



*Ministry of Cultural Heritage and Activities And Tourism*

**CODE OF CONDUCT  
OF THE EMPLOYEES  
OF THE MINISTRY OF CULTURAL HERITAGE AND  
ACTIVITIES AND TOURISM**





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## Art. 1

### General provisions

1. This code of conduct, hereinafter referred to as the “Code”, integrates and specifies the provisions contained in Presidential Decree 16 April 2013, no. 62, in accordance with what is laid down by article 54, paragraph 5, of legislative decree 30 March 2001, no. 165, and fully implements the Ethical Code of the Ministry of Cultural Heritage and Activities of 27 July 2011 published as an attachment to the Three-year Programme for Transparency and Integrity in Public Administration 2011-2013.

## Art. 2

### Scope of application

1. This Code applies to all the employees of the Ministry of Cultural Heritage and Activities and Tourism whose employment contract is regulated on the basis of article 2, paragraphs 2 and 3, of legislative decree 30 March 2001, no. 165 as amended.

2. The obligations of conduct laid down by this Code extend, wherever compatible, to public economic bodies, to publicly controlled private companies, to invested public companies and to companies under the supervision of the Ministry of Cultural Heritage and Activities and Tourism, to all co-workers and consultants, with any form of contract or office in any capacity, to holders of positions or authorities in the bodies and offices of direct collaboration of the political authorities, as well as co-workers in any capacity of suppliers of goods or services and that carry out works in favour of the administration. For this purpose, the administration must include in appointment documentation and contracts to acquire cooperation, consultancy and services the appropriate provisions and clauses for termination or forfeiture of the employment relationship in the event of breach of the obligations deriving from this Code. Failure to integrate appointment documentation and contracts entered into is reason for disqualification of orders of payment, without prejudice to identification of the underlying administrative and disciplinary liabilities of delegated officers.

## Art. 3

### General principles

1. The employee complies with the Constitution, serving the Nation with discipline and honour, adopting a behaviour which corresponds to the principles of good conduct and impartiality in administrative practice. The employee carries out their duties in compliance with the law, pursuing the public interest without abusing their position or the powers conferred to them.





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2. The employee also complies with the principles of integrity, correctness, good faith, proportionality, impartiality, transparency, fairness and reasonableness and acts in an independent and impartial manner, avoiding situations of conflict of interests.

3. The employee does not use the information they have gained knowledge of through their office for private purposes, and avoids situations and conduct that may obstruct the correct fulfilment of duties or harm the interests or image of the public administration. Public prerogatives and powers are exercised exclusively for the public interest for which they have been assigned.

4. The employee exercises their duties directing administrative activities towards maximum economy, efficiency and effectiveness. The management of public resources for the purpose of the performance of administrative activities must follow a logic of containment of costs, without compromising the quality of results.

5. In relations with the recipients of administrative services, the employee ensures complete parity of treatment with parity of conditions, refraining, moreover, from arbitrary actions which have negative effects on the recipients of the administrative service or which imply discriminations based on gender, nationality, ethnic origin, genetic characteristics, language, religion or faith, personal or political convictions, the belonging to an ethnic minority, disability, social or health conditions, age and sexual orientation or regarding other different factors.

6. The employee shows maximum willingness and cooperation in relations with other public administrations, ensuring the exchange and transmission of information and data in any form, also in electronic form, in compliance with current legislation.

7. In implementation of art. 53, paragraph 1 *bis* of legislative decree 27 October 2009 no. 150 and of official memorandum 6 August 2010 no. 11 of the Department of Public Function, the employee belonging to any functional area who holds the office of trade union executive in accordance with article 10, paragraph 1 of the Framework CCN (National Collective Bargaining Agreement) 7 August 1998, may not be assigned, within their operating unit, to sections, structural units and departments that deal with human resource management, nor trade union relations, and are obliged to ensure maximum confidentiality; in addition, they may not be appointed as a member of Boards of Directors or management committees or analogous bodies, and may not be appointed to information technology departments, considering the traceability of data, and may not be appointed to examination commissions as a member or secretary. These incompatibilities remain until the end of the year after the date of termination of the trade-union term of office.

8. The employee – without prejudice to the right to make assessments and disseminate information for the protection of citizen and trade union rights – abstains from public declarations, whether verbal or written, which damage the image and prestige of the Administration and informs the office manager of their relations with the press media. The provision of information occurs through the





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Administration's highest political body spokesperson and the Press Office, and communication activities through the Public Relations Office, as well as through any analogous structures.

