

Independent Reporting Mechanism

Italy Co-Creation Brief 2023

Open
Government
Partnership



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Mechanism

Introduction

This brief from the OGP’s Independent Reporting Mechanism (IRM) serves to support the co-creation process and design of Italy’s sixth action plan and to strengthen the quality, ambition, and feasibility of commitments. It provides an overview of the opportunities and challenges for open government in the country’s context and presents recommendations. These recommendations are suggestions, and this brief does not constitute an evaluation of a particular action plan. Its purpose is to inform the planning process for co-creation based on collective and country-specific IRM findings. This brief is intended to be used as a resource as government and civil society determine the next action plan’s trajectory and content. National OGP stakeholders will determine the extent of incorporation of this brief’s recommendations.

The co-creation brief draws on the results of the research in prior [IRM reports for Italy](#) and draws recommendations from the data and conclusions of those reports. The brief also draws on other sources such as [OGP National Handbook](#), [OGP Participation and Co-creation Standards](#), and IRM guidance on [the assessment of OGP’s minimum requirements](#), to ensure that recommendations provided are up-to-date in light of developments since those IRM reports were written, and to enrich the recommendations by drawing on comparative international experience in the design and implementation of OGP action plan commitments as well as other context-relevant practice in open government. The co-creation brief has been reviewed by IRM senior staff for consistency, accuracy, and with a view to maximising the context-relevance and actionability of the recommendations. Where appropriate, the briefs are reviewed by external reviewers or members of the IRM International Experts Panel (IEP).

The IRM drafted this co-creation brief in August 2023.

Table of Contents

Section I: Action Plan Co-Creation Process	2
Section II: Action Plan Design	4

Section I: Action Plan Co-Creation Process

Italy has been an OGP member country since 2011. It held the government chair of the OGP Steering Committee in 2021–2022 and hosted the 2022 OGP Europe Regional Meeting. In 2016, Italy established the Open Government Forum. In 2022, this broad network of interested civil society organisations (CSOs) became the [Community OGP Italy](#). A narrower set of 22 representatives from the Public Administration (PA) and civil society formed the multistakeholder forum (MSF).

According to [civil society representatives interviewed for Italy’s 2021–2023 Action Plan Review](#), the co-creation process for the action plan saw a considerable improvement upon previous years as the government expanded the opportunities for engagement. Interviewed PA representatives felt it was important to involve all relevant stakeholders and support active collaborators.

However, factors such as recent major changes to the OGP framework and co-creation, the frequent meetings, and personnel changes in the PA created some confusion amongst the participants. [For the Action Plan Review](#), a representative of the OGP Task Force confirmed there was limited high-level institutional engagement during co-creation which civil society also regretted. To address these deficiencies in the co-creation process and build a more ambitious action plan, the IRM recommends the following:

1. Collaborate with CSOs to create a timeline and establish inclusive opportunities for developing the next action plan.
2. Publish draft action plans and provide reasoned written response to public and civil society contributions since early stages of the co-creation process.
3. Ensure buy-in from high-level officials during co-creation to unlock more ambitious commitments.

RECOMMENDATIONS

Recommendation 1: Collaborate with CSOs to create a timeline and establish inclusive opportunities for developing the next action plan.

In its [review of Italy’s 2021–2023 action plan](#), the IRM considered that Italy met the minimum requirements for co-creation. This includes publishing a co-creation timeline at least two weeks before the start of the action plan development process. Nonetheless, given the maturity of Italy’s open government trajectory and its new MSF structure, the IRM recommends Italy to aim for a more ambitious application of [Standard 3: Providing inclusive and informed opportunities for public participation during development of the action plan](#).

The OGP Task Force could develop the co-creation process outline in collaboration with CSOs in the MSF. This could enable CSOs to shape the development process in a way that is most useful to gathering their input and that from the Community OGP Italy. Furthermore, it could make the process more inclusive for a wider variety of CSOs to participate and have equal opportunities to providing their input and influencing its outcomes, as well as guarantee adequate time to gather input at different stages of the process.

In the context of Italy’s participation in OGP, inclusive participation opportunities could mean considering how to not overwhelm smaller CSOs that have less resources than larger CSOs. The process could strike a balance between virtual and in-person meetings, which may also aid the inclusion of CSOs that operate outside Rome.

Furthermore, it is beneficial to develop a clear agenda that is shared with all participants at least one week in advance of every meeting. This could ensure that meetings are productive as participants could make the best use of their time and knowledge by preparing relevant information ahead of the meeting.

Recommendation 2: Publish draft action plans and provide reasoned written response to public and civil society contributions since early stages of the co-creation process.

During the development of the 2021–2023 action plan, the OGP Task Force provided reasoned response to some input received during early stages of co-creation and the

ParteciPa public consultation platform. However, the reasoned response could be improved particularly by providing detailed explanation on the inclusion or rejection of suggestions and comments, as well as going beyond simply saying that input would be considered by the PA.

