



# *Agenzia Nazionale per i Servizi Sanitari Regionali*

REGULATION FOR THE FUNCTIONING, MAINTENANCE AND UPDATING OF THE LIST OF THE AGENAS INTERNATIONAL EXPERTS AND COLLABORATORS AND FOR THE RULES OF THE PROCEDURES OF CONFERRING APPOINTMENTS

## **GENERAL PROVISIONS**

### **Art.1 Objective and scope of application**

1.The present application controls the functioning, maintenance and updating of the list of the AGENAS international experts and collaborators established through the public notice “CALL FOR EXPRESSION OF INTEREST FOR INTERNATIONAL EXPERTS AND COLLABORATORS OF THE NATIONAL AGENCY FOR REGIONAL HEALTH SERVICES (AGENAS)”.

2.The provisions of the present regulation also control, in accordance with art.7, sub-sections 6, 6 bis, 6 ter and 6 quater of the D.Lgs165/2001 and of art.2222 and subsequent c.c., as well as what is provided for in article 19 of the legislative decree of 28 June 2012, no.106 and of arts. 9,10 and 11 of the current AGENAS Regulation in force, the procedures for the conferment of individual appointments having as the objective intellectual professional services with independent work contracts in the form of occasional services, of coordinated and continuous collaboration (co.co.co.), of external professional appointment subject to IVA, of professional services in accordance with arts. 2222-2238 of the civil code; as well as complying with further norms where compatible.

3.The conferment of appointments to external subjects other than performing occasional services occurs in the scope of a program, of a project and/or a Convention and Protocols of agreement whose realization and definition are attributed to the competence of AGENAS.

### **Art.2 Accreditation procedure for enrolment in the list of the AGENAS international experts and collaborators.**

1.The list of the AGENAS international experts and collaborators is established through a public notice and aimed at the eventual conferment of appointments in respect of the principles of transparency, rotation and equal treatment, as well as bearing in mind accrued experience and a high level of professionalism, to fulfil

specific requirements which are not possible to face with the existing workforce at AGENAS to achieve specific goals in the field of research and European and international cooperation.

2. Enrolment in the List of the AGENAS international experts and collaborators does not necessarily and automatically imply conferment of appointment.

3. The enrolment in the List has a duration of eighteen months and is preceded by suitable procedure of accreditation.

4. The notice for the accreditation procedure in order to enroll in the List is made public through publication on the AGENAS website ([www.agenas.it](http://www.agenas.it)) and the sending of it to the main European counterparts of the Agency, in order to agree to the publication on the respective portals. The Director General can decide on other forms of notice.

5. The notice, whose deadline cannot be less than 20 days from the date of publication on the AGENAS site, must contain the Agency's scope of activities and the general conditions to obtain accreditation.

To apply to the List, those interested must send to the address [protocollo@agenas.it](mailto:protocollo@agenas.it), in electronic format, their curriculum vitae in English in europass format, a letter of motivation in English and a copy of their identity document.

At the end of the procedure the candidates will receive confirmation via mail of the registration of the application.

The Agency reserves the right to close the notice at any time, it being understood that the Agency is obliged to inform the public about the closing date of the call through its website, with advanced notice of at least seven days.

6. Once the period to apply has expired, the Director General nominates an appraisal commission that upon assignment provides the criteria to effect the selection of curricula reached and to verify the subsistence of the requisites for registration to the List. Such verification can also be followed by an interview in order to ascertain the techno-operative competencies and attitudes of the applicants. At any rate, it remains the responsibility of the applicant to supply the appraisal commission with all the necessary information and documentation for verifying the requisites and veracity of the information declared.

7. Once the selection process has ended, the commission draws up a report and sends such documentation to the Director General, who authorises the lists of suitable candidates for registration to the List.

8. The List will, as a rule, be re-opened every 18 months through appropriate public notice, in order to permit the accreditation of new applicants.

