



**ART** Autorità  
di Regolazione  
dei Trasporti

*courtesy translation - only the Italian text is authentic*

## CODE OF ETHICS

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28 December 2018

# ART

Annex "A" to Decision of the Board No 58/2015 of 22 July 2015  
Amended by Decision of the Board No 146/2018 of 28 December 2018

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## Art. 1 - Definitions

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1. In this Code the following terms and expressions shall have the following meaning:

- a) "Code": this Code of Ethics, adopted pursuant to Article 28 (1) of the Rules of procedures on the organisation and operation of the Transport Regulation Authority, as approved by Decision No. 1/2013 of 16 October 2013, and Article 23 of the Rules on the legal status and remuneration of the Transport Regulation Authority's personnel, as approved by Decision No. 4/2013 of 31 October 2013;
- b) "Authority" means: the Transport Regulation Authority referred to in Article 37 of Decree-Law no. 201 of 6 December 2011, converted, with amendments, into Law No 214 of 22 December 2011;
- c) "Board": the President and the Members of the Authority's Board;
- d) "office": organisational structure of the Authority;
- e) "office director": person responsible for the office management;
- f) "employee": the Authority's personnel recruited under a permanent or fixed-term employment relationship, as well as the personnel on secondment to the Authority;
- g) "Guarantor of Ethics": the Guarantor of Ethics referred to in Article 17, appointed pursuant to Article 28 of the Rules of procedure on the organisation and operation of the Transport Regulation Authority, as approved by Decision no. 1/2013 of 16 October 2013.

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## Art. 2 - Purpose and scope

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1. The Code of Ethics is adopted to facilitate the daily application of good administration principles and to promote the highest standards of ethical conduct, which are an essential component of the culture of service subscribed to by the Authority.
2. For the purposes referred to in paragraph 1, the Code identifies the principles which shall guide the behaviour of the persons referred to in Article 3 (1) and (2), and specifies the associated duties with detailed provisions, that implement these principles in the specific situations.
3. Given the social and economic interests underlying the functions and subjects falling within the Authority's remit and its peculiar position of independence under EU and domestic provisions, the Code aims, in particular, at promoting the duties of impartiality, diligence and loyalty, as well as independence, confidentiality, transparency and compliance with the criterion of merit.

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## Art. 3 - Scope and modes of application

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1. The provisions of the Code shall apply to the employees of the Authority as identified by art. 1 (1) (f); they shall also apply to persons under a consultancy contract, cooperation agreement or other relationship which, in any way, involves the provision of services, even temporarily, to the Authority, as well as, *mutatis mutandis*, to service providers and persons admitted to the Authority to carry out periods of training, studies or research.
2. Unless otherwise expressly provided, the provisions of the Code shall apply to the President, the Members of the Board and the Secretary-General of the Authority.

3. The commitment to comply with the Code is made upon the appointment, recruitment, conclusion of fixed-term employment, consultancy contract or cooperation agreement and upon establishment of other relevant relationship within the meaning of paragraph 1.
4. For the purposes referred to in paragraph 3, the acts of appointment, contracts of collaboration, consultancy and provision of services and the authorisations to be admitted to the Authority referred to in paragraph 1 shall include appropriate provisions or clauses for termination or forfeiture of the relationship in case of breach of the obligations deriving from the Code.
5. For the purpose of fulfilling the information and communication obligations laid down by the Code, unless otherwise specified:
  - a) the persons referred to in Article (1) (1) (f) shall report to the person in charge of the relevant office; office directors shall report to the Secretary-General; the remaining persons referred to in paragraph 1 shall report to the person who has conferred the appointment, mandate, service or authorisation to be admitted to the Authority;
  - b) the Secretary-General shall report to the Board;
  - c) the President and Members of the Board shall report to the Guarantor of Ethics.

#### Art. 4 - General principles of conduct

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1. Employees undertake to respect the good administration principles and ensure the highest professional standards. For this purpose, without prejudice to the following Articles, employees shall:
    - a) conform their conduct to the constitutional principles of good conduct and impartiality of the administrative action and perform their tasks in compliance with laws and regulations;
    - b) pursue the public interest without misusing their function, position or powers, by exercising public prerogatives and powers solely for the purposes of general interest for which they have been conferred upon them;
    - c) respect the principles of integrity, fairness, loyalty, good faith, proportionality, objectivity, transparency, equity and reasonableness, and act independently and impartially;
    - d) carry out the assigned activity with dedication and commitment, by faithfully assuming the related responsibilities and devoting their energies in business hours to the performance of their tasks;
    - e) perform their tasks by directing the administrative action towards the highest cost-effectiveness, efficiency and effectiveness, and manage any resources allocated for the purposes of the performance of the administrative activities on the basis of cost containment, which does not affect the quality of the results;
    - f) direct their conduct to the purpose of establishing relationships of trust and cooperation between the Authority and the parties that in whatever capacity are concerned with the activity carried out by the Authority;
    - g) provide maximum availability and cooperation in the relations with other public administrations, by ensuring the exchange and transmission of information and data in any form, including electronically, in compliance with current legislation;
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- h) use the information, including non-confidential, that may be received in the course of their duties only for the purposes for which it was collected and, in any case, not for private purposes;
- i) avoid situations and behaviours that may hinder the proper performance of their tasks or harm the interests or reputation of the Authority.