Early stages of the co-creation process could be improved if the OGP Task Force or MSF give written feedback explaining the reasons behind the initial inclusion, amendment, or rejection of proposals. [Estonia](#), for example, published a table that includes all proposals made and provides an explanation for the inclusion or rejection of each proposal during co-creation.

At later stages of commitment development, the OGP Task Force could make draft commitments directly available to the public. The documents could include amendments in track changes mode so that the public can follow exactly where changes have been made, along with comments explaining those changes. This would increase the transparency of the co-creation process.

A summary of stakeholder contributions could be published at the end of the co-creation process, including how the MSF addressed overall input from the public and CSOs. [Finland](#) and [Canada](#) have adopted this approach.

Recommendation 3: Ensure buy-in from high-level officials during co-creation to unlock more ambitious commitments

Government officials and CSOs have said there was limited high-level institutional engagement during the co-creation of the 2021–2023 action plan. Proactively seeking the participation of high-level officials in the co-creation process could help enhance the ambition level of commitments in future action plans. The PA can use the next action plan co-creation process as a platform to follow up on commitments delivery by high-level Italian representatives and officials at relevant international fora, such as the [Summit for Democracy](#), G20, Open Gov Week, and European Union.

As a starting point towards incorporating high-level engagement, the MSF could identify public officials and agencies within the PA that are working on key topic areas and could be interested in using the open government approach. This could be linked to commitments made internationally, or on key aspects of the domestic agenda (such as within the government's manifesto). PA officials dealing with a specific topic (i.e., water, land management, etc) could be invited to take ownership of one specific commitment within their scope of work. Officials or representatives who have publicly expressed their interest in the open government agenda could be invited to participate in the MSF. For PA officials with less availability to participate in meetings or in drafting commitments, the MSF could approach them with a draft commitment and request their input.

The MSF can offer different degrees of involvement to high-level PA officials. At a minimum, high-level officials could be kept updated on the co-creation process and of commitments that fall within their realm. Keeping them informed throughout the action plan development process will allow them to comment on commitments' feasibility and avoid blockages or obstacles at later stages. It is also important to reiterate that the opportunity to participate in the process is always open and that their input is welcomed.

Section II: Action Plan Design

AREAS OF OPPORTUNITY FOR COMMITMENTS

In its next action plan, Italy can commit to more advanced reforms on topics it has championed before. Considering Italy's participation in OGP, the IRM recommends efforts on oversight of resilience and recovery funds, lobbying regulation and transparency, open government in Italy's green transition, and integrity in parliament.

AREA 1. Oversight of Resilience and Recovery Funds

Ensuring public oversight of the funds spent under its National Resilience and Recovery Plan (NRRP) is a priority for Italy. The 2021–2023 action plan included a commitment to promote opportunities for public involvement and debate around NRRP public works. Given the size and scale of these funds, it is important that Italy continues these efforts to monitor spending. The [European Commission \(EC\) 2023 Rule of Law Report](#) noted that law enforcement authorities still see the potential for organised crime to infiltrate the legal economy and future public procurements due to the size of the NRRP, which could have a significant impact on the misuse of public funds.

While some information is now accessible, [CSOs have noted missing datapoints](#) including the notices published so far and their outcomes, information on the location of resources, the projects and implementing entities involved and the projects financed, their state of play, and the amount of money spent. Italy could build upon efforts in the previous action plan to make data on spending available online in open and machine-readable formats (e.g., [Open Contracting Data Standard](#)) in a timely manner and with sufficient detail to ensure proactive transparency and civic monitoring. Addressing the specific points raised by CSOs would help greatly in ensuring effective public monitoring of these funds.

Furthermore, the government and civil society could draw lessons learnt from monitoring NRRP funds so far and analyse what similar open government activities could be applicable to other types of emergency funds, such as in response to natural disasters. The government could expand the scope for monitoring similar funds and emergency funding to deal with natural disasters or extreme weather events due to climate change. Building on this, the government could also involve new PAs and CSOs (particularly at the local level) to prioritise public oversight of emergency and recovery funds.

Useful resources:

- OGP: [How Can We Get EU Recovery Right?](#)
- OGP: [A Guide to Open Government and the Coronavirus: Fiscal Openness](#)
- [Open Contracting Data Standard](#)
- Partners that can provide technical support: [The Good Lobby Italy](#), [Transparency International Italy](#), [Open Contracting Partnership \(OCP\)](#), [Open Spending EU Coalition](#).

AREA 2. Lobbying Regulation and Transparency

According to the [EC 2023 Rule of Law Report](#), the regulation of lobbying vis-à-vis the government is fragmented in Italy. While the Chamber of Deputies has rules on lobbying and a lobbying register, comprehensive lobbying rules are lacking for both parliamentary chambers. It states that as of mid-March 2023, there were only 318 legal persons and 62 natural persons registered. Furthermore, [GRECO reversed its initial assessment](#) concerning lobbying regulation for both chambers from 'partly implemented' to 'not implemented'.

