

MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

DECREE No 113 of 22 July 2015.

Regulation laying down: "Statute of the Italian Agency for Development Cooperation".

THE MINISTER OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION

IN ACCORDANCE WITH

THE MINISTER OF ECONOMY AND FINANCE

Having regard to Article 87(5) of the Constitution;

Having regard to Article 17 of Law No 125 of 11 August 2014;

Having regard to Presidential Decree No 18 of 5 January 1967;

Having regard to Law No 49 of 26 February 1987 and subsequent amendments and additions;

Having regard to Legislative Decree No 300 of 30 July 1999, and in particular Articles 8, 9, 12 and 13-bis thereof;

Having regard to Presidential Decree No 54 of 1 February 2010;

Having regard to legislative decree n. 123 of 30 June 2011;

Having regard to article 17, paragraph 3, of Law No 400 of 23 August 1988, and subsequent amendments and additions;

Having heard the opinion of the Council of State, expressed by the advisory section for regulatory acts at the meeting of 7 May 2015;

Having obtained the opinion of the competent Parliamentary Committees;

Having regard to the communication to the President of the Council of Ministers dated 16 July 2015, as reported in the DAGL (*Legal and Legislative Affairs Department*) note 0006163 of 22 July 2015;

ADOPTS

the following regulation:

Chapter I

GENERAL PRINCIPLES

Article 1

Scope and definitions

1. This Regulation lays down the statute of the Italian Agency for Development Cooperation and regulates its powers and rules of operation, in accordance with the criteria of effectiveness, economy, unity and transparency of development cooperation interventions.
2. For the purposes of this decree, the following terms have the meaning given below:
 - a) "Law establishing the Agency or the Law": Law No 125 of 11 August 2014 setting out the 'General Framework for International Development Cooperation';
 - b) 'Minister' means Minister of Foreign Affairs and International Cooperation;
 - c) 'Deputy Minister' means the Deputy Minister for Development Cooperation referred to in Article 11 of the Law establishing the Agency;
 - d) 'MAECI': Ministry of Foreign Affairs and International Cooperation referred to in Article 12 of Legislative Decree No 300 of 30 July 1999;
 - e) 'DGCS' means the Directorate-General for Development Cooperation of MAECI, as defined in Article 20 of the Law establishing it;
 - f) "Agency": Italian Agency for Development Cooperation, established by article 17 of the Law establishing it;
 - g) 'Director' means the Director of the Agency referred to in Article 17(5) of the establishing law;
 - h) 'Headquarters abroad' means the foreign offices of the Agency referred to in Article 17(7) of the Law establishing the Agency;
 - i) "Joint Committee" means the Joint Development Cooperation Committee referred to in Article 21 of the Establishing Law;
 - l) 'Heads of Mission' means the Heads of the diplomatic missions referred to in Article 30 of Presidential Decree No 18 of 5 January 1967;
 - m) 'three-year document' means a three-year planning and policy document within the meaning of Article 12 of the Law establishing the Agency;
 - n) 'agreement with the Minister' means an agreement between the Minister and the Director provided for in Article 8(4)(e) of Legislative Decree No 300 of 30 July 1999;
 - o) 'date of full operability' means the date referred to in Article 31(1) of the law establishing the Agency;
 - p) 'accounting regulation' means the internal accounting regulation referred to in Article 17(6) of the Law establishing the Agency;
 - q) 'organisation regulations' means the internal organisation regulations referred to in Article 8(4)(l) of Legislative Decree No 300 of 1999.

Article 2

Purposes

1. The Agency is a legal entity under public law and operates in order to strengthen the efficiency, cost-effectiveness, unity and transparency of Italy's development cooperation policy, aimed at promoting peace and justice through the sustainable and mutually supportive development of peoples and individuals.

2. Without prejudice to the tasks assigned by the law to MAECI, the Agency shall perform the functions and carry out the interventions of development cooperation previously managed by DGCS pursuant to law No 49 of 1987, as well as any other function reported by Article 17 of the Law.

3. The Agency complies with the guidelines set out in the three-year document, the objectives defined in the agreement with the Minister and a plan of action effectiveness, which is also followed by DGCS, approved by the Joint Committee.

