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## ARTICLE 1

### *OBJECTIVE SCOPE*

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This code of conduct for INFN employees, hereafter referred to as the “Code”, supplements and specifies the minimum requirements regarding diligence, loyalty, impartiality and good conduct contained in Presidential Decree 16 April 2013, no. 62, that the agency personnel, as defined in the following article, are required to observe.

## ARTICLE 2

### *SUBJECTIVE SCOPE*

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1. This code applies to all employees (open-ended, fixed term, full-time or part-time of any level, also management); as well as holders of consulting or collaboration contracts of any type, also professional (such as the general manager, associates, researchers, those covered by article 2222 of the Italian Civil Code); to the holders of offices (president, governing council, committee or audit board members) as well as bodies that provide consulting and assessment services for the institute, professional collaborators working for the INFN on behalf of service providers, for example within the scope of occupational medicine, occupational health and safety or radiation protection.
2. The contracts or documents regulating employment relationships or assigning tasks, consultancy or collaboration services include a specific reference to the content of this code, which if violated by employees would lead to disciplinary action with sanctions to be applied in accordance with the outcome of the relative proceedings and in full observance of the principles of gradualness and proportion. For the other categories of personnel as indicated above, it would result in the termination of the contract in case of serious violation of the relative obligations as set forth in the applicable regulations or clauses. Serious violations are understood as those for which employees would be dismissed as a result.

## ARTICLE 3

### *GENERAL PRINCIPLES*

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1. The personnel indicated in art. 2 are obliged to act as follows:
  - Observe the articles of incorporation, acting in accordance with the principles of impartiality and sound administration;
  - Carry out their work in accordance with the law, working in the interest of the public without abusing their position or powers;
  - Respect the principles of integrity, correctness, good faith, pursuit of merit, proportionality, objectivity, transparency, equity and fairness;
  - Work with commitment and responsibility with the purpose of carrying out the institutional tasks of the INFN, as defined by the scientific programming and according to the agency’s own organisational structure;
  - Work with diligence, observing the regulations of this code, the decisions made by the bodies of the agency concerning the performance of institutional tasks and rules of work, also with regard to current standards concerning the protection of health and safety at the workplace;
  - Act in an independent and impartial manner, avoiding any situation of conflict of interest;
  - Refrain from using information obtained from work for personal purposes;
  - Avoid situations and conduct that could make it difficult to correctly carry out tasks or could harm the interests or image of the INFN and only exercise privileges and public authority for the purposes of general interest for which they were granted;

- Carry out the assigned tasks, focusing on maximising cost-effectiveness, efficiency and efficacy, managing public resources in way that keeps down costs but that does not have a negative impact on the quality of the results.
2. In relationships with the addressees of their actions the aforesaid personnel must also:
- Ensure they are able to be treated equally in respect of the code of conduct with regard to the protection of the dignity of people who work at INFN as adopted by deliberation c.d. 12145 dated 22 December 2011, refraining also from arbitrary actions that could have negative effects on the person targeted by such actions or that would involve discrimination based on gender, nationality, ethnic origin, genetic features, language, religion or beliefs, personal or political convictions, belonging to a national minority, disabilities, social or health conditions, age and sexual orientation or for other reasons;
  - Demonstrate the maximum willingness to work together with other public administrations, ensuring the exchange and transmission of information and data in any form, including via the web, in compliance with current regulations;
  - Demonstrate maximum commitment, motivation and collaboration when working with other national and international scientific institutions within the scope of the relationships defined by Italy and the INFN through specific agreements, conventions and collaborations.

