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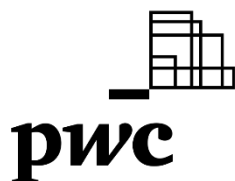


# Italy

## COUNTRY PROFILE – Benchmarking of national policy frameworks for innovation procurement

This is the country profile of Italy in the 2024 Europe wide benchmarking of national policy frameworks for innovation procurement. It is based on the most recent available data: Indicators 1 to 10 reflect the status of national policies that support innovation procurement at the end of 2023. The part of indicator 10 that uses data from the EU single market scoreboard uses the 2022 data from that scoreboard.

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# Italy



## 1. National policy framework for innovation procurement

### Governance and legal framework

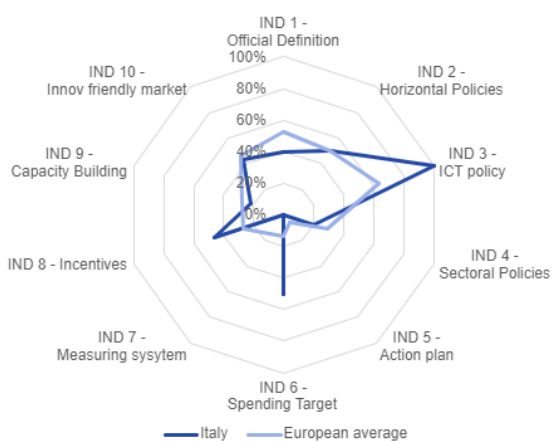
Legislative Decree no 36/2023<sup>1</sup> (the Public Procurement Code) regulates all non-defence procurements that are above and below EU thresholds whilst Legislative Decree no 208/2011<sup>2</sup> regulates defence procurements.

The **Ministry of Infrastructure and Transport**<sup>3</sup> introduced new provisions in Law no. 36/2023 procurement code to reinforce strategic investments in innovation and research. The **Ministry of Economic Development**<sup>4</sup>, the **Ministry of Universities and Research**<sup>5</sup>, the **Ministry for Technological Innovation and Digital Transition**<sup>6</sup> also promote innovation procurement. Over the years, the Public Procurement Code has been supplemented by implementing regulations, including ministerial decrees and guidelines issued by the **National Anti-Corruption Authority (ANAC)**<sup>7</sup>.

Public procurement in Italy is decentralised across more than 20000 contracting authorities, of which local and regional ones represent the predominant share (88%) of the procurement expenditure in the country.<sup>8</sup> There are 31 **central purchasing bodies at regional and local level** and a **national central purchasing body (CONSIP)**<sup>9</sup> that operates mainly in the ICT, mobility and energy sectors and assists the Ministry of Economy and Finance in the implementation of the programs for the rationalization of the country's public spending. All these decentralised and centralised entities can implement innovation procurements in their own field of work.

### Innovation Procurement Policy Framework Benchmarking (2024)

In the benchmarking of national innovation procurement policy frameworks across Europe, Italy is at the 13<sup>th</sup> position of the overall ranking with a total score of 37.05%. Even though this score is higher than in the previous benchmarking (32.5%), Italy remained in the same position as other countries improved their policy frameworks faster. The country's performance is above the European average on 3 of the 10 indicators. Out of the 30 countries analysed, Italy is one of the modest performers in implementing a mix of policy measures for mainstreaming innovation procurement. As Italy has put in place only around one third (37.05%) of the policy measures that stimulate innovation procurement, a considerable strengthening of the policy framework for innovation procurement is still required in Italy for it to realize its full potential.



#### Strengths

Strong support for innovation procurement from the ICT and R&I policies. Northern regions show the way forward, with strategic planning, spending targets, financial incentives and capacity building for all public buyers.

#### Weaknesses

Absence of a national action plan, monitoring system, national incentives for public buyers. Attempt to centralise execution of innovation procurements at national level is not popular. Low level of national capacity building and assistance for public buyers. Most sectoral policies do not promote innovation procurement yet. Reinforcing support in policies for strategic technologies and financial incentives for R&D procurements in key technologies and sensitive sectors could help boost strategic autonomy. Lack of IPR policy that fosters innovation in public procurement. Unsatisfactory level of competition and transparency of procurement market.

<sup>1</sup> <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2023-03-31:36>

<sup>2</sup> <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2011-11-15:208>

<sup>3</sup> <https://www.governo.it/it/ministeri/ministero-delle-infrastrutture-e-dei-trasporti>

<sup>4</sup> Currently named "Ministero delle Imprese e del Made in Italy" link: <https://www.mimit.gov.it/it/>

