

Independent Reporting Mechanism

Action Plan Review:
Italy 2022 - 2023

Open
Government
Partnership



Independent
Reporting
Mechanism

Introduction

In January 2021, the IRM rolled out the new products that resulted from the IRM Refresh process.¹ The new approach builds on the lessons after more than 350 independent, evidence-based and robust assessments conducted by the IRM and the inputs from the OGP community. The IRM seeks to put forth simple, timely, fit for purpose and results-oriented products that contribute to learning and accountability in key moments of the OGP action plan cycle.

The IRM products as of 2021 are:

1. **Co-creation Brief** - brings in lessons from previous action plans, serves a learning purpose, and informs co-creation planning and design.
2. **Action Plan Review** - an independent, quick, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process.
3. **Results Report** - an overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning. This product is scheduled to roll out in a transition phase in 2022, beginning with Action Plans ending implementation on August 31, 2022. Results Reports are delivered up to four months after the end of the implementation cycle.

This product consists of an IRM review of Italy's 2022-2023 action plan. The action plan has nine linked commitments that the IRM has filtered and clustered into eight commitments (one cluster and seven individual commitments). This review emphasizes its analysis on the strength of the action plan to contribute to implementation and results. For the commitment-by-commitment data see Annex 1. For details regarding the methodology and indicators used by the IRM for this Action Plan Review, see section III. Methodology and IRM Indicators

¹ For more details regarding the IRM Refresh visit <https://www.opengovpartnership.org/process/accountability/about-the-irm/irm-refresh/>

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Section I: Overview of the 2022 - 2023 Action Plan

Italy's fifth action plan contains three promising commitments that establish frameworks to develop a national open government strategy, promote the prevention of corruption through training of public administration officials and by supporting whistleblowers, and enable open data and participation for monitoring public spending. Active collaboration between government and civil society to oversee the action plan as a whole, as well as to clarify the actions and implementation of commitments, would enhance potential results.

Italy's fifth action plan contains nine commitments which the public administration and civil society identified as priorities during the co-creation process. They focus on developing an open government strategy and governance structure, promoting integrity and preventing corruption, strengthening civil society participation, promoting engagement with women and young people and creating digital innovations.

Thematic areas carried over from previous action plans include developing networks for integrity and transparency, improving support for whistleblowers, promoting opportunities for engagement in COVID-19 recovery spending, creating a hub to support participation, enabling digital innovation, and introducing open standards that facilitate public monitoring of spending. However, they do not directly build on commitments from the fourth action plan.

Most commitments are linked to Italy's National Resilience and Recovery Plan (PNRR),² which implements European Union Recovery Instrument funds.³ The inclusion of commitments which seek to monitor (some of) the funds allocated through the PNRR are aligned to previous IRM recommendations and are closely linked to the requests put forward by civil society during the co-creation process.⁴

There are fewer commitments and policy areas in this action plan, resulting in a more cohesive plan than before. Government representatives said that the co-creation process focused on including commitments that are more targeted and narrower in scope but have a higher potential to achieve results.⁵

The co-creation process for the fifth action plan saw the involvement of 53 civil society organizations (CSOs) and 57 Public Administrations (PAs) and was structured along three

AT A GLANCE

Participating since: 2011
Action plan under review: 2022-2023
IRM product: Action Plan Review
Number of commitments: 9

Overview of commitments:

- Commitments with an open gov lens: 8 (89%)
- Commitments with substantial potential for results: [0 (0%)]
- Promising commitments: 3

Policy areas

Carried over from previous action plans:

- Integrity and anti-corruption
- Civic Participation
- Digital Citizenship

Emerging in this action plan:

- Open Government Strategy
- Promoting Civic Space

Compliance with OGP minimum requirements for Co-creation:

- Acted according to OGP process: Yes

phases: a start-up phase (July – September 2021) to discuss the results of the previous plan, gather feedback from civil society, and kick-start the process for the new cycle; an involvement phase (October – November 2021) during which the PAs and CSOs came together for a series of webinars, lab group sessions, and thematic meetings to identify relevant action areas; and a development phase (December 2021 – February 2022).⁶ Four meetings, one (online) plenary session, five webinars, and one thematic workshop were organized by the OGP Task Force during this period.⁷ The OGP Italy Team (the government secretariat that runs Italy's OGP process), the OGP Task Force (a government body made up of experts on open government) and the Open Government Forum (the civil society forum that engages with the OGP process) were involved in the development of the action plan.⁸ The meetings and relevant materials, including presentations and meeting minutes, are stored on the webpage EventiPA, and are due to be added alongside quarterly reports on implementation progress on the Monitora section of Italy's official OGP website. The draft action plan underwent public consultation on the ParteciPa platform for one month, and a report on the results of the public consultation was published on 28 February 2022.⁹

Compared to the previous cycle, civil society stakeholders confirmed that the co-creation process for the fifth action plan considerably improved.¹⁰ They praised the conscious effort by the OGP Italy Team to address criticisms from CSOs about the limited interaction during the implementation of the previous plan.¹¹ Government representatives said that they felt it was important to involve all relevant stakeholders and support those actively collaborating.¹² One CSO interviewee remarked that the high number of meetings,¹³ changes to the previous practice and the several people involved in the OGP Task Force created some confusion. A representative of the OGP Task Force confirmed there was limited high-level institutional engagement during co-creation¹⁴, which civil society also regretted.¹⁵

Interviewees confirmed the commitments included in the action plan align with civil society priorities and requests during the co-creation process. A shared online folder was used to store draft commitments. Access to this space was initially restricted only to those PA and CSO representatives directly working on the commitments, but was opened to the broader Open Government Forum on completion of the first draft.¹⁶ This repository remains not accessible to the wider public. While the government provided a report on the comments submitted during the public consultation on the draft action plan, one interviewee remarked that like the previous action plan process, issues with feedback particularly at the early stages of co-creation remained problematic, with little to no feedback received from the OGP Task Force on the reason behind the inclusion or rejection of specific suggestions for commitments received by CSOs.¹⁷

An amended version of the action plan was submitted to OGP and published on the national OGP website in September 2022. The amendments changed the structure of commitments 2.01, 2.02 and 3.01, updated the PA and CSOs participating in each commitment and, in some cases, updated timelines for implementation. According to the Government, the action plan was amended to ensure compliance with the December 2023 implementation deadline, as well as to clarify the roles of key actors and supporting stakeholders.¹⁸

Implementation of the promising commitments would benefit from sustained CSO collaboration with government. This includes continuing collaboration to establish clear mechanisms and frameworks as part of implementing cluster 1 on the multi-stakeholder forum and national open

government strategy. Training 'managers' of anti-money laundering on Suspicious Transaction Reports (STR) within local administrations as well as including CSOs in legal frameworks for supporting whistleblowers would broaden the ambition and impact of cluster 2 on corruption prevention and integrity. Likewise, training civil society on using procurement data for monitoring public spending and working with them to develop a system for reporting irregularities would boost the potential for results of Commitment 5.02.

² Government of Italy, National Plan for Resilience and Recovery, 2021, <https://italiadomani.gov.it/content/dam/sogei-ng/documenti/PNRR%20Aggiornato.pdf>

³ Regulation (EU) 2020/2094 of 14 December 2020 establishing a European Union Recovery Instrument to support the recovery in the aftermath of the COVID-19 crisis.

⁴ Federica Genna, Independent Reporting Mechanism (IRM): Italy Design Report 2019–2021, 16 November 2020, p.81, <https://www.opengovpartnership.org/documents/italy-design-report-2019-2021/>

⁵ Representative of OGP Task Force, interview by IRM researcher, 29 April 2022.

⁶ Department of Public Function, Italy OGP website, <https://open.gov.it/en/open-government/ogp-italy>; Open Government Partnership, Italy Action Plan 2022-2023 (December), p. 10, <https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>

⁷ Government of Italy, FormezPA webpage, EventiPA, <http://eventipa.formez.it/progetto-formez-dettaglio-ms/23729>

⁸ For more information on how OGP is organized in Italy, see <https://open.gov.it/en/open-government/ogp-italy>

⁹ Report on public consultation, Italy's Fifth National Action Plan, February 2022, <https://partecipa.gov.it/uploads/decidim/attachment/file/32/report-consultazione-5nap-piano-azione-governo-aperto-italia.pdf>

¹⁰ Federico Anghelè (The Good Lobby), interview by IRM researcher, 6 May 2022; Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of Libera, interview by IRM researcher, 5 May 2022.

