



**THE 3-YEAR PLAN FOR THE PREVENTION OF CORRUPTION
AND TRANSPARENCY
2022 - 2024**

Rome, 26 April 2022

Officer Responsible for Transparency
and for the Prevention of Corruption



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FOREWORD

CONI (Italian National Olympic Committee), an emanation of the International Olympic Committee (IOC), is a Public Institution which is under the Presidency of the Council of Ministers' supervision and makes up the Confederation of National Sports Federations and Associated Sports Disciplines, pursuant to Legislative Decree 15/2004, as amended; it complies with the principles of international sports regulations, in accordance with the deliberations and guidelines of the International Olympic Committee.

The institution chairs, supervises and coordinates the organization and enhancement of national sports, with special emphasis on training athletes and providing suitable resources for the Olympic Games and all the other national or international sporting events.

CONI also guides and supervises National Sports Federations, Associated Sports Disciplines, and, though in a more moderate way, Sports Promotion Bodies and Meritorious Associations. For example, it holds the power of recognition for sports, the power to approve Statutes and Regulations, the power of putting it under external administration, approval of budgets, supervisory activities and so on.

In short, CONI is an institution with a triple identity, being, at the same time, the Italian Olympic Committee and, thus, the territorial branch of the IOC in Italy, the Confederation of National Sports Federations and Associated Sports Disciplines, and the public institution entrusted by law to govern, supervise, organize, strengthen and spread sporting activities throughout the country.

Law No. 145 of 30 December 2018 brought about some governance changes affecting CONI, Sport e Salute S.p.A. (Company) and their mutual relations. In this regard, the provision stated that "the bodies at the head of the company are conflicting with the governing bodies of CONI". In addition, the State Attorney General's Office issued a ruling (Cs 44631119 Sec. A.G.) on the relations between CONI and the Company establishing that:

- the Company shall produce and provide services of general interest in supporting sports, while also acting as a vehicle of CONI and independently implement sports policies of the Government Body in charge of sport and supporting, for example, National Sports Federations;



- all legal duties fall within CONI's prerogatives, which shall make use of the Company's premises. This one, therefore, shall take on an auxiliary role and shall be subject, with respect to the functions carried out by CONI, to the latter's management and supervisory authority;
- the service contract shall establish the facilities for the instrumental and executive activities needed for CONI's operation, identifying the staff units required to carry out the activities, provided that the Institution shall always manage and monitor the structure at its disposal. In addition, such authority is essential for carrying out its institutional tasks, although the employees' work relationship is exclusively with the Company.

On 4 November 2019, CONI entered into a new service contract with Sport e Salute S.p.A., which expired on 31 December 2019, defining their scopes of activity and the Company issued some service orders designating the offices for CONI's operation.

On 29 January 2021, the Council of Ministers approved Decree-Law No. 5, providing urgent measures on the organization and operation of CONI, enshrining CONI's full operational and organizational autonomy from Sport e Salute S.p.A., last amended by Article 1, paragraphs 917 et seq. of Law No. 234 of 30 December 2021 (Budget Law 2022).

Specifically, this legislative measure provides that CONI shall have 165 staff units, 10 of which shall be non-general managerial staff, so as to ensure its full operation and its autonomy and independence as a member of the International Olympic Committee, and to carry out the tasks related to its operational and institutional activities.

Therefore, within the limits of staffing resources established under current legislation, the following employment contracts shall be transferred to CONI:

- a) the employment contracts of managerial and non-managerial permanent staff of Sport e Salute S.p.A., which were formerly employed by CONI as of 2 June 2002, and as of 30 January 2021, were working at CONI under mandatory outsourcing and secondment arrangements referred to in Paragraph 5 of Article 1 of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;
- b) the employment contracts of managerial and non-managerial permanent staff of Sport e Salute S.p.A., which as of 30 January 2021 were working at CONI under mandatory outsourcing



and secondment contracts referred to in Paragraph 5 of Article 1 of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;

- c) the employment contracts of managerial and non-managerial permanent staff of Sport e Salute S.p.A., specified by the company itself, in agreement with CONI, within twenty days from the effective date of this law, and to be selected among the staff employed by CONI under the service contract as of 30 January 2021.

As a result of the repeated legislative measures, besides employees, a number of properties have been transferred to CONI: the Villetta Parco Foro Italico property, the Olympic Preparation Centre facility in Formia, the Olympic Preparation Centre facility in Tirrenia and the Giulio Onesti Olympic Preparation Centre facility in Rome.

CONI may enter into special service contracts with Sport e Salute in order to carry out specific activities or services in addition to those of its own.

The corruption prevention system identifies the Institution's independence as its first and most important strength. The principle of sports autonomy, interpreted as safeguarding against political interference, therefore stipulates CONI's economic control over National Sports Federations and Associated Sports Disciplines, as a way of guaranteeing proper management.

With this in mind, it is deemed not to deviate from the course implemented since 2020, thus renewing the decision to draw up an autonomous Three-Year Plan for the Prevention of Corruption, which is drafted further to the analysis of the levels of risks faced specifically by CONI.

Therefore, this document shall make up the Three-Year Plan for the Prevention of Corruption and Transparency (TYPCT) of CONI and shall complement and replace the previous one, in a perspective of continuity.



1. INTRODUCTION

The implementation of the Three-Year Plan for the Prevention of Corruption (TYPPEC) is provided for by Law of 6 November 2012, No. 190, on "*Provisions for the prevention and punishment of corruption and crime in the Public Administration*" and complies with the indications in the National Anti-Corruption Plan approved by the National Anti-corruption Authority, pursuant to Article 1, paragraph 2-a, of the same law. This legislation requires Public Administrations to implement a Three-Year Plan for the Prevention of Corruption in order to set out a strategy for preventing corruption. This is done by outlining a program of activities based on the level of risk of each office and pointing out the different sensitive areas, the concrete measures to be implemented in relation to the level of specific risk and the people in charge of implementing each measure within the set timeframe.

This Plan is one of CONI policy documents and it brings together the purposes, institutions and guidelines that the Officer Responsible for Transparency and for the Prevention of Corruption agreed upon when drafting the Plan.

Specifically, on its annual update due by 31/01/2022¹, the new Officer Responsible for Transparency and for the Prevention of Corruption, in agreement with the administrative body, deemed it appropriate to revise and supplement some aspects of the previous TYPPEC.

This document was drafted by taking into account the outcome of the checks and monitoring activities carried out during the year 2021 by the previous Officer Responsible for Transparency and for the Prevention of Corruption, and considering the numerous organizational changes that have taken place.

For all matters not expressly amended and provided for, full reference is made to the reference legislation, insofar as compatible and applicable, according to the provisions of Article 2-a, para. 2 of Legislative Decree 33/2013.

The Plan, amending and replacing the previous ones, is made up of 3 parts, such as:

- This document of no. pages 79;

¹The ANAC Council, in its 14 January 2022 statement, disclosed that the deadline for preparing and publishing the Three-Year Plans 2022-2024 (TYPPEC) was postponed to 30 April 2022.



- Annex No. 1 - relating to mapping, analysis and process risks assessment and prevention measures;
- Annex No. 2 - relating to data and information to be published and relevant timelines and contact persons in the transparency section.

All the aforementioned elements are to be considered substantial and non-separable parts of this Act.

2. REGULATORY CONTEXT

Corruption, in its broadest definition, is an international phenomenon.

Italy has ratified several anti-corruption conventions, including:

- The 21 November 1997 OECD Convention "on Combating Bribery of Foreign Public Officials in International Business Transactions" (known as The OECD Anti-Bribery Convention), ratified by Italian Law No. 300 of 2000, which was followed by OECD Recommendations for Economic Cooperation and Development, implemented in 2009 and most recently in November 2021;
- the Strasbourg Civil and Criminal Law Conventions on Corruption, implemented by the Council of Europe in January and November 1999, and ratified by Italian Laws No. 110 and No. 112 of 28/06/2012, respectively, which provide for the prosecution of active and passive corruption offenses in the public and private sectors and for effective judicial remedies for individuals who have suffered damage resulting from an act of corruption;
- the United Nations Convention against Corruption (so-called Merida Convention) implemented by the UN General Assembly on 31 October 2003, was ratified by Italian Law No. 116 of 2009, and is the first international community-implemented instrument in the fight against corruption as a transnational phenomenon, and it is also the only legally binding universal anti-corruption measure.

CONI also takes into account the International Olympic Committee's Code of Ethics, which enshrines, among other things, the principles and guidelines that National Olympic Committees and Sports Organizations must abide by and implement for integrity and good governance.



Lastly, on the international scene, in 2016 CONI joined the United Nations Global Compact, a voluntary code that stems from the desire to promote a sustainable global economy and requires participating companies and organizations to implement proactive behaviours on protecting human rights, the environment, safety at work, fighting corruption and, more generally, supporting the broader development goals set by the United Nations itself.

With regard to the sports sphere, the Council of Europe Convention was signed in the fall of 2014 at the conference of sports ministers against the manipulation of sports results (match-fixing) held in Macolin is worth mentioning.

For the first time, it includes rules binding the contracting parties to combat the manipulation of sports results. These rules also include the States' obligation to enact appropriate criminal laws and mutual legal assistance.

The so-called *Macolin Convention* on the Manipulation of Sports Competitions entered into force on 1 September 2019 upon ratification by the first six countries (Italy, Norway, Portugal, Republic of Moldova, Switzerland and Ukraine). Italy espoused the Convention, signing it on 7 April 2016 and finally approving it at the end of the parliamentary procedure on 11 April 2019. It was published in the Official Gazette on 16 May 2019. For this purpose, the main objectives of the convention are:

- a) to prevent, identify and sanction national or transnational manipulation of national or international sports competitions;
- b) to promote national and international cooperation against manipulation of sports competitions among relevant public authorities and those organizations involved in sports and sports betting.

Also referring to sports, further interventions (so-called soft law) that are deemed absolutely relevant, are as follows:

- Recommendation Rec(2005)8 on the Principles of Good Governance in Sport, by the Committee of Ministers of the Council of Europe;
- Good Practice Guidance on Internal Controls, Ethics, and Compliance, published by the United Nations Office on Drugs and Crime in 2010, updated in November 2021;
- Recommendation on Fighting Bid Rigging in Public Procurement, issued by OECD in July 2012;



- The United Nations Convention Against Corruption: A Strategy for Safeguarding against Corruption in Major Public Events, issued by the United Nations Office on Drugs and Crime (UNODC) in 2013;
- High-Level Principles for Integrity, Transparency and Effective Control of Major Events and Related Infrastructure and Recommendation on Public Procurement, issued by OECD in 2015;
- Principles for Leveraging Local Benefits from Global Sporting Events and Organizing Sporting Events: Preventing Corruption and Promoting Responsible Business Conduct, issued by OECD in 2016;
- Recommendation on Public Integrity, issued by OECD in 2017;
- The Manual on Corruption Surveys: Methodological guidelines on the measurement of bribery and other forms of corruption through sample surveys, issued by the United Nations Office on Drugs and Crime in 2018;
- Recommendation CM/Rec(2018) on Promoting Good Governance in Sport, implemented by the Committee of Ministers of the Council of Europe in December 2018;
- Corruption Risks and Useful Legal References in the context of COVID-19, issued by the Group of States against Corruption (GRECO) on 15 April 2020.
- Integrating Responsible Business Conduct in Public Procurement, issued by OECD in 2020;
- Procurement of Major International Sport-events related Infrastructure and Services: Good Practices and Guidelines for the Olympic Movement, issued by OECD in 2020;
- Global Report on Corruption in Sport, published by the United Nations Office on Drugs and Crime in 2021.

With regard to the national regulatory context, Law No. 190 of 6 November 2012 introduced most of the above-mentioned international standards, as is well known.

Within our system, the regulatory framework for the prevention of corruption and transparency is organized on two levels (national and decentralized):

- on a national level, through the National Anti-Corruption Plan (PNA)², drawn up by the National Anti-Corruption Authority (hereinafter ANAC);

²National Anti-Corruption Plan approved by ANAC with Resolution No. 72 of 2013 and, annually, subject to amendments/updates issued by ANAC with specific Resolutions and published on the institutional website of the Authority.



- on a decentralized level through the Three-Year Plans for the Prevention of Corruption and Transparency (TYPCT), which are defined on the basis of the PNA's guidelines and on the analysis of specific corruption risks in each administration.

The prevention strategies that should guide the aforementioned Plans, and that are indicated by supranational organizations, highlight the need for three main objectives:

1. to reduce the opportunities for corruption cases to occur;
2. to increasingly be able to expose cases of corruption, if any;
3. to create an environment that is averse to corruption.

By means of the TYPCT that is, therefore, the main organizational tool for preventing corruption, administrations are able to identify corruption risks and provide for their remedies, thanks to objectives, timeframes and methods to implement measures against corruption.

Pursuant to the implementation of the proxy included in the Anti-Corruption Law, the Transparency Decree concerning the right of civic access, Legislative Decree No. 33 of 14 March 2013, which was later amended by Legislative Decree No. 97/2016, was successively approved. This regulatory framework has significantly valued and strengthened measures to protect transparency, introducing forms of widespread citizen control and implementing means to counter illegal conduct and corruption in public administrations and other parties referred to by Law.

Art. 1, para. 2a, of Law No. 190 of 6 November 2012, as amended by Legislative Decree No. 97 of 2016, in defining the subjective scope of application of corruption prevention measures, makes reference to the subjects indicated in Art. 2a, para. 2 of Legislative Decree No. 33/2013, the so-called Transparency Decree, confirming and expanding ANAC Resolution No. 8 of 2015 - later replaced by ANAC Resolution No. 1134/2017 - where companies under public control were also included among the private-law bodies under public control that are subject to such regulations.

The relevant legislation refers to a broad definition of corruption, which includes situations in which there are abuses by a person of authority deriving from their functions, in order to obtain private advantages. Relevant situations shall include not only the entire range of crimes against the Public Administration regulated in Book II, Title II, Chapter I of the Criminal Code, but also situations of so-called "maladministration" in which, regardless of criminal relevance, a malfunctioning of the



administration is detected as a result of using the assigned functions for private purposes, namely, the contamination of the administrative action *ab-externo*, whether such action is successful or whether it only remains an attempt.

While preparing its TYPACT, CONI shall take into account the following external and internal regulations:

- Royal Decree No. 1398 of 19 October 1930 approving the Criminal Code body;
- Royal Decree No. 262 of 16 March 1942, approving the Civil Code body;
- Law No. 241 of 7 August 1990 "New rules on administrative procedure and the right of access to administrative documents";
- Legislative Decree No. 165 of 30 March 2001 (Consolidated Law on Public Employment);
- Legislative Decree No. 104 of 2 July 2010, introduction of the Administrative Process Code;
- Law No. 190 of 6 November 2012, on "Provisions for the prevention and repression of corruption and illegality in the Public Administration";
- Legislative Decree No. 33 of 14 March 2013, on "Reorganization of the legislation on advertising obligations, transparency and dissemination of information by public administrations, approved by the Government on 15 February 2013, in implementation of paragraphs 35 and 36 of Article 1 of Law No. 190 of 2012";
- Legislative Decree No. 39 of 8 April 2013, on "Provisions on the matter of incompatibility of positions in public administrations and private institutions in public control, pursuant to Article 1, paragraphs 49 and 50, of Law No. 190 of 6 November 2012".
- Legislative Decree No. 50 of 18 April 2016 (Public Contracts Code);
- Legislative Decree No. 97 of 25 May 2016 on "Revision and simplification of the provisions on prevention of corruption, advertising and transparency, correcting Law No. 190 of 6 November 2012, and Legislative Decree No. 33 of 14 March 2013, pursuant to Article 7 of Law No. 124 of 7 August 2015, on the reorganization of public administrations"
- Law No. 179 of 30 November 2017, "Provisions for protecting those who report crimes or irregularities within a public or private employment relationship"; (on whistleblowing);
- Law No. 3 of 9 January 2019, "Measures to combat crimes against public administration, as well as regarding the statutes of limitation and the transparency of political parties and movements" (so-called "Spazza-corrotti") (OG General Series No. 13, 16-01-2019);



- Decree Law No. 5 of 29 January 2021, "Urgent measures on the organization and operation of the Italian National Olympic Committee (CONI)", converted by Law No. 43 of 24 March 2021, as amended;
- Presidential Decree of 17 June 2021, "How to transfer properties allocated to the Italian National Olympic Committee (CONI)".