## **PROCEDURE FOR THE CONFERMENT OF APPOINTMENT**

### **Art.3 Requirements for the conferment of appointments**

1. As well as that provided for in arts.9, 10 and 11 of the applicable regulations on administration and staff of AGENAS, individual appointments can be conferred through autonomous work contracts, of occasional or coordinated and continuous nature, to professionals of the European and international sector when the following requirements are met:

- preliminary ascertainment on the part of the manager in charge of the request of the impartial impossibility of using the human resources available within AGENAS;
- ascertainment of the conformity between the objectives of specific and determined projects and the typology of the required services which, in order to be carried out, require the contribution of specific knowledge or specialized professionalisms;
- temporariness of the performance and preventive definitions of duration, place, purpose and compensation;
- proportionality and congruity between the compensation and services rendered;
- accomplishment of selective, suitable, comparative procedure for the conferment of collaboration appointment.

### **Art. 4 Modes of conferment and selection of the international experts and collaborators.**

1.Regarding that provided in arts.9, 10 and 11of the regulations on administration and staff of AGENAS, the selection of the international experts and collaborators occurs according to the following procedure:

- a)The candidates for selection are chosen drawing on the professionalism present in the List of the AGENAS international experts and collaborators and the Register established with the Resolution of the C. of A. no.22 of December 2014 and whose criteria for constitution, management and related use are applied in respect of that prescribed in art.7, sub-section 6 of the D. Lgs no.165/2001;
- b)The manager in charge of the request or the Director General, in the case of specific programs, conventions and research projects which need the support of personnel with specific knowledge of the sector, determines the specific technical requisites necessary for the development of the activities and, in case the request is made by the manager in charge of the request, the latter sends a suitable note to the Director General for the authorization of the starting of the procedure. The Director General, subject to verification from the Administrative offices on the availability of financial resources, forwards a request to an appraisal

commission appointed for this purpose.

c)the said commission then simultaneously proceeds to consult the electronic List of the international experts and collaborators of AGENAS and the Register established with the resolution of the C. of A. no.22 of 20 December 2014; electronically, the data is worked out and a list of names that possess the requisites is determined;

d)Subsequently the commission, having evaluated the selected curricula and had an individual interview, even by using electronic means, in order to prove the techno-practical knowledge, besides characteristic attitudes, sends the evaluation report to the Director General for its administrative perfecting.

2.The appointment is conferred with the resolution of the Director General, to which follows the related stipulation of the contract.

#### **Art.5 Impedimentary causes to the conferment of appointment**

1.Appointments cannot be conferred:

a) to those guilty of grave negligence, delays or non-performance, duly contested, in preceding appointment procedures conferred by AGENAS;

b) to those who find themselves in conditions from which special dispositions lead to a prohibition of conferring appointments and to those who, for particular circumstances, would possibly be in conflict of interest with AGENAS regarding the development of performance;

c) to the public dependents who may not have obtained permission to the appointment from the administration to which they belong, if provided for.

d) to those who have had sentence passed on them in judgement, including the application for sentence on request, or other criminal proceedings or where there were interdictory sanctions regarding prohibition of contracting with the Public Administration or that have criminal proceedings pending in Italy or abroad;

e) to those that have ongoing disputes with AGENAS;

f) to those who over the past three years have taken on appointments implying the exercise of authoritative or negotiable powers on behalf of public administration with regard to AGENAS.

#### **Art.6 Renewal and extension**

1. The automatic renewal of contracts is forbidden. Contracts stipulated in violation of the above-mentioned prohibition are null.
2. AGENAS can extend, where motivated interest is recognised, the duration of the contract only in order to complete projects and for delays not attributable to professionals or collaborators, it being understood that the initial compensation is fixed for the projects. The extension must be formalised in an additional contract to the original.

#### **Art. 7 Verification of the implementation and good outcome of the appointment**

1. The manager in charge periodically verifies the correct development of the appointment, particularly when its realization is coupled with phases of development, by verifying the coherence of the results obtained against the assigned objectives.
2. Where the performance results of the external collaborator do not conform to the requisites of the appointment conferred, or where they may be unsatisfactory overall, the manager in charge can ask the appointed subject to integrate the results within a period established by the same manager.
3. If, after such a request, the results are unsatisfactory or only partially satisfactory, the manager in charge suspends the liquidation of the compensation or asks AGENAS to provide for the liquidation of a part of the compensation originally established.