## ARTICLE 4

### *GIFTS, PAYMENTS AND OTHER BENEFITS*

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1. The personnel indicated in art. 2 are obliged to act as follows:
- Not to request, or solicit gifts or other benefits for themselves or for others;
  - Not to accept gifts or other benefits for themselves or for others, unless customary and of a small value and given only occasionally within the scope of normal courtesy and international customs;
  - In any case, regardless of whether or not the circumstance constitutes a crime, not to request gifts or benefits for themselves or for others, not even of a small value as a means of payment to carry out or after having carried out any official duties from individuals who could benefit from decisions or activities inherent to that position, or if they are required to carry out actions with respect to these same individuals involving actions or powers related to their position;
  - Not to directly or indirectly accept gifts or other benefits from a subordinate, for themselves or for others, except if of a small value, as indicated above;
  - Not to directly or indirectly offer gifts or other benefits to a higher ranking employee, except if of a small value, as indicated above;
  - If gifts or other benefits are received that lie outside the scope of the cases permitted by this article, they must be given immediately to the facility Director or, in the case of management at the INFN, to the President so they can be returned or given to charity or used for institutional purposes;
  - Not to accept collaboration assignments from private individuals who have had a significant economic interest in decisions or activities inherent to the institutional activities of the agency within the past two years.
2. For the purpose of this article, a gift or benefit is considered as having a small value if it does not exceed a total of Euro 150 within a calendar year, also including discounts.
3. The facility Director shall make sure that this article is applied correctly in order to conserve the prestige and impartiality of the INFN.

## ARTICLE 5

### *PARTICIPATION IN ASSOCIATIONS AND ORGANISATIONS*

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The personnel indicated in art. 2 are obliged to act as follows:

- Promptly inform their facility Director or, in the case of management at the INFN, the Director General, who will inform the Human Resources Director, if they belong to or are members of any associations or organisations, regardless of their reserved nature or otherwise and with the exclusion of membership in political parties or unions, whose scope of interest could interfere with the performance of their institutional agency work.
- Not to force other employees to join associations or organisations, or exert pressure to do so by promising career advantages or insinuating career disadvantages.

## ARTICLE 6

### *COMMUNICATION OF FINANCIAL INTEREST*

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1. The personnel indicated in art. 2 – upon being assigned to a task and whenever the situations described below have changed – are obliged to inform of all direct or indirect work relationships with private individuals involving any form of retribution that they have or have had in the past three years, specifying:
  - a) If they, or their relatives (up to the second degree), spouse or cohabiting partner still have any financial relationships with the person with whom they had the above mentioned work relationship;
  - b) If these relationships took place or are taking place with individuals who have an interest in activities or decisions related to their position, limited to the matters with which they are entrusted;
2. This information must be provided in writing to the facility Director or, in the case of management at the INFN, to the Director General, who will inform the Human Resources Director.

## ARTICLE 7

### *OBLIGATION TO ABSTAIN*

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1. The personnel indicated in art. 2 are obliged to act as follows:
  - Abstain from making decisions or carrying out activities regarding their own position in situations, also potential situations, of a conflict of interest with their own personal interests, those of their spouse, cohabiting partner, or relatives (to the second degree). A conflict of interest may concern any type of interest, including of a non-financial nature, such as those related to yielding to political pressure or pressure exerted by unions or superiors;
  - Abstain from participating in making decisions or activities that could involve their own interests or the interests of their relatives (to the second degree), spouse or cohabiting partner, or people they see regularly, or with individuals or organisations with which they or their spouse have a pending case or a situation of serious hostility or significant situations involving the borrowing or lending of money, or with individuals or organisations of which they are a tutor, curator, proxy or agent, or agencies, associations (also unrecognised), committees, companies or facilities of which they are a director or manager.
  - Abstain in any other case in which there are serious reasons of convenience.
2. The decision to abstain as well as the relative reasons must be communicated to the facility Director or, in the case of management at the INFN, to the Director General, who will evaluate if it is appropriate to abstain and will then replace the abstaining individual. The decision to abstain must also be communicated to the Human Resources Director, who will record it in a specific file dedicated to abstentions.

## **ARTICLE 8**

### *PREVENTION OF CORRUPTION*

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The personnel indicated in art. 2 are obliged to act as follows:

- Respect the measures that are necessary for preventing offences in the INFN;
- Respect the regulations contained in the corruption prevention plan;
- Collaborate with the person responsible for the prevention of corruption;
- Inform their facility Director or, in the case of management at the INFN; the Director General, without prejudice to the obligation of notifying the legal authorities, of any illicit situations at the INFN of which they become aware. As set forth by art. 54-bis of Legislative Decree no. 165 of 2001 and subsequent additions and amendments, the person reporting the situation can remain anonymous and cannot be punished, fired or directly or indirectly subjected to discriminatory measures that have an impact on his work conditions for reasons directly or indirectly connected to making the report.