The following provisions were also taken into account when drafting the Plan:

- ANAC (formerly CIVIT) Resolution No. 72/2013 by which the National Anti-Corruption Plan was approved;
- Resolution No. 6 /2015: "Guidelines on the protection of public employees reporting offenses" (so-called whistleblower);
- ANAC Resolution no. 12/2015 "2015 update to the PNA";
- ANAC Resolution No. 831/2016 "Resolution of final approval of the 2016 National Anti-Corruption Plan".
- ANAC resolution No. 1309/2016 "Guidelines for defining exclusions and limitations to civic access referred to in Art. 5 para. 2 of Legislative Decree No. 33/2013, Art. 5a, paragraph 6, of Legislative Decree No. 33/2013 on "Reorganization of the rules on the right of civic access and the obligations of advertising, transparency and disclosure of information by public administrations";
- ANAC resolution No. 1310/2016 "First guidelines for implementing obligations of advertising, transparency and disclosure of information in Legislative Decree No. 33/2013 as amended by Legislative Decree No. 97/2016";
- ANAC resolution no. 1134 of 8/11/2017 "New guidelines for implementing regulations on the prevention of corruption and transparency by companies and private-law bodies controlled and owned by public administrations and public economic institutions".
- ANAC resolution no. 840 of 2 October 2018;
- ANAC resolution No. 1074 of 21 November 2018 "Final approval of the 2018 Update to the National Anti-Corruption Plan".
- ANAC resolution No. 215 of 26 March 2019 on "Guidelines on the application of the special rotation measure referred to in Article 16, paragraph 1, letter I-c, of Legislative Decree No. 165 of 2001";



- ANAC resolution No. 1064 of 13 November 2019 "National Anti-Corruption Plan 2019" as published in the Official Gazette General Series No. 287 of 07 December 2019;
- ANAC resolution No. 177 of 19 February 2020, setting forth "Guidelines on Codes of Conduct for Public Administrations".
- ANAC resolution No. 690 of 1 July 2020, on "Regulations for managing reports and for the exercise of the sanctioning power on the protection of those who report offenses or irregularities in the context of an employment relationship referred to in Article 54-a Legislative Decree No. 165/2001".
- Statement by the President of the Italian Anti-Corruption Authority of 3 November 2020;
- ANAC resolution No. 1 of 12 January 2022 "Adoption and publication of TYPCT 2022-2024: deadline postponement to 30 April 2022".

3. OBJECTIVES

CONI, Confederation of National Sports Federations (FSN) and Associated Sports Disciplines (ASD), is governed by the Olympic Charter, and by Legislative Decree No. 242 of 23 July 1999, later amended by Legislative Decree No. 15 of 8 January 2004.

Pursuant to Article 1, paragraph 2 of the Statute, CONI is a disciplinary, regulatory and management authority for sports activities, which are regarded as an essential element of the physical and moral development of individuals and as an integral part of national education and culture.

For the three-year period 2022-2024, CONI shall continue to comply with relevant regulations, and shall identify programs and activities in order to comply with the principles of legality, fairness and transparency when managing its activities.

In order to achieve these goals, CONI shall apply the regulations depending on its operations, organization and form of financing, which significantly differ from other bodies and public administrations.

In particular, CONI, in compliance with anti-corruption regulations, and according to the criteria of applicability and compatibility of obligations, shall pursue the following objectives:

- to put in place specific organizational measures and special procedures with the aim of preventing corruption;



- to promote integrity, by identifying situations in which there could be offenses and conflicts of interest as well as cases of maladministration;
- to implement a system of ongoing monitoring, designed to prevent the risks of corruption and oversee transparency;
- to raise awareness among all parties addressed by this Plan to be actively and constantly engaged in complying with the procedures and internal provisions on this matter and in implementing measures to limit corruption risks and oversee transparency;
- to implement training and information programs on the legislation and on its implementation status within the institution.

4. PARTIES INVOLVED

Pursuant to current legislation, following the changes brought by Legislative Decree No. 97/2016 (Art. 41, para. 1(g)), the Officer Responsible for Transparency and for the Prevention of Corruption (henceforth RTPC) shall be in charge of preparing the Plan.

However, the Plan sets out a number of obligations and measures that involve the whole structure of the institution.

As a matter of fact, although the RTPC is given responsibility for the occurrence of corruptive phenomena by the regulatory provision, all employees working in the facilities concerned, including those without managerial status, shall retain their personal level of responsibility for their actual tasks. In addition, in order to achieve successful prevention, the tasks of the person in charge must be closely linked and coordinated with those within the organization.

Those who contribute to the prevention of corruption within CONI, each one carrying out their own tasks, duties and assignments of any kind on behalf of the Institution, are required to strictly comply with the provisions of this Plan, including the Code of Conduct, as to avoid behaviours, even omissions, that could prevent or hinder compliance with the Plan and the relevant controls by the RTPC on its application.

Those in charge of organizational structures:



- shall carry out assessments of the relevant activities assisted by the Officer Responsible for Transparency and for the Prevention of Corruption;
- are required to check that supervision and prevention measures within their relevant activities are appropriate and effective;
- are required to implement any identified corrective actions;
- are required to make appropriate or necessary reports in case of non-compliance, including those related to failures to implement the management system.

The governing bodies shall be aware of the main risks impacting on the organization and the ways in which those risks are kept under control by the managerial staff. They shall also be aware of what anti-corruption objectives have been set out and whether they are aligned with the organization's mission, as well as of the main findings of the inspection activities and what needs to be done.

The main tasks and roles of the parties involved in the preparation of this TYPCT and, more generally, in prevention activities are listed below.

4.1. Governing body

According to the legal framework and the clarifications provided by the Authority, "*the governing body must take a proactive role, including through the creation of a favourable institutional and organizational environment that is genuinely supportive of the RTPC, as well as conditions that foster its effective autonomy*".

In particular, under current regulations, the following tasks are assigned to this body:

- appoint the Officer Responsible for Transparency and for the Prevention of Corruption and make sure that their roles and powers are appropriate to carry out their tasks with full autonomy and effectiveness (Art. 1, para. 7, Law 190/2012);
- implement the Plan for the Prevention of Corruption and Transparency and its updates and ensure that they are forwarded to the National Anti-Corruption Authority;
- implement all the general policy acts, which are directly or indirectly aimed at the prevention of corruption;
- receive, on an annual basis, the Reports of the RTPC;
- take appropriate action following the reports received by the RTPC;
- participate in the corruption risk management process;



- comply with the measures of the Plan for the Prevention of Corruption and Transparency;
- receive RTPC reports on any failure to implement prevention and transparency measures.

In full compliance with the aforementioned provisions, the CONI National Council (NC) as the governing body of the institution shall:

- appoint the Officer Responsible for Transparency and for the Prevention of Corruption of CONI;
- appoint the Independent Assessment Office (IAO);
- approve the TYPCT within the legal deadlines;
- receive the Annual Report from the RTPC.

The NC approved the final version of the TYPCT by agreeing on its contents and objectives.

The President of CONI:

- shall approve the Three-Year Plan for the Prevention of Corruption, if no meetings of the relevant bodies are scheduled within the legal deadlines. If so, the said Plan is ratified at the first available meeting of the National Council;
- may be delegated to make changes to the TYPCT during the year, notifying that fact at the first available NC meeting.

The Secretary General of CONI:

- shall receive reports from the RTPC about any failure to support or collaborate, or about any failure or delay in complying with the measures or advertising obligations and conflicts of interest;
- shall notify the Personnel Office on any failure to support and collaborate with RTPCs for implementing the most appropriate possible actions and/or disciplinary proceedings;
- shall take necessary and appropriate actions if conflicts of interest are reported by the RTPC.

4.2. The Officer Responsible for Transparency and for the Prevention of Corruption

The RTPC is solely responsible for drafting and proposing the TYPCT to the governing body.

ANAC must receive any information on the appointment of the RTPC through the use of the RTPC platform.



The person appointed as the RTPC must meet the following objective requirements:

- Reliance on and autonomy from the governing body;
- impartiality of judgment;
- professionalism and integrity of the appointed person.

Based on the regulations, and taking into account the resignation of the previous RTPC, on 18 January 2022, the governing body appointed a lawyer named Francesca Macioce as the Officer Responsible for Transparency and for the Prevention of Corruption.

The appointment act of the RTPC is published in the "Transparent Administration" section of the institution's website.

The RTPC's term equals the four Olympic years and the office can be extended for a maximum of three terms, even automatically.

Please note that if any of the requirements underlying RTPC are not met during said term, the governing body shall remove them from office and replace them. Specifically, termination of office may occur for just cause, unexpected impediment or in case failure to meet the requirements of impartiality, autonomy, independence and integrity.

The RTPC may resign from the office at any time and shall notify the Governing Body of the decision in written form, together with the reasons behind it.

The RTPC shall be granted supervisory authority over the effective implementation of the measures, as well as power to propose additions and amendments, as deemed most appropriate.

The RTPC is independent and autonomous and shall report directly to the NC of CONI. To this purpose, the RTPC carries out the tasks provided for in the current regulations and, in detail:

- shall propose to the governing body the Three-Year Plan for the Prevention of Corruption and Transparency and its updates;
- shall draw up and forward to the aforementioned body the annual report on how effective the measures implemented and set out in the Plan are, overseeing their publication in the "Transparent Administration" section of the institutional website;



- shall establish the appropriate procedures to select and train employees who work in areas particularly exposed to corruption risks and shall determine those employees who should undergo training and/or updating;
- shall check the effective implementation of the Plan and its suitability;
- if significant violations of the requirements are detected and/or when changes occur in the organization or work, the RTPC shall propose amendments to the Plan, including while it is in force;
- shall check compliance with information requirements;
- shall report to the Governing Body on the work carried out whenever requested;
- shall oversee any potential job rotation in the offices whose work is exposed to a greater risk of corruption offenses;
- shall check compliance with the provisions on the incompatibility of offices under Legislative Decree No. 39/2013;
- shall supervise the dissemination of the Code of Conduct within CONI and its implementation;
- shall supervise and ensure the regular implementation of the institution of the right of access;
- shall carry out supervisory activities on compliance with the publication requirements provided for by the regulations in force on a regular (as well as "event-based") basis;
- shall report any potentially relevant facts from a disciplinary point of view, in order to start disciplinary proceedings;
- in case of any possible crime in the exercise of their duties, they must file a complaint with the Public Prosecutor's Office or a Judicial Police officer, according to the procedures provided for by Law (art. 331 of the Italian Code of Criminal Procedure), in addition to promptly notifying ANAC.

In order to carry out their duties, CONI's RTPC has unrestricted access to all information relevant for investigation, analysis and supervision activities and may also request information, which is relevant to their activities, from any department which is required to respond.

When necessary or appropriate, the RTPC may take advice from other internal departments, in order to have the highest level of specific professionalism and continuity of action, as well as the highest level of dedicated and technically trained resources available.



The RTPC's budget allocation shall be appropriate for the regular and smooth performance of its functions and the implementation of the Plan's objectives.

All parties involved in the system of preventing corruption are required to provide the necessary cooperation to the RTPC by supplying the information required for their duties both in the phase of drafting/updating the TYPPCT and in the later phases of checking and supervising the implementation of its measures.

The RTPC, as well as those parties employed by them, at any time, are required to comply with the obligation of confidentiality on all information they have come to know in the exercise of their duties.

In any case, all information is processed in accordance with the relevant legislation in force and, in particular, in accordance with Legislative Decree No. 101 of 10 August 2018 "Adaptation to EU Regulation 2016/679 for the protection of personal data".

The RTPC must report anomalies and cases of failure to support and cooperate to the Secretary General of CONI and the Independent Assessment Office (IAO), who will inform the Personnel Office.

RTPC's duties cannot be delegated, except in cases of justified and extraordinary necessity, which can be ascribed to unusual situations. If criminal proceedings have been started against the RTPC, the obligation to rotate and the consequent removal from office for corrupt behavior shall continue to apply. In such cases, as well as in the case of a dispute for terminating the employment contract of the appointed RTPC executive, the regulations set forth in Article 15 of Legislative Decree 39/2013 shall apply, providing for the notification of the dispute to the ANAC so that it can issue an appeal for reconsideration.

With regard to RTPC's responsibilities, the amendments of Legislative Decree 97/2016 specify that in the case of repeated violations of the TYPPCT, the RTPC's shall be taken accountable on a disciplinary level for failure to carry out checks, unless the RTPC proves that they have notified the offices on the measures to be taken, the related procedures and ensured compliance with the Plan.

On the part of the RTPC, as provided for in Art. 1, para. 12, of Law 190/2012, the disciplinary liability for fiscal damage and damage to the image of the public administration shall remain unchanged in case of a crime of corruption within the administration, unless the RTPC proves that:



- before the act occurred, the TYPCT has been prepared and the requirements of Law 190/2012 about their duties have been complied with;
- the operation of and compliance with the TYPCT have been supervised.

The RTPC of CONI, represented by Ms. Francesca Macioce, prepared the TYPCT following the verification of the effectiveness of the previous TYPCT, thus reaffirming the main contents of the previous Plan and making the needed changes.

4.3. Independent assessment bodies

The National Council implements the planning and control tools for better scheduling CONI's policies and directions, taking into account the four-year Olympic period and differentiating between the political body's political-administrative function and the structure's financial and technical-administrative management function.

Therefore, by resolution of CONI National Council No. 29 of 23.02.2021, due to their expressed interest, the President and 2 members of the independent assessment body of CONI were appointed.

The purpose, content and management of the planning and control tools may also be set annually, including changes to the four-year planning according to evolving needs and the framework of CONI's activities.

4.4. Officer Responsible for the Single Contracting Station Registry (Responsabile dell'Anagrafe unica della Stazione Appaltante - RASA)

As pointed out by ANAC, in order to ensure the effective entry of data into the AUSA (Single Contracting Station Registry), the institution shall appoint a person in charge of data entry and updating, whose selection is still in progress.

4.5. Personnel

Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021, lastly, amended by Article 1, paragraphs 917 et seq. of Law No. 234 of 30 December 2021 (Budget Law 2022), provided that, in order to ensure that CONI is a fully operational, autonomous and independent member of the International Olympic Committee, and in order for CONI to carry out the tasks related to its own



operational and institutional activities, it shall have its own staff in the amount of 165 personnel units, 10 of which are non-general management personnel.

In order to achieve full organizational autonomy, the following employment contracts of Sport e Salute S.p.A. were transferred to CONI:

- a) permanent managerial and non-managerial personnel already employed by CONI as of 2 June 2002, who, as of 30 January 2021, were working at CONI under mandatory outsourcing and secondment pursuant to Article 1, para. 5. of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;
- b) permanent managerial and non-managerial personnel who, as of 30 January 2021, were working at CONI under mandatory outsourcing and secondment pursuant to Article 1, para 5. of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;
- c) managerial and non-managerial permanent staff designated by the company, upon agreement with CONI, within twenty days from Conversion Law No. 43/2021 coming into force, who should be selected among the staff employed by CONI under the service contract as of 30 January 2021.

In addition, in accordance with the procedures provided for in the current civil service regulations, for vacancies resulting from the transfer of contracts, CONI is also authorized to permanently employ managerial and non-managerial staff units until completion of the staff resources as established by law.

By resolution No. 96 of 1 April 2022, the National Council of CONI approved the "Regulations of the Offices and Services of CONI", by which the organizational structure of the institution is outlined.

In order to ensure a high-quality TYPCT and related measures, it is crucial to engage (also by actively participating in the process of organizational analysis and process mapping) all staff in service (including any temporary employees or external parties).

In this regard, it is worth mentioning that Article 8 of Presidential Decree 62/2013 sets forth the duty for employees to cooperate with the RTPC and comply with TYPCT requirements. As a matter of fact, when employees violate the prevention measures set forth in the Plan, this shall amount to a disciplinary offense (Law 190/2012, Art. 1, para. 14).



Therefore, all staff, regardless of qualification, and external parties involved:

- shall participate in the risk management process;
- shall comply with the measures outlined in the Plan and related documents (e.g., Code of Conduct, Procedures, Regulations, etc.), thus avoiding any behavior, including omissions, that may prevent or hinder the Plan from being implemented and the controls on its enforcement by the RTPC to be carried out successfully;
- must report any possible offense to the person in charge of disciplinary proceedings, pursuant to Article 55-a, paragraph 1, Legislative Decree No. 165/2001 (Article 54-a, Legislative Decree No. 165/2001);
- must report any cases of personal conflict of interest (Art. 6-a, Law No. 241/1990);
- are subject to disciplinary proceedings, if applicable, or other measures depending on the position they hold, if they violate the prevention measures set forth in the Plan.

