

## *Charter of Pisa*

### *Code of conduct for elected or politically appointed officials in local administrations*

#### PRELIMINARY DISPOSTIONS

1. The principles and dispositions of this Code of conduct (from now on: Code) represent specifications of the general obligations of diligence, loyalty, integrity, sincerity, decency, fairness which qualify elected or politically appointed officials in the accomplishment of their duties.

#### IN CASE OF ADOPTION THROUGH ACT BY MAJORS / PRESIDENTS OF PROVINCE / PRESIDENTS OF REGION

2. According to this Code, the term “elected or politically appointed official” is intended as the Major [President of the Province, President of the Region]; Members of local Executive and any employee acting with a direct appointment by the Major [President of the Province, President of the Region] or by the City Executive [Provincial Council, Regional Government], or acting to represent the City Administration [Province, Region] in Authorities, Boards and Public Societies or with public share-holding; City councillors [Province, Region].

This Code is intended to bind the Major [President of the Province, President of the Region] and officials directly appointed by him through a fiduciary mandate, who pre-emptively accepts to respect it. City councillors [Provincial, Regional] may voluntarily adopt this Code through signing it in front of the City Council, or in front of the Major [President of the Province, President of the Region], or at the first convening of the City Council [Province, Region]. The list of those who accepted to respect the principles of the Code will be publicly released by the Major [President of the Province, President of the Region]. To all elected or politically appointed officials will be given a copy of this Code either as a letter or as a certified email.

#### IN CASE OF ADOPTION THROUGH DELIBERATION BY MUNICIPAL/PROVINCE/REGION EXECUTIVE

2. According to this Code, the term “elected or politically appointed official” designs the Major [President of the Province, President of the Region]; Members of the local Executive and any employee acting with a direct appointment by the Major [President of the Province, President of the Region], the City Council [Provincial Council, Regional Council] and by Members of the Local Executive, or acting to represent the City Administration [Province, Region] in Authorities, Boards and public Societies or with public share-holding; City Councillors [Province, Region].

This Code is intended to bind through a fiduciary mandate the Major [President of the Province, President of the Region], Members of Local Executive and other officials directly appointed by him or by the local [City, Provincial, Regional] Executive through a fiduciary mandate. City Councillors (provincial, regional) may voluntarily adopt this Code through signing in front of the City Council [Province, Region]. The list of those who accepted to respect the principles of the Code will be publicly released by the Major [President of the Province, President of the Region]. To all elected or

politically appointed officials will be given a copy of this Code either as a letter or as a certified email.

#### IN CASE OF ADOPTION THROUGH DELIBERATION BY CITY/PROVINCE/REGION COUNCIL

2. According to this Code, the term “elected or politically appointed official” designs the Major [President of the Province, President of the Region]; Members of the local Executive and any official acting with a direct appointment by the Major [President of the Province, President of the Region], by the City Council [Provincial Council, Regional Council] and by Members of the Local Government, or acting to represent the City Administration [Province, Region] in Authorities, Boards and Public Societies or with public share-holding; City Councillors [Province, Region]. This Code binds all the elected or politically appointed officials; to all of them will be given a copy of this Code either as a letter or as a certified email.

#### IN CASE OF VOLUNTARY ADOPTION BY A SINGLE ELECTED OR POLITICALLY APPOINTED OFFICIALS

2. According to this Code, the term “elected or politically appointed official” designs the Major [President of the Province, President of the Region]; Members of the local Government and any employee acting with a direct appointment by the Major [President of the Province, President of the Region], by the City Council [Provincial Council, Regional Council] and by Members of the Local Government, or acting to represent the City Administration [Province, Region] in Authorities, Boards and Public Societies or with Public share-holding; City Councillors [Province, Region].

This Code binds the elected or politically appointed officials who voluntarily adopt this same Code through public signing in front of the City Council [Provincial Council, Regional Council]; in this way they are committed. The list of those who adopted this Code will be made public by the same subscribers of this Code.

