



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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 (if possible on 1 January 2011)

60 626 442

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	526 944 438 870
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

25 727

4) Average gross annual salary (in €)

23 976

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

A.1

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

ISTAT (i.e. Italian National Statistical Institute)

1. 2. Budgetary data concerning judicial system

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

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	3 051 375 987
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	2 274 336 102
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	58 083 534
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	317 399 440
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	269 968 019
5. Annual public budget allocated to investments in new (court) buildings		NA
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	755 313
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	130 833 579

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

"Other" includes for instance compensation, reimbursement, document issuing, luncheon vouchers, etc

8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Except for cases concerning employment, agriculture and family matters.

9) Annual income of court taxes or fees received by the State (in €)

326 163 179

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

7 716 811 123

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	127 055 510	87 080 432	39 925 078

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount

1 249 053 619

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	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	Yes	Yes	Yes
Other ministry	Yes	Yes	No	Yes
Parliament	No	No	No	Yes
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

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Other Ministry = Ministry of Economy and Finance

A.2

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

Question 6 : As far as Q.6 is concerned we have experienced a decrease of the total budget allocated to the functioning of all courts. General cuts have particularly affected the budget allocated to computerization (along with goods and services).

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Ministry of Justice – Budget and Accounts Department (Direzione Generale del Bilancio)

Except for Q.12: Ministry of Justice – (Statistics Department + Criminal Affairs Department)

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	NAP	NAP

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

People granted with legal aid are not required to pay the court fees.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

Legal aid also covers expenses related to the enforcement of judicial decisions.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

For instance it can refer to private detectives, interpreters and expert witnesses.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	159198
in criminal cases	103075
other than criminal cases	56123

Comment :

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

--	--

Accused individuals	Yes
Victims	Yes

Comment :

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	10628	NA
for other than criminal cases?	10628	NA

Comment :

The threshold was increased compared to the 2008-2010 CEPEJ cycle.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

It is possible to refuse legal aid when the request has none or poor grounds to be initiated.

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Actually in Italy this kind of private systems of legal expense insurance was introduced a few years ago and it is growing year by year.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

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

The Criminal Procedure provides that in case of condemnation the convicted party has to pay all the costs.

Please indicate the sources for answering the questions 20 and 23

Ministry of Justice – Statistics Department (Direzione Generale di Statistica)

Ministry of Justice – Criminal Affairs Department (Direzione Generale Affari Penali)

2. 2. Users of the courts and victims

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

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

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts
(e.g. codes, laws, regulations, etc.)? Yes
- Internet address(es):
www.normattiva.it/
www.giustizia.it
http://www.senato.it/leggi/documenti/28689/30479/listaleggedoc.htm
- case-law of the higher court/s? Yes
- Internet address(es):
http://www.cortedicassazione.it/AreaRiservata/BdGiurisprudenza/BdGiurisprudenza.asp
http://www.italgiure.giustizia.it/
http://www.giustizia-amministrativa.it/
http://www.cortecostituzionale.it
- other documents
(e.g. downloadable forms, online registration)? Yes
- http://webstat.giustizia.it

Comment :

http://webstat.giustizia.it

This is the new website of the Statistics Department within the Ministry of Justice. This website is composed of two distinct areas. In the public area one can find all figures related to justice. On the other hand, the restricted area is used by the courts to upload their own data through online forms.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

Yes

No

If yes, please specify:

According to a new law issued in 2009 (69/2009 - Art 81-bis - Calendar of the process)

In civil proceedings, the judge has to provide the parties with the timetable of the process with an indication of subsequent hearings and obligations to be fulfilled. The terms established in the schedule may be extended when serious reasons occur. The extension must be requested by the parties before the deadline.

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

Yes

No

If yes, please specify:

There are some public and free-of-charge specific information systems, at both national and local level, which inform and help victims of crime. Often such information systems are specific to a crime or phenomenon (e.g. Stalking, in-house violence, etc.)

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	No	Yes	Yes
Victims of domestic violence	No	No	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking)	No	No	No

Comment :

Other = victims of human trafficking

Children victims of crimes are assisted and supported by social workers.

