



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

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

59619290

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

	Amount
State level	536736702010
Regional / entity level	NA

3) Per capita GDP (in €)

27423

4) Average gross annual salary (in €)

22746

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

As far as question no. 4 is concerned we've realized that the data provided in 2006 was not consistent with the explanatory notes . The actual Average gross annual salary figures come as follows:

Year 2006 - 21572 euros

Year 2007 - 21683 euros

Year 2008 - 22746 euros

1. 2. Budgetary data concerning judicial system

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

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

3124673861

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 or indicate NA (not available) in case that the information cannot be supplied

Please provide comments to explain the data provided under question 8:

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	2390027432
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	73987488
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	287571836
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	253913969
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	857675
Other (please specify):	<input checked="" type="checkbox"/> Yes	118315458

Comment :

“Annual public budget allocated to (gross) salaries” includes charges to be paid by the administration and incidental salaries. This is the reason why the total at Q.8 differs from the figure at Q.6

“Other” includes:

27.7 billion: legal expenses and amends for juridical delays

1.8 billion: workers' compensation (martyr to duty etc.)

65 billion: intermediate consumption (paper, travel allowance, motor vehicles etc.)

23 billion: other investments

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:

Year billion euros

2004 7.73

2005 7.37

2006 7.82

2007 7.77

2008 7.28

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:

Except for cases concerning employment, agriculture and family matters

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

271893857

12) Total annual approved budget allocated to the whole justice system (in €)**Please provide information concerning the budgetary elements that included in the whole justice system budget:**. Amount 7278169362

Comment :

13) Total annual approved public budget allocated to legal aid (in €)**Please provide comments to explain the figure provided under question 13:**. Amount 115938469

Comment :

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	88501771	27436698

Comment :

Figures based on 2006 data have been changed for Annual public budget allocated to legal aid in non criminal law cases. A more reliable figure of 2006 comes as follows:

Annual public budget allocated to legal aid in non criminal law cases (2006): € 23.481.012 €

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 €)****Please provide comments to explain the figure provided under question 16:**. Amount 1157955737

Comment :

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	Yes	No	Yes	Yes
Other ministry	Yes	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	No	No	No	No

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

Ministry of Economy and Finance

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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 answering the questions 6, 8, 11, 12, 13, 14 and 16.

Ministry of Justice–Budget and Accounts Department: Q6- Q8 – Q12 – Q.16

Ministry of Justice–Statistics Department Q11

Ministry of Justice–Statistics Department and Criminal Affair Department Q.13 Q14

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	No

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

20: In accordance to the Directive 2003/8/CE, legal aid covers expenses for legal advice only in case of cross-border disputes.

Private detective, interpreters and technical advisors.

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

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	147292
in criminal cases	98541
Other than criminal cases	48751

Comment :

Revision of 2006 data:

A more accurate estimate for Number of cases granted with legal aid provided by public authorities in other than criminal cases is N=42239

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:**

	Yes	Amount in €
for criminal cases	Yes	9724
for other than criminal cases?	Yes	9724

Comment :

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

Please provide comments to explain the answer under question 27:

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. mandatory for automotive cases such as 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:

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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 answering the questions 24 and 26

Q24: Ministry of Justice–Criminal Affair Department

Q.26: Ministry of Justice–Statistics Department

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:**

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.normeinrete.it www.giustizia.it
- case-law of the higher court/s? Internet address(es): Yes www.giustizia-amministrativa.it
www.cortecostituzionale.it
www.cortedicassazione.it
- other documents (for examples forms)? Internet address(es): Yes <http://webstat.giustizia.it/default.aspx>
(internal web site on statistics)

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:

A few and increasing number of courts have started to provide information through their official web sites.

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	No	Yes	No	No
Victims of terrorism	No	Yes	No	No
Children/Witnesses/Victims	No	Yes	Yes	No
Victims of domestic violence	No	No	No	No
Ethnic minorities				

	No	No	Yes	No
Disabled persons	No	Yes	No	No
Juvenile offenders	No	No	Yes	No
Other	No	No	No	No

Comment :

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?
 a 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:

In Italy prosecutors perform special tasks in relation to juvenile justice.

39) Do victims of crimes have the right to contest to 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:

In 2002 a satisfaction survey aimed at citizens has been run by ISTAT - Results can be found here: http://www.istat.it/dati/catalogo/20040219_01/

The above is an incidental survey and it might run again in the future

Surveys aimed at court staff and lawyers were planned for 2006 but in the end they have been cancelled.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	No
Surveys at court level	No	No

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

- Yes
 No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	Yes	Yes
Ministry of Justice	No	Yes
High Council of the Judiciary	No	Yes
Other external organisations (e.g. Ombudsman)	No	No

Comment :

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.