¹¹ The OGP Italy Team is made up of public officials from Formez PA and provides administrative support to the OGP process in Italy.

¹² Public officials from Department of Public Function, Comments received during pre-publication, 4 August 2022.

¹³ In the design phase of the previous action plan, only three meetings with the Open Government Forum took place, for example. In the implementation phase, only three working group meetings took place, and no plenary meetings.

¹⁴ Representative of OGP Task Force, interview by IRM researcher, 29 April 2022.

¹⁵ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of OGP Task Force, interview by IRM researcher, 29 April 2022.

¹⁶ Open Government Partnership, Italy Action Plan 2022-2023 (December), p. 8.

¹⁷ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022.

¹⁸ Open Government Partnership, Amended Italy Action Plan 2022-2023 (December), p. 10, 1 September 2022, <https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>; Email exchange, Italy OGP team and IRM researcher, 2 September 2022.

Section II: Promising Commitments in Italy's 2022 – 2023 Action Plan

The following review looks at the two clusters and one commitment that the IRM identified as having the potential to realize the most promising results. This review will inform the IRM's research approach to assess implementation in the Results Report. The IRM Results Report will build on the early identification of potential results from this review to contrast with the outcomes at the end of the implementation period of the action plan. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Commitments 1.01 and milestones one and two of Commitment 4.01 and 4.02 form a promising cluster of commitments on governance and the strategy for open government. The cluster of Commitments 2.01 and 2.02 on corruption prevention and transparency and Commitment 5.02 on open standards for the participation of civil society in monitoring public spending are also promising commitments and analyzed in depth in this section. The below narrative provides a brief overview and analysis of the rest of the commitments with targeted recommendations to steer implementation. The analysis takes into account the updates to the action plan made in August 2022.

Commitment 3.01 seeks to promote opportunities for participation and oversight of Italy's National Resilience and Recovery Plan (PNRR). The commitment foresaw the promotion of public debate for increasing knowledge on major works as well as measures to foster structured interaction and monitoring between the Ministry of Sustainable Infrastructure and Mobility (MIMS) and civil society through use of a dedicated MIMS platform for monitoring PNRR funds. The activities related to the setting up of a dedicated MIMS platform have been removed in the amended action plan. According to the government, implementation was halted due to an overlapping of responsibilities between the MIMS and the Ministry of Economy and Finance (MEF), which is formally in charge of setting up a system¹⁹ to monitor implementation of the PNRR.²⁰ The amended action plan highlights that the positive interactions that emerged between CSOs and public administration representatives in the early stages of setting up the MIMS platform will continue to be leveraged in the interactions with the MEF, and that CSO input on civic monitoring will feed into the development of the national strategy for open government.²¹ No concrete commitment replacing earlier activities is, however, included in the amended action plan.

Commitment 3.02 seeks to enhance and facilitate the exchange of existing participatory practices by setting up a national Hub of expertise on participation, collecting and documenting existing participatory practices at local and national level, and promoting the establishment of a community of practice of qualified experts. The commitment does not explain how the Hub would leverage existing participatory tools set up under the framework of the previous action plan, like ParteciPA or Consultazione.gov. The Hub has modest potential for results because it would benefit from more clearly defined outputs and expected impacts, which according to a government interviewee, are expected to be identified during implementation and based on the results of interviews to relevant stakeholders.²² The Hub could be merged with ParteciPA and Consultazione.gov into a single portal to avoid the fragmentation of access points, which might otherwise be counterproductive for access to information.

Two commitments focus on the promotion of gender equality (4.01) and youth participation (4.02.). The elements related to the implementation of a Multi-stakeholder Forum are analyzed as part of cluster 1, later in this section. The remaining activity within Commitment 4.01 focuses on the development of a platform by the Department of Equal Opportunities (DPO) that makes data on the implementation of the certification system for gender equality in companies, as defined by law 162/2021,²³ accessible and transparent. Companies which implement concrete measures to reduce the gender pay gap, have positive maternity policies, and promote female leadership positions (among other actions), can receive a certification from which they receive up to EUR 50,000 of tax relief. The certification is also one of the measures included in the PNRR.²⁴ The IRM recommends the data published on the platform be provided in open format.

Lastly, Commitment 5.01 seeks to raise awareness as one way of enhancing current initiatives (“facilitation points”) across Italy’s regions which support citizens in accessing digital services and developing digital skills through training. The goal is to institutionalize a network of facilitation points as a reference point for these activities. A representative from the public administration explained that responsibility for implementation of these points would remain within the regional public administrations.²⁵ The IRM recommends ensuring regional administrations are adequately supported and trained in the management of these services.

Table 1. Promising commitments

Promising Commitments
<p>Commitment 1.01, 4.01, 4.02: Governance and strategy for open government. This cluster of commitments (1.01, milestones one and two of Commitment 4.01, and 4.02) seeks to establish a Multi-stakeholder Forum for developing and monitoring the implementation of national OGP action plans and more broadly for developing a national strategy for open government in Italy. Targeted activities seek to promote women and youth representation.</p>
<p>Commitment 2.01 and 2.02: Corruption prevention and culture of integrity. This cluster of commitments seeks to facilitate networking between various public administration and civil society actors on corruption prevention with a view to reinforcing anti-corruption and anti-money laundering safeguards in particular in the implementation of the PNRR. Targeted activities further seek to strengthen the competences of institutional actors formally tasked with corruption prevention (RPCTs) through training, and by raising awareness on the existence of whistleblower support services implemented by CSOs.</p>
<p>Commitment 5.02: Open standards for participation of civil society in public spending. This commitment seeks to publish data included in the National Database of Public Contracts on public contracts of higher value than EUR 40,000, in open, OCDS format, and on a dedicated portal. The goal is to make existing information more accessible and easily interpretable so that civil society can more easily take part in the monitoring process.</p>

Commitment 1.01, milestones one and two of Commitment 4.01, and Commitment 4.02: Governance and strategy for open government

Presidency of the Council of Ministers – Department for Public Administration (DFP) and Department for Equal Opportunities (DPO), Ministry of Ecological Transition (MITE); Conference of Regions – Liguria Region; Ministry of Foreign Affairs and International Cooperation (MFA); The Good Lobby; Orizzonti Politici; Impegno Donna Association; Fondazione Sodalidas; Period Think Tank; Save the Children²⁶

For a complete description of the commitments included in this cluster see Commitments 1.01, 4.01 and 4.02 in Italy's 2022-2023 Action Plan (original and amended versions):

<https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>

Context and objectives:

This commitment cluster seeks to establish a multi-stakeholder forum (MSF) to steer the definition of national OGP action plans and of a national strategy for open government (1.01). Particular attention will be placed on ensuring representation and fostering opportunities for dialogue with women (4.01) and youth (4.02). As it seeks to improve participatory mechanisms for the public, including underrepresented groups, the commitment is relevant to the OGP value of civic participation.

The cluster directly stems from the priorities of civil society. Established in 2016 to support the drafting of the third national action plan, the current OGP national forum only involves CSO representatives.²⁷ During the co-creation process for the fifth plan, civil society criticized the limited involvement in and the limited transparency of the implementation of the previous action plan (especially during the COVID-19 pandemic).²⁸ From this emerged the need for a more structured forum for exchanges between civil society and public administrations.²⁹

Potential for results: Modest

This cluster has a modest potential for results. The establishment of a multi-stakeholder forum involving both public administration and civil society representatives would overcome the limitations to the current conformation of the Open Government Forum (OGF) in terms of establishing an institutionalized OGP governance tool where public administration and CSOs have equal standing. This analysis, however, focuses on the potential for results in developing a national open government strategy, as the actions pertaining to the multi-stakeholder forum for the OGP process are basic expectations of participating in OGP.

The national strategy for open government will be the first of its kind in Italy and could be a key step toward advancing open government policy in the country. The expected objectives are currently being developed, and include: promoting civic participation toward inclusive public policies; reinforcing transparency by promoting public policies that are open to civic monitoring and seek to prevent conflicts of interest, promoting government accountability and integrity; inclusive digital innovation, with public policies promoting digital citizenship and enhancing high-quality and effective services; and lastly simplification of norms and procedures to expand and protect the civic space and further protect citizens' rights.³⁰ Interviews confirmed that the new MSF would co-create the strategy in coordination and interaction with the OGP Community, and place it under public consultation before its approval to ensure a participatory approach to its development.³¹ The strategy would define the underlying, long-term policy objectives in open government, to which specific activities in the action plans would be linked. The amended

version of the action plan has been updated to highlight that, following the creation of the MSF, the responsibility for the definition of the national strategy would fall under the remit of the DFP as lead implementing actor³².