In Italy there is a special public fund for victims of human trafficking.

32) Does your country allocate compensation for victims of crime?

Yes

No

If yes, for which kind of offences

For all kind of offences.

33) If yes, does this compensation consist in:

a public fund?

damages to be paid by the responsible person (decided by a court decision)?

a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

Yes

No

If yes, please specify:

The Italian law provides duties and tasks in charge of the public prosecutor of protection and assistance to victims of crime that are not limited to his/her tasks during the proceeding.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
- No
- NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

The public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

In Italy there is a compensation system in case of excessive length of proceedings, wrongful arrest and wrongful condemnation.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

In Italy no surveys of this kind were carried out in 2010. However, in 2011 two satisfaction surveys were carried out in the Italian pilot courts of Turin (North Italy) and Catania (South Italy). They were aimed at court visitors (i.e. parties, victims, witnesses, interpreters, experts, relatives of the parties,...). At present these surveys are to be considered as 'occasional'. However, depending on the goodness of the results this kind of surveys might be extended to other courts across the Country. In Catania two additional surveys were carried out: one aimed at lawyers and one aimed at court staff. (*)

(*Footnote)Additional material on these survey can be found at the following webpage:
http://www.giustizia.it/giustizia/it/mg_6_6_1.wp?contentId=NOL653602

39) If possible, please specify:

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

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

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	No	No
Higher court	Yes	Yes	No
Ministry of Justice	No	Yes	No
High Council of the Judiciary	No	Yes	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

Citizens can submit their complaints to the Ministry of Justice. Once the Ministry has received a complain they can ask the "Inspectorate Body" to investigate the issue further.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	1 231
42.2 First instance specialised Courts (legal entities)	87
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	1 378

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	87
Commercial courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	58
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	29

Comment :

29 Minor (or Juvenile) Courts

44) Is there a foreseen change in the structure of courts [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:

On August 2011, the Italian government issued a delegated law whose objective is the reduction of first instance courts. The criteria to be followed in the selection of offices to be closed are strictly related to the pursuing of cost reduction and efficiency improvement. The law focuses on a significant reduction of Judge of Peace offices (now they are 846) and of remote sites of Tribunals (now they are 220). Finally the law requires a reduction of small Tribunals and eventually small Prosecutor offices. The reform could require the reorganization of territorial distribution of offices and of their competences in order to balance the flows of proceedings and the number of users accessing the services.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not

available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	846
a dismissal	385
a robbery	385

Please give the definition for small claims and indicate the monetary value of a small claim:

The 846 Justice of Peace Courts deal with small claims, that is where the value of the claim is under 5.000 euros.

Please indicate the sources for answering questions 42, 43 and 45:

Ministry of Justice

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	6654	3438	3216
1. Number of first instance professional judges	5366	2602	2764
2. Number of second instance (court of appeal) professional judges	993	598	395
3. Number of supreme court professional judges	295	238	57

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	216	188	28
1. Number of first instance court presidents	194	169	25
2. Number of second instance (court of appeal) court presidents	21	18	3
3. Number of supreme court presidents	1	1	0

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

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

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure Yes 3 121

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

- Yes
 No

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

Only for serious criminal offences, such as murdering.

51) Number of citizens who were involved in such juries for the year of reference:

NA

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Yes	24661
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal		NAP
2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	9699
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	<input checked="" type="checkbox"/> Yes	107
4. Technical staff	<input checked="" type="checkbox"/> Yes	702
5. Other non-judge staff	<input checked="" type="checkbox"/> Yes	14153

Comment :

"Other non-judge staff" includes: assistants, receptionists, porters and other judicial staff

cf.12/07 (Q52): We would like to add a comment after Table 8.1 :

• Italy: The high percentage of "other non judge staff" in Italy is due to a very strict interpretation of the definition of the main categories.

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

There is no such figure in the Italian judicial system.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

- Yes
 No

If yes, please specify:

Yes there is a number of non-core services outsourced to external providers, especially in IT, foreign language training (and not judicial training), cleaning and wire-tapping machinery rental.

