

INTRODUCTION

Law no. 190 of 6 November 2012 "Provisions for the prevention and repression of corruption and illegality in the public administration" (the so-called Anti-Corruption Law) was primarily introduced in Italy to repress illegality in the public administration but also to fulfill commitments several times urged by international bodies. Likewise, the contents and the recommendations collected in the National Anti-corruption Plans (PNA), approved by the National Anti-Corruption Authority (ANAC), are strictly anchored to binding international obligations as reminded by the 2016 PNA which states: "The Authority [...] is called upon to make its own contribution in the preparation and execution of international standards within the Italian legal system in accordance with the provisions of art. 1, paragraph 2, lett. a) of Law no. 190/2012".

In summary, the main objectives that supranational organizations aim to pursue in the context of prevention strategies are:

- reducing the possibilities for episodes of corruption to occur;
- increasing the ability to discover episodes of corruption;
- create an unfavorable context for corruption.

The Anti-Corruption Law aims at:

- introducing an organic system of corruption prevention in our legal framework;
- enhancing the principles of democracy such as:
 - Equality
 - Transparency
 - Trust in institutions
 - Legality and impartiality of the action of public bodies.

The law is meant for all the public administrations referred to in article 1, paragraph 2, of Legislative Decree no. 165/2001.

PART ONE

I. SUBJECT

This Three-Year Corruption Prevention and Transparency Plan (hereinafter the Anti-Corruption Plan) implements the provisions of the aforementioned Law no. 190/2012 and represents the fundamental document for the definition of the strategy of prevention of corruption risks in the Municipality of Trieste.

The legislative framework in which the Anti-corruption Plan of the Municipality of Trieste unfolds is based on:

- Law no. 190/2012
- Circular letter no. 1/2013 of the Department of Public Administration
- Regulation containing the code of conduct for public employees approved with D.P.R. no. 62 of 16/04/2013
- Guidelines of the Inter-ministerial Committee for the preparation of the National Anti-corruption Plan to be carried out by the Department of Public Administration referred to in D.p.c.m. 16 January 2013
- Legislative Decree 14 March 2013, no. 33.

The regulatory framework has been updated pursuant to Delegation Law 7 August 2015, no. 124, on "reorganization of public administrations", which led to changes to the rules on anti-corruption, disciplinary and transparency (Legislative Decree no. 97/2016). In addition, Law no. 179 of 30 November 2017 on the protection of the authors of notifications and the relative the regulation approved by resolution of the National Anti-Corruption Authority no. 1033 of 30 October 2018 must be mentioned, as well as, with regard to the matter of transparency, the ANAC decisions no. 1309 and 1310 of December 28, 2016. A key role in the drafting of the Anti-Corruption Plan is finally held by:

- the 2015 National Anti-Corruption Plan (PNA), approved with resolution of the National Anti-Corruption Authority no. 12 of 28 October 2015;
- the 2016 PNA, approved with resolution of the National Anti-Corruption Authority no. 831 on 3 August 2016;
- the 2017 PNA, approved with resolution of the National Anti-Corruption Authority no. 1208 in November 22nd 2017;
- the 2018 PNA approved with resolution of the National Anti-Corruption Authority no. 1074 of 21 November 2018;
- the latest National Anticorruption Plan (PNA) 2019, approved with ANAC deliberation n. 1064 on 31 November 2019 which managed to collect and organize all the opinions released by the Authority so far.

With regard to the conflict of interests, it is worthwhile keeping in mind the following explanatory documents issued by the National Anti-Corruption Authority (ANAC):

- the Opinion dated 02/25/2015 and the guidelines no. 6/2015;
- the ANAC Guidelines no. 5, implementing the Legislative Decree no. 50 of 04/18/2016;
- the proposal of ANAC guidelines, in consultation until November 19, on the "Identification and management of conflicts of interest in the procedures for the awarding of public contracts".

The prominent features of corruption have been clarified by the Presidency of the Council of Ministers in Circular no. 1 of 25 January 2013. According to the Presidency, the concept of corruption "must be understood in a broad sense, as including the various situations in which, during the administrative activity, a public subject gets private benefits".

With regard to the concept of risk, this is commonly defined as the degree of probability that a given event occurs and the level of suitability of this event to compromise the achievement of the objectives of an organization.

The Anti-Corruption Plan, therefore, is the instrument with which the administration identifies the areas at risk of corruption, assesses the degree of incidence, detects the existing measures of contrast and those to implement.

As a result of the Legislative Decree no. 97/2016, the Anti-Corruption Plan includes a section dedicated to Transparency and the related annex.

2.ANALYSIS OF EXTERNAL AND INTERNAL CONTEXT

The analysis of the external context aims to highlight the characteristics of the outer environment in which the Municipality operates.

The municipal area, located near the border with the Republic of Slovenia and with a wide access

to the sea, is characterized by large insurance companies, important industrial activities – such as Wartsila, Fincantieri and Illy – but mainly by small and media enterprises.

Trieste is also a crossroads for considerable flows of freight traffic, both from land and from sea. As a result, Trieste can be attractive and profitable for criminal organizations and encourage illegal trafficking. New openings of catering businesses, accommodation facilities and upcoming shopping centers, suggest that the source of the investments must be carefully monitored.

Although there is no evidence of a stable mafia-like infiltration, recent episodes – also cited by the Attorney General at the Court of Appeal of Trieste during the Annual Report – denote the existence of "infiltration mafia endeavors, that are more daring and numerous in view of a substantial economic recovery, of a strong tourist relaunch and the start of large infrastructural and port works".

It should be noted that the whole territory is a crucial transit area for migrants, who use the routes provided both by the sea and by the Balkans.

In addition, given the ever-changing international scenario regarding the danger of attacks, particular attention must also be paid to the danger of possible onslaughts. Care should also be paid to the danger of possible attacks in light of planned international events in the coming years such as ESOF (EuroScience Open Forum) in 2020.

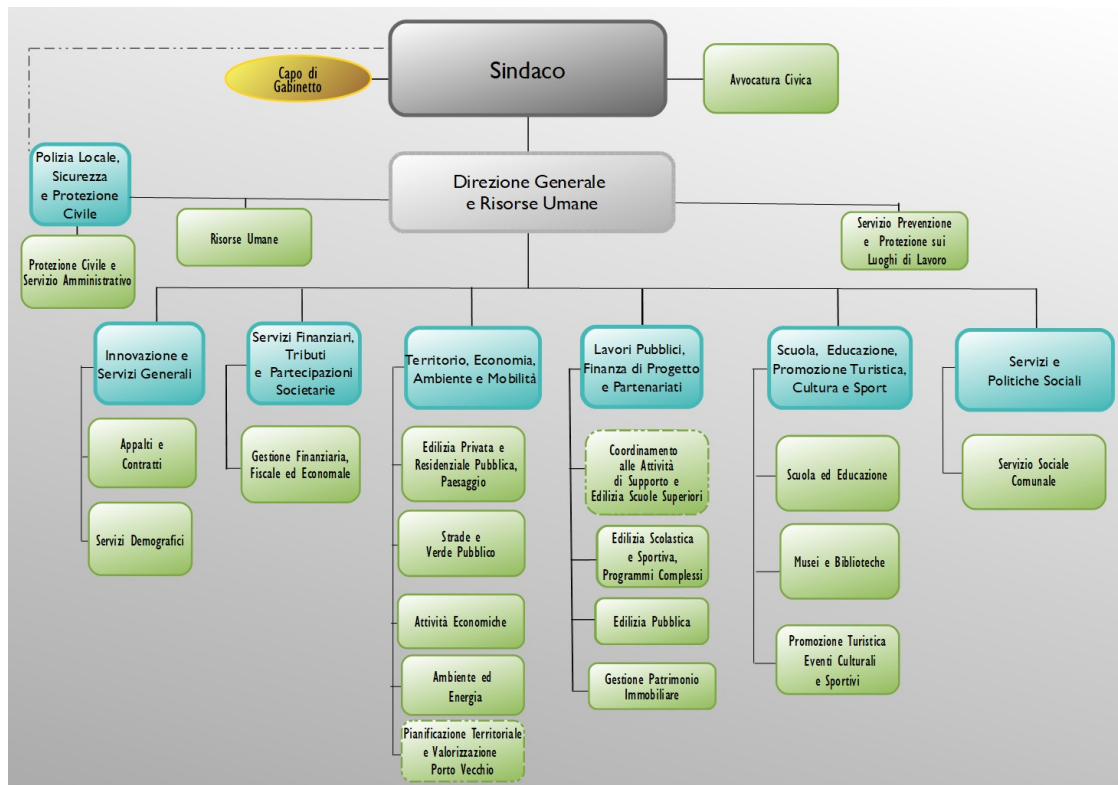
Lastly, there is an increasingly consolidated tourist influx, with a significant increase in stays that exceed the single day. This increase in attendance has consequently led to an expansion of the offer related to catering with the establishment of international chains and the opening of new premises, some of which inspired by specific themes. To this must also be added an increase in the presence of large cruise ships, due to the problems connected with the berths at the port of Venice, so much so that on several occasions there have been massive attendances by both cruise passengers and ship's personnel.

