



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[59 257 566]

Comments

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002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	840 074 477 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments This figure is largely affected by the COVID-19 crisis and the consequent financial support for businesses during this period.

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003. Per capita GDP (in €) in current prices for the reference year

[27 815]

Comments

004. Average gross annual salary (in €) for the reference year

[31 233]

NA

Comments

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]

Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering the questions in this part

Sources: ISTAT - Italian National Institute of Statistics

1.1.2 Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	3 673 196 820 [] NA [] NAP	3 164 502 774 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	2 547 505 367 [] NA [] NAP	2 386 421 339 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	289 451 112 [] NA [] NAP	147 171 604 [] NA [] NAP
2.1 Investments in computerisation	214 678 867 [] NA [] NAP	95 103 497 [] NA [] NAP
2.2 Maintenance of the IT equipment of courts	74 772 245 [] NA [] NAP	52 068 107 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	265 954 186 [] NA [] NAP	263 764 686 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	322 485 780 [] NA [] NAP	252 939 101 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	0 [] NA [] NAP	0 [] NA [] NAP
6. Annual public budget allocated to training	941 313 [] NA [] NAP	613 200 [] NA [] NAP
7. Other (please specify)	246 859 062 [] NA [] NAP	113 592 844 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: In 2020, the allocation of financial resources was deeply affected by the need to cope with the COVID-19 emergency. This explains the significant discrepancies observed in the figures with respect to 2018. More specifically, the administrative justice system went through a massive revision of its IT infrastructure, which was followed by an appropriate training programme on the new IT system. More generally, the pandemic promoted developments of IT systems in all areas, in order to allow people to work from home. On the other hand, the expenditure in terms of court buildings has fallen probably because of the temporary closure of courts. On a general note, budgeting rule in Italy make it possible to postpone the actual expenditure of the budget allocated in a particular year. In other words, differences in terms of approved and/or implemented budget between two years fade out when considering a longer period.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[] NA [X] NAP	[] NA [X] NAP

Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

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008. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- Courts fees depend on the value of the dispute and they are provided by law.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[98]
 NA
 NAP

Comments

009. Annual income of court fees received by the State (in €):

[374 029 843]
 NA
 NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	348 213 264 [] NA [] NAP	195 471 322 [] NA [] NAP	152 741 942 [] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	348 213 264 [] NA [] NAP	195 471 322 [] NA [] NAP	152 741 942 [] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

Comments

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	348 213 264 [] NA [] NAP	195 471 322 [] NA [] NAP	152 741 942 [] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	348 213 264 [] NA [] NAP	195 471 322 [] NA [] NAP	152 741 942 [] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences:

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	(X) Yes () No [] NAP
Exemption from court fees	() Yes (X) No [] NAP

Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	(X) Yes () No [] NAP

Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
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Comments

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013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	1 599 418 728 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 355 540 428 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	149 450 <input type="checkbox"/> NA <input type="checkbox"/> NAP	39 680 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: In general, the budget for training has drastically decreased in 2020 because the majority of the training was provided online rather than in person. This holds for both courts and prosecution offices. The reason why this trend is not evident at Q.6 (item 6) is due to the presence of administrative justice whose investments in terms of training were massive.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify: It is to be underlined that the Italian administrative justice is given full budgetary autonomy. The High Council for the Judiciary of the Administrative Justice (Consiglio di Presidenza della Giustizia Amministrativa - CPGA) is entitled to the preparation, adoption and approval of the total administrative court budget and it is the body that manages and allocates the budget among administrative courts.

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years’ budget costs	[X]	[X]
Special needs assessment	[X]	[X]
Number of judges/non judges’ staff	[]	[]
Number of incoming cases	[]	[]
Number of pending cases	[]	[]
Number of resolved cases	[]	[]
Other	[]	[]

[] NAP

Comments - If “Other”, please specify

014-1. Who is entrusted with responsibilities related to the budget within a first instance court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Court President and/or judge(s)	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Head of court administration and/or non-judges	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If “Other”, please specify. If the responsibilities are different depending on the type/instance of courts, please answer the

question for the first instance court of general jurisdiction and describe the differences in the comment box: The answers provided at Q.14.1 describe the management the of the budget of the ordinary justice courts. As far as the Administrative Justice is concerned, the management of the budget at court level is up to the administrative director.