C.1

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 have been implemented over the last two years

Question 49 : As far as Q.49 I can confirm that the figures provided are correct. The decrease of both these numbers might be ascribed to the fact that in the period 2008-2010 no new personnel was hired.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Ministry of Justice – Magistrates Department (Direzione Generale dei Magistrati)
except for Q.52 Ministry of Justice – HR Department

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	1 978	1 232	746
1. Number of prosecutors at first instance level	1 700	1 008	692
2. Number of prosecutors at second instance (court of appeal) level	221	171	50
3. Number of prosecutors at supreme court level	57	53	4

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	202	183	19
1. Number of heads of prosecution offices at first instance level	178	159	19
2. Number of heads of prosecution offices at second instance (court of appeal) level	23	23	0
3. Number of heads of prosecution offices at supreme court level	1	1	0

Comment :

As far as the gender issue in chapter 11 please can you add the following comment for Italy.

- Statistically speaking in recent years the number of female judges and prosecutors is increasing. This will presumably lead to a balance of genders in both the courts of appeal and the supreme court in the future.

57) Do other persons have similar duties to public prosecutors?

- Yes
 No

Number (full-time equivalent)

1178

58) If yes, please specify their title and function:

Their title is "Honorary Deputy Prosecutors" and their functions are regulated by law.

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

Yes

9 409

C.2**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 have been implemented over the last two years

Question 57 : As far as Q.57 I can confirm that the figures provided are correct. The decrease of both these numbers might be ascribed to the fact that in the period 2008-2010 no new personnel was hired.

cf.12/07 (Q57) : Please can you add the following comment after Table 10.1:

- In Italy the title given to those persons with similar duties as public prosecutors is "Honorary Deputy Prosecutors" (Vice Procuratori Onorari) and their functions are regulated by law.

Please indicate the sources for answering questions 55, 56 and 60

55 Ministry of Justice - Magistrates Department

56 Ministry of Justice - Magistrates Department

60 Ministry of Justice - Human Resources Department

3. 1. 4. Court budget and new technologies**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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

Comment :

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	+50% of courts
Financial information system	+50% of courts
Videoconferencing	-10% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

Electronic web forms	+50% of courts
Website	+50% of courts
Follow-up of cases online	-50% of courts
Electronic registers	+50% of courts
Electronic processing of small claims	+50% of courts
Electronic processing of undisputed debt recovery	+50% of courts
Electronic submission of claims	+50% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	0 % of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

Law 7/1/1998 n°11 - Discipline of participating in criminal proceedings in the trial examination at a distance and collaborators of justice
<http://www.parlamento.it/parlam/leggi/980111.htm>

cf.12/07 (Q64) : Please consider that we didn't provide any answer for the last item ("Other electronic communication facilities") at Q. 64 as it was no clear what kind of means of communications you were referring to. On the contrary, other member states gave an answer to this item. In this way, in our opinion, the score for the total could be inconsistent. We respectfully suggest to calculate the "Total number of points" at Table 5.11 without considering the last item.

cf.12/07 (Q65) : Please can you also add the following comment in the sub-section titled "Use of videoconferencing"
 • In Italy videoconferencing is mainly used in criminal proceedings in order to question detainees subjected to special security measures so that they do not need to be taken from the prison to another location. Videoconferencing as more effective means of communication and for other uses other than in criminal proceedings is presently under testing.

C.3

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. Performance and evaluation

3. 2. 1. Performance and evaluation

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

- Yes
 No

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

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

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

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

If other, please specify:

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

Please specify:

A series of key indicators have been developed in collaboration with the High Judicial Council (CSM) 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 and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff

- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

As requested, we selected the key indicators although others of the list are evaluated as well.

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- 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 court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

Every year, at the beginning of the year, the Ministry of Justice provides new performance targets.

For the first time in Italian judiciary system law decree n. 98/2011 has provided for economic bonuses to courts and single magistrates when the number of pending cases is reduced by a certain percentage in a year (civil sector only).