The analysis of the internal context concerns organizational and operational aspects that influence the sensitivity of the structure to corruption risks.

The close link between the Disciplinary Procedures Office and the Anti-Corruption Officer is allowing us to have quick reports on organizational criticisms and deviant behavior episodes in a short time, which is making it possible for the organization to rapidly move in order to reduce potential corruption risks.

The organization of the Municipality of Trieste, represented in the organization chart below, includes 28 management structures with a total number of approximately 2,500 employees. Many of the aforementioned structures operate through central and/or peripheral offices distributed throughout the territory.

Below, for illustrative purposes, the "macro" organizational chart as of 01.01.2020.



Some of the structures are decentralized in the territory like: the Local Police districts, the Civic centers of the Demographic Services, the Markets, the Nurseries, the Infant Schools and the Recreational Centers directly managed by the Municipality as well as the State Schools that the Municipality manages by providing some types of services such as meals through an external company, museum and library institutions, sports facilities and, finally, the Territorial Operative Units of the Social Area and Facilities for the elderly and disabled.

The following table is a summary of the structures on the territory of the Municipality's area taken from the institution's latest Single Programming Document (DUP):

Description		Nr.
Structures	Nurseries with direct management	18
	Kindergartens in convention	18
	State nursery schools	30
	Municipal nursery schools	29

Elementary schools	43
Middle Schools	22
High schools	18
University	1
Libraries / reading centers	4
Recreation centers	14
Residential facilities for the elderly	2
Other structures: CAD	1
Other facilities: day centers	1
Assistance facilities for the disabled	18
Assistance structures for foreigners managed in agreement	14
Sport facilities	49

The considerable distribution of the operating activity of the institution in the territory highlights the need to create more points of contact between the center and the peripheral structures. The measures will be illustrated in detail in the "second part (risk management)", chapter 9.2 "risk treatment", second section, letter B "further general measures", fourth paragraph.

The context of the school and educational services deserves a special attention. More than a third of the municipal employees are, in fact, allocated within these services and located in about 70 municipal structures that cover the entire municipal territory. The presence of a number of municipal kindergartens equal to the state ones, the number of nursery schools and the experience of municipal youth-clubs (ricreatori) - the only one in Italy - generates a management complexity and an organizational criticality that can be compared to few experiences.

Monitoring 2019

The monitoring of the 2019-2021 Plan has been carried out by the offices on a six months basis by means of a special check-list.

The control gave a positive result on most of the items, in particular it was acknowledged that the regulations of the Municipality of Trieste provided a general contrast measure able to reduce the discretionary areas and promote equal treatments.

In particular, the regulation on the occupation of public land, the regulation of municipal schools and the urban police regulations have been updated, complying to the national regulations concerning the security of cities. In addition, the procedures for reviewing nursery, demographic services and real estate regulations are underway.

Resolution n. 10 of 01.03.2019 regarding the Municipal Acoustic Classification Plan has been adopted, which also includes the Municipal Regulations for the protection from noise pollution; a new regulation is being prepared on tampering with public land, urban cemeteries, public lighting systems and white water systems; in addition, the new Regulation of municipal services for early childhood in force from January 1, 2020 was approved and the procedures for modifying the Regulation on contributions and the Regulation for the use of cultural goods and additional services in the cultural field have been initiated. In addition, procedures are underway to revise the regulations for demographic services and real estate

Finally, it was noted that the continuous updating of the Contracts Regulations causes slowdowns due to the uninterrupted issuance of the Guidelines and the implementation of Decrees provided by the Contracts Code as well as to the delay in the launch of the state IT applications.

With reference to the other proposals put forward by various internal offices, the following must be mentioned:

- extending pantouflage to officials, as well as managers and middle managers;
- preparing formats suitable for different types of declaration of conflict of interest;
- canceling the general measure of the need for motivation;
- eliminating the updating of the files relating to the procedures on the institutional portal, as it has already undergone significant modernization in 2019;
- eliminating the internal controls of the structures since the system of control measures has been strengthened within the specifications risk areas;
- eliminating the general measure of verifying the use of disciplinary powers.

These amendments were all implemented except the first, as it was considered that the measure in question should only be aimed at those who, in the ordinary activity of the Municipality of Trieste, have held roles involving negotiating powers with external effects (managers and PO).

3. PREPARATION OF THE ANTI-CORRUPTION PLAN

Law no. 190/2012 and the legislative decree no. 33/2013, as amended by legislative decree no. 97/2016, expressly postulates that the Plan must meet the following requirements:

- identify the activities in which the risk of corruption is higher, even more than those indicated by the National Anti-Corruption Plan, and the related counter measures;
- provide, for the aforementioned activities, mechanisms for the arrangement, implementation and control of decisions suitable for preventing the risk of corruption;
- provide information obligations, with particular regard to the activities most at risk, towards the Head of the Prevention of Corruption and Transparency;
- define the methods for monitoring compliance with the terms, provided by law or regulations, for the conclusion of the proceedings;
- define the methods of monitoring the relationships between the administration and the subjects that stipulate contracts or are directly interested in authorization procedures, granting or providing economic advantages of any kind;
- identify the specific transparency obligations and any further obligations with respect to those provided for by law, also indicating the chain of responsibility for publication;

and that it is structured in such a way as to:

- assess the level of exposure of the organizational structures to the risk of corruption;
- indicate the organizational interventions aimed at preventing the same risk;

- identify appropriate procedures to select and train employees called to work in sectors particularly exposed to corruption.

In this perspective, therefore, the Anti-Corruption Plan can legitimately be included among the risk management tools.

As also noted in the PNA, the preparation of this Plan must respond to the concrete purpose of pursuing the prevention, which constitutes the central moment of the elaboration and must be integrated or implemented with reference to areas particularly exposed to corruption phenomena. In particular, the latest update of the PNA did not indicate any particular risk areas but provided operational indications on cross-cutting critical issues, such as for example on the lack of coordination between the different programming tools (strategic and operational objectives of the performance plan and anti-corruption plan) and emerged from the monitoring carried out on the anti-corruption plans of the institution

The implementation of the Anti-Corruption Plan is combined in a strictly interactive manner with the following fundamental documents:

- the Code of Conduct of the Municipality of Trieste, which integrates and specifies the Code of Conduct for Public Employees approved by D.P.R. no. 62 of 16.04.2013;
- the Regulations for internal controls;
- the auditing – internal controls Plan;
- the Regulation for the economic aid and financial benefits;
- the Regulation on the administrative procedure;
- legislative decree no. 39 / 2013 (incompatibility and ineligibility);
- the performance management cycle;
- ISEE controls regulation and self-declarations;
- Regulation of extra-working assignments,

The method of elaboration of the present Plan has been carried out in compliance with the following two substantial phases:

a) distinct risk mapping at the following times:

- identification of risk areas and sensitive processes;
- risk analysis and assessment;

b) risk treatment.

From the beginning (January 2014), the Plan was prepared by identifying the areas of risk and the measures by analyzing the organizational context of the Municipality of Trieste and therefore it maintains its validity while adapting to the evolution of reality,

4. DYNAMIC APPROVAL AND DEVELOPMENT OF THE PLAN AND UPDATING OF CONTENTS

After the first anti-corruption plan, the annual update was punctually carried out, most recently, with resolution no. 16 of 24.01.2019, subsequently modified, in the annex containing the risk sheets, with resolution no. 179 of 11.04.2019.

This update is also approved by the City Committee (Giunta), following a proposal put forward by the Head of Corruption Prevention and Transparency.

By January 31st of each year the updating of the Anti-Corruption Plan will be approved, taking as reference the following three-year period.

Any changes that will be appropriate and/or necessary in the event that the Plan, in its formulation, turns out to be inadequate to guarantee an effective prevention or if regulatory changes occur, will be promptly approved by the City Committee with its own resolution, upon proposal of the Responsible of the Prevention of Corruption and Transparency.

Over the years, improvements have been made thanks to the experience or suggestions of ANAC, among which the main ones are:

- the definition of the external / internal context;
- redefinition of the risk graduation method;
- greater connection between the "anti-corruption measures" and the performance objectives;
- introduction of a six-monthly periodicity in monitoring the implementation of the plan measures;
- definition of civic access;
- proceduring of whistle-blowing.

In this plan we proceeded to:

- a new mapping of risk areas;
- a general re modulation of the preventive measures ;
- review and summary of similar measures through a homogeneous description;
- grouping of risk areas and measures according to the classification used by ANAC;
- new identification of the objectives related to the performance plan.