4.6. DPO - Data protection officer (DPO)

Pursuant to the provisions set forth in Regulation (EU) 2016/679 and Legislative Decree No. 196/2003, as supplemented by Legislative Decree No. 101/2018, CONI has appointed its own Data Protection Officer and made public the fact.

According to the position entrusted to the DPO by the relevant legislation and given what the Privacy Guarantor and ANAC also stated about the separation of the RTPC and DPO' roles (see Resolution No. 1074 of 21 November 2018 "*Final approval of the 2018 Update to the National Anti-Corruption Plan*"), the Data Protection Officer shall provide support to the data controller on issues that impact transparency, data publication and access requests.

5. IMPLEMENTATION OF THE TYPCT 2022-2024

Given that no different or additional risk levels have been recorded with respect to the previous TYPCT, this document reflects the results of the previous RTPC's monitoring and controlling activities within the institution.

The Plan furthermore incorporates the new qualitative risk management methodological approach, employing information and assessments as risk level indicators, in accordance with the provisions of the 2019 PNA. This act was drafted following a detailed analysis of its organization, rules and



operating, in order to identify the areas at risk and the prevention measures to be implemented in relation to the level of specific risk, and as to define the methods for the application of each prevention measure.

Specifically, the Plan was drafted by the RTPC based on:

- the actual check of the activities carried out by CONI over the previous years;
- constant control and monitoring activities;
- the effectiveness of the previous Plan's prevention measures;
- the organizational changes that have taken place.

The drafting process of this update was then organized into a four-stage work plan, in which the institution's governing body and staff were involved and coordinated by the RTPC.

Because of all the organizational changes that have taken place at CONI in the last period, such a process was quite complex.

The four steps mentioned above are outlined below.

5.1. Planning

The subjects involved in the TYPCT drafting process were selected during the planning phase. Those involved were identified according to their tasks and the specifics of the organizational structure.

The TYPCT has been prepared following a check of the institution's activities, outlined on the latest changes, and of the way processes were carried out, as well as after testing the process of assessing risks and corruption, including potentially related risks.

More specifically, the plan's preparation was based on analysis of current documentation, interviews with stakeholders, and check of current practices, in accordance with current regulations.

At first, the analysis of the external and internal context was carried out, as highlighted in Section 6, to which reference is made.

In compliance with Law No. 190 of 2012 and the PNA, following the analysis of the internal context, the areas, and related processes that were identified as sensitive by Article 1, paragraph 16 of Law No. 190 of 2012 have been mapped and adjusted to suit CONI' specific activities.



Before the risk analysis was carried out, according to current legislation, internal procedures and regulations, the processes involved in the activities for all areas detected to be at risk were outlined. For further details, please refer to Section 6 "Methodology and Risk Management" as well as Annex 1 of this document.

5.2. Analysis of corruption risks in those areas under the Institution's responsibility

With regard to this phase, please refer to Sec. 6 "Methodology and Risk Management", as well as Annex 1 of this document.

5.3. Design of the Risk treatment system

With regard to this phase, please refer to Sec. 6 "Methodology and Risk Management", as well as Annex 1 of this document.

5.4. Drafting of the Three-year Plan for the Prevention of Corruption and Transparency 2022-2024

The fourth phase of the project consisted in the TYPCT drafting.

This Plan was implemented by the NC by resolution of 27 April 2022. The Plan is to be published in the "Transparent Administration" section of the Institution's website.

Any amendments shall undergo the same publication process on the institutional website and later disclosure to the Governing Body.

6. METHODOLOGY AND RISK MANAGEMENT

According to ANAC's guidelines, the corruption risk management process must be conceived and implemented with its main purposes in mind: namely, promoting impartiality of successful administrative decisions and activities through sustainable organizational measures and preventing corruption episodes. Process mapping, analysis and risk assessment allow to nurture and improve the decision-making process in view of the constantly updating available information, by enhancing the administration's level of knowledge.

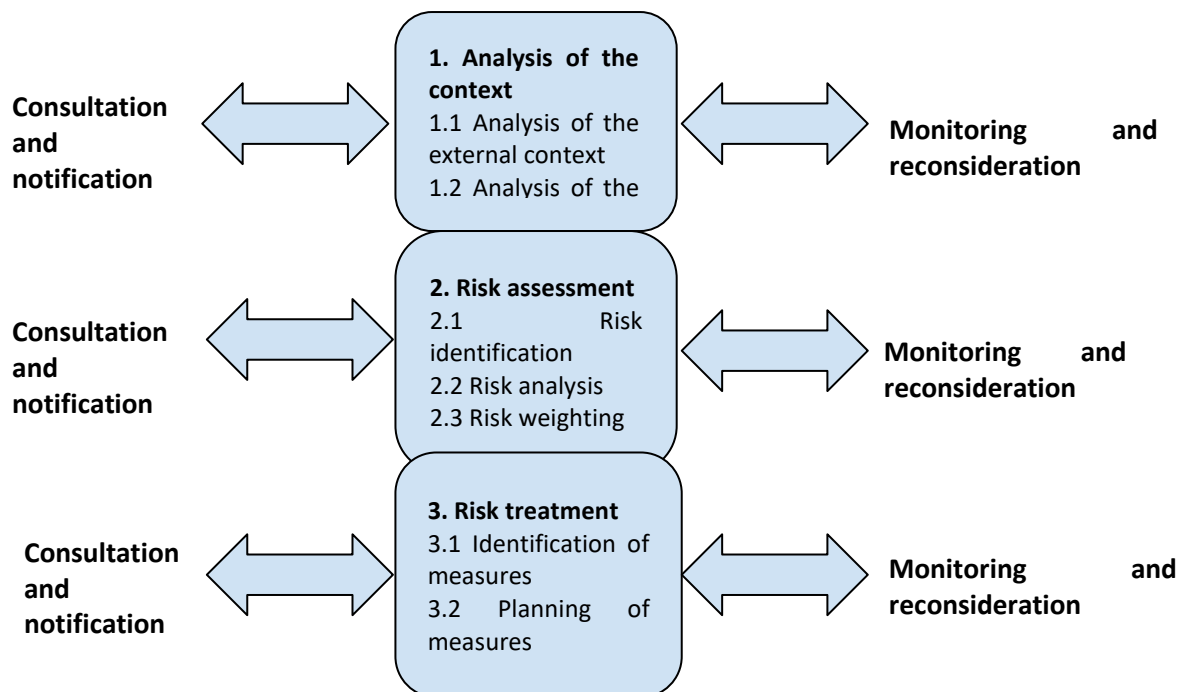
Given this, for risk management the RTPC took into account CONI's traits and applied the principles of proportionality, efficiency and effectiveness, while considering the dimension of the institution, its



internal organization, and that its management and administration fall to both the political-administrative body (NC) and to the employees engaged in administrative and management activities. The RTPC also took into account other potential factors that, with reference to a specific case, may affect the structure and objectives of the Plan itself, in accordance with current regulations.

In its risk management activities, CONI has implemented the indications provided by ANAC in the 2019 PNA with particular reference to Annex 1, which, as stressed by CONI, becomes the only methodological document to be followed in the TYPCT drafting.

The corruption risk management process, as outlined by ANAC in the aforementioned 2019 PNA's Annex 1, is broken down into 3 phases, all of which are summarized in the chart below:



As previously mentioned, these activities are carried out in accordance with 2019 PNA's Annex 1 and in compliance with the principle of compatibility set forth in Article 2-a, paragraph 2, of Legislative Decree No. 33/2013 and Article 1, paragraph 2-a, Law No. 190/2012, as amended by Legislative Decree No. 97/2016.



The different stages will be analysed below.

6.1. Analysis of the context

6.1.1. Analysis of the external context

Through the analysis of the external context, it is possible to highlight the potential correlations between the characteristics of the institution's environment and the corruption cases within it.

The key factors of this verification process are the area of reference and any relationships between the institution and external stakeholders that may affect its activities.

The analysis shall be carried out based on the following factors/events:

- sports and socio-cultural (e.g., large event organizations);
- legal, economic and political (e.g., lobbying activities);
- industrial and technological (e.g., the use of new data transmission technologies).

The most relevant categories in terms of impact and probability of occurrence are considered to be related to sports and socio-cultural factors/events, as well as legal, economic and political factors/events.

As for the first group of factors, due to the fact that they are unusual and their implementation would require a tight and imperative timeframe, they may result in a risk to deviate from procedures and rules to achieve specific results, thus limiting the effectiveness of current control systems.

In other words, the resulting pressure could create an environment in which the outcome is prioritized, and violating the current procedures or deviating from them is justified. It is well known how such issues have historically occurred both in the event bidding phase and during the organization of sporting events.

This is an inherent risk that could have a significant impact in terms of economic and reputational damage, and the probability for it to happen may also be assessed as high due to the event-related pressures.

In any case, these events rarely occur.



Corruption in Italy has always been a critical element for the real socioeconomic development of the Country. For this reason, ANAC is working on an ambitious project about *"Measuring the risk of corruption at a territorial level and promoting transparency"* financed by the *"Governance and Institutional Capacity 2014-2020"* National Operational Program. The latter would create a structured model based on a set of scientific indicators to determine how high the risk of corruption is and whether corruption episodes are likely to occur. Studies by ANAC have indeed found that although Italy currently lacks a scientific data collection system of corruption cases and there isn't enough systematically surveyed information on the territory, there are some recurring situations. For this reason, according to the National Recovery and Resilience Plan (NRRP) for successfully improving the fight against corruption, the research activity's ultimate goal is to identify a set of "corruption risk indicators" using information from various databases. According to the Institution's report, such a system would operate *"through a so-called 'red flag system' in which lights turn on when a number of anomalies are detected (somewhat like dashboard warning lights on a car or antivirus detection software)"*.

As reported by CONI, as of January 2022, no less than 71 indicators for measuring and combating corruption have been identified and divided into 3 distinct thematic areas:

1. Context indicators (49 indicators) broken down into 4 areas: Crime, Education, Economy and Territory, nominal capital;
2. Indicators on Procurement (17 indicators) centred on ANAC's BDNCP (National Data Bank on Public Procurement Contracts)
3. "Municipal" indicators related to municipalities above 15,000 inhabitants (5 indicators).

In addition, a web area on the institution's website dedicated to the Corruption Measurement Project is being set up, in which indicators and additional data and information relevant to the monitoring and prevention of corruption cases will be made available and searchable interactively.

In order to carry out the project *"Measurement of corruption risk at the territorial level and promotion of transparency"*, the recent signing, on 18 February 2022, of a memorandum of understanding between ANAC and Italian Currency Police (Guardia di Finanza) is also worth mentioning. This *"has adequate tools for measuring corrupt cases at a territorial level as a goal, while also aiming at quantifying indicators of corruption risk and counteracting on an analytical basis, specifically for each*



administration, enhancing and regularly updating synthetic indicators on a territorial basis and, lastly, developing a reference methodology in the European context for measuring corruption risk".

As reflected in this document³, the Parties will cooperate through the following means:

- a) information exchange and data transfer aimed at implementing the system of those indicators provided for the implementation of the Project, while respecting the secrecy of criminal investigations and the confidentiality of accounting investigations, domestic and Union law on data processing as well as any relevant internal guidelines;
- b) building a set of territorial indicators on risk and combating corruption;
- c) promoting and arranging educational meetings, conferences and seminars as well as studies and research projects in the areas of cooperation.

In this context, the statistical data recorded by the Transparency International Italia Association (hereafter TI-It) is given prominence. TI-it has signed a memorandum of understanding with the National Anti-Corruption Authority aimed at consolidating a cooperative relationship that will promote initiatives on transparency, integrity and the fight against corruption.

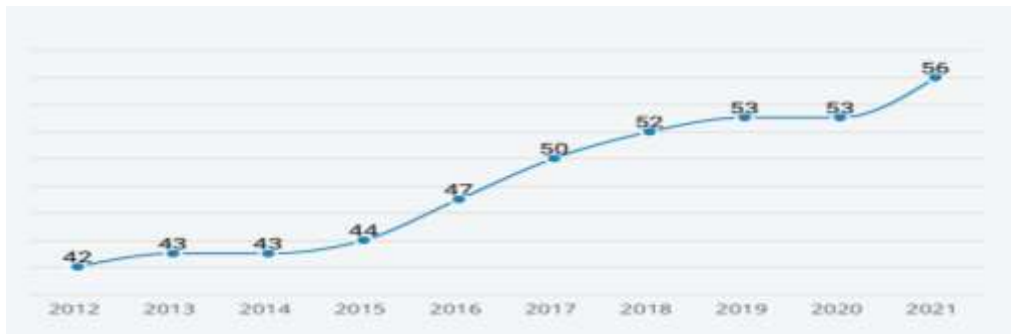
This survey, which was carried out with a dynamic and ever-updating methodology, aims at graphically ranking from 0 to 100 a number of countries around the world based on their level of perceived corruption in the public sector and politics, on a scale in which the higher score equals a lower perception of corruption. In the latest edition⁴ Italy' score increased from 53 to 56 points, thus meaning that Italy dropped from 51st to 42nd place. This confirms the country's slow but steady path of improvement in which, from the approval of Law No. 190 of 2012 and the creation of the Anti-Corruption Authority in 2015 to date, Italy advanced by as much as 14 points, giving hope for the success of the program to combat the spread of corruption.

³<https://www.gdf.gov.it/amministrazione-trasparente/provvedimenti/provvedimenti-dirigenti/documenti/protocollo-dintesa-tra-la-guardia-di-finanza-e.pdf>

⁴ Cfr. <https://www.transparency.it/indice-percezione-corruzione>



TREND: ITALY GAINED 14 POINTS FROM 2012 TO DATE



Additional data presented by ANAC at the Foreign Press Headquarters on 17 October 2019, called "Corruption in Italy 2016-2019. Numbers, places and counterparts of crime" can be found in the Report. Thanks to the information collected, the Authority has been able to draw up a detailed - though not scientific or comprehensive - picture of corrupt events in terms of geographic location, counterparts, institutions, sectors and individuals involved.

Such data have already been highlighted in the previous PTPCT, to which reference is made. It is also expected to be updated in order to perform a more complete and detailed analysis.

Recent developments on countering corruption at the international level.

Like in the private sector, corruption scandals have also affected the field of sports: from what happened in the 2002 Winter Olympics in Salt Lake City, when the International Olympic Committee implemented its own Code of Ethics and Corruption Risk Protection, up to the recent scandals involving FIFA.

Several international-level initiatives have been launched following these phenomena in the sports world, including IPACS (International Partnership against Corruption in Sport), in which both countries and international organizations such as OECD, Council of Europe, and IOC (CONI is the only Olympic Committee participating) participate, aiming to identify anti-corruption and integrity standards. This is a multilateral platform with the aim of "*bringing together different international, governmental, intergovernmental sports organizations and other relevant stakeholders, to strengthen and support the fight against corruption, while promoting the culture of good governance in the sport sphere*", as it was outlined in the first working group meeting in June 2017. In 2017 IPACS also created three task forces to help combat corruption in sports, targeting the following priority areas:



- reducing the risk of corruption in the procurement of sports events and infrastructure;
- ensuring integrity when selecting major sporting events, prioritizing conflict of interest management;
- optimizing compliance with good governance principles to mitigate the risk of corruption.

Each multi-stakeholder task force has been developing specific initiatives such as checklists and pilot projects that are discussed at IPACS annual meetings and attended by representatives from several states, International Sports Organizations and experts from around the world.

The UNCAC Resolution 7/8 "Corruption in Sport", which was strongly advocated by the Anti-Corruption Coordination of the Ministry of Foreign Affairs and International Cooperation, was finally approved in November 2017. The Resolution sets out appropriate measures to combat corruption, giving particular emphasis to the organization of major events, mainly the international ones (e.g., the Olympic Games). In the preamble, the Resolution highlights both the important role played by UNCAC in aligning government actions in the fight against corruption as well as corruption's negative consequences in the world of sports since it undermines its importance within society. Given its multi-stakeholder approach, the role of civil society, media, academia and the private sector is emphasized. However, as for its operational part, much relevance is given to a strong domestic legislative apparatus together with law enforcement procedures in coordination and exchange of information. States are encouraged to develop confidential reporting systems along with whistleblower and witness protection programs. Lastly, parties are encouraged to promote ethical practices, strengthen internal reporting mechanisms, and cooperate in investigating corrupt phenomena even more broadly.

