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The role and efforts of the Anti-Corruption National Authority,
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1. My task is to address the issue of preventing corruption, in particular in the Italian legal system, with the aim to share with you information on both best practices and rules and regulations.

I would like to only briefly and broadly introduce each, taking my inspiration from the international context.
Recommendations, guidelines, and obligations deriving from conventions have brought with them interesting stimuli for providing the bases and the elements of corruption prevention actions in every State.
I will offer you a framework of the international contents thereof, starting out from the United Nations Convention against Corruption, which, since 180 States and an international organization (EU) signed it, reflects the consensus of the International Community.

1.1. In this Convention, the notion of corruption – when prevention is implicated – emerges from the international context, within which integrity and transparency are indissoluble components.
The UN Convention urges that the concept of corruption – with respect to the traditional merely criminal-law perspective – be broadened out, to also include conducts of so called maladministration: i.e. conducts that places public offices at the service of private interests.
The issue concerns the quality of the integrity that must characterise public administration.
This notion of corruption firstly arose within the ambit of the Organization for Economic Cooperation and Development (OECD), through the development of the notions of good

governance and integrity. In this regard, we could note, for example, the Recommendations on Public Integrity, adopted on 2017. They stress the absolute need to guarantee the integrity of all processes and public activities in OECD Countries, on all levels of government, the aims of which are to be attained also by means of the principles and indications contained in the said Recommendations. The Recommendations acknowledge that a general "integrity system" must be set up in each nation, within the ambit of which specific "integrity subsystems" are to be implemented.

1.2. In this Convention the specific rules pertaining to prevention of corruption are set forth in articles 5-14 of the Convention.
Let me describe them – all dealing with our topics today.

According to these rules, each contracting State must:

a. institute one or more bodies for the prevention of corruption through adoption of policies as generally outlined in Article 5 of the Convention. The bodies are to be endowed with a minimum set of characteristics that ensure their independence and their effectiveness of action: material and financial resources, and qualitatively and quantitatively specialized personnel (Article 6);

b. adopt, maintain and enhance a system for recruiting and managing public administration personnel, which must be managed in accordance with the principles of effectiveness, transparency in regard to assessment of merit, and equitable pay scales (Article 7). The measure focusses on the need for overall training, if the duties of public office are to be performed in due manner, correctly, honourably and appropriately. It focusses also on the need for training for specific competences regarding sectors that are especially prone to corruption. The measure foresees recourse to procedures regarding rotation, transparency and prevention of conflicts of interest;

c. adopt regulations and/or codes of conduct to promote integrity, honesty and responsibility among the body's public officials, and adopt effective disciplinary measures to be applied in the event of violation of these provisions (Article 8, clauses 1, 2 and 6);

d. adopt measures to facilitate reporting by public officials of acts of corruption that come to their notice in the course of their duties (so called whistleblowing: Article 8, clause 4);

e. draw up measures whereby public sector employees are obliged to declare substantial gifts or benefits from which a conflict of interest may arise (Article 8, clause 5);

f. adopt a system for public contracts and generally for management of public assets, based on the principles of transparency, competition, efficiency and effectiveness, also for prevention of corruption (Article 9);

g. adopt the principle of transparency throughout public administration, for example by including a right to obtain information (with due regard for requirements of confidentiality) on the organization, and on the functioning and decision-making processes of organizations, and by simplifying procedures and rendering information public (Article 10);

h. extend application to the private sector of measures for preventing corruption (Article 12);

i. promote civil-society participation in public actions aiming to prevent corruption, and, on this level, foster awareness of such actions and ensure accessibility to prevention bodies (Article 13);

j. adopt measures to prevent money-laundering (Article 14).

2. As to the Italian legal system: the entire system for the prevention of corruption starts out from the Anti-Corruption Law, Law No. 190 (the so called "Severino Law", approved by Parliament on 6 November 2012, entering into force on 28 November 2012, and implemented

by several regulations that that we had already focussed on during the conference). This Law was adopted to implement the UN Convention against Corruption (Article 1).

2.1. The strategy applied by Italian lawmakers consists in the use of two different techniques for fighting corruption through prevention.

(a) First of all, specific constraints and requirements were introduced by means of general rules to provide guarantees for private and public bodies – which negotiate and stipulate public contracts, such as authorizations to carry out specific activities and to accept public assignments – abstention to avoid even possible conflict of interests, obligations of disclosure and transparency, and planning and programming (with measures based on so called risk assessment and risk management) in order to administer public policies in terms of investments, as well as codes of conduct and ethical codes. This set of measures aims at strengthening integrity in the public sector.