4. The Agency shall comply with the principles of participation and structured dialogue with civil society and with the Italian system of development cooperation, as set out in Chapter VI of the Law, in accordance with the responsibilities assigned to the Agency's bodies and to DGCS by the applicable legislation.

Article 3

Policy orientation, governance, control and relationship with MAECI

1. The Minister, assisted by DGCS, shall exercise the powers of policy orientation and control over the Agency provided for by the regulations in force, taking any action or instrumental act to ensure the consistency of the Agency activity with foreign policy and with the provisions of the law in force, adopting, *inter alia*, directives, approving the budget and the final statement in the manner provided for in Article 12 and verifying the achievement of the objectives.

2. The agreement with the Minister complies with Article 8, paragraph 4, letter e), of Legislative Decree No 300 of 30 July 1999 and defines the modalities of cooperation between MAECI and the Agency, without prejudice to the Minister's powers under Article 11 of the Law establishing the Agency. The agreement shall be concluded every three years and may be amended on the basis of a proposal by either party.

Chapter II

ORGANIZATION OF THE AGENCY

Art. 4

General provisions

1. The Agency shall be governed by the Law establishing it, by Legislative Decree No. 300 of 30 July 1999, by this Statute, by the Civil Code and by other regulations relating to public legal entities.

2. The Agency includes:

(a) the Director;

(b) the Steering Committee;

(c) the Board of Auditors.

3. The Agency is supported by the Attorney General's Office under Article 1 of Royal Decree No 1611 of 30 October 1933.
4. The organization rules become effective with the approval of the Minister.
5. On the accounting regulation, the Minister acquires the agreement of the Minister of Economy and Finance.

Article 5

Director

1. The Director represents the Agency, manages its activities and controls them, and is responsible for managing and achieving the objectives assigned to it. He shall, in particular:
 - a) propose the organisation rules for approval by the Minister;
 - b) propose, in consultation with the Minister of Economy and Finance, an accounting regulation for approval by the Minister;
 - c) conclude the agreement with the Minister;
 - d) prepare and submit to the Minister the budget and the final statement;
 - e) without prejudice to the powers assigned to DGCS by the Law, propose to the Joint Committee which initiatives should be approved and inform it of those initiatives on which it has autonomous powers;
 - f) adopt the management actions necessary for achieving the Agency's objectives and, within the framework of the annual programming, exercise the relevant powers of expenditure, without prejudice to the managers' competences and to the limit set by Article 17(6) of the Law;
 - g) promote, coordinate, manage, control and monitor the offices abroad;
 - h) confer executive positions at a non-general level and propose general managers' positions to the Minister;
 - i) assign to managers the objectives to be pursued for the implementation of the programmes and the responsibility for specific projects;
 - l) allocate financial, human and instrumental resources to Heads of Offices and Headquarters abroad;
 - m) manage trade union relations and define policies for incentives, training and management of personnel;
 - n) propose to the Minister the appointment of the members of the Steering Committee, convene and chair its meetings;
 - o) subject to the prior approval of the Joint Committee, in accordance with Article 17, paragraph 7 of the Law, establish or close its offices abroad and determine their territorial scope;
 - (p) ensure the support of the Agency to MAECI in the technical and operational activities provided for in the Law;

(q) perform administrative functions and activities not specifically assigned to the Steering Committee by the regulations in force and by this Statute.

2. The selection for the appointment of the director referred to in Article 17(5) of the Establishing Law shall be governed as follows:

a) the requirements, methods and criteria for determining eligibility referred to in letter d), the terms and methods for submitting applications shall be published in the Official Gazette of the Italian Republic, on the institutional websites of the Presidency of the Council of Ministers and of MAECI and in such a way as to ensure that they are also disseminated internationally;

(b) applications shall be assessed by a committee of at least five members appointed by the Minister in accordance with Article 4 of Presidential Decree No 272 of 24 September 2004; the committee shall comprise at least one general manager or equivalent of MAECI and one university professor in subjects relevant to the Agency's field of activity;

c) the committee may include persons from outside the public administration, with proven experience in the field of development cooperation, identified, even among officials of the European Union or international organisations of which Italy is a member, in compliance with the criteria of transparency and impartiality and who are not members of the political management body of the administration, who do not hold political positions and who are not union representatives or designated by confederations and trade unions or professional associations;

d) the candidates considered suitable on the basis of the documentation attached to the application are admitted to an interview, at the end of which the commission, through the Deputy Minister, formulates to the Minister a reasoned proposal with at least three and no more than five names;

(e) the lists of applicants, interviewees and proposed candidates are published on the institutional website of MAECI.

