



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Italy

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

58751711

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	462417000000
Regional / entity level	N.A.

3) Per capita GDP (in €)

26492

4) Average gross annual salary (in €)

34436,59

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

Please indicate the sources for the questions 1 to 4

ISTAT for questions 1 and 4

The data about average gross annual salary is estimated because not yet available the final. The data reported in 2004 is transmitted again recalculated according to the latest definition: 32593,09

Ministero della Giustizia - Direzione Generale del Bilancio e della contabilità for questions 2 and 3.

About question 2: The state budget net of refund loans

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

2751910175

7) Please specify

All Courts including the Supreme Court and the High Court dealing with Water Authority matters, but excluding the Ministry of Justice.

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1912287450
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	45929981
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	455000000
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	223556520
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	1650000
Other (please specify):	<input checked="" type="checkbox"/> Yes	113486221

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

expense cuts

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions? Please specify:

Excepting cases concerning employment, agricultural and family matters.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

229284156

12) Total annual approved budget allocated to the whole justice system (in €)

7819041068

13) Total annual approved public budget allocated to legal aid (in €)

86562703,83

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	70591753	15970950,83

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

1336199023

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Ministry of economy

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for the questions 6, 7, 13 et 16

Ministero della Giustizia - Direzione Generale del Bilancio e della Contabilità for questions 6, 7 and 16

Ministero della Giustizia - Direzione Generale di Statistica and Direzione Generale degli Affari Penali for question 13. The data regarding question 14 (15970950,83) is estimated.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

Private detective

22) Does legal aid foresee the covering or the exoneration of court fees?

- Yes
 No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

- Yes
 No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	123744
Criminal cases	84047
Other than criminal cases	39697

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		yes	9723,84
for other than criminal cases?		yes	9723,84

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

Only in a few cases (e.g. road accidents)

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

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criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

La procédure pénale prévoit que, en cas de condamnation, le condamné paye les frais de justice.

Please indicate the sources for the questions 24 and 26

Ministero della Giustizia - Direzione Generale di Statistica for other than criminal cases and Direzione Generale della Giustizia Penale for criminal cases

About question 26: If the person lives with his/her spouse or other relatives, the maximum annual income above is increased by 1032,91 for each person (D.P.R. 115/02)

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/> yes	www.normeinrete.it www.giustizia.it
case-law of the higher court/s?	<input checked="" type="checkbox"/> yes	www.giustizia-amministrativa.it www.cortecostituzionale.it www.cortedicassazione.it
other documents (for example forms)?	<input checked="" type="checkbox"/> yes	www.giustizia.it/uffici/info/indice.htm

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes

No

If yes, please specify:

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes

No

If yes, please specify:

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

Yes

No

36) If yes, does this compensation procedure consist in:

a public fund?

a court decision?

private fund?

If yes, which kind of cases does this procedure concern?

Personal injury for road accidents

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

Toute victime de délits peut s'opposer à la demande d'acquittement du Parquet. C'est le juge qui décide.

2. 2. 2. Confidence of citizens in their justice system

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Compensation is determined case by case directly by the court of appeal. It is possible to reopen a case if new evidence is produced.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

Le Ministère de la Justice est compétent pour recevoir les plaintes des citoyens à l'encontre du mauvais fonctionnement de la justice. Le Ministre peut contrôler le fondement des plaintes grâce au service de l'Inspectorat Général. Les données des plaintes sont: à la fin du mois de décembre 10314 décisions

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	1014
Specialised first instance courts (legal entities)	58
All the courts (geographic locations)	1292

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

1014 = 849 justice of the peace courts + 165 courts

58 = 29 minors courts + 29 criminal courts reviewing the type and application of sentences

1292 = 1014 + 220 sections of court + 58 criminal offices reviewing the type and application of sentences

N.B. There are also the specialised first instance courts not admistrated and financed by the Ministry of Justice.

28 Regional administrative courts

21 Regional Audit Commissions

103 Provincial Tax commissions

The given data regard only Courts admistrated and financed by the Ministry of Justice.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

The Ministry is studying to reduce the number of justice of the peace's offices and small courts to emprove efficiency and to reduce costs.