A2. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice – Budget and Accounts Department (Direzione Generale del Bilancio)
 Except for Q.12: Ministry of Justice – (Department of Statistics + Department of Criminal Affairs)

1.1.3 Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	9 735 035 406 [] NA [] NAP	8 471 225 265 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12, Q13)

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP
Public prosecution services	(X) Yes () No [] NAP

Comments

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No [] NAP

Probation services	(X) Yes () No [] NAP
High Judicial Council	() Yes (X) No [] NAP
High Prosecutorial Council	() Yes () No [X] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	(X) Yes () No [] NAP
State advocacy	() Yes (X) No [] NAP
Enforcement services	() Yes (X) No [] NAP
Notariat	() Yes (X) No [] NAP
Forensic services	() Yes (X) No [] NAP
Judicial protection of juveniles	(X) Yes () No [] NAP
Functioning of the Ministry of Justice	(X) Yes () No [] NAP
Refugees and asylum seekers services	() Yes (X) No [] NAP
Immigration Service	() Yes (X) No [] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP

If "Other", please specify:

A3. Please indicate the sources for answering the questions in this part

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

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- All Italian courts are managed through the so-called “dual system” (“doppia dirigenza”). The term “dual” refers to the fact that the judicial management is separated by the administrative management. The president of the court is the head of the office and he/she is responsible for the organization of the judicial activity (judges and prosecutors). On the other hand, the administrative manager (Dirigente Amministrativo) is in charge of the administrative part of the court (e.g. human resources, financial resources, etc.). The competences of the administrative manager in terms of management of the financial resources is set by law. The above-described system applies to both courts (tribunals and courts of appeal) and prosecution offices (“procure”) of all instances.

Max characters value : 10 000

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- All Italian courts are managed through the so-called “dual system” (“doppia dirigenza”). The term “dual” refers to the fact that the judicial management is separated by the administrative management. The president of the court is the head of the office and he/she is responsible for the organization of the judicial activity (judges and prosecutors). On the other hand, the administrative manager (Dirigente Amministrativo) is in charge of the administrative part of the court (e.g. human resources, financial resources, etc.). The competences of the administrative manager in terms of management of the financial resources is set by law. The above-described system applies to both courts (tribunals and courts of appeal) and prosecution offices (“procure”) of all instances.

Max characters value : 10 000

2. Access to justice and all courts

2.1. Legal Aid

2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- Italian legislation provides that legal aid can also cover ADR procedures. Under Italian law, legal aid is granted to both citizen and non citizen depending on their income. In the first place, the application is filed to the Bar Association. If this application is refused, the applicant can still file a new application before the court. If admitted, the applicant does not have to pay any sum to the lawyer, who can be chosen by the applicant; legal aid fees are directly paid by the state to the appointed lawyer. The fees for legal aid lawyers are set by law.

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018. 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

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2 Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	305 268 <input type="checkbox"/> NA <input type="checkbox"/> NAP	305 268 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

In criminal cases	154 234 <input type="checkbox"/> NA <input type="checkbox"/> NAP	154 234 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	151 034 <input type="checkbox"/> NA <input type="checkbox"/> NAP	151 034 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: The number of cases not brought to court is not available because this figure is not registered anywhere.

Since these cases are not brought to court, these events are outside the sphere of competence/vision of the Ministry of Justice.

However, the vast majority of legal aid cases is ascribed to cases brought to court. For this reason, even though the total is composed of both components, when calculating the total we can omit cases not brought to court.

Covid19 has deeply affected the flow of the incoming cases. Not only the courts were temporary closed but other than that we went through a long period of lockdown and therefore most existing proceedings were delayed and incoming cases drastically fell. The fall of LA cases is the obvious consequence of the above-described scenario.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information:

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021. 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?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify:

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	(X) Yes () No <input type="checkbox"/> NAP

Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

Yes

No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above:

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	11 494 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	11 494 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

024. 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

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

025. Is the decision to grant or refuse legal aid taken by:

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (court and external bodies)

Comments

026. 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

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

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

2.2. Court users and victims

2.2.1 Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	(X) www.normattiva.it/	()
Case-law of the higher court/s	(X) http://www.italgiure.giustizia.it/sncass; https://www.portaledelmassimario.ipzs.it/	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) https://www.giustizia.it/giustizia/it/mg_4.page	()