On 12 December 2018, the Council of Europe implemented recommendations calling on European governments to take measures to improve the fight against corruption in sport (Recommendation CM/Ree 2018-12 of the Committee of Ministers to member states on the promotion of good governance in sport).

CONI is strongly committed to anti-match-fixing policies and, as part of the EU's Erasmus + program, participated in the AMATI- Anti Match-Fixing Top Training 2017-2019 project, which advocated for specialized training to improve sports bodies' capacity and promote qualified media involvement in combating match-fixing and criminal organizations' influence in the world of sports. This project



involved major international players, primarily CONI, ESSA (European Social Simulation Association), EASG (European Association for the Study of Gambling, for the world of betting operators). The project proposal significantly tackled the transnational threat to the integrity of sport, particularly match-fixing, because it put forward specific measures to seek policy effectiveness through emerging good practices in Italy. The final project conference was held at the CONI Hall of Honour on 8 October 2019. During the conference, the AMATI Multilevel Teaching Tool and the Guidelines for Anti Match-Fixing Policies Optimization were also presented.

On this topic, CONI and the Customs and Monopolies Agency signed two important memoranda of understanding on 8 October 2020. The first one is designed to counter match fixing through rapid and factual information transfer when abnormal flows of bets are detected. It aims to ensure fairness and transparency on the collection of bets and regularity in sports competitions. The second one is intended to provide the most appropriate information and to facilitate all the requirements to bring in the Union the equipment needed to host international events in Italy.

The initiatives sponsored by the G20, at meetings of the Anti-Corruption Working Group (ACWG), where the issue of corruption prevention in sports organizations is explored in depth, are also worth mentioning.

Lastly, from 16 to 20 December 2019, the Eighth Conference of States Parties (CoSP) of the United Nations Conference Against Corruption (UNCAC) was held in Abu Dhabi: this biannual event is meant to assess and guide the implementation of the Convention, which is a globally binding instrument aimed at preventing and combating corruption. Italy supported the resolution put forward by Russia on protecting sports from corruption, for recognizing the infiltration of organized crime in the world of sports and for a call to strengthen cooperation between sports federations and authorities, notwithstanding the principle of autonomy of sports. In addition, Italy has presented the resolution on the measurement of corruption in which the importance of developing an international statistical framework based on scientific methodologies and reliable data sources, such as directly-gathered data, official judicial statistics and indicators of risk and vulnerability, is stressed. The purpose of this is to overcome the effects of perceptual indices, which could increase the public perception of corruption not because of its actual size, but because of how notoriously effective the law enforcement work of relevant authorities is.



In the sport sector, in September 2020, the United Nations Office for Drug Control and Crime Prevention (UNODC) and FIFA signed a Memorandum of Understanding in order to strengthen their cooperation in addressing crime threats to sport. The agreement seeks to leverage the two organizations' diverse strengths to ensure a positive impact on the global fight against corruption and crime within and through sport, and to boost football's positive influence on the world's youth by strengthening their resilience to violence and crime and promoting fair play, teamwork, non-discrimination, tolerance and respect.

At the 21-22 November 2020 G20 summit hosted by Saudi Arabia and which was held online because of the COVID-19 pandemic, leaders of the participating countries reaffirmed their commitment to promote global anti-corruption efforts and launched the "COVID-19 Call to Action Statement" call, which outlines the key goals and priorities of the G20 countries in their anti-corruption response to the crisis.

The summit presented global achievements in the fight against corruption, based on the High-Level Principles that were adopted at the 2017 G20 Summit in Hamburg, and unveiled the initiative to create a global anti-corruption network that would facilitate efforts and international cooperation among countries' anti-corruption law enforcement authorities.

From December 2020, until November 2021, Italy took over the presidency of the G20 and had particular responsibility for the Anti-Corruption Working Group in order to provide a high-profile contribution to the preparation and implementation of the first UN Special Session on Corruption scheduled for 2021.

Recent international and national studies on fraud and corruption

The legal definition of fraud⁵ may vary according to each jurisdiction. In Italy, besides the offense of corruption there are multiple crimes related to fraud.

⁵ Examples include, but are not limited to:

Fraud (art. 640 c.p.)

Computer fraud (art. 640 ter c.p.)

Fraudulent insolvency (art. 641 c.p.)

Insurance fraud (art. 642, Criminal Code)

Accounting fraud (Articles 2621- 2621-a- 2621-ter- 2622 c.c.)

Embezzlement (art. 646 c.p.)

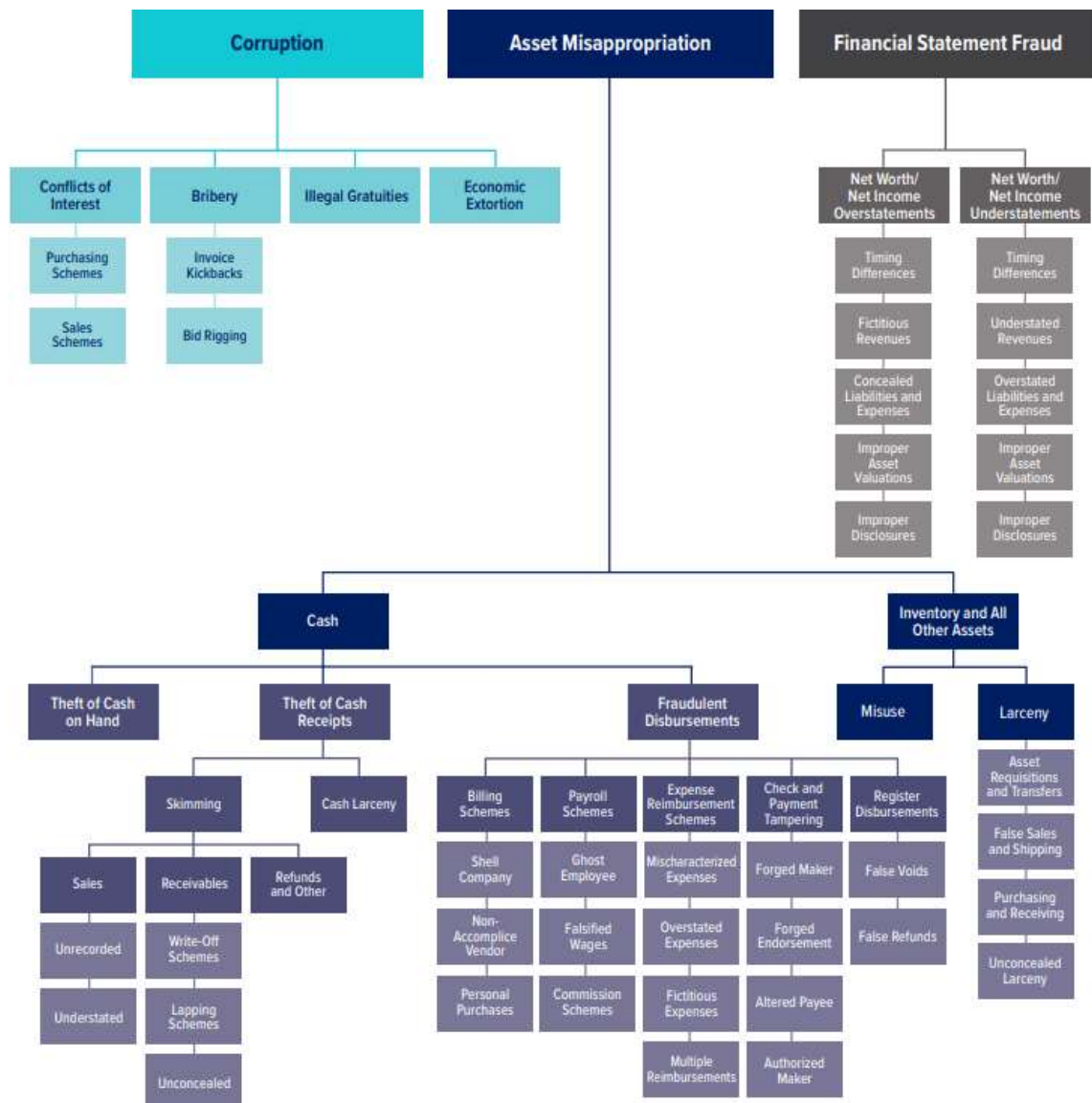
Fraud in the exercise of trade (art. 515 c.p.)

Fraud in public supply (art. 356 c.p.)



Internationally, a definition regardless of individual national legal contexts has been given by the ACFE (Association of Certified Fraud Examiners) and the AICPA (American Institute of Certified Public Accountants) and is as follows: "Any intentional act or omission designed to deceive others, resulting in the victim suffering a loss and/or the perpetrator achieving a gain".

ACFE has also developed a so-called "Fraud Tree" strategy which is a system to classify the different types of fraud. In this, corruption is one of the three main categories, along with embezzlement of corporate assets and fraud related to financial reporting. The corruption "branch" is then broken down into "conflict of interest", "bribes", "gifts and gratuities" and "extortion".



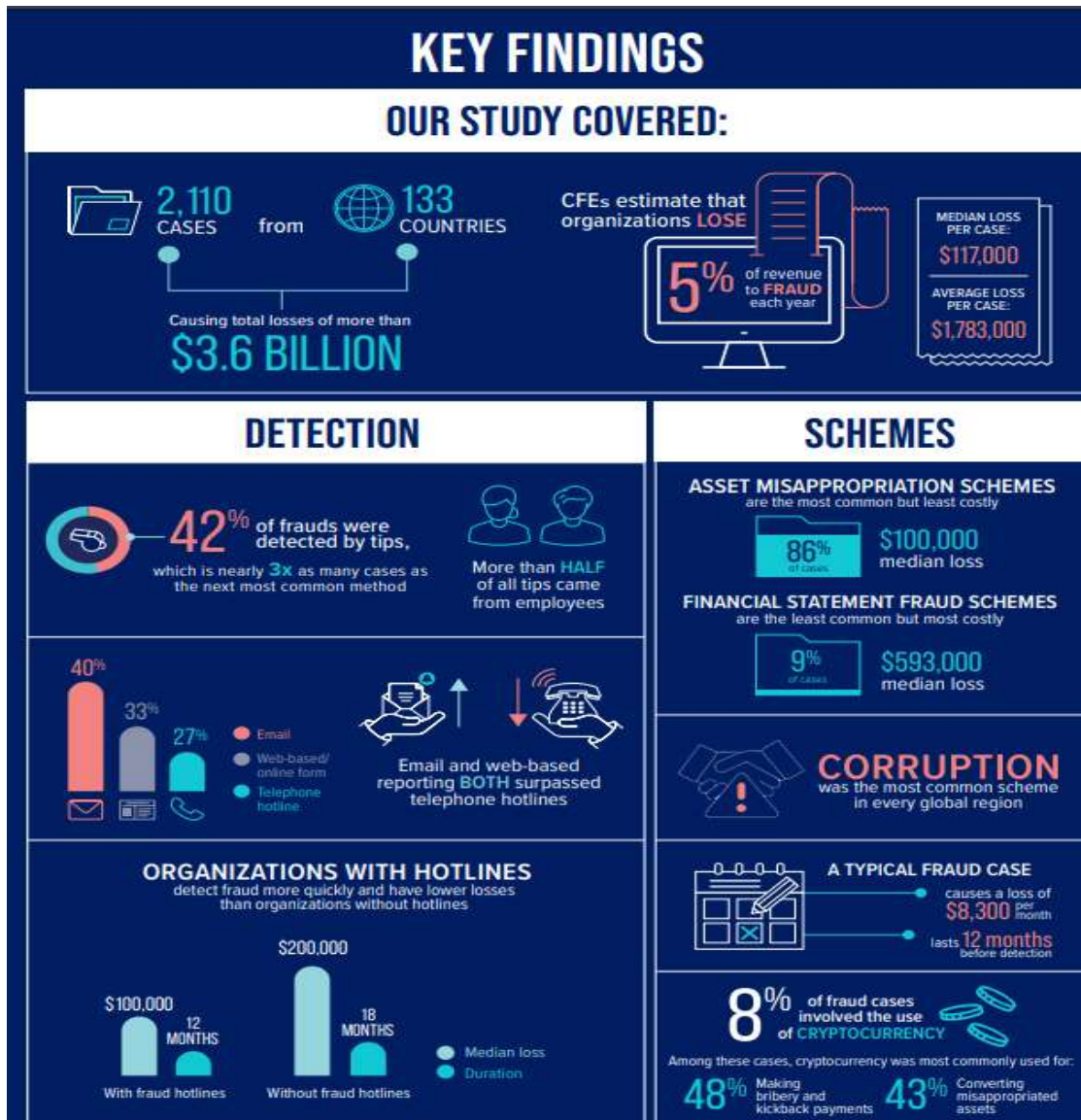


Source: ACFE "Report to Nations 2022"

Finally, every two years ACFE produces the "Report to Nations" in which there is data on global corporate fraud cases.

The latest report was published in 2022 and is based on the "ACFE 2021 Global Fraud Survey" findings: 2,110 cases of fraud that occurred between January 2020 and September 2021 in 133 countries (divided into 8 regions) for an estimated loss of more than 3.6 billion USD, have been collected on such databases.

As for the "Western Europe" region, 145 cases were analysed (including 17 cases in Italy) with an estimated average loss of 173 thousand USD.



Source: ACFE "Report to Nations 2022"

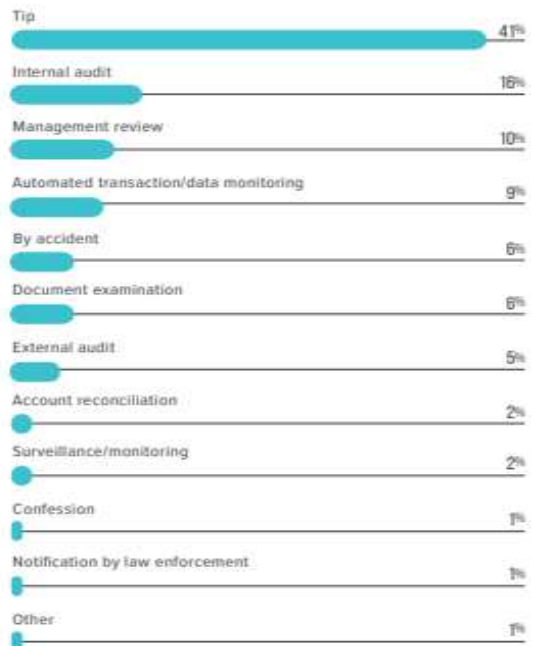
The study found that in "Western Europe", similar to what has been happening globally, the major detected fraud was once again bribery followed, this time, by "noncash" theft (e.g., theft of inventories, theft of confidential information, etc.) and the "billing scheme" (fraudulent payments, e.g., an employee charges the company for personal purchases).



FIG. 89 WHAT ARE THE MOST COMMON OCCUPATIONAL FRAUD SCHEMES IN WESTERN EUROPE?



FIG. 90 HOW IS OCCUPATIONAL FRAUD INITIALLY DETECTED IN WESTERN EUROPE?



Department*	Number of cases	Percent of cases	Median loss
Operations	273	15%	\$74,000
Accounting	230	12%	\$155,000
Executive/upper management	206	11%	\$500,000
Sales	203	11%	\$100,000
Customer service	140	8%	\$40,000
Purchasing	131	7%	\$129,000
Administrative support	131	7%	\$90,000
Finance	95	5%	\$160,000

Department*	Number of cases	Percent of cases	Median loss
Board of directors	58	3%	\$500,000
Information technology	53	3%	\$150,000
Warehousing/inventory	58	3%	\$116,000
Manufacturing and production	63	3%	\$100,000
Facilities and maintenance	49	3%	\$58,000
Marketing/public relations	35	2%	\$112,000
Human resources	29	2%	\$100,000
Research and development	17	1%	\$75,000

*Departments with fewer than 10 cases were omitted.

Source: ACFE "Report to Nations 2022"

As also shown in the 2020 report, the top three departments in terms of frequency of "fraud" events are accounting, production and sales, which together account for 38 percent of the total fraud cases.

On the subject of "economic damage", the greatest damage is done by Executive and Upper Management: the latter, along with the Board of Directors, caused a median damage of \$500,000.

The report shows that the majority of cases (41 percent) in "Western Europe" were detected through "tips" (e.g., reporting by whistleblower). In this regard, it is noted that in order for companies to reduce economic losses caused by fraud, it is crucial to implement a whistleblowing platform that allows anyone to make reports on whatever potentially fraudulent conduct.



