

CODE OF ETHICS AND CONDUCT FOR ANCOT TAX ADVISORS

(As updated and amended by the National Meeting on 29 July 2021)

FOREWORD

The Code of Ethics and Conduct, drawn up in Italian and English and published on the website of the Association, outlines the model of behaviour, the principles of which inspire the professional activity of A.N.CO.T. Associates, as well as any activity implemented in internal relationships within the Association and in relationships with third parties.

It provides guidance to the Tax Advisor's activity, which he/she carries out in full freedom, autonomy and independence, to safeguard the rights and interests of taxpayers, ensuring the knowledge of laws and regulations in force.

Furthermore, it covers part of the measures adopted by A.N.CO.T. to make sure that its structure meets the requirements provided for by Law 4/2013, aimed at setting out the internal and external lines of conduct that the Association is to follow in pursuing its purposes according to the By-laws.

The Association – included in the Italian Ministry of Economic Development's list of professional Associations that issue the service quality certification – has adopted the guidelines to certify its own Associates in accordance with UNI 11511 Standard, and implements suitable information, prevention and control tools, supervising the professional conduct of its Associates and imposing, if necessary or required, disciplinary sanctions in case of breach of the Code itself.

The Association is responsible for, regularly updates and disseminates the Code.

TITLE I

GENERAL PRINCIPLES

ARTICLE 1. – SCOPE OF APPLICATION

The rules of ethics and conduct shall apply to all Tax Advisors in the framework of their activity, mutual relationships, relationships with the Association and any third parties.

ARTICLE 2. – DISCIPLINARY AUTHORITY

The disciplinary bodies stated in the By-laws shall have the authority to impose sanctions that are sufficient and proportionate to any breach of the By-laws and rules of ethics and conduct, in relationships between Associates and the Association, as well as in relationships with the clients.

Sanctions shall be appropriate to the seriousness of the breach and take into consideration any reiterated behaviours, as well as the specific subjective and objective circumstances that contributed to the breach.

ARTICLE 3. – INTENTIONAL NATURE OF ACTIONS

A disciplinary liability shall arise from the failure to comply with one's duties and from the intentional nature of one's conduct, even if omissive. The overall conduct of the accused shall be assessed. Should several charges be put forward within one single procedure, there shall be only one sanction.

ARTICLE 4. – ACTIVITIES ABROAD AND FOREIGNERS' ACTIVITIES IN ITALY

In exercising professional activities abroad, which are allowed by the provisions in force, the Italian Tax Advisor shall comply with the rules of ethics and conduct of the country where the activity is being performed. Likewise, the foreign Tax Advisor, in exercising professional activities in Italy, when they are allowed, shall comply with the Italian rules of ethics and conduct.

ARTICLE 5. – DUTIES OF PROBITY, DIGNITY AND DECENCY

The conduct of the Tax Advisor shall be inspired by the compliance with duties of probity, dignity and decency, especially during public events organised by the Association.

I – The Tax Advisor to whom a non-unintentional behaviour violating the criminal law may be ascribed shall be subject to a disciplinary procedure, without prejudice to the separate assessment of the acts committed.

II – The Tax Advisor shall be subject to a disciplinary procedure even for acts that do not concern tax-related activities when these affect his/her professional reputation or damage the image of the Association and of the Tax Advisors' category as a whole.

III – The acts referred to in paragraph II – even if committed by using personal social media profiles, which however are directly or indirectly related to the Association – also cover any insulting, vulgar or defamatory content targeted at the political and institutional world with which Ancot liaises in pursuing its purposes according to the By-laws.

ARTICLE 6. – DUTIES OF LOYALTY AND FAIRNESS/ACCURACY AND DILIGENCE

The Tax Advisor shall carry out his/her professional activity according to the principles of loyalty, fairness, accuracy and diligence.

ARTICLE 7. – DUTY OF SECRECY AND CONFIDENTIALITY

Keeping secret any activity carried out, as well as any information disclosed by the client or which becomes known to the Tax Advisor because of his/her mandate is a primary and essential duty, as well as a right, of the Tax Advisor him/herself.

I – The Tax Advisor shall comply with the duty of secrecy and confidentiality also with respect to former clients, as far as both tax-related and litigations or corporate matters are concerned.

II – Secrecy shall be complied with also with respect to anyone who contacts the Tax Advisor seeking for assistance, without subsequently accepting the mandate.

III – The Tax Advisor shall demand that his/her collaborators and employees, and anyone cooperating with him/her in the performance of professional activities, comply with the duty of professional secrecy.