48) Number of first instance courts competent for a case concerning:

	Number

a debt collection for small claims	849
a dismissal	165
a robbery	165

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

no changed

Please indicate the sources for the question 45

Ministero della Giustizia

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

6450

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

There aren't professional judges who sit in judgement occasionally

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

7321
 3403 Justices of the Peace
 2066 honorary judges in the courts with non permanent post
 402 non professional judjies in the courts
 359 Component private at the minors section of the courts of appeal
 640 Component private at the courts of minors
 451 Others

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

only in criminal cases for serious criminal offences

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

27067

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	N.A.
non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars	<input type="checkbox"/> Yes	N.A.
staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input type="checkbox"/> Yes	N.A.
technical staff	<input type="checkbox"/> Yes	N.A.

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Ministero della Giustizia - Direzione Generale dei Magistrati (questions 49, 50, 52 e 53)
Ministero della Giustizia - Direzione Generale del Personale e della Formazione (question 55)

About question 55: the 2004's data is changed: number of non-judge staff who are working in courts 27607

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

2231

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

1820 Honorary Deputy Prosecutors not permanent post who perform the functions indicated in art. 72 O.G. (R.D. 30/01/41 n. 12) and other specifically assigned to them by law

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

9795

Please indicate the sources for the questions 57 and 59

Ministero della giustizia - Direzione Generale dei Magistrati (question 57) e Direzione Generale del Personale e della Formazione (question 59)

About question 59: the 2004's data is changed: number of staff (non prosecutors) attached to the public prosecution service 9973

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base				

of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Direzione Generale di Statistica
Via Arenula 70
00186 Roma

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Mistero della Giustizia - Direzione Generale dei sistemi Informativi Automatizzati

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
- No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

Every year the President of the Supreme Court of Cassation and the Presidents of the Courts of Appeal write a report, limited to their jurisdiction, on the judicial system using statistical data transmitted by the Direzione Generale di Statistica

68) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

A system is currently being developed in collaboration with Consiglio Superiore della Magistratura to evaluate the performance of the court ("Cruscotto")

69) Concerning court activities, have you defined performance indicators?

- Yes
- No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff
- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

Every year, at beginig of the year, the Ministry of Justice issues general directives.

74) Please specify the main targets applied:

Reduction in cases pending and in the Ministry's expenditure

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

Quarterly monitoring, Annual Report, Inspection visits every 3 years for any judicial office

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

Quarterly monitoring, Annual Report, Inspection visits every 3 years for any judicial office

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

Ministero della Giustizia

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

na

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

1

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	N.A.	0	10	N.A.
Civil proceedings - Article 6§1 (non-execution)	N.A.	0	N.A.	N.A.
Criminal proceedings - Article 6§1 (duration)	N.A.	0	0	N.A.

Please indicate the sources for the questions 82 and 84

Ministero della Giustizia - Direzione Generale di Statistica
 Ministero della Giustizia - Direzione Generale del contenzioso e dei diritti umani

About question 82: The percentage is achieved by 53172 (judgement in first instance criminal cases which the suspect is not actually present or represented) / 1177736(all judicial decisions in first instance - justices of the peace and courts)

Q83 - the number of succesful chalenges concerne only the Supreme Court

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
- No

If yes, please specify:

only in a few cases (e.g. diritto societario company law)

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious),

(please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	4158870	3625035	3436728	4347177
1 Civil (and commercial) litigious cases*	3515535	2825543	2653113	3687965
2 Civil (and commercial) non-litigious cases*	71533	375593	345499	101627
3 Enforcement cases	571802	423899	438116	557585
4 Land registry cases**	N.A.	N.A.	N.A.	N.A.
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	N.A.	N.A.	N.A.	N.A.
7 Other				
Total criminal cases (8+9)	1207632	1309534	1228039	1289127
8 Criminal cases (severe criminal offences)	1142110	1230085	1168044	1204151
9 Misdemeanour cases (minor offences)	65522	79449	59995	84976

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

About criminal cases: Crimes and contraventions are detected at an aggregate level then it is not possible to distinguish

For the point number 1 Civil (and commercial) litigious cases decisions: 2004's data regarding only cases decided by judgment. 2006's data are: decided by judgment 1.239.700, other wise decided 1.763.061: total 3.002.761.