## Art. 5 - Impartiality

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1. In compliance with the principle of impartiality and the criterion of merit, employees shall:
  - a) ensure full equal treatment on equal terms in the relations with the addressees of the administrative action, while refraining from arbitrary actions which adversely affect the addressees of the administrative action or which result in discrimination based on sex, nationality, ethnic origin, genetic features, language, religion or belief, personal or political belief, membership of associations or trade unions, membership of a national minority, disability, social or health conditions, age and sexual orientation, or on other different factors;
  - b) reject undue pressure and take their decisions with the greatest possible transparency, while avoiding creating or enjoying certain privileges;
  - c) only attend gatherings and meetings – including informal – that are relevant to the office activity in which they are authorised to participate; they further avoid unauthorised contacts with the addressees, including indirect recipients, of acts and measures at the stage of adoption;
  - d) behave impartially during public examinations or competitions, as well as during advancements or transfers.
2. If the Secretary-General is in one of the situations referred to in paragraph 1 (c), he shall inform the Board, including to decide how to best proceed.

## Art. 6 - Conflict of interest, abstention and communication obligations

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1. Employees shall abstain from making decisions or carrying out activities relating to their tasks in situations of conflict, even if only potential and/or apparent, of interest of any kind, including non-financial; employees shall also abstain in any other cases where there are serious reasons of opportunity or convenience.
2. For the purposes referred to in paragraph 1, employees shall, in addition to the provisions of specific laws or regulations, in particular:
  - a) abstain from taking decisions or carrying out activities relating to their duties in situations of conflict, including potential, of interest with their own interests, or the interest of their spouse, cohabitees, relatives up to the second degree, to the extent of their knowledge; the conflict may concern interest of any kind, including non-financial, such as those arising from the intention to accommodate political, trade union or hierarchical pressures;
  - b) abstain from participating in the adoption of decisions or activities of the Authority which may involve, to the best of their knowledge, their own interest, or the interest of their spouse, cohabitees, relatives up to the second degree, persons with whom they have habitual relations, persons or organisations with which they or their spouse has pending lawsuits, serious enmity or significant credits or debts, as well as persons or organisations of which they are guardian, curator, proxy or agent, or bodies, even non-recognised associations, committees, companies or establishments in which, in compliance with legal constraints, they act as directors, managers or executives;

- c) abstain from participating in the adoption of decisions or activities of the Authority in individual proceedings directly or indirectly involving, to the best of their knowledge, the interest of their spouse, cohabitants or relatives up to the second degree, in the event that, although there is no actual conflict of interest, such participation may give rise to distrust in the independence and impartiality of the Authority.
3. Without prejudice to the transparency obligations laid down in laws or regulations, employees shall:
- a) at the time of their assignment to the office, inform the office director in writing of any collaboration relationships, however remunerated, which they have or have had with private persons in the last three years, clarifying whether they, their relatives up to the second degree, spouse or cohabitants still have economic or financial relationships with the person with whom they had the above collaboration relationships, and whether these relationships have been in place or are in place with persons having an interest in activities or decisions related to the office, only to the extent of the procedures entrusted to them;
- b) inform the office director in writing of major interest not falling within the scope of application under (a) that they, their relatives up to the second degree, spouse or cohabitants may have, to the best of their knowledge, in the areas falling under the Authority's remit;
- c) inform the human resources director of any shareholdings and other financial interest that may place them in conflict with the public function they perform and declare whether, to the best of their knowledge, their relatives up to the second degree, spouse or cohabitants carry out political, professional or economic activities involving frequent contacts with their office or are involved in decisions or activities relating to the office;
- d) promptly inform the office director of their membership of associations, foundations, circles or other bodies, irrespective of their confidential nature or not, whose areas of interest may interfere with the conduct of the office's activities. This point shall not apply to membership of political parties or trade unions;
- e) promptly inform the office director of contacts with persons, even only potentially targeted by the Authority's activities, with a view to an employment outside the Authority.
4. Employees shall inform in writing the office director of their abstention, and this shall in turn inform the Secretary-General; the office directors and the Secretary-General shall inform the Board of their abstention.
5. If the President or one of the Members of the Board is in one of the situations referred to in paragraphs 1 and 2, they shall inform the Board of their abstention.

