

Regulations for the authorization to perform extra-FBK activities and hold external appointments

Approved with resolution of the Board of Directors No. 01/22 of January 27, 2022

Art. 1 - Obligation of communication and authorization system connected to outside activities and appointments

As a "private-law entity under public control", Fondazione Bruno Kessler is not subject to the authorization system in place for public administrations in the strict sense. Inspiring its action on principles of transparency and responsibility, it nevertheless remains attentive both to situations of potential conflict of interest and unfair competition, and to the working well-being conditions of employees. From this derives, for its staff, the general obligation to report outside activities and appointments which are subject to an authorization system limited to those situations and conditions that, by virtue of its Statute and related institutional purposes, can create prejudice to the Foundation.

Art. 2 - Definition of outside activities and appointments and scope of application

These Regulations govern the reporting obligation and the authorization system connected to outside activities and appointments of employees with a fixed-term and open-ended employment relationship serving at the Foundation as well as of temporary staff.

All activities, whether paid or free of charge, which - by virtue of a self-employed or subordinate employment contract on behalf of third parties as well as the exercise of entrepreneurial activity - are carried out outside the working hours and are not included in the tasks and duties contractually attributable to the Foundation fall under the category of outside activities and appointments.

The possession of the status of passive shareholder in all forms of profit-making companies is not equated to carrying out entrepreneurial activities.

Art. 3 - Outside activities and appointments and principles of loyalty, fairness and good faith

The reporting obligation and the authorization system connected to the performance of outside activities and appointments are part of the obligations of diligence, loyalty, impartiality and good conduct that qualify the correct fulfillment of duties and find are inspired by the provisions of the Civil Code as well as the Organization Regulations and the Code of Conduct of the Foundation.

In particular, outside activities and appointments must not create situations of conflict of interest, including potential ones, or of competition with the Foundation. When combining with the obligations deriving from the employment contract, these activities and appointments must not be structured in such a way that they will compromise the mental or physical energies and personal integrity of the individuals concerned.

When holding outside activities and appointments, the staff of the Foundation as well as temp workers shall comply with the confidentiality obligation. Therefore, no technical, scientific, commercial, corporate, financial or any other information belonging to the Foundation with which the worker has become acquainted, directly or indirectly, may be disclosed.

Art. 4 - Outside activities and appointments not subject to authorization, but only to reporting obligation

For the outside activities and appointments listed below, the authorization system provides only for mandatory communication, which shall occur within the terms set forth in Article 6 of these Regulations. This list includes: teaching activities; research or study project evaluation activities; participation in personnel selection or technical evaluation committees; participation in conferences and seminars; political or trade union offices.

Appointments made by the Foundation make communication by the individual concerned unnecessary.

Joining political, trade union, volunteer, sporting or cultural organizations or associations as well as participation in related activities are free and do not require reporting to the Foundation.

Art. 5 - Outside activities and appointments for which authorization is required

The performance of outside activities and appointments not included in the list of article 4 of these Regulations must be communicated in advance by the employees of the Foundation, as well as by personnel hired through temporary work agencies, and authorized according to the procedure referred to in article 6.

In the event of self-employment activities requiring a VAT number, the obligation of communication and the authorization system referred to in these Regulations must be considered as applicable both for obtaining a VAT number and for each activity or appointment afforded.

Art. 6 - Communication and authorization procedures

The procedures for communication and/or the request for authorization to perform/hold outside activities/appointments referred to in these Regulations shall be initiated well in advance and in any case before their start date by the staff concerned via the Foundation's electronic systems dedicated thereto.

Each application is guided and supported by the dedicated system along a process that sees the preliminary verification of formal correctness by the Human Resources Service.

In cases where the application requires authorization, in addition to the above verification, the procedure provides for the informed authorization by the applicant's immediate supervisor, which can be followed by a thorough examination to rule out situations of conflict of interest, competition or conditions contrary to working well-being.

To the end of conducting the above thorough examination, specific information may be requested by the Human Resources Service.

From the time of application formalization, the above process shall be concluded with a formal outcome within 15 working days.

If authorization is not granted, the worker is not allowed to perform the outside activities or accept the outside appointment object of the request.

The authorization process allows, where reasons are provided, for the possibility for the applicant who is not satisfied with the denial of the authorization, an additional verification by the Secretary General. The final decision by the Secretary General shall be made and advanced within and no later than 15 working days.

Art. 7 - Checks and sanctions

Failure to comply with these Regulations, including the omission or falsification of elements concerning outside activities and appointments, constitutes a breach of contract. In addition to contractual liability, failure to comply with these Regulations can lead to situations that can integrate cases of extra-contractual offense.

In order to ensure compliance with these regulations, the Foundation reserves the right to carry out random checks on the regular performance of outside activities and appointments covered by these Regulations.

Art. 8 - Publication obligation

Authorized outside activities and appointments are published in the "Transparent Administration" section of the Foundation's institutional website pursuant to the article 18 of Legislative Decree No. 33/2013.

Art. 9 - Effective date

These Regulations shall enter into force on February 1, 2022.

Art. 10 - Transitional rule

To comply with the provisions of these Regulations, outside activities and appointments already granted and still in place at the time of its entry into force must be resubmitted by the persons directly concerned by February 28, 2022.

Failure to comply with this requirement shall result in the situation set out in article 7 and as such it will be dealt with by the Foundation.

Read and approved by the Board of Directors on January 27, 2022