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Anti-corruption: a Balance between Prevention and Repression (p. 321)
Raffaele Cantone

In 2012, a new anti-corruption policy was launched that has been unfolding for almost ten years and has profoundly changed the relevant legislation on both the preventive and repressive sides, introducing a framework that has established itself as a model for study even at the international level. The overall assessment of the changes is overall positive because the country has brought itself in line with international standards and equipped itself with rules that, at least in the abstract, appear to be efficient and effective in the fight against corruption and have also yielded good results in improving its international image. The application, however, shows some problems and criticalities, also from the point of view of interpretation, which would need targeted interventions of maintenance of the regulations to ensure greater systematicity to the many rules introduced, especially those related to prevention.

The Weariness with Threatening Criminal Sanctions Vainly (Scattered Notes Ten Years after the 2012 Anti-Corruption Law, so Called Severino Law) (p. 351)
Alberto Di Martino

This article critically reflects on the legislative and applicative trends that have marked the decade following the approval of the 2012 anti-corruption law (the so-called Severino law), with particular reference to the cultural attitudes that have accompanied the reform and with which it has been implemented, especially by case law. In particular, concerning

case law, this paper focuses on methodological issues arising from the distinction – put forward by a leading case of the Court of Cassation – between easy and hard cases and on the abuse of this conceptual pair, as well as on the relationship between abstract rules and concrete cases in the formation of the law in action. Finally, it dwells on one of the most important cultural challenges in the field of corruption, i.e. the need to innovate the collection of empirical data through interdisciplinary synergies. It is proposed, for instance, the institutionalization of analyses and regulatory impact assessments, with adequate training of all those called upon to carry them out, before proceeding with any further legislative initiatives in criminal matters.

Regulation and Anticorruption (p. 395)
Maria De Benedetto

The article critically evaluates the Italian anticorruption regulation ten years after its enactment. Administrative corruption, like other kinds of illicit behaviour, presupposes both the existence and the ineffectiveness of rules and that a regulatory perspective may help prevent corruption and infringements. Since corruption prevention has undesirable side effects, more than additional bureaucracy and sanctions, better regulation may offer the most effective response to corruption. This change in approaching corruption and its prevention suggests working for a systemic vision and integrated regulatory strategies aiming at very early detection and prevention of corruption opportunities provided by rules (i.e. their corruptibility). These strategies include a strong institutional commitment to simplification and quality of regulation, the provision of advocacy powers to anticorruption authorities, and the traceability and transparency of interests in legislation.

Exploring the Dynamics of Compliance With International Recommendations: The Case of Anti-corruption Policy in Italy (p. 433)
Fabrizio Di Mascio

In the context of a serious crisis of the political system's legitimacy, since 2012, the pressure of international organizations has played a sig-

nificant role in Italy, contributing to the introduction of unprecedented tools for preventing corruption. This has largely represented a symbolic response with which the political class has tried to recover credibility, as evidenced by the implementation gap of preventive measures. The article reviews the factors hindering the implementation of international anti-corruption standards in Italy, among which the lack of political incentives and institutional enabling factors stand out. As has also happened in other countries, the partial implementation of the recommendations of international organizations is also due to the typical limits of the action of the latter, which pay little attention to understanding how the diversity of institutional contexts affects the spread of corruption and the capacity to implement prevention measures.

The Anti-corruption Policy and the Narrow Spaces of Reformism (p. 463)
Guido Sirianni

Statute no. 190/2012 represents the pinnacle of the attempt to direct the Italian anti-corruption policy in the public administration in a preventive sense. In order to understand its scope, particularly the causes that have stubbornly prevented its reforming logic from being extended to the behaviour of political personnel, we examine the orientations that have characterized the anti-corruption policy before and after the introduction of statute no. 190/2012, marked by anti-political inspirations and judicial populism.

The National Anti-corruption Authority Ten Years After Act. No. 190 of 2012: Functions, Powers, and Organizational Model (p. 481)
Francesco Merloni

The essay is dedicated to the analysis of the different steps of the story of the progressive organization of the Italian Anti-corruption Authority (ANAC), carried out starting from profiles of the history of the ANAC institution, followed by the analysis of the functions and powers assigned, which allows an evaluation of the relationships between the fundamental functions, the powers and the independent position guaranteed to the Authority. It concludes with the reconstruction of the organizational

model adopted over time, of the formation of the apparatus of officials, in which are combined traits of autonomy and organizational heteronomy, always conditioned by the objective of achieving cost savings. ANAC's creation and development is an illuminating story of the opportunities and difficulties encountered in Italy by those who want to build a modern garrison to prevent corruption, maladministration and transparency.