<sup>5</sup> <https://www.mur.gov.it/it>

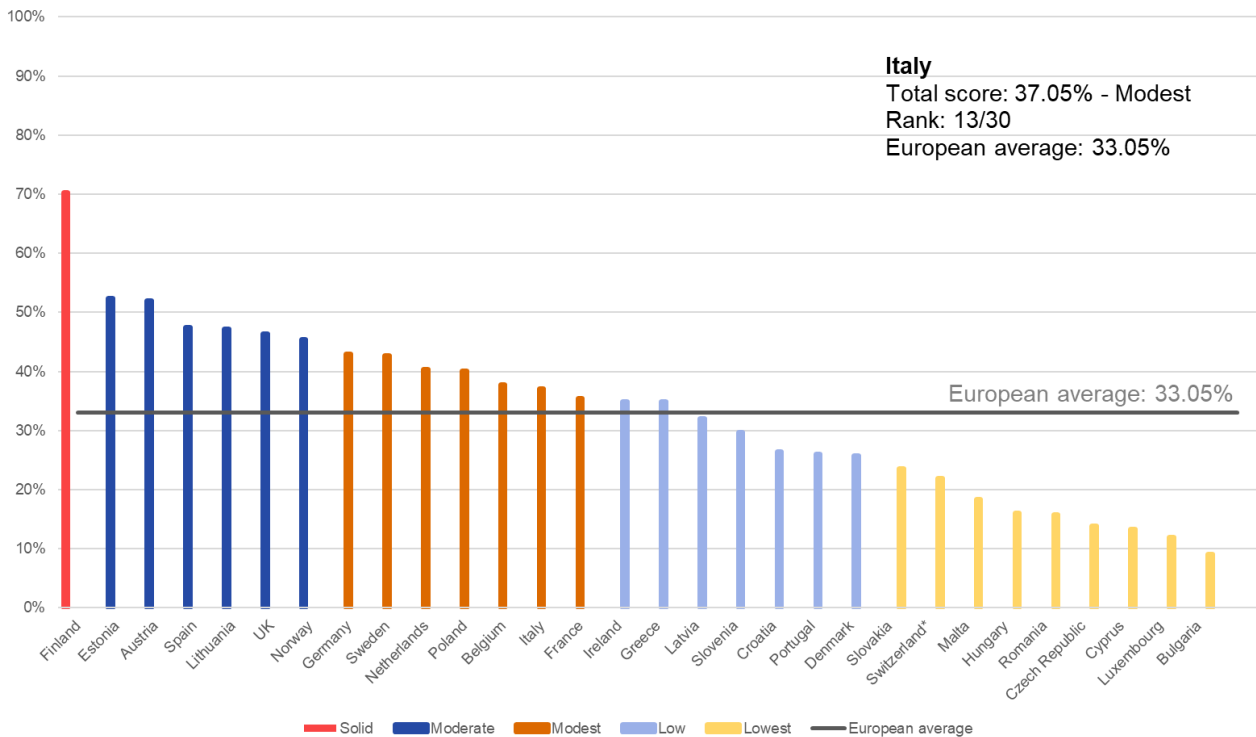
<sup>6</sup> <https://www.governo.it/it/ministeri/ministro-l-innovazione-tecnologica-e-la-transizione-digitale>

<sup>7</sup> <https://www.anticorruzione.it/>

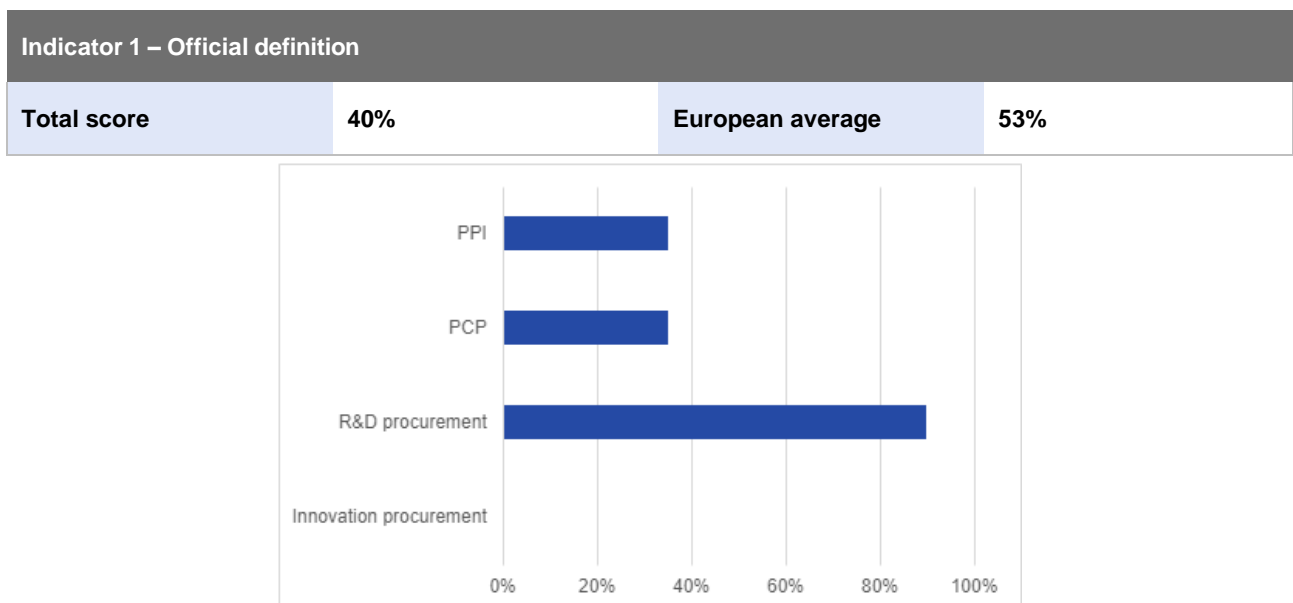
<sup>8</sup> <https://www.anticorruzione.it/-/il-mercato-dei-contratti-pubblici-analisi-provinciale-2021-2022>

<sup>9</sup> <https://www.consip.it/>

### Overall ranking



### Overview per indicator



Italian public procurement law provides the legal basis for all types of public procurers to implement all types of innovation procurement (including R&D procurement, PCP and PPI), but provides only a definition for Research and Development (R&D) procurement.

There is no definition for **innovation** in the context of public procurement or **innovation procurement** in the No. 36/2023 Public Procurement Code or in official guidance. Therefore, the score for sub-indicator innovation procurement definition is 0%, which is a decrease compared to the first benchmarking, as there used to be a definition for innovation in the previous public procurement code No. 50/2016.