For the point number 8 + 9: the total data regards cases charged by the public prosecutor before the courts and cases sent to the courts to acquittal.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	348476	155567	112519	391524
1 Civil (and commercial) litigious cases*	345801	149341	107027	388115
2 Civil (and commercial) non-litigious cases*	2675	6226	5492	3409
3 Enforcement cases	N.A.	N.A.	N.A.	N.A.
4 Land registry	N.A.	N.A.	N.A.	N.A.

cases**				
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	N.A.	N.A.	N.A.	N.A.
7 Other				
Total criminal cases (8+9)	138984	85340	71144	153180
8 Criminal cases (Severe criminal offences)	N.A.	N.A.	N.A.	N.A.
9 Misdemeanour cases (minor offences)	N.A.	N.A.	N.A.	N.A.

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	95081	35169	29445	100805
1 Civil (and commercial) litigious cases*	95081	35169	29445	100805
2 Civil (and commercial) non-litigious cases*	N.A.	N.A.	N.A.	N.A.
3 Enforcement cases	N.A.	N.A.	N.A.	N.A.
4 Land registry cases**	N.A.	N.A.	N.A.	N.A.
5 Business register cases**	N.A.	N.A.	N.A.	N.A.
6 Administrative law cases	N.A.	N.A.	N.A.	N.A.
7 Other				
Total criminal cases (8+9)	32862	48103	43526	37439
8 Criminal cases (Severe criminal offences)	32862	48103	43526	37439
9 Misdemeanour cases (minor offences)	N.A.	N.A.	N.A.	N.A.

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	32818	20136	17576	35378
Employment dismissal cases	N.A.	N.A.	7476	N.A.
Robbery cases	N.A.	N.A.	N.A.	N.A.
Intentional homicide case	N.A.	N.A.	N.A.	N.A.

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	N.A.	N.A.	634 days	N.A.	N.A.
Employment dismissal cases	N.A.	N.A.	619 days	682 days	N.A.
Robbery cases	N.A.	N.A.	N.A.	N.A.	N.A.
Intentional homicide	N.A.	N.A.	N.A.	N.A.	N.A.

94) Where appropriate, please specify the specific procedure as regards divorce:

Average length of proceedings is calculated from the date of lodging to final decision.

About divorce cases decisions: 2004's data regarding also non litigious cases however decided. 2006's data, regarding only litigious cases, are: decided by judgment 10793, other wise decided 6948: total 17741. Same for 2004 are decided by judgment 10812, other wise decided 5990: total 16802.

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

Average length of proceedings, regarding "employment dismissal cases", is calculated from the date of lodging to final decision

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

only for particular civil cases regarding family affairs

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	2938649	1247516	N.A.	N.A.	(*)	572887

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

(*) The prosecutor must always obtain decision of judge regarding the outcome of a case or any possible sentence.

About "Received by the public prosecutor": 1455970 are cases regarding offender identified and 1482679 are cases regarding offender not identified

Les affaires pénales, y compris le contentieux routier, closes par le procureur d'un façon différent (transmise ad autre autorité, etc..) sont: 958616. Les définitions totales au 31 décembre 2006 sont: 1531503.

Please indicate the sources for the questions 92 to 94 and question 98

ISTAT for "average length of proceeding" and data about employment dismissal cases, robbery cases and intentional homicide

Ministero della Giustizia - Direzione Generale di Statistica for data about divorce cases and question 98

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

Consiglio Superiore della Magistratura

The career advancement of judges and prosecutors is decided by the CSM in the light of periodic evaluations.

102) Which procedures and criteria are used for promoting judges? (please specify).

Criteria established by Consiglio Superiore della Magistratura

The career advancement of judges and prosecutors is decided by the CSM in the light of periodic evaluations.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

Consiglio Superiore della Magistratura

The career advancement of judges and prosecutors is decided by the CSM in the light of periodic evaluations.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Criteria established by Consiglio Superiore della Magistratura

The career advancement of judges and prosecutors is decided by the CSM in the light of periodic evaluations.

107) Is the mandate given for an undetermined period for judges ?

Yes

No

Are there exceptions? Please specify:

108) Is the mandate given for an undetermined period for prosecutors?