9. The employee – without prejudice to the freedom to teach and to professional autonomy in the performance of educational, scientific and research activities – is obliged to specify, when participating in conferences, debates and training courses and in publications of an institutional character, that any opinions expressed are of an exclusively personal nature.

10. The employee that intends to use data in possession of the Administration they're working in for scientific or intellectual purposes must verify beforehand exclusion of the violation of the property rights of third parties and comply with the professional ethic codes existing with regards to the dissemination of the data, information and sources, informing their superior.

11. In their private life the employee refrains from adopting incorrect conduct or behaviour which is contrary to the laws in force which is, in any case, damaging to both the Administration image and their own image as public servants.

12. The employee contributes to a secure and serene working environment which is conducive to interpersonal relationships based on principles of equality, reciprocal fairness and respect.

### Art. 4

#### Gifts, bonuses and other benefits

1. The employee does not request, nor seek, gifts or other benefits for themselves or for others.

2. The employee does not accept gifts or other benefits for themselves or for others, except for practical gifts of a modest value made occasionally as part of normal courteous relations and in the context of international customs. In all events, regardless of whether the act constitutes a crime, the employee does not request gifts or other benefits for themselves or for others, even of a modest value by way of consideration for carrying out or having carried out a service of their office, from persons or entities that may derive benefits from decisions or activities associated with the office, nor from persons or entities with respect to whom they are or are about to be requested to carry out or exercise an activity or authority associated with the office held.

3. The employee does not accept, directly or indirectly, gifts or other benefits for themselves or for others from a subordinate, except for practical gifts of a modest value. The employee does not offer, directly or indirectly, gifts or other benefits to a superior, except for practical gifts of a modest value.

4. Gifts and other benefits received outside the cases permitted by this article, are immediately made available to the Administration by the employee that has received them, for restitution or to be devolved for institutional purposes.





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5. For the purpose of this article, gifts and other benefits of a modest value are those of a value not greater than 150 euros (sum given merely as a guideline), also in the form of a discount. In the event of a number of gifts, the cumulative value may not, in any case, exceed the aforementioned value of 150 euros, also in the form of a discount. Gifts received outside of these permitted cases shall be returned to the person offering them.

6. The employee does not accept collaboration contracts from private entities that have, or have had in the preceding two-year period, a significant economic interest in decisions or activities associated with the relevant office. Such appointments are prohibited.

7. The office manager monitors the correct application of this article for the purpose of protecting the prestige and impartiality of the administration.

8. The sanctions applicable in the event of breach of the provisions as per the above paragraphs must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, the entity of the gift or appointment received and relapses in the reference two-year period, for non-executive staff goes from a verbal warning to dismissal with or without notice; for executive staff, the financial penalty goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months, or dismissal with or without notice.

### Art. 5

#### Membership of associations and organisations

1. In compliance with the regulations in force regarding the right of association, the employee promptly communicates, and in any case within 10 days, to the relevant office manager their membership or belonging to associations or organisations, regardless of their confidential character, the scope of interest of which may interfere with the performance of the activities that fall within the fields of competence of the administration. This paragraph does not apply to the membership of political parties or trade unions. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, and of relapses in the reference two-year period, for non-executive staff goes from a verbal warning to suspension from work with loss of remuneration for up to 6 months; for executive staff, the financial penalty goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.







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2. The public servant does not force other employees to join associations or organisations, nor exercises pressure for this purpose, promising advantages or envisaging career disadvantages. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question and of relapses in the reference two-year period, for non-executive staff, goes from a verbal warning to dismissal with or without notice; for executive staff, the financial penalty goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months, or dismissal with or without notice.

### Art. 6

#### Communication of financial interests and conflicts of interest

1. Without prejudice to the obligations of transparency prescribed by law or regulations, the employee, upon appointment to the office, informs the office manager in writing of all dealings, direct and indirect, with private entities in any way remunerated which the employee still has or had in the last three years, specifying: a) whether they in person or their relatives or relatives in law up to the second degree, their spouse or cohabitant still has financial dealings with the entity with which the employee had the aforementioned dealings; b) if such dealings were or are entered into with entities that have interests in the activities or decisions concerning the office, limited to the duties assigned to them. The manager of the Office must arrange for the updating of the data provided periodically, on an annual basis. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, by regulations and by collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period, for non-executive staff goes from a verbal warning to suspension from work with loss of remuneration for up to 10 days.