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	1011
Specialised first instance Courts (legal entities)	58
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	1289

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

1011 = 846 justice of the peace courts + 165 courts

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

1289 = 1011 + 220 sections of court + 58 criminal offices reviewing the type and application of sentences

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

29 Regional administrative courts

21 Regional Audit Commissions

103 Provincial Tax commissions

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

47) Is there a change in the structure in 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 in order to improve efficiency and to reduce costs.

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	846
a dismissal	165
a robbery	165

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

There has been no changes.

Please indicate the sources for answering the questions 45 and 48:

Ministry of Justice – Statistics Department

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 6109

Comment :

This figure refers to 2009 data as 2008 data is not available.

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

	Number
gross figure	NAP
if possible, in full time equivalent	NAP

51) Please provide comments to explain the answer under question 50:

There are no professional judges sitting in courts on an occasional basis in the Italian judicial system.

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number
Do you have non-professional judges?	X	4754

Comment :

Non-professional judges are remunerated according to attendance in court and acts drawn up.

This figure refers to 2009 data as 2008 data is not available.

The figure in 2006-8 cycle questionnaire (N=7321) was probably based on total non-professional judges rather than those effectively in service.

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 on criminal cases for serious criminal offences, such as murdering.

On question 54: estimation of 500/700 citizens per year.

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

500

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 25385

Comment :

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- | | |
|---|-----|
| - non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal | NAP |
| - 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 | NA |
| - 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) | NA |
| - technical staff | NA |

Comment :

Court staff (no judge): 10,510.

IT staff: 366

Other: 14,509

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

There is no such figure in the Italian judicial system.

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number . 2018

Comment :

This figure refers to 2009 data as 2008 data is not available.

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

Yes

No

If yes, please specify:

There are 1701 non-professional public prosecutors, remuneration follows the same criteria as per Non-professional judges.

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number . 9872

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

62) You can indicate below:

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

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

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Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) 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	Yes	No	No	No
Court management information system	No	No	Yes	No
Financial information system	No	No	Yes	No

65) 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	No	No	Yes	No
Special Website	No	No	Yes	No
Other electronic communication facilities	No	No	Yes	No

66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

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

Direzione Generale di Statistica (i.e. Statistics Department)
Via Arenula 70
00186 Roma

You can indicate below:

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

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes

No

68) 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 (i.e. Statistics Department)

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

- Yes
- No

Please specify:

A series of key indicators have been developed in collaboration with Consiglio Superiore della Magistratura to evaluate the performance of the courts (e.g. the clearance rate and the turn-over ratio).

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
- No

71) Please select the 4 main performance and quality indicators that is 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
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) 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

If other, please specify:

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

76) Please specify the main targets applied

Reduction in cases pending and in the Ministry's expenditure

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

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body

other

If other, Please specify:

78) 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:

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

Yes

No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

civil cases?

criminal cases?

administrative cases?

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

Yes

No

If yes, please specify:

82) 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

83) 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 in this chapter**
- the characteristics of your court monitoring and evaluation system**

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NAP

85) 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):

NA

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	7	NA	53	0
Civil proceedings - Article 6§1 (non-execution)	0	NA	1	0
Criminal proceedings - Article 6§1 (duration)	8	NA	1	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

88) Are there simplified procedures for:

civil cases (small claims)?

criminal cases (petty offences)?

administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

89) 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. company law)

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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	4824841	4591018	4431317	4590715
1 Civil (and commercial) litigious cases*	3849578	2842668	2693564	3932259
2 Civil (and commercial) non-litigious cases*	432905	1271191	1229822	146870
3 Enforcement cases	542358	477159	507931	511586
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NAP	NAP	NAP	NAP
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	1231661	1504521	1427847	1308335
8 Criminal cases (severe criminal offences)	1115714	1280282	1204982	1205576
9 Misdemeanour and / or minor offences cases	115947	224239	222865	102759

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

The split between severe/minor criminal offences is obtained by classifying as minor the criminal cases treated by the Judges of Peace.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

* Please indicate (in the comments below) which types of cases are included in the

total figures of civil, commercial and administrative law cases.

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	428426	159187	138707	448906
1 Civil (and commercial) litigious cases*	424818	151699	132036	444481
2 Civil (and commercial) non-litigious cases*	3608	7488	6671	4425
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NAP	NAP	NAP	NAP
7 Other	NAP	NAP	NAP	NAP
Total criminal cases (8+9)	156815	88751	76622	168944
8 Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

The split between severe/minor criminal offences is obtained by classifying as minor the criminal cases treated by the Judges of Peace.