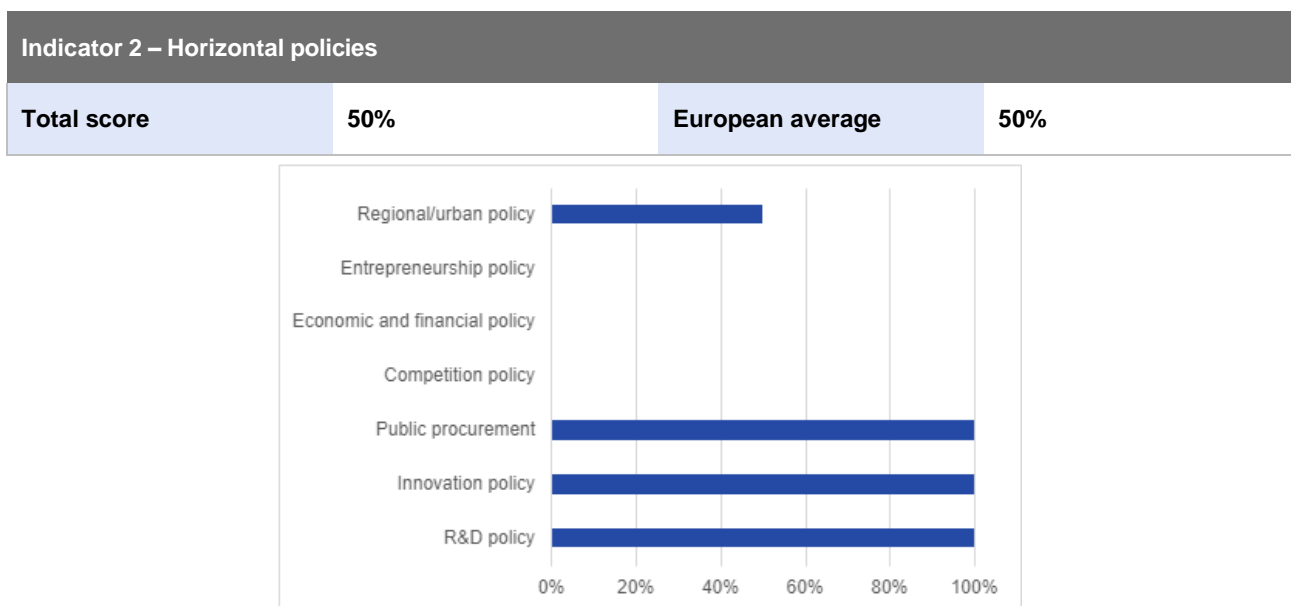
Article 135 (Annex II.19) of the Public Procurement Code No. 36/2023 for non-defence procurement does not provide a definition for research and development but provides a legal basis for **R&D procurement** by listing it as procurement with CVP codes for fundamental research, industrial research and experimental development. However, the Defence Procurement Code 208/2011 does provide a full definition of R&D: "all activities including basic research, applied

research and experimental development which includes activity based on existing knowledge obtained from research and practical experience, with a view to starting the production of new materials, products or devices, the implementation of new processes, systems and services or to significantly improve those that already exist. Experimental development may include the creation of technology demonstrators, i.e. devices that allow the performance of a new concept or technology to be demonstrated in a suitable or representative environment. Research and development does not include the construction and qualification of pre-production prototypes, industrial equipment and engineering, industrial design or manufacturing.” As this definition is in line with the EU definition but only applicable to the defence sector, the score for the sub-indicator R&D procurement definition is 90%.

Art 135.2 of the Public Procurement Code No. 36/2023 provides a legal basis for implementing **PCP** as R&D services procurements in which: “1) the results do not belong exclusively to the contracting authority, which uses them in the exercise of its activity, 2) the service is not fully paid by the contracting authority, 3) the need cannot be satisfied by using solutions already available on the market.” This legal basis is in line with the EU definition and applicable countrywide. As there is only a legal basis, but no official definition for PCP, the score for this sub-indicator is 35%. However, in a document 2025 Strategy for Technological Innovation and Digitalisation of the Country<sup>10</sup> of the Ministry for Technological Innovation and Digitalisation, there is a proposal to change future national legislation on PCP, in derogation from the Public Procurement Code, to allow administrations to acquire digital products and services rather than R&D services.

There is no definition of **PPI** in the public procurement code No. 36/2023 or official guidelines, but the code provides the legal basis for procuring innovative solutions using any public procurement procedure. Article 108.2 (c) and (f) specify that in the case of buying products, services or works with an innovative character, the procurer may not award contracts based on lowest price only but must award contracts based on best price/quality ratio. As this legal basis is in line with the EU legislation and applicable country wide, the score for indicator PPI definition is 35%.

The total score for this indicator is 40%, which indicates a significant decrease compared to the 65% score in the previous benchmarking when the previous Procurement Code No. 50/2016 still provided a definition of innovation and a definition of PCP that referred to COM 799 (2007). There is room for future improvement as the performance is still below the European average (53%) and far below the top performing country on this indicator, Lithuania, which scores 76%.



There are four horizontal policies in Italy which embed innovation procurement into their strategic goals: public procurement, R&D, innovation and regional policy.

Boosting research and innovation is a strategic pillar<sup>11</sup> in the **public procurement strategy** that steered the public procurement reform in 2023. New provisions introduce the mandatory use of value for money criteria instead of lowest price only criteria for innovation procurements, simplification of the procedures for the competitive dialogue and for procurements for health and social care innovation, provisions for pre-commercial procurements and innovation partnerships. As this procurement policy is applicable country wide, the score for sub-indicator **public procurement policy** is 100%.

<sup>10</sup> <https://assets.innovazione.gov.it/1609253177-midbook2025.pdf>

<sup>11</sup> <https://www.bing.com/ck/a?!&p=cf8474ac1eefd420JmltdHM9MTcwODM4NzlwMCZpZ3VpZD0wYWRjMDk0ZS1mNWM1LTU1MmYtMmI0My0xYTAzZjQ4ZDY0ZmEmaV5zaVQ9NTE5OQ&ptn=3&ver=2&hsh=3&fclid=0adc094e-f5c5-651f-2b43-1a03f48d64fa&psq=strategie+riforma+appalti+pubblici+italia+innovazione&u=a1aHR0cHM6Ly9lYy5ldXJvcGEuZXUvZG9jc3Jvb20vZG9jdW1lbnRzLzE1NTI3L2F0dGJfG1lbnRzLzEvdHJhbnNsYXRpb25zL2I0L3JlbnRpdGlvbnMvbmF0aXZlI&ntb=1>

In addition, in 2020, the Ministry of Economy (MISE), the Ministry of University and Research (MUR), and the Ministry of Innovation and Digitalisation (MID) signed a **Memorandum of Understanding for the implementation of an innovation policy based on public demand**. In the MoU (Article 1) they “recognise public demand as a significant strategic lever for the innovation of the country”. In Article 2 they agree to collaborate closely to: “1. direct public procurement not only towards savings objectives, but also to implement a strategic vision of stimulating research and innovation in a competitive market based on quality and not just on price. 2. to support public authorities that intend to use public procurement strategically to stimulate the generation and diffusion of innovation to address key social challenges. 3. to encourage initiatives aimed at encouraging the participation of startups and innovative small and medium-sized enterprises in public procurement. 4. to stimulate the potential of public demand also as a resource for stimulating public research.” The **2021-2027 National Research Plan**<sup>12</sup> also refers to the smart procurement objectives of the MoU and highlights specific research-intensive areas where there is significant public demand for high tech solutions, such as robotics in health, intelligent data, high tech industrial manufacturing products, sustainable mobility, climate change, decarbonisation, energy management and critical materials. As these R&D&I policies are applicable country wide, the scores for the sub-indicators **R&D policy** and **innovation policy** are both 100%.