2. The employee refrains from taking decisions or carrying out activities concerning their duties in situations of conflict of interests, also potential, regarding personal interests or those of the spouse, of cohabitants, of relatives and relatives in law up to the second degree. The conflict may regard interests of any nature, also non-financial, such as those deriving from the intention to accommodate pressures of a political or trade union nature or those exerted by their professional superiors. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and





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collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 7

#### Obligation of abstention

1. The employee refrains from participating in the taking of decisions or in activities that may involve their own interests, or that of their relatives or relatives in law up to the second degree, of their spouse or cohabitants, or people with whom they have habitual contact, or, of persons or entities or organisations with which they or the spouse has a legal case pending or with whom there is serious enmity or significant credit or debit dealings, or persons or entities or organisations of which they are guardian, trustee, attorney or agent, or of bodies or associations, also not recognised, committees, companies or properties of which they are administrator, manager or director. The employee refrains in any other case in which there are serious reasons of convenience. The relevant office manager, to whom the abstention is communicated, together with the reasons for abstention, decides on the abstention within 10 days. The office manager must arrange to file and register the various cases of abstention in order to be able to carry out periodic checks. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 8

#### Prevention of corruption

1. The employee complies with necessary measures for the prevention of unlawful actions in the administration. Specifically, the employee complies with the measures contained in the plan for the prevention of corruption, cooperates with the person responsible for the prevention of corruption and, without prejudice to the obligation to reporting to the legal authorities, to the *Corte dei Conti* (Italian National Court of Audit) and to ANAC (The Italian National Anti-Corruption Authority), reports to their professional superior any unlawful situations in the





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administration of which they gain knowledge. The employee that has cooperated by reporting the unlawful activity to the Administration must be protected in compliance with what is provided for in the Three-year Corruption Prevention Plan and by the law. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 9

#### Transparency and traceability

1. The employee ensures the fulfilment of the transparency obligations prescribed for public administrations according to current legislation, cooperating fully in the preparation, collection and transmission of data subject to the obligation of publication on the institutional website in full compliance with the contents of the Three-year Programme for Transparency and Integrity, for the purpose of ensuring the regular and complete communication of information, data and documentation to be published.
2. The traceability of the decision-making processes adopted by employees must, in all cases, be guaranteed through suitable supporting documentation, which permits replicability at all times.
3. The sanction applicable in the event of breach of the provisions as per paragraph 1 and 2 must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 10 days; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 10

#### Conduct in private dealings

1. In private dealings, including those outside work, with public officials in the exercise of their functions, the employee does not exploit, nor mention the position







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held in the administration to obtain benefits to which they are not entitled and do not adopt behaviour in any way incorrect or against the regulations in force which may harm the administration's image and the image of the public servant. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 11

#### Conduct when on duty

1. Without prejudice to the compliance with the terms of administrative procedure, the employee, unless for valid reason, shall not delay nor adopt behaviour that attributes to other employees the performance of activities or the taking of decisions pertaining to them, but rather, deals with their own duties with care and promptness, demonstrating a spirit of cooperation and diligence. The Office manager is obliged to ensure an equitable allocation of workloads and to notice any failings due to the negligence of certain employees. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

2. The employee uses leaves of absence from work, however called, in compliance with provisions of the law, regulations and collective agreements. The Office manager is obliged to verify that the use of such leaves of absence occurs effectively for the reasons and within the limits prescribed by law and by the collective agreements, adopting the necessary controls and detecting any irregularities. The Office manager is also obliged to monitor the correct attendance clocking on the part of employees assigned to the relevant Office. The sanction applicable in the event of breach of the provision as per paragraph 2 must be imposed in compliance with the principles of gradualness and proportionality, and identified among those





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provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

3. The employee uses the materials or the equipment and the premises that are made available to them for reasons of their duties, and the computer and telephone services of the office in compliance with the restrictions imposed by the administration and strictly according to the security policies, for the purpose of avoiding compromising the functionality and protection of the IT systems. The employee will be obliged, in particular, to keep all the material assigned to them for the performance of their duties in good condition, informing the competent office of any alterations for the purpose of obtaining assistance from the maintenance staff. The material assigned, moreover, may not be used for personal use not relating to office duties, nor may it be taken, even temporarily, outside of the office. The employee uses the administration's means of transport made available to them only for the performance of office duties, refraining from transporting third parties unless for office purposes. In addition, in making payments relating to the acquisition of goods, services and supplies, the employee follows, as a general rule, the chronological order of acceptance of the invoices and complies with the terms indicated by the regulations in force and by the Three-year Programme for Transparency and Integrity. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

4. The employee – without prejudice to the freedom to teach and to professional autonomy in the performance of educational, scientific and research activities – is obliged to specify, when participating in conferences, debates and training courses and in publications of an institutional character, that any opinions expressed are of an exclusively personal nature. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided





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for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