IV – Departures from the general rule include any cases in which the disclosure of pieces of information concerning the client is required by public authorities in accordance with the applicable regulations.

V – The Tax Advisor shall act in compliance with the applicable laws on confidentiality and personal data processing.

ARTICLE 8. – DUTY OF INDEPENDENCE

In performing his/her professional activity, the Tax Advisor shall have the duty to maintain his/her own independence and protect his/her freedom from external pressure and influence.

I – The Tax Advisor shall not take any personal interest into consideration.

ARTICLE 9. – DUTY OF COMPETENCE

The Tax Advisor shall not accept any assignment outside the scope of his/her competence, in accordance with Law 4/2013.

I – In all written documents and relationships with clients, the Tax Advisor shall identify him/herself as a professional who carries out his/her activity pursuant to Law 4/2013.

II – The Tax Advisor shall inform his/her client with respect to any circumstance which may prevent him/her from carrying out the activity requested, and shall consider, in case of particularly demanding and complex litigations, the opportunity of having his/her defence supplemented by another professional.

III – Accepting a certain professional assignment implies being competent to perform it.

ARTICLE 10. – DUTY OF CONTINUOUS PROFESSIONAL DEVELOPMENT

The Tax Advisor shall have the duty to constantly take care of his/her professional training, by maintaining and expanding his/her expertise, having specific regard to the fields in which his/her activity is carried out. The Tax Advisor shall have the duty to comply with training and continuous professional development obligations, by participating in the permanent training programme developed by A.N.CO.T. on a provincial, regional and national level.

ARTICLE 11. – DUTY TO COMPLY WITH SOCIAL SECURITY, TAX AND MEMBERSHIP REQUIREMENTS

The Tax Advisor shall take care of complying with the social security and tax requirements placed upon him/her under the rules in force. He/she shall also fulfil any commitment to the professional association in which he/she is a member.

ARTICLE 12. – INFORMATION ON PROFESSIONAL ACTIVITY

Without prejudice to the explicit reference to Law 4/2013, as provided for in Article 9 of this Code, the Tax Advisor may provide information on his/her professional activity, based on the principles of fairness and truth, always respecting the dignity and decency of the profession and the duties of secrecy and confidentiality.

I – Information may be provided by means of booklets, writing paper, professional and telephone directories, catalogues, electronic means, including with international circulation. Both on his/her plaques and headed paper, the Tax Advisor may indicate that he/she is a member of the Association as a mark or certification of quality, also for the purposes of Articles 7 and 8 of Law 4/2013, provided he/she holds the service quality and professional qualification certification issued by ANCOT.

II – Specific branches of activity may be disclosed in relationships with third parties.

III – The Tax Advisor shall inform his/her clients of the existence and effects of this Code.

ARTICLE 13. – RELATIONSHIPS WITH THE PRESS AND ADVERTISING

In his/her relationships with the press and other means of communication, the Tax Advisor shall be inspired by criteria of balance and moderation in issuing statements and granting interviews, so as to both comply with his/her duties of discretion and confidentiality with respect to clients and avoid competitive behaviours with respect to colleagues.

I – The Tax Advisor may resort to informative advertising, including via the press.

III – In his/her advertising, the Tax Advisor shall comply with the principles of truthfulness and fairness, thus avoiding any misleading information or being mistaken for any of the professions referred to in Article 2229 of the Italian Civil Code.

III – The Tax Advisor shall not use the name of his/her clients to his/her own advantage, unless they have consented thereto.

ARTICLE 14. – SOLICITATION OF CLIENTS – PROHIBITIONS

It is forbidden to offer professional services to third parties and more generally to perform any activity aimed at soliciting clients by means of agencies or intermediaries or other unlawful means.

I – The Tax Advisor shall not pay fees or commissions or other forms of consideration to colleagues or other parties in exchange for introducing him/her to a client.

II – Offering gifts or services to third parties or giving or promising benefits to obtain assignments shall constitute a breach of discipline.

ARTICLE 15. – PROHIBITION TO USE IMPROPER AND INSULTING EXPRESSIONS

Regardless of any civil and criminal law provisions, the Tax Advisor shall refrain from using improper and insulting expressions in his/her papers, in court and in the professional activity in general, with respect to both colleagues and counterparties or third parties.

I – The retaliation or provocation or mutuality of insults do not prevent this rule of ethics from being infringed.

TITLE II

RELATIONSHIPS WITH COLLEAGUES

ARTICLE 16. – RELATIONSHIPS WITH COLLEAGUES IN GENERAL

The Tax Advisor shall always maintain a conduct inspired by fairness and loyalty in his/her relationships with colleagues.