Although it responds to the minimum requirements of the OGP process, the creation of an MSF would institutionalize cooperation between public administration and civil society and provide a positive opportunity more broadly, to influence a national strategic framework for open government in Italy. An MSF creates a structured mechanism to empower civil society, placing them at equal level with public administration, and creates a continuous and open channel of communication on issues beyond the OGP process. Lessons learned would be drawn from the functioning of the national MSF for sustainable development, managed by the MITE (which is also indicated as a reference administration for Commitment 1.01), but a CSO representative highlighted that the process, structure, and terminology for the MSF is not totally clear even as implementation progresses.³³ A government representative said this approach was deliberate so that those involved directly in developing the MSF could determine their parameters.³⁴ The activities aimed at fostering the participation of women and youth respond to OGP's broader calls for increasing women's voices in open government,³⁵ and fill gaps in the representativeness of the current OGF, where there is no youth representation.³⁶ Active engagement of women is also foreseen through the future interaction between the MSF and the recently set up National Observatory for the integration of gender equality policies.³⁷ These activities are aligned with cross-cutting priorities on women and youth as presented in the PNRR.³⁸

In terms of the structure of the MSF, the current OGF would evolve into a broader "OGP Community" and the MSF would become a governance tool, similar to a Steering Committee.³⁹ Ongoing discussions center around the participation of a maximum of 11 CSO representatives and 11 representatives of public administrations.⁴⁰ A government representative confirmed that the MSF would have a mandate of two years, in line with the duration of national action plans. It would also go beyond minimum requirements of the OGP process by having rules of engagement defined through a participatory process, a fair and transparent membership selection process, defined accountability and reporting mechanisms, and clear operating and decision-making procedures. The interviewee confirmed, however, that the commitment as written does not foresee permanent high-level political participation.⁴¹

Opportunities, challenges, and recommendations during implementation

If successfully implemented, this commitment can represent a considerable step forward in the way open government is approached in Italy. One possible risk affecting implementation is the level of commitment of the parties involved. A representative of the OGP Task Force highlighted that the number of CSOs actively involved has already decreased during the implementation phase from those who originally signed up during the design process.⁴² A representative from civil society highlighted that the limited involvement is related to capacity issues for smaller organizations, as well as the high level of commitment required for participating in the process (e.g. several frequent meetings). The interviewee further highlighted that limited high-level political support could have an impact on the relevance of the MSF as well as on the strategy itself.⁴³

Another possible risk is the lack of clarity among interested parties on the governance structure, including whether and how the new MSF will replace the current OGF, and the relationship

between the MSF and the “new” OGP community. This may lead to greater confusion within civil society and result in lower participation.

To maximize the impact of this commitment, and mitigate the possible risks outlined above, the IRM recommends the following:

- **Draw inspiration from international experiences in defining the national strategy.** The OECD provides guidance on how to design an open government strategy, as well as key considerations to keep in mind for successful open government initiatives.⁴⁴ The MSF could also consider implementing a mapping exercise to learn from the experience of developing and implementing national open government strategies in other countries. Finland’s open government strategy sets out a long-term vision and key priorities, guiding the implementation of action plans but also the application of open government principles in the daily work of the public administration.⁴⁵ Tunisia is developing a national strategy for open government with civil society that would identify indicators, set priorities, and align efforts for long-term open government reforms.⁴⁶ Argentina’s open government strategy goes beyond the national level and seeks to coordinate regional and local open government policies as well, strengthening the creation of such policies where they do not yet exist.⁴⁷ The strategy would benefit from being open to periodic amendments and not being too prescriptive or narrow in scope.
- **Ensure clear and transparent governance structures and working mechanisms** to ensure quality and transparency of process, guarantee its effective functioning, and clarity on the role of the MSF vis-à-vis the OGP community and vice versa, as well as what their respective responsibilities and tasks are. As stakeholders work on establishing governance structures and working mechanisms, they need to ensure clear rules and processes are in place and publicly accessible, defining how membership in the MSF works and whether and how CSOs can apply to participate. Mechanisms should be in place to guarantee an inclusive approach to participation, taking into consideration the significant time commitment that might be required from CSOs to take part in the MSF and how this might represent a barrier to participation for smaller actors with fewer resources. Members of the MSF could consider setting up a functional review moment after one year of implementation to discuss possible challenges and best practices and redefine the regulations as required.
- To guarantee equality of representation and powers between public administration and civil society **ensure civil society has the power to convene the MSF and set the agenda.** This can include convening the MSF for ad-hoc moments of dialogue beyond regularly scheduled sessions. This can further empower civil society and contribute to the establishment of an open channel of communication and exchange that can be tapped into if specific developments take place that are particularly relevant to the open government context.

Commitments 2.01 and 2.02: Corruption prevention and culture of integrity

National Anti-Corruption Authority (ANAC), National School of Administration (SNA); Banca d'Italia (UIF), CONSIP, Court of Auditors, Ministry of Foreign Affairs, Ministry of Economy and Finance, Ministry of Justice, Ministry of Education, Ministry of Economic Development, DFP, Department of Cohesion Policies (DPCoe), Liguria Region; Fondazione Etica, Libenter, Libera, Osservatorio Civico PNRR, The Good Lobby, Transparency IT, Re-act

For a complete description of the commitments included in this cluster see Commitments 2.01 and 2.02 in Italy's 2022-2023 Action Plan (original and amended versions):

<https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>

Context and objectives:

Corruption continues to be a key area of attention for Italy. Recent Eurobarometer surveys on public and business attitudes towards corruption highlight that the perception of widespread corruption remains high, as indicated by 89 percent of individual respondents⁴⁸ and 92 of businesses, respectively.⁴⁹ Gaps and challenges remain in key areas of the legislative and regulatory framework. For example, although Italy adopted a whistleblower protection law in 2017,⁵⁰ the country has yet to transpose Directive 2019/0366/EU on Whistleblowers, which it was supposed to do by December 2021.⁵¹ The Directive would introduce higher standards and more robust safeguards for whistleblowers, broaden the scope of misconduct that could be reported, and enlarge the spectrum of individuals who may file a report.

Monitoring reports by ANAC also highlight the need to strengthen the skills of public officials for monitoring, identifying, and addressing corruption risks within PAs.⁵² Smaller PAs in particular experience more challenges in identifying corruption risks.⁵³ With regard to whistleblower protection, ANAC's latest report to the Italian Parliament indicated that it opened more than 513 case files on reported whistleblower cases in 2021; 105 reports concerned alleged retaliatory measures against whistleblowers.⁵⁴ According to a recent Transparency International report, ANAC triggered sanctions in only three of these cases.⁵⁵ In June 2021, ANAC updated its guidelines for the protection of whistleblowers within public administrations.⁵⁶

The COVID-19 pandemic has exacerbated corruption risks, both in sectors traditionally vulnerable to corruption such as public procurement as well as in areas more specifically tied to the pandemic itself, such as the distribution of personal protective equipment and abuse of access to personal clinical data.⁵⁷ Both government and civil society actors expressed significant concerns about the possible infiltration by organized crime in the legal economy through corruption following the disbursement of the PNRR funds, and have called for increased transparency on the management of these funds⁵⁸. As part of the effort to strengthen anti-corruption safeguards in this area, the Bank of Italy has requested that each PA appoint a 'manager' responsible for monitoring interventions financed via the PNRR and submit Suspicious Transaction Reports (STRs) to the Financial Intelligence Unit (FIU)⁵⁹. Against this background, the networking component of this cluster seeks to bring together relevant actors for the prevention of corruption to promote the greater involvement of civil society in corruption prevention; strengthen RPCT's skills through dedicated training; and foster the exchange and dissemination of national and international best practices. This is done, *inter alia*, through the creation of a multi-stakeholder Task Force led by the National Anti-Corruption Authority (ANAC) and of a Community of Practice of RPCTs. Particular attention is placed on identifying and

promoting approaches that can facilitate the prevention of corruption and anti-money laundering throughout the implementation of the PNRR.