(b) The second technique aims at raising the "costs" of corruption practices in particular in the field of public procurement. These sectorial rules aim to compress to some extent the Public Administration's discretionary powers (for example by limiting the regulation of the subcontracting market, fixing variants during works); to create reputational benefits and procurement incentive mechanisms; and to qualify public buyers by providing for tender procedures according to their effective technical and organizational capacity.

2.2. More precisely, Law No. 190 aims at ensuring a more balanced approach towards anti-corruption policies and provides for a strengthened preventive line and enhanced accountability within public administration.

The notion of integrity assumed within the context of international relations is now a part of the Italian legal system. The Anti-Corruption Law introduced the notion as a means of regulating matters within a system in which the conceptual categories of corruption were solely of criminal law significance: the focus immediately shifted toward the incriminating situations set forth in the Italian Criminal Code, beginning with Article 314 (a provision that introduces the section on "Delitti contro la Pubblica Amministrazione"). Nowadays, the notion

of corruption as set forth in our legal system is instead based on our awareness that the term is polysemic . It is no mere coincidence that circular No. 1 (25 January 2013) of the Dipartimento della Funzione Pubblica-DFP (Civil Service Department), in regard to certain interpretational issues arising out of Law No. 190/2012, stresses that, when used with respect to prevention, the term refers to a "concept of corruption in the broad sense, inclusive of various situations in which, during administrative activities, abuse, on the part of an individual, of the power accorded to him/her, takes place, for the purposes of private gain". On the contrary, when used in regard to corruption of criminal significance, reference is made to the technical accounts contained in the Criminal Code.

2.3. From a more strictly institutional point of view, the anticorruption model is carried out not only through a complex and particularly articulated pattern of relationships among multiple actors with a variety of roles – Government, Civil Servant Department (DFP), National Anticorruption Authority, Court of Auditors, Prefects and, within the administrations, the operator responsible for the prevention of corruption and for transparency (RPCT) and the independent evaluation body (hereafter referred to as OIV) – but also through a capillary system of accountability for the implementation of the anticorruption measures within each administration.

At the heart of the institutional system we have the National Anticorruption Authority, established in execution of Article 6 of the UN Convention against Corruption (UNCAC). This Authority is an independent body born out of the merging of two different authorities, the Commission for Evaluation, Transparency and Integrity of Public Administration (C.I.V.I.T.) and the Authority for the Supervision of Public Contracts (A.V.C.P.). Integration of the functions of these two different bodies is aimed at setting the conditions for overseeing more effectively the scope of corruption prevention in the domestic Public Administration as a whole.

In a nutshell, the institutional mission of A.N.AC. consists in many goals articulated into the following pillars: the prevention of corruption in the Italian P.A. and in subsidiaries and State-controlled companies; the implementation of transparency in all aspects of P.A.; supervision of conflicts of interests; orientation of the behaviour and activities of civil servants; and

supervision in the field of public contracts and in every area of P.A. that potentially give rise to corruption phenomena.
These goals are pursued by adoption of the National Anticorruption Plan (NAP); by an analysis of the causes and factors of corruption and identification of measures to prevent corruption; by monitoring the implementation and effectiveness of public administrations' Anticorruption plans and of compliance to transparency rules; and by supervision of the entire system of public procurement.

2.4. The Authority achieves its goals by mainly fulfilling a regulatory and supervisory function, in order to adopt a systematic approach in the field of prevention corruption. Many matters have been addressed by having recourse to interpretation and hence by adopting resolutions of a general nature.
The Law assigns inspection powers to A.N.AC.: the power to enquire, to demand exhibition of documents, and to order adoption of acts as well as the removal of acts and behaviour contrasting with law and with transparency rules.
A.N.AC. also gives optional advice to the state bodies and all the public administrations on compliance of public employees with the code of conduct. A.N.AC. defines criteria, guidelines and standard models for the code of conduct regarding specific administrative areas, as specification and integration of the general code of conduct laid down by the Government. It also reports annually to Parliament on activities against corruption and illegality in the administrations and on the effectiveness of the measures applied.

According to the Anti-Corruption Law, A.N.AC. analyses causes and factors of corruption in order to point out actions to prevent and fight corruption.
Moreover, with specific reference to effectiveness of the law, A.N.AC. has the power to supervise and control not only application and the efficiency of the measures identified in the mentioned plans but also compliance with transparency obligations. A.N.AC. therefore has the power to order public administrations to comply with anticorruption and transparency legislation. More precisely, such power has been provided by ruling No. 146/2014, which has provided specific indications in the event of non-compliance, on the part of administrations,

with A.N.AC.'s decisions in the field of anticorruption and transparency. On its website, A.N.AC. publishes its final decision aimed at adoption or removal of acts or behaviour contrasting with anticorruption measures (publication is a kind of "reputational" sanction).