Finally, the ACFE study shows that in the context of executive and/or managerial positions, on average men cause greater economic damage than women: the incidence rate of median economic damage caused by men has risen, while the incidence rate of median economic damage caused by women has fallen.



Source: ACFE "Report to Nations 2022"

Besides the statistical data on crimes in Italy, CONI is fully aware that corruption is not exclusively referable to the violation of the Penal Code but should rather be considered in its broader definition involving "mala gestio", mismanagement and bad governance. Therefore, CONI intends to take all necessary measures to prevent any possible mismanagement when performing its tasks.

Transparency is clearly one of the most effective antidotes to fight corruption and illegality, since, wherever there is opacity and confidentiality, it is easy for illegal conduct to creep in.

With this in mind, CONI intends to act with the utmost transparency, including through the stern regulation and proceduralisation of its work, and to take all necessary measures to prevent any possible mismanagement when performing its tasks.

6.1.2. Analysis of the internal context

The analysis of the internal context deals with organization and management related aspects according to processes that could influence the rise of corruptive risks. This is necessary in order to



put the prevention system into context and make it appropriate and adequate for pursuing its objectives.

CONI was established in 1914 thanks to the common desire of the representatives of the pre-existing sports federations and organizations to create a permanent private institution.

According to Article 1, Paragraph 2 of the Statute, CONI is a disciplinary, regulatory and management institution for sports activities, which are regarded as an essential element of the physical and moral development of individuals and as an integral part of national education and culture.

CONI's mission entails:

- defining the fundamental principles of sports activities also to ensure social and cultural integration, opposing any form of exclusion, inequality, discrimination and violence;
- promoting the maximum spread of sports practice in every age group;
- promoting national teams' competitiveness and the safeguarding of the national sports heritage, while also providing the Italian delegation with the means to participate in the Olympic Games;
- protecting athletes' health, while preventing and suppressing the use of substances or methods that alter the natural physical performance of athletes in competitive sports activities.

Then, with Law No. 426 of 16 February 1942, CONI became part of the state legal system, holding the powers and prerogatives of a legal institution under public law.

The legislative structure of the sports system, which was set in 1942, has been radically modified by several reforms launched in 1993 that were part of a broader framework, with Legislative Decree. 29/1993. These were aimed at encouraging public bodies to become more efficient and cost-effective: special reference is made to Legislative Decree No. 242 of 23 July 1999, which was later amended and supplemented by Legislative Decree No. 15 of 8 January 2004 (the so-called "Melandri Law"), whose object was the reorganization of CONI.



As a result of Melandri Law, the institution was left entirely without employees, assets, offices and instrumental means, which were transferred *ex lege* to Coni Servizi S.p.A. (today Sport e Salute S.p.A.), a company wholly owned by the MEF. In addition, the President of the Company as well as the other members of the Board of Directors were designated by CONI and appointed by the MEF, acting as sole shareholder.

In order to carry out its tasks, CONI made effective use of CONI Servizi S.p.A. (today Sport e Salute S.p.A.), which was established by Article 8 of Decree-Law No. 138 of 8 July 2002, converted with amendments into Law No. 178 of 8 August 2002, and amended pursuant to Article 1, paragraph 629 et seq. of Law No. 145 of 30 December 2018 (Budget Law 2019).

Specifically, Coni Servizi S.p.A. carried out those activities that were instrumental to the implementation of CONI's tasks and:

- succeeded the Institution in all active and passive relationships, including financing relations with Credit Institutions;
- succeeded to the ownership of assets belonging to the CONI Public Institution and took charge of all personnel employed by CONI.

Therefore, every relationship, including the financial ones, were governed by a service contract amounting to a legal source of concrete obligations and fulfilments with regard to achieving the objectives entrusted to the Company. CONI was responsible for the recognition as well as for the allocation of funds to the sports bodies recognized by it (FSN, DSA, EPS, AB for about 277 million euros in 2018).

Specifically, Law No. 145 of 30 December 2018 (Budget Law 2019) recently provided that:

- the Board of Directors of Sport e Salute S.p.A. (formerly Coni Servizi S.p.A.) would have to be appointed by the relevant government institution in charge of sports, the Minister of Health and the Minister of Education, Universities and Research, in agreement with the Minister of Economy and Finance and pursuant to the sports policy of the relevant government institution in charge of sports;
- the top officials of the Institution and the Company would be different and incompatible with each other;



- CONI would designate its own deputy director on the Board of Directors of Sport e Salute so that they would be able to participate in meetings and decisions on the financing of sports bodies provided by the Company.

On the other hand, the law did not explicitly change the company's responsibilities, as they remained of service to the institution, except for the task of financing CONI-recognized sports organizations, nor did it change the scope of CONI's work, which is still defined by the Melandri Decree.

By establishing the government-controlled Sport e Salute S.p.A, the entire structure of CONI, which continued to have no staff of its own, also came under government control. Therefore, following the 2018 reform, the staff who previously worked for CONI (including the Secretary General), without actually being directed and addressed by a party outside the sports system and thus answering to CONI's hierarchical and functional control, had to report to the company's President and CEO, who in turn received direction from the supervising government institution.

Most recently, Decree-Law No. 5 of 29 January 2021, on "Urgent Measures on the Organization and Operation of the Italian National Olympic Committee (CONI)", converted by Law No. 43 of 24 March 2021, amended by Decree-Law No. 92 of 23 June 2021, and further amended by Art. 17-terdecies, of Decree-Law No. 80 of 9 June 2021, converted, with amendments, by Law No. 113 of 6 August 2021, and most recently amended by Article 1, paragraphs 917 et seq. of Law No. 234 of 30 December 2021 (Budget Law 2022), enshrined the full operational and organizational autonomy of CONI over Sport e Salute S.p.A. To be more specific, Decree-Law No. 5/2021 provided that, in order to ensure that CONI is a fully operational, autonomous and independent member of the International Olympic Committee, and in order for CONI to carry out the tasks related to its own operational and institutional activities, it shall have its own staff in the amount of 165 personnel units, 10 of which are non-general management personnel.

Therefore, in order to achieve the full organizational autonomy of CONI and its compliance with the standards of independence and autonomy set forth by the International Olympic Committee, within the limits of staffing resources established under current legislation, the following employment contracts shall be transferred to CONI:

- a) employment contracts of permanent managerial and non-managerial personnel of Sport e Salute S.p.A already employed by CONI as of 2 June 2002, who, as of 30 January 2021, were



working at CONI under mandatory outsourcing and secondment contracts pursuant to Article 1, para. 5. of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;

- b) permanent managerial and non-managerial personnel of Sport e Salute S.p.A who, as of 30 January 2021, were working at CONI under mandatory outsourcing and secondment contracts pursuant to Article 1, para 5. of Decree-Law No. 5 of 29 January 2021, converted by Law No. 43 of 24 March 2021;
- c) managerial and non-managerial permanent staff of Sport e Salute S.p.A designated by the company, upon agreement with CONI, within twenty days from the date of enactment of Conversion Law No. 43/2021, who should be selected among the staff employed by CONI under the service contract as of 30 January 2021.

In addition, in accordance with the procedures provided for in the current civil service regulations, for vacancies resulting from the transfer of contracts, CONI is also authorized to permanently employ managerial and non-managerial staff units until completion of the staff resources as established by law.

Following the repeated legislative action, a number of properties were transferred to CONI, in addition to the employees: the Villetta Parco Foro Italico real estate, the Olympic Preparation Centre facility in Formia, the Olympic Preparation Centre facility in Tirrenia and the Giulio Onesti Olympic Preparation Centre in Rome. Inside the latter, only the real estate units intended for the activities of the Sports School and the Sports Library shall still be owned by Sport e Salute S.p.A, as well as those additional areas that may be identified due to any service contract, ex art. 1, paragraph 6, Decree Law 5/2021 and subsequent amendments and additions.

Resulting from the aforementioned legislative interventions, CONI is now completely independent from the company Sport e Salute, with which it can still enter into special service contracts to carry out specific activities or services additional to those of CONI.

By Resolution No. 96 of 1 April 2022, the National Council of CONI approved the "Regulations of CONI's Offices and Services", which sets out the organizational structure of CONI and regulates the functional relationships between its members, in order to meet the criteria of autonomy, functionality, efficiency, effectiveness, and economy of management, depending on specific needs.



The regulations take into account that the Italian National Olympic Committee (CONI) public institution plays a specific role and has full organizational autonomy, as referred to in the Olympic Charter, in particular, in Article 27, paragraph 6, which stipulates that the National Olympic Committees must preserve their autonomy and independence, as also recognized by Decree-Law No. 5 of 29 January 2021, converted without amendments by Law No. 43, and by paragraphs 917 to 921 of Article 1 of Law No. 234 of 30 December 2021, as well as by Law No. 434 of 24 July 1985, on the "Ratification and Execution of the Treaty of Nairobi concerning the Protection of the Olympic Symbol, implemented in Nairobi on 26 September 1981 and signed by Italy in Geneva on 15 June 1983", and by the Collective Bargaining Agreements that apply to CONI staff and executives.

CONI's organizational chart was developed in compliance with the constraints provided by the regulatory framework, the CONI Statute and the Collective Bargaining Agreements currently applying to staff and executive management. Specifically:

- Decree-Law No. 5 of 29 January 2021, on "*Urgent measures on the organization and operation of the Italian National Olympic Committee (CONI)*" converted by Law No. 43 of 24 March 2021, as amended and supplemented, which, in particular, sets the CONI's staffing capacity at 165 personnel units, 10 of which are non-general level management personnel (Art. 1, paragraph 1);
- Article 1, of Law no. 234 of 30 December 2021, which in Paragraph 917, provided for the transfer of some specific employment contracts to CONI and in Paragraph 919 that the personnel referred to in Paragraph 917, "*shall retain the financial and normative treatments provided by the collective, national, territorial and company agreements applied at the date of transfer, including the grading and individual economic treatments in place on the effective date of this law, until their expiration or, however, until CONI signs new collective agreements in the field, which are governed only by the private regulations and not by the general regulations set forth in Legislative Decree no. 165 of 30 March 2001 and shall be placed in a special depleted quota at CONI, not to be fuelled thereafter. Personnel costs are fully acknowledged by CONI*" (Paragraph 919);
- Legislative Decree No. 242 of 23 July 1999, "*Reorganization of the Italian National Olympic Committee - CONI, pursuant to Article 11 of Law No. 59 of March 15, 1997*", which in Article 12, paragraph 2, lett, a) stipulates that the Secretary General "*shall provide for the institution's*



administrative management based on the general guidelines of the National Board and is responsible for the general organization of services and offices to ensure the institution's functionality".

- CONI Statute, amended by the National Council on 23 February 2021 by Resolution No. 1684, approved by Presidential Decree of 8 February 2022, which places the Secretary General "*in charge of the services and offices of CONI and coordinates its general organization*" (Article 9, paragraph 1, lett. b).
- Having in mind the provision set forth in Article 2, Paragraph 3, Decree-Law No. 5 of 29 January 2021, which states that "The provisions of Article 4, Paragraph 4, of Legislative Decree No. 165 of 30 March 2001, shall apply to CONI", and thus the provision that states: "*Public administrations whose top management bodies are not directly or indirectly political, shall provide for their regulations to differentiate between policy and control on the one hand, and implementation and management on the other. Such administrations are prohibited from establishing direct cooperation offices, which are directly subordinate to the top management body of the institution*".
- Legislative Decree No. 242 of 23 July 1999, "*Reorganization of the Italian National Olympic Committee CONI, pursuant to Article 11 of Law No. 59 of 15 March 1997*", which in Article 8 provides that the President is the legal representative of the institution;
- CONI' Statute, which in Article 8, paragraph 1, letter a) entrusts the President with "*the legal representation of CONI, within the national and international sports system*".
- specific regulatory provisions, such as Law No. 190 of 6 November 2012, on "*Provisions for the prevention and suppression of corruption and illegality in public administration*", which outline that the Officer Responsible for the Prevention of Corruption and the CONI's governing body (Article 1, paragraphs 7 and 14) shall be directly related; and Legislative Decree No. 150 of 27 October 2009, which stipulates that the Independent Assessment Office (IAO) shall report directly to the political-administrative governing body;
- the specific prerogatives of CONI's President on the mission and role of NOCs provided for in the Olympic Charter or within the framework of the Milan Cortina 2026 Foundation, established on 9 December 2019, which, in compliance with the provisions of the International Olympic Committee (IOC) and under the Agreement signed in Lausanne on 24 June 2019 (Host City Contract), shall carry out all activities related to the organization, promotion and communication of sports and cultural events surrounding the 2026 XXV Olympic and



Paralympic Winter Games, including activities related to the use of Olympic facilities (and ownership), which are also protected by Law no. 434 of 24 July 1985, on "*Ratification and Execution of the Treaty of Nairobi concerning the Protection of the Olympic Symbol, implemented in Nairobi on 26 September 1981 and signed by Italy in Geneva on 15 June 1983*".

- the national collective bargaining agreement for managerial staff of Sport e Salute S.p.A. and National Sports Federations 2018/2021 signed on 26 January 2022, the national collective bargaining agreement for non-managerial staff of Sport e Salute S.p.A. and National Sports Federations 2018/2021 signed on 26 January 2022, and the FIEG-FNSI national collective bargaining agreement for journalists signed on April 1, 2013 and its supplementary agreement signed on 29 July 2009;
- the CONI 2022/2024 national collective agreement for managers and executives signed on 13 April 2022, the CONI 2022/2024 national collective agreement for non-managerial staff signed on 13 April 2022, and the FIEG-FNSI national collective agreement for journalists signed on 1 April 2013 and its supplementary agreement signed on 29 July 2009.

Given this comprehensive framework of sources, the organizational chart envisages the organizational structures falling under direct command of the Secretary General, which in fulfilling the entrusted institutional activities also provides support for exercising the institution's legal representation within national and international sports organizations, as well as for carrying out the tasks provided for by the national and international sports regulations, pursuant to Article 8 of Legislative Decree No. 242/1999:

1. *Secretariats Presidency and Secretary General*
2. *Spokesperson (Law 150/2000)*
3. *IAO (Legislative Decree 150/2009)*
4. *RTPC (art. 1 L.190/2012)*
5. *Marketing and sporting events / Milan-Cortina 2026*
 - a. *Marketing*

Organizational structures reporting directly to the Secretary General:

1. Public Relations Office-Press (arts. 8-9 L190/2012)

Central offices reporting directly to the Secretary General and relevant organizational structures:



1. Sports

- a. Olympic preparation
- b. Institute of medicine and sports science
- c. Sports facilities commission

2. Legal activities and sports regulation

- a. Legal affairs and litigation
- b. Sports rules and regulations compliance
- c. Code of Ethics Guarantor

3. General Affairs

- a. Personnel
- b. D.P.O.
- c. Sports professions, Sports agents and Study centre and statistical offices