To strengthen support for whistleblowers, the commitments include activities to raise awareness on the existence of whistleblower support services implemented by CSOs. PA and CSO representatives stated that the components of this cluster related to whistleblowing originate from a direct request of CSOs, and that there is a need to enhance the provision of support to potential whistleblowers during the early stages of the process.⁶⁰ Only two organizations currently officially provide early-stage guidance in Italy – Libera and Transparency International.⁶¹ It is not a formally recognized service by ANAC or the national anti-corruption framework which, according to interviewees, contributes to limiting awareness among would-be whistleblowers of the existence of this service.⁶²

The IRM notes that the two commitments included under this cluster are the ones which have been most significantly revised in the amended version of the action plan. The main changes have been made to structure of the commitments,⁶³ and Commitment 2.01 now also includes a component on reinforcing anti-money laundering safeguards within public administrations, in particular in the implementation of the PNRR. Written feedback from the OGP Task Force confirms that the changes were made in agreement with all parties involved in implementation.⁶⁴

The IRM considers that the dilution of activities resulting from this updated structure weakens the potential impact of the two commitments, if taken individually. For clarity purposes, this analysis will treat activities related to the creation of networks and communities of practices as part of one individual component, and those related to whistleblower protection, considered as the most promising ones, as part of another.

Potential for results: Modest

Corruption prevention remains a key area of attention for Italy, in particular with a view to ensuring an appropriate and transparent management of the funds disbursed via the PNRR.

However, the IRM notes that commitment components related to the Task Force and the Community of Practice are vague, which makes it challenging to assess concrete activities and expected outputs, as well as the potential for results. Interviewed representatives from PAs and CSOs confirmed that there was no concrete plan on what the newly-created Task Force led by the National Anti-Corruption Authority (ANAC) and Community of Practice of RPCTs would look like when the action plan was first created (although it is being discussed through a structured process as implementation progresses).⁶⁵ There is also limited clarity on how to ensure synergies rather than overlap with existing mechanisms (such as the Forum of RPCTs).⁶⁶ A civil society representative confirmed that while ANAC is responding to civil society's needs, there are concerns that the results are more likely to be a proliferation of several structures (e.g. Task Force, Community, etc.) rather than concrete outputs.⁶⁷ ANAC representatives highlighted their intention to use the Task Force as a way of coordinating active involvement of civil society in the national anti-corruption strategy, requesting input on subjects to be dealt with in the early stages of the drafting process. Following through with this novelty in the process for drafting the strategy could be a considerable result considering the limited opportunities civil society has had to influence the development of national anti-corruption strategies in the past.⁶⁸

Other activities aim at facilitating the networking between actors responsible for the prevention of corruption and appointed managers of STRs, including through the exchange of best practices. The commitment could benefit from a more detailed description of what activities “sensitizing public offices to the adoption of [anti-money laundering] safeguards” entail. Recent reports have highlighted how local public administrations (i.e., regions, provinces, and municipalities), who are for the most part responsible for the implementation of interventions financed under the PNRR, have a deficient and very limited anti-money laundering prevention system.⁶⁹ Training activities specifically targeting these actors could therefore contribute to increasing the potential impact of this commitment.

The most promising components of this cluster remain those related to whistleblower support, split in commitment 2.01 and 2.02 following the amendments made to the original action plan.

Ensuring the existence of a strong framework for reporting wrongdoings is of key importance within the context of the implementation of the PNRR and the high risks for corruption posed in the allocation of these funds (and the complementary fund set up by the government) which amount to EUR 222.1 billion.⁷⁰ If successfully implemented, the commitments included in this cluster reinforce the support framework surrounding whistleblowers, thus contributing to increased public accountability in the allocation and spending of PNRR funds, but also more generally in the Italian public administration.

Support at the early stages of the whistleblowing process would help potential whistleblowers identify the best possible solution for their individual case if they decide to continue with the reporting, including the appropriate reporting channel. A recent Transparency International report highlights the existence of cases where whistleblowers were not protected due to the selection of an incorrect reporting channel.⁷¹ The report argues that formal acknowledgement through official channels of existing services provided by CSOs which can support would-be whistleblowers in the identification of appropriate reporting channels could contribute to enhancing the level of available protection. The EU Whistleblower Directive, once transposed, can provide the necessary framework to legitimize the activity of CSOs in this field as it requires that “competent authorities provide reporting persons with the support necessary for them to access protection effectively”.⁷² There has been no civil society involvement so far on the transposition of the Directive into national law, so it is not clear if government will acknowledge CSO support through legislation, which may limit the ambition of this commitment.⁷³ As stated earlier, two CSOs currently provide this service in Italy, but are not formally acknowledged by the national anti-corruption framework. Promoting and acknowledging the role of CSOs, including through the publication of a list of associations who can provide whistleblower support, would raise awareness, and could increase use of this service and consequently lead to ANAC (and others) to successfully open cases on a higher percentage of whistleblowing reports.⁷⁴ The inclusion of an activity establishing a formal Working Group made up by CSO and PA representatives on “Support and Accompanying Activities for Whistleblowers” in the updated version of the action plan is a positive addition which can contribute to formalizing further a cooperative approach to the practical implementation of the Directive once transposed.

Implementation of trainings and exchanges of experiences among RPCTs could increase the quality of whistleblower reports and of the process of handling them. Interviewed SNA representatives clarified that they would focus on fostering exchanges of experiences and strengthening the competences of RPCTs dealing with whistleblower reports.⁷⁵ Particular

attention would be placed on promoting innovative ways of training for the management of reports. A CSO representative said that additional training is necessary for RPCTs on the channels available for reporting and the management of reports, as well as further awareness-raising activities to promote the existence of RCPTs within public administrations.⁷⁶ Annual training for RPCTs on general aspects of transparency and corruption prevention is compulsory by law.⁷⁷ Jointly with ANAC, SNA has been regularly providing basic training courses on whistleblowing.⁷⁸ It remains unclear to civil society what “innovative training models” (as written in the commitment) might entail in practice, but according to interviewees focusing on practical case studies would be highly beneficial.⁷⁹

Opportunities, challenges, and recommendations during implementation

Interviewed civil society representatives had originally regretted that the commitment lacked a clear reference to the involvement of CSOs in the transposition of the Directive.⁸⁰ According to one interviewee, this highlighted limited openness to civic participation on these themes outside of the OGP framework.⁸¹ The updated version of the action plan partly mitigates this challenge by including the creation of the joint Working Group under the framework of the ANAC Task Force, although CSOs will still not be able to provide input on the contents of the Directive itself.

Potential challenges were also raised regarding the implementation of innovative training models among RPCTs, as without a clear understanding from the beginning on what these entail their possible impact remains limited. The same applies to the activities related to sensitizing public offices to anti-money laundering safeguards newly added as a result of the amendment of the action plan.

To maximize the impact of this commitment, the IRM recommends the following:

- **In the transposition of the EU Directive on Whistleblowers, include formal acknowledgment of the support services provided by CSOs.** Although the transposition of the Directive is now in its final phases and possibilities for influencing the results remain limited, the government could try to at least include a reference to the fact that support services provided by CSOs exist. This would further legitimize the role of CSOs currently providing support to whistleblowers and raise awareness at least within public administration on the existence of the service. To facilitate dissemination of the existence of these services, ANAC could consider linking the list of associations directly on its website as a formal acknowledgement of the existence of this service (similar to what is currently available for the list of RPCTs) as well as directly on the platforms and internal channels used for reporting purposes. Dissemination of this information could also form part of a broader awareness-raising campaign, as has been planned in the Czech Republic as part of its 2020-2022 action plan.⁸² Italy could also collaborate with other countries on the topic of whistleblowing, such as the Republic of Korea which is implementing a promising commitment introducing whistleblower protections.⁸³
- **Promote the dissemination of this service to other CSOs.** Training activities currently focus on institutional actors dealing with the management of whistleblowing reports. Only two CSOs formally provide support services through dedicated platforms for whistleblowers. Consider organizing seminars and training sessions also for CSOs that deal with this topic to expand the availability of the service nationally, regionally,

and locally. Including a broader pool of CSOs among the providers of this service can contribute to further strengthening the network of support for whistleblowers.