## **ARTICLE 9**

### *EMPLOYEES CONVICTED FOR CRIMES AGAINST THE PUBLIC ADMINISTRATION*

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1. The personnel indicated in art. 2 who have been convicted, even if the judgment is not final, or a decree for committal to trial has been issued for crimes against the Public Administration (section I of title II of the second book of the criminal code) are required to communicate this to their facility Director or, in the case of management at the INFN, to the Director General.
2. In that case, the personnel in question are prohibited from:
  - Being part, even as a secretary, of commissions for accessing or selecting public appointments;
  - Being assigned to departments responsible for managing financial resources, purchasing assets, services and supplies as well as the granting or allocation of subsidies, contributions, aid, financial aid or attribution of economic advantages to public and private individuals;
  - Being part of commissions that select the contractor to which work, supplies and services are assigned, for the granting or allocation of subsidies, contributions, aid, financial aid or attribution of economic advantages of any kind.

## **ARTICLE 10**

### *TRANSPARENCY AND TRACEABILITY*

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1. The personnel indicated in art. 2 are obliged to ensure that they fulfil the obligations of transparency with regard to the INFN according to the current regulations, providing maximum collaboration when processing, collecting, transmitting and updating data subjected to the obligation of publication on the institutional website.
2. The decisions made by employees must be traceable, and such traceability must be guaranteed by suitable documentation which makes its replicability possible at any moment.

## **ARTICLE 11**

### *BEHAVIOUR IN PRIVATE RELATIONSHIPS*

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In private relationships, including relationships outside of work with public officials in the performance of their functions, the personnel indicated in art. 2 are obliged to not take advantage or mention the position they have at the INFN in order to obtain undue benefits or behave in a manner that could be harmful to the image of the INFN.

## ARTICLE 12

### *BEHAVIOUR WHILE WORKING*

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The personnel indicated in art. 2 are obliged to act as follows:

- Adopt behaviour of mutual respect and collaboration in the offices and laboratories and with respect to colleagues, avoiding any behaviour that could disturb the necessary atmosphere of calm; if assigned another task, ensure an exchange of information and provide their own skills;
- Without prejudice to respecting the deadlines for an administrative process, not to delay activities or adopt behaviour, without a justified reason, that would pass on the completion of activities or the adoption of decisions for which they are responsible to other employees;
- Use the material and equipment that is available for work reasons as well as the online and telephone services provided in the office in compliance with the obligations defined by the INFN according to the instructions provided;
- Use the vehicles made available by the agency only in order to carry out work tasks, and not to transport other people except for work-related reasons.

## ARTICLE 13

### *EXTERNAL RELATIONSHIPS*

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The personnel indicated in art. 2 are obliged to act as follows:

- Work with a spirit of service, correctness, courtesy and cooperation;
- When responding to letters, telephone calls or e-mails, to work as completely and accurately as possible;
- For matters that are not part of their responsibilities, either owing to their position or to the subject matter, to direct the person concerned to the responsible person or office at the INFN;
- Without prejudice to regulations concerning professional secrecy, to provide any information that is requested regarding their behaviour or the behaviour of other employees in the office for which they are responsible or that they coordinate;
- Without prejudice to the right to express evaluations or spread information to protect union rights, to abstain from making offensive public declarations concerning the INFN;
- Not to take on obligations or provide advanced information about the outcome of decisions or of their own or other people's actions regarding the office, except in the permitted cases;
- Provide all information regarding administrative acts or operations that are on-going or that have been completed in the cases specified by law and regulations regarding access;
- Release copies and excerpts of acts or documents for which they are responsible, according to the methods specified by standards regarding access and by INFN regulations and/or resolutions;
- Comply with the obligation of professional secrecy and the regulations concerning the protection and handling of personal data and, if verbal requests are made to provide non-accessible information, acts, documents that are protected by professional secrecy or by regulations concerning personal data, inform the requesting party of the reasons for which the request cannot be fulfilled.
- If there is no one responsible to take care of the request, to follow the internal provisions to ensure that the request is forwarded to the responsible INFN office.