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	102588	30406	33928	99066
1 Civil (and commercial) litigious cases*	102588	30406	33928	99066
2 Civil (and	NA	NA	NA	NA

commercial) non-litigious cases*				
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	NAP	NAP	NAP	NAP
7 Other				
Total criminal cases (8+9)	33177	44029	48683	28340
8 Criminal cases (severe criminal offences)	33177	44029	48683	28340
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	35076	21068	19392	36974
Employment dismissal cases*	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NA	NA	682	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

Figures concerning Litigious divorce cases refer to year 2007.

Amongst those 19.392 resolved litigious divorce cases, 11103 are resolved with sentence.

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) How is the length of proceedings calculated for the four case categories? Please

give a description of the calculation method.

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

98) 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 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:

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

- Yes
- No

Please specify:

Only for some particular civil cases concerning family affairs

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	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	3270906	1666943	NA	NA	(*)	624266

Comment :

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

"Received by the public prosecutor" (3270906) can be split as follows:

1555392 offender identified

1715514 offender not identified

You can indicate below:

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

Please indicate the sources for answering the questions 90 to 95 and 100:

Q.90,91,92,100: Ministry of Justice–Statistics Department

Q.93: Corte Suprema della Cassazione (Highest Instance Courts)

Q.94,95: ISTAT (Italian National Statistical Institute)

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

Other, please specify:

Candidates must own a degree in law, then they need to attend a specific legal school and finally they can become judges through a very selective national competitive exam.

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

Consiglio Superiore della Magistratura

The career advancement of judges and prosecutors is decided by the CSM based on periodic evaluations.

104) Which procedures and criteria are used for promoting judges? Please specify.

Criteria established by Consiglio Superiore della Magistratura, such criteria are mainly based on evaluation of professionalism and seniority (years of service).

The career advancement of judges and prosecutors is decided by the CSM based on periodic evaluations.

105) 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

Other, please specify:

106) 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?

107) 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 based on periodic evaluations.

108) 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 based on evaluations.

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

- Yes
- No

Are there exceptions? Please specify:

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	YES	1.5

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

- Yes
- No

Are there exceptions? Please specify:

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	YES	1.5

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?

Please specify the length

for judges? Yes

for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 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

114) 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)
 In-service training for the use of computer facilities in the court

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	No	Yes
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	No	Yes
In-service training for the use of computer facilities in the court	No	No	Yes

116) Nature of the training of prosecutors. Is it compulsory?

- Initial training
 General in-service training
 Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	No	No
General in-service training	No	No	Yes
Specialised in-service training (specialised public prosecutor)	No	No	Yes
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	No	Yes
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- comments regarding the attention given in 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 has 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

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	45188	29069
Judge of the Supreme Court or the Highest Appellate Court	131302	73327
Public prosecutor at the beginning of his/her career	45188	29069
Public prosecutor of the Supreme Court or the Highest Appellate Instance	131302	73327

Comment :

Gross salaries are considerably higher compared to the ones in 2006. This is due to the fact that salaries are revised every 3 years and this has happened between 2006-2008. Moreover judges and prosecutors' grade system has been revised resulting in an higher average of the salaries.

Salaries have to be intended on annual basis. Net annual salary depends on subjective percentages of taxation.

Generally speaking salaries are primarily depending on seniority rather than the position of the Judge or Public Prosecutor. This means that being a Judge (or Public Prosecutor) of the Supreme Court or the

Highest Appellate Court doesn't necessary mean a higher salary.

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

120) If other financial benefit, please specify:

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	Yes	Yes	No
Other function	Yes	Yes	No

122) If other function, please specify:

Always after authorization of Consiglio Superiore della Magistratura.

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	Yes	No
Research and publication	Yes	Yes	No
Arbitrator	No	No	Yes
Consultant	No	No	Yes
Cultural function	Yes	Yes	No
Other function	Yes	Yes	No

124) If other function, please specify:

Always after authorization of Consiglio Superiore della Magistratura

125) 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 answering the question 118

Ministero della Giustizia - Direzione Generale dei Magistrati

5. 2. 2. Disciplinary procedures**126) 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**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

Consiglio Superiore della Magistratura

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	111	62
1. Breach of professional ethics	26	16
2. Professional inadequacy	70	40
3. Criminal offence	15	6
4. Other	0	0

Comment :

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	39	6
1. Reprimand	18	2
2. Suspension	5	0
3. Withdrawal of cases	NAP	NAP
4. Fine	NAP	NAP

5. Temporary reduction of salary	NAP	NAP
6. Degradation of post	9	1
7. Transfer to another geographical (court) location	5	2
8. Dismissal	3	0
9. Other	NAP	NAP

Comment :

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

198000

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NA

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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:

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

Please indicate the source for answering the questions 130 and 132:

Consiglio Nazionale Forense

6. 1. 2. Training

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

lawyer? Yes No**136) Is there a mandatory general system for lawyers requiring continuing professional training?** Yes No**137) 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

138) Can users establish easily what the lawyers' fees will be? Yes No

Please provide comments to explain the answer under question 138

A decree of the Ministry of Justice listing minimum and maximum applicable fees should be approved every two years.