- **Encourage peer learning and ongoing collaboration between RPTCs as part of developing “innovative training models” with CSOs.** RPTCs have already begun to receive innovative training models that are developed in collaboration with CSOs. Beyond this, ANAC and SNA could facilitate peer learning among RPTCs that could identify common challenges or opportunities, then draw on the experiences of the group to explore how to address these effectively. The overall goal could be learning how to leverage whistleblower reports most effectively for accountability and oversight. The peer learning insights could then be captured and turned into a resource to be used in the future. Civil society could continue to deliver training or provide materials and examples from actual real-life cases that enrich understanding of the whistleblowing experience and process from the perspective of the whistleblower. This can help improve the process overall for both the public administration and whistleblowers. This activity could take inspiration from the commitment on whistleblower protections in Estonia’s 2020-2022 action plan, which contains training activities and resources for public officials.⁸⁴
- **Ensure targeted training is provided to local and smaller public administrations on monitoring, identifying and addressing corruption risks and vulnerabilities.** The majority of PNRR-financed interventions will be implemented by local administrations. These, as highlighted above, often present significant limitations in terms of the anti-money laundering and corruption prevention systems they have in place, partly due to the limited number of staff and limited possibilities for training. In the implementation of “sensitizing” and training activities foreseen by this cluster, therefore, particular attention should be placed to offering specific training to these smaller entities. If there is no possibility of implementing specific training exclusively for local administrations, ANAC and SNA should ensure that local public administrations are adequately represented in the Task Force and the Community of Practice.

Commitment 5.02: Open standards for participation of civil society in public spending

National Anti-Corruption Authority (ANAC); Associazione OnDATA, Associazione. Monithon, Cittadinanzattiva, Fondazione Etica, Osservatorio Civico PNRR, Parliament Watch Italia (PWI), Transparency International Italia

For a complete description of the commitment, see Commitment 5.02 in Italy’s 2022-2023 Action Plan (original and amended versions):

<https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>

Context and objectives:

The adoption of the OCDS standard, a recognized best practice at international level and the only international open standard for the publication of information on all stages of public contracts, has been on the agenda of the Italian government since 2016.⁸⁵ In the fourth action plan, the Ministry of Infrastructure and Transport sought to standardize data and information on public contracts published in the Public Contracts Service (SCP) platform by adopting the OCDS.⁸⁶ However, it was not fully implemented by the end of the fourth action plan.⁸⁷

This commitment, led by ANAC, seeks to promote the inclusion of civil society actors in the monitoring of public spending and facilitate access to information available in the National Database of Public Contracts (BDNC)⁸⁸ by providing a free access portal, dashboards for an independent analysis of published data, datasets in RDF open format, and by adopting the OCDS standard for the data provided.⁸⁹ The data would be published as provided to ANAC by the Contracting Authorities, and translated into the target OCDS format as open data. ANAC would be in charge of publishing datasets related to the publication phase of the call for tenders, the awarding phase and the final phase of contracts for all contracts worth more than EUR 40,000. This would partly, but not exclusively, include contracts funded under the PNRR. In 2020, the overall value of public contracts over the EUR 40,000 threshold was EUR 178.8 billion.⁹⁰

The activities foresee the involvement of civil society throughout different stages, including for identifying the data they would like to have access to, for experience-sharing purposes, and for feedback on the user-friendliness of the portal and the quality of the data.

By providing data on high-value public contracts in an open format, aligned to international standards for best practice, and therefore opening up access to information, this commitment is relevant to the OGP value of transparency. The commitment falls within the broader context of opening of data and facilitation of civil society monitoring of public administration activities. Therefore, it is also relevant to the OGP value of civic participation.

Potential for results: Modest

If successfully implemented, this commitment would further increase the availability of open data for public procurement contracts, as well as the comparability of this data with other countries where the format is also used. The information contained in the BDNC can be considered of high-value and important, as the Code of Digital Administration (CAD) lists the BDNC as a database of national interest.⁹¹ The increase would be incremental, rather than substantial, because information on public contracts is already mostly available in open format, although not in OCDS. An international civil society representative confirmed that Italy already does well in this area, and continues to make improvements and address gaps in publishing data in the OCDS standard.⁹² The potential for results remains modest in light of the fact that there are no expectations or formal mechanisms for the monitoring activities (facilitated by the availability of open data) to have a direct impact on decision-making processes. The interviewed international civil society representative emphasized that beyond improvements to publishing data, introducing and improving formal monitoring mechanisms that could help to influence risk management and internal decision making could have a more impactful outcome.⁹³

A public administration representative highlighted that the commitment originates from ANAC itself as a way to meet CSOs' request for involvement in monitoring of PNRR-related spending.⁹⁴ The scope of the commitment is limited since the PNRR monitoring competences do not fall under ANAC. The interviewee confirmed that the goal and exclusive focus is to provide data on public contracts (already available in open format) in OCDS format so as to facilitate the involvement of CSOs in the monitoring process. Responding to civil society requests, they confirmed that the idea is to use the CUP code (the unique identification number assigned to individual public work projects) to link together public contracts and PNRR-funded projects,⁹⁵ which would also allow enhanced monitoring of the spending done through the PNRR.⁹⁶ While acknowledging that the data to be published in the portal were partly accessible already, the

interviewee from ANAC indicated that publication in OCDS format increases their accessibility further and additionally allows a benchmarking process between national and EU contracts, since the same format is used for EU public tenders in the TED platform.⁹⁷ A civil society representative also highlighted the added value of allowing cross-country comparability.⁹⁸

A representative from public administration further noted that part of the activities foreseen within the commitment would have been implemented regardless of the OGP framework.⁹⁹ For example, the European Commission Connecting Europe Facility Programme (CEF)-funded eNEIDE project, of which ANAC is an implementing consortium partner,¹⁰⁰ is one of the main sources of funding of the portal hosting the publication of OCDS BDNCP data.¹⁰¹ A CSO representative confirmed that implementing the commitment within the OGP framework, however, allows for a more structured and direct engagement with civil society. They praised the direct and transparent engagement between civil society and public administration in the context of the working groups dealing with the design and implementation of the commitment.¹⁰²

The interviewee confirmed that there is an intention of ensuring engagement with civil society throughout the implementation of the action plan.¹⁰³ Although the text of the commitment is vague in this regard, events such as Datathons are foreseen to promote the portal and raise awareness on the available data and stimulate demand. Training activities to build civil society capacity to use open data in the specific OCDS format for monitoring purposes are also foreseen. An interviewee confirmed there are no concrete plans at the moment.¹⁰⁴ While welcoming efforts to engage with civil society as part of implementation of this commitment, an international civil society representative cautioned that engagement activities would need to move beyond hackathons or individual training events towards an ongoing plan that treats civil society as collaboration partners rather than as an audience.¹⁰⁵

Opportunities, challenges, and recommendations during implementation

Interviews highlighted that the main possible challenges and obstacles to the successful implementation of this commitment are tied to the ability of both public administration implementers as well as end users to make appropriate use of the data published in OCDS format. Poor awareness and understanding of the potential of open data, both among non-subject matter experts in civil society as well as at decision-making level, remains one of the key issues in the Italian open data landscape. Previous IRM reports have previously identified a need for institutions to develop activities that ensure ongoing engagement with civil society to understand their demands in terms of open data and assess possibilities of making it available.¹⁰⁶ Training activities will therefore have a key role in enabling the achievement of meaningful results for this commitment.

To maximize the impact of this commitment, the IRM recommends the following:

- **Establish a flagging system for individual procurement processes and investigate identified inconsistencies.** Latvia has successfully implemented a digital tool that automatically flags procurement publications when certain procurement risks are identified (such as accelerated procedures, or a small number of tenderers).¹⁰⁷ This has made it easier for those monitoring procurement to identify and investigate such cases. In the Italian context, a system to flag potential inconsistencies or irregularities stemming from opening the data on public procurement could encourage civil society

and institutions to pursue and investigate red flags, or use the information to refine risk management assessments. This could then also such as to influence decision-making around procurement policy, or even specific procurement processes. Such a system could be developed in collaboration with civil society and include specific and concrete solutions that facilitate the formal reporting of potential irregularities. This could build on an ANAC project that identified a series of corruption risk indicators and publishes the results via a business intelligence platform.¹⁰⁸ Institutions could also look at the successful models of public and CSO monitoring such as OpenCoesione or the Monithon.eu initiative.¹⁰⁹ This recommendation may raise regulatory, technological and funding questions that may need to be resolved and addressed in later action plans, should it not be possible to introduce such a system with the implementation period of this action plan.