**Italy’s 2021-2027 Smart Specialisation Strategy**<sup>13</sup> highlights the need to stimulate public demand for innovative solutions and refers to contributing to the objectives of the 2025 strategy for technological innovation and digitalisation of the country in this field. Its objectives also include assisting SMEs in participating in the European, national and regional procurements and better matching demand with supply for innovative solutions. In practice, not all regions in Italy are planning budget that incentivises public buyers in their region to implement innovation procurements (only Lombardy Region, Sardinia Region, Valle D’Aosta Region). Therefore, the score for the sub-indicator for **regional policy** is 50%.

The total score for this indicator is 50%, which is an increase in comparison with the 14% score in the previous benchmarking. The score is exactly on the European average (50%) but there is room for future improvement as the score is significantly below the top performing countries, Norway, Estonia and Finland, which score 86% on this indicator.

| Indicator 3 – ICT policies |             |                         |            |
|----------------------------|-------------|-------------------------|------------|
| <b>Total score</b>         | <b>100%</b> | <b>European average</b> | <b>63%</b> |

The **Three-Year Plan for IT in the Public Administration**<sup>14</sup> converts the national strategy for the digital transformation of public administrations into operational objectives and expected results for public administrations. The 2022-2024 plan, Under the chapter 7, ‘Lever for innovation’, mentions that: “*innovation procurement and open innovation must be used synergistically with the dual purpose of accelerating the digital transformation of the public administration and creating new innovation markets*” and “*increase the percentage of SMEs and startups participating in innovation procurements.*” The 2024-2026 plan<sup>15</sup> continues to support this objective to foster innovation procurement. The three-year plan is prepared every two years by Agid (the Italian Digitalisation Agency) and the Ministry’s Department for Digital Transformation, and defines the lines of action, including innovative physical infrastructures and digital solutions that need to be procured. Consip, as the Central Purchasing Body, makes available to public administrations (mainly at the national level) the procurement tools suitable for the implementation of those digital transformation projects, the so-called “Strategic Tenders for the digital transformation of the PA”. The program includes the purchase of innovative digital solutions, including advanced cloud services, cybersecurity, data management, telemedicine and energy management solutions, whose adoption can be accelerated by the massive public purchase. The total value of centralized purchases for digital transformation is over EUR 8 billion.

For what regards encouraging the use of innovation procurement to accelerate the uptake and reinforce EU strategic autonomy for strategic ICT technologies:

Italy’s **Artificial Intelligence Strategic Program 2022-2024**<sup>16</sup> foresees an action to support the growth of innovative spin-offs and start-ups through public demand. Italy’s **National cybersecurity strategy 2022-2026**<sup>17</sup>, Italy’s **National quantum initiative** funded by the EU recovery and resilience fund and Italy’s **National Chips Act**<sup>18</sup> do not encourage public buyers in the country to use innovation procurements.

The national ICT policy in the country and some policies for specific strategic ICT technologies (for AI) directly endorse innovation procurement among their strategic tools and objectives, making the total score for this indicator 100%. In comparison with the previous benchmarking, the total score remained unchanged. The performance is above the European average (63%). However, Italy can further improve in the future as its policies for specific strategic ICT technologies do not embrace innovation procurement yet.

<sup>12</sup> <https://www.mur.gov.it/sites/default/files/2021-01/Pnr2021-27.pdf>

<sup>13</sup> [https://politichecoesione.governo.it/media/2917/la-buona-governance-della-snsi-2021\\_2027.pdf](https://politichecoesione.governo.it/media/2917/la-buona-governance-della-snsi-2021_2027.pdf)

<sup>14</sup> <https://www.agid.gov.it/it/agenzia/piano-triennale>

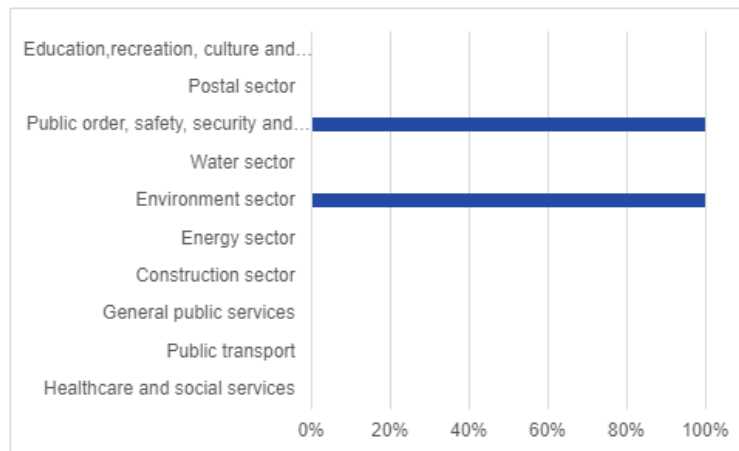
<sup>15</sup> [https://www.agid.gov.it/sites/default/files/repository\\_files/piano\\_triennale\\_per\\_linformatica\\_nella\\_pa\\_2024-2026.pdf](https://www.agid.gov.it/sites/default/files/repository_files/piano_triennale_per_linformatica_nella_pa_2024-2026.pdf)

<sup>16</sup> <https://docs.italia.it/italia/mid/programma-strategico-nazionale-per-intelligenza-artificiale-en-docs/en/bozza/executive-summary.html>

<sup>17</sup> [https://ccdcoe.org/uploads/2018/10/ACN\\_EN\\_Strategia.pdf](https://ccdcoe.org/uploads/2018/10/ACN_EN_Strategia.pdf)

<sup>18</sup> <https://www.investinitaly.gov.it/en/sectors/microelectronics-semiconductors#p2583>

| Indicator 4 – Sectoral policies |            |                         |            |
|---------------------------------|------------|-------------------------|------------|
| <b>Total score</b>              | <b>20%</b> | <b>European average</b> | <b>30%</b> |



Two sectoral policies recognise the strategic importance of innovation procurement: environmental and defence policy.