## ARTICLE 14

### *CONTRACTS AND OTHER NEGOTIATED TRANSACTIONS*

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The personnel indicated in art. 2 are obliged to act as follows:

- When concluding agreements or negotiations and when stipulating contracts on behalf of the INFN, as well as when executing them, and except for the cases in which the INFN decides to resort to professional

intermediation, not to make use of third-party mediation, or pay or promise any benefit for the purpose of intermediation, or for facilitating or having facilitated the conclusion or execution of the contract;

- Not to enter into tender, supply, service, financing or insurance contracts on behalf of the INFN with companies with whom they have entered into any contracts for private reasons or from which they have received other benefits over the past two years, with the exception of those concluded by means of forms that are provided in order to uniformly discipline certain contractual relationships;
- If the INFN enters into tender, supply, service, financing or insurance contracts with companies with which they have entered into any contracts for private reasons or from which they have received other benefits over the past two years, to abstain from participating in making decisions and from other activities related to contract execution, providing a written statement about this abstention, which will be filed among the documents of the Human Resources Director;
- Inform, in writing, the facility Director or, in the case of management at the INFN, the Director General, who will inform the Human Resources Director, of any agreements or negotiations that they have made or contracts they have stipulated for personal reasons, with the exception of those concluded using forms, with individuals or legal entities with whom tender, supply, service, financing or insurance contracts have been concluded over the past two years on behalf of the administration;
- Immediately inform, usually in writing, the facility Director or, in the case of management at the INFN, the Director General, who will inform the Human Resources Director, if they have received verbal or written complaints from individuals or legal entities participating in negotiations that involve the INFN regarding the activities of the office or one of their collaborators.

## ARTICLE 15

### *SPECIAL PROVISIONS FOR MANAGERS OCCUPYING ORGANISATIONAL POSITIONS*

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The Directors of the INFN structures as well as managers and people responsible for departments, services, divisions, functional units at INFN structures are obliged to act as follows:

- Carry out their functions with diligence based on the assigned responsibilities of their position;
- Pursue the assigned objectives and adopt an organisational behaviour suitable for carrying out the task;
- Before taking on the functions, inform the facility Director or, in the case of management at the INFN, the Director General, who will inform the Human Resources Director, of any shares or other financial interests that may put them in a situation of conflict of interest with the public function they carry out;
- Declare whether their relatives (up to the second degree), spouse or cohabitating partner carry out political, professional or economic activities involving frequent contact with the office they are to manage or that involve them in decisions or activities inherent to their position;
- In the cases specified by law, provide information regarding their economic situation and annual tax returns regarding the income subject to personal taxes;
- Inform, in writing, the facility Director or, in the case of management at the INFN, the Director General, who will inform the Human Resources Director, and to abstain from participating in adopting decisions and in the activities relative to executing the contract if the INFN enters into tender, supply, service, financing or insurance contracts with companies with which they have entered into contracts for personal reasons or from which they have received other benefits over the past two years, or if they enter into any agreement or negotiations or stipulate contracts for private reasons, with the exception of those concluded using forms, with individuals or legal entities with whom tender, supply, service, financing or insurance contracts have been concluded over the past two years on behalf of the Institute. The declaration of abstention must be communicated to the Human Resources Director, who will record it in a specific dedicated file;
- Act in a loyal and transparent manner;
- Adopt exemplary and impartial behaviour in relationships with colleagues, collaborators and recipients of administrative actions;



- Make sure that the resources assigned to their office are used for institutional purposes only and never for private reasons;
- Promote the organisational well-being of the structure for which they are responsible, compatibly with the available resources, in order to establish cordial and respectful relationships among collaborators;
- Implement initiatives that promote the circulation of information, training and further training of personnel, the inclusion and valorisation of differences in gender, age and personal conditions;
- Assign a work load taking into account the abilities, aptitudes and professionalism of the available personnel;
- Assign additional tasks based on professionalism and, as far as possible, according to rotation criteria;
- Carry out the assessment of the personnel assigned to the structure for which they are responsible in an impartial manner, observing instructions and the required time periods;
- Take the initiatives required in a timely manner when becoming aware of an offense;
- Start and finish, if it lies within their responsibility, the disciplinary process, or promptly report the offense to the disciplinary authorities, collaborating if necessary;
- Promptly forward the report to the legal authorities in criminal matters or inform the Court of Auditors according to their respective areas of responsibility.
- Upon receiving information regarding an offense by an employee, adopt all the measures envisaged by law so that the person who reported it will be protected and do not unduly reveal his identity during the disciplinary procedures (art. 54-bis Leg. Decree no. 165 dated 2001);
- As far as possible, make sure that the circulation of untrue information regarding the organisation, its activities or public employees is prevented;
- Promote the diffusion of good practices and good examples in order to reinforce a sense of trust towards the INFN;
- Make sure that all newly hired personnel receive suitable information regarding the disciplinary regulations and how the use of INFN resources is regulated.

