention of corruption.

Following the appointment of the current Compliance Officer (in charge of transparency and anti-corruption tasks)¹, the Three-Year Plan for Transparency and Prevention of Corruption of the Territorial Cohesion Agency has been fully revised and repatterned through essential risk prevention and management tools such as the mapping of most risky processes and the risk register. The amendments made are commended by ANAC.

The Plan update for the 2021-2023 three-year period, currently being adopted, also results from one year of activity in direct contact with the areas exposed to corruption risks within the Territorial Cohesion Agency and lays down the actions undertaken to promote transparency and prevent corruption phenomena. As a result of the activities implemented with the methodological support ensured by OIV (independent assessment body), further attention has been paid to enhanced mapping of such risky areas and their related processes.

The main domains requiring greater attention and cooperation between all the subjects working within and with the Territorial Cohesion Agency include:

1. Ongoing updating and training of staffs on anti-corruption and transparency issues;

¹ Giulia Amato, civil servant director at the Territorial Cohesion Agency, was designated as Compliance Officer for Transparency and Prevention of Corruption via DG Decree No. 216 of 6 Dec. 2018, subsequently confirmed via Notes No. 18928 of 22 Nov. 2019 and No. 14505 of 18 Nov. 2020.



Agenzia per la Coesione Territoriale

2. Increased controls on personnel selection activities (employees, external collaborators, and NUVEC² members);
3. Vigilance and stricter controls on compliance with the rules on non-eligibility and incompatibility of appointments or conflicts of interest for all staffs (also with reference to "pantouflage" phenomena);
4. Greater collaboration with the Compliance Officer both in the phases of preparation and implementation of the Plan;
5. Strengthening the integration between the Performance Plan and the Three-Year Plan for Transparency and Prevention of Corruption through an assessment system itemising specific guidelines and objectives for transparency and prevention of corruption;
6. Temporal realignment between the Performance Plan and the Three-Year Plan for Transparency and Prevention of Corruption and, more generally, adoption of planning and performance-related documents within the terms established by law;
7. Approval of the manual of procedures established by Article 23 of the accounting regulation approved via President of the Council Decree (DPCM) of 2015.

Despite remarkable prevention actions implemented over the past year, including the publication of the register of conflicts of interest and the activation of the anonymous reporting (whistleblowing) platform, several gaps are still detected, some due to the current structure of the Territorial Cohesion Agency (e.g. lack of an internal audit office) and others resulting from the failed adoption of the manual of procedures as per Article 23 of the President of the Council of Ministers' Decree (DPCM) dated 7 August 2015, whose approval process requires some acceleration. These shortcomings

² Unit for verification and control, established at the Territorial Cohesion Agency.



Agenzia per la Coesione Territoriale

underlie a major weak point of the administrative activity that fuels excessive discretion and persistence of "organisational monopolies", which in some cases have increased over time.

As to the Plan, the absence of predetermined procedures for each proceeding restrained the mapping exercise to the sole risk areas identified by the 2019 National Anti-Corruption Plan (purchase of goods and services, selection of consultants and selection of NUVEC members). The analytical description and updating of these processes mainly resulted from the study of: documents produced, procedures adopted, reports received, meetings with ACT staffs, interaction with other Public Administrations to examine analogous instances, case analyses, improvement proposals collected within the revision and updating process, and discussions with the mentioned OIV.

Specific risk events were identified for each phase, and the risk register was devised accordingly. In accordance with the 2019 National Anti-Corruption Plan, a qualitative assessment of risk exposure was carried out based on the remarks issued by the Supervisory Body, ANAC qualified opinions, and the monitoring activity carried out by the network of compliance officers for transparency and prevention of corruption (ANAC RPCT) involving both heads of offices and compliance officers.

The following risk-analysis indicators are worth mentioning:

- 1) Level of "external" interest – The presence of interests, also of economic nature, relevant and beneficial for the recipients of the proceeding implemented increases the level of risk;
- 2) Degree of discretionary power of the decision maker within the Public Administration – A highly discretionary decision-making process increases the level of risk versus a highly constrained decision-making process;
- 3) Decision-making opacity – Adopting substantially and not merely formally transparent instruments reduces risks;
- 4) Level of collaboration with those in charge of processes/activities when designing, updating and monitoring the Plan – Poor collaboration may indicate a lack of attention to corruption prevention issues;



Agenzia per la Coesione Territoriale

5) Implementation of treatment measures – The implementation level is associated with less likely corruption cases.

The outcomes were subsequently discussed with the Agency on the occasion of internal consultations also involving the Compliance Officers designated within the Agency and OIV.

Both for corruption prevention and transparency purposes, the Plan provides for actions subject to ongoing monitoring (based on documentation supporting the implementation of mandatory measures) and ad-hoc inspections (in coordination with other control functions), to ascertain both correct management within those areas exposed to higher corruption risks and compliance with the principles of transparency and publicity.