Other documents (e.g. forms, downloadable forms, online registration forms)	<input checked="" type="checkbox"/> (X) <a href="https://www.giustizia.it/giustizi
a/it/mg_3.page">https://www.giustizia.it/giustizi a/it/mg_3.page <a href="https://www.giustizia.it/giustizi
a/it/mg_3_m.wp">https://www.giustizia.it/giustizi a/it/mg_3_m.wp <a href="https://www.giustizia.it/giustizi
a/it/mg_3_7.page">https://www.giustizia.it/giustizi a/it/mg_3_7.page <a href="https://www.giustizia.it/giustizi
a/it/mg_2_10_6.page">https://www.giustizia.it/giustizi a/it/mg_2_10_6.page <a href="https://e-
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justice.europa.eu/content_victi
ms_of_crime-65-it.do">https://e- justice.europa.eu/content_victi ms_of_crime-65-it.do	()
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Comment - Please specify what documents and information are included in “Other documents”

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

- Yes, always
- No
- Yes, only in some specific situations

Comment - If “Yes, only in some specific situations”, please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. In each court there is an information office (Ufficio relazioni con il pubblico - URP) which provides general information about the court itself and the

access to justice. Moreover, there are specific offices which specifically deals with information for victims of crime. The “Other” refers to email.

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of terrorism	(X) Yes () No	(X) Yes () No	(X) Yes () No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	(X) Yes () No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	(X) Yes () No
Ethnic minorities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Persons with disabilities	(X) Yes () No	(X) Yes () No	(X) Yes () No
Juvenile offenders	(X) Yes () No	(X) Yes () No	(X) Yes () No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “Other vulnerable person” and/or “Other specific arrangements”, please specify: According to art. 90 quarter of the Italian Code of Criminal Procedure, the condition of particular vulnerability of the victim may derive from the age and the state of illness or mental deficiency, from the type of crime, from the modalities and circumstances of the fact for which one proceeds. For the evaluation of the condition, the following elements are taken into account: if the fact is committed with violence to the person or with racial hatred; if it can be traced back to areas of organized crime or terrorism, even international, or trafficking in human beings; if it is characterized by the purpose of discrimination; if the victim is emotionally, psychologically or economically dependent on the perpetrator of the crime. Therefore, the condition of vulnerability is assessed by the judge case by case and is not limited to the above-listed categories of victims. Moreover, there are special laws and a special procedure for trials concerning juvenile offenders. The specific arrangements, others than special hearing arrangements, may be for instance: psychological assessment and support, interrogation recording, greater speed and priority of the trial, etc.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify
- NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input checked="" type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). As a general rule, persons under the age of eighteen are not capable to initiate a proceeding if not represented by their parents or by a guardian. As an exception, capacity to initiate a proceeding belongs to the so-called “emancipated minor”, that is the minor over the age of sixteen, who has been authorized by the court to get married.

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

Age threshold(s)

Capacity for discernment

Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

[14]

NA

NAP

Criminal liability resulting in sentence of privation of liberty

[14]

NA

NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

032. Does your country allocate compensation for victims of offences?

Yes, but only if offender is unknown

Yes, but only if compensation could not be obtained from offender

Yes, always

No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

NAP

Comment - Please specify: According to art. 11 of Law 7 July 2016 nr. 122 (as amended by Law 20 November 2017 nr 167) the right to compensation (paid by the State) shall be recognised to victims of intentional crimes committed by using violence against a person (except for minor injuries) and in any case of "illicit intermediation in labour and labour exploitation"(art. 603bis of the criminal code). Furthermore, there are special laws which provide rules on compensation to victims of specific types of offences, such as terrorism, organized crime, usury, racketeering and extortion. However, the special provisions only apply when they are more favourable for the victim than the general rules provided in Law 122/2016.

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

Comment - Please specify: According to art. 11 of Law 7 July 2016 nr. 122 (as amended by Law 20 November 2017 nr 167) the right to compensation (paid by the State) shall be recognised to victims of intentional crimes committed by using violence against a person (except for minor injuries) and in any case of “illicit intermediation in labour and labour exploitation”(art. 603bis of the criminal code). Furthermore, there are special laws which provide rules on compensation to victims of specific types of offences, such as terrorism, organized crime, usury, racketeering and extortion. However, the special provisions only apply when they are more favourable for the victim than the general rules provided in Law 122/2016.

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

Comment - Please specify: According to art. 11 of Law 7 July 2016 nr. 122 (as amended by Law 20 November 2017 nr 167) the right to compensation (paid by the State) shall be recognised to victims of intentional crimes committed by using violence against a person (except for minor injuries) and in any case of “illicit intermediation in labour and labour exploitation”(art. 603bis of the criminal code). Furthermore, there are special laws which provide rules on compensation to victims of specific types of offences, such as terrorism, organized crime, usury, racketeering and extortion. However, the special provisions only apply when they are more favourable for the victim than the general rules provided in Law 122/2016.