To all elected or politically appointed officials will be given a copy of this Code either as a letter or as a certified email.

#### PRINCIPLES

3. Elected or politically appointed officials must adapt their behaviour to the institutional duties of serving the Community with diligence, uprightness and sincerity, by respecting the principles of fair and impartial operating of the administration, and the principles of honour in the fulfilment of public duties as sanctioned by the Art.54 of the Italian Constitution. To this aim, elected or politically appointed officials are committed to carry out their duties by avoiding conducts which may damage public administration’s image and interests.

#### TRANSPARENCY

Besides the commitment of self-denial in the cases prescribed by the law and in those in which there is a direct and personal interest relating to the object of decision, elected or politically appointed officials are committed to:

a. use the right of access to public acts and information only for official purposes and by avoiding any personal advantage or damage towards a third part;

b. grant a full patrimonial transparency by providing, through the publication on the website of the administration, the complete data referring to duties accomplished, salaries, assignments, eventual conflicts of interest as reported by the art.7.

## BANS

### 5. Gifts.

Elected or politically appointed officials can not accept for themselves, their families or similar, any sort of gift exceeding a value of 100€ per-year (quantified as usual value of a Festivity's gift), from any employee of the offices, services or companies controlled by the administration, from private enterprises which manage public services under the authorization of the administration, from private enterprises which have legal agreement as contractors, providers, etc with the public administration; in those situations where the administration had an executive or preliminary role. Elected or politically appointed officials can not accept any sort of advantage / benefit which is un-directly linked to services provided by the public administration itself and the above-said offices.

### 6. Patronage.

Elected or politically appointed officials are committed to favour the general interest, and to avoid any advantage to single person / group of people.

### 7. Conflict of interests.

The following situations are considered conflicts of interests:

a. persistence of private interests of the elected or politically appointed official which may interfere in the process of taking an objective decision by the public administration, by favouring eventual direct or un-direct advantages to the official.

b. persistence of pre-existing business relations or work relations between the elected or politically appointed official and people/organizations which are the object of a decision taken by the public administration, even in those cases where those business/working relations do not create any incompatibility sanctioned by law.

c. persistence of family ties (up to the 4th degree of kinship) with people operating in organizations which are object of the decision taken by the public administration, even in those cases where those business/working relations do not create any incompatibility sanctioned by law.

d. belonging to categories, associations or groups which give a personal advantage to the administrator in the process of taking a decision, even in those cases where this affiliation does not create any incompatibility sanctioned by law.

In case of conflict of interests, even in absence of any law prescription, the elected or politically appointed official must publicly declare such condition, refraining himself from any decision, vote or other acts in the corresponding decision-making process.

### 8. Holding of different mandates.

Elected or politically appointed officials are committed to avoid postponing the application of norms stating the incompatibility between two (or more) different mandates at the same time.

Elected or politically appointed officials are committed to avoid keeping multiple appointments which may unduly interfere with the public mandate they were given.

Elected or politically appointed officials are committed to avoid keeping multiple appointments which may imply a function of control over their administrative activity or which require a direct control by the officials themselves.

### 9. Exercise of discretionary competence.

Elected or politically appointed officials are committed to provide a full public reporting of the decisions taken under a motivational and legal profile. Coherently with the dispositions of the art.6

of this Code, while exercising their discretionary competences, elected or politically appointed officials are committed to avoid receiving a personal advantage, or to favour directly or un-directly any organization.

#### 10. Illicit pressure.

Elected or politically appointed officials are committed to avoid demanding providers, managers and contractors which have worked with the Public Administration, from executing any act which may imply a personal advantage, or which would favour another person or organization.

#### 11. Post-appointment restraints.

Elected or politically appointed officials who exercised authoritative or negotiation power within the public administration in the previous five years cannot be hired by private companies which benefited of the public official's acts for five years after the expiration of their mandates. When the employee does not comply with this rule, the administration will ban for five years those private companies from assigning them contracts, licenses, subsidies, concessions.