I – The Tax Advisor shall promptly reply to any requests for information from colleagues.

II – Unless for specific reasons, the Tax Advisor shall not refuse the mandate to act against a colleague, if he/she deems that the party's request is grounded or the colleague's claim is groundless. However, the Tax Advisor shall inform A.N.CO.T. National Board as soon as possible of any criminal and civil actions to be brought against a colleague, so as to allow a conciliation attempt, unless needs of urgency or confidentiality arise; in such case, the Tax Advisor may notify any such action also at a later stage.

III – The Tax Advisor shall not record telephone conversations with colleagues. Recordings during meetings are only allowed upon consent of all participants.

ARTICLE 17. – RELATIONSHIPS WITH COLLABORATORS IN THE OFFICE

The Tax Advisor shall allow his/her collaborators to improve their professional training, remunerating their collaboration proportionally to the contribution received.

ARTICLE 18. – RELATIONSHIPS WITH TRAINEES

The Tax Advisor shall ensure the effectiveness of and foster a fruitful traineeship with respect to tax-related matters, so as to allow suitable training.

ARTICLE 19. – DUTY TO LIAISE WITH THE COLLEAGUE

The Tax Advisor who accepts to receive a counterparty while knowing that the latter is assisted by a colleague and fails to inform the colleague to obtain his/her consent commits a disciplinary offence.

ARTICLE 20. – DUTY TO REMUNERATE FOR SERVICES ASSIGNED TO ANOTHER COLLEAGUE

Unless otherwise agreed, the Tax Advisor who chooses and assigns functions of representation or assistance directly to another colleague shall remunerate him/her, if the client fails to do so.

ARTICLE 21. – DUTY TO INSTRUCT THE COLLEAGUE AND DUTY TO PROVIDE INFORMATION

The Tax Advisor shall timely instruct the colleague acting on his/her behalf. Likewise, the latter shall timely provide to the former detailed information on the activity carried out and to be carried out.

I – The Tax Advisor acting on a colleague's behalf may not resolve any dispute directly, by means of a settlement agreement, without informing the colleague who granted the assignment.

II – Tax Advisor acting on a colleague's behalf, in lacking instructions, shall act in the most suitable way to protect the party's interests, and inform the colleague who granted the assignment as soon as possible.

ARTICLE 22. – REPLACEMENT OF COLLEAGUES IN THE PROFESSIONAL ACTIVITY

In case of replacement of a colleague, due to revocation or waiver of the assignment, the Tax Advisor who replaces him/her shall demand that the client pays any amount due for services received up until that moment, unless already duly disputed.

I – In case of replacement in the framework of consulting services, the replaced Tax Advisor shall cooperate with the newly-appointed professional, also by sending any documents in his/her hands, subject to the client's prior consent.

I – In case of replacement in the framework of professional services, the replaced Tax Advisor shall inform the newly-appointed professional of the existing assignment, so as to avoid damaging the client.

ARTICLE 23. – LIABILITY OF COLLABORATORS, SUBSTITUTES AND ASSOCIATES

Unless the act results from their autonomous responsibility, collaborators, substitutes and auxiliaries may not be held disciplinarily liable for acts arising out of specific tasks assigned to them.

I – In case of professional partnership, only the Tax Advisor or Tax Advisors to whom the specific acts committed refer shall be held disciplinarily liable.

TITLE III

RELATIONSHIPS WITH CLIENTS

ARTICLE 24. – RELATIONSHIP OF TRUST

Relationships with clients are based on trust.

I – The assignment shall be granted by the client or by another professional assisting him/her.

ARTICLE 25. – AUTONOMY OF THE RELATIONSHIP

The Tax Advisor shall take care of his/her client's interests in the best way possible within the limits of the mandate, in compliance with the law and the principles of the code of ethics and conduct.

I – The Tax Advisor shall not intentionally advise uselessly expensive actions, nor shall he/she suggest conducts, acts or transactions that are unlawful, fraudulent or affected by invalidity.

ARTICLE 26. – CONFLICT OF INTERESTS

The Tax Advisor shall refrain from performing any professional activity when this results in a conflict of interests with one of his/her clients.

The Tax Advisor may not take on assignments or perform activities resulting in a conflict of interests without the client's explicit consent.

ARTICLE 27. – NON-FULFILMENT OF MANDATE

Failing to fulfil any acts concerning the mandate, delaying their fulfilment or fulfilling them negligently shall represent a breach of professional duties whenever arising from inexcusable and material negligence of the client's interests.