Italy's **National Bioeconomy Strategy**<sup>19</sup> emphasises that “Actions such as public procurement play a decisive role in the demand for new products and services, and hence for the associated innovations and technological developments.” It includes measures to “explore demand-side innovation policy tools such as standardization, to implement strict targets for the separate collection of organic waste, labelling, and public procurement. Stimulating demand for Bioeconomy products and services through enforcing green public procurement”. Italy's **National Green Public Procurement (GPP) Action Plan**<sup>20</sup> recognises that “GPP is a major instrument not only for environmental policies but also for the promotion of technological innovation, contributing to the achievement of the objectives of the European Union policies on competitiveness. It promotes the spread of an environmental mentality in both the supply and the demand market. It encourages companies to invest in R&D and to propose ecologically innovatory solutions that can meet the needs of the public-sector contracting entity or specific demands or for submitting more competitive tenders in response to performance requirements. Public demand may be a major factor in directing the supplier towards ecological innovation.” It explains that in order to achieve this goal, public buyers should use functional specifications instead of prescribing cut-and-dry solutions and use criteria that stimulate environmental innovation in the procured goods or services or in the production methods of the supplier. It announces that Consip will be asked to promote experimental GPP projects that stimulate innovation and R&D. Thus, the score for **environmental policy** is 100%.

In the **defence field**, the Ministry of Defence (MoD) published in 2022 the **2022-2024 Annual Programmatic Document for Defence**<sup>21</sup>. It highlights the need for faster adoption of new, highly innovative, and high-performance technological equipment to increase the effectiveness of military operations. It refers also to the **National Plan for Military Research**<sup>22</sup> that plans R&D acquisitions for military purposes. The MoD purchases of technological R&D services are aimed at laying the foundations for the acquisition of future innovative solutions of strategic interest for defence and the Armed Forces. Therefore, the score for **defence policy** is 100%.

The two sectoral policies that recognise the strategic importance of innovation procurement are applicable countrywide. Therefore, the total score for this indicator is 20%, marking an improvement in comparison with the 0% score in the previous benchmarking. There is room for future improvement as the score is below the European average (30%) and significantly below the top performing countries, Norway, Estonia and Finland, which score 86% on this indicator.

| Indicator 5 – Action plan |           |                         |           |
|---------------------------|-----------|-------------------------|-----------|
| <b>Total score</b>        | <b>0%</b> | <b>European average</b> | <b>6%</b> |

There is still no dedicated national action plan for innovation procurement in Italy that engages all national, regional and local policy makers and public procurers across the country to mobilise sufficient resources and commitments from public buyers in all sectors to implement innovation procurements. Therefore, the score for this indicator is still 0%, as in the previous benchmarking. The performance is below the European average (6%) and well below the top performing country, Finland, which scores 69% on this indicator.

<sup>19</sup> [https://cnbbsv.palazzochigi.it/media/1774/bit\\_en\\_2019\\_02.pdf](https://cnbbsv.palazzochigi.it/media/1774/bit_en_2019_02.pdf)

<sup>20</sup> [https://www.mase.gov.it/sites/default/files/archivio/allegati/GPP/all.to\\_21\\_PAN\\_GPP\\_definitivo\\_EN.pdf](https://www.mase.gov.it/sites/default/files/archivio/allegati/GPP/all.to_21_PAN_GPP_definitivo_EN.pdf)

<sup>21</sup> [https://www.difesa.it/assets/allegati/30714/dpp\\_2022\\_2024.pdf](https://www.difesa.it/assets/allegati/30714/dpp_2022_2024.pdf)

<sup>22</sup> <https://www.assonime.it/Stampa/Documents/Panel%20-%20Bertagna.pdf>

| Indicator 6 – Spending target |            |                         |            |
|-------------------------------|------------|-------------------------|------------|
| <b>Total score</b>            | <b>50%</b> | <b>European average</b> | <b>14%</b> |

Currently, there is **no specific spending target at national level** for innovation procurement that is applicable to all types of procurement and to all types of procurers in the country across all domains of public sector activity. However, Italy is working on a national target for the future: the country has set an **objective<sup>23</sup> to increase the amount of innovation procurements in the country by 10% every year, from 2025 onwards**. It is currently defining (measuring) the innovation procurement expenditure for 2024, in order to use that as a baseline for activating the target from 2025 onwards. As the target becomes only active in 2025, it does not count yet for the scoring in this benchmarking.

There is however a **regional target in Lombardy Region’s Research and Innovation Law<sup>24</sup>**, which specifies that at least 3% of the resources annually spent for the purchase of goods and services from the region’s public bodies should be allocated on innovation public procurement, including the purchase of innovative solutions and green solutions emerged from research and development (through pre-commercial procurement). The target covers all types of innovation procurement but is not broken down into a separate target for R&D procurement and PPI procurements. As it is also a non-binding target that is not applicable country wide but only in one region, the score for this indicator is 50%, similar as in the previous benchmarking. The performance is above the European average (14%). However, there is room for future improvement as the performance is still significantly below the top performing country, Poland, which scores 80% on this indicator.

| Indicator 7 – Monitoring system |           |                         |            |
|---------------------------------|-----------|-------------------------|------------|
| <b>Total score</b>              | <b>0%</b> | <b>European average</b> | <b>15%</b> |

In the field of **expenditure measurement**, in June 2018, Agid commissioned a one-time monitoring exercise for measuring the amount of “first mover” contracts (research contracts) from the Italian National Research Council. It concluded that resources allocated to R&D in Italy are far less spent than in other Western European countries, both in absolute values and in relation to GDP. However, this was only a one monitoring exercise.