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments

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

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body: Although no data is available concerning the recovery rate (as such) of the damages awarded by Courts, detailed reports on the activities of the various special public Funds in favour of victims are published every year.

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

Yes

No

Comments - If yes, please specify: Civil matters. Although the Italian civil and civil procedure codes do not state anything on the matter, some scholars argue that the public prosecutor should intervene in the proceeding to get a protection order against domestic abuse (provided by art. 342-bis c.c. and regulated by art. 736-bis ff. c.p.c.) according to art. 70 c.p.c., which provides for the intervention of the public prosecutor in matrimonial cases or in cases regarding the status or the legal capacity of natural persons.

As regards compensation proceedings tackled by Legislative Decree 9 November 2007 n. 204, the Public Prosecutor’s Office at the Court located in the place of residence of the applicant represents the Italian authority to provide assistance.

Criminal matters. The public prosecutor (as well as the law enforcement agents) shall follow special procedures when assuming information from persons who have been recognized as vulnerable. For instance, the PP may have the support of psychologists or psychiatrists and, in any case, the PP shall ensure that the vulnerable victim requested to provide information is not exposed to contact with the offender and that she/he will not be requested to provide information more than once, except in case of absolute necessity for the investigations. (Art. 362 CCP).

As regards protection measures, the PP may request to the Judge the application against the offender of a ban from the family home, and/or a prohibition of approaching specified places which are habitually attended by the victim (art. 282-bis and 282-ter CCP). Moreover, when proceeding for particularly serious crimes (listed in art. 609 decies CCP) committed against minors, the Public prosecutor shall inform the Juvenile Court.

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify: Civil matters. Public prosecutors have a legal standing as regards protection of minors; according to art. 336.1 c.c., they can apply to the relevant judge to obtain the measures provided by art. 330 in cases of serious infringement of parental duties (severance of the parental rights, removal of the child or of the abusing parent from the family house) or the measures provided by art. 333 in cases of harmful conduct of a parent toward a child (said removal or any other convenient remedy).

Criminal matters: Being the minor a vulnerable victim, the same regime as referred to above (under question 35) is applicable

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - If necessary, please specify: The public prosecutor may request the dismissal to the Preliminary Investigation Judge. Such request shall be notified to the victim, if the latter has asked to be notified (in the claim or in a succeeding act). In case of offences committed with violence, the notification is always due, regardless of the victim's request. In a short deadline (20 days from the notification of the request) the victim may oppose to the request for dismissal, by asking for further investigations and indicating the relevant elements. When the Preliminary investigation Judge finds the request to be inadmissible or not founded, he/she dismisses the case. Otherwise, a (non-public) hearing before the Preliminary Investigations Judge is fixed, during which the reasons for the opposition can be discussed. The judge will then decide, on the basis of the discussion, whether dismissing the proceedings, or ordering the Public Prosecutor to issue an indictment or to further investigate.

Only in proceedings aimed at ascertaining the administrative liability of legal entities, companies and associations arising from a crime, according to art. 58 of the Legislative Decree 231 of 8 June 2001, the Public prosecutor may discontinue a case without needing a decision by a judge. In such case, the Public prosecutor shall transmit the decree containing the dismissal to the Prosecutor general at the Court of appeal. The prosecutor general may carry out further necessary verifications and, if he finds the conditions to be met, he may - within six months - charge the entity of having committed administrative offences arising from the crime. It is to be noted that the dismissal of the proceedings concerning the administrative liability of the entity has no effect in the criminal proceedings against the individuals involved.

037. Is there a system for compensating users in the following circumstances:

Number of requests for compensation	Number of condemnations	Total amount (in €)
-------------------------------------	-------------------------	---------------------

Total	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
Excessive length of proceedings	15 855 [] NA [] NAP	12 778 [] NA [] NAP	[X] NA [] NAP
Non-execution of court decisions	6 914 [] NA [] NAP	4 966 [] NA [] NAP	[X] NA [] NAP
Wrongful arrest	1 107 [] NA [] NAP	408 [] NA [] NAP	[X] NA [] NAP
Wrongful conviction	12 [] NA [] NAP	8 [] NA [] NAP	[X] NA [] NAP
Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
Surveys for court staff	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
Surveys for public prosecutors	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
Surveys for lawyers	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
Surveys for other professionals	[] Other regular [] Other regular [] Ad hoc	[] Other regular [] Other regular [] Ad hoc
Surveys for the parties	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc
Surveys for other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	[] Annual [] Other regular [] Ad hoc	[] Annual [] Other regular [] Ad hoc

Surveys for victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for minors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for the general public	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: No satisfaction surveys were conducted in 2020.