5. The employee that intends to use data in possession of the Administration they're working in for scientific or intellectual purposes must verify beforehand exclusion of the violation of the property rights of third parties and comply with the professional ethic codes existing with regards to the dissemination of the data, information and sources, informing their superior. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

6. The employee that works in Offices that cooperate directly with the administration's highest political body, in consideration of the special bond of trust with the aforesaid Body, is obliged to maximum confidentiality and, in particular, not to report or use the information acquired by virtue of the relationship outside of their duties. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

7. Executives and employees provide the Independent Body for Performance Appraisal (*Organismo Indipendente di valutazione della performance*) with all information necessary for an appraisal of the results achieved by the office in which





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they work. The information is given with particular focus on the office's working methods, the quality of the services provided, organisational wellbeing, the equality of treatment between the different categories of users, easy access to the offices, especially for users with disabilities, the simplification and rapidity of the procedures, compliance with the prescribed terms for completion of the procedures, the prompt response to complaints, applications and reports, the application of the Digital Code, the transmission and updating of data and the organizational measures provided for in the Three-year Programme for Transparency and Integrity. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 12

#### Dealings with the public

1. The employee who is in charge of dealing with the public is identifiable by means of a clearly visible badge or other identifying device provided by the administration, unless the specific work rules provide otherwise, also with a view to employees' security; the employee works with a spirit of service, correctness, courtesy and helpfulness, and works in a manner which is as complete and accurate as possible in responding to correspondence, telephone calls and e-mail messages, to which they are obliged to respond, in a satisfying and exhaustive manner, using the same means, providing all the indications necessary to identify the person responsible for the procedure; in the event that they are not competent for the position held or with regards to the material, they direct the interested party to the competent officer or office in the same administration. The employee, without prejudice to the regulations regarding professional secrecy, provides the explanations that are requested, regarding their own conduct and that of the other employees in the office for whom they are responsible or that they coordinate. In the operations to be carried out and in dealing with procedures, the employee complies with the chronological order, subject to different service requirements or different instructions of priority established by the administration, and does not refuse the provision of services they are obliged to provide for generic reasons and makes sure to respond promptly to the various requests of the users and, in any case, within 30 days from the date of receipt of the request deducible from the incoming protocol number or, within the terms established by the regulations for implementation as







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per art. 2, paragraph 6 of Law 7 August 1990 no. 241 provided for by the Ministry of Cultural Heritage and Activities and Tourism by Decrees of the President of the Council of Ministers 18 November 2010 no. 231 and 22 December 2010 no. 271. In the event that the request reaches the office via e-mail or fax, the starting date for the term shall be the effective date of receipt. The employee respects appointments with citizens and responds without delay to their complaints. Employees assigned to public relations offices (*URPs*) are obliged to provide the information requested from the users in a complete way, giving appropriate details about matters relating to the Administration with the aim of giving users an image of efficiency and competence. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

2. The above is without prejudice to the provisions on penalties prescribed by art. 2-*bis*, paragraph 1-*bis* of Law 7 August 1990 no. 241 as per directive 9 January 2014 of the Presidency of the Council of Ministers, Department of Public Function, containing "Guidelines for the application of 'compensation for delay in the conclusion of procedures further to application by a third party'". Moreover, in accordance with art. 2 paragraph 9 of the aforementioned Law 7 August 1990 no. 241 as amended, the failed or delayed performance of the measure is an element influencing the individual performance appraisal, as well as disciplinary and administrative-accounting liability of the defaulting executive and officer.

3. Without prejudice to the right to make assessments and disseminate information for the protection of trade union rights, the employee abstains from offensive public declarations, whether verbal or written, which damage the image and prestige of the Administration and informs the office manager of their relations with the press media. The provision of information is carried out by the appropriate appointed Administration offices. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive







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staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

4. The employee that works in an administration that provides services to the public makes sure to comply with the quality and quantity standards established by the administration also in the appropriate service charters. The employee works in such a way as to ensure continuity of the service, to allow users to choose between different providers and to furnish them with information on the means of provision of the service and on the levels of quality with competence and professionalism. The Administration defines, within the performance programme, the qualitative parameters of the services offered to users. Account is taken of the quality of service in the appraisal of executives and employees. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

5. The employee does not make commitments or anticipate the outcomes of their own decisions and actions or those of others associated with the office, other than for permitted cases; the employee provides information and news about administrative proceedings or operations, ongoing or concluded, in situations provided for by legislation and regulations on the matter of access to information, always informing interested parties on the possibility of using the Public Relations Office, and issues copies and extracts of records or documents according to their competence, with the procedures established by the regulations regarding access to information. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.