### FINANCING OF POLITICAL ACTIVITIES

12. Elected or politically appointed officials can not accept any form of financial support which is not publicly declared, whether direct or un-direct (namely through private associations, trusts, think-thanks or any other board where officials have an executive role). Moreover, elected or politically appointed officials are committed to publish every year all sources of ordinary financing of their political activity.

Elected or politically appointed officials are committed to avoid receiving any form of financial support to their political activities by providers, contractors and managers of public services, nor by private companies which are related to the public administration in quality of providers, contractors and dealers, nor which have demanded or obtained any measure by the public administration in the previous five years within proceedings where officials had an executive or preliminary role.

### 4. DEMOCRATIC DEBATE

Elected or politically appointed officials are committed to have a reasonable conduct in order to build trust and cooperation between citizens and the public administration by being accountable and responsive to citizens' demands to gain access to public administration's data and by favouring the protection of their rights.

While holding a public appointment, elected or politically appointed officials are committed to act impartially, to take decisions with maximum openness, and to repel any illicit pressure also by reporting it to public authorities in defence of the public administration itself. Elected or politically appointed officials can not originate any situation of personal advantage or privilege, nor being favoured by any circumstance. Elected or politically appointed officials are committed to keep a proper behaviour while performing their official appointments and also as state representative .

More precisely:

- a. being respectful of the ideas expressed by other administrators / Members of the Local Government, according to a democratic confrontation;
- b. favouring freedom of speech and expression;
- c. avoiding aggressive or offensive parlance

### PROMOTION OF ETHICS AND OF ACTIVE CITIZENSHIP IN THE ADMINISTRATIVE LIFE

14. Elected or politically appointed officials are committed to promote the circulation of this Code and the awareness of its principles among the citizenry, also through the use of mass-media. Moreover, administrators are committed to encourage the knowledge of Municipality [Province, Region] administrative activity by citizens with appropriate actions and circulation of information.

#### RESPONSABILITY OF OWN ACTIVITY

15. The formal adhesion to this Code represents a mandatory and public commitment taken by elected or politically appointed officials. The Code provides to the public a tool for evaluating the transparency, lawfulness and effectiveness of public administration's activity. Elected or politically appointed officials, through a public presentation of their own actions at least once a year, are accountable for respecting the principles of this Code and to account for the results achieved in their activity compared to their prospected goals. All the documents related to the adhesion to this Code and the fulfilment of duties and prohibitions are published through the public administration's website.

#### RELATIONS WITH CITIZENRY

16. Elected or politically appointed officials are accountable in front of the community during the whole last of their mandates. Elected or politically appointed officials are committed to receive and answer to any reasonable demand or claim by citizens referring to their public activities, and to ensure an effective execution of the public functions and services which they are responsible for. Moreover, elected or politically appointed officials are asked to encourage and to develop any procedure which may favour a full transparency of their activity, of the operations and performance of those public services which they are responsible for.

#### RELATIONS WITH THE PUBLIC ADMINISTRATION

17. Elected or politically appointed officials are committed to implement a recruitment policy lead exclusively by the principles of professional merit and competence and by service's requirements, in the public interests; they are likewise committed to promote the roles and motivation of public administration's personnel and staff, in order to obtain a better performance of the services they are responsible of.

Elected or politically appointed officials are also committed to limit the recourse to external consultants and to collaborators supporting political boards, with the obligation of not bearing on the public budget and by providing a clear motivation for their use. While recruiting new personnel, or in case of internal promotion, administrators are expected to keep objective parameters of selection and judgement, provided with public motivations. Elected or politically appointed officials are committed to respect the duties assigned while they are in charge. Moreover, they are committed to not ask nor demand from public employees the execution or the restraint of any act which may give them a personal advantage (direct or un-direct), or which may give an illicit advantage (direct or un-direct) to companies, people or groups of people.