4. Institutional relations

- a. Legislative Observatory and Sports Justice

5. Budget

- a. Administration and finance

6. College bodies

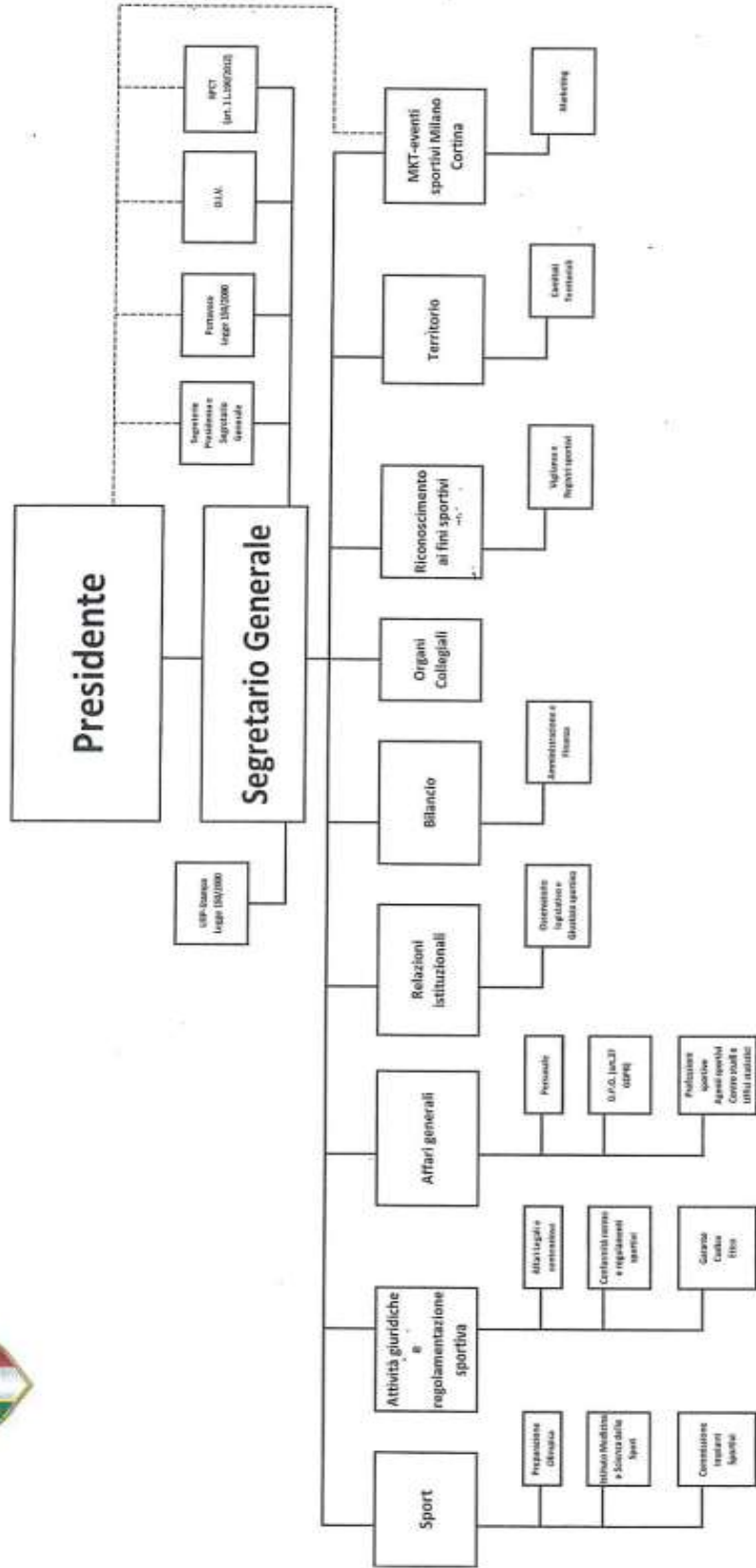
7. Recognition for sports purposes

- a. Supervision and Sports Registers

8. Territory

- a. Territorial committees

The organization chart of the institution is provided below:





On this point, it is worth noting how the TYPCT 2022-2024, in line with the previous plans, takes into account the current organizational structure of CONI and its structural specificities resulting from major changes in governance.

Process mapping

The main as well as the most significant aspect of the analysis of the internal context, in addition to collecting general data about the organizational structure and dimension, is the so-called process mapping, which involves the identification and analysis of the organizational processes.

Process mapping is carried out by identifying risk areas, their description and further representation. To be more specific, process identification is the first phase of risk management and aims at identifying the decision-making and instructional processes that lead to decisions, resulting in the detection of potential corruption risks for each current process or process step.

In the drafting phase of the TYPCT 2022-2024, the possible risk areas were once again analysed.

To this end, the risk areas that have been identified based on the 2019 PNA are listed below:

- measures that extend the legal reach of recipients without direct and immediate economic effects on them;
- measures that extend the legal reach of recipients with direct and immediate economic effects on them;
- management of public contracts;
- staff acquisition and management;
- revenue, expenditure and asset management;
- controls, audits, inspections and sanctions by public authorities;
- mandates and appointments;
- legal affairs and litigation.

Pursuant to the 2019 PNA provisions, the detected processes have been broken down into stages. Further detailed description of these processes, where deemed necessary in relation to the identified risks, will eventually be carried out in future years.



By identifying the areas, it has been possible to determine the different processes where risks are more likely to occur, as shown in Annex 1 to this TYPCT, which should be fully referred to for details.

6.2. Risk assessment

6.2.1 Risk identification

Risk identification, or more precisely the identification of risk events, aims to detect those behaviours or facts that may occur relating to CONI relevant processes, by means of which corruption takes place.

On this issue, in the 2019 PNA, ANAC pointed out that it is necessary to define, as a preliminary step, the object of analysis, i.e., the reference unit for identifying risk events, in order to correctly detect risks. The Institution clarified that *"taking into account the administration's organizational dimension, its knowledge and the available resources, makes the object of analysis increasingly and more analytically definable and, therefore, with increasing levels of quality. In fact, the entire process or the individual activities within it could be the object of analysis"*.

The recent changes do not allow us to analyse individual activities in detail. Therefore, it was decided to carry out a process-driven analysis.

To this end, the processes involved in the Institution's activities (as identified above) were carefully analysed. In this regard, the information sources employed in identifying risk events are as follows:

- findings of the analysis of the internal and external context carried out in the previous phases, on which applies what has already been reported about CONI's peculiar features;
- analysis of the documentation internally arranged and consisting of procedures, organizational and management regulations, resolutions and any other useful documentation;
- findings of the process mapping analysis;
- findings resulting from the monitoring activity carried out by the RTPC;
- analysis of other past mismanagement cases in other institutions and situations;
- meetings with people having first-hand experience of the processes and thus of the relevant critical issues (staff and external consultants);
- examples prepared by ANAC.



This activity made it possible to identify the risks inherent within CONI's operations. Appendix 1 shows the results of the analysis, meaning the risk events related to the investigated processes.

A "Register of Risk Events" was not deemed necessary since the process-driven analysis, holding a description of each identified risk event, is given in the aforementioned Annex 1.

Finally, as suggested by ANAC, we reserve the right to refine the above methodology over time, shifting from the minimum level of analysis (process or phase-driven) to a gradually more detailed level (activity-driven), as deemed necessary depending on the level of risk, and as part of a strategy of continuous improvement.

6.2.2. Risk analysis

Once the areas and processes had been singled out, all risks were analysed and assessed, aiming at better understanding the risk events in the previous phase, by analysing the so-called corruption-enabling factors, and assessing how exposed the processes and related activities were.

Such "enabling factors" that were taken into account are:

- the lack of risk treatment measures and/or controls. During the analysis phase, control tools related to risk events were checked to see if they were already in place and effectively implemented within CONI;
- the lack of transparency;
- overregulation, complexity and unclear relevant regulations;
- poor internal accountability;
- inadequacy or lack of skills among the staff assigned to the processes;
- inappropriate spreading of the culture of legality.

Said task was carried out in order to reveal which areas within CONI are the most exposed to the risk of corruption and malfunctioning, and thus need monitoring and supervision by implementing new risk treatment measures besides those already in force.

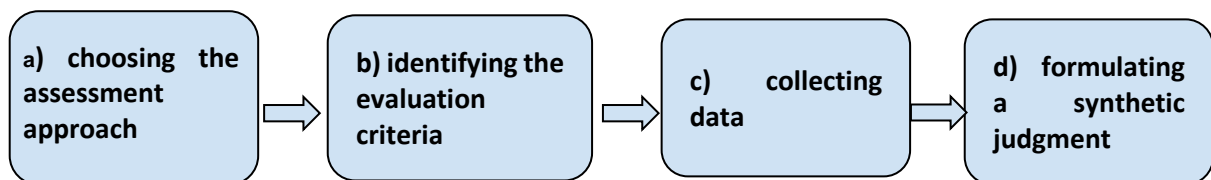
As for this, it is noted that in the 2019 PNA, ANAC formally made the previous analysis methodology, which had been outlined by the same institution in Annex 5 to the 2013 PNA, unenforceable.



In that particular measure, ANAC suggested replacing the previous quantitative approach with a more effective and yet complex qualitative one. This requirement resulted from the peculiar nature of the object being assessed. For assessing the risk of corruption, the previous quantitative method was deemed inadequate, because it is possible to ensure a greater organizational sustainability through a qualitative method that enhances the motivation of the assessments and, at the same time, provides more transparency.

For the aforementioned reasons, this change to the methodological approach has made the tasks of the RTPC complicated, given that from the very beginning the RTPC have made efforts to comply with the new guidelines, and in the 2021-2023 TYPCT their approach was already reformulated. The same qualitative method was, therefore, confirmed in the drafting of this Plan.

The following diagram sums up the steps taken for the risk analysis, as outlined by ANAC:



The RTPC, implementing the selection criteria as suggested by the institution, used the so-called key risk indicators given by ANAC and listed below as criteria for assessing risk levels, where applicable:

- **"external" interest level:** the presence of interests, including economic ones, that are relevant and beneficial to the process recipients, causes higher risk;
- **degree of discretion of the PA's internal decision-maker:** the availability of a highly discretionary decision-making process results in greater risk compared to a highly constrained decision-making process;
- **past corrupt events in the examined process/activity:** if an activity has already been affected by past corruption events within the administration or other similar situations, the risk increases because it means that in that activity there are features enabling corrupt events to take place;



- **opacity of the decision-making process:** implementing significant transparency tools, rather than just formal ones, reduces the risk;
- **level of cooperation of the person in charge of the process or activity in making, updating and monitoring the plan:** poor cooperation may indicate a lack of attention to the issue of corruption prevention or anyway may result in the real degree of risk being opaque;
- **degree of implementation of risk-treatment measures:** the implementation of risk-treatment measures is associated with a reduced risk of corrupt acts occurring.

Data and information collection required for making a judgment with reference to the aforementioned risk indicators was coordinated by the RTPC based on the available elements.

To this end, it is further specified that in the monitoring activity, it shall be RTPC's responsibility to verify the possibility of reconsideration in case of any later objective data emerging.

At the end of this activity, the RTPC measured the exposure to risk as illustrated in Annex 1, giving prominence, as already reported, to the qualitative approach suggested by ANAC instead of the previous scoring system.

That is, for each process/activity or risk event being analysed and taking into account the collected data, each of the criteria outlined above was measured on an ordinal scale (high, medium, low).

The same scale was then applied to the overall assessment of the level of risk exposure of individual processes, which resulted from the previous analytic assessment based on individual indicators.

This overall assessment, given the clarifications provided by ANAC, is based on the following criteria:

- in those processes in which there could be several risk events with a different level of risk, the highest value is referred to in the estimate of the overall risk exposure;
- the overall assessment of the level of risk that can be associated with the relevant process shall not represent the average of the assessments of individual indicators. In fact, in order to be able to better express the overall level of exposure to risk, a qualitative judgment was applied;
- each measurement was motivated based on the data and evidence collected.



The results are presented in Annex No. 1, which, as noted above, is an integral and essential part of the TYPCT.

6.2.3. Risk weighting

The risk weighting phase, by reference to the findings of the previous phase, aims to determine:

- the actions to be taken to reduce risk exposure;
- the priorities for the risk-treatment process, by comparing the organization's objectives and the context in which it operates.

Given the overall low level of risk detected, the measures already implemented and the low residual risk assessed, in many cases it has been decided not to further the risk-treatment process, but to just keep the existing measures in place, so as not to burden CONI's activities, while respecting the principles of economic and organizational sustainability.

6.3. Risk treatment

Risk treatment refers to identifying the most appropriate corrective measures and methods (so-called Prevention Measures) to prevent risks, according to the priorities that came to light when assessing risk events.

In this respect, the risk treatment system includes:

- general or cross-cutting measures, which include any action that is common to the processes at risk, affects the organization as a whole and can help reduce the likelihood of corrupt conduct;
- specific measures, which relate to individual risk processes and are designed to define the risk treatment system specific to each process.

6.3.1. Identifying measures

This first phase of treatment is addressed to identify the possible list of corruption prevention measures related to those risks (and process related activities) that are considered a priority.



As ANAC's 2019 PNA pointed out, given measures can be considered both general and specific at the same time, depending on the needs of the institution.

Please refer to Annex No. 1 for identifying prevention measures related to each individual process. However, the measures that can be regarded as general or cross-cutting are listed below, and some of them will be better specified later:

- transparency of CONI 's activities achieved by complying with Legislative Decree No. 33/2013, as amended by Legislative Decree No. 97/2016, with resulting updates to the Transparent Administration section;
- Regulation and management of the 3 different types of access;
- regulation and computerization of processes;
- check of incompatibilities;
- code of conduct;
- training.

Finally, the following are some particularly important measures:

Information flows

Information flows are an important prevention measure and are set by the RTPC who shall ensure compliance with the Three-Year Plan for the Prevention of Corruption.

Information flows may be reviewed from time to time, provided that the RTPC may modify or supplement the information required by the relevant supervisory duties during the year, also based on any regulatory, organizational changes, news and reports on possible violations, and on the findings of such reports.

Given these information flows, the RTPC may request specific insights and report any critical issues to the CONI Secretary General.

Information flows were defined following the mapping and assignment of the potential risk profile of CONI's activities with reference to the Three-Year Plan for the Prevention of Corruption.

Each activity assessed with "medium" or "high" risk has been assigned "red-flags", i.e., indicators of potential fraud or illegal/non-compliant conduct, with reference to the offenses under L.190/2012.



Red-flags are "anomalies", non-compliant or prohibited conduct, events or operations suggesting "exceptions" or "dispensation" from the normal application of the rules prescribed by the procedures (e.g., requesting sight payments from a supplier's invoice, sending a candidate's cv).

Such red-flags or anomalies must be detected and identified by the relevant corporate structures, which, as the company's first level of control, are required to identify and report them to the RTPC. In relation to each red-flag, information flows have been defined based on the following criteria:

- a) exception: flows have exception-related contents;
- b) drill down: flow information contents are usually defined at an aggregate level and may undergo subsequent in-depth or detailed reviews;
- c) periodicity: flow frequency is defined in relation to the degree of risk and how often the sensitive activity related to them is carried out.

The RTPC shall define the information flows and report them to the Secretary General.

The relevant structures are responsible for first-level controls, reporting of anomalies and providing information flows to RTPC, as per defined schedules. In addition, they are required to provide any requested insights and support any depositions or checks.

Protection of reporting employees (whistleblower)

CONI makes use of the so-called "whistleblowing approach" for detecting irregularities or crimes and to strengthen its action to prevent corruption.

The term "whistleblower" refers to a CONI employee who reports violations or irregularities, detected in the work space, to the bodies appointed to intervene.

Specifically, the Institution intends to fully comply with Law No. 179/2017 on "Provisions for the protection of people reporting crimes or irregularities in the context of public or private employment relationships", more commonly known as the Law on Whistleblowing, which came into force on 29 December 2017.

In the case of whistleblowing, therefore, the following principles apply:

- o the parties who report to the Officer Responsible for Transparency and for the Prevention of Corruption or to the National Anti-Corruption Authority, to the ordinary judicial authority or



the accounting authority the unlawful conduct or abuse that they have detected as a result of their employment relationship, may not be - for reasons related to the report - sanctioned, demoted, dismissed, transferred or otherwise subjected to other organizational measures that would have a negative effect on their working conditions;

- discriminatory or retaliatory acts taken by the administration or institution are still considered void;
- whistleblower who has been fired are entitled to be reinstated in their job and compensated for damages;
- whistle-blowers' identities shall not be disclosed. Within the framework of criminal proceedings, whistle-blowers' identities are covered by secrecy within the terms and limits provided for in Article 329 of the Code of Criminal Procedure. Within the framework of proceedings before the Court of Accounts, whistle-blowers' identities may not be revealed until the closing of the investigative stage. In the context of disciplinary proceedings, whistle-blowers' identities may not be disclosed, should the allegation of the disciplinary charge be based on investigations that are separate and additional to the report, even if resulting from the report. If the notification is fully or partially based on the report and the identity of said whistleblower is essential for defending the person charged, the report shall be used for the purposes of disciplinary proceedings only if the whistleblower has consented to the disclosure of their identity;
- the report is exempt from any access provided for in Articles 22 et seq. of Law No. 241 of 7 August 1990, as amended;
- protection is not guaranteed in the event that, even the first instance judgment has determined the whistleblower's criminal liability for the crimes of slander or defamation or crimes tied to said report or their civil liability, in cases of wilful misconduct or gross negligence.

The filing and handling of reports is carried out through a computerized system that guarantees the confidentiality of whistle-blowers' identities, including with respect to the offices responsible for receiving such reports. The system is accessible from the CONI website.



The reporting obligation via computer system applies to all corporate structures and is aimed at preventing and detecting failure to comply with corporate or legal provisions and shortcomings or deception of prevention measures.

The obligation is primarily addressed to those roles that manage processes at risk of corruption.