3. The all-inclusive legal and economic treatment of the Director shall be determined by individual contract, in accordance with Article 19(2) of Legislative Decree No 165 of 30 March 2001. The Minister may, at any time, order the dismissal of the appointment for failure to comply with the general directives and for negative results with respect to the objectives assigned, in accordance with the principles set out in Article 21 of Legislative Decree No 165 of 30 March 2001. The assignment is incompatible with other public or private employment relationships and with any other professional activity. The assignment may not be given to retired persons.

4. If the Director is absent or unavailable, he or she shall be replaced by the senior general executive officer.

Article 6

Steering Committee

1. The Steering Committee meets periodically, is composed of the Director, who chairs it, and four members identified as follows:

a) the two heads of the Agency's structures at senior management level for the duration of their term of office;

b) two other managers of the Agency, one of whom shall be a secretary, appointed by the Minister on a proposal from the Director for a renewable four-year term.

2. The Steering Board shall assist the Director and in particular:

a) make proposals concerning the programming of the Agency's activities;

b) identify measures and initiatives to promote cost-effective management;

c) issue an opinion on the Agency's proposals to the Joint Committee;

d) give its opinion on the agreements with MAECI and other public authorities referred to in Article 17, paragraph 4 of the Law;

e) give an opinion on the proposed draft budget and on the Agency's final statement;

f) give an opinion, at the request of the Minister, on any proposed amendment to this Statute and to the organisational and accounting regulations.

3. Resolutions are approved with the favourable vote of the absolute majority of members.

4. The members of the Board of Auditors may participate in the meetings of the Steering Committee, without voting rights.

5. No compensation, reimbursement of expenses, attendance fee or emolument, however named, shall be payable for participation in the Steering Committee.

Art. 7

Board of Auditors

1. The Board of Auditors shall consist of the Chairperson and two full members, appointed in accordance with Article 17, paragraph 13, letter m), of the Law establishing AICS, and one alternate member, appointed by the Minister.

2. The members are appointed by decree of the Minister, hold office for three years and can be confirmed only once. The allowances of the President and of the full members shall be determined by the Minister in agreement with the Minister of Economy and Finance.

3. The Board of Auditors controls the activities of the Agency in accordance with Legislative Decree No. 123 of 30 June 2011, as well as Articles 2397 *et seq.* of the Italian Civil Code and the accounting regulations, insofar as they are compatible.

Art. 8.

Organisational set-up in Italy

1. The Agency has its headquarters in Rome.

2. The name, organisation and functions of the offices in Italy, consisting of no more than two general management structures at the headquarters, are established by the Director in the organisational regulations.

3. The offices in Italy ensure the technical and administrative support to the Director.

Art. 9.

Offices abroad

1. Under the terms of Article 17, paragraph 7, of the Law, and within the available financial resources, up to thirty offices may be established abroad whose management is entrusted to executive managers or staff referred to in Article 32, paragraph 4, first sentence, of the Law.

2. Up to twenty employees may be sent to foreign offices, according to criteria determined by the Joint Committee, as provided for in Articles 19, paragraph 2 and 32, paragraph 4, first sentence, of the Law. This number may be increased to fifty within the limits of the financial resources actually available within the allocated resources.

3. The competitive procedures for the recruitment of personnel referred to in Article 19, paragraph 6 of the Law, in compliance with the quota provided for therein, shall be governed by the rules applicable to personnel of equivalent qualification in the offices referred to in Article 30 of Presidential Decree No 18 of 5 January 1967.

4. The heads of the foreign offices are accountable to the Director, to whom they report hierarchically, for the use of resources and for achieving the objectives assigned. The Heads of Mission shall exercise, in respect of foreign missions, the functions laid down in Article 37 of Presidential Decree No 18 of 5 January 1967, on the basis of the Agreement with the Minister and the directives issued by the Minister.