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify: See comment below

No

Comment - If you have additional comments please specify: The Italian National Institute of Statistics (ISTAT) publishes a series of reports about victims, alleged offenders, persons prosecuted and persons convicted by final judgement with all relevant demographic breakdown including gender. ISTAT'S website is also available in English: <http://dati.istat.it/Index.aspx?lang=en>

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	811 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	552 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.1 First instance courts of general jurisdiction - legal entities	525 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.2 Second instance courts of general jurisdiction - legal entities	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.3 Highest instance courts of general jurisdiction - legal entities	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2 Total number of specialised courts - legal entities	259 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	236 [] NA [] NAP	23 [] NA [] NAP
Commercial courts (excluded insolvency courts)	22 [] NA [] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	[] NA [X] NAP	[] NA [X] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP	[] NA [X] NAP
Enforcement of criminal sanctions courts	58 [] NA [] NAP	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP	[] NA [X] NAP
Administrative courts	20 [] NA [] NAP	1 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP	[] NA [X] NAP
Military courts	4 [] NA [] NAP	1 [] NA [] NAP
Juvenile courts	29 [] NA [] NAP	[] NA [X] NAP
Other specialised courts	103 [] NA [] NAP	21 [] NA [] NAP

Comments - If “Other specialised courts”, please specify: Tax courts fall into the “Other” category.

The appeal of some specialized courts (e.g. commercial courts, juvenile courts) are dealt by the general jurisdiction appeal courts.

Specific subject matters (e.g labour, insolvency, family, fight against terrorism and organised crime) are dealt by specific divisions within general jurisdiction courts. See general comment for details.

044. Number of courts - geographic locations.

Number of courts (geographic locations)

First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	773 [] NA [] NAP
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)	844 [] NA [] NAP

Comments

=

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
A small claim	385 [] NA [] NAP
An employment dismissal	140 [] NA [] NAP
A robbery	140 [] NA [] NAP
An insolvency case	140 [] NA [] NAP

Comments In Italy there are currently 385 justice of peace offices which deal with small claims and 140 tribunals dealing with employment dismissal, robbery and insolvency cases.

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

045-2. Please indicate the value in € of a small claim:

[5 000]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

3.2. Court staff

3.2.1 Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (please give the information in full-time equivalent and for posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	7 027 [] NA [] NAP	3 122 [] NA [] NAP	3 905 [] NA [] NAP
1. Number of first instance professional judges	5 356 [] NA [] NAP	2 267 [] NA [] NAP	3 089 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	1 174 [] NA [] NAP	519 [] NA [] NAP	655 [] NA [] NAP
3. Number of Supreme Court professional judges	497 [] NA [] NAP	336 [] NA [] NAP	161 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above:

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[] For the purposes of early retirement

[] Other reason, please specify:

[] Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP

1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- Less than 50%
- 50 – 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	7 027 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 464 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 058 <input type="checkbox"/> NA <input type="checkbox"/> NAP	420 <input type="checkbox"/> NA <input type="checkbox"/> NAP	85 <input type="checkbox"/> NA <input type="checkbox"/> NAP
First instance	5 356 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 617 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 368 <input type="checkbox"/> NA <input type="checkbox"/> NAP	308 <input type="checkbox"/> NA <input type="checkbox"/> NAP	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Second instance	1 174 <input type="checkbox"/> NA <input type="checkbox"/> NAP	630 <input type="checkbox"/> NA <input type="checkbox"/> NAP	523 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Supreme court	497 <input type="checkbox"/> NA <input type="checkbox"/> NAP	217 <input type="checkbox"/> NA <input type="checkbox"/> NAP	167 <input type="checkbox"/> NA <input type="checkbox"/> NAP	112 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

If “Other”, please explain which types of cases:

=

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	224 <input type="checkbox"/> NA <input type="checkbox"/> NAP	148 <input type="checkbox"/> NA <input type="checkbox"/> NAP	76 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Number of first instance court presidents	198 <input type="checkbox"/> NA <input type="checkbox"/> NAP	133 <input type="checkbox"/> NA <input type="checkbox"/> NAP	65 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) court presidents	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court presidents	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full-time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- Yes If yes, please give specifications on the types of cases and an estimate in percentage.
- No
- NAP