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6. The employee complies with professional secrecy and the legislation regarding the processing and protection of personal data and, in the event that they are verbally requested to furnish non-accessible information, records and documents protected by professional secrecy or by the provisions regarding personal data, the employee informs the person making the request of the reasons that prevent the acceptance of the request. In the event that the employee does not have the authority to respond to the request in question, they ensure, on the basis of internal regulations, that the request is forwarded to the competent office of the same administration. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

7. In compliance with the Digital Administration Code, the employee working in the Administration recognises citizens and businesses the right to use information technologies in communications with the Ministry of Cultural Heritage and Activities and Tourism, participation in administrative IT procedures, the making of payments with computerised means, the use of certified e-mail; in internal dealings and with other Public Administrations, the employee interacts using information technologies. Moreover, in the performance of their work and within the sphere of their responsibility, they record and process institutional data and information in a complete, correct, appropriate and prompt manner, ensuring correct application of the procedures to safeguard the completeness and accuracy of the data that have to be traceable, controllable and replicable at all times. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

8. The employee may not perform remunerated duties that have not been assigned or previously authorised by their administration, which must verify the non-





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existence of situations (also potential) of conflict of interests. Breach of this prohibition implies, for the employee, in addition to disciplinary liability, the obligation to pay the administration the remuneration due for any services performed; this payment shall be payable by the service provider or, failing this, by the beneficiary. Omission on the part of the employee to pay the remuneration received constitutes a liability to public funds subject to the jurisdiction of the *Corte dei Conti* (Italian National Court of Audit). Furthermore, extra-institutional activities and positions may not be authorised that: a) do not permit the prompt and correct performance of office duties, in relation to the department the employee belongs to; b) may create situations (also potential) of conflict with the interests of the administration the employee belongs to or with the functions assigned to the employee or to the structure in which they operate; c) for the intensity and professionalism requested, exceed the limits prescribed by law regarding infrequent and occasional work; d) in remunerative terms, both singularly and as the total of a number of positions held in the year, are higher compared to the annual contractual remuneration; e) originate from entities that have in progress or have had in the previous two-year period supplies or contracts with the Ministry of Cultural Heritage and Activities and Tourism or a significant economic interest in the decisions or activities concerning the office the employee belongs to. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 13

#### Particular provisions for executives

1. Without prejudice to the application of the other provisions of the Code, the regulations of this article apply to executives, including the holders of offices in accordance with article 19, paragraph 6 of legislative decree no. 165 of 2001 and with article 110 of legislative decree 18 August 2000 no. 267, to persons that perform functions equivalent to executives operating in the offices which have direct contact with political authorities, as well as officers with organisational responsibility in entities without managerial leadership.

2. The executive performs the functions attributed to them with diligence on the basis of the appointment to the office; they pursue the objectives assigned to them and adopt an organisational approach which is appropriate to the performance of





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the appointment. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period goes from a minimum financial penalty of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

3. The executive, before taking up office, informs administration of equity stakes and other financial interests that may put them into situations of conflict of interest with the public office they hold. The executive must arrange for the updating of the data provided periodically, on an annual basis, informing their General Manager. They declare if they have relatives or relatives in law up to the second degree, spouse or cohabitant that carry on political, professional or economic activities that put them into frequent contact with the office that they have to manage or who are involved in the decisions or activities concerning the office. The executive provides information on their economic situation and their annual tax returns for incomes subject to tax on the income of natural persons provided for by law. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

4. The executive adopts a loyal and transparent approach and adopts an exemplary and impartial behaviour in relations with colleagues, co-workers and the recipients of administrative services. The executive also ensures that the resources assigned to their office are used for exclusively institutional purposes and not, in any event, for personal needs. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.







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5. The executive ensures, as far as possible with the resources available, the organisational wellbeing of the structure under their management, fostering the establishment of cordial and respectful relationships between workers, ensuring and supervising – inside the Office under their management – that there is a working environment in which the dignity of each person is respected and that interpersonal relations are fostered based on the principles of equality, reciprocal fairness and the protection of persons with disabilities for the purpose of avoiding discrimination, and guaranteeing equal opportunities between male and female workers, ensuring equality of treatment between employees and avoiding the occurrence of incorrect actions and conduct, including harassment, also sexual, moral or psychic violence; the executive takes measures for the purpose of circulating information, for the training and updating of staff, inclusion and the positive exploitation of differences in gender, age and personal conditions. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

6. The executive assigns the accomplishment of administrative procedures on the basis of a fair distribution of workload, taking account of the ability, aptitudes and professionalism of the staff at their disposal and ensuring parity in the treatment of all their co-workers. For any disparities in treatment suffered, employees may inform their executive's superior by means of reports supported by clear evidences. The executive assigns additional duties on the basis of professionalism and, as far as possible, on a rotational basis. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