#### **Art. 8 Compensation**

1. The compensation due to the professional/collaborator is determined on the basis of the characteristics of the activities to be carried out, of the professional capacity necessary and of the commitment required, as well as according to the activity which is the subject of the appointment, of the quantity and quality of the activity and of the possible use of personal means and tools by the collaborator, in relation to compensations remunerated by AGENAS, for performances of equal value, as well as the remunerative value of the market, given the need for the compensation to be in proportion to the activity to be carried out, as well as the benefits attained by the Administration.
2. The compensation is delivered on presentation of the relevant explanatory note signed by the expert/collaborator for the services rendered and following the documented verification, from the manager responsible, of the exactitude of the service, according to the terms of the contract. Where provided in the applicable norm to the typology of the undersigned contract, the presentation of the relevant fiscal documentation (invoice, debit note or equipollent document) is also requested, for the purpose of payment .
3. No remuneration, however denominated, is due to the collaborators at the end of the working relationship.

## **Art.9 Contracts**

1.The contract must be drawn up in writing and signed in full by both parties on each part which the document is composed of.

2.The contract must have the following minimum content:

- a) contracting parties;
- b) subject of the collaboration (detailed description of the purposes and of the content of the required services);
- c) duration of the contract with indication of the initial and final term of the contract;
- d) extent, form and times of payment of the remuneration;
- e) place and form of the completion of the activity;
- f) the responsible to whom is entrusted the control of carrying out the contract and the related report;
- g) the responsibility of the professional/collaborator to present a related explicatory note of the services rendered and provision of the relative fiscal documentation (invoice, debit note or equipollent document);
- h) acquisition in property and full and exclusive use by AGENAS of the task's results;
- i) contractual expenses and fiscal charges to the charge of the provider;
- l) the provision of a settlement and/or possible penalty clause for delays in the completion of services;
- m) the possibility of ending the relationship early, without pre-notification, if the professional/ collaborator does not perform the activity according to the given directives and/or does not do what was stipulated, liquidating the collaborator himself in relation to the state of progress of the service;
- n) the provision of a competent forum in the case of controversy, excluding recourse to arbitral competence;
- o) the provision that suspensions of services on the part of the collaborator carry the suspension of payment of the respective contractual independently of the motivation;
- p) communication in accordance with privacy regulations;

q) declaration of having read and accepted the code of conduct of AGENAS together with the present regulation and signature of the modules on confidentiality and on conflict of interest;

r) the signature of the Director General, the Manager in charge and the appointee.

3.The Administration and the expert/collaborator, for their respective areas of responsibility, see to the social security and professional fulfillments inherent to the formalization of the working relationship.

#### **Art.10 Postponement**

1.For the items not directly provided for in the present regulation, refer to the civil code, as well as all the other norms of law in matter, where compatible.

#### **Art. 11 Publishing of the appointments conferred**

1. AGENAS makes known the appointments conferred in the following manners:

-in accordance with art.53, paragraph 14, of the D. Lgs. 165/2001, by six-monthly communication to the responsible Department of the Presidency of the Council of Ministers, of the list of external collaborators and of the subjects which have been entrusted appointments of consultation, for the Register of the services;

-in accordance with the combined disposition of art.53, paragraph 14, of the D.Lgs. no. 165/2001 and of art.3, paragraphs 18 and 54, of the Law no. 244/2007, and in respect of that provided in art. 15 of the D.Lgs no.33/2013, through timely publication, as a condition of efficacy of the relative contracts, in the dedicated section of the institutional website, of the details of the provisions of entrusting the appointments completed with the references indicative of the collaborator, of the subject of the task, of the compensation and of the duration.

2.The dates as published above will be available on the website at least from the day preceding the starting of the contract and for the whole duration of the task and, thus, for the whole year in which the act has been adopted.