Comments

049. Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting on a jury):

	Figure
Gross figure	3 547 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage / mixed bench
Criminal cases (severe)	()	(X)	()
Criminal cases (misdemeanour and/or minor)	(X)	()	()
Family law cases	()	(X)	()
Labour law cases	()	(X)	()
Social law cases	()	(X)	()
Commercial law cases	()	(X)	()
Insolvency cases	()	(X)	()
Other civil cases	(X)	()	()

NAP

Comments - If "Other civil cases", please specify: Judges of Peace deal with small claim civil and commercial disputes and misdemeanour criminal cases.

050. Does your judicial system include trial by jury with the participation of citizens?

Yes

No

Comments

050-1. If yes, for which type(s) of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

NA

NAP

Comments

=

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)

Total	Males	Females

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	21 193 [] NA [] NAP	6 987 [] NA [] NAP	14 206 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	13 885 [] NA [] NAP	3 943 [] NA [] NAP	9 942 [] NA [] NAP
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)	4 281 [] NA [] NAP	1 215 [] NA [] NAP	3 066 [] NA [] NAP
4. Technical staff	356 [] NA [] NAP	210 [] NA [] NAP	146 [] NA [] NAP
5. Other non-judge staff	2 671 [] NA [] NAP	1 619 [] NA [] NAP	1 052 [] NA [] NAP

Comments - If "Other non-judge staff", please specify:

052-1. Number of non-judge staff by instance (if possible, on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	21 193 [] NA [] NAP	6 987 [] NA [] NAP	14 206 [] NA [] NAP
1. Total non-judge staff working in courts at first instance level	17 336 [] NA [] NAP	5 755 [] NA [] NAP	11 581 [] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	3 012 [] NA [] NAP	951 [] NA [] NAP	2 061 [] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	845 [] NA [] NAP	281 [] NA [] NAP	564 [] NA [] NAP

Comments

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system,

please specify in which fields they have a role:

- Legal aid
- Family cases
- Payment orders
- Registry cases (land and/or business registry cases)
- Enforcement of civil cases
- Enforcement of criminal cases
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments As far as the training is concerned, in Italy there are two different public schools that deal with the training of both judges/prosecutors on one hand and civil servants on the other. Both the School for the Judiciary and the National School of Administration are public institutions. Only a limited number of specific subjects are covered by private training companies.

C1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

3.3. Public prosecution

3.3.1 Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). (Please give the information in full-time equivalent and for posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	2 269 [] NA [] NAP	1 201 [] NA [] NAP	1 068 [] NA [] NAP
1. Number of prosecutors at first instance level	1 939 [] NA [] NAP	992 [] NA [] NAP	947 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	261 [] NA [] NAP	165 [] NA [] NAP	96 [] NA [] NAP
3. Number of prosecutors at Supreme Court level	69 [] NA [] NAP	44 [] NA [] NAP	25 [] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above:



=

055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

() Yes

(X) No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
1. At first instance level (%)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP
2. At second instance (court of appeal) level (%)	[] NA [] NAP	[] NA [] NAP	[] NA [] NAP

3. At Supreme Court level (%)	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

Comments

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	162 <input type="checkbox"/> NA <input type="checkbox"/> NAP	124 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of heads of prosecution offices at first instance level	142 <input type="checkbox"/> NA <input type="checkbox"/> NAP	107 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of heads of prosecution offices at Supreme Court level	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

- Yes
- No

Comments - If yes, please specify their titles and functions: In Italy this figure is called “Vice Procuratore Onorario”. After a period of training, they can assist the public prosecutors. They can be employed in a variety of different tasks: hearings of misdemeanor criminal cases, jurisprudence studies, preparation of the request to discontinue cases, etc.

057-1. Please specify their number (in full-time equivalent):

- 1 722]
- NA

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

- Yes

(X) No

[] NAP

Comments

059-1. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify

=

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	7 858 [] NA	2 735 [] NA	5 123 [] NA

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Yes, please specify	No
---------------------	----

judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: In Italy the recruitment of professional of the above categories is held through a national examination which is totally open to both genders without any quota system. Nevertheless, in the judiciary, women currently represent approximately 55% of the total judicial professional personnel.

As far as administrative justice is concerned, a plan for the adoption of positive actions for the welfare of the personnel and equal opportunities among different genders for 2021-2023 has been adopted by the General Secretary of the administrative justice on 28th December 2020. This plan aims, among others, to implement and spread form of flexible work (smart working).