76) Please specify the main targets applied to the courts:

The main two targets are: reduction of the pending cases and reduction of costs.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

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

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

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

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

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

C.4

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

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):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	9	0	41	0
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	5	0	9	3

Please indicate the sources:

Ministry of Justice – Legal and Human Rights Department (i.e. DG del Contenzioso e dei Diritti Umani)

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

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?
 there is no specific procedure

If yes, please specify:

For instance specific measures when dealing with child protection.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

The "Processo per direttissima" is a simplified criminal proceeding it is applied in cases of red-handed arrest or confession of the accused. An example of simplified procedures for civil cases is the "Rito sommario".

89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	5 284 253	4 169 012	4 539 492	4 913 773
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	4 263 961	2 399 530	2 834 879	3 828 612
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	510 320	1 258 567	1 225 680	543 207
3. Enforcement cases	509 972	510 915	478 933	541 954
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Separation and divorce by mutual consent, interdiction & incapacitation, protective measures for underage, guardianship & trusteeship etc

93) If "other cases", please indicate the case categories included:

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 283 382	1 607 646	1 519 531	1 371 497
8. Criminal cases (severe criminal offences)	1 147 512	1 359 884	1 288 171	1 219 225
9. Misdemeanour and / or minor offences cases	135 870	247 762	231 360	152 272

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

Please can you add the following definition for "minor offences" after Figure 9.25:

- In Italy there is no formal definition of "Minor criminal cases". For the purposes of this report we have defined "Minor criminal cases" as those proceedings dealt by the Justice of Peace Offices.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	481 595	181 331	150 542	512 384
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	478 557	177 260	146 588	509 229
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	3 038	4 071	3 954	3 155
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	197 696	99 345	79 496	217 545
8. Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	96 233	30 383	28 963	97 653
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	94 573	30 063	28 507	96 129
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Enforcement cases	1 660	320	456	1 524
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	25 560	51 137	47 316	29 381
8. Criminal cases (severe criminal offences)	25 055	50 229	46 447	28 837
9. Misdemeanour cases (minor offences)	505	908	869	544

Comment :

Under "misdemeanour and/or minor criminal cases" are included all those cases coming from the Justice of Peace Courts.
Under "severe criminal cases" are included the cases coming from other kind of Courts.

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	36 176	25 119	24 531	36 764
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	538	453	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

Average length has been calculated using the following formula:
 $L = (\text{Initial Pending cases} + \text{Final Pending cases}) / (\text{Incoming cases} + \text{Resolved cases})$

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

- Yes
- No

If yes, please specify:

Public prosecutor is party in civil affairs in which public interest is involved – such as cases related to status and capacity of persons, rights of minors, divorces, bankrupt etc

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	3 602 309	2 006 369	NAP	733 450

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	2 006 369
1. Discontinued by the public prosecutor because the offender could not be identified	2 006 369
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

Yes

No

D.2

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

Q.91

As far as the most important issue, that is our high clearance rate, as a matter of fact an important change occurred in 2010 is the reason for such drastic improvement of the index.

In civil cases, litigants are required to pay a court tax to start certain types of proceedings. In 2010 such tax was extended to a particular type of proceedings called "Opposizione a sanzioni amministrative" (literally "Opposition to administrative sanctions"). In other words these proceedings have to do with traffic fees. People who got a fine are less likely to start a proceeding (as they have to pay the court tax) than before. Therefore the number of incoming cases has drastically dropped resulting in a significant improvement of the clearance rate.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Ministry of Justice – Statistics Department (Direzione Generale di Statistica) + Highest Instance Court (Corte Suprema della Cassazione)

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

The recruitment process (including examination) is managed by the Ministry of Justice.

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

- Yes
- No

If no, which authority is competent for the promotion of judges ?