The following general requirements apply to this:

- managers and staff, starting with those working on activities at risk of corruption, must closely supervise the controls implemented on activities (first level) and report anomalies, dysfunctions, deficiencies or deception;
- any reports concerning crimes of corruption, or the reasonable danger such offenses, or in general any conduct not in line with the rules of conduct implemented pursuant to the reference principles of the Prevention Plan must be forwarded.

The procedure stipulates that no retaliatory act and no prejudice will result from a report that was made in good faith.

Pursuant to the law, it is recalled that any retaliatory act following an internal report or if addressed directly to ANAC or a report to the judicial or accounting authorities shall be considered void and, if ascertained, sanctioned.

The RTPC shall ensure that the reports collected are preserved, ensuring whistleblower anonymity.

In this regard:

- within the framework of criminal proceedings, whistle-blowers' identities are covered by secrecy within the terms and limits provided for in Article 329 of the Code of Criminal Procedure;
- within the framework of proceedings before the Court of Accounts, whistle-blowers' identities may not be revealed until the closing of the investigative stage;
- in the context of disciplinary proceedings, whistle-blowers' identities may not be disclosed, should the allegation of the disciplinary charge be based on investigations that are separate and additional to the report, even if resulting from the report.



Whistleblowing is also exempt from the right to access the records provided for in Articles 22 et seq. of Law 241/90.

The RTPC will annually notify all employees about the availability and use of the whistleblowing system.

CONI manages the reports through a “whistleblowing” app on its website according to the definitive procedures in the user manual available there.

This system ensures whistleblower identity confidentiality and their anonymous reporting with an IT procedure that collects such data, but does not make it accessible and knowledgeable to the offices in charge of handling reports.

Preliminary investigative activities for reporting begin either as a result of periodic checks of reports or following automatic alerts from the application.

Thereafter, the RTPC shall assess whether the report is in good faith and appropriately detailed, or considered to be in bad faith.

In the event that the report has been found to be objective i.e., critical aspects have emerged, the RTPC shall inform the Secretary General of CONI and, if deemed appropriate, request the Personnel Office to consider opening disciplinary proceedings.

The Secretary General, then, shall take whatever action is deemed necessary or appropriate in relation to what was reported by the RTPC and file the required notifications to the relevant authorities.

In the event that offenses or irregularities are caused by conduct or decisions taken by the person in charge, given the subjective coincidence, notifications should be forwarded directly to ANAC, using the form provided on the institution's website.

Incompatibility of offices

CONI complies with Legislative Decree No. 39/2013 bearing "Provisions on the incompatibility of offices in public administrations and private institutions under public control, pursuant to Article 1, paragraphs 49 and 50, of Law No. 190 of 6 November 2012", insofar as applicable.



The RTPC, upon appointment, shall verify whether there are any conditions of impediment in respect of those who are to be appointed to the office, in accordance with the provisions of Legislative Decree No. 39 of 2013.

The RTPC shall act in accordance with the principles of Legislative Decree No. 39/2013 and the ANAC Guidelines on the Assessment of Incompatibility of Administrative Offices, as set forth in Resolution 833 of 3 August 2016 as well as ANAC Resolution No. 1134 of 8 November 2017.

Specifically, a system within CONI for determining whether there are any conditions of impediment and/or incompatibility provided for by law is ensured.

To this end, the CONI's RTPC shall ensure that the provisions of the aforementioned legislative decree on incompatibility of offices are complied with. In detail, the RTPC:

- a) shall establish the forms required for collecting self-certifications and collect them from all interested parties at the time of appointment (art.20 of Legislative Decree 39/13);
- b) should it come to its knowledge through news or information in any way reached or spread, including from the media or the internet, or through detailed reports, including anonymous ones, or through other specific situations or circumstances, shall assess the appointment's incompatibility.

In those cases, referred to in point b) above, the RTPC shall start a verification procedure by notifying the party involved with a document that includes a brief description of the facts on the appointment under investigation for incompatibility, and also specifying the rule that could have been violated, and inviting the party to submit defense briefs within 30 days after receiving the notice.

When the proceedings involve ascertaining a possible situation of incompatibility, a similar notification shall be sent by the RTPC to the institution that appointed such person.

The verification, carried out annually on a sample basis, concerns the reliability of said person's findings of incompatibility, pursuant to Article 20 of Legislative Decree 39/2013, with regard to both their accuracy and completeness.



Such verification may be carried out directly or with the support of independent third-party companies, through public sources, depositions to be reported to the person concerned, by requesting documents or certificates related to the content of said findings.

The RTPC, for the purpose of the assessment, may request the support of the Legal Affairs and Litigation Office.

Interested parties are required to provide maximum cooperation and support to the RTPC for ascertaining both objective and subjective elements.

When proceedings result in finding a situation of incompatibility, the RTPC shall:

- notify the person concerned;
- rule that the acts of appointment that were found to be incompatible and the relevant contract are null and void pursuant to Article 17 of Legislative Decree 39/2013;
- notify the body that made the appointment, and in compliance with the principle of adversarial debate and within the limits of the tools available to them, shall ascertain whether there is any evidence of culpability in order to impose the sanctions referred to in Article 18 of Legislative Decree 39/2013.

When proceedings result in finding a situation of incompatibility, the RTPC shall:

- notify the person concerned and grant them a 15-day period to choose the option that would result in the end of the cause of incompatibility in it;
- provide for the forfeiture of the acts of appointment that were found to be incompatible and the termination of the relevant contract pursuant to Article 19 of Legislative Decree 39/2013, whenever that option is not been chosen or did not result in the cause of incompatibility ceasing to exist.

CONI shall grant the RTPC the utmost autonomy and independence for assessment, notification and imposition of sanctions.

As for criminal records, with regard to the application of Article 35-a of Legislative Decree 165/2001 as well as Article 3 of Legislative Decree 39/2013, the RTPC shall check whether the party whom they intend to appoint has no criminal record, with specific reference to the establishment of commissions for awarding contracts or competition commissions and commissions with technical/institutional



functions (Sports Facilities Commission, Sports Agents Commission, Sports Agents Examination Commission).

If the verification shows that the parties concerned have a criminal record for crimes against public administration, the body shall:

- refrain from appointing them or assigning the position;
- apply the measures provided for in Article 3 of Legislative Decree 39/2013;
- grant the appointment or assign the position to another person.

CONI, in order to verify whether the aforementioned conditions exist, shall acquire specific declarations when conferring managerial positions and other offices provided for in Article 3, Legislative Decree No. 39/2013, at the time of the assignment of management area employees to posts with features indicated in Article 35-a, Legislative Decree No. 165/2001.

Post-Employment Restrictions (*Pantouflage*)

Having post-employment measures (the *pantouflage*) in place, which are designed to reduce the risks of an employee leaving the public sphere and moving to the private sector, for whatever reason, is part of a logic of continuity in the fight against corruption, along with pre-employment mechanisms (the so-called incompatibilities) and during employment (the incompatibilities while holding a post).

More specifically, Art. 1, para. 42, lett. l), of Law No. 190/2012 inserted into Art. 53 of Legislative Decree No. 165/2001, para. 16-b, which provides that employees who have exercised authoritative or negotiating powers on behalf of public administrations in the last three years of service shall be prohibited from carrying out work or professional activities with private parties who benefit from administration's activities in the three years following employment termination.

The rule on prohibiting *pantouflage* provides for specific sanctioning implications, such as making null and void both the contract and the post violating the aforementioned prohibition. In addition, the private parties who have awarded the post shall be barred from contracting with public administrations in the following three years, and shall at the same time be required to return any remuneration that may have been received and that has been proven referable to them.



As ANAC points out, this provision is intended to discourage improper behavior by employees who, by leveraging their position within the administration, could establish beneficial work situations with the private institution that they came to know within their employment relationship. In addition, such a prohibition is designed so that the risk of private parties being able to put pressure or influence on institutional duties can be reduced. Such pressure consists in presenting opportunities for employment or appointments to administration employees once they have left their post, whatever the cause of the termination (including retirement due to reaching retirement eligibility requirements).

Pursuant to ANAC's guidelines "employees exercising authoritative or negotiating powers" also refers to employees who, even if they don't hold such powers, collaborate in exercising those powers by carrying out investigations that are crucial to the outcome of the final measure. In addition, the scope of the private institutions benefitting from public administration services where employees may not work or perform professional activities must be broadly defined, including those institutions that are formally private but are state-owned or controlled.

As also last noted in the 2019 PNA, "It was thus agreed to extend the scope of parties that can be treated as public employees, reinforcing the institution's purpose to protect against the risk of corruption. Therefore, the reference to public employees should be understood to also include the holders of offices indicated in Article 21 of Legislative Decree 39/2013".

As for the identification of those affected by the prohibition of *pantouflage* under Article 21⁶ of Legislative Decree 39/2013, in its 2019 PNA, the institution specifies that in private law institutions that are in control, directors and general managers are the ones to be subject to the prohibition in question as they have managerial powers, while the prohibition does not apply to employees, nor to ordinary managers unless they hold authoritative or negotiating positions.

In order to ensure that the above regulations are complied with, CONI shall ensure that:

⁶ Article 21 of Legislative Decree No. 39/2013 states that "persons holding one of the offices referred to in this decree are also considered to be public administration employees, including external persons with whom the administration, public institution or private law body in public control establishes an employment, subordinate or autonomous relationship".



- the above-mentioned impediments will be explicitly included in the rulings or in the different ways of selecting personnel;
- a declaration of non-existence of the impeding cause will be provided by the parties concerned;
- a specific supervisory activity will be provided.

Lastly, it should be noted that the institution shall include in any calls for tenders or acts which anticipate the possible awarding of public contracts, among the general requirements for participation provided for under penalty of exclusion and subject to specific declaration by the competitors, the requirement for a private party taking part in the tender not to have entered into employment contracts or, in any case, not to have awarded positions to former employees which are in violation of the aforementioned prohibition, in accordance with the provisions of the model notices implemented by ANAC pursuant to Article 71 of Legislative Decree No. 50/2016 and based on the combined provisions of Articles 42, paragraph 2 and 80, paragraph 5, letter d) of Legislative Decree No. 50/2016.

It is worth specifying that according to the institution's resolution No. 1090 of 16 December 2020, if transitions were to occur between the controlling administration and a controlled private-law institution, during the performance of the previous assignment, there would be no risk for a public employee to be diverted from the pursuit of the public interest for the sake of a future assignment, since it would not be possible to identify a private interest as opposed to the public one, given the control relationship prevailing between the institutions.

Conflict of Interest

A conflict of interest takes place whenever personal interests or activities influence one's ability to act in the best interest of the Institution. When carrying out any activity, any situation in which those involved in the transactions have a conflict of interest shall be avoided at all times.

All personnel and collaborators shall refrain from participating in activities in which there may be a conflict of interest when performing their duties, which means any situation or relationship that, even potentially, involves personal interests or those of other persons related to them.



Staff and associates must ensure to provide neutral and impartial decisions and must disclose all conflicts of interest and discuss them with their area managers, in the sole interest of CONI.

In particular, in case of a conflict of interest, those responsible for issuing any opinions, technical evaluations, etc. shall refrain from participating and report any situation of conflict, even if potential. In fact, the conflict-of-interest management measure aims to achieve the prevention of corruption by notifying and/or refraining from participating in the decision-making process of those parties that are involved in conflicts of interest, even potential ones.

Training

In order to help spread the culture of legality, CONI shall provide specific training activities for its staff on corruption prevention, transparency, publicity, integrity and legality.

Through its training activity, CONI wants to ensure that all personnel are properly and fully aware of the principles, rules and measures covered by the Plan, also depending on their level of involvement in processes exposed to the risk of corruption.

Such training activities fall under the RTPC's responsibility: planning of contents, schedules, and recipients, as well as the possible scheduling of additional mandatory training courses for personnel in areas/departments exposed to a greater risk of corruption. To be specific, during updates and whenever necessary, said training sessions will be aimed at fully instructing the employees on the provisions of the TYPCT. Regulations on staff training on corruption prevention will be defined according to the program agreed with the Governing Body.

The training program, which is managed and approved by the NC upon recommendation of the RTPC, shall determine the persons required to receive training, its content and delivery tools, and shall quantify the hours/days dedicated to it.

Training may take place, by way of example, through training courses (face-to-face or Online Training), update e-mails or in-house briefings.



Staff rotation

As stated by ANAC, one of the main corruption risks involves a person that is able to leverage power or knowledge in managing discretionary processes and relationships with users to achieve illegal benefits. In order to reduce this risk, the legislation singles out rotation as a particularly effective preventive measure. This system is used to achieve a more frequent staff rotation of those in charge of managing processes and are more exposed to the risk of corruption.

Nevertheless, this measure, however desirable it may be, must not result in taking away specialized professional skills from offices entrusted with highly technical activities.

Given that the small dimensions of the institution and the specific nature of the tasks entrusted to the staff make it particularly hard to implement the latter, CONI manages to implement this measure in those risk areas where the available resources and required skills make it possible, perhaps in combination with or as an alternative to a strategy of separating responsibilities, whereby different people are assigned different roles (investigations and assessments, decision-making, implementing decisions, verification activities).

However, staff rotation may be partially implemented through the use of some resources in predetermined percentage share among different offices, due to the operational needs of the institution.

As for the so-called "extraordinary" rotation (see 2016 PNA 7.2.3 and 2019 PNA) that is to be applied after corrupt behaviours occur (Legislative Decree 165/2001, art. 16, para. 1, lett. l-quarter - ANAC Guidelines Resolution No. 215/2019), it should be noted that it is controversial as to whether this measure can be mandatorily applied to all other subjects excluded from the direct application of Legislative Decree 165/2001.

However, monitoring such possibilities that would result in the application of said measure falls under the RTPC's responsibility, i.e. criminal or disciplinary proceedings against employees for conduct deemed as corrupt pursuant to Article 16, paragraph 1, letter l-c of Legislative Decree No. 165/01, in order to actually implement the institution. In this regard, employees must notify the body about any criminal proceedings against them.



Code of Conduct

When drafting this Plan, the institution did not yet hold a Code of Conduct as its staff was subject to the Code of Ethics of Sport e Salute. Due to recent organizational changes, which have resulted in reorganizing the staff units, and in order to ensure a specific application of the Presidential Decree No. 62 of 16 April 2013 on the "Code of Conduct for employees of public administrations", as well as in accordance with the provisions of PNA, CONI is taking steps to implement its own internal Code of Conduct for employees, which shall be published on the institutional website and delivered to each employee.

Pursuant to Article 54 paragraph 5 of Legislative Decree No. 165 of 30 March 2001, the above regulations, as a whole, define the duties of diligence, loyalty, impartiality and good conduct expected of CONI employees.

The provisions apply to all parties involved in CONI's activities of any kind, to the extent compatible. The Code of Conduct is an important tool for the prevention of corruption offenses as well as an integral part of CONI'S Plan for the Prevention of Corruption.

It should be recalled in this regard that any violations have relevance for disciplinary liability. Therefore, failure to comply with the provisions of the Code of Conduct may result in disciplinary measures.

Previously, staff were governed by the Sport e Salute's Code of Ethics. Please refer to the aforementioned Code for any further details.

6.3.2. Planning of measures

The second stage of risk treatment aims to properly and effectively plan the administration's anti-corruption measures.

This planning of measures is carried out by taking into consideration the following elements:

- different stages of measure implementation;
- schedule of measure implementation;
- responsibilities related to the implementation of measures;
- monitoring indicators and expected values.



7. CONTROL AND MONITORING ACTIVITIES

Control and monitoring activities are a key part of the risk management process, essential for preventing corruption and watching over the proper and continuous planning. The monitoring activity is meant to verify the measures that have been implemented and that are actually suitable.

Monitoring activities play a strategic role in corruption prevention by serving as a useful tool to identify priorities for action and define WHICH measures need to be taken.

The RTPC reports on the progress of monitoring and control activities to the Governing Body. In particular, the RTPC shall report:

- the result of the verification on implementation and suitability of the measures outlined in the Plan;
- the outcome of the examination of information and the way in which processes at risk are carried out;
- the outcome of the analysis and further verification of any reports on corruption offenses received through the whistleblowing mechanism or through external sources;
- the outcome of the verification of the suitability of the measures provided for in the Plan in relation to any reports received by the Officer Responsible from external or internal parties or through the findings of monitoring activities.

It is up to the person in charge to acquire all documentation and information believed to be necessary for the performance of their supervisory functions.

In any case, on an annual basis, the institution will periodically review the overall operation of the risk management system.