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year or you have additional comments, please specify: The election of lawyers inside the National or District Forensic Council (art. 34 of Law no.247 of December 31 2012) is subject to quotas in order to guarantee the presence of women.

Even in the abovementioned election, literally, is not a 'promotion', it surely brings more responsibilities for the member elected in the National or District Forensic Council (as clarified in the explanatory note).

As far as administrative justice is concerned, according to the plan mentioned at Q.61-2 the promotion and the appointment to superior positions shall take into account the principle of gender equality.

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	() Yes If “yes”, please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

(X) Yes

() No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload it/them to us? In Italy there is a dedicated office body called “Dipartimento per le pari opportunità” (literally Department of Equal Opportunities) within the Presidency of the Council of Ministers which specifically deals with the planning and the implementation of equal opportunities policies. Moreover, the law provides that in each Public Administration there must be a special committee called CUG (“Comitato unico di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”) for equal opportunities, valorization of the wellbeing of employees and anti-discrimination. This special committee was set up within the Ministry of Justice in 2013.

The Italian High Council for the Judiciary has a similar committee, the Equal Opportunities Committee (“Comitato per le Pari Opportunità in Magistratura” - CPOM).

As specified in art.17 of the High Judicial Council Internal Regulation, the Equal Opportunities Committee shall formulate opinions and proposals to the competent Commissions with the aim to “remove hindrances that prevent the full realisation of equal opportunities between men and women in their work as judges, and to promote positive actions”.

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
The recruitment of judges	()	(X)
The promotion of judges	(X) see note (CPOM)	()
The recruitment of prosecutors	()	(X)
The promotion of prosecutors	(X) see note (CPOM)	()
The recruitment of non-judge staff	()	(X)
The promotion of non-judge staff	(X) see note (CUG)	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments: The Italian High Council for the Judiciary has a committee, the Equal Opportunities Committee (“Comitato per le Pari

Opportunità in Magistratura” - CPOM) which, as specified in the art.17 of the High Judicial Council Internal Regulation, shall formulate opinions and proposals to the competent Commissions with the aim to “remove hindrances that prevent the full realization of equal opportunities between men and women in their work as judges, and to promote positive actions”. The equal opportunities committee within the Ministry of Justice is called CUG (“Comitato unico di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni”).

Both this internal bodies deal with gender issues, but non specifically with recruitment and or promotion; indeed they are aimed at removing the obstacles that prevent the full realization of equal opportunities between men and women in the Judiciary, and to promote positive actions.

As far as administrative justice is concerned, there is a Committee for equal opportunities among genders, made up by administrative judges appointed by the President of the Council of State, on the advice of the Council for the judiciary. It deals with all the questions concerning gender equality d protection against discrimination in the administrative justice. Moreover, in the administrative justice, as in all the Italian public administrations, a Unique Committee of Guarantee (CUG) for the promotion of gender equality, equal opportunities and welfare of public personnel has been functioning since 2011. This Committee has substituted the previous Committee for equal opportunities among genders.

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Within the Ministry of Justice, which is the competent body for non-judge staff, there is a Special Committee which deals specifically with equal opportunities, valorisation of the wellbeing of employees and anti-discrimination. This is the link to the ministerial decree (dated 2013) which set up the committee:

https://www.giustizia.it/giustizia/it/mg_1_8_1.wp?facetNode_1=4_111&facetNode_2=3_1_7&previousPage=mg_1_8&contentId=SDC909257

The High Council of the Judiciary (CSM), which is the competent body for both judges and prosecutors, has its own Committee on Equal Opportunities. This is the link to the internal regulation of the High Judicial Council which -among other things- set up the committee (see art. 17): <https://www.csm.it/documents/21768/159899/Regolamento+interno+del+CSM/59d60171-0888-416f-171c-cc75d23c4bc9>

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) These committees are independent bodies that fall under the umbrella of the corresponding judicial administration, i.e. the Ministry of Justice and the High Judicial Council.

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. to block a decision or allow an appeal) These committees are composed of different judicial figures and labour union representatives. Other than consultative functions, these committees are intended to ensure equal treatment and equal opportunities among all employees (protection and safeguard functions).