Italy has an effective centralised procurement monitoring system, managed by ANAC, the National Authority on public contracts. The national register contains data of over 58 million procedures. Currently, the register does not allow to automatically identify innovation procurements and distinguish them from non-innovation procurements. However, the feasibility of systematizing the measurement of innovation procurement expenditure using the national register is under evaluation and appears to be a concrete possibility.

However, as there is currently no systematic **expenditure measurement system for innovation procurement** in place, the score for this sub-indicator is 0%.

Italy also does not have a systematic approach for **evaluating the impacts of completed innovation procurements**.

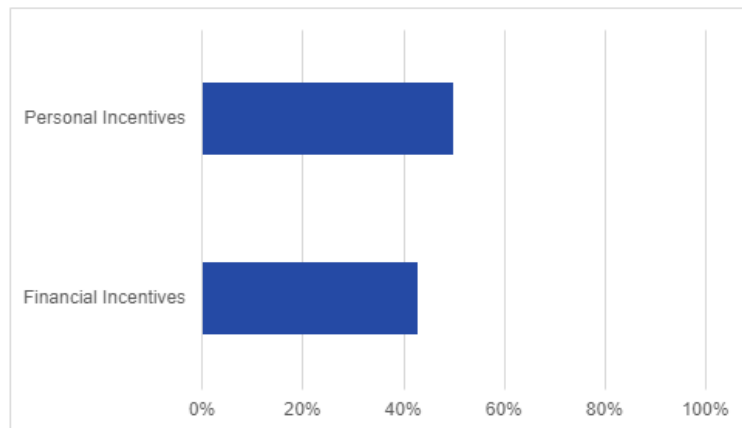
As a result, the total score for the indicator monitoring system is 0%, which is the same as in the previous benchmarking. The performance is below the European average (15%) and significantly below the top performing countries: Estonia and Poland which score highest (100%) on the first sub-indicator for having the most comprehensive expenditure measurement systems and Finland and Austria which score highest (50%) on the second sub-indicator for their impact evaluation systems.

<sup>23</sup> The objective regarding activating the target is defined in measure RA2.2.3 in the 2024-2026 Three year national IT plan for public administrations. Ibid 15

<sup>24</sup> The target is in regional law n.29/2016 on R&I: <https://www.openinnovation.regione.lombardia.it/it/contesto-strategico/la-legge>



| Indicator 8 – Incentives |            |                         |            |
|--------------------------|------------|-------------------------|------------|
| <b>Total score</b>       | <b>46%</b> | <b>European average</b> | <b>27%</b> |



**At national level**, the Department of Digital Transformation of the Council of Ministers, the Ministry for Research, the Ministry for Entrepreneurship and Made in Italy finance together the **“Smarter Italy” programme**<sup>25</sup>. It provides EUR 90 million for innovation procurements that address procurement needs of smart cities focusing specifically on the following public sector domains: public transport (smart mobility for improving urban transportation services for people and goods), education, recreation, culture and religion (for economic and touristic enhancement of historically and artistically significant areas), healthcare and social services (to enhance citizens' physical and mental well-being), and environmental protection. However, this programme only provides financial support to the Italian Digitalisation Agency (Agid) to act as innovation broker, facilitating networking between the demand and supply side. It does not provide financial incentives to public procurers around Italy to implement their own innovation procurements. This is evidenced by the fact that the **Innovation Procurement portal**<sup>26</sup>, managed by AgID, has published several market consultations but only very few actual innovation procurements financed by these types of central programmes. Therefore, this does not count towards the score for the sub-indicator financial incentives.

**At regional level**, Lombardy and Sardinia provide **financial incentives from ERDF funding** to public procurers in those regions that encourage them to implement innovation procurements. Both regions have managed and planned calls for interest to collect innovation needs from public procurers in their region. On the basis of their needs, the innovation gaps are assessed (TRLs) as a pre-condition to select the suitable type of innovation procurement actions to be implemented under the Operational Regional Program ERDF 2021-2027 (Action 1.1.3).

As a result, financial incentives are not offered to public procurers countrywide, but are only offered to procurers in some regions, and therefore not able to mainstream innovation procurement widely across the country. As these regional incentives are open to all types of innovation procurement (both R&D and PPI procurements), but only available for ESIF co-financed projects, the score for the sub-indicator **financial incentives** is 43%.

**No personal incentives** have been identified nationwide. However, in Lombardy, there are bonuses for public servants related to achieving the objectives of Lombardy's regional policy on innovation procurement, including Lombardy's 3% regional target for innovation procurement, which is also included in the career objectives. As these incentives are not applicable countrywide, the score for the sub-indicator **personal incentives** is 50%.

The total score for the indicator is 46%, same as in the previous benchmarking. The performance is above the European average (27%). However, there is room for future improvement for developing both financial and personal incentives as the performance on this indicator is still below the top performing countries Lithuania, Finland, Spain and Austria which all score more than 50% on the indicator.

<sup>25</sup> [https://smarteritaly.agid.gov.it/wp-content/uploads/2023/03/00-SMIT-PE\\_17052021\\_v2\\_0\\_NoE\\_full-1.pdf](https://smarteritaly.agid.gov.it/wp-content/uploads/2023/03/00-SMIT-PE_17052021_v2_0_NoE_full-1.pdf)

<sup>26</sup> <https://appaltinnovativi.gov.it>

| Indicator 9 – Capacity building and assistance measures |           |   |                  |  |   |   |                 |
|---|-----------|---|------------------|--|---|---|-----------------|
| Total score   | 22%       |   | European average |  | 28%   |   |                 |
|   | Existence | Connection with relevant international/EU initiatives | Free of charge   | Covering all aspects and types of innovation procurement | Available and applicable to all public procurers in the country | Mainstreaming Innovation procurement at a large scale | Sub-total score |
| Central website   | ✓         |   | ✓                |  | ✓   |   | 50%             |
| Good practices  |           |   |                  |  |   |   | 0%              |
| Trainings/workshops                                     | ✓         | ✓   |                  | ✓  |   |   | 50%             |
| Handbooks/guidelines                                    |           |   |                  |  |   |   | 0%              |
| Assistance to public procurers                          | ✓         |   | ✓                | ✓  |   |   | 50%             |
| Template tender documents                               |           |   |                  |  |   |   | 0%              |
| Coordination/pre-approval                               |           |   |                  |  |   |   | 0%              |
| Networking of procurers                                 |           |   |                  |  |   |   | 0%              |
| One-stop-shop /Competence centre                        | ✓         |   | ✓                | ✓  |   |   | 50%             |