## Art. 7 - Confidentiality

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1. Employees shall, in the context of the duties specifically assigned to them, give access to documents and information to entitled persons, in so far as this is not excluded by professional secrecy, laws or regulations or confidentiality obligations.
2. In particular, employees, in addition to the provisions of specific laws or regulations and without prejudice to the obligations pertaining to the activity which they are responsible for:
- a) shall not provide information on ongoing inquiries, inspections or investigations of the Authority; in particular, they do not provide information aimed at enabling the identification of other employees directly involved in the issues under assessment;
- b) shall not provide information either on the proceedings initiated by the Authority, or on the measures adopted by the Authority, before they have been decided upon and officially communicated to the parties;

- c) keep news and information learnt in the exercise of their function as confidential, even after the relationship with the Authority is terminated.

## Art. 8 – Media relations

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1. Media relations are maintained by the President or, in agreement with the President, by the Members of the Board, as well as by the employees expressly appointed by the President, to whom paragraph 2 does not apply.
2. Unless employees are responsible for such activity, they:
  - a) shall not solicit publicity or even simple dissemination, in any form, of information relating to the activity of the Authority;
  - b) shall not entertain relations with the press or intervene in other media on matters falling within the remit of the Authority, unless they are expressly authorised to do so. Where they receive requests for information or clarification from the media, they shall promptly inform the Authority's office in charge of media relations through the director of the office to which they are assigned.

## Art. 9 - Gifts or other utilities

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1. In compliance with the principle of integrity, employees accept from the parties concerned by the activity of the Authority, even on the occasion of festivities, only utilities of modest value.
2. In compliance with paragraph 1, employees shall:
  - a) not seek or solicit, for themselves or for others, gifts or other utilities;
  - b) not accept, for themselves or for others, gifts or other utilities from persons (individuals, companies or entities) that are in any way affected by the activity of the Authority, except those of modest value that are received occasionally in the context of normal courtesy relations and in the context of international practice;
  - c) not accept, for themselves or for others, gifts or other utilities from any of its subordinates, either directly or indirectly, except those of modest value;
  - d) not offer, either directly or indirectly, gifts or other utilities to their superiors, except those of modest value.
3. Employees shall not accept money or other utilities, except those of modest value, for participation in conferences, seminars, training courses, debates or similar events referred to in Article 10 (3). Hospitality, including in the form of reimbursement of travel and accommodation costs, is permitted in so far as it is recognised to other participants; in any case, these reimbursements shall be declared to the general affairs office.
4. Gifts and other utilities, however received, falling outside the cases provided for under this article shall be immediately made available by the employee concerned to the general affairs office for return or to be donated for institutional or charitable purposes.
5. For the purposes of this Article, gifts or other small-value utilities shall mean those with a unit value not exceeding, approximately, EUR 100, including in the form of discounts.



## Art. 10 - Other activities

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1. Without prejudice to the incompatibilities and prohibitions laid down by laws or regulations, employees shall avoid carrying out activities that conflict with the performance of their official duties.
2. In matters falling within the remit of the Authority, the employees' personal participation in conferences, seminars, training courses, debates or similar events shall be authorised in advance by the persons identified in Article 3 (5) (a).
3. Employees may act in this capacity only in conferences, seminars, training courses, debates or similar events which are suitably qualified from an institutional, technical or scientific point of view, and which are strictly relevant to matters of specific interest to the office's activities; on those occasions, employees shall, however, clarify the personal nature of any opinions expressed in that capacity.
4. In the cases referred to in paragraph 3, the participation shall be authorised, based on transparency, expertise, opportunity and turnover criteria, and in compliance with the requirements of the service, by the persons identified in Article 3 (5) (a).
5. In matters falling within the remit of the Authority, the publication by employees, in any form and in any capacity, of specialist contributions shall be authorised in advance by the Secretary-General; where a publication is made in a personal capacity, employees are also required to state that the opinions expressed neither commit the Authority nor express the Authority's position.
6. The Secretary-General's participation in conferences, seminars, training courses, debates or similar events, or the publication by the Secretary-General, in any form and in any capacity, of specialist contributions in matters falling within the remit of the Authority, shall be authorised in advance by the President.
7. Unless otherwise decided by the Board, the participation of the President, Members of the Board, Secretary-General, and employees in conferences, seminars, training courses, debates or similar events organised by private entities that require a registration fee shall be prohibited.