The career advancement of both judges and prosecutors falls within the competence of the High Judicial Council (CSM) and it is based on periodic evaluations

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

Every four years, the High Judicial Council (CSM) conducts a professional appraisal based on the professional skills of the judge. The criteria applied are: independence, impartiality, balance, professional capacity, hardworkingness, diligence and commitment.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

Judges and public prosecutors are part of the same judiciary body with same regulation. They are both subject to the High Judicial Council (Consiglio Superiore della Magistratura).

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

The recruitment process (including examination) is managed by the Ministry of Justice.

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

- Yes
- No

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

The career advancement of both judges and prosecutors falls within the competence of the High Judicial Council (CSM) and it is based on periodic evaluations.

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Every four years, the High Judicial Council (CSM) conducts a professional appraisal based on the professional skills of the public prosecutor. The criteria applied are: impartiality, balance, professional capacity, hardworkingness, diligence and commitment.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
- No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

According to the Italian Constitution, judges are appointed to office for life. However, a judge may be removed from office as a result of a disciplinary proceeding, initiated by the Prosecutor-general of the Court of Cassation or requested by the Minister of Justice according to artt. 107 of the Constitution. If charges are brought, the Disciplinary Section hears and decides the case. The proceeding has a judicial nature, right of defence is guaranteed at all stages, and the code of criminal procedure (as in force before 1989) applies. Against the disciplinary decision, appeal is possible before the Joint Civil Chambers of the Court of Cassation.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes

No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

In Italy a public prosecutor may be removed from office as a result of a disciplinary proceeding, initiated by the Prosecutor-general of the Court of Cassation or requested by the Minister of Justice according to artt. 107 of the Constitution. If charges are brought, the Disciplinary Section hears and decides the case. The proceeding has a judicial nature, right of defence is guaranteed at all stages, and the code of criminal procedure (as in force before 1989) applies. Against the disciplinary decision, appeal is possible before the Joint Civil Chambers of the Court of Cassation.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

NAP

E.1

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

Note for Q.122 and Q.124 (probation period)

In the 2008-2010 cycle questionnaire we said there was a probation period for both judges and prosecutors. It is better to clarify this point.

As a matter of fact, in order to become judges or public prosecutors, candidates have to pass a competitive public examination. After the examination successful candidates still have to spend 18 months as "Uditore" (literally "Listener"). This is a mandatory training rather than a probation period. Moreover this is a period of not less than eighteen months – during which 'appointed magistrates' do not fulfil any judicial function.

On completion of the traineeship the High Judicial Council (CSM) appraises whether the newly appointed magistrates are suitable to take up judicial functions. If the outcome of the appraisal is negative they are admitted to a new traineeship of one year. If this new traineeship is followed by a second negative appraisal they are dismissed. If the outcome is positive the newly appointed magistrates take up judicial functions.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional

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

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	Occasional (e.g. at times)
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Optional
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).
If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP

Comment :

cf.12/07 (Q130) : Please can you amend the comment after figure 11.10 as follows:

• Italy – The training for judges and prosecutors was delivered by the High Council. The law decree N° 160/2006 has created the “School for the judiciary” (Scuola superiore della magistratura) under the management of the Ministry of Justice in cooperation with the High Council. The start of training activity is expected by the end of 2012.

E.2

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

Since the “School for the Judiciary” is not yet operational, the training of judges and public prosecutors is run by the High Judicial Council with the assistance of the Scientific Committee.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	50 290	31 729
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	176 000	95 965
Public prosecutor at the beginning of his/her career	50 290	31 729
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	163 788	89 779

Comment :

As far as Q.132, please consider that the salaries of judges and PMs do not depend on the position held but rather on experience (i.e. years of service). That means that the salary of a Judge working in the lowest courts can be the same as the salary of a Judge working in the Highest Appellate Court. Therefore the increase we have experienced is due to the composition of judges and PMs in the Highest Appellate Court.

133) Do judges and public prosecutors have the following additional benefits?

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

134) If other financial benefit, please specify:

Maybe is not a proper benefit but in Italy judges receive a bonus salary if they accept to work in judicial offices with significant lack of personnel (sedi disagiate).