One new development in Italy since the previous benchmarking has been the introduction of the **Innovation Procurement portal**<sup>27</sup> managed by the Italian Digitalisation Agency (AgID). The portal works as a website providing information on past and current innovation needs, market consultations and calls for tenders for innovation procurements launched and managed by Italian procurers, with the aim to inspire other procurers to undertake innovation procurements and facilitate advertisement of procurement business opportunities to suppliers. However, the information is not up to date: the latest call for tender published on the portal dates from 2022. Also, there is no information about the status and results of innovation procurements managed by AgID (which are only 3 procurements according to the website) and the examples provided on the portal are not always considerable as good practices. The portal centralises access to relevant information, such as documentation on norms, official communications and EU guidelines on innovation procurement, innovation procurement related programs at the European, national and regional level, as well as to other activities on Open Innovation in Italy. However, there is very limited information on international initiatives in other countries and available information on EU programmes is incomplete and outdated. Therefore, the score for the sub-indicator **central website** is 50%.

The portal has links to the EU guidelines on implementing innovation procurement in line with the EU public procurement Directives, but there are **no national guidelines** on how to implement innovation procurement in line with the Italian public procurement law. Some links to resources are also not working (e.g. the link to the Italian Guide on how to implement PCP in Italy). Therefore, the score for sub-indicator **guidelines** is 0%.

The portal also offers a channel of informative videos on topics related to the digitalisation of the public administration, including videos on innovation procurements in the ICT field.<sup>28</sup> In addition, the 'Resources' section of the website<sup>29</sup> forwards to innovation procurement trainings in the form of toolkits, recorded webinars and e-learnings provided by EAFIP (European Assistance for Innovation Procurement). There are some old links to **trainings** and webinars by AgID itself, however, there have been no such trainings or webinars published since the previous benchmarking. The latest training/webinar listed on the site dates from 2019.

At the national level, Consip participated in Procure2Innovate network,<sup>30</sup> the European network of national competence centres, to provide "consulting and assistance in procuring goods and services for public administrations. In fact, the company is especially active as a central purchasing body. Other activities for Consip include managing complex and innovative projects in the sphere of public administration and supporting individual public administrations throughout

<sup>27</sup> <https://appaltinnovativi.gov.it>

<sup>28</sup> <https://www.youtube.com/playlist?list=PL8wCcbvx01fCwFoiXQICwB6WqZcUowcAH>

<sup>29</sup> <https://appaltinnovativi.gov.it/risorse/>

<sup>30</sup> <https://procure2innovate.eu/italy/>

procurement processes". Via its web portal, Consip provides some **training** and promotes awareness raising sessions and events,<sup>31</sup> even if these trainings do not seem to be specifically focused on innovation procurement.<sup>32</sup>

Since 2016, the University of Turin, the National Anti-Corruption Authority (ANAC) and the National School for Public Administration (SNA) offer a **training on innovation procurement**<sup>33</sup>, in which a specific module is dedicated to innovation procurement and EU policies. As the training has been sustained for 8 years now and included public sector officials from across the country, it can be considered as a structural measure for training public administrations across the country. However, the training is not scaled-up in a widespread way, therefore, the score for the sub-indicator **trainings** is 50%.

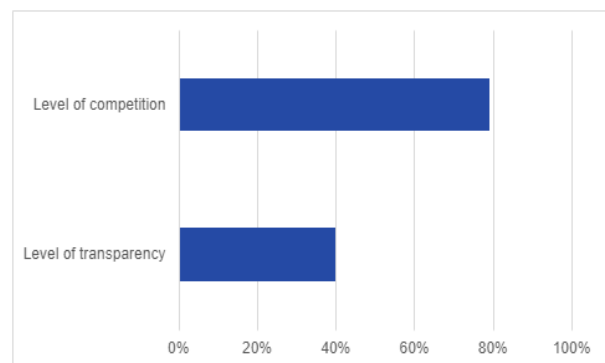
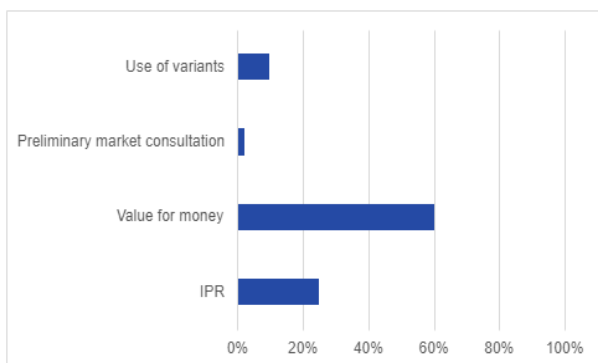
For some national funding programmes (see indicator 8), AgID can act as an innovation broker, facilitating the networking between the demand and supply side. However, these activities are not structured initiatives that enable networking of public procurers, sharing experiences and implementing innovation procurements. Therefore, the score for sub-indicators **networking of procurers** and **coordination** is 0%.

There are **regional competence centres on innovation procurement** (in Lombardy<sup>34</sup> and Sardinia<sup>35</sup>) that provide a set of capacity building measures, including sharing information, advice and assistance to procurers in their region in preparing innovation procurements. These one-stop-shops are not in a systematic way interconnected with competence centres on innovation procurement in other countries and their services are limited to their region. Additionally, they are not mainstreaming innovation procurement widely across the whole country. Therefore, the score for the sub-indicators **competence centre** and **assistance** is 50%.

A score of 0% is assigned also to the sub-indicators **coordination/pre-approval** and **template tender documents**, since no relevant activities in this sense were identified as part of the capacity building activities for innovation procurement.