5. The offices abroad may be delegated to manage the cooperation initiatives and the relative resources, within the limits provided for by Article 17, paragraph 3, of the Law.

6. Management and financial autonomy and reporting procedures are governed by the accounting regulations, which are based, insofar as they are compatible, on Presidential Decree No. 54 of 1 February 2010, in compliance with the following criteria:

a) the heads of the offices abroad are vested with the powers and responsibilities attributed by the same DPR to the heads of diplomatic mission;

b) the provisional and final balance sheets are simultaneously sent to the Agency's headquarters and to locally competent Heads of Mission, who may send remarks to MAECI within 20 days.

7. In order to strengthen the effectiveness of the interventions carried out by the subjects of the Italian system of cooperation to the development under Chapter VI of the Law, the Agency, through the offices abroad and in agreement with the competent Heads of Mission, promotes at local level periodic meetings or other forms of consultation, coordination and exchange of information with the operators who carry out cooperation initiatives.

8. The Heads of Mission abroad shall abide by the Head of Mission's security guidelines.

Chapter III

STAFFING ARRANGEMENTS

Article 10.

Recruitment and grading of staff

1. The managerial and non-managerial staff of the Agency is subdivided into professional profiles relating to the technical-operational and legal-administrative sectors, identified through decentralized collective bargaining. For access to the technical-operational area, it is an advantage to evaluate the previous work experience in the field of competence and in the context of development cooperation. Article 1, paragraph 1, letter d) of the Decree No 174 of the President of the Council of Ministers of 7 February 1994 does not apply.

2. The procedures referred to in Article 19, paragraph 2, letters c) and d) of the Law shall include tests to establish the ability to perform the duties and knowledge of English. For professional profiles that require a university degree, knowledge of a second foreign language shall also be assessed.

3. The redeployment of staff employed by public administrations within the Agency's staff shall take into account the professional experience gained solely for the purpose of identifying the appropriate professional profile, without prejudice to the contractual and regulatory provisions in force, as well as the area and remuneration bracket to which they belong.

Article 11

Implementation of cooperation initiatives abroad

1. The Agency shall implement and monitor cooperation initiatives on the spot through:

a) its staff for headquarters abroad;

b) sending its own staff or staff from other public administrations on mission;

c) staff not belonging to the public administration by sending them on mission or stipulating private law contracts of fixed duration, governed by local law, in compliance with the fundamental principles of the Italian legal system.

2. The criteria and procedures for the selection of personnel referred to in paragraph 1, letters b) and c), shall be approved by the Joint Committee, on the proposal of the director, on the basis of international standards of effectiveness, efficiency and transparency, within the limits of the time frame and resources allocated for each intervention, in compliance with the principles of publicity, impartiality and equal opportunities. The remuneration of the personnel referred to in paragraph 1, letter c) shall be determined in the same way.

3. For administrative and disciplinary purposes, the personnel referred to in paragraph 1 is under the responsibility of the head of the office abroad with territorial jurisdiction and may not exercise any other professional activity. At any time, the Director may revoke the commencement or continuation of a mission for serious and justified reasons, including those related to relations with local authorities.

Chapter IV

BUDGETARY PROVISIONS

AND ON THE MANAGEMENT OF INTERVENTIONS

Art. 12.

Balance sheet

1. After consulting the Steering Committee and the Board of Auditors, the Director shall forward the budget to the Minister by 31 October each year. By 31 December, after hearing the Minister of Economy and Finance, the Minister approves the budget or returns it to the director, indicating the reasons for the failure to approve it. The Director shall comply with the indications of the Minister, retransmitting the amended budget within thirty days. The accounting regulations define the procedures for authorising the exercise of the provisional budget.

2. By 15 April at the latest, after receiving the opinion of the Steering Board, the Director shall forward the balance sheet for the preceding financial year to the Board of Auditors, which shall examine it within the following 15 days.

3. By 30 April, the Director shall send to the Minister the final accounts, together with the report of the Board of Auditors. After hearing the Minister of Economy and Finance, the Minister approves the final accounts or returns them to the Director, indicating the reasons for the failure to approve them. The Director shall, where possible, reformulate the balance in accordance with the indications of the Minister within thirty days. Failure to approve the final balance sheet is an element of evaluation of the Director's work.