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	(X)	()
in public prosecution services (prosecutors)	(X)	()
for courts' non-judge staff	(X)	()

Comments - Please specify the details of this person/institution, in particular its titles and function: Similarly to the Committees at national level, there are also special committees called CUG ("Comitati unici di garanzia per le pari opportunità, la valorizzazione del benessere di chi lavora e contro le discriminazioni") for equal opportunities, valorisation of the wellbeing of employees and anti-discrimination which operate at local/district level.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment to different positions	()	(X)
Workload distribution	(X)	()
Working hours	(X)	()
Modalities of teleworking and presence in the workspace	(X)	()
Replacement of absent persons	(X)	()
Organisation of the hearings	(X)	()
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. Most of the actions are addressed to working mothers who can benefit from reduced working hours and other special aids

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents. No cases of gender based inequality are known in the recruitment and advancement procedures of the judiciary personnel, based on public competitions.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> Defined and coordinated at national level by one institution <input type="checkbox"/> Defined and coordinated at national level by several institutions <input type="checkbox"/> Defined and coordinated at unit/stakeholder level <input type="checkbox"/> Other
IT Governance	<input checked="" type="checkbox"/> Governed at national level by one institution <input type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other alternatives (external service provider only – specify in a comment)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - please also describe in case of “other alternatives” External service providers are in charge of software development, system management and technical assistance for the two main civil and criminal contracts, controlled and verified by the IT Department of the Ministry of Justice.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes

() No

Comments (please specify in particular if national frameworks of information security exist): The subject is regulated by the ministerial decree regarding IT systems.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

(X) Yes

() No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) The Italian Data Protection Supervisor (“Garante per la protezione dei dati personali”) is the authority specifically responsible for protection of personal data. Authorizations and limitations for accessing data are regulated through a specific regulation: strong authentication is always required to access personal data, otherwise data are anonymized.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

(X) Yes

() Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Criminal	() Yes all judgements () Yes some judgements (X) No	() Yes all judgements () Yes some judgements (X) No	(X) Yes all judgements () Yes some judgements () No	(X) Yes () No	() Yes (X) No	(X) Yes () No	() Yes (X) No
Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments - if it exists in other matters please specify

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

Linkage with other European records of the same nature

Content directly available through computerised means for judges and/or prosecutors

Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

**062-7. Are there writing assistance tools for which the content is coordinated at national level?
(models or templates, paragraphs already pre-written, etc.)**

Yes

() No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	<input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input checked="" type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

Administrative	<input checked="" type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
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062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input checked="" type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input checked="" type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input type="checkbox"/> Both <input checked="" type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Accessible to parties <input type="checkbox"/> Publication of decision online <input checked="" type="checkbox"/> Both <input type="checkbox"/> Not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
-----------------------	---	--	---	---	---

Comment - If it exists in other matters please specify:

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment – if it exists in other matters please specify:

Budgetary and financial monitoring

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Other (please specify in comments)	<input type="checkbox"/> 100%	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> No	<input type="checkbox"/> No
	<input type="checkbox"/> 10-49%	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> 1-9%	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP
	<input checked="" type="checkbox"/> 0% (NAP)		
	<input type="checkbox"/> NA		

Comments

Other tools of courts management

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments As a matter of fact in Italy several different entities such as the police, the National Social Welfare Institution (INPS) and others can submit a case to the prosecution office (Procura) electronically. In addition to that, in recent years a new system called “Portale del Processo Penale Telematico” (literally Portal of the Telematic Criminal Process”) has been developed. This system allows the filing of complaints and lawsuit (denunce e querele) by the lawyer of the victim. The combination of these two systems makes the availability rate of criminal cases in the range 50-99%. Clearly both these systems are regulated by a specific legislative framework. Moreover, all proceedings (100%) can be transmitted from the prosecution office to the court electronically.

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

Formalisation of the request in paper form remains mandatory	() Yes (X) No [] NA [] NAP
Specific legislative framework regarding requests for legal aid by electronic means	(X) Yes () No [] NA [] NAP
Granting legal aid is also electronic	(X) Yes () No [] NA [] NAP
Information available in CMS	(X) Yes () No [] NA [] NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

(X) Yes

() No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]
Criminal	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]
Administrative	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework	Availability for
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <input checked="" type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
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Comments

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments

064-9. Are there online processing systems of specialised litigation (small claim litigation,

undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)?

- Yes
- No

Comments – Please describe the system that exists.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

- Yes
- No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input checked="" type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments The sound is recorded while the video is not. Even when it comes to video conferencing it’s only the sound which is saved and stored. The same applies to the previous cycle.

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

- Yes

() No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

3.6. Performance and evaluation

3.6.1 National