7. The executive appraises the staff assigned to the structure under their management with impartiality and complying with the prescribed indications and timeframes. The executive adopts correct and fair behaviour towards staff avoiding aggressive, denigratory and oppressive attitudes such as to affect health and/or professionalism and dignity in the workplace. They adopt an attitude which is







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marked by maximum correctness for the purpose of avoiding conduct – also of a sexual nature – that violate the dignity of the person and create a climate and a work atmosphere which is intimidating, hostile and humiliating. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

8. The executive promptly takes necessary measures in the event they are aware of misdemeanour, operating and concluding, if authorised, the disciplinary procedure, or promptly reports the misdemeanour to the disciplinary authority, lending their cooperation if requested and arranges to promptly report to the criminal judicial authorities or inform the *Corte dei Conti* (Italian National Court of Audit) according to their respective authority. In the event that the executive is informed of a misdemeanour on the part of an employee, they adopt every legal measure so that the person reporting is protected and their identity is not unduly revealed in the disciplinary proceedings, in accordance with article 54-*bis* of the legislative decree. In addition, the executive must guarantee the secrecy of the documents received, which are not subject to the right of access and civic access, and must ensure the secure conservation of the sources of proof and documents relating to the subject matter of the report. The executive monitors compliance with, and observance of, on the part of employees, the regulations regarding incompatibility, the accumulation of work duties and offices for the purpose of avoiding illegal so-called “double work” (*doppio lavoro*) practices. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference three-year period may be a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a maximum of 15 days or suspension from work with loss of remuneration for up to 3 months or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

9. The executive, within the limits of their possibilities, prevents information about the organisation, the activity and the public servants which is not true from being disseminated; the executive promotes the spreading of knowledge of good practice and good examples with a view to reinforcing a sense of trust in the administration.





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The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

10. Pursuant to art. 54 paragraph 6 of legislative decree 30 March 2001 no. 165 as amended, executives responsible for each structure, the executives of internal control structures and executives assigned to the relevant departments for disciplinary proceedings, must monitor the application of the code of conduct. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

11. Inspectors that are appointed, including as auditors, at supervised entities, public bodies governed by private law and under public control, invested companies and their subsidiaries in accordance with article 2359 of the Italian Civil Code are obliged – in the performance of their technical-professional roles and duties as legal representative of the administration – to comply with the principles of integrity, good faith, objectivity, fairness, proportionality, reasonableness, professional competence, confidentiality and impartiality, withdrawing in cases of conflict of interest. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is a financial penalty that goes from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.





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### Art. 14

#### Contracts and other legal acts

1. In the conclusion of agreements and negotiations and in the undersigning of contracts on account of the administration, as well as in their execution, the employee does not make use of the intermediation of third parties, nor does he/she pay or promise any advantage as an intermediary, either for the purpose of facilitating or making possible the conclusion or execution of the contract. This paragraph does not apply in cases in which the administration has decided to make use of professional intermediation. The sanction applicable in the event of breach of the provisions as per paragraph 1 must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from the suspension from work with loss of remuneration for up to 10 days to the suspension from work with loss of remuneration for up to 6 months; b) for executive staff, suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

2. The employee does not conclude, on account of the administration, works, supply, service, financing or insurance contracts with enterprises with which they have entered into contracts of a private nature or received other advantages in the previous two-year period, with the exception of those entered into in accordance with article 1342 of the Italian Civil Code. In the event that the administration enters into works, supply, service, financing or insurance contracts with enterprises with which the employee has entered into contracts of a private nature or received other advantages in the two-year period, the employee shall refrain from participating in the decisions and activities relating to the execution of the contract, drawing up a verbal declaration of such abstention to be kept in the office records. The sanction applicable in the event of breach of the provisions as per this paragraph, *1<sup>st</sup> sentence*, must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to dismissal with or without notice; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months or dismissal with notice or dismissal without notice. The sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period, in





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the event of breach of the provisions as per this paragraph, 2<sup>nd</sup> sentence is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

3. The employee that concludes agreements or negotiations or undersigns or enters into contracts of a private nature, with the exception of those entered into pursuant to article 1342 of the Italian Civil Code, with natural persons or private legal entities with whom they have entered into works, supply, service, financing and insurance contracts in the last two-year period on account of the administration, informs the office manager of the fact in writing. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is from a verbal warning to suspension from work with loss of remuneration for up to 6 months.