4. In accordance with the rules laid down in the Accounting Regulation, the Director may provide for the accreditation abroad of funds necessary for the implementation of development cooperation initiatives to delegated officials of the Agency or other public administration.

5. The budget and its variations and the final balance shall be published on the Agency's institutional website within five days of its approval.

Article 13.

Financial means of the Agency

1. The Agency shall have the financial means provided for in Article 18, paragraph 2 of the Establishing Law.
2. The funding referred to in Article 18, paragraph 2, letter c) of the Establishing Law shall be divided into three separate chapters in the statement of estimates of MAECI for staff costs, operating costs and interventions.

Article 14

Collaborations with international partners

1. The Agency may implement projects with funding from the European Union, international organisations or foreign States. The provisions of article 5, paragraph 4, article 6, paragraph 3, and article 20, paragraph 2, of the establishing law regarding the conclusion of agreements remain unchanged.
2. If the Agency is delegated to manage funds solely from the budget of the European Union or the European Development Fund (EDF), the relevant European legislation shall apply.
3. The projects referred to in paragraph 1, financing and expenditure relating thereto shall be the subject of separate reporting. The report shall include the origin of the funds, the beneficiaries and the type of expenditure.
4. The Board of Auditors referred to in article 7 shall be responsible for the control of the reporting of directly managed expenditure referred to in paragraph 3.
5. Non-state amounts not used at the end of the assistance shall be paid to the supranational bodies or organisations that are signatories to the agreement.
6. The Agency shall provide other public administrations, including through its headquarters abroad, with technical support and coordination for the management and reporting of projects financed by the European Union, international organisations or foreign States referred to in paragraph 1.

7. The Agency, with the prior authorisation of the Joint Committee, may entrust the implementation of cooperation initiatives to one or more international partners referred to in Article 29 of the Establishing Act, in implementation of agreements entered into pursuant to Articles 5, 6 and 7 of the Institutes Act, which define the procedures for the use of resources and controls on the achievement of objectives.

Article 15

Collaboration with public administrations and with Cassa Depositi e Prestiti S.p.A.

1. The Agency's collaboration with other public administrations is regulated by agreements, laying down the methods of execution, financing of expenses incurred and control of results. The Joint Committee approves agreements for amounts of more than two million euro and is informed of agreements for amounts of less than two million euro.

2. The Director shall make budgetary adjustments in connection with agreements by which other public administrations confer funds on the Agency for the implementation of development cooperation initiatives.

3. Contributions from the Agency for activities promoted by entities referred to in Articles 24 and 25 of the Establishing Law shall be granted on the basis of calls for proposals, published on an indicative annual basis, after approval by the Joint Committee, indicating the resources available and the priorities for action. This is without prejudice to the possibility of entrusting directly to the subjects referred to in Article 24 the implementation of initiatives consisting of collaborations with counterparts from partner countries.

4. The Agency shall ensure, also with the support of its foreign offices, the technical coordination of the actions referred to in this Article and shall assist public administrations in the management of its activities.

5. The agreement referred to in Article 22, paragraph 2 of the law governs the Agency's relations with the company *Cassa Depositi e Prestiti S.p.A.* and defines the procedures for collaboration, consultation, exchange of information and investigation into the financial aspects of cooperation initiatives.

Article 16

Initiatives carried out through profit organisations

1. The Agency may entrust private profit-making entities with the implementation of development cooperation interventions and contribute to development cooperation initiatives promoted by the same entities, in compliance with the purposes of the same law.

2. The Agency promotes innovative forms of partnership aimed at the broadest possible involvement of companies, particularly small and medium-sized, and at supporting the private sector in partner countries.

3. The activities referred to in this article shall in any case comply with the principles and aims of the Law, international standards on human rights, decent work, social responsibility and environmental protection, the rules on public contracts and, in particular, the Code of Public Contracts referred to in Legislative Decree no. 163 of 12 April 2006, as amended and supplemented, and the Code of Conduct referred to in Article 20, without prejudice to the powers of the Joint Committee.