5. CORRUPTION PREVENTION AND TRANSPARENCY MANAGER

It is confirmed that the role of Corruption Prevention and Transparency Manager (hereinafter "Responsible") has been entrusted to the top management of the Secretary General, in accordance with the provisions of Article 1, paragraph 7, of Law no. 190/2012, as stated in the appointment of the Mayor prot. corr. no. B - 13/7 - 5/1 - 2016 (3266/2016) of 29.07.2016, as an impartial figure in the performance of his duties and with a higher authority over the body.

The Responsible shall:

- prepare the prevention plan proposal, which must be adopted by the management body of

each administration (art. 1, paragraph 8 of the Anti-Corruption Law);

- define appropriate procedures to select and train employees to work in sectors particularly exposed to corruption (Article 1, paragraph 8);
- verify the effective implementation of the plan and its suitability (Article 1, paragraph 10, letter a);
- propose changes to the plan in the event of significant changes in the organization or in the activity of the administration (Article 1, paragraph 10, letter a);
- verify the actual rotation in the offices responsible for carrying out activities in which the risk of corruption crimes is committed, according to the method described below (article 1, paragraph 10, letter b);
- identify the personnel to be included in training courses on ethics and legality (article 1, paragraph 10, letter c);
- carry out a control activity on the administration's fulfillment of the publication obligations provided for by current legislation, ensuring the completeness, clarity and updating of the information published;
- deal with cases of review of civic access (art. 5, paragraph 7, Legislative Decree no.33/2011);
- report to the Disciplinary Office in the event that the request for civic access concerns data, information or documents subject to mandatory publication (art. 5, paragraph 10, Legislative Decree no. 33/2013);
- handle the dissemination of the knowledge of the codes of conduct in the administration, the annual monitoring of their implementation, the publication on the institutional website,

The tasks assigned to the Manager cannot be delegated, except in the case of extraordinary and motivated needs, attributable to exceptional situations, while remaining responsible in the delegating party not only in supervising but also *in eligendo*.

The activity of the Responsible is, however, supported by a staff office whose competences also include those relating to the management of transparency, organization and secretariat of the Independent Evaluation Body.

In the previous Plans the role of the anti-money laundering manager referred to in the decree of the Ministry of the Interior on September 26, 2015 was to be considered similar to the functions of the Responsible.

6.ACTIONS OF AWARENESS AND RELATIONSHIP WITH THE CIVIL SOCIETY

The proposal of the plan is published on the municipal intranet and sent to the President of the Municipal Council, the Councilors, the Presidents of the Circumscriptions, the Trade Unions, the Guarantee Committee (CUG).

With reference to the outside and civil society, it is involved with a public notice on the institutional portal and sent to consumer and user associations.

The possibility of submitting comments to a wide range of subjects with diversified interests is

avored. The observations are evaluated for the final formulation or updating of the Plan which is finally approved by the City Cabinet (Giunta),

7. THE INDEPENDENT ASSESSMENT BODY (OIV)

The OIV plays an important role in the management system of performance and transparency in public administrations.

The rules on anti-corruption and transparency, including the ANAC guidelines on the subject, attribute to this figure the task of:

- participate in the risk management process;
- verify that in assessing and evaluating performance, the objectives connected with anti-corruption and transparency are taken into account;
- verify, in particular, the consistency between the objectives relating to the implementation and promotion of transparency and the implementation of corruption prevention measures and those indicated in the strategic-management planning documents;
- verify the contents of the annual Report on the implementation of corruption prevention in relation to the connected objectives;
- use the data and information relating to the implementation of the measures of the anti-corruption Plan and of the obligations of publicity and transparency for the purpose of evaluating individual performance and, in agreement with the Responsible, certifying their fulfillment;
- express mandatory opinion on the code of conduct that each administration adopts pursuant to art. 54, paragraph 5, of Legislative Decree no. 165/2001 as amended by art. 1, paragraph 44, of L. no. 190/2012, and related periodic updates;
- receive the annual monitoring data on the implementation of the codes of conduct required by art. 15, 3rd paragraph, of the D.P.R. no. 62/2013 for the purpose of controlling the implementation and compliance with the codes by the managers to be taken into account when formulating the annual evaluation proposal.

As required by article 1, paragraph 8-bis, of L. no. 190/2012 as amended by Legislative Decree no. 97/2016, which strengthened the functions already assigned to the OIV in the field of corruption prevention and transparency, also in a logic of coordination with the RPCT and of relations with the ANAC, for the performance of its tasks it may request information from the Responsible and carry out audits of employees and, if requested, reports to ANAC on the status of implementation of measures to prevent corruption and transparency.

The connection between the performance objectives and the transparency measures has also found confirmation in the art. 10, paragraph 3, of Legislative Decree no. 33/2013 as amended by Legislative Decree no. 97/2016, where it was stated that the promotion of greater levels of transparency is a strategic objective of each administration, in order to see the paragraph relating to the implementation of the Plan.

8. OTHER SUBJECTS COLLABORATING TO THE PREVENTION OF CORRUPTION

ALL MANAGERS

The activity of the Manager is flanked by that of all the managers, who actively participate in the development of the Anti-Corruption Plan.

In particular, paragraph 1 of Article 16 of Legislative Decree no. 165/2001 provides that the managers:

- "Contribute to the definition of appropriate measures to prevent and combat corruption and to monitor compliance by employees of the office to which they are assigned";
- "Provide the information required by the competent body for the identification of activities in which the risk of corruption is highest and formulate specific proposals aimed at preventing the same risk";
- "Provide for the monitoring of activities in which the risk of corruption carried out in the office to which they are assigned is higher, arranging, with a motivated provision, the rotation of personnel in cases of the initiation of criminal or disciplinary proceedings for corrupt conduct. "

Therefore, the executives participate in the risk management, proposal, monitoring and control activities.

They are responsible for the correct implementation and observance of the provisions contained in Law no. 190/2012 and in the Anti-corruption Plan, implementing the risk prevention measures and the provisions concerning the transparency obligations, actively cooperating with the Responsible for fulfilling the obligations of publicity and transparency, respecting and implementing the directives, collaborating with the subjects and with the structures involved for the correct implementation and effective functioning of the integrated internal control system.

HUMAN RESOURCES MANAGER

Guarantees the effective rotation of personnel in the structures with the highest risk of corruption and collaborates with the Responsible in identifying the personnel to be included in specific training programs.

MANAGER OF THE CIVIC NETWORK

Identified in the Director of the Innovation, Tourism and Economic Development Area, he assists the Responsible in carrying out his duties and activities and guarantees, also through the in-house instrumental company TCD - Trieste Città Digitale srl, the regular and correct functioning of the civic network, as well as its accessibility and security.

DISCIPLINARY PROCEDURES OFFICE (UPD)

The Disciplinary Proceedings Office plays a primary role in contrasting and preventing offenses within the Municipality.

In addition to the activity connected to violations of a strictly disciplinary nature carried out by employees or managers, it provides for the timely notification to the criminal judicial authorities or reporting to the Court of Auditors for their respective competences where the manager, bound by art.13, 8th paragraph, of Presidential Decree no. 16/2013, has not already done so, collaborating, where requested, with the judicial police bodies.

Provides support and legal advice to managers in disciplinary matters, in particular with regard to the procedures under their jurisdiction pursuant to art. 55-quater of Legislative Decree 165/2001 in the event that employees are caught in the act, or through instruments of surveillance or registration of access, at the time of setting up a configurable conduct as a false attestation of presence in service.

Punctually, within the term of twenty days from their adoption, provides to the communications of initiation and conclusion of each disciplinary procedure as well as of any provision for precautionary suspension of employees to the Inspectorate for the Public Function, as provided for by art. 55-bis of the aforementioned Legislative Decree 165/2001.

Finally, it monitors and reports to the Manager on all critical situations in the management of the disciplinary responsibility of employees by managers for the purposes of disciplinary action against them and / or activation of consequences on managerial responsibility for the purposes of evaluation of performance, individual and organizational.

The Disciplinary Proceedings Office also works in conjunction with the Responsible referred to in art. 1, paragraph 7, of the L. no.190 / 2012 for the purposes of carrying out the activities provided by article 15, paragraphs 1, 2 and 3 of the D.P.R. no. 62/2013 regarding:

- Supervisory and monitoring activities on the application of the codes of conduct of public employees, in conjunction with the managers responsible for each structure and the internal control structures, in particular as regards the control of extra-work activities and the control of attendance and permits ;
- Collection of ascertained and sanctioned illegal conducts - ensuring at every stage of the procedure the guarantees pursuant to art. 54 bis of Legislative Decree no. 165/2001 - also for the purpose of recording the data to be provided annually to the National Anti-Corruption Authority and to the Independent Evaluation Body, called to carry out a supervision activity on the application of the Codes of conduct;
- Collection of reports of violation of codes of conduct and communication to R, P, C, T, (art.14 of the Code of business behavior);
- Periodic publication of exemplary anonymous cases, taken from the concrete experience of the administration, in which the inappropriate behavior that has brought about the disciplinary offense, as provided by art. 4 of the PNA;
- Collaboration in the preparation of periodic proposals for updating the Code of Conduct to be submitted to the City Commission (Giunta).