## ARTICLE 16

### *RESPONSIBILITY OF PERSONNEL RESULTING FROM THE VIOLATION OF THE DUTIES OF THE CODE*

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1. For employees, the violation of the obligations set forth by this Code represents behaviour in contrast with professional obligations. Unless the violation also leads to criminal, civil, administrative or accounting liability of the public employee, this violation will result in disciplinary action, to be determined upon results of the disciplinary process, in compliance with the principles of gradualness and proportion of the sanctions.
2. In order to determine the type and extent of the disciplinary sanction to be concretely applied, the violation will be evaluated in each case with regard to the seriousness of the behaviour and the extent of the damage, also moral, caused to the decorum and prestige of the INFN.
3. The applicable sanctions are those provided by law, regulations and collective contracts, including expulsive sanctions that can only be applied in cases, to be evaluated in relation to the seriousness of the situation, of violation of the provisions regarding gifts (art. 4), upon concurrence of a gift or benefit with a value that cannot be considered modest and the immediate correlation of the latter with the performance of an act or an activity typical of their duties; coercion or pressure made on other employees to join associations, promising career advantages or disadvantages (art. 5, para. 2); conclusion of contracts with companies from which benefits have been received or contracts have been stipulated for private purposes in the past two years (art. 14, para. 2, first sentence); repeated acceptance of assignments from individuals who have had a significant economic interest in the decisions or activities inherent to the position of the employee over the past two years (art. 4, para. 6); or the violation of the obligation of abstention from making decisions in situations of conflict of interest, except for those that are merely potential situations (art. 6, para. 2); for managers, the failure to prevent the circulation of untrue information (art. 13, para. 9, first sentence).

4. The imposition of termination without notice still applies for the cases foreseen by law, regulations and collective contracts.
5. Additional obligations and the resulting case of disciplinary liability of public employees shall still apply as foreseen by law, regulations or collective contracts.
6. For the remaining personnel subject to the application of the code, employment will be terminated in the case of serious violations of the relative obligations according to specific provisions or clauses. Serious violations are those that result in dismissal for employees.
7. Researchers and technicians are not subject to disciplinary sanctions for reasons exclusively related to their professional autonomy in carrying out their research activities.

## ARTICLE 17

### RESPONSIBLE OFFICES

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1. The directors responsible for each INFN structure and the disciplinary proceedings office:
  - Monitor the application of this code within the scope of the human, financial and instrumental resources available under current legislation;
  - Define the training activities regarding transparency and integrity, which make it possible for employees to be fully aware of the contents of the code of conduct, as well as yearly and systematic updates regarding the measures and provisions.
2. The disciplinary proceedings office
  - Carries out disciplinary functions;
  - Updates the code of conduct of the administration;
  - Examines reports regarding the violation of the code of conduct;
  - Collects information regarding ascertained and sanctioned illicit behaviour, ensuring the guarantees specified in art.54-bis of Leg. Decree no. 165 dated 2001;
  - Works in connection with the person responsible for the prevention of corruption (art. 1, para. 7, of Leg. Decree 190 dated 2012);
  - May request the optional opinion of the national anticorruption authorities for the purpose of activating the disciplinary procedure for the violation of the code of conduct;
  - Shall comply with any provisions contained in the corruption prevention plan adopted by the INFN.
3. The person responsible for corruption prevention:
  - Spreads awareness of the code of conduct in the administration;
  - Monitors its implementation on a yearly basis (art. 54, para. 7, Leg. Decree no. 165 dated 2001);
  - Is responsible for the publication of the results of the monitoring on the institutional website and for transmitting these to the national anti-corruption authorities.

## ARTICLE 18

### FINAL PROVISIONS

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1. The person responsible for corruption prevention is responsible for spreading awareness of this Code of Conduct and for publishing it on the institutional website.
2. This code is published in the "Transparent Administration" section. It is also transmitted via e-mail to all the personnel specified in art. 2.
3. Upon signing a work contract or, if that is not the case, upon assignment of tasks, the INFN will provide newly hired personnel, with any type of work contract, with a copy of this Code. In turn, the employees will sign

confirming acknowledgement and awareness of the current corruption prevention plan published on the institutional website.

4. This code enters into force the day following its publication on the INFN institutional website.