Yes

No

Are there exceptions? Please specify:

109) If no, what is the length of the mandate?**Is it renewable?**

for judges

yes, please
specify the
length

for prosecutors

yes, please
specify the
length

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.**Is it compulsory?**

Initial training

General in-service training

- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.

Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

La loi n. 111 du 30/07/2007 prévoit l'obligation pour les magistrats (du Siège et du Parquet) de participer aux cours de formation professionnels tous les cinq ans.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	37453,86	25039,00
Judge of the Supreme Court or the Highest Appellate Court	122278,01	100405,00
Public prosecutor at the beginning of his/her career	37453,86	25039,00
Public prosecutor of the Supreme Court or the Highest Appellate Instance	122278,01	100405,00

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

Always after authorization of Consiglio Superiore della Magistratura

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Research and publication	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

Always after authorization of Consiglio Superiore della Magistratura

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Ministero della Giustizia - Direzione Generale dei Magistrati

5. 2. 2. Disciplinary procedures**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The Minister
Prosecutor General at the Supreme Court of Cassation

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

Consiglio Superiore della Magistratura

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	68	24
1. Breach of	13	5

professional ethics		
2. Criminal offence	4	2
3. Professional inadequacy	27	9
4. Other	24	8

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	51	15
1. Reprimand	20	4
2. Suspension	4	
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post	3	2
7. Transfer to another geographical (court) location	1	1
8. Dismissal	1	
9. Other	22	8

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Source question 124 and 125: Consiglio Superiore della Magistratura.

Q125: This means that there was no such disciplinary procedure or sanction against judges and prosecutors. The total number of other disciplinary procedures was for judges 22 and for prosecutors 8.

THE DATA REGARDING JUDGES AND PROSECUTORS ARE ESTIMATED

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

170143

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

Please indicate the source for the question 126

Ministero della Giustizia

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- Yes
- No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

Q139: The authority responsible for disciplinary procedures for lawyers is the Consiglio Nazionale Forense (the national BAR association).

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	N.A.	N.A.	N.A.	174 total

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	N.A.	N.A.	N.A.	N.A.	N.A.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?

yes,
number:

criminal cases?

yes,
number:

Please indicate the source for the question 145

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

There are:

- 1) conciliation bodies provided by the D. Lgs. 5 / 2003 Article 38 for the following subjects: company law, financial brokerage, banking and credit
- 2) the Chambers of Commerce as provided by law 580/93. Conciliations executed by the chambers of commerce in 2006 are 9326.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

4609

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Ministero della Giustizia - Direzione Generale del Personale e della Formazione Ufficio VI

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

Ministero della giustizia - Direzione Generale del Personale e della Formazione

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- for civil cases?
- for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

Please specify:

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input type="checkbox"/> yes, number:	
Professional inadequacy	<input type="checkbox"/> yes, number:	
Criminal offence	<input checked="" type="checkbox"/> yes, number:	44
Other	<input checked="" type="checkbox"/> yes, number:	48

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	18
Suspension	<input checked="" type="checkbox"/> yes, number:	9
Dismissal	<input checked="" type="checkbox"/> yes, number:	2
Fine	<input checked="" type="checkbox"/> yes, number:	4
Other	<input type="checkbox"/> yes, number:	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

Ministero della giustizia - Direzione Generale del Personale e della Formazione

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

Criminal courts and offices reviewing the type and application of sentences established by law July 26 1975, n. 354.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- Yes
 No

If yes, please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

a private one (without control from public authorities)?

yes,
number:

a status of private worker ruled by the public authorities?

yes,
number:

a public one?

yes,
number:

other?

yes,
number and
specify:

Public activity carried on by
professionals delegated by
the State

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Notaries are also established for acts between people living and for wills and to take part in the most important corporate legal activity.

Please indicacte the source for the question 166

Consiglio nazionale notarile

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

La profession du notaire est une profession libérale supervisée par l'Etat. On devient notaire après un concours public et ses actes professionnels font foi. Il est caractérisé par des qualités d'indépendance et d'impartialité.

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

Regarding the functioning of justice there are, in Italy, debates on these matters:

- 1) Separation of careers between judges and prosecutors
- 2) Reduction in the number of courts
- 3) The rule of Justices of the Peace