8. CONSULTATION

Consultation is related to all phases of the risk management process described in this TYPCT. It refers to involving internal and external stakeholders in order to obtain all information available for better customizing the corruption prevention strategy, and is carried out through the methods and tools



widely described in this document, which are referred to herein (e.g., prior to approval, publication on the website and/or forwarding to all stakeholders in various capacities involved).

9. INTERNAL AND EXTERNAL DISSEMINATION

In order to spread the Plan and the measures within it as widely as possible, CONI shall promote it, both internally and externally.

In this regard, the TYPCT:

- is forwarded to employees, collaborators and consultants of any kind, as well as suppliers, for their due information, compliance and implementation;
- is published on CONI's institutional website, Transparent Administration/Other Contents/Corruption section.

It is also provided that when new employees are hired and at the time of finalization of their employment, they must be given a copy of the TYPCT, and sign it as to acknowledge it and that the TYPCT is an essential part of the work under said employment contract.



TRANSPARENCY SECTION

2022 – 2024



1. INTRODUCTION

Under Article 1 of the Administrative Procedure, transparency is the general principle of administrative action. It is a principle through which individuals' trust is enhanced, thereby combining guarantees and efficiency when carrying out administrative action. In this sense, transparency takes on a unifying value of the constitutionally mandated legal principles of good performance, impartiality, legality and democratic participation.

Indeed, transparency ensures that politics, administration and the power entailed in the relationship between democracy and information society are knowable and visible. Article 1, para. 2 of Legislative Decree No. 33/2013, identifies transparency as the "*condition for ensuring individual and collective freedoms as well as civil, political and social rights, complementing the right to good administration and contributing to the implementation of an open administration at the service of citizens*".

It is an essential tool and the pivot on which modern democratic structures are based, ensuring forms of widespread control over public administration operations and over those referred to by law. Therefore, transparency turns into principle and being of the public administration, which serves as a provider of quality work and, at the same time, as a guarantee for individual and meta-individual interests.

By enhancing the principle of transparency, we aim to prevent corruption through implementing transparent organizational models and conduct, and, at the same time, to bring citizens closer to public administration. The P.A. thus increasingly takes on the features of a "glass house", as part of a broader vision of constitutional values that cannot ignore participation in public powers (in such terms, Council of State, Advisory Section for Regulatory Acts., 24 February 2016, No. 525, as part of the opinion rendered pursuant to Legislative Decree No. 97/2016).

With regard to the requirements set forth in the transparency regulations, for the 2022-2024 three-year period, CONI also reaffirmed their willingness to comply with all the obligations set forth in Legislative Decree No. 33/2013, insofar as they are compatible. According to the interpretation of the institution, compatibility must be understood with reference to categories of institutions and taking into account the distinctive features that mark their structure.



In this regard, these obligations shall be fulfilled by entering the required documents and data in the "Transparent Administration" structure (as per Annex 1 of Legislative Decree 33/2013 and ANAC Resolution 1310/2016) in accordance with CONI's activity, organizational dimension and risk exposure, while also taking into account the provisions in ANAC Resolution no. 1134/2017 ("New guidelines for the implementation of the regulations on the prevention of corruption and transparency by companies and private law bodies that are controlled and jointly owned by administrations and public economic bodies") and ANAC Resolution No. 1310/2016 ("First guidelines providing indications on the implementation of the obligations of publicity, transparency and dissemination of information in Legislative Decree 33/2013 as amended by Legislative Decree 97/2016", and their corresponding annexes").

In general, it should be noted that civil society's role as part of the system of prevention of corruption and transparency is expressed through their right and duty to participation.

As a result, CONI shall allow all forms of participation provided for in the transparency regulations such as procedural access, civic access, generalized civic access and so forth.

The Transparency Section is complemented by Annex No. 2: "Data and information to be published, timelines and contact persons".

In order to collect opinions on the website's user-friendliness, the completeness of the data and information released by the institution and to get suggestions for further publication requests related to other categories of data, in addition to the mandatory ones, CONI may post web questionnaires on the institutional website.

For the purpose of operationalizing the principles of transparency and accessibility of data as well as creating an open administration at the service of citizens, the following certified e-mail has been provided: responsabiletrasparenza@cert.coni.it

2. STRATEGIC AND OPERATIONAL OBJECTIVES

For the 2022-2024 three-year period, CONI also has the following objectives:

- to ensure utmost transparency in its organizational action and strengthen the culture of legality and integrity of its staff;



- to understand transparency as total accessibility, including through posting on the institutional website information about every aspect of the organization, indicators of the management trends and use resources for achieving institutional functions
- to ensure regular and timely information flows between the parties involved;
- to ensure appropriate timelines for the implementation of obligations.

3. PARTIES INVOLVED

Notwithstanding what has already been stated in the previous paragraphs about those involved, the following are some specifics related to Transparency.

3.1. RTPC

As already indicated in the Plan, the attorney Francesca Macioce was appointed as RTPC. The latter shall verify the correct application of the regulations and coordinate the other parties involved. As a general rule, the RTPC shall request from CONI the relevant data needed to fulfil their legal obligations and then send them for publication to the CONINet Company, which manages the institutional website.

The RTPC shall report to the NC of CONI, to the IAO, or, if necessary, shall report directly to the institution regarding the non-fulfilment or delayed fulfilment of advertising obligations, as well as for the purpose of taking disciplinary measures.

The IAO shall receive the RTPC's reports on the non-fulfilment or delayed fulfilment of advertising obligations and, upon request, shall report to ANAC on the monitoring of the correct fulfilment of the transparency obligations provided for by the regulations in force.

3.2. Personnel

All staff in force, as well as the Governing Body, to the extent of their responsibilities, cooperate with the RTPC in order to ensure that information is regularly published as well as to provide the integrity, constant updating, completeness, timeliness, ease of reference, easy accessibility, and conformity of published documents with their original versions.



3.3. Governing Body

The CN of CONI, to the extent of its responsibility, shall be notified about cases of non-fulfilments or delayed fulfilment of advertising obligations by those in charge and shall take the necessary actions also with reference to possible disciplinary proceedings.

3.4. External Consultants

Entering data in the section is handled with the support of CONINet Company. Whenever necessary, data is forwarded to the consultants by e-mail or by means of additional computer support, specifically indicating the place of publication and the relevant entry schedule.

4. TRANSPARENT ADMINISTRATION SECTION

The Transparent Administration section was created and supplied in accordance with the regulations set forth in Legislative Decree No. 33/2013 - Annex 1, ANAC Resolution No. 1310/2016, given their applicability and compliance with the provisions of ANAC Resolution No. 1134 of 8 November 2017.

On CONI's institutional website, data, information and documents are published in the "Transparent Administration" section in accordance with current regulations. With regard to how data are entered in the section, in order to avoid unnecessary duplication, sometimes hyperlinks (links) are included to documents that were already on the institutional site, pursuant to and in accordance with Article 9 of Legislative Decree No. 33/2013.

The table in Annex 2 (Data and information to be published, timelines and contact persons) includes section and subsection of entry, data, information and acts to be published, the responsible party, timelines for publication, and regulatory reference.

5. MONITORING AND CONTROL

In order to ensure the desired levels of transparency, the RTPC shall implement control and monitoring measures on the fulfilments of the obligations, also based on what has been set out in this document and Annex No. 2 in terms of schedules, in accordance with the indications provided by ANAC. More specifically, the RTPC shall periodically carry out sample checks on the institutional website.



6. ACCESS TO DOCUMENTS AND CIVIC ACCESS

The right of access is an essential participation tool that is acknowledged by the legal system. Through the right of access, as modified over time, the dialectical method is valued as a way to exercise the administrative function, according to an ideal progression toward an increasingly effective and concrete implementation of the principle of transparency.

The regulatory framework provides us with regulations on the right of access divided into three different forms of access: documental access, civic access and generalized civic access.

CONI implements the rules for accessing administrative acts and documents under Law No. 241 of 1990, so-called documental access, as well as civic access and generalized civic access governed by Legislative Decree No. 33/2013, as amended by Legislative Decree No. 97/2016, according to the terms below.

For all further indications, please refer to the regulations in force.

6.1. Documentary access

Accessing administrative acts and documents translates into the power/right of interested parties to request, view and, if necessary, obtain copies of administrative documents. In order to ensure the transparency of administrative activity and to promote its impartial conduct, anyone who is directly, concretely and currently interested in it for the protection of legally relevant situations is, in fact, granted the right of accessing administrative documents, in accordance with the provisions of Article 22 of Law No. 241/90.

Given how accessing administrative documents fulfils important public interest purposes, it constitutes a general principle of administrative activity. Through the right of access, the participation of private parties is encouraged and the impartiality and transparency of administrative action is ensured.

According to Article 22 of Law No. 241/90, as amended by Law No. 15/2005, any graphic, photo cinematic, electromagnetic or any other kind of representation of the contents of acts, including internal or not related to a specific procedure, held by a public administration and concerning activities of public interest is regarded as an administrative document.



It is possible to claim access to documents under Law No. 241/90:

- to obtain a copy or view an administrative act (internal circular, regulation, etc.);
- to generally have a formal ruling from a public administration, which is essential in order to be able to know the reasons that led the administration to take an action, verify these reasons and possibly refute them;
- to urge a response from the administration;
- to acquire information related to an administrative proceeding;
- to know the legal grounds and conditions that led to the administration's decision;
- to know the criteria for handling practices. It is very important, for example, to know one's position within the waiting list related to a particular service, the criteria used for managing the list, or the expected date of call for providing the requested service.

Article 22, para. 1, lett. b) grants the right of access to all private parties, including those with public or broad interests, who have a direct, concrete and current interest, which corresponds to a legally protected situation and is linked to the document to which access is requested. Therefore, access requests aimed at achieving a generalized control of the work of public administrations are not permitted.

Two modes of access are provided in accordance with the Regulations that govern access to administrative documents, Presidential Decree No. 184 of 12 April 2006, and in accordance with the provisions of Chapter V of Law No. 241 of 7 August 1990. Such are:

Informal access: may be pursued through a request, including a verbal one, to the office of the administration in charge of drawing up the final act of the proceeding or holding it permanently if, based on the nature of the requested document, it appears that there are no other parties involved. The applicant must specify the details of the requested document, the elements that allow its identification, clarify as well as, where necessary, prove the interest related to the request, provide proof of their identity and, where necessary, their powers of representation of the interested party. The request, which is immediately considered without formality, shall be granted by indication of the publication that contains the news, production of the document, taking of copies, or other suitable manner.



If it comes from a public administration, the request shall be submitted by the relevant office holder or the person in charge of the administrative procedure and shall be processed in accordance with Article 22, Paragraph 5 of the Law.

Formal access: the formal access request can be made directly via registered mail addressed to the institution's headquarters or by sending to the institutional e-mail or certified e-mail (PEC), by filling out the form attached to the regulations. In addition, it shall be submitted if it is not possible to immediately grant the request informally, or if doubts arise as to the legitimacy of the applicant, their identity, representative powers, whether there is an interest on the basis of the information and documentation provided, the accessibility of the document or if there are other parties to the proceedings. In any case, the office is required to issue a receipt.

As previously mentioned, the right of accessing documents can be exercised by all those who can demonstrate that they have a "legally relevant interest" in the document being accessed, which is worthy of protection. Essentially, there must be an instrumental connection between the applicant's interest and the document requested to be exposed, since a mere exploratory purpose may not grant such access. Thus, the request must necessarily be specific and reasoned.

The RTPC of the procedure shall process the request within a 30 (thirty) day period by reasonable cause, and shall notify the applicant. If the thirty-day period expires unnecessarily, the request for access shall be deemed as rejected. The terms are calculated from the moment the relevant office received the request (in case of registered mail from the day the office signed for acknowledgement of receipt).

The provisions of Law No. 241 of 1990 shall apply insofar as they apply to the administrative activity carried out by the institution.

6.2. Civic access

Based on the proxy provided in the Anti-Corruption Law, the Legislative Decree No. 33/2013 entails a series of obligations of public disclosure, transparency and dissemination of information by public administrations. In order to make these advertising obligations effective, the regulatory framework grants anyone the right to request documents, information or data for which mandatory publication



is envisaged, in those cases in which such data has not been published in the "Transparent Administration" section of the institutional website.

This right sets up what is commonly referred to as "simple" civic access (Art. 5, Legislative Decree No. 33/2013).

The releasing of data or documents in electronic or paper format shall be free of charge, unless reimbursement is made for the cost actually borne and documented by the administration for copying on material supports. Unlike for documentary access, there is no subjective limitation required with regard to the request, nor is a justification required.

Under civic access, transparency becomes synonymous with public disclosure, in the unprecedented sense of "complete access to data and documents in order to protect citizens' rights, promote the participation of interested parties in administrative activity and encourage widespread forms of control on institutional functions and public resources" (Art. 1 Legislative Decree No. 33/2013).

The request for civic access must be submitted to the Officer Responsible for Transparency and for the Prevention of Corruption. The procedures for exercising this right and the e-mail addresses to which interested parties may forward their requests can be found in the Transparent Administration Section of CONI's institutional website "Other Content - Civic Access", to which reference should be made.

Following the requests that have been received, within 30 days (thirty) from the submission of the application, the so-called simple civic access procedure must be concluded with an explicit and motivated measure. If the request is granted, the RTPC shall promptly post the requested document, information or data on the website, or shall forward the requested data or documents to the applicant, notifying the applicant of the publication.

In case of delay or failure to respond, the applicant may appeal to the person in charge of replacing the party responsible, pursuant to Art. 2, para. 9-a, of l. 241/90, who, after verifying whether there are any obligations to publish, promptly posts the data/document/information on the institutional website, notifying the applicant of its publication.



In case of delay or failure to respond, the applicant may appeal to the person in charge of replacing the party responsible.

The references of the Officer Responsible for Transparency and for the Prevention of Corruption and the person in charge of replacing the party responsible are available in the Civic Access subsection on CONI's institutional website.

6.3. Generalized civic access

In order to more effectively fight corruption, Legislative Decree 97/2016 introduced high-impact changes to the discipline of civic access, drawing inspiration from the regulations of the Freedom of Information Act (F.O.I.A.), which is typical of Anglo-Saxon systems.

One of the main changes is the introduction of the so-called "generalized" civic access, i.e., anyone's right to access data and documents in addition to those subject to publication pursuant to Legislative Decree No. 33/2013, in compliance with the limits related to the protection of legally relevant interests, according to the provisions of Article 5-a (Art. 5 of Legislative Decree No. 33/2013, para. 2).

The special feature of this additional form of access lies in an even broader system of access, from both an objective and subjective point of view. As a matter of fact, this is also extended to data and documents for which there is no obligation to publish, without subjective limitations or impediments related to the ownership of relevant legal positions, and does not require any reasons.

Transparency thus turns into the value of total accessibility and the right of generalized access rises to the rank of a fundamental right, marking the transition from "need to know" to "right to know" (from need to right to know).

CONI complies with legal requirements by providing specific indications that ensure that requests for generalized civic access can be submitted.

In this regard, the Transparent Administration section of the institutional website of the institution has also introduced the service related to the "generalized" Civic Access ex art. 5, para.2, 5-a and 5-b of Legislative Decree 33/2013, specifying the procedures for submitting any requests, to which we refer. The generalized access procedure shall end with an explicit and motivated measure within a



period of 30 days (thirty) from the submission of the application, notifying the applicant and any other interested parties of the outcome. These terms are suspended (up to a maximum of ten days) in the case of disclosure of the request to the other party.

If access is granted, the administration shall promptly forward the requested data or documents to the applicant. In the event that access is granted despite the opposition of the other party, the requested data or documents may be forwarded to the applicant not earlier than fifteen days after receiving such notice from the other party, in order to allow the latter to possibly appeal for reconsideration. Should access be denied in whole or in part or should there be no response within the time limit specified in Paragraph 6 of Article 5, Legislative Decree No. 33/2013, the applicant may appeal for reconsideration to the RTPC, who shall decide by motivated measure within a period of twenty days.

In all cases, as with other forms of access and upon the administration's explicit refusal, deferral or inaction, the applicant may start judicial protection before the administrative judge.

6.4. Access Register

In accordance with regulatory provisions, the institution has set up the "Access Register", which consists of the list of requests (in chronological order) according to the three different modes of access, the subject and date of the request, as well as its outcome with the date of the decision.

In the section "Transparent Administration", sub-section "Other Content - Civic Access", records are published annually. In 2022, to date, only one access request has been received.