4. If the situations as per paragraphs 2 and 3 apply to an executive, the latter shall inform, in written form, the top executive responsible for personnel management. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and relapses in the reference two-year period is a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

5. The employee that receives, from natural persons or legal entities participating in contractual procedures in which the administration is a party, verbal or written complaints regarding the office's or their co-workers' activities, shall immediately inform, by general rule in writing, their immediate or department superior. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 10 days; b) for executive staff, a financial penalty from a







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minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

6. Employees that, within the context of the protection of cultural heritage, arrange for the carrying out of programmes relating to public works and the provision of cultural services, directly or indirectly, through dealers, must ensure pursuant to art. 1, paragraph 16 of Law 6 November 2012, no. 190, the essential levels as established by paragraph 15, article 1 of the same law, guaranteeing, at the same time, free competition, equal opportunity for the participants in the tender or in the procedures for the acquisition of goods and services. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

7. Employees working in Contract Management Offices who are assigned to follow procedures aimed at concluding public contracts are obliged to comply, with promptness, precision, correctness and professionalism, the regulations laid down by the Italian Public Procurement Code, by the Italian Civil Code and by other relevant legislation in force, for the various types of contracts, in order to prevent the Administration from having costly litigations and for ensuring efficient and effective action. Employees must, therefore, guarantee compliance with the principles of impartiality, ensuring equal conditions for all candidates, and in complete confidentiality; they must, moreover, maintain a position of independence, refraining from participating in the event of situations of conflict of interest, not requesting economic benefits for the performance of their activities, and monitor compliance with the contractual conditions on the part of the executor during the execution of the contract with objectivity and rigour, and report any anomaly found to their superior executive. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum







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of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

8. Authorisations, concessions, contributions, credits, subsidies, financial aids and economic advantages are granted on the basis of transparent criteria and published on the appropriate register viewable online.

9. Besides the effects of a disciplinary, penal, civil and financial nature, the failed establishment of transparent criteria or breach of the obligations to publish the information is used in the measurement and assessment of individual performance.

### Art. 15

#### Labour market flexibility

1. With the aim of combatting abuses in the use of labour market flexibility practices, with relation to the acquisition of staff, assigned employees must, in accordance with article 36 paragraph 3 of legislative decree 30 march 2001 no. 165 as amended, draw up by 31 December each year, without new or further costs for the public finance, an analytical report on the types of labour market flexibility practices, to be transmitted by 31 January of the following year to the assessment centres or internal control departments and to the Presidency of the Council of Ministers - Department of Public Function. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is: a) for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months; b) for executive staff, a financial penalty from a minimum of Euro 200.00 to a maximum of Euro 500.00 or suspension from work with loss of remuneration for a minimum of 3 days and a maximum of 6 months.

### Art. 16

#### Working environment

1. Employees cooperate for the maintenance of a working environment in which the dignity of each person is respected and in which interpersonal relations are fostered based on the principles of equality, reciprocal fairness and the protection of persons with disabilities for the purpose of avoiding discrimination, and guaranteeing equal opportunities between male and female workers. The sanction applicable in the event of breach of the provisions as per this paragraph must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the





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seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period is, for non-executive staff, from a verbal warning to suspension from work with loss of remuneration for up to 6 months.

### Art.17

#### Mobbing and harassment

1. Employees are obliged to adopt correct and fair behaviour towards colleagues, of any level, avoiding the use of improper and objectionable language, and of aggressive, denigratory and oppressive attitudes such as to affect health and/or professionalism and dignity in the workplace.
2. Employees are obliged to adopt an attitude which is marked by maximum correctness for the purpose of avoiding conduct – also of a sexual nature – that violates the dignity of the person and creates a climate and a work atmosphere which is intimidating, hostile and humiliating.
3. The sanction applicable in the event of breach of the provisions as per paragraphs 1 and 2 must be imposed in compliance with the principles of gradualness and proportionality, and identified among those provided for by law, regulations and collective agreements. Specifically, the sanction to be applied, taking account of the office held, of the seriousness of the conduct in question, of the damage caused to the administration and of relapses in the reference two-year period, for non-executive staff, goes from a verbal warning to dismissal with notice.