For the best performance of his/her duties, the manager of the Disciplinary Proceedings Office can

be given credentials to access the attendance management system, the medical certificate management system, the municipal registry, the SIATEL management system (Revenue Agency) and the Telemaco database (business register).

EMPLOYEES

All employees and managers participate in the risk management process, lending their collaboration to the Responsible with the following actions:

- intervening with proposals during the preparation of the Anti-Corruption Plan;
- punctually complying with the provisions of the plan, also by virtue of the obligations of loyalty and diligence that derive from the employment relationship established with the Municipality of Trieste by implementing the preventive measures provided by the plan;
- pointing out the situations of conflict of interest, even potential, which concerns them;
- reporting with the modalities included in the institutional website of the institution and on the municipal intranet the situations of illegality of which they have come to know as also foreseen by article 7 of the Code of business behavior, without prejudice to the obligation of reporting to the judicial authority in the cases provided for by the penal code (Article 8 of Presidential Decree No. 62/2013).

Disseminating the contents of the Anti-Corruption Plan in the administration structures will be treated with capillary features and each employee will have to become an active part in the knowledge and in-depth analysis in proportion to the role and profile covered.

Violation of the anti-corruption plan is a source of disciplinary responsibility.

The violation of duties is also relevant for the purposes of criminal, civil, administrative and accounting responsibility when the responsibilities are connected to the violation of corresponding duties, obligations, laws and regulations.

COLLABORATORS TO ANY TITLE

Collaborators observe, as compatible, the measures contained in the Plan and the rules of the Code of Conduct and report to the Supervisor the situations of abuse in the Administration of which they have become aware in carrying out the tasks assigned.

Collaborators are those who cannot be included among the employees but who carry out their professional activity in the context of the municipal services, that is, consultants with any type of contract or assignment, heads of organs and offices in direct collaboration of the political authorities, collaborators as suppliers of goods or services and who carry out works in favor of the administration, trainee, social workers (LSU).

SECOND PART (RISK MANAGEMENT)

9. IDENTIFICATION OF RISK AREAS AND SENSITIVE PROCESSES

The identification of the risk areas is intended to allow the determination of the most sensitive areas, so it is necessary to maintain a high level of attention where the preventive measures are already optimally activated, or implement them where they are imperfect.

Article 1, paragraph 16, of the Law no. 190/2012 identifies the areas of risk common to all public administrations, which refer to the proceedings of:

- a) authorization or concession;
- b) choice of the contractor for the assignment of works, supplies and services, also with reference to the selection method chosen pursuant to the code of public contracts relating to work, services and supplies, pursuant to Legislative Decree no.50 / 2016 (pursuant to Legislative Decree No. 163/2006);
- c) granting and disbursement of grants, contributions, subsidies, financial aids, as well as the attribution of economic advantages of any kind to individuals and public and private bodies;
- d) competitions and selective tests for the recruitment of personnel and career progressions pursuant to art. 24 of Legislative Decree no. 150/2009.

Further areas of risk for the Municipality of Trieste have been identified, already in the first Anti-Corruption Plan, through a process of analysis of the procedures carried out by the managers and on the basis of the experience gained and the organization of the body collected by the Responsible.

9.1. ANALYSIS AND GRADUATION OF RISKS

Procedures were examined in all the different phases of the initiative, the preliminary investigation, and the adoption of the final act, so as to identify the greater exposure of the responsible subjects.

Risk graduation

In approving the 2015 Plan, following the suggestions of the OIV, the Municipality of Trieste has adopted a risk grading method, already used by executives, for the various risk areas as perceived in each structure.

The method and its results are reported, the first, at the bottom of the present plan and, the second, in the annex relative to the single cards, offering the possibility to correlate the risk prevention measures to the gravity of the risk.

Such a representation of risk is an important starting point for defining priorities and scheduling the prevention and protection measures to be adopted.

What is emerging is an approval on the "average" risk level. This suggests that in the future the

actual numerical values should be required.

Risk analysis

As part of the analysis carried out on the risks and on the sensitive processes mapped, it was possible to detect several sensitive processes common to almost all the procedures which in turn provided, as a measure of contrast, the same general actions.

More specifically, the common sensitive processes, such as preliminary investigation segments or inter-procedural acts, were identified in:

- substitute declarations and self-certifications, present in numerous proceedings and necessary for access to various services, especially if on favorable terms;
- publication and transparency phase now provided for a large number of documents;
- delicacy of the motivational phase in the measures;
- knowledge of work procedures and standards of the procedure;
- stages following the adoption of the measures.

To respond to these common themes, the following measures were provided in the individual risk area tables:

- activation of checks (including random checks) eg on self-declarations and ISEE models;
- compliance with the transparency / publicity obligations of the activity performed;
- training activities for the personnel involved;
- compliance with standards and / or regulations where they exist;
- individual abstention in the event of a conflict of interest;
- recording / evidence of the results of the checks carried out;
- need for clear, precise and complete motivation in all measures;
- need for defined procedures;
- internal administrative regularity checks

The same can be better defined as measures of a general nature and within this category, in the following chapter, it will be illustrated how these, together with the other provided ones, are used to allow the development of correct work processes and the minimization of risks.

9.2 RISK TREATMENT

FIRST SECTION

THE MEASURE OF TRANSPARENCY

In the Mayor Mandate Program, transparency is understood as the way in which "the Municipality is willing to be observed by its citizens" to constitute a sort of "functional and transparent interface". The Municipality must become a "glass house" where the "Transparency of management and access to documents of the municipality must be guaranteed to citizens"

Civic Network: "Transparent Administration" Section

The section contains the data, documents and information whose publication is mandatory by law or those independently identified by the Municipality in relation to contents deemed worthy of attention.

The compendium of the data to be published, updated as required by the amendments to Legislative Decree no. 33/2013 due to the legislative decree no. 97/2016, is contained in the synoptic table attached to this Plan, drawn on the basis of the model prepared by ANAC with resolution no. 1310 of 12.28.2016.

This attached table shows, for each type of data, documents and information, offices responsible for the completeness and correctness of the contents of the publication, preparatory activities for identifying and/or processing them and for the final transmission to the office responsible for the publication, which operates through an in-house instrumental company.

To make it easier to update the data, we reiterate the opportunity to pursue simplifications and improve automatism, by the competent structures for the individual topics, in line with the institution's computerization plan.

For data that do not have a predefined deadline, update is guaranteed with the frequency indicated in the appropriate column, to ensure an adequate alignment with reality.

The duration of the publication obligation must be understood to be ordinarily set in accordance with current legislation, in five (5) years starting from 1st January of the year following the year in which the publication obligation begins and in any case until the documents published produce their effects.

At the end of the publication duration, documents can be removed and transparency is ensured through the institution of civic access as illustrated below.

With regard to the publication of the procedures followed during 2019, a rewriting work has been carried out in order to use a more accessible language, together with the updating of the information required by Legislative Decree no. 33/2013, as amended by d. lgs n. 97/2016 in view of the restyling of the institutional website.

With regard to the publication of managers' financial and income data, after the intervention of the Constitutional Court ruling no. 20 of 23.01.2019 and the subsequent ANAC resolution no. 586 on 26.06.2019, the only balance sheet of the top management of the Municipality was published, precisely the one relating to the Manager Secretary General.

Civic access

Although civic access increases transparency towards citizens, enabling them to participate in the knowledge of the decision-making activity of administrations in an anti-corruption sense, it should be borne in mind that this right must be reconciled with the right to privacy of private citizens and with professional secrecy,

Civic access is governed by articles 5 and following of legislative decree no. 33/2013 as amended by Legislative Decree no. 97/2016 and completes the document access rules provided by the law on the procedure no. 241 of 1990.

Therefore, in the legal system, as also illustrated by ANAC with the guidelines referred to in Resolution no. 1309 of 12.28.2016, three different types of access can be distinguished:

- "documentary" access governed by Chapter V of Law no. 241/1990 to protect the juridically protected interests of citizens; the peculiarity is that the applicant must prove to be the holder of a "direct, concrete and current interest, corresponding to a legally protected situation and connected to the document to which access is requested", ie access regulated by Chapter V of the law no. 241/1990 to protect the juridically protected interests of citizens;

- simple "civic" access to documents subject to publication obligations, introduced for the first time by art. 5, paragraph 1, of the decree to reorganize transparency, (Legislative Decree No. 33/2013), concerning the right of anyone to request the availability of documents and information whose publication is mandatory; constitutes a remedy for failure to comply with the publication obligations imposed by the law, superimposing on the publication duty, the right of the private party to access the documents, data and information affected by the default

- "generalized" access as per art. 5, paragraph 2, and subsequent articles of the aforementioned transparency decree as amended by Legislative Decree no. 97/2016 which introduces a high level of transparency by fully implementing the principle of freedom of information (the so-called FOIA Freedom of Information ACT) in order to favor widespread forms of control over the pursuit of institutional functions and the use of public resources and promote participation in the public debate; it represents a definitely innovative institution which translates into a right of access not conditioned by the ownership of legally relevant situations and having as its object all the data and documents and information held by the public administrations, further than those for which a publication obligation is established provided for in the same decree or other regulations.