Chapter V

CIVIL SOCIETY ORGANISATIONS

AND OTHER NON-PROFIT ENTITIES

Article 17

List

1. The Agency shall provide for registration on the list referred to in Article 26(3) of the founding law, to be requested by the legal representative of the person concerned, in accordance with the criteria and parameters established by the Joint Committee. The application may also be submitted by entities established under the law of another Member State of the European Union. The Agency shall verify the documentation submitted and ascertain, also by means of inspections at the applicant organisation, that the requirements are met and maintained.
2. For registration on and maintenance of the list referred to in paragraph 1, the Agency shall verify, in accordance with procedures and criteria established by the Joint Committee within six months of the entry into force of this Statute, that the entities referred to in this Article:
 - (a) act in a manner consistent with the principles of the Law establishing the Agency and comply with international standards on human rights, social responsibility and environmental protection;
 - (b) are not liable to the government for certain, liquid and due debts, including debt situations arising from the withdrawal of contributions;
 - (c) have not acted with gross negligence or bad faith in the implementation of projects or in the exercise of their activities;
 - (d) have statutory purposes related to development cooperation.
3. The Agency verifies the maintenance of the eligibility requirements of non-governmental organisations registered with the single registry office of *ONLUS (non-profit organizations)* on the basis of article 32, paragraph 7, of the Law. The Agency shall notify the Revenue Agency of the loss by the organisations referred to in this paragraph of the eligibility or registration requirements for the list referred to in Article 26 of the Law, with a view to their removal from the single registry office of *ONLUS*.

4. The Agency shall verify the performance of development cooperation and international solidarity activities, including abroad, in relation to the application of the tax benefits referred to in article 26, paragraph 5, of the Law, as well as in relation to the maintenance of the necessary requirements for registration in the single registry office of *ONLUS*. To this end, the Agency shall:

- a) notify the Revenue Agency of the entities for which it is found that development cooperation and international solidarity activities have not been carried out;
- b) provide the information requested by the Revenue Agency as part of its day-to-day monitoring activities;
- c) support, within the scope of the activities and purposes set out in the Law, the Revenue Agency in verifying the activities carried out abroad by *ONLUS* and other development cooperation organizations.

Article 18

Concessionary loans

1. The Joint Committee shall establish, as part of the annual planning referred to in Article 21(3) of the Establishing Law, the resources to be allocated, through public comparative procedures, to initiatives promoted by the subjects on the list referred to in Article 26(3) of the Establishing Law, and which:

- a) respect the fundamental principles and aims of the establishing law;
- b) are in line with the general guidelines contained in the three-year document and with the international commitments undertaken by Italy;
- c) provide for the participation of a suitable local counterpart to ensure sustainability;
- d) provide for a financial contribution from the proposer, to an extent established by the Joint Committee.

2. Within six months of the entry into force of this Statute, the Joint Committee, acting on a proposal from the Director, shall approve the procedures referred to in Article 26(4) of the Law in accordance with the following criteria:

- a) after approval by the Joint Committee, which sets out the geographical and sectoral priorities, the Agency shall annually convene one or more procedures for the selection of initiatives in the partner countries and of development information and education projects;
- b) public notices shall define the modalities and deadlines for the submission of projects and the selection procedures;

c) on projects to be carried out in part or totally abroad, the opinion of the heads of mission responsible for the territory on political and security conditions shall be obtained;

d) projects shall be evaluated by a committee, not led by the Director, whose members shall not be entitled to any remuneration, reimbursement of expenses, attendance fees or any other fees;

e) the financing is disbursed on the basis of progress, subject to reporting of actual expenses incurred, or in advance, upon presentation, for the entire amount advanced, of an appropriate guarantee pursuant to Article 113, paragraphs 2, 3 and 4, of Legislative Decree no. 163 of 12 April 2006, as amended;

f) the implementation of the initiatives and the use of the relevant funds shall be reported in descriptive and accounting reports;

g) the Agency shall monitor the implementation of the initiatives and verify the results achieved.