Elected or politically appointed officials are committed to keep and manage public administration's assets with due diligence and parsimony, to avoid any waste of resources and to spread the knowledge of best practices within public administration's departments.

## APPOINTMENTS IN AUTHORITIES, BOARDS AND PUBLIC SOCIETIES OR WITH PUBLIC SHARE-HOLDING

18. Elected or politically appointed officials are requested to pre-emptively point out a clear volunteer adhesion to this Code by the members who are about to be appointed for positions in Authorities, Boards and Public Societies or with Public Share-holding. After that, elected or politically appointed officials are in charge of watching the adhesion to this Code's principles by the officers who have been officially appointed and, in case of non-compliance, to adopt all the measures which will make them embracing such principles, or to punish any misconduct, as reported by the art.21 of this Code. In case such appointments require a specific technical-expertise, the Public Administration will do a selective recruitment of candidates through the setting up of a special advisory or evaluation committee.

## RELATIONS WITH MASS-MEDIA

19. Elected or politically appointed officials are committed to reply to any proper enquiry by media about the exercise of their public functions, with the exception of classified information and privacy motivation.

Elected or politically appointed officials are expected to adopt any measure which may favour free communication with the media about the performance and the management of those public services and functions which they are responsible for.

## RELATIONS WITH JUDICIAL SYSTEM

20. In case of investigations concerning the activity of the public administration, elected or politically appointed officials are committed to grant their full cooperation to judicial authorities, as well as by all the public administrations officials, by providing them with every information and documentation useful for attorneys and judges' inquiry.

Elected or politically appointed officials are in charge of promoting and ensuring the prompt execution of any disciplinary measures taken against those employees who have been convicted for penal, administrative or accounting violations. Also in case of investigations concerning their own administrative and political activity, elected or politically appointed officials are committed to grant full cooperation to judicial authorities, by avoiding any action which may obstruct their activity, and exposing to the public their own position in front of the charges.

In case they are remanded for trial or indicted for offences related to corruption, bribery, mafia-type association, extortion, money-laundering, waste-smuggling [and of any other crime as reported by the art.1 of the Self-Regulation Code approved by the Italian Parliament's Committee on the Mafia on 02/18/2010], elected or politically appointed officials are bind to resign from their office and to quit their mandates. In case other public officials are remanded for trial for such offences, elected or politically appointed officials are committed to bring their administration into a civil action against them in the corresponding criminal proceedings. In case of confiscated goods to criminal organizations, elected or politically appointed officials are expected to promote their reuse for social issues, also by making public how they will be re-used.

## SANCTIONS IN CASE OF NON-FULFILMENT

21. In case of violation or non-fulfilment of the provisions of this Code, elected or politically appointed officials who are bound to it or subscribed its clauses are committed to adopt all the

measures needed – from a formal admonition of contraveners up to a public censure and to the repeal of the fiduciary mandate – in order to resume the compliance of them. In case of delays or inactivity in taking those measures listed above by the subjects in charge in order to grant the fulfilment, political groups of the City Council [Province, Region], stakeholders, civil society organizations and citizens have to urge the elected or politically appointed officials.

## MODIFICATIONS AND REITERATION OF THE CODE

22. The procedure of modification or integration of the dispositions of this Code, started with a request by public officials, political groups, stakeholders or citizens, should be open for debate and for public involvement. The dispositions of this Code adapt to eventual subsequent legislative and regulative modifications.

Elected or politically appointed officials are committed to favour, within their own area of expertise, integration and coordination of this Code with the plans for transparency and integrity and with those dispositions intended for granting transparency, efficiency, responsibility and integrity of the execution of the public functions.

Elected or politically appointed officials are committed to encourage the adoption or the reiteration of adoption of the Code in the definition of the political agenda and in other formal acts addressing the political programme. In case of procedures of modifications to the Municipality [Province, Region] Statute, elected or politically appointed officials are committed to promote the adoption of the ethical Code within the frame of the Statute itself.

Translated by Alessandro Marchi. First draft to be revised by a native English law expert