Conflicts of Interests: Trends and Problems (p. 515)
Angelo Lalli

The article illustrates the most significant developments since the adoption of Law no. 190/2012 on the issue of conflict of interests and the discipline relating to public administration positions. In particular, the relevant concept of conflict of interest and the nature of the defect affecting the act adopted in breach of the prohibition on bringing proceedings in a conflict situation is addressed. Attention shall be paid to the evolution of the supervisory system for the detection of conflicts of interest, with particular reference to the roles of the corruption prevention officer and the ANAC. The issue of conflict of interest of the administrative and supervisory bodies of publicly controlled companies is discussed, and the specific rules governing public contracts are described, together with the new code currently being adopted. Finally, some critical points and gaps are highlighted, and some possible solutions are proposed.

The European Whistleblowing Directive and its Transposition in the Italian Legal System (Statute No. 24/2023) (p. 555)
Marco Magri

The essay provides a critical reflection concerning EU Directive No. 1937/2019 on the protection of persons who report breaches of European Union law, implemented in Italy with D.lgs. 10 March 2023, n. 24. Starting with an overview of the current situation of the transposition procedures in the 27 EU Member States, the contribution addresses the cultural assumptions of the directive and questions the lawfulness of its legal basis, the lack of connection of the model it enshrines with the principles of the two international conventions against corruption imple-

mented by Law 190/2012, as well as the possible (already existing) failure of its function. The conclusions come back to the issue of the "effectiveness" of whistleblowing and the (minority) doctrine on the importance of having it fully established despite the absence of whistleblowers.

The Prevention of Corruption in Public Contracts Ten Years After the Statute No. 190/2012: Evidence of a New Administrative Law (Between Result, Trust and Discretion) (p. 599)
Barbara Boschetti, Nicola Berti

After analyzing the transformative impact of the original matrices of anti-corruption law with respect to the overall Italian administrative system, and the public procurement sector in particular, the article focuses on the corruption prevention strategies pursued by the legislator in and through the regulation of the Public Administration's contractual activities, highlighting their merits and limitations, as well as examining their adequacy in the light of the overall deregulation of tender procedures, already experienced in the emergency context, and destined to consolidate in one with the enhancement of administrative discretionary powers operated by the new Code's scheme.

Ten Years of Administrative Transparency Law: Original Traits, Transformation, and Integration of the Model (p. 635)
Benedetto Ponti

Ten years after the turning point represented by the anti-corruption law (Law No. 190/2012 and Legislative Decree No. 33/2013), developments in the administrative transparency field are analysed in three steps. Firstly, the transparency model set out by that regulation is outlined. Secondly, the paper highlights the subsequent refinements of this model and the most relevant mutations that have occurred to it over the decade. Thirdly, the paper discusses the integration of the model, broadly identifiable with the addition of a further institute of transparency (a FOIA-like right to access to information), which alters the original model not only in its morphology but also concerning its purposes, thus contributing to detaching (the discourse on) transparency from its close relation-

ship with anti-corruption goals. Finally, the essay closes with a look at the main ongoing problems.

The Corruption Prevention Plans: An Evaluation of the Experience (p. 669)
Fabio Monteduro, Mattia Liburdi, Sonia Moi

The Prevention of Corruption and Transparency Plan (PCTP) was one of the fundamental tools created by the Law 6 November 2012, n. 190 before the approval of the decree-law of 9 June 2021, n. 80, which ordered its absorption into the Integrated Plan of Organization and Activities (PIAO). The article intends to evaluate the implementation of PTPCTs over the last decade. Ten years after its approval, it is helpful to understand whether the "quality" of PCTPs has improved. The longitudinal analysis realised on a sample of 190 medium-large municipalities shows an increasing improvement in the ability of sampled organisations to apply the logic of risk management to PCTPs. These results suggest that, on the one hand, complex tools such as PCTPs need time to be understood and used correctly by public organisations; on the other, it seems illogical to "change course" exactly when the implementation capacity has reached a level that would allow the full potential of the PCTPs to be earned.