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

	With remuneration	Without remuneration

Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Any function – different from their work – performed by a judge or a public prosecutors is subject to authorisation by the High Judicial Council (CSM). The aim of authorisation is to ensure that the activity doesn't bring the risk of undermining the autonomy and impartiality of the magistrate's image.

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Any function – different from their work – performed by a judge or a public prosecutors is subject to authorisation by the High Judicial Council (CSM). The aim of authorisation is to ensure that the activity doesn't bring the risk of undermining the autonomy and impartiality of the magistrate's image.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

For the first time in Italian judiciary system law decree n. 98/2011 has provided for economic bonuses to courts and single magistrates when the number of pending cases is reduced by a certain percentage in a year (civil sector only).

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power

- Other?
 This is not possible

If "executive power" and/or "other", please specify:

Disciplinary proceeding against judges and public prosecutors can only be initiated by the Prosecutor General of the Corte Suprema di Cassazione (i.e. Supreme court) or by the Minister of Justice.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

Disciplinary proceeding against judges and public prosecutors can only be initiated by the Prosecutor General of the Corte Suprema di Cassazione (i.e. Supreme court) or by the Minister of Justice.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
 Higher Court / Supreme Court
 Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?

If "executive power" and/or "other", please specify:

High Judicial Council (Consiglio Superiore della Magistratura)

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other?

If "executive power" and/or "other", please specify:

High Judicial Council (Consiglio Superiore della Magistratura)

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not

available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	175	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NA	NA
4. Other	NA	NA

Comment :

The total number 175 refers to both Judges and Public prosecutors.

Unfortunately we cannot breakdown this figure.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	50	NA
1. Reprimand	38	NA
2. Suspension	1	NA
3. Removal of cases	NAP	NA
4. Fine	NAP	NA
5. Temporary reduction of salary	NAP	NA
6. Position downgrade	6	NA
7. Transfer to another geographical (court) location	3	NA
8. Resignation	2	NA
9. Other	NAP	NA

Comment :

The above figures refers to both Judges and Public prosecutors.

Unfortunately we cannot breakdown these figures.

E.3

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

Please indicate the sources for answering questions 144 and 145

High Judicial Council (Consiglio Superiore della Magistratura)

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

211 962

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NAP

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

150) Is the lawyer profession organised through? (multiple options possible)

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

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

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

Lawyers National Bar Association (Consiglio Nazionale Forense)

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

Minimum and maximum applicable fees should be approved every two years.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

There is a common professional behaviour code, approved and updated by the National Bar Council

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

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint about :

the performance of lawyers?

the amount of fees?

Please specify:

Clients can submit a statement to the local bar inviting to investigate the lawyer. They can also submit a claim before a civil court against the lawyer's bill.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

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

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	334	NA	NA	NA	NA

Comment :

Unfortunately we cannot provide a breakdown of the total number.

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	125	39	71	15	NAP	NAP

Comment :

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

Yes

No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. Divorce)	No	No	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	Yes	Yes	No
Criminal cases	No	No	No	No	No

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

Yes

No

If yes, please specify:

Legal aid is provided for those people who declare an income below certain thresholds. These people are excluded from the payment of the mediation fee.

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NAP
4. employment dismissals cases	NA
5. criminal cases	NAP

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes

Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

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.
- 3) Conciliation bodies for disputes in the telecommunication sector (creation of the Corecom, as per delibera dell'Autorità Garante delle Telecomunicazioni, n. 173/07/CONS
- 4) "Negoziazioni paritetiche" which are private procedures of mediation established by consumers' associations and companies. Consumers' associations act on behalf of consumers who, at the end of the procedure, may decide whether to accept or not.

G.1

- 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

In 2010 a large reform on ADR (decreto 28/2010) has been approved and since March 21, 2011 a number of matters in the civil sector require that a mandatory mediation procedure is executed before the case can be treated in court. In March 2012 the mediation procedure will be mandatory for additional subjects of the civil sector

Please indicate the source for answering question 166:

Ministry of Justice

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

3 365

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

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Ministry of Justice – HR Department (Direzione Generale del Personale e della Formazione)

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

183) What are the main complaints made by 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?