- **Establish a training program for both public administrations and CSOs** to show the potential of the data and how it can be used for monitoring. Such training can build capacity so that the data made public in OCDS format is appropriately and effectively used. The sessions can also be opportunities for dialogue between administrations and civil society on how the monitoring activities of one can benefit the other, or where improvements or efficiencies could be made. Specifically, consider involving smaller, local public administrations (e.g. a municipality, which often struggle more compared to central administrations in the publication of relevant data on public procurement) in the working group implementing the commitment. On top of conducting these trainings, institutions should measure their outcomes to see if they lead to greater usage of the data, increased reporting or improved engagement with CSOs. This can then be used to refine and improve training programs on the use of procurement information in the future.
- **Encourage use of the data to analyze the impacts of procurement and tackle social issues.** Procurement can be used as a hidden lever to tackle inequalities or other social issues. As more open data is published, institutions running procurement processes could be encouraged to analyzing data linked to procurement to see where and how it has affected policy priorities (maybe in relation to COVID-19 recovery funding, digitalization, sustainability, equality etc). Working in collaboration with civil society, these analyses can then be used to adjust procurement priorities or policies to ensure it can help to address such issues, as well as provide effective use of public money.

¹⁹ Court of Auditors, Report on progress in implementation of the PNRR, March 2022, <https://www.corteconti.it/Download?id=ece03c3a-0a39-449a-8d19-3105b75ded32>

²⁰ As required by Art. 29, Regulation (EU) 241/2021. Government representatives told the IRM that this will be clarified. They added that during co-creation, responsibilities were still to be defined at the institutional level due to the new tasks assigned by the government in facing the COVID-19 pandemic situation. Department of Public Function, Comments received during pre-publication phase, 4 August 2022.

²¹ Open Government Partnership, Italy Fifth National Action Plan (amended version), September 2022

²² Representative of OGP Task Force, interview by IRM researcher, 29 April 2022.²³ Government Official Gazette, Law 162/2021, <https://www.gazzettaufficiale.it/eli/id/2021/11/18/21G00175/sg>

²⁴ National Plan for Resilience and Recovery, p.209.

²⁵ Representative of Department for Digital Transformation, interview with IRM researcher, 6 May 2022.

²⁶ This list has been updated in September 2022 to reflect only those PAs and CSOs listed in the amended Action Plan.

²⁷ Open Government Partnership, Italy Third National Action Plan 2016-2018, 26 October 2016, <https://www.opengovpartnership.org/documents/italy-third-national-action-plan-2016-2018/>

- ²⁸ Federica Genna, Independent Reporting Mechanism (IRM): Italy Transitional Results Report 2019–2021, p.23, 28 March 2022, <https://www.opengovpartnership.org/documents/italy-transitional-results-report-2019-2021/>
- ²⁹ Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ³⁰ Italia Open Gov, Towards the co-creation of a national strategy for open government in Italy, 19 May 2022, <https://open.gov.it/eventi/primi-passi-verso-co-creazione-strategia-nazionale#-materiali-dei-relatori->
- ³¹ Representative of OGP Task Force, interview by IRM researcher, 29 April 2022; Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ³² Open Government Partnership, Italy Fifth National Action Plan 2022 – 2023 (revised), September 2022
- ³³ Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ³⁴ Department of Public Function, Comments received during pre-publication phase, 4 August 2022.
- ³⁵ Open Government Partnership, Break the Roles, <https://www.opengovpartnership.org/campaigns/break-the-roles/>
- ³⁶ Formez Representative, interview with IRM researcher, 9 May 2022.
- ³⁷ Government Official Gazette, Decree of 22 February 2022. <https://www.gazzettaufficiale.it/eli/id/2022/03/30/22A01988/sg>
- ³⁸ Government of Italy, National Plan for Resilience and Recovery, p.202 – 209.
- ³⁹ Representative of OGP Task Force, interview by IRM researcher, 29 April 2022; Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ⁴⁰ Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ⁴¹ Representative of OGP Task Force, interview by IRM researcher, 29 April 2022.
- ⁴² Representative of OGP Task Force, interview by IRM researcher, 29 April 2022. The updated action plan lists only two CSOs involved in the implementation of commitment 1.01 compared to the four listed originally.
- ⁴³ Federico Anghel  (The Good Lobby), interview by IRM researcher, 6 May 2022.
- ⁴⁴ Observatory of Public Sector Innovation (OPSI), Design an open government strategy or initiative, <https://oecd-opsi.org/guide/open-government/design-an-open-government-strategy-or-initiative/>
- ⁴⁵ Open Government Partnership, Finland Open Government Strategy, <https://www.opengovpartnership.org/members/finland/commitments/fi0031/>
- ⁴⁶ Open Government Partnership, Tunisia Action Plan Review 2021-2023, <https://www.opengovpartnership.org/documents/tunisia-action-plan-review-2021-2023/>
- ⁴⁷ Open Government Partnership, Argentina Federal Program on Open Government, <https://www.opengovpartnership.org/members/argentina/commitments/AR0090/>
- ⁴⁸ Special Eurobarometer 523 (European Commission, DG HOME), July 2022 <https://europa.eu/eurobarometer/surveys/detail/2658>
- ⁴⁹ Flash Eurobarometer 507 (European Commission, DG HOME), July 2022 <https://europa.eu/eurobarometer/surveys/detail/2657>
- ⁵⁰ Government Official Gazette, Law 179/2017, <http://www.gazzettaufficiale.it/eli/id/2017/12/14/17G00193/sg>
- ⁵¹ European Commission, Directive 2019/0366/EU, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937>; According to recent declarations by the President of ANAC, a draft text has been developed jointly with the Ministry of Justice, but the formal transposition process remains stuck, see: ANAC, ANAC’s President Busia calls out Italy for non-compliance with transposition deadline, 1 January 2022, <https://www.anticorruzione.it/-/il-presidente-di-anac-busia-italia-inadempiante-nella-tutela-del-whistleblowing->
- ⁵² ANAC, Data analysis 2020 <https://www.anticorruzione.it/documents/91439/198526/Analisi+dati+pianificazione+2020+-+Urac+20.10.21.pdf/b9301799-9c87-3ff9-fde1-f41e4dc039ec?t=1636558278733>
- ⁵³ ANAC, Data analysis 2021 <https://www.anticorruzione.it/documents/91439/39980613/All.11+Parte+generale+Analisi+dei+dati+piattaforma+PTPCT.pdf/41794c09-7148-1d57-3fa4-6c437394d104?t=1656088672400>
- ⁵⁴ ANAC, Report to Parliament of ANAC activities in 2021, 23 June 2022, <https://www.anticorruzione.it/documents/91439/39459199/12.ANAC+-+Relazione+annuale+2022+-+Whistleblowing.pdf/93853064-262f-5eb5-a26d-9d4d8e27dcfe?t=1655914271723>
- ⁵⁵ Transparency International Italy, Whistleblowing 2021, 2022, https://www.transparency.it/images/pdf_pubblicazioni/report-whistleblowing-2021.pdf
- ⁵⁶ ANAC, Guidelines for the protection of whistleblowers in public administrations, 9 June 2021, <https://www.ilpersonale.it/wp-content/uploads/Delibera-n.-469-del-9-giugno-2021.pdf>
- ⁵⁷ Federica Genna, Independent Reporting Mechanism (IRM): Italy Design Report 2019–2021, p.8.
- ⁵⁸ Idem.
- ⁵⁹ Financial Intelligence Unit, Bank of Italy, Prevention measures against financial crimes related to COVID-19 and the PNRR, April 2022 <https://uif.bancaditalia.it/normativa/norm-indicatori-anomalia/Comunicazione-UIF-Covid-19-e-PNRR-11.04.2022.pdf>
- ⁶⁰ Representatives of ANAC, interview by IRM researcher, 6 May 2022; Representative of SNA, interview by IRM researcher, 6 May 2022; Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of Libera, interview by IRM researcher, 5 May 2022.