Overall, the score for this indicator is 22%, marking an increase compared to 7% in the previous benchmarking, mainly thanks to more regional competence centres becoming active in Italy. There is room for future improvement as the performance is below the European average (28%) and still far below the top performing countries Austria and Norway which both score 65% on the indicator.

| Indicator 10 – Innovation friendly public procurement market              |            |  |            |
|---|------------|--|------------|
| <b>Total score</b>  | <b>42%</b> | <b>European average</b>  | <b>46%</b> |
| I - Specific techniques to foster innovation in public procurement market |            | II - Openness of national public procurement to innovations from across the EU single market |            |



This indicator synthesises to what extent the national public procurement market encourages the implementation of innovation procurement. It is composed by two sub-indicators measuring:

**I. The use of specific techniques to foster innovation in public procurement in Italy**

**II. The openness of the national public procurement market to innovations from across the EU single market**

<sup>31</sup> [https://www.acquistinretepa.it/opencms/opencms/supporto\\_Eventi-Formazione.html](https://www.acquistinretepa.it/opencms/opencms/supporto_Eventi-Formazione.html)

<sup>32</sup> [https://wiki.acquistinretepa.it/index.php/Pagina\\_principale#Guide\\_varie](https://wiki.acquistinretepa.it/index.php/Pagina_principale#Guide_varie)

<sup>33</sup> Post-graduate training on Innovation Procurement in the II level Master "Strategie per l'efficienza, l'integrità e l'innovazione nei contratti pubblici" managed by Dipartimento di Management of Torino University, Autorità Nazionale Anticorruzione (ANAC), Scuola Nazionale. More info at: <https://www.unito.it/ugov/degree/40657> and at [https://www.unito.it/comunicati\\_stampa/efficienza-integrita-e-innovazione-nei-contratti-pubblici-unito-anac-e-sna10](https://www.unito.it/comunicati_stampa/efficienza-integrita-e-innovazione-nei-contratti-pubblici-unito-anac-e-sna10) and [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=301483](http://www.wipo.int/wipolex/en/text.jsp?file_id=301483)

<sup>34</sup> Struttura Investimenti per la ricerca, l'innovazione e il trasferimento tecnologico Direzione Generale Università, Ricerca, Innovazione di Regione Lombardia

<sup>35</sup> <https://www.sardegnaricerche.it/index.php?xsl=376&s=13&v=9&c=93641&nc=1>

With regard to the **sub-indicator I**, Italy shows the following evidence:

- a. **IPR default regime:** The score for this sub-indicator is 25%, which is below the European average of 40%. This is because there is no default scenario for distribution of IPR rights between procurers and suppliers in Italy. Italian law, general terms and conditions for government contracts and guidelines on public procurement do not define how IPR allocation is best dealt with in procurement contracts. It is left to the individual responsibility of each Italian procurer to specify clearly the IPR allocation for the procurement in its tender documents. However, for new software developments, the Agid guidelines<sup>36</sup> state that the procuring authority 'must' obtain complete and exclusive ownership of 'all rights' attached to the software, unless this is excessively onerous for proven technical-economic reasons. This creates a tension with Italian IPR/copyright law. Italian copyright law<sup>37</sup> determines that copyrights belong in an inalienable way to the creator (cannot be waived, licensed or assigned to anyone else). Only the economic rights can be transferred, assigned or licensed by the creator to another person/entity. If the procurer wants to use the copyright created by a (sub)contractor he must require in the tender specifications the transfer, assignment or a license of the economic rights (e.g. usage, licensing, publication, modification, reproduction rights) at equitable payment. Copyright law protects also scientific work, software and database rights.
- b. **Use of value for money criteria:** According to the EU Single Market Scoreboard, 60% of the procedures published in TED were awarded on criteria different from the lowest price. This is above the European average of 43.87% but still significantly below the satisfactory level of 80% set in the EU Single Market Scoreboard.
- c. **Use of variants:** Italy has allowed the use of variants in 9.55% of the procedures published in TED. This percentage is well above the European average of 3.28%.
- d. **Preliminary Market Consultations:** Italy has used preliminary market consultations in 2.02% of the procedures published in TED, ranking slightly above the European average of 1.39%.

The score for the sub-indicator I is 24.14%, which is above the European average of 22.13%. This is mainly due to the above average performance on the use of value for money criteria, use of variants and Preliminary Market Consultation in procedures. However, the score for IPR default regime is still below European average.

With regard to the **sub-indicator II**, Italy shows the following evidence (based on the Single Market Scoreboard):

- e. **Level of competition:** The level of competition level is 79%, which is below the European average of 82.37% but significantly below the 92.5% satisfactory level set by the EU Single Market Scoreboard. This is primarily due to just satisfactory number of procurements carried out through a call for bids (95%) and the far below satisfactory proportion of procurements involving multiple bidders (63%).
- f. **Level of transparency:** The level of transparency is rated at 40%, falling below the European average of 58.14% and the 66.33% satisfactory level set by the EU single market scoreboard. This poor performance is primarily caused by the very large number of procurements lacking buyer registration numbers (85%), making it challenging for suppliers to identify the specific public buyer and their procurement needs. The TED publication rate (6%) and the proportion of procurements with complete call for bids information (99%) is approximately in line with the European average.

Based on this evidence, the score for the sub-indicator II is 59.5%, which is significantly below the European average of 70.25% and significantly below the 79.4% satisfactory level set by the EU Single Market Scoreboard. This is due to improvements that are still needed to increase both the level of transparency and competition.

Based on the scores for the sub-indicators I and II, the total score for **indicator "Innovation friendly public procurement market"** is 42%, which is **below the 46% European average**. This score is explained firstly by the fact that the use of specific techniques to foster innovation in public procurement the country is above the European average, but the situation is not ideal yet as the country has not yet adopted a default IPR regime in public procurement that fosters innovation and the use of value for money award criteria has not reached the satisfactory level yet. In addition, the national public procurement market shows a below average openness of the Italian procurement market to innovations from across the EU single market due to low levels of competition and transparency. Compared to the previous benchmarking the score has remained the same as there was no significant progress.

<sup>36</sup> <https://docs.italia.it/italia/developers-italia/lq-acquisizione-e-riuso-software-per-pa-docs/it/stabile/riuso-software/sviluppo-di-software-ex-novo.html#acquisizione-della-titolari-ta-di-software-sviluppato-ex-novo>

<sup>37</sup> <https://www.wipo.int/wipolex/en/text/301483>



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