Article 19

Entrusting initiatives

1. Within six months of the entry into force of this Statute, the Joint Committee, acting on a proposal from the Director, shall lay down the conditions and procedures for the selection of the persons referred to in this Chapter to be entrusted with the implementation of development cooperation initiatives, including international emergency action, through public comparative procedures in accordance with the applicable rules and regulations, international standards and the principles referred to in Article 2(1).

Chapter VI

CODE OF CONDUCT AND CONTROLS

Article 20

Code of conduct

1. The Agency shall adopt a code of conduct pursuant to Article 54 of Legislative Decree No 165 of 30 March 2001, which shall be complied with by public and private entities receiving public funding in implementing the initiatives referred to in the law establishing the Agency.

2. On the draft code of conduct, the opinion of the National Council for Development Cooperation is acquired through the MAECI, without prejudice to article 54, paragraph 5, of legislative decree no. 165 of 30 March 2001.

Article 21

Evaluation of cooperation initiatives

1. The MAECI and the Agency shall each year draw up an agreement, approved by the Joint Committee, governing the transfer to the DGCS of the financial resources for carrying out the evaluation programme, defined on the basis of the following principles:

(a) compliance with guidelines, approved by the Joint Committee, governing the use of independent external evaluators with proven experience in the field, in compliance with public procurement rules;

(b) use of a system of indicators to measure the overall social and environmental effectiveness of operations, in compliance with relevant international standards;

(c) consultation of the Agency and the relevant diplomatic delegations;

d) involvement of partner countries;

e) coordination with other donors.

2. The documents referred to in this Article and the results of the evaluations carried out shall be published on the institutional websites of the Agency and of MAECI.

Article 22

Internal controls

1. Internal control activities within the Agency, including those relating to the evaluation of executive staff members, are carried out in accordance with the provisions of Legislative Decree No. 286 of 30 July 1999 and Legislative Decree No. 150 of 27 October 2009, as amended.

2. The Agency shall make use of the independent evaluation body of MAECI.

3. The results of internal control activities shall be forwarded to the Minister.

Chapter VII

TRANSITIONAL AND FINAL PROVISIONS

Article 23

Agency staff

1. The DGCS may authorise the Director, from the date on which his/her individual contract takes effect, to employ the staff referred to in Article 19(2)(a) and (b) of the establishing law, which has expressed, where provided for and in any case in compliance with article 30, paragraph 1, of legislative decree no. 165 of 30 March 2001, the option for the classification in the roles of the Agency. This is without prejudice to the functional requirements for the gradual transfer to the Agency of the functions already assigned to the MAECI and the continuity of the payment for the staff remuneration.

2. Without prejudice to the provisions of article 32, paragraph 4, of the establishing law, the MAECI may accept requests for transfer to the Agency of the experts referred to in article 16, paragraph 1, letters c) and e), of the law of 26 February 1987, no. 49, as from a date prior to the date of full operation.

3. Without prejudice to the provisions of Article 19, paragraph 5, of the Establishing Law, the option for the classification in the Agency of the personnel referred to in Article 19, paragraph 2, letters a) and b), where provided for, can be expressed also after the date of full operation.

Article 24

Staff, tasks and functions already assigned to the Overseas Agronomic Institute

1. By the 30th day prior to the date of full operation, the Director General of the Overseas Agronomic Institute shall submit to the Minister and Director a final report on the results of management and an overview of existing activities, broken down by project implementation, indicating the resources allocated, committed and spent for each of them.

2. From the date of full operation, the bodies of the Overseas Agronomic Institute cease to operate. The organisation regulations provide for the establishment of a structure of a non-general management level with headquarters in Florence in the state property premises already available to the institute itself, whose competences are determined taking into account those exercised on the basis of the previous provisions.

3. The Agency shall take over the implementation of the measures entrusted by the DGCS to the Overseas Agronomic Institute, in accordance with the procedures laid down in the measure adopting them, except for any amendments approved by the Joint Committee on a proposal from the DGCD or the Agency.

Article 25

Harmonisation of ongoing interventions transferred to the Agency

1. From the date on which the Director's individual contract becomes effective, the DGCS carries out activities relating to cooperation initiatives in conjunction with the Director.