There are limits to access to protect public and private interests that may be prejudiced by the dissemination of certain information.

Absolute limits (Article 5 bis, paragraph 3)

Generalized access is excluded in cases where a rule of law, based on a prior and general assessment, to protect priority and fundamental interests, definitely provides for the non-ostensibly of data, documents and information or allows it according to particular conditions, methods and / or limits inherent to:

a) State secrecy pursuant to art. 39 of the law of 3 August 2007, no. 124;

b) other cases of prohibition of access or disclosure provided for by the law, including cases in which access is subject to the regulations in force to compliance with specific procedures or limits, including those referred to in art. 24, paragraph 1, of Law no. 241 of 1990 that relate to:

- 1) the disclosure prohibitions expressly provided for by the government regulation referred to in paragraph 6 of the art. 24 of law 241/1990 and the regulations of public administrations adopted pursuant to paragraph 2 of the same article 24;
- 2) in tax proceedings, to the particular rules governing them;
- 3) with regard to the activity of the public administration aimed at issuing legislative, general administrative, planning and planning acts, with the particular provisions that regulate their training;
- 4) in selective proceedings, to the exclusion of administrative documents containing information of a psycho-apitude nature relating to third parties.

Beyond the cases indicated above, there are limits (relative or qualified exceptions) placed to protect public and private interests of particular legal importance listed in paragraphs 1 and 2 of art. 5 bis of the transparency decree.

Relative limits (Article 5 bis, paragraph 1)

The regulation of generalized civic access provides for the possibility of rejecting the request if the refusal is necessary to avoid a concrete prejudice to the protection of one of the public interests inherent in:

- a) public security and public order;
- b) national security;
- c) defense and military matters;
- d) international relations;
- e) political, financial and economic stability of the State;
- f) investigations into crimes and their prosecution;
- g) regular performance of inspection activities.

In addition, pursuant to article 5 bis, paragraph 2, the refusal is necessary to avoid the concrete prejudice to the protection of the private interests specifically indicated by the law, namely:

- a) protection of personal data;
- b) freedom and secrecy of correspondence;
- c) economic and commercial interests of a natural or legal person, including intellectual property, copyright and trade secrets.

Relationships between generalized access and document access

Given that simple civic access responds to the need to resolve the administration's failure to comply with publication obligations, the difference between generalized access and document access is to be sought through a balance of the right of transparency and the need for

confidentiality of public or private third parties.

The deepest protection lies in the access to documents, that is to guarantee as much as possible access to administrative documents whose knowledge is necessary to take care of or defend their legal interests, subject to compliance with the interest in protecting the right to privacy of third parties.

Vice versa, if a request for document access is denied due to lack of the assumption of the qualified legal situation to be protected, and there is no infringement of third parties' interests, the request of the same document can be accepted as a generalized access since this right is wider.

Organizational measures to implement general civic access

The page of the Transparent Administration Section of the Institutional Site dedicated to civic access contains the forms, the referring subjects and the contact details to activate this right.

All requests, even if not directly received by the Transparency Manager, are brought to his attention to ensure a uniform treatment.

Normally the requests and the relative responses are up to the structures responsible for the subject, while the Transparency Manager keeps the power to provide for any cases of delay or inertia or in the case of multidisciplinary requests.

In order to make it possible to create the "register" of civic accesses, also to be published on the institutional website every six months, a special title was prepared in the sectional protocol of the Responsible on which the entrances and departures are recorded, for a prompt evidence of traffic and timing

Liability arising from the violation of the Transparency provisions

The changes made to Legislative Decree no. 33/2013 concern the extension of the liability system, as well as the non-fulfillment of publication obligations, including the refusal, deferral and limitation, outside the cases permitted by the regulations (art. 5 bis of the legislative decree no. 33/2013 as introduced by Legislative Decree no. 97/2016) of civic access.

In the cases of non-fulfillment mentioned above, managers respond according to their managerial responsibility.

Strategic Objective

The need to include strategic objectives aimed at achieving greater levels of transparency, represented in art. 10, paragraph 3, of Legislative Decree no. 33/2013, as amended by Legislative Decree no. 97/2016, can be oriented to the definition of flows for the automation of the publication on the transparent section to be broken down into specific objectives within the digital transition, provided by the rules on the digitization of the public administration.

SECOND SECTION

A) OTHER MANDATORY MEASURES (provided by the PNA)

Code of Conduct

The law no. 190 of 6 November 2012, containing "Provisions for the prevention and repression of corruption and illegality in the public administration", which amended art. 54 of the legislative decree no. 165 of 2001, provides for the adoption of an internal code of conduct for each administration.

The Municipality of Trieste has adopted, in accordance with the ANAC guidelines, its own internal code of conduct by resolution of the City Council no. 31 of 01.01.2014.

The updated Code of Conduct was approved by the Town Council with resolution no. 234 of 24.05.2018 and entered into force, replacing the previous one, on 13.06.2018.

The new Code of Conduct was widely disseminated, published on the corporate website of the Municipality and each Manager was invited by the Director of Human Resources to send the Company Code of Conduct to employees.

In addition, copies of the code were sent to private subjects that supply goods, provide services or carry out works in favour of the Municipality of Trieste.

The explanatory report published in the Transparent Administration Section of the institutional website of the Municipality specifies the changes and innovations made, including the implementation of regulatory changes in the field of Whistleblowing, highlighting the role of managers in the realization of organizational well-being as a positive element also in order to achieve the optimization of the quality of services offered to citizens.

Staff rotation

The rotation of personnel is to be considered as a preventive organizational measure aimed at limiting the consolidation of relationships that can feed improper dynamics in administrative management. The alternation reduces the risk that a public employee, dealing for a long time with the same type of activity, services, procedures and establishing relationships always with the same users, can be subjected to external pressures or can establish relationships potentially capable of activating inadequate dynamics .

Furthermore, the turnover of personnel is a measure of organizational enhancement since it allows greater flexibility and extension of the use of personnel.

In the context of the Municipality of Trieste, in fact, a systemic rotation is produced in numerous sensitive areas for anti-corruption issues (eg contracts, public works, private building, economic activities, cultural contributions and local police), due to various reorganizations of the structures, for the exit of numerous managers and the entry of new ones.

If necessary, this organizational method dictated by the need to dynamize and renew the activity of the institution and the way of working will be subject to further changes that will take place during the coming year. Therefore, the rotation method that follows, which represents a valid means in case of creation situations of organizational stiffness, can be considered residuary.

The staff turnover is also a measure of organizational benefit since it allows greater flexibility and expansion of staff use and enhancement of internal resources, without any prejudice for professional specializations.

In the Municipality of Trieste a systemic rotation is produced as a consequence of the natural turnover (new hires compared to retirement) so that the level approaches the established rotation rate.

Rotation discipline

Subjective scope: managers, POs, process managers, tender and competition commissioners and employees.

Objective rotation areas of managers: in addition to and with a prevalence criterion with respect to the rules on the assignment of managerial positions in force in the institution, the rotation must involve at least 20% of the management positions over a period of 5 years.

The rotation must be carried out in compliance with the professional requirements and may involve a greater number of management positions to ensure the exchange of professionalism between the areas subject to greater or lesser risk.

Objective areas of rotation of the organizational positions: the rotation of the officials (PO) is determined with a phase shift of one year compared to that of the managers and takes place every 5 years. It must cover at least 20% of the organizational positions in each individual Area.

Objective areas of rotation of the processors other than the organizational positions: the rotation of those responsible for the processes at risk takes place, within the same Area, every 5 years with a phase lag of 2 years compared to that of managers.

Objective areas of rotation of employees: employees not belonging to the previous groups operating in the risk areas must, in any case, rotate on a five-year basis for a percentage of 20%.

Rotation is anticipated immediately in the event of conflict of interest relating to the functions attributed to the managerial position held during the course of a year.

The staff rotation procedures must be accompanied by adequate training about the new subjects that will be treated. This presupposes participating in training moments designed to better prepare the staff for the new assignment.

In sectors most exposed to the risk of corruption, other organizational preventive actions must be adopted so as to have a similar effect to that of rotation,

As for the extraordinary rotation to be applied after the occurrence of corrupt phenomena, this hypothesis is related to the ordinary powers conferred by the d. lgs n. 165/2001 to managers (art. 16, paragraph 1, letter l-quater) and is jointly implemented by the Manager and the Disciplinary Procedures Office.

Potential conflicts of interest - Abstention obligation in case of conflict of interest

Pursuant to the Law no. 241/90 on the administrative procedure the case of conflict of interest the person in charge of the procedure must abstain, signaling any situation of conflict, including potential.

In the public sector, the conflict of interest occurs in situations where a secondary interest

interferes or could tend to interfere with the primary interest, invalidating the ability of the public official to act in accordance with his/her duties and responsibilities towards the community.

The OECD (Organization for Economic Cooperation and Development) has identified three types of conflicts of interest:

- A real conflict of interest that involves a conflict between the public mission and the private interests of a public official, in which the latter has private interests that could unduly influence the fulfillment of his public obligations and responsibilities;
- An apparent conflict of interest that exists when it seems that the private interests of a public official may unduly influence the fulfillment of his obligations, but, in fact, this is not the case;
- A potential conflict of interest that occurs when a public official has private interests that could give rise to a conflict of interest if the official were to take on specific official responsibilities in the future.

In addition, numerous bodies have defined the typical types of conflict of interest in specific sectors, such as a group of Member State experts with the coordination of the OLAF Prevention of Fraud Unit (Unit D2) which issued the Guide management practice drawn up with reference to conflicts of interest in tender procedures in the framework of structural actions to which reference is made for further information.

The code of conduct of the public administrations D.P.R. no. 62 of 16.04.2013 in particular provides for two general cases:

- that referred to in Article 6 (which corresponds to the specification of Article 4 of the Code of Business Conduct) according to which the employee informs the office manager in writing of all the direct and indirect reports of collaboration with private subjects, in any way paid, that they have or have had in the previous three years. The employee must refrain from making decisions or carrying out activities in situations of conflict, even potential.
- that referred to in Article 7 (which corresponds to the specification of Article 5 of the Code of Business Conduct) according to which the employee abstains from participating in the adoption of decisions or activities that may involve his own direct and indirect interests or if there are serious reasons of convenience. The responsible manager decides on the abstention.

From article 6, as highlighted in the Guidelines for the adoption of the Codes of conduct in the institutions of the NHS issued by the ANAC with Resolution no. 358 of 29/03/2017, we draw a further distinction between:

- direct conflict of interest, or that involves the satisfaction of an interest of the person required to comply with the Code;
- indirect conflict of interest, or that concerns entities or individuals other than the subject required to comply with the Code but connected to it.

Finally, for the near future, the last elaborations of the ANAC with the articulated guidelines (see

consultation on the site of 11.19.2018) for the identification and management of conflicts of interest in contract awarding procedures public.

Compliance with the obligation of abstention in the event of a conflict of interest is facilitated by the dissemination of specific forms containing the declarations relating to the cases provided by the Codes of conduct to be used in the event of even only the potential existence of a conflict.

The conflict and abstention verification system is articulated in the institution through the following phases:

- compilation of the model by employees who find themselves in one of the conflict situations identified by the code in relation to the practices dealt with;
- in the case of Article 6 the employee must abstain independently and the manager must only take note of it;
- in the case of art. 7 the verification of the conflict and the decision on the abstention is taken by the manager who pronounces himself at the bottom of the declaration about the existence of the conflict and, if so, indicates how to overcome it (for example the abstention on the part of the employee and / or the invocation of the practice by the manager);
- transmission of a copy of the complete declaration of the decision to the Anti-corruption Officer.

The procedure is completed with an annual monitoring through the registration, by the Anti-Corruption Office, of the details of each type of conflict, with the prescriptions identified the date of beginning and closure of the same, in order to quantitatively measure the phenomenon, evaluate the effectiveness of the measures adopted to resolve conflict cases and identify any emerging organizational critical issues.

As a preventive measure the articles of the Code of Conduct indicated above will be submitted to new hires, requesting their signature and a declaration of non-existence of the conflict to those who are transferred from one office to another.

Performance of office assignments - extra-institutional activities and assignments

Among the obligations provided for by L. no. 190/2012, the adoption of a provision aimed at identifying the duties prohibited to employees is also included.

At the Municipality of Trieste, the subject was already governed by a specific regulation containing the "regulation of activities and non-working duties" which, adopted in 1999, was subsequently supplemented by specific provisions of the regulation on part-time and the Code of conduct company approved in 2014.

In order to give an organic and unitary structure to the matter, the competent Human Resources office has prepared a single regulatory text, including all the relevant regulations and in line with the Code of Conduct, approved with joint resolution no. 627 of 4 December 2017 and entered into force on 22 December 2017.

Conferral of management positions in the case of particular activities or previous assignments

The following are the reference standards and the measures envisaged:

Article 3, paragraph 4, of Legislative Decree n. 39/2013 Non-assignment of offices in the event of conviction for crimes against the public administration

Article 35-bis, paragraph 1 letter b, of Legislative Decree n. 165/2001, "prevention of corruption in office assignments"

Article 4 of Legislative Decree n. 39/2013 Non-transferability of positions in state, regional and local administrations to subjects coming from private law bodies regulated or financed

Article 7 of Legislative Decree n. 39/2013 Non-assignment of appointments to members of political bodies at regional and local level

To verify compliance with the aforementioned rules, executives are asked to provide a declaration on the absence of non-assignability causes; any subsequent occurrence of a cause for non-assignment resulting from a criminal conviction must be promptly communicated.

The control of all the declarations is carried out by acquiring the certificates of the criminal record with regard to the case of art. 3, paragraph 4 of Legislative Decree n. 39/2013.

Article 5, paragraph 9, of the Legislative Decree n. 95/2012 modified by article 6 of the Legislative Decree n. 90/2014 converted with amendments from L. n. 114/2014. Reduction of public administration expenses

To ensure compliance with the ban in question, the following directive applies to the competent offices:

"In announcing the comparative procedures for study and consulting assignments, the notices will state as a condition for the admission to participation the non-existence of the state of retirement within the period of the contractual service."

In line with the directives of the previous plans, in the individual contracts stipulated since 2015 with the managers, a substitute declaration has been included attesting the non-existence of the state of quiescence. A similar declaration must be included in contracts relating to study and consulting assignments.

Sample declarations will be made on the declarations acquired, for subjects born before 1970, according to the general rules also through the consultation of the databases of other institutions.

Specific incompatibilities for managerial positions Chapter V - VI of Legislative Decree n. 39/2013

The institution's managers are required to submit a declaration of non-existence of a situation of incompatibility to be updated every year. In the case before the expiration of the previous declaration there is a cause of incompatibility the same must be promptly communicated.

The aforementioned declarations will be checked on a sample basis according to the general rules.

Article 35-bis, paragraph 1 letters a) and c), of Legislative Decree n. 165/2001, "preventing the phenomenon of corruption in the formation of commissions"

In order to ensure compliance with the aforementioned mandatory regulation, the following

directive is established aimed at the bodies of the entity that are in the situation of appointing competition, selection or tender commissions:

Participants in the competition, selection or competition commissions must be required to sign the individual substitutive declarations concerning the non-existence of convictions, even with a final judgment, for the offenses set forth in Chapter I of Title II of the Book of the Code criminal.

On declarations, the offices will have to carry out random checks by consulting the register.

Activities following termination of the employment relationship (pantouflage - revolving doors)

Article 53, paragraph 16 ter, of Legislative Decree n. 165/2001, added by article 1, paragraph 42, letter l) of the l. n. 190/2012

To comply with the aforementioned rule, the following directive has been explicitly established for the Contracts Service:

In the calls for tenders or in the preparatory deeds for assignments, also through negotiated procedure, the subjective condition of not having concluded subordinate or autonomous employment contracts and in any case not having assigned tasks to former employees who have exercised authoritative or negotiating powers for public administrations account towards them for the three years following the termination of the relationship.

Likewise, the exclusion from the awarding procedures towards the subjects for which the situation mentioned in the previous point has emerged will be ordered.

Consequently, in the contracts for the assignment of works, services and supplies, specific termination clauses will be included if the declarations regarding compliance with this condition are not made by the subjects dependent on the contracting companies.

Furthermore, at the time of termination of the service, the managerial staff or the persons in charge of organizational positions are asked to sign a document containing the explanation of the prohibition in question, with which the subject undertakes not to perform work, either by way of work subordinate or self-employed, for three years following the termination of the relationship with the recipients of the measures adopted or contracts concluded with the decision-making contribution of the employee in the last three years of service.

Protection of the employee who reports offenses (also known as Whistleblower)

The matter, introduced into the public service with the anti-corruption law 190/2012 through the art. 54 bis of the legislative decree no. 165/2001 on the organization of work employed by public administrations, has just been reformed with Law no. 179 of 11.31.2017 in particular, with respect to the protection of the employee who reports any illegal activity explicitly prohibiting retaliatory effects against him or her and absolutely conditioning the disclosure of the identity of the employee, even when it is indispensable for the defense of the accused.

These changes were also referred to in the update of the Code of Conduct.

Although not modified, until the issuing of new guidelines by the ANAC, account is taken of those that occurred with the determination no. 6 of 04.28.2015 dell'ANAC which were already incisive about the need to use technical measures to preserve the confidentiality of the identity of the reporting person.

Reports of violations or irregularities, offenses or conduct that are in any case detrimental to the entity can be made by employees in the strict sense, to which are added the collaborators or consultants with any type of contract or assignment and the workers as well as the collaborators to any title of companies supplying goods or services or carrying out works in favor of the administration.

The aforementioned subjects are referred to the privacy protection measures illustrated in this paragraph.

To guarantee the privacy of the informant, the aforementioned reports may be addressed to the Responsible of the Municipality of Trieste, in one of the following ways:

- by e-mail to the box of the Manager (responsible.anticorruzione@comune.trieste.it) entitled "RESERVED - CONFIDENTIAL";
- by postal service or by internal mail, with the indication "RESERVED - CONFIDENTIAL" written on the closed envelope;

or directly to the ANAC, to the e-mail address whistleblowing@anticorruzione.it or to the ordinary judicial authority or to the accounting one (Court of Accounts) as provided for by the article 54 bis of the legislative decree no. 165/2001, as amended by law no. 179/2017.

In the event that the report concerns the Responsible, the same will be sent directly to the ANAC to the e-mail address whistleblowing@anticorruzione.it.

The report requires the use of the specific form, prepared on the basis of the facsimile provided by ANAC, available, together with these procedural indications, on the municipal intranet "Main menu / tools / modules and models" (http://comnet/main/index.php?option=com_content&view=article&id=19&Itemid=49) and on the institutional site of the Municipality of Trieste in the section "Transparent Administration / General Provisions / Transparency and Corruption Prevention Manager" (<http://amministrazionetrasparente.comune.trieste.it/disposizioni-general/segnalazioni-di-illecito-whistleblowing/>).

The Responsible preliminarily examines the reliability and complexity of the reported facts and decides whether to start a preliminary investigation to be conducted personally or, if deemed appropriate, appointing a working group to be used for carrying out the investigation.

The members of the group are bound to the same obligations of confidentiality as the Responsible.

The following subjects do not enjoy the protections provided by the art. 54 bis of Legislative Decree 165/2001:

- a) anonymous senders;
- b) the subjects obliged to report to the judicial authority illegal facts by virtue of the art. 331 of the criminal procedure code;
- c) workers required to report violations of a disciplinary nature committed by collaborators whose coordination and / or management are responsible for them.

The Responsible will be obligated for informing the reporting party of the outcome of the report, in a manner that guarantees the confidentiality of his identity.

A dedicated e-mail that had already been activated in 2016, after a first slow start, in 2018 was the object of access to report situations that deserved to be investigated. Said reports made it possible to intervene with the appropriate corrective measures in situations which required a reorganization of internal procedures. The results obtained positively highlighted an "organizational malaise" and a relational suffering.

Training

In the field of anti-corruption, the planning of training courses must adequately consider a structuring on two levels:

GENERAL LEVEL

It concerns the updating of skills (content approach) and the issues of ethics and legality (value approach) and is aimed at all employees.

Starting from 2014, numerous training activities have been organized involving the top positions of the Municipality and, in the first half of 2017 a first phase of general training was completed for all the employees of the Municipality.

In order to keep alive the sense of ethics and legality associated with public work in all employees, the training course "The disciplinary procedure after Legislative Decree 116/2016 and Legislative Decree 75/2017" has been released for the Executives and to the heads of the Organizational Position of the Municipality.

The Municipality of Trieste also joins to the initiative of the Autonomous Region of Friuli Venezia Giulia which, as part of the P.O.R. F.S.E. 2014-2020, is developing during 2018 training activities on the issues of anti-corruption. The courses are offered free of charge to all the Administrations of the Region that have joined the initiative.

Collaboration continues with the Institute for Finance and Local Economy (IFEL) which allows accessing all webinars on the issues of legality and the fight against corruption.

The Municipality of Trieste is also launching, with the collaboration of the offices dealing with competition procedures and staff training, a path for the reception of the newly hired personnel entering the staff and operationally directed not only to knowledge of the operation of the municipal machine and of laws, rules or regulations, but also and above all in sharing the values and principles of ethics and legality of our Municipality.

SPECIFIC LEVEL

It concerns the policies, programs and various tools used for prevention and sectoral issues, in relation to the role played by each subject in the administration and it is aimed at:

- responsible for prevention, for which specific training initiatives will be identified for the reference figure,
- managers and officers in charge of the areas at risk for which the specific training work will still focus on the risk sectors:
 - Acquisition and progression of staff,

- Issuing of authorizations and concessions,
 - Granting and granting of grants and contributions,
- Award of works, services and supplies

As regards in particular the specific risk relating to the assignment of works, services and supplies, ad hoc training activities will continue to support the work of the Technical Committee set up within the Administration in addition to being provided, in the catalog, upon request and on the basis of specifically expressed needs.

Implementation of the legislation on the prevention of corruption and transparency on the part of the City of Trieste

The Financial Services, Taxes and Corporate Investments Area provides the obligations of direct relevance by publishing, on the institutional website in the transparent administration section, the data on the subsidiary, investee and supervised companies provided in the matter of transparency by the art. 22 of Legislative Decree no. 33/2013, as amended by legislative decree no. 97/2017, the investee and subsidiary companies will be made aware of compliance with the obligations set forth for the prevention of corruption pursuant to the specific provisions of Legislative Decree no. 231 of 2001.

The office, in relation to the normal activity foreseen by the Regulations on the controls of the Subsidiaries of the Municipality of Trieste and by the legislative decree 14 March 2013 no. 33 cited, monitors and encourages the application of Law no. 190/2012 "anti-corruption" on the part of all the participated bodies referred to in the Consolidated Law on Subsidiary Companies Legislative Decree no. 175/2016 which fall within the scope of consolidation of the entity's financial statements pursuant to Legislative Decree no. 118/2011.

Compliance with the regulatory provisions on anti-corruption will be verified, with reference to the appointment of the Head of Corruption Prevention (RPC) and the updating of the three-year anti-corruption plans, as per Legislative Decree no. 231/2001.

B) FURTHER GENERAL MEASURES

In providing for the actions for the treatment of risk, it has been pointed out that some measures, even optional, are of a general nature and therefore applicable in a cross-cutting manner to most of the activities and / or procedures.

Compliance with the obligations of transparency / publicity of the activity carried out, of acts and procedures

All the procedures mapped as at risk and highlighted in the fact sheets, beyond compliance with the specific regulatory disclosure obligations, highlighted in the annex relating to the obligations of transparency, must be treated according to criteria of transparency both towards the end users and towards internal offices.

The development of a working method based on respect for the transparency and availability of the procedures in correlation with the transparency program and with due attention to the points of contact with the privacy discipline should be facilitated.

In the PEG the following objective must be provided: with respect to two identified procedures, carry out the examination and formalization of the flow so as to guarantee traceability and feasibility in accordance with Article 9 of the general code of conduct.

Development of staff skills

This is a training activity aimed at improving the specialist knowledge that supports the skills of each work area or training in the areas of competence to face work with the necessary knowledge, since corruption phenomena can lurk where knowledge is not widespread. This type of training / competence / updating is carried out directly within the structures and individual offices, without prejudice to general training by the training office.

Each manager must provide a total of 6 hours of educational activity, including through a delegation to their Organizational Positions, and must report this training to the Anti-Corruption Officer specifying the topic / topics covered, the methods of carrying it out, who carried out it , recipients and participants.

Actions to ensure compliance with the constitutional duties of diligence, loyalty, impartiality and exclusive service by the public interest

Promotion of collaborative attitudes of employees in favor of the development of good practices, of the efficiency of the Administration and of a better relationship with users. This measure is included in the code of conduct as proactive behavior in favour of citizens.

Objective: the Manager reports to the Responsible the name of he who has implemented positive actions of particular relevance or good practices or commendable behaviors of utility for the institution.

Involvement of peripheral offices

The existence of peripheral structures implies the need for their greater "approach to the center" through a more careful circulation of information useful for the execution of work performance. In order to further promote the enhancement of activities and compliance with safety regulations, the involvement of the Responsible is provided, particularly in carrying out inspections with the aim of verifying the status of the workplaces and the elements characterizing the organizational well-being.

Greater digitalisation of processes and procedures to allow quick access to applicants and monitoring of their duration

In accordance with the 2015-2017 Triennial Corruption Prevention Plan, the Municipality has extended the possibility of access through a single digital front end by adding access to the Building Practices Portal and to the Portal for the management of concessions for the SUAP. Occupation of public areas. This front end is going to be implemented with authentication via SPID in the near future.

An analysis was made of the Data Base of the Occupations of Soil, of Public Areas and of Public Works for their connection with the SIT tools of the Authority. Specific linking fields and technical methods have been defined. Work was carried out to identify the technical methods for connecting

various management systems with a single management system document, already in use and connected to the protocol.

The procedure has been prepared to allow, starting from the first municipal commission (Giunta) of 2017, to use a management software for the preparation of the decision-making proposals, from the draft phase of the act up to its publication on the Official Board (Albo Pretorio).

In order to guarantee the certainty of the preservation of all the administrative documentation formed in digital mode, the Administration signed an agreement for the assignment to the FVG Region of the conservation of such acts.

During 2016, the Administration adopted a document titled "Guidelines for Open Data", taking into consideration its importance as a tool for transparency and democratic control over its work.

The Municipality is working to identify an adequate tool for the construction of an open data portal, updated to the most advanced standards, to be managed independently.

For the Private Building Service and Public Residential Building, Landscape, the portal for the fully electronic presentation of building practices is being activated with the aim of standardizing the procedures, reducing the risks of processing discretionary practices and guarantee the immutability and traceability of what has been presented.

Compliance with standards and / or regulations

Compliance with the regulations is facilitated by the aforementioned training and must be accompanied by a work of updating in line with other regulatory interventions.

Reduction of discretion in administrative procedures and in business processes

The size of the institution, the diversification of the activities carried out by the operating structures and the multiplicity of offices in the territory favor, in fact, a problematic lack of homogeneity in dealing with practices having the same content.

The objective is to re-establish a widespread coherence of the activity of all the offices above all through guidelines provided by the managers.

Issuing of measures with precise and complete motivations

Motivation is of such importance that it must always be kept in mind, so much so that even, as part of the internal control system, it constitutes a specific control point, in order to check its clarity and its compliance with the typical cause of the act.

Objective: to carry out a check on the 10% of the determination to contract aimed at verifying the presence of the requisite foreseen by the ANAC guidelines of an adequate and / or strengthened motivation.

Update of the sheets of all the administrative procedures of the institution in order to be able to work with known and standardized procedures and to provide clear information to users

In order to implement the anti-corruption / transparency regulations, the entity pursues the

constant updating / updating of the procedural sheets managed by each structure.

The process of updating the procedure sheets is followed by the update of the publication, on the municipal civic network in the section "How do I do it", within the single files of the proceedings, of the information relating to the duration, of the name of the manager as well as the related forms available and all other forms to be made available also pursuant to Article 35 of Legislative Decree no. 33/2013.

Objective: The updating of the procedural forms will also require rewriting in a more understandable, homogeneous and less studded language of technicalities, aimed at citizenship on the occasion of the opening of the new institutional web- site planned for 2019.

Monitoring of procedural times

Supervision of compliance with the timing of the conclusion of the proceedings responds both to the logic of anti-corruption, invoked as an anti-corruption measure, especially in the part-time proceedings in the context of risk analysis conducted by the structures, both in terms of transparency and that of the administrative correctness, both to that of the effectiveness of the service, so as to constitute an element of evaluation of individual performance.

Access to the databases of other bodies

Digitization and collaboration between organizations that allow shared access to databases on the basis of ratings given in relation to the specific institutional purposes pursued by each office / user, such as the SIATEL / PUNTO FISCO portals (tax register), SISTER / PORTAL OF THE MUNICIPALITIES (land registry and buildings), TELEMACO (Business Register of the Chamber of Commerce, Crafts and Agriculture), TAVOLARE (land register of the FVG Region), INPS (ISEE database and additional databases), facilitate the correct handling of the practices still respecting the European regulation on privacy.

Internal administrative regularity checks

The Auditing - internal controls Plan provides the operational methods for all internal controls.

In particular, the subsequent control of administrative regularity measures and verifies the conformity and consistency of the deeds (managerial decisions of cost commitment, contracts and other administrative deeds) and / or procedures, also in terms of quality, with respect to the following predefined standards:

- regularity of procedures, compliance with deadlines, formal correctness in issued orders;
- reliability of the data reported in the provisions and in the relative attachments;
- compliance with legislation in general;
- compliance with regulatory standards, internal circulars and guidelines;
- compliance with planning documents.

The control is carried out under the direction of the Director Secretary General, according to the most directly applicable general principles of company audit, such as:

- independence: the auditors must be independent of the activities being audited and must not have participated in their management;
- integrity and objectivity;
- competence, professionalism and diligence;
- confidentiality.

The Auditing Plan focuses on a percentage of deeds established by the Secretary General, with his own determination, based on the number of the same for each type of procedure.

Random selection is carried out using a sampling technique, carried out with a computer program and justifiably formulated on the two variables of the total number of registrations by type of procedure and the percentage as identified above.

As a result of the checks, feedback is sent to the structures which acts as an impulse to improve and standardize the procedures.

Verification of possible family kinship in the relationship between the institution and third parties

Verification of the relationship between the institution and third-party contractors / concessionaires / recipients of authorizations / beneficiaries, with particular reference to any relationship of kinship or affinity between the owners, administrators, shareholders, employees, third parties and managers and Employees of the Municipality, is carried out through the inspection of the Chamber of Commerce and the database of the registry office.

Objective: each interested structure will carry out the control for the contracts that exceed the threshold of € 500,000 and on a percentage of 10% for purchases that do not exceed € 2,000 (except that at least one check must be carried out).

C) SPECIFIC MEASURES IN RELATION TO THE INDIVIDUAL RISK AREAS

Additional specific measures related to individual proceedings or processes are entered directly into the risk area sheets.

THIRD PART

10. IMPLEMENTATION OF THE PLAN AND INTEGRATION WITH OTHER PROGRAMMING DOCUMENTS

The Municipality of Trieste is committed to ensure the maximum dissemination and effective knowledge of the Anti-Corruption Plan to all employees, using the municipal intranet, and implementing specific training programs, which will be mandatory and differentiated according to the level of risk.

Furthermore, all the Anti-corruption Plans are published on the institutional website of the Municipality, under the section Transparent Administration, in General Provisions and in Other

Contents - Prevention of Corruption.

The results relating to the implementation of the Anti-corruption Plan are contained in the annual report drawn up pursuant to Article 1, paragraph 14 of Law no. 190/2012 and published in accordance with the principles and procedures provided for by current national legislation, in particular by the d. Legislative Decree no. 33/2013.

Actions and behaviors provided by the Anti-Corruption Plan are included in the Performance Plan as a guide for the organizational structures.

II. CONTROLS AND RISK MONITORING

The monitoring stage consists in verifying the effectiveness of the prevention systems implemented and is carried out by the subjects participating in the entire risk management process.

Control and monitoring activities have a strategic value for the Responsible since, together with the approval of this Plan, he is required to report every year on the effectiveness of the prevention measures.

To this end, the effectiveness of prevention policies with respect to the following areas must be certified, on the basis of a specific declaration issued by all directors:

- actions and control in risk management;
- training on the subject of anti-corruption in compliance with specific planning;
- application of the provisions set forth in the codes of conduct.
- verifies, in the performance of the activities identified as "at risk of corruption and / or illegality", compliance with the terms of the proceedings, as per the current municipal regulation and related forms, both through the publication on the site of the procedural procedures, and through specific verifications carried out;
- verification of the control on situations of conflict of interest, even potential, in particular on the existence of family relationships, also through random checks, by the office of the Manager;
- verification of the rotation of the processors in the highest risk offices, or of the application of alternative measures by presenting an annual report by the director of the department concerned and the director of the Human Resources Service;
- verification of the implementation of the training activities included in the plan by reporting to the Director of the Human Resources Service;
- verification of the application of the provisions on the subject of non-assignment and incompatibility of the offices, by the office of the Manager, through random checks;
- verification of the implementation of the provisions regarding external appointments, through the report of the Director of the Human Resources Service;
- verification of the activation of disciplinary responsibility in case of violation of duties of conduct, even in the event of failure to comply with the provisions of the anti-corruption plan, by the employees and managers of the Municipality, by the office of the anti-corruption

officer with the collaboration of the UPD;

- verification of the activation of transparency measures, by the Responsible.

On a six-monthly basis, once the verification phases have been carried out, the managers of the Municipality must produce a reporting document which contains not only general checks but also the cards, in order to express an opinion on the appropriateness and actuality of the measures adopted, the results of which are illustrated in the paragraph dedicated to monitoring in the initial part of the Plan.

12. FINAL RULES, DATA PROCESSING AND PUBLICITY

The data collected in application of this Plan are processed anonymously and aggregated in compliance with the rules established by the GDPR n. 679/2016 and by D. lgs n. 196/2003 as modified by the legislative decree n. 101/2018 and the provisions of the Privacy Guarantor.

The plan is published on the institutional website of the Municipality of Trieste, including the list of Transparency obligations and the relative responsible for the publication.