ARTICLE 28. – DUTY TO INFORM

The Tax Advisor exercises his/her professional activity pursuant to Law 4/2013 and shall clearly inform his/her client, upon appointment, of the characteristics and materiality of the actions to be carried out, as well as detail any initiatives and possible outcomes. The Tax Advisor shall also keep his/her client informed while performing the mandate entrusted to him/her, if he/she deems it appropriate and whenever requested by the client.

The Tax Advisor undertakes to reply promptly and exhaustively to any explicit written request and/or written complaint filed by the client.

As for assignments concerning litigations:

I – If requested to do so, the Tax Advisor shall provide general information to the client about the duration and presumable costs of the proceedings.

II – The Tax Advisor shall inform his/her client of the need to carry out certain acts so as to avoid limitation, forfeiture or other damaging effects.

ARTICLE 29. – MANAGEMENT OF OTHER PEOPLE'S MONEY

The Tax Advisor shall act in an accurate and diligent manner when managing money received from his/her client or third parties for certain transactions or fulfilments (payment of taxes, fees, etc.), or received on behalf of the client, and shall promptly report thereon.

I – Withholding any amounts received on behalf of the client for longer than the time strictly required shall constitute a breach of discipline.

ARTICLE 30. – RETURNING OF DOCUMENTS

The Tax Advisor shall in any case return to the client without delay any documents received from the latter to carry out the mandate, whenever requested by the client him/herself.

I – The Tax Advisor may retain copies of such documents, without the client’s consent, only when this is necessary for the purpose of protecting his/her own rights and for the time required to achieve such purpose.

ARTICLE 31. – REQUEST FOR PAYMENT

As a rule, the Tax Advisor asks the client to pay any expenses in advance, appropriate interim fees over the course of the relationship, and a fair consideration when the assignment is completed.

I – The Tax Advisor shall not apply fees that are patently disproportionate to the activity performed, or however excessive.

II – In determining his/her consideration, the Tax Advisor shall follow the guidelines in the “recommended parameters to set professional fees” approved by ANCOT competent bodies.

In case of non-payment on a voluntary basis, the Tax Advisor may not request a higher consideration than that already agreed, unless he/she has formally reserved the right to do so.

III – Fees for professional assignments are usually pre-determined, proportionate to the complexity of services and possibly to the achievement of certain outcomes; non-estimated services are calculated based on the “recommended parameters to set professional fees” approved by ANCOT competent bodies.

ARTICLE 32. – IN CASE OF LITIGATIONS IN GENERAL

Without prejudice to consumer’s rights, as a first step, any dispute may be subject to a conciliation attempt before a special joint committee formed by an equal number of A.N.CO.T. representatives and representatives of the consumers’ association with which A.N.CO.T. has entered into an agreement.

In any case, the Tax Advisor may bring legal action against the client to claim the payment of his/her professional services.

ARTICLE 33. – WAIVER OF THE MANDATE

The Tax Advisor shall be entitled to waive the mandate.

I – In case of waiver of the mandate, the Tax Advisor shall give the client sufficient notice depending on the circumstances, via registered letter and/or certified e-mail (PEC), and inform him/her about anything required not to jeopardise the proper fulfilment of tax-related rules.

ARTICLE 34. – PUBLIC INFORMATION AND SUPERVISION

(Abolished article)

TITLE IV

REGIME OF SANCTIONS

ARTICLE 35. – BREACHES IN RELATIONSHIPS WITH THE ASSOCIATION AND ITS ASSOCIATES

According to the By-laws, the National Board is the disciplinary body in charge of assessing any Associates' breaches of duties arising from the law, the By-laws of the Association, and the Code of Ethics and Conduct.

The National Board shall assess any conducts that jeopardise professional ethics and duties, any unlawful use of A.N.CO.T. name, of the Association's logo (Mark), and any other unfair business practice under the consumer code.

Depending on the seriousness of the breach, the National Board shall adopt a:

- warning
- written reprimand
- cautionary suspension, for no longer than six months
- expulsion and/or compensation of damage

If the decision given by the National Board is challenged, the National Board of Auditors of the Association shall be competent to rule on the matter.

ARTICLE 36. – BREACHES IN RELATIONSHIPS WITH CLIENTS

In the event of any breaches in relationships with the client, in case the latter has started a conciliation procedure at the Citizen's helpdesk (*Sportello del Cittadino*) established by Ancot pursuant to Law 4/2013, the Joint Disciplinary Committee – formed by A.N.CO.T. and the consumers' association with which A.N.CO.T. has entered into an agreement – having assessed the seriousness of acts and considered the behaviours, as well as the specific circumstances, may instruct the disciplinary body referred to in Article 35 above to start the disciplinary procedure, if it has not already done so.