## Art. 11 - Behaviour in social life

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1. Employees shall not use the position held at the Authority to obtain undue benefits; in private relationships, they shall avoid declaring or suggesting their position in all cases in which the relevant mention does not respond to objective needs and shall not assume any other behaviour that could harm the reputation of the Authority.
2. Employees shall not maintain any relationship with any person having an interest in proceedings before the Authority which could jeopardise its independence and neutral assessment.

## Art. 12 - Conduct in the service

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1. Subject to compliance with the time-limits of the administrative procedure, employees, unless otherwise justified, shall not delay, or adopt any conduct that is liable to place onto other employees the responsibility for the performance of activities or the adoption of decisions which he is responsible for.
2. Employees shall comply with the service obligations including regarding working time, by properly fulfilling the obligations laid down for attendance management and by using the leave of absence, however referred to, in compliance with the conditions provided for by law and regulations and under the contract.
3. Employees shall use the materials, equipment and IT, electronic and telephone services available for the requirements of the service, in compliance with the constraints imposed by the Authority and by paying attention to a daily use aimed at recycling and at reducing consumption.

## Art. 13 - Public relations

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1. Without prejudice to other provisions of the Code, in public relations employees shall:

- a) operate with a spirit of service, correctness, availability, and courtesy in any communication, by using a simple language and fully and accurately motivating their answers;
- b) provide any requested explanations as to their own behaviour and that of other employees of the office which they are responsible for or coordinate. In the operations to be performed and in the handling of the files, they shall respect the chronological order, unless otherwise required for the requirements of the service or different order of priority established by the Authority, and shall not refuse to render services which they are obliged to provide on the basis of generic reasons;
- c) without prejudice to the right to express assessments and disseminate information to protect trade union rights, refrain from public statements concerning their employment activity and from any other statement which might prove detrimental to the credibility and reputation of the Authority;
- d) unless it falls within their tasks, undertake no commitments, provide no indications, promises or reassurances on matters falling within the Authority's remit, not disclose any information on issues under assessment, and refrain from expressing opinions or judgements on specific matters on which the Authority has to deliver an opinion;
- e) observe professional secrecy and the rules on the protection and processing of personal data and, where it is verbally requested to provide information, acts or documents which are not covered by professional secrecy or by provisions on personal data, inform the applicant of the reasons that hinder the acceptance of the request;
- f) forward, based on internal rules of procedure, any request received to the competent office of the Authority, should they not be competent, by position or subject, to take action thereupon.

## Art. 14 - Special provisions for office directors

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1. Without prejudice to the application of any other provision of the Code, office directors shall:

- a) carry out with diligence the functions under their responsibility according to the relevant act of appointment, pursue the assigned objectives and adopt appropriate organisational behaviour for the performance of the office tasks;
- b) assume loyal and transparent attitudes, adopt exemplary and impartial behaviour in the relations with colleagues, collaborators and recipients of the administrative action;
- c) attend, in accordance with available resources, to the organisational well-being in the office they are responsible for, by encouraging the establishment of friendly and respectful relationships among the collaborators, take initiatives aimed at information dissemination, initial and continuing training of staff, inclusion and enhancement of differences in gender, age and personal conditions;
- d) allocate the preliminary inquiries of proceedings on the basis of an equitable distribution of the workload, taking into account skills, capabilities and expertise of the staff at their disposal; entrust any additional tasks based on expertise and, as far as possible, on the basis of turnover criteria;
- e) where required, assist in the evaluation of the staff assigned to the office under their responsibility with impartiality and by complying with the indications and required time limits;
- f) avoid, as far as possible, the spreading of untruthful information regarding organization, activity, and employees;

- g) promote the dissemination of the knowledge of good practices and good examples so as to strengthen the trust in the Authority;
- h) promote and ascertain the knowledge of the provisions of the Code and supervise its correct application by the persons who must report to them pursuant to art. 3 (5), by ensuring, *inter alia*, that any resources assigned to their office are used exclusively for institutional purposes and, in no case, for personal needs;
- i) should they become aware of any offence, promptly take the necessary steps, report the offence without undue delay to the Secretary-General, and, if requested, cooperate in lodging a complaint with the criminal judicial authority or in reporting to the Court of Auditors, for their respective competences; where they are reported of any offence by an employee, they shall take all legal precautions to ensure that whistle-blowers are protected and their identity is not unduly disclosed in the disciplinary action.