- ⁶¹ Libera, Linea Libera, https://www.libera.it/schede-536-linea_libera; Transparency International Italy, ALAC, <https://transparency.it/cosa-facciamo/supporto-ai-segnalanti>
- ⁶² Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁶³ in the original action plan, the activities related to the creation of the Task Force and Community of Practice were grouped under commitment 2.01, whereas all activities on the protection of whistleblowers fell under 2.02. In the updated action plan, these activities have been split across the two commitments: Commitment 2.01 includes activities which in the previous version were commitments 2.01.1 and 2.02.2; leadership in implementation, which in the original action plan was split between ANAC and SNA, falls under the remit of ANAC only. Commitment 2.02 includes activities which in the previous version were commitments 2.01.2 and 2.02.1; leadership in implementation, which in the original action plan was split between ANAC and SNA, falls under the remit of SNA only.
- ⁶⁴ Email exchange, OGP Task Force representative, 2 September 2022.
- ⁶⁵ Representatives of National Anti-Corruption Authority (ANAC), interview by IRM researcher, 6 May 2022; Representative of National School of Administration (SNA), interview by IRM researcher, 6 May 2022; Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁶⁶ ANAC, Forum of RPCTs, <https://www.anticorruzione.it/-/forum-rpct>
- ⁶⁷ Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁶⁸ Representatives of ANAC, interview by IRM researcher, 6 May 2022. The interviewed representative of ANAC indicated that national anti-corruption strategies are usually only placed on public consultation once the content is approved by ANAC, without prior interaction with civil society. Involving CSOs earlier on in the process would represent a positive co-creation approach.
- ⁶⁹ Il Sole 24 Ore, PNRR public procurement – local administrations fallacies in AML procedures <https://www.ilsole24ore.com/art/appalti-pnrr-enti-locali-latitanti-procedure-antiriciclaggio-AEjNY79>
- ⁷⁰ Government of Italy, Ministry of Economic Development, <https://www.mise.gov.it/index.php/it/68-incentivi/2042324-piano-nazionale-di-ripresa-e-resilienza-i-progetti-del-mise>
- ⁷¹ Transparency International Italy, Whistleblowing 2021, 2021, <https://www.transparency.it/informati/pubblicazioni/whistleblowing-2021>
- ⁷² Specific measures for support are included in Art. 20. Directive 2019/0366/EU.
- ⁷³ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁷⁴ Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁷⁵ Representative of SNA, interview by IRM researcher, 6 May 2022.
- ⁷⁶ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022.
- ⁷⁷ Government Official Gazette, Law 190/2012, <https://www.gazzettaufficiale.it/eli/id/2012/11/13/012G0213/sg>
- ⁷⁸ See: <https://sna.gov.it/cosa-offriamo/formazione/formazione-continua/?titolo=Whistle&anno=Tutti&iscrizioni=Chiuse&sede=Tutte>
- ⁷⁹ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022. Since adopting the action plan and drafting this report, an internal Community of Practice event took place where a CSO provided a docu-film (La Bufera) telling the stories of Italian whistleblowers, from which it was widely recommended to use the docu-film in training sessions on whistleblowing and regulatory issues. Comments received during prepublication, Dept. of Public Function, 4 Aug 2022.
- ⁸⁰ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022; Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁸¹ Representative of Libera, interview by IRM researcher, 5 May 2022.
- ⁸² Open Government Partnership, Czech Republic, Adopt and promote whistleblower protection legislation, <https://www.opengovpartnership.org/members/czech-republic/commitments/CZ0031/>
- ⁸³ Open Government Partnership, Republic of Korea Action Plan Review 2021-2023, 21 June 2022, <https://www.opengovpartnership.org/documents/republic-of-korea-action-plan-review-2021-2023/>
- ⁸⁴ Open Government Partnership, Estonia, Establish and train operators of confidential whistleblower hotline, <https://www.opengovpartnership.org/members/estonia/commitments/EE0057/>
- ⁸⁵ Federica Genna, Independent Reporting Mechanism (IRM): Italy Design Report 2019–2021, p.57.
- ⁸⁶ Commitment 7.1 in Italy Fourth Action Plan 2019-2021, p.48; Government of Italy, Public Service Contract Platform, <https://www.serviziocontrattipubblici.it/SPIApp/>
- ⁸⁷ Open Government Partnership, Italy End-of-Term Self-Assessment 2019-2021, 1 March 2022, <https://www.opengovpartnership.org/documents/italy-end-of-term-self-assessment-2019-2021/>
- ⁸⁸ ANAC, National Database of Public Contracts, <https://dati.anticorruzione.it/superset/dashboard/appalti/>
- ⁸⁹ Open Contracting Partnership, Open Contracting Data Standard, <https://standard.open-contracting.org/latest/en/>
- ⁹⁰ ANAC, Annual Report 2021, 18 June 2021, <https://www.anticorruzione.it/-/relazione-annuale-2021>
- ⁹¹ Article 62, Code of Digital Administration, https://docs.italia.it/italia/piano-triennale-ict/codice-amministrazione-digitale-docs/it/v2018-09-28/_rst/capo5_sezione2_art60.html

- ⁹² Karolis Granickas, Open Contracting Partnership, Interview with IRM, 11 August 2022.
- ⁹³ Karolis Granickas, Open Contracting Partnership, Interview with IRM, 11 August 2022.
- ⁹⁴ ANAC representative, interview by IRM researchers, 9 May 2022.
- ⁹⁵ ANAC representative, interview by IRM researchers, 9 May 2022.
- ⁹⁶ One interviewee from civil society highlighted that one of the possible challenges in this system is related to the fact that the CUP tag is assigned at the early stages of a public contract creation, even before it enters the formal tendering phase. In some cases, a funding stream which is originally tagged as “PNRR” might change once the project is awarded. CSO representative, interview by IRM researcher, 5 July 2022.
- ⁹⁷ Tenders Electronic Daily Platform, <https://ted.europa.eu/TED/main/HomePage.do>
- ⁹⁸ Andrea Borruso, Ondata, interview by IRM researcher, 7 July 2022.
- ⁹⁹ ANAC representative, interview by IRM researchers, 9 May 2022.
- ¹⁰⁰ European Commission, Action no. 2018-IT-IA-0170, <https://ec.europa.eu/inea/en/connecting-europe-facility/cef-telecom/2018-it-ia-0170>
- ¹⁰¹ ANAC, BDNCP dataset portal in OCDS standard, <https://dati.anticorruzione.it/opendata/ocds>
- ¹⁰² Andrea Borruso, Ondata, interview by IRM researcher, 7 July 2022.
- ¹⁰³ ANAC representative, interview by IRM researchers, 9 May 2022.
- ¹⁰⁴ Andrea Borruso, Ondata, interview by IRM researcher, 7 July 2022.
- ¹⁰⁵ Karolis Granickas, Open Contracting Partnership, Interview with IRM, 11 August 2022.
- ¹⁰⁶ Federica Genna, Independent Reporting Mechanism (IRM): Italy Transitional Results Report 2019–2021, p.24.
- ¹⁰⁷ Open Government Partnership, Latvia, Transparency in public procurement and contracts, <https://www.opengovpartnership.org/members/latvia/commitments/LV0040/>
- ¹⁰⁸ ANAC, Measuring corruption risk indicators, <https://www.anticorruzione.it/il-progetto/>
- ¹⁰⁹ OpenCoesione is a government initiative on cohesion policy in Italy with a view to promoting the effectiveness of interventions through the publication of data on the projects funded and broad civic participation, <https://opencoesione.gov.it/>; Monithon is an independently developed initiative to promote the civic monitoring of government spending, <https://www.monithon.eu/>

Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation as former IRM reports. It is intended as an independent quick technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The promising commitments highlighted in this review by the IRM are either those which have the highest potential for results, or are a high priority for country stakeholders, or are a priority in the national open government context or are a combination of these factors.

To determine which reforms or commitments the IRM identifies as promising the IRM follows a filtering and clustering process:

Step 1: determine what is reviewable and what is not based on the verifiability of the commitment as written in the action plan.

Step 2: determine if the commitment has an open government lens. Is it relevant to OGP values?

Step 3: Commitments that are verifiable and have an open government lens are reviewed to identify if certain commitments need to be clustered. Commitments that have a common policy objective or commitments that contribute to the same reform or policy issue should be clustered and the “potential for results” should be reviewed as a whole. The clustering process is conducted by IRM staff, following the steps below:

- a. Determine overarching themes. They may be as stated in the action plan or if the action plan is not already grouped by themes, IRM staff may use as reference the thematic tagging done by OGP.
- b. Review objectives of commitments to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments by clusters as needed. Commitments may already be organized in the Action Plan under specific policy or government reforms or may be standalone and therefore not clustered.