139) Are lawyers fees regulated by law? regulated by Bar association? freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers? Yes No

141) 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):

142) Is it possible to complain about

- the performance of lawyers?
 the amount of fees?

Please specify:

The customer can submit a lawsuit against the lawyer for the damages caused by an inappropriate professional performance of the lawyer. He can also inform the local bar if the misconduct can be disciplinary punished. The client can ask the local bar to examine the proportionality of the fees demanded.

143) Which authority is responsible for disciplinary procedures

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

Please specify:

The local bar is responsible for disciplinary proceedings; its judgement can be appealed before the National Bar Council (CNF).

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	NA	NA	NA	408 total

Comment :

The available statistics refers to the proceedings before the national bar council (CNF). The sum of all proceedings initiated by all the 166 local bar councils is much higher, but there is actually no statistics about that.

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other

Annual number	NA	NA	NA	NA	148 total
---------------	----	----	----	----	-----------

Comment :

This number refers also to the second instance proceedings only.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- 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

146) Does the legal system provide for mediation procedures? If no go to question 151

- Yes
 No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	No	No	No
Family law cases (ex. Divorce)	Yes	No	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	No	Yes	Yes	No
Criminal cases	Yes	No	No	Yes	No

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

- Yes
 No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

NA

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	NA

Please indicate the source for answering the question 150:

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

151) 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 in this chapter**
- 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

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

3550

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
 freely negotiated?
 not applicable

Please indicate the source for answering the question 153:

Ministero della Giustizia - Direzione Generale del Personale e della Formazione
(i.e. Ministry of Justice - Human Resources Department)

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
 No
 Not applicable

160) 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:

161) Have quality standards been formulated for enforcement agents?

- Yes
 No
 Not applicable

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

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
 No

if yes, please specify

Although a specific mechanism for executing court decisions is provided for administrative justice.

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions

164) 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:

165) 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:

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

- for civil cases?
 for administrative cases?

167) 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 sits:

- between 1 and 5 days
 between 6 and 10 days

between 11 and 30 days

more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input checked="" type="checkbox"/> number:	53
for breach of professional ethics		NA
for professional inadequacy		NA
for criminal offence	<input type="checkbox"/> number:	14
Other		NA

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	38
Reprimand	<input checked="" type="checkbox"/> number:	18
Suspension	<input checked="" type="checkbox"/> number:	10
Dismissal	<input checked="" type="checkbox"/> number:	3
Fine	<input checked="" type="checkbox"/> number:	7
Other		NA

You can indicate below:

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

Please indicate the source for answering the questions 167, 168 and 169:

Ministry of Justice - Human Resources Department

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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.

171) 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 in this chapter
- 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

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

- | | |
|---|---------------------------------|
| a private one (without control from public authorities)? | <input type="checkbox"/> number |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> number |
| a public one? | <input type="checkbox"/> number |
| other? | <input type="checkbox"/> number |

Comment :

174) 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 indicate the source for answering the question 173

Consiglio Nazionale del Notariato (Civil Notaries Body)

9. 1. 2. Supervision

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

- Yes
 No

176) 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?
- not applicable

Please specify:

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.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

The current debate in Italy regarding the functioning of justice is focused on the following key aspects:

- 1) Measures to reduce the volume of outstanding proceedings in both the civil and the criminal sectors;
- 2) Strictly related to the above, measures to reduce the duration of trials and of civil cases
- 3) A structural reform of the judiciary based on the separation of careers between judges and prosecutors.

In particular, with regards to the reduction of the number of outstanding proceedings and the duration of civil cases a reform of the civil sector was implemented in June 2009 including a number of measures such as: the reinforcement of alternative dispute resolution methods which is now mandatory for a number of subjects which do not require the involvement of the courts; the review of the costs associated with the administration of justice; the introduction of a filter to the proceedings aimed at reducing their admission to the Supreme Court. With regards to the criminal sector there is under the approval of Parliament a law for the "reasonable duration of trials" which has the objective to give people involved in criminal proceedings a certain term for the completion of their trial. All the above is accompanied with a strong innovation program of Courts aimed at increasing the use of electronic tools such as "electronic notifications" to parties and lawyers and the dematerialization of paper documentation.

Finally, the Ministry of Justice, has announced that in 2010 the government will start the implementation of one of the greatest reforms of the judiciary in Italy based on the separation of careers between judges and prosecutors."