If other, please specify:

184) 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:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
 for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

NA

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> number:	43
1. for breach of professional ethics	<input type="checkbox"/> number:	0
2. for professional inadequacy	<input type="checkbox"/> number:	0
3. for criminal offence	<input type="checkbox"/> number:	12
4. Other	<input type="checkbox"/> number:	31

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> number:	51
1. Reprimand	<input type="checkbox"/> number:	23
2. Suspension	<input type="checkbox"/> number:	23
3. Dismissal	<input type="checkbox"/> number:	1
4. Fine	<input type="checkbox"/> number:	4
5. Other	<input type="checkbox"/> number:	0

Comment :

H.1

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 186, 187 and 188:

Ministry of Justice – HR Department (Direzione Generale del Personale e della Formazione)

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The judge of surveillance monitor and supervise the execution of the sentence respectful of the rights of detainees and inmates.

In particular, the judge of surveillance is responsible for: supervising the organization of prisons; approving the individual treatment plan for each prisoner; granting remission in case of mental illness, granting permits and safety measures; managing complaints of prisoners.

The judge of surveillance is also responsible for granting and revoking alternative measures to detention (e.g. home detention, conditional release, deferment of execution of sentences).

The prosecutor is responsible, pursuant to art. 655 Code of Criminal Procedure, for criminal enforcement of judgments, by proposing their demands to the judge.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

H.2

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. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	4 750
public agents?		NAP
other?		NAP

Comment :

Source: Notaries National Bar Association (Consiglio Nazionale del Notariato)

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

To check the legality of contracts

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

I.1

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

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.

Source for answering Q.193: Notaries National Bar Association (Consiglio Nazionale del Notariato)

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

Yes

No

198) Is the function of court interpreters regulated by legal norms?

Yes

No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes for recruitment and/or appointment for a specific term of office

Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- No

Comment :

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:
Experts must address their technical report to the judge within 60 days

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Ministry of Justice

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

1. (Comprehensive) reform plans

2. Budget

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

4. High Judicial Council

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crime and prison system

10. Other

1

An overall reform of the judicial system was presented by the Government in 2011 and its review has started within the Justice Commissions of Parliament. The economic turmoil exploded during the summer of 2011 has changed completely the parliamentary agenda so now the reform is in stand-by.

2

The Italian Ministry of Justice is facing, like all other segments of the public administration, an overall cost reduction and a higher level of control on expenditures. Several actions in this direction have been adopted with impact on both capital investments and operational expenses.

3

On August 2011, the Italian government issued a delegated law whose objective is the reduction of first instance courts. The criteria to be followed in the selection of offices to be closed are strictly related to the pursuing of cost reduction and efficiency improvement. The law focuses on a significant reduction of Judge of Peace offices (now they are 846) and of remote sites of Tribunals (now they are 220). Finally the law requires a reduction of small Tribunals and eventually small Prosecutor offices. The reform could require the reorganization of territorial distribution of offices and of their competences in order to balance the flows of proceedings and the number of users accessing the services.

5

There is an important debate currently in Italy around the reform of professions and this topic is strictly connected with a more general need of liberalization of public services. Government and representatives of legal professions are discussing about the best way to balance access to professions and quality of service.

6

The reforms in the civil sector have focussed on efficiency and simplification of procedures. In the criminal sector it is important to mention the creation of a unique code for all laws aimed at fighting against mafia and all other criminal organizations (Codice antimafia).

8

On March 2012, for two important additional categories of civil proceedings it will become mandatory to undergo a mediation procedure before they can enter the ordinary jurisdiction. In addition to that, the Ministry of Justice is issuing a number of acts that reinforce and promote the use of ADR in alternative to ordinary justice.

9

In 2010 it was approved a medium term program for the building of new prisons in the Italian territory. This program shall increase the overall capacity of the prison system. In addition to that other concrete measures are under discussion like: the improvement and more rational maintenance of existing structures, the hiring of more personnel assigned to prisons, the application of alternative measure of serving a punishment, the increase of working opportunity.