Step 4: assess the potential for results of the cluster or standalone commitment.

The filtering process is an internal process and data for individual commitments is available in Annex I below. In addition, during the internal review process of this product the IRM verifies the accuracy of findings and collects further input through peer review, the OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by the IRM’s International Experts Panel (IEP).

As described in the filtering process above, the IRM relies on **three key indicators** for this review:

I. Verifiability

- “Yes” Specific enough to review. As written in the action plan the objectives stated and actions proposed are sufficiently clear and include objectively verifiable activities to assess implementation.

- “No”: Not specific enough to review. As written in the action plan the objectives stated and proposed actions lack clarity and do not include explicit verifiable activities to assess implementation.

*Commitments that are not verifiable will be considered “not reviewable”, and further assessment will not be carried out.

II. Does it have an open government lens? (Relevant)

This indicator determines if the commitment relates to open government values of transparency, civic participation or public accountability as defined by the Open Government Declaration, the OGP Articles of Governance and by responding to the guiding questions below. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institutions or decision-making process more transparent, participatory or accountable to the public?

The IRM uses the OGP Values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will government create or improve opportunities, processes or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results

Formerly known as the “potential impact” indicator, it was adjusted taking into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, this indicator was modified so that in this first review it laid out the expected results and potential that would later be verified in the IRM Results Report, after implementation. Given the purpose of this Action Plan Review, the assessment of “potential for results” is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** the commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.

- **Modest:** a positive but standalone initiative or changes to process, practice, or policies. Commitments that do not generate binding or institutionalized changes across government or institutions that govern a policy area. For example, tools like websites, or data release, training, pilot projects
- **Substantial:** a possible game changer to the rules of the game (or the creation of new ones), practices, policies, or institutions that govern a policy area, public sector and/or relationship between citizens and state. The commitment generates binding and institutionalized changes across government

This review was prepared by the IRM in collaboration with Federica Genna (Fondazione SAFE) and was externally expert reviewed by Brendan Halloran. The IRM methodology, quality of IRM products and review process is overseen by the IRM's International Experts Panel (IEP).

For more information about the IRM refer to the **"About IRM" section of the OGP website** available [here](#).

Annex 1. Commitment by Commitment Data¹¹⁰

Commitment 1.01: Multistakeholder forum and open government national strategy

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment is clustered as: Cluster 1 – Governance and strategy for open government (Commitment 1.01, milestones 1 and 2 of Commitment 4.01, and Commitment 4.02)
- Potential for results: Modest

Commitment 2.01: Strategies and networks for integrity and transparency

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment is clustered as: Cluster 2 – Corruption prevention and culture of integrity (Commitment 2.01 and Commitment 2.02)
- Potential for results: Modest

Commitment 2.02: Community of practice of those responsible for the prevention of corruption and transparency

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment is clustered as: Cluster 2 – Corruption prevention and culture of integrity (Commitment 2.01 and Commitment 2.02)
- Potential for results: Modest

Commitment 3.01: Promoting opportunities for participation in the PNRR

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 3.02: National Hub to support participation policies

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4.01: Gender equality in the public and private sector

- Verifiable: Yes
- Does it have an open government lens? Yes
- Milestones 1 and 2 of this commitment are clustered as: Cluster 1 – Governance and strategy for open government (Commitment 1.01, milestones 1 and 2 of Commitment 4.01, and Commitment 4.02)
- Potential for results for milestone 3: Modest

Commitment 4.02: Youth participation

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment is clustered as: Cluster 1 – Governance and strategy for open government (Commitment 1.01, milestones 1 and 2 of Commitment 4.01, and Commitment 4.02)
- Potential for results: Modest

Commitment 5.01: Enabling inclusive digital innovation

- Verifiable: Yes
- Does it have an open government lens? No
- Potential for results: Modest

Commitment 5.02: Open standards for inclusiveness and participation of civil society in monitoring of public spending

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

¹¹⁰ **Editorial notes:**

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Italy's Action plan: <https://www.opengovpartnership.org/documents/italy-action-plan-2021-2023-december/>

Annex 2: Minimum Requirements for Acting According to OGP Process¹¹¹

According to OGP’s Procedural Review Policy, during development of an action plan, OGP participating countries must meet the “Involve” level of public influence per the IRM’s assessment of the co-creation process.

To determine whether a country falls within the category of “involve” on the spectrum, the IRM assesses different elements from OGP’s Participation & Co-creation Standards. The IRM will assess whether the country complied with the following aspects of the standards during the development of the action plan, which constitute the minimum threshold:

1. **A forum exists:** there is a forum to oversee the OGP process.
2. **The forum is multi-stakeholder:** Both government and civil society participate in it.
3. **Reasoned response:** The government or multi-stakeholder forum documents or is able to demonstrate how they provided feedback during the co-creation process. This may include a summary of major categories and/or themes proposed for inclusion, amendment, or rejection.

The table below summarizes the IRM assessment of the three standards that apply for purposes of the procedural review. The purpose of this summary is to verify compliance with procedural review minimum requirements, and it is not a full assessment of performance under OGP’s Co-creation and Participation Standards. A full assessment of co-creation and participation throughout the OGP cycle will be provided in the Results Report.

Table 2. Summary of minimum requirements to act according to OGP Process

<i>OGP Standard</i>	<i>Was the standard met?</i>
<p>A forum exists. The Open Government Forum (OGF) is Italy’s permanent forum, officially established in June 2016, which institutionalizes civil society participation in the OGP process.¹¹² Composition and operating rules are laid out in the Annex to the third and fourth action plan.¹¹³ With the launch and implementation of the fifth action plan, the Forum will evolve into the OGP Italy Community, and a more structured multi-stakeholder forum (functioning as a steering committee for the broader governance of the OGP policy and process) will be set up.¹¹⁴</p>	Green
<p>The forum is multi-stakeholder. In its current composition, the OGF includes representatives of civil society organizations, academia, and business</p>	Yellow

<p>associations. Government representatives are not included as members but often participate in its plenary sessions. As outlined above, as part of the implementation of the fifth action plan a more structured multi-stakeholder forum, including both governmental and civil society representatives, will be set up.¹¹⁵</p>	
<p>The government provided a reasoned response on how the public’s feedback was used to shape the action plan. A CSO representative said that during early stages of co-creation, feedback by the OGP Task Force on the inclusion or rejection of suggestions and comments from CSOs could be improved.¹¹⁶ The draft Action Plan underwent public consultation on the ParteciPa platform from 25 January to 24 February and a report on the results of the public consultation was published on 28 February 2022.¹¹⁷ Some feedback on the comments could be more detailed beyond saying that they will be considered by the PA. The results of the consultation process were discussed in a plenary meeting of the OGF on 8 March 2022.¹¹⁸</p>	Green

¹¹¹ On 24 November 2021 the OGP’s Steering Committee approved an update to the OGP Participation & Co-Creation Standards. The changes became effective on 1 January 2022, for any country co-creating in 2022 and onwards. Countries that submit action plans for the 2021-2023 cycle (such as Italy’s 2022-2023 plan) will be assessed with the previous version of the standards because their co-creation took place before the changes were approved. <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

¹¹² Italy OGP website, Community OGP Italia, <https://open.gov.it/partecipa/community-ogp-italia#dall-open-government-forum-alla-community-ogp-italia->

¹¹³ Minister for Simplification and Public Administration, Open Government in Italy Third Action Plan with Addendum 2016 - 2018, p.146, 26 Oct. 2016, <https://www.opengovpartnership.org/documents/italy-third-national-action-plan-2016-2018/>; Department of Public Function, Fourth National Action Plan for Open Government 2019-2021, p.68, 15 July 2019, <https://www.opengovpartnership.org/documents/italy-action-plan-2019-2021/>.

¹¹⁴ See Commitment 1.01; analysis provided above at page 10.

¹¹⁵ See Commitment 1.01; analysis provided above at page 10.

¹¹⁶ Susanna Ferro (Transparency International Italy), interview by IRM researcher, 9 May 2022.

¹¹⁷ Government of Italy, Report on public consultation, Italy Fifth National Action Plan, 28 February 2022, <https://partecipa.gov.it/uploads/decidim/attachment/file/32/report-consultazione-5nap-piano-azione-governo-aperto-italia.pdf>

¹¹⁸ Government of Italy, FormezPA website, Eventipa, <http://eventipa.formez.it/node/356186>