### Art. 18

#### Supervision, monitoring and training

1. Pursuant to article 54, paragraph 6, of legislative decree 30 March 2001, no. 165, the executives responsible for each structure, internal control structures and relevant departments for disciplinary proceedings supervise the application of this code of conduct adopted by the Ministry of Cultural Heritage and Activities and Tourism.
2. For the purpose of the supervision and monitoring provided for by this article, the Ministry of Cultural Heritage and Activities and Tourism makes use of the disciplinary proceedings office set up according to article 55-*bis*, paragraph 4, of legislative decree no. 165 of 2001 which also carries out the functions of any committees or ethics offices already established.
3. The activities performed in accordance with this article by the disciplinary proceedings office comply with any provisions contained in the corruption prevention plans adopted by the administration in accordance with article 1, paragraph 2, of Law 6 November 2012, no. 190. Besides the disciplinary functions as per article 55-*bis* et seq. of legislative decree no. 165 of 2001, the disciplinary





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proceedings office takes care of the updating of the administration's code of conduct, the examination of reports of any breaches of the code of conduct, the collection of cases of illegal conduct ascertained and punished, ensuring the guarantees as per article 54-*bis* of legislative decree no. 165 of 2001. The manager in charge of the prevention of corruption takes care of the dissemination of awareness regarding the code of conduct in the administration, the annual monitoring of its implementation, in accordance with article 54, paragraph 7, of legislative decree no. 165 of 2001, as well as the publication on the institutional website and the communication to the National Anti-corruption Authority of the results of the monitoring, as per article 1, paragraph 2, of Law 6 November 2012, no. 190. For the purpose of the performance of the activities provided for by this article, the disciplinary proceedings office works in liaison with the manager in charge of prevention as per article 1, paragraph 7, of Law no. 190 of 2012.

4. For the purpose of the activation of the disciplinary proceeding for breach of the code of conduct, the disciplinary proceedings office can request the National Anti-corruption Authority an optional opinion according to what is established by article 1, paragraph 2, letter d) of Law no. 190 of 2012.

5. Training activities are provided for Ministry of Cultural Heritage and Activities and Tourism staff regarding transparency and integrity, which allow employees to acquire full knowledge of the contents of the code of conduct, as well as an annual and systematic updating of relevant measures and provisions.

6. The provisions of this article shall not cause new or increased burdens on public finances. The administration shall fulfil the requirements of this article using the human, financial, and capital resources available under current legislation.

### Art. 19

#### Liability arising from the breach of the obligations of the code

1. Breach of the obligations provided for by this Code integrates behaviour contrary to official duties. Without prejudice to the situations in which the breach of the provisions contained in this Code, as well as of the duties and obligations provided for by the corruption prevention plan, gives rise to the criminal, civil, administrative or accounting liability of the public servant, it is a source of disciplinary liability ascertained as the result of disciplinary proceedings, in compliance with the principles of the gradualness and proportionality of the sanctions.

2. For the purpose of determining the type and entity of the disciplinary sanction applicable, the breach is assessed in every single case with regards to the seriousness of the behaviour and the entity of the damage, also moral, caused to the prestige and the respectability of the administration to which the employee belongs. The sanctions applicable are those provided for by the law, regulations and collective agreements, including those involving dismissal which may be applied exclusively in such cases to be assessed in relation to the seriousness of





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the breach of the provisions as per art. 4, in the event of the non-modest value of the gift or other benefits and the immediate correlation of the latter with the committing of an act or activity typical of the office, as per art. 5, paragraph 2 and art. 14, paragraph 2, first sentence, assessed in accordance with the 1<sup>st</sup> sentence. The provision as per the 1<sup>st</sup> sentence applies, moreover, in cases of repeated offenses as per art. 4, paragraph 6, art. 6, paragraph 2, excluding merely potential conflicts of interest, and per art. 13, paragraph 9, first sentence. Collective agreements may provide for further criteria for the identification of the sanctions applicable in relation to the types of breach of this code.

3. The above is without prejudice to imposition of dismissal without notice for cases already provided for by the law, regulations and collective agreements.

4. The above is without prejudice to the further obligations and consequent situations of disciplinary liability of public servants provided for by law, regulations and collective agreements.

### Art. 20

#### Final provisions and repeals

1. The administration gives the widest possible dissemination of this Code, publishing it on its institutional website and in the intranet network, as well as transmitting it by e-mail to all its employees and to the holders of consultancy or cooperation contracts of any sort, also professional, to the holders of positions or authorities in the bodies and offices working in direct cooperation with the administration's highest political bodies, as well as co-workers of any kind, also professional, of enterprises supplying services in favour of the administration. Upon the undersigning of the employment contract or, otherwise, upon the assignment of an appointment, the administration delivers a copy of the code of conduct, to be signed by newly hired employees, with whatever type of employment contract.

2. The Ministry of Cultural Heritage and Activities and Tourism ensures the widest possible dissemination of this code of conduct defined in accordance with article 54, paragraph 5, of the already-mentioned legislative decree no. 165 of 2001 according to the procedures provided for by paragraph 1 of this article.

3. This code will subsequently be integrated with relation to any supervening service requirements.