#### Art. 15 - Prevention of corruption and transparency

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1. Employees shall comply with the measures necessary for the prevention of offences in the administration; in particular, they shall comply with the requirements contained in the Plan for Prevention of Corruption adopted by the Authority, cooperate with the person in charge of Prevention of Corruption, and, without prejudice to the obligation to report to the judicial authority, inform the immediate superior or, where this is not identified, the Secretary-General, of any illegalities in the Authority of which they have become aware.
2. Employees shall ensure the fulfilment of transparency obligations for public administrations in accordance with the provisions of existing legislation, and provide maximum cooperation in the processing, retrieval and transmission of data that are subject to the obligation to publish on the Authority's website.

#### Art. 16 - Contracts and other negotiated arrangements

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1. In concluding agreements and entering into contracts on behalf of the Authority, as well as at the stage of their execution, employees shall not engage in any third-party mediation, nor shall they pay or promise utilities to serve as intermediaries, or for the purpose of facilitating or having facilitated the conclusion or execution of a contract; this paragraph shall not apply to cases where the Authority has decided to resort to professional intermediation.
2. Employees shall not conclude, on behalf of the Authority, any procurement, supply, service, insurance contracts or loan agreements with undertakings with which they have concluded contracts in a private capacity or from which they have received other benefits in the previous two years, except those entered into pursuant to Article 1342 of the Civil Code. Where the Authority concludes procurement, supply, service, insurance contracts or loan agreements with undertakings with which an employee has concluded contracts in a private capacity or received other benefits over the two-year period, such employee shall not participate in the adoption of decisions and in the activities relating to the performance of the contract, and this abstention shall be reported in written minutes to be kept in the office records.
3. Employees entering into agreements or transactions or into contracts in a private capacity, with the exception of those concluded pursuant to Article 1342 of the Civil Code, with private natural or legal persons with which he has concluded procurement, supply, service, insurance contracts or loan agreements on behalf of the Authority in the previous two years, shall inform in writing the person identified in Article 3 (5).
4. Employees who receive oral or written complaints concerning the work of the office or that of collaborators from natural or legal persons participating in negotiating procedures to which the Authority is party, shall promptly inform the immediate superior, as a rule in writing.

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## Art. 17 – Guarantor of Ethics

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1. The correct and neutral interpretation and application of the provisions of the Code is ensured by the Guarantor of Ethics, in accordance with the procedures referred to in paragraph 3.
2. The Guarantor of Ethics shall be identified among persons of well-known independence and moral authority who exercise, or have normally exercised, the functions of ordinary, administrative or accounting magistrate, university professor of law or State attorney.
3. The Guarantor of Ethics:
  - a) answers questions on the interpretation of the Code and contributes to the handling and resolution of specific cases, reporting to the Board, that adopts the relevant decisions, including reporting to the Secretary-General on the assumptions which are likely to determine the initiation of disciplinary proceedings;
  - b) reports to the Board on any irregularities that may be identified and proposes the relevant actions;
  - c) at the request of the President, provides opinions on the lawfulness of the conduct of the persons operating in the Authority;
  - d) submits an annual report to the Board on the activities performed;
  - e) may make proposals to the Board concerning amendments to the Code, which the Authority reserves the right to approve.
4. To carry out the above activities, the Guarantor may receive the technical and documentary collaboration of the Authority's offices, and may address to the Board requests for clarification and information concerning facts and behaviours of which he has become aware.

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## Art. 18 - Supervision of the application of the Code

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1. The application of the Code is subject to the supervision by office directors, within the limits referred to in Article 14 (1) (h) of the Code, by the Secretary-General, with regard to the activities of office directors, as well as by the Guarantor of Ethics.

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## Art. 19 - Responsibility resulting from violation of the duties of the Code

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1. The violation of the duties laid down in the Code is relevant for the purposes of establishing disciplinary liability at the end of the relevant proceeding, including for the possible imposition of penalties, in compliance with the principle of proportionality and the criteria of graduality and adequacy of the penalties.

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## Art. 20 - Transitional and final provisions

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1. The Code shall enter into force on the day following its publication on the Authority's website and shall be sent by e-mail to all the addressees of the relevant provisions.

2. In case of amendments to the Code, the commitment referred to in art. 3 (3) shall be made again within 7 days of the approval of the amendments.
3. The Secretary-General shall ensure that the commitment referred to in Article 3 (3) is made available by the persons who, on the date of entry into force of the Code, are already involved in the Authority's activity, and that they fulfil the obligation to provide the information referred to in Article 6 (3) (a).
4. The Secretary-General shall ensure dissemination of the knowledge of the Code and, to ensure its effective fulfilment, promote the provision of appropriate training and refresher courses.