Italy's next action plan is an opportunity to build upon [the efforts of CSOs](#) and [past commitments](#) to put lobbying back in the open government agenda. A Parliamentary Committee inquiry underway could include civil society input to ensure an ambitious proposal on lobbying regulation and a public register. It is also an opportunity for comprehensive provisions that integrate global best practices such as:

- Including a broad but clear definition of "lobbying" and "lobbyists".
- Mandating that the information is regularly updated.
- Specifying the information that public authorities should collect and publish.

- Clearly stating the public administrations that have an obligation under the law.
- Providing feedback on how decision-makers addressed suggestions from lobbyists, activists, and the public in general.
- Creating a decision-making or [legislative footprint](#) to record the influence of lobbyists on legislation.
- Widely advertising information on what might constitute a perceived or real conflict of interests as well as the maximum value of gifts or meals that public officials can receive.

Useful resources:

- OGP: [Common Challenges in Lobbying Transparency](#)
- Transparency International: [Recommendations on Lobbying for OGP Action Plans](#)
- [International Standards for Lobbying Regulation](#)
- Partners that could provide technical support: [The Good Lobby Italy](#) and [Transparency International Italy](#).
- Estonia ([2020–2022](#)), Finland ([2019–2023](#)), and Latvia ([2019–2021](#)) have implemented commitments in this area.

AREA 3. Open Government in Green Transition

Green transition is a focus area of Italy's NRRP and is also a salient and urgent issue following the [REPowerEU Regulation](#), which is aimed at diversifying the EU's energy supply and decreasing its dependence on imports of Russian fossil fuels. The [EC recommends](#) that Italy includes the REPowerEU chapter in its NRRP and takes swift action to streamline processes that contribute towards green transition. Italy's next OGP action plan is an excellent opportunity to ensure that the transition includes the necessary transparency and participation safeguards, and that civic space is protected.

While Italy is a party to the [Aarhus Convention](#), it can take inspiration from action in the Americas around the [Escazú Agreement](#)—which aims to guarantee the rights of access to environmental information, public participation in environmental decision-making, access to justice in environmental affairs, and equality and non-discrimination—and apply it to action on green transition. For example, ensuring that climate and environmental defenders are able to have a say in energy projects can [reduce environmental and social impacts and increase the likelihood of projects to succeed](#).

Five OGP members in the Americas have made commitments directly referencing the Escazú Agreement. [Argentina](#) committed to create the conditions for broad, inclusive, informed, and accessible public participation in environmental decision-making. Italy could consider creating similar mechanisms for public participation and monitoring of energy projects, such as in [Chile](#), or guarantee community consultations for energy projects. A commitment could also seek to implement citizen audits and social and environmental impact assessments. Italy's MSF could engage civil society working on environmental matters and/or the Aarhus Convention to establish how the OGP process could help improve any limitations in the implementation of the convention.

Accountability of decision-making in environmental matters can help ensure safer and healthier communities as part of the green transition through adequate access to justice, public oversight of decision-making, and well-established grievance and dispute resolution mechanisms. In this sense, Italy could improve the provision of legal aid to activists targeted by strategic lawsuits against public participation (SLAPPs) and advocate for penalties when a court finds that a SLAPP was filed for purposes of harassment. There are recent examples of [efforts to combat SLAPPs](#), but the [European Council has identified](#) SLAPPs to still negatively affect activists in Italy.

Useful resources:

- OGP: [Global Report: Defending Activists and Journalists](#)
- OGP: [Environment and Climate](#)
- OGP: [Open Government and the Escazú Agreement](#)

- ICNL: [Renewable Energy & Civic Space](#)
- Partners that can provide technical guidance: [Italian Coalition for Civil Liberties and Rights \(CILD\)](#), [Coalition against SLAPPS in Europe \(CASE\)](#), [International Center for Not-for-Profit Law \(ICNL\)](#), and [CIVICUS](#).
- Argentina ([2022–2024](#)), Indonesia ([2022–2024](#)), and the United States ([2022–2024](#)) are implementing commitments in this area.

AREA 4. Integrity in Parliament

[GRECO's Fourth Evaluation Round report](#) noted the continued absence of relevant codes of conducts in the two houses of the Italian parliament. The Code of Conduct of the Chamber of Deputies has now been in preparation for several years, without having been adopted. The Code of Conduct for Senators has been adopted, but guidance on its provisions is yet to be established. It also added that no significant progress has been made on the rules on gifts, hospitality, and other benefits for parliamentarians.

Where progress is made on these activities, the next action plan could help incorporate an open government approach to ensure effective implementation of the codes of conduct and gift registers. This may include the development of guidance and oversight in implementing the codes of conduct in collaboration with civil society, as well as publishing the content of gift registers in open data formats and in a timely manner.

Useful resources:

- Transparency International UK: [Global Anti-Bribery Guidance, Gifts, and Hospitality](#)
- OECD: [Managing Conflicts of Interest](#)
- Armenia ([2022–2024](#)), Ireland ([2021–2023](#)), and Spain ([2020–2024](#)) are working on this policy area.