As regards the field of transparency, regulated by legislative decree No. 33/2013, the Authority can inflict monetary sanctions for violation of the obligations of publication relating to elected officers (Article 14) and relating to data on supervised public agencies, publicly controlled private agencies, and investments in private companies (Article 22).

The Authority, in addition, carries out the function of interpretation of the complex legal framework on "the ineligibility and incompatibility of positions in the public administration", as well as a supervisory function regarding correct application of this legislative control, provided by legislative decree No. 39/2013.

A.N.AC. can avail itself of the collaboration of the "Guardia di Finanza" (the Italian economic police) for investigations and inspections.

In order to properly exercise all these powers, the Authority is entrusted with the task of receiving information about corruption and misconduct within the public contracts area on the part of many operators (it also receives information from whistleblowers). When a public prosecutor proceeds against corruption or similar crimes, he/she must inform the Anticorruption National Authority (Article 7 of the Law 27 May 2015, No. 69). A similar duty is also imposed upon the administrative judge when judging on litigations regarding public contracts: they must inform the Anti-Corruption National Authority of all facts emerging from the judgment, of instances of misconduct or of violation of transparency rules (Article 32bis Anticorruption Law). Lastly, even the Prefetto (Prefect - the local governmental representatives) must inform the Anticorruption National Authority whenever it adopts an anti-mafia interdictive measure for the purpose of the "Commissariamento" of the awardee.

3 . As to the healthcare sector: it is one of the main economic sectors of our society and, therefore, is a privileged target of illegal and corrupt practices at both national and international levels.

As far as the Italian context is concerned, there are different public initiative inquiries as civil society organizations that have highlighted the main features of the National Health Service that can lead to corruption, identifying the main areas in which it suffers. Sectors such as human resources, contracts (supply of medicines, machinery, etc.), payment management, and agreements with private healthcare facilities are easily exposed.

Among the causes are undoubtedly the muddled and fragmented regulatory framework, the size and complexity of the organizational structure, the ineffectiveness of the control systems, the continuing inability to govern conflicts of interest that create discretionary powers of influence affected by personal interest in an area where primary interest should be, instead, an essential asset such as the individual's health.

It is no coincidence that the National Anticorruption Authority (A.N.AC.) has paid particular attention to the public health sector. From the Memorandum of Understanding between A.N.AC. And the National Agency for Regional Health Systems (AGENAS) - signed on November 5th, 2014 and specified with successive agreements extended to the Ministry of Health - "forms of mutual administrative cooperation were put in place with the aim of identifying and experimenting integrated models of Internal control for the management of risks related to the government of health companies', also through 'technical-operational assistance' (...); adoption of specific guidelines addressing the issue of administrative governance, corruption and conflict of interest in healthcare ...; Fulfillment of forms of cooperation in the field of training (...); Identification of tools of cooperation and joint action (...), implementation of experimental projects on subjects of common interest '.

As a result, A.N.A.C.- AGENAS's "thematic tables" were born, which have been associated with the Ministry of Health, they have been set up to identify specific measures aimed at enhancing the ability of the health institutions to tackle corruption. These "thematic tables" covered the functions and role of the corruption and transparency officer (RPCT, as renamed in accordance with Legislative Decree 97/2016); purchases; the provision, the suspension, the confirmation of assignments and their evaluation; staff turnover; relations with the providers;

behavior codes also for managing conflicts of interest; measures for the alienation of properties; clinical trial; commodate; the transparency and management of waiting lists; professional freelance activity *intramoenia*.

But already by resolution n. 12 of October 28th, 2015, when drafting the update of the first National Anti-Corruption Plan (N.A.C.P. adopted in 2013), the A.N.AC. has privileged the choice of providing "*the Updated resolution 2015*" with a Health Care in depth-analysis (...). The objective [was to] provide the people who interact with the healthcare system specific recommendations to be observed in the drafting and implementation of PTPCs, given the environmental context, the type and level of complexity of the healthcare organization and the system of relations in It exists "(p. 87). This is because it feels that it is important and necessary to offer public health authorities clear indications to deal with corruption in areas of "general risk" and to identify "specific risk areas" (p.88).

The N.A.C.P. 2016 (adopted by resolution N. 831 of August 3rd, 2016) further developed this method, by the way the Chapter VII of the second section of the Plan is entirely dedicated to Health. It expresses "organizational solutions to preserve the National Health Service from the risk of corrupting events (...) and to raise the global level of integrity, competence and productivity (...) starting from increasing the effectiveness and efficiency of individual operating units in which it is articulated ", presenting "a framework of intertwined interventions, whose implementation necessarily requires a strong training investment" (page 79).