2. No later than the 30th day before the date of full operation, the DGCS shall send the Minister and the Director a summary report on the state of play of the running projects which are not expected to be completed by the date of full operation, indicating the resources allocated, committed and expenditure for each of them. Within the next ten days, the Minister shall order the transfer to the Agency of the appropriations necessary for the continuation of the interventions referred to in the previous period, including the funds committed.

3. The measures referred to in paragraph 2, carried out by the persons referred to in Chapters IV and V with even partial financing from the DGCS and the effects of the contracts referred to in Articles 31 and 32 of Law No 49 of 1987 registered before the date of full operation remain governed by the rules in force up to that date. The amendments to the interventions are approved by the Joint Committee. The audit of the administrative and accounting regularity of the operations which continue under the management of the Agency in accordance with paragraph 2 shall be carried out by the Board of Auditors referred to in Article 7. The control of the administrative and accounting regularity of operations completed on the date of full operation shall continue to be carried out by the central budgetary office at the MAECI.

4. In accordance with the procedures laid down by the law establishing the agency, the diplomatic missions and consular offices shall report on the expenditure incurred in application of Law No 49 of 1987, until the date of full operation. Unless otherwise provided by the director, the portions of unspent ministerial funding at the date of full operation as well as the rights and obligations related to ongoing interventions are transferred to the head of the territorially competent office abroad. The transfer of resources is communicated with computer evidence to the MAECI, to the headquarters of the Agency and to the central office of the budget at the MAECI.

5. Unless otherwise provided by the Director, missions in progress on the date of full operation shall continue until the planned end date. Until the adoption of the decision referred to in Article 11(2), and in any case no later than one year after the date on which it becomes fully operational, the Agency shall apply the criteria, selection procedures and provisions relating to the emoluments to which the DGCS is subject.

6. The MAECI shall promote the Agency's accreditation with the European Union and international organisations, including for the performance of projects under co-financing or indirect management.

7. For projects funded by the European Union, international organisations or foreign States, the transfer of responsibilities to the Agency shall be subject to the consent of the funding entities. The MAECI shall ensure the continuity of the interventions in progress on the date of full operation, in accordance with the commitments undertaken before the entry into force of the law establishing the Agency, pursuant to Article 26 of Presidential Decree No 54 of 2010 and Article 11(c) of Legislative Decree No 123 of 2011. Following the Agency's taking over of the interventions referred to in this paragraph, the necessary funds shall be transferred to the Agency by decree of the Minister, in agreement with the Minister of Economy and Finance.

8. The use of the funds transferred to the Agency under this article shall be subject to the system of administrative and accounting regularity checks applicable to the Agency.

Article 26.

Transformation of technical units into offices abroad

1. From the date of full operation, the technical units referred to in Article 13 of Law No 49 of 1987 and the relative branch offices are established as offices abroad and assume the tasks and functions referred to in Article 9, with the transfer of the instrumental resources provided to the aforementioned technical units. The personnel referred to in article 32, paragraph 4, of the founding law in service there, who do not opt to remain in service at the MAECI, retains the position held on the date of full operation. Within the following six months, the persons concerned shall be confirmed or transferred to another position in accordance with the procedures set out in Article 17(8) of the founding law. The personnel referred to in Article 32, paragraph 4, of the Law who opt to remain employed by MAECI shall be called upon by right to work for MAECI from a date no later than the date of full operation.

2. Personnel employed locally pursuant to Article 13(1) of Law No 49 of 1987 and in service on the date of full operation shall be assigned to offices abroad for the duration and under the conditions laid down in the individual employment contract, within the limits referred to in Article 19(6) of the Law. The staff concerned shall maintain their original social security system.

3. The rules governing the transfer of movable property and equipment from the assets of the technical units referred to in paragraph 1 to the assets of the Agency shall be laid down in the accounting rules.

Article 27

Entry into force

1. This Regulation shall enter into force on the day following that of its publication in the Official Gazette.

This Decree, which carries the seal of the Italian State, shall be included in the Official Compendium of Legislative Acts of the Italian Republic. It must be enforced by any person it applies to.

Done in Rome on 22 July 2015

The Minister of Foreign Affairs and International Cooperation

GENTILONI SILVERI

The Minister of Economy and Finance

PADOAN

The Minister of Justice: ORLANDO

Registered at the Board of Auditors on 28 July 2015