



AUTORITÀ  
NAZIONALE  
ANTICORRUZIONE

# 2023 YEARLY REPORT

**Presentation by President  
Giuseppe Busià**

**Italian Chamber of Deputies  
Rome, 14 May 2024**



Authorities, Ladies and Gentlemen,

I would like to thank the President of the Republic, with whom we met yesterday, for the attention he has always paid to our work.

I would also like to thank the Presidency of the Chamber of Deputies for the welcome we were given along with the other attendees.

Three million of public money, collected from taxpayers and wasted to build an aqueduct that has not even been completed but is to be demolished. As much as ten million to build a theatre that already has huge cracks even before it is finished, having been constructed using crumbling stone and on poorly compacted ground, so will probably be knocked down. Meanwhile, rumours are swirling in the background of corrupt officials, contractors selected through biased procedures, citizens deprived of assets and infrastructures.

The millions we are talking about are not in euros, but in sesterces, and the events are not recent but are taken from correspondence between the governor Pliny the Younger and the emperor Trajan. The events took place in the province of Bithynia, in the early 2nd century A.D., and yet the facts unfortunately sound all too familiar to those we see in the news every day.

They immediately bring to mind – even more so than the individual recent episodes we could easily have named – the many affairs that have been going on in recent months, which clearly demonstrate that we cannot and must not lower our guard.

They remind us of just how far we still have to go and give us an idea of the enormous cost of corruption.

After seeing the news reports and looking into the phenomenon, it can be easy to fall into the trap of focusing on the perpetrators and profiteers, the corrupters and corrupted.

We often forget the victims: all those people who, through corruption, have been robbed of opportunities, prospects, wealth, and sometimes even their lives.

The victims of corruption, not only criminal but also administrative, are the men and women buried alive under the rubble of infrastructures and buildings constructed using sand instead of cement; the workers crushed or suffocated on construction sites because the people who should have been supervising their safety had “other things” on their own minds; the patients who suffer due to poor quality healthcare equipment purchased through corrupt procurement procedures; the malnourished children in most of the Countries in need where humanitarian aid has got lost among the murky tangles of bureaucracy and criminality.

Even when it does not kill, corruption does inestimable damage, honing its weapons with increasingly underhand means. Works not completed or completed with excessive delays and squandering of public resources. Honest companies failing because the market is not sufficiently open or transparent. Young talents forced abroad to seek opportunities for professional fulfilment, driven away from home by dishonest competition.

Corruption deadens legitimate expectations, deteriorates the quality of public services, strengthens mafia organisations, and pollutes democracy. It therefore has a social, civil and human cost, as well as an economic one.

We must prevent it at source to ensure that its shadow cannot spread across society, the public system and the private sector, jeopardising job prospects and living standards.

As an authority, we have been doing this for ten years, gradually shifting the emphasis towards collaboration rather than sanctions, towards a solution rather than pinpointing problems, towards concrete effectiveness rather than formal compliance.

## SUPRANATIONAL DIMENSION OF THE FIGHT AGAINST CORRUPTION

### European dimension

In spite of the efforts made, Italy's statistics are still unimpressive.

The ranking of member States on the rule of law, contained in the latest Report of the European Court of Auditors, sees our country lagging too far behind.

According to the 2023 report on the activities of the European Public Prosecutor's Office (EPPO), Italy is the country that causes the most estimated financial damage to the EU budget as a result of fraud and embezzlement, also linked to organised crime.

Therefore, the European Commission's recent warnings on the need to strengthen corruption prevention as an essential element for protecting the rule of law and maintaining citizens' and businesses' trust in public institutions, in the context of democratic, accountable and effective governance, are crucial.

In the draft Directive presented by the Commission in May 2023, which is now before the Council, a corruption prevention model was proposed that is substantially in line with the Italian paradigm. Our Parliament, while critical of other aspects of the proposal, has expressed a favourable opinion on the articles concerning prevention.

In this part, the project is also the result of what we had requested along with the Authorities of the other member States. We therefore hope that the Government will support its approval to ensure that we have this regulatory instrument at our disposal as soon as possible, helping to ensure growth in Europe inspired by its founding values.

## International agreements and memoranda

Corruption is a global phenomenon: it cannot be overcome alone or by remaining within national borders.

In the awareness of its cross-border dimension, in 2023 we continued our engagement at European and international level, obtaining important recognitions and acknowledgments: the Presidency of the Network of European Integrity and Whistleblowing Authorities (NEIWA), the Vice Presidency of the Global Network of Independent Integrity Authorities (Network for Integrity) and the nomination to the Executive Board of the International Association of Anti-Corruption Authorities (IAACA).

Particular importance is given to our work carried out in the Council of Europe's Group of States against Corruption (GRECO), in the delicate phase of Italy's evaluation, our participation in the G20 Anti-Corruption Working Group, as part of which – at the invitation of the Ministry of Foreign Affairs, to which we are grateful – the Authority also led the Italian delegation, and our activities in the UN, OECD and OSCE.

We have constantly carried out legal diplomacy activities, both bilaterally with authorities and institutions in other countries and through our participation in capacity building programmes. They include the Falcone and Borsellino Programme, aimed at Latin American and Caribbean countries, on issues of anti-corruption and the fight against the mafia.

ANAC has won two major European twinning projects aimed at disseminating standards and common rules in the fight against corruption.

In addition to the twinning that has just begun in Bosnia, I would like to mention the one under way with the Palestinian National Authority's Anti-Corruption Agency, which, in conjunction with

European institutions, we have continued even after the horrific events of 7 October and in the current tragic situation in which our Palestinian colleagues find themselves living. We firmly believe that the establishment of a robust anti-corruption system in the West Bank will be crucial for renewing the legitimisation of the institutions currently led by the Palestinian component that is most open to dialogue with Israel, thus contributing to the re-establishment of peace.

A special mention of course goes to our colleagues in the Ukrainian Authority, with whom we began a cooperation process prior to the shocking Russian invasion, and with whom we hope to resume our joint work very soon.

## **CORRUPTION PREVENTION MEASURES**

### **2023 update of the National Anti-Corruption Plan**

Good corruption prevention practices are not an obstacle to the pursuit of institutional goals, nor are they a burden on administrative activities. On the contrary, they are extremely important, not only for guaranteeing respect for legality and the correct use of public money, but also to achieve a better, faster and more efficient administration. This is documented by our latest National Anti-Corruption Plan, updated in 2023, which introduced some major simplifications for smaller entities and offered detailed information on public contracts, to support administrations in their correct application of the new regulation.

### **Support to Officers Responsible for the Prevention of Corruption and Transparency**

The Officers Responsible for the Prevention of Corruption and Transparency (RPCTs) in each administration and public body are fundamentally important for guaranteeing the common good.

Their daily commitment, expertise and passion make a valuable contribution to pursuing the institutional goals of their various organisations, for which we should all be grateful.

Through a project funded by the Ministry of the Interior's Legality Programme – which we would like to thank, along with the entire network of Prefectures with which we liaise throughout the country – we have developed a computer system as a guide for correctly drafting Three-year Plans (the integrity plan within each public administration) and essentially setting up, from a methodological point of view, an effective anti-corruption strategy.

This initiative is part of the broader context of ANAC's actions in support of these Officers Responsible for the Prevention of Corruption and Transparency, also with a view to creating a network for exchanging best practices and for mutual cooperation.

Unfortunately, even the most attentive and conscientious of these officers often face resistances and outright acts of hostility from their respective administrations, just because of the work they do. In order to protect and strengthen them and to guarantee their necessary independence, ANAC thus requires more substantial intervention tools and compliance powers so that public administrations that fail to comply with the regulations can be sanctioned.

### **Measurement of the corruption risk, supervisory and advisory activity**

For some time, we have offered tools for measuring the corruption risk in local bodies by means of objective indicators, used as a model at international level; they are also useful for local administrators and citizens to improve their work environment.

During 2023, in the anti-corruption and transparency supervision area, the Authority initiated 395 proceedings, many of which were settled in the pre-investigation phase after a fruitful dialogue with



the administrations and entities concerned. A total of 148 opinions were issued, along with 92 replies to interpretative queries.

### **Conflicts of interest and prohibition on *pantouflage***

The administration must not only be impartial but must also demonstrate this. All too often, however, conflicts of interest have arisen – both small and large – that undermine the credibility of public action and weaken citizens' trust in the institutions, even when they do not entail outright violations of the law.

In order to protect these values – especially if criminal protection against such behaviours is removed when the offence of abuse of office is repealed – our administrative prevention safeguards must be strengthened, giving ANAC more robust intervention tools and providing appropriate sanctions for those who fail to declare conflicts and abstain from decisions that may favour themselves or persons close to them.

Conflicts of interest do not end at the time that a certain office is held, but they often extend to the next role. Indeed, we must avoid any circumstance whereby a public servant can secure a future role for him/herself, due to the public functions performed and to the detriment of the general interest, within enterprises that benefited from his/her decisions, thus being rewarded for those actions.

It is with this in mind that we strive to ensure that any acts of *pantouflage* are prohibited, most recently also through the approval of specific guidelines.

Once again, however, we must stress the importance of an urgent intervention by the legislator, not least to make the prohibition more effective for large corporate groups.

## Lobbying regulation

Despite calls from international entities, our Country still lacks organic regulations on lobbying. Such regulations, while spurning criminalising temptations, aim to guarantee full transparency on the activities of lobbyists, including through the creation of publicly accessible digital channels, through which both the more organised and structured lobbies and those with lesser means can submit their proposals and observations.

It will then be up to the public decision-maker to decide in the utmost freedom but being accountable for having favoured one option over another.

Specific reporting obligations will be needed to guarantee absolute transparency regarding any benefit – direct or indirect, and even non-financial – received by the public decision-maker or its related parties from the persons affected by those decisions, obviously also establishing limitations, prohibitions and appropriate sanctions.

Such an open and transparent approach would ensure not only control but also effective participation by citizens in decisions relating to them, thus improving the level of democracy of the system.

We welcome the fact that the Chamber's Committee on Constitutional Affairs has launched a process in this direction, and we hope that it will soon be completed.

## Whistleblowing enhancement

Albert Einstein once said that 'the world will not be destroyed by those who do evil, but by those who watch them without doing anything': it is quite clear, then, how important it is to protect whistleblowers in the public and private sector, who, through a sense of duty and often very courageously, refuse to turn a blind eye and instead report wrongdoings witnessed in the workplace.

We welcomed the great progress made in this respect in 2023, starting with the transposition – albeit tardily – of the European directive. By issuing our Guidelines, we wanted to provide indications for the submission of external reports to the Authority and, at the same time, to offer useful parameters for establishing internal channels and organisational models.

However, we are well-aware that it is not enough just to complete the regulatory framework or even to protect whistleblowers against retaliatory acts. Together we must all promote a true cultural change in favour of this noble form of civic service and a rejection of the trend of silence.

In this respect, we are pleased to be able to rely upon the fundamental contribution of many associations and entities – a List of which has been set up at the Authority – that provide support to whistleblowers on a daily basis.

We would like to thank them and, more generally, all Third Sector organisations with which we collaborate in various fields for their work in promoting legality, good administration and responsible citizenship.

## **ADMINISTRATIVE TRANSPARENCY**

### **Transparency as an instrument of good administration**

Administrative transparency, which is now assisted by digital technologies, not only removes the curtain behind which illicit behaviours or simple inefficiencies can hide, but also paves the way for fair competition and the expression of talent, generating opportunities, unleashing positive energies and enabling excellence to emerge while contributing to our Country's economic and civil prosperity.

When applied properly, it is a powerful ally for anyone exercising governance responsibilities at all institutional levels, helping to simplify and to control business and institutional activities and to create internal and external synergies.

### The Single Transparency Platform

These are the goals that the Authority aims to achieve by working on the implementation of the Single Transparency Platform.

More than ten years on from Italian Legislative Decree no. 33 of 2013, we believe the time has come to offer citizens a single online access point for all information that is currently dotted around the 'Transparent Administration' sections of the various institutional websites. By interconnecting with other public databases and thereby achieving economies of scale, the overall economic and administrative burdens will reduce. The use of standard forms means we can guarantee the completeness and full usability of the information, avoiding burdensome cross-checks and facilitating collaborative forms of control, rather than sanctions. When data are standardised, this improves their comparability, making much more information available for meaningful use not only by citizens but also by the institutions concerned. Comparable data will thus become a fundamental management tool, as well as an incentive for identifying new forms of cooperation between administrations, making processes more efficient and saving public resources.

Thanks to some far-sighted legislative interventions, we have been able to launch this process and we are now relying on Parliament to complete the regulatory framework.

Further steps will also have to be taken to verify the accuracy and completeness of the published declarations, by providing ANAC with adequate regulatory tools and complying with international standards in this respect.

## PUBLIC CONTRACTS

### National Recovery and Resilience Plan (NRRP)-related investments

The NRRP is a unique opportunity to fill the Country's historical gaps and delays. The Government attributes a good 90% (+0.9%) of the albeit modest growth expected for 2024 (+1%) to its implementation. Therefore, we cannot afford to encounter any setbacks or failures, especially with regard to the reforms envisaged by it.

Positive efforts are being made to focus the Plan on interventions that can actually be achieved by 2026 and, above all, to coordinate its contents with all other substantial European funds, on which Italy has always been lagging significantly behind.

The impetus given by the NRRP to public contracts is also certainly positive, as confirmed by the trend in 2023, with the total value of contracts already launched worth Euro 40,000 or more standing at around Euro 283.4 billion, a 36.4% increase on 2021 and up as much as 65.9% on 2019.

These numbers, however, do not tell the whole story.

Calling a procurement procedure does not mean that it will be able to be closed in time, just as opening a construction site is not enough to ensure that the work is completed adequately and on schedule: this is clearly demonstrated by the worrying figures on actual expenditure, recorded by the ReGis information system, with data also taken from ANAC's databases.

Therefore, the road is still long and the climb will become steeper as the 2026 deadline approaches. To get there, it will take a joint effort from all institutions at the various local levels.

The NRRP management methods, which will be found in the

programmes envisaged by the new Stability and Growth Agreement, will be particularly valuable if they are able to establish for the Country – in addition to the fundamental reforms and huge investments contained therein – a new way of working together, a shared ground, removed from short-lived dialectics, which is indispensable for implementing projects that are truly capable of looking to the future, well beyond the Plan's expiry date.

### **The new Public Contracts Code**

2023 was the year of the new Public Contracts Code: a fundamental step, also requested by the European Commission.

Paradoxically, however, there has also been repeated recourse to derogations and parallel regulation – often linked to the appointment of commissioners – contrary to the obvious need to consolidate the new rules with a view to achieving regulatory stability.

Some corrections are, of course, required to overcome the significant criticalities that emerged during the initial implementation phase; in a spirit of cooperation, we have reported these to the Government.

Parliament and the Government have taken a positive step in adopting general regulation on emergency events, to which we contributed with our ongoing fruitful dialogue with the parliamentary committees, for which we are grateful.

### **Digitalisation of the entire lifecycle of public contracts**

One of the pillars of the new Code is the digitalisation of the entire public contracts lifecycle; we were directly involved in drafting this aspect and we are grateful to the Council of State for our inclusion. From 1 January 2024, within the timeframe set by the legislator and in line with European constraints, the national digital procurement ecosystem was launched, with its core aspect being the National Public Contracts Database (BDNCP) set up at ANAC.

In this context, the Authority, as well as acting as guarantor of the legal publicity of acts at national and European level, is gradually introducing new services to simplify the work of contracting authorities and economic operators.

The magnitude of this paradigm shift has taken extraordinary efforts and encountered undeniable difficulties. Nonetheless, thanks to the effort made in full cooperation with the Ministry of Infrastructure and Transport, the Department for Digital Transformation, the Agency for Digital Italy, and the other institutional subjects involved – to all of whom we extend our sincerest thanks – we have managed to meet the start-up deadlines, working pragmatically to resolve the various critical issues that have arisen.

There is still a long way to go, and many administrations will be called upon to make further efforts, but we are confident that we are on the right track, which is already leading to a reduced administrative burden, economic savings, and greater transparency, to the benefit of citizens, clients and contractors.

Digitisation is also a guarantee of competition, which is essential for ensuring that the public administration, with its weight as a major client, does not introduce distorting elements to the market, by rewarding the closest or related companies to the detriment of the most deserving ones.

### **Digital design of works and infrastructures: BIM**

Digitalisation not only covers procedures, but it also regards works and infrastructures: from 1 January 2025, all works above Euro 1 million will in fact have to be designed digitally using BIM modelling. This is a fundamental advancement, not only making the design completer and more consistent and avoiding costly variants during construction, but also in ensuring that works are managed more efficiently throughout their entire life cycle. In view of this, specific qualification criteria will be introduced to measure the ability

of contracting authorities to exploit the true potential of these methodologies, by recruiting BIM managers and project managers and also setting up a single database, as a tool for developing existing infrastructures and a shared asset for designing future ones.

### **Possible solutions at the service of the circular economy**

The digitisation of works can also make a significant contribution to environmental protection.

In Italy, on one side, a company often finds itself – for example, when building a tunnel – accumulating excavated materials and incurring the associated cost of sending them to landfill. On the other side, a different company, which needs the same materials to fill an embankment or build a road, digs out mountains to obtain them. If a uniform database was available to track the requirements for and availability of the various waste materials, this would lead to significant cost savings for companies and administrations and also entail major benefits for the environment, paving the way for good circular economy practices. A further benefit of such a system is the avoidance of incorrect waste management practices, in which criminal infiltration often occurs.

For this reason, we recently suggested the creation of such an eco-sustainable and resource-saving development tool to the Minister of the Environment and Energy Security, also making available ANAC's virtual dossier of economic operators.

This is, once again, a demonstration of the fact that public contracts can be a driver of sustainable and lasting development, even beyond the individual infrastructure that is being constructed. We must all play our part in directing public investments towards these areas.



## The challenge of artificial intelligence

On the subject of digitalisation, the Code looks even further ahead, envisaging contracting authorities automating their purchasing procedures through blockchain and artificial intelligence, to achieve higher standards of efficiency.

The Code itself establishes certain requirements for software based on such technologies. It will be crucial for the decisions taken with these types of systems to be based upon strict criteria of algorithmic non-discrimination and for the ultimate decision still to be made by a person.

Although it is established that software suppliers must make available the source code, it is quite clear that, even when purchasing public administrations have strong IT skills, those codes and the other available information will not be sufficient to gain a proper understanding of the different steps followed by the software, when it is based on non-deterministic but generative artificial intelligence logic.

Therefore, the many open questions surrounding this fascinating aspect of our millennium include a very tricky problem of algorithmic transparency, which is linked to knowledge of the motivations and logical process followed in making public decisions using artificial intelligence systems, their justiciability and, therefore, respect for the constitutionally protected rights of individuals. This applies both in relation to the award of a contract to one operator rather than another, and also to the additional and even more delicate automated decisions that may be entrusted to the software based upon the new provisions. This is not a problem we will have to face in future, but one we must address now, as these rules are already fully applicable.

## The qualification of contracting authorities

Contractual procedures are delicate mechanisms, whose management should only be entrusted to parties truly capable of effectively handling the entire cycle. Otherwise, there is a risk of wasting energy, squandering public resources and lengthening the related timescales.

Of course, entities without adequate resources must be able to turn to qualified parties that can effectively support them in realising their investments and, first and foremost, to central purchasing bodies.

This is the reason behind the qualification of contracting authorities, the system of which is supervised and regulated by the Authority.

To assist the process and avoid delays, we have applied on several occasions the option, established by the Code, to issue the qualification with reservations, so as to create an open and dynamic system that does not preclude legitimate expectations of growth.

We have thus moved from approximately 26,500 registered contracting authorities to 4,353 qualified entities, according to data updated to 30 April 2024. This is a considerable reduction, even taking account of the various derogations introduced, including those for NRRP contracts and for works below Euro 500,000. Such derogations must, in the interest of the contracting authorities themselves, be gradually overcome, while at the same time verifying the actual capacities of the various entities currently exempted. This will also assist in meeting the deadlines of the NRRP.

## A new administrative architecture serving smaller entities

The importance of this step, however, goes beyond reducing the vast number of contracting authorities, and instead involves an ambitious reorganisation of the administrative architecture in the field of contracts, enabling anyone with skills to put them at the

service of others, thus multiplying resources and capacities. In this area, a leading role is played by central purchasing bodies, which must organise themselves through a network of centres spread across the country, specialised by type of procurement and capable of truly serving the smallest entities, helping them to pursue their objectives.

Unfortunately, our supervisory activities carried out in 2023, including inspections, revealed structures that were often undersized, incapable of promptly identifying in advance the requirements and an integrated planning system, leading to difficulties that reverberate over entire local areas.

After the regulatory change, the various administrations will therefore have to invest in the qualification of their contracting authorities, also with a view to attracting capable young people to their offices, ensuring they are given the correct professional and economic value.

In this regard, we intend to strengthen exchanges of experience and good practices between Project Managers (the new "RUPs") – the real protagonists of the sector – with a view to increasing their pride and spirit of belonging, also by strengthening networks and associations and by collecting data on their experience and expertise to enhance their role and function.

A central aspect of this is, of course, the investment in training of all officials concerned, something we are doing with the National School of Administration to which we are grateful for its outstanding cooperation.

### Europe of purchases

For purchases of certain types of goods and services, the national dimension now appears to be insufficient. For this reason, one of the challenges of the next European legislature will be to create a Europe of purchases, with the prospect of making considerable savings,

especially on strategic supplies, such as energy and pharmaceuticals, where some good results have already been achieved, albeit while encountering some difficulties.

In view of this, the creation of a large European public procurement database, initially through interoperability between the national databases, would be highly desirable as a necessary precondition for establishing a true single procurement market.

Italy, one of the first countries in the Union to create such a database, has the qualifications to propose such a model to its European partners, which would be useful in offering new development prospects for our companies.

### **Possible risks and necessary safeguards on the costs of public contracts**

In recent years, we have shared and proposed on several occasions solutions to reduce the lengthy lead times of public contracts. This is one of the main goals of our Authority.

For the same purpose, however, provisions have also been introduced that, in addition to limiting the degree of controllability of procedures, risk leading to significant increases in contract costs if not adequately overseen. This is all the more delicate at a time when the gradual depletion of some funds and the reactivation of European budget constraints will require tighter control over public spending.

In addition to lost savings resulting from reduced competition, there are provisions that, when contracts financed by the NRRP are cancelled, do not establish the abrogation of the contract awarded illegally but grant the precluded operators the right to compensation; the contracting authority therefore ends up having to remunerate both. This is what may happen in relation to the "Foranea Dam" in Genoa, in which the Authority was recently involved. This applies

even regardless of the latest developments in the affair.

Consider, then, the automatic application of the principle of fair remuneration to public contracts, with regard to which we have recently called for a clarifying intervention by the Government. We really must value design and adequately remunerate professionals, but without the reduced competition penalising the youngest and smallest companies or placing an excessive burden on the public purse.

Consider, also, the price revision mechanisms introduced in the new Code, which we ourselves advocated for in the face of the extraordinary increases linked to the health and war emergencies. However, they also need to be activated by the contracting authorities in view of the desired reduction in inflation. To this end, a support centre should be created for contracting authorities, with the involvement of the State Accounting Department and National Statistics Institute. If necessary, our Authority would be happy to contribute, drawing on its experience in identifying reference prices, thanks to which, over time, we have not only simplified the activities of contracting authorities in correctly identifying the appropriate prices for tenders, but also achieved considerable savings for public finances.

### **Direct contract awards and transparency requirements**

In 2023, direct contract awards accounted, by number, for over 90% of the total (78% when excluding contracts under Euro 40,000, with the highest concentration being recorded in smaller relationships and the percentages varying by value). The figure rises to over 95% when negotiated procedures are included.

The new Code, as well as not envisaging the obligation of notices or tenders for works up to Euro 5 million, allows goods to be purchased or services to be awarded for a value of up to Euro 140,000 without even the need to obtain several quotations. When discussing the legislation, we pointed out the consequent risk of contracts being

awarded to related operators, rather than to the most deserving ones, with a foreseeable increase in costs.

We were pleased that the Ministry of Infrastructure then intervened to mitigate these effects and to rectify a possible conflict with the principles of the Directives, by publishing an interpretative circular. We hope that this guidance will now be recognised in the legislation, on the presupposition that, in the absence of urgency, operators should check what is available on the market, so as to offer citizens the cheapest and best solutions.

### **Public-Private Partnership**

Public contracts can be said to be the meeting point between the public and private sectors, with the broadest form of this collaboration undoubtedly being the Public-Private Partnership (PPP), regulated by the Code, which establishes corporate social responsibility and forms the basis for the most recent European legislation.

All too often, however, we have come across administrations that, through inability or other reasons, have failed to develop the essential and constitutive element of this institution: the transfer of risk to the private party, without which only mismanagement and poor protection of the public interest remains.

Once again, the capacity of the administration and of individuals is crucial. If administrations are unable to operate alone, they need to be able to rely on others to manage the more complex profiles.

### **The necessary involvement of SMEs**

Small and medium-sized enterprises are the beating heart of our production system, working and creating wealth for Italy.

Nonetheless, they do not seem to be sufficiently involved in public

procurement, with this also adding to the difficulty, highlighted in recent years, for private parties to respond adequately to the huge public demand for contracts, especially in the times of the NRRP.

Although the European Directives and the Code establish forms of support for small businesses, in practice these are partially excluded. Recent research by a trade association (CNA Abruzzo) reveals that 98% of companies are able to access just 17% of public contracts, and only 5% as principal contractors.

With several regulatory acts, ANAC aimed to support the institutions that assist SMEs in their development. However, additional operational support is needed from local authorities and trade associations, to ensure that procurement becomes a “training ground” for strengthening small businesses, consolidating them and guaranteeing their long-term growth.

### **Public contracts as a place of labour protection**

Public contracts guarantee the protection of rights and of legal and protected labour and they must continue to do so.

Unfortunately, Italy ended 2023 with an alarming number of fatal workplace accidents, with the year 2024 confirming the trend.

These figures are dramatic (although not all relating to public contracts) and require contracting authorities to make a further effort to guide companies and private clients towards best practices, particularly in the direction advocated by some recent legislative interventions on the matter.

Clauses aimed at generating savings by restricting workers’ rights are not acceptable. In this regard, the Code helpfully requires the same protections contained in collective agreements entered into by the most representative associations to be guaranteed for all workers however they are employed, even in subcontracts.

Strict supervision is crucial in this regard, since the risks appear to increase when moving down the contracting and sub-contracting chain. When there is no justification linked to particular works or roles, in cascading subcontracts it is often the workers, the subcontractors and the contracting authority itself who lose out. Further efforts must be made in terms of the correct sizing of contract awards.

It is also essential to incentivise, by means of special reward criteria, the implementation of digital construction sites, which, in addition to hampering criminal infiltration, facilitate control of the safety conditions and prevention measures applied.

Looking ahead, the digital system for monitoring the performance of economic operators (Company Rating), on which we will be working in the coming months, can also make a useful contribution. In fact, workplace safety must be included among the leading reputational requirements to be assessed, along with others, not only to measure the reliability of operators, but also to incentivise correct behaviours and to protect rights and the public interest. We believe that this institution can also form part of the so-called "points licence" recently introduced for construction site safety, avoiding database duplication while attempting instead to integrate the ones that already exist.

Together with the major trade unions, we have also set up the Permanent Observatory on Procurement to ensure that these issues are constantly monitored. We are grateful to them for this, together with employers' organisations, with whom we have also begun to collaborate.

### **Staff development in the public sector**

Public administrations have excellent professional resources, which are not, however, in many cases, adequately used and are often pushed to other shores, depriving administrations of their most valuable assets.



This is also why we were among the first to point out the phenomenon of so-called “agency doctors”, the increasing outsourcing of health personnel, entailing costly contracts for administrations, in exchange for inadequate services, often causing risks to patients’ health. This has resulted in a progressive depletion of the workforce, as doctors and nurses have in many cases chosen to leave their roles, instead attracted by the higher remuneration paid for temporary services. All this gives rise to a vicious circle, due to unreasonable competition between the different local health authorities, as revealed by our recent fact-finding investigation, sent to the Ministry of Health, with which we fruitfully collaborated to identify some regulatory solutions.

### **Sustainable procurement**

Public procurement is also a tool for changing society and designing its future.

Procurements for innovation, aimed at stimulating investments that respect the UN sustainable development goals in the economic, social and environmental fields, thus building a more inclusive and fairer Country, are crucial in this sense.

ANAC has been working on this issue for years, now also within the framework of a major European Commission pilot project, aimed at using procurements as a lever for developing innovative and sustainable policies.

### **Promotion of gender and generational equality**

As a vehicle for social innovation, public contracts must also contribute to promoting gender and generational equality, particularly in those market sectors where there are fewer opportunities for women and young people to enter.

With this in mind, specific clauses have been introduced into the contracts financed by the NRRP, albeit with justified exceptions,

obliging companies to reserve at least 30% of their new job opportunities to youth and female employment.

Unfortunately, however, the figures are not comforting: from 2022 to 2023, the application of these clauses did not increase and was just over half of the total.

### **Some details of the 2023 activities**

#### ***Guidance activities***

Once again in the year of adoption of the Code, we largely played a supporting role to the contracting authorities in correctly applying the regulations, particularly in view of the many new developments.

We therefore immediately started to prepare template tender notices and contracts. Some of our releases covered innovative topics, such as contract awards in the field of robotic surgery.

#### ***Pre-litigation opinions and advisory activity***

The Authority also supports operators through the pre-litigation function, redefined and strengthened by the new Code, in order to resolve disputes without making recourse to the courts. In 2023, we handled 441 pre-litigation petitions, some already related to the new legislation.

Our advisory activity was intense, seeing us adopt 76 opinions on numerous general issues, thus also establishing a pool of knowledge and ready-made solutions for the benefit of all interested parties.

#### ***High supervision, collaborative supervision and ordinary supervision***

We have increased the forms of operational support to contracting authorities through collaborative supervision, which can now also extend to the contract execution phase. Thanks to this, procedural

flaws can be avoided, conflicts of interest and criminal infiltration can be prevented, litigation can be reduced, and good management is promoted, counteracting the “fear of signing”. In 2023, 220 procedures were verified in advance and 743 opinions were rendered. We continued our engagement alongside the Commissioner and the implementing entities for the reconstruction related to the 2016 earthquake in central Italy, also developing innovative procedures and solutions. New memoranda were signed with the Emergency and Reconstruction Commissioners appointed after the landslides on the island of Ischia and the floods in Emilia-Romagna, Tuscany and Marche. Our collaborative support was also requested for assignments related to the Italian G7 presidency and Expo 2025 Osaka.

We would like to thank all Commissioners and implementing parties for their work performed in full cooperation and partnership.

In line with the collaborative approach adopted, our ordinary supervision evolved, aiming at prevention and correction, providing timely indications to avoid the recurrence of critical issues in the future. In this spirit, we handled no less than 1,294 investigations in 2023.

#### ***Extraordinary management measures under Article 32 of Italian Decree Law no. 90/2014***

The extraordinary management measures for companies being investigated for corrupt acts or subject to anti-mafia disqualifications are also important; in this regard, ANAC collaborates on an ongoing basis with the Prefectures, with a view to ensuring that contracts are fully executed, and employment levels are safeguarded.

We aimed to make selective use of the measures, enhancing the autonomy of companies when they voluntarily undertake to adopt appropriate transparency and self-cleaning actions, which are then monitored over time.

For further details on the activities carried out, in the various assigned roles, we refer to the complete Report, which can be downloaded from the Authority's website.

## **ANAC'S 10th ANNIVERSARY, ACKNOWLEDGEMENTS AND CLOSING REMARKS**

### **ANAC's 10th anniversary: its contribution to the Country's growth**

This year marks the 10th anniversary of the establishment of our Authority.

Since 2014, ANAC has been working to promote respect for legality and good administration and to build a fairer, more transparent and participatory Country.

Over the last ten years, Italy has changed, discovering a profound ethical conscience, climbing up the Transparency International rankings, and putting itself forward in the world as a model of anti-corruption and illegality prevention.

In this path of growth, largely based upon the aim of prevention, we have played a crucial role as an independent Authority called upon not only to supervise and sanction, but primarily to assist public bodies in establishing an open and efficient organisation, in planning and managing their activities transparently and openly, while avoiding incompatibilities and conflicts of interest, and in selecting staff without favouritism and solely based on merit. We also assist administrations in managing public resources wisely, using contractual leverage to make investments that are essential for growth, selecting the most capable contractors and thus achieving better results more quickly. The Authority, therefore, serves the common good and is committed to ensuring the Country can boast a sound and high-quality administration.

### **Acknowledgements for working together**

We must give our thanks, due to the important milestones achieved, to the President and the Members of the previous Committee, and

to all those who, working inside and outside ANAC, have contributed to this journey, prior to and after our arrival: people, organisations, bodies, institutions.

First of all, I would like to thank my colleagues on the Board, Consuelo del Balzo, Luca Forteleoni, Paolo Giacomazzo and Laura Valli, as well as the General Secretary, Filippo Romano, for their commitment, team spirit and shared purpose in working during this intense year of activity.

My sincere thanks go not only to the Committee of Guarantors, the Board of Auditors and the Arbitration Chamber, but also to the Authority's Managers, Officials and all the Staff of the Authority, who put their professionalism and commitment to the service of our institutional mission on a daily basis.

I would like to thank the Guardia di Finanza, in its various branches, and the Carabinieri Corps, which provide qualified and irreplaceable support in our supervisory activities; the Attorney General's Office, for the continuous support offered in managing disputes and providing opinions; the administrative, accounting and ordinary Magistrates' Courts, and the relevant Public Prosecutors' Offices, as well as the many institutions with which we fruitfully cooperate.

Special thanks to our sister administrative Authorities, with whom our mutual cooperation is growing over time, to the benefit of the consistency and unambiguousness of the guidelines provided to the regulated parties, as well as the independence of each of our institutions, an essential and precious safeguard to be preserved for the protection of all.

### **A shared commitment**

Today we are facing unprecedented challenges that have profoundly changed the relationships between States and the lives of individuals, calling into question essential assets such as peace, security, health, and employment.

To tackle these issues, we need social cohesion and shared rules, personal commitment and collective effort, collaboration between institutions and involvement of private individuals. What is needed is a strong and resilient, transparent and impartial administration, striving for the common good, capable of delivering growth and better services to citizens.

In celebrating this Authority's anniversary, we must emphasise that preventing and combating corruption is not, nor can it be, the task of just one institution, but necessarily involves them all. Alongside them, private operators and all sections of civil society must play their part.

As the President of the Republic reminded us, corruption is the "theft of democracy" and it is therefore everybody's duty to strive – "with discipline and honour", in the words of the Constitution – to avoid the huge costs that are always passed on to citizens, especially the weakest, when the interests of the few prevail over those of the many.

After ten years, this therefore remains the commitment and the task entrusted to us, which we aim to continue to perform under the banner of the highest constitutional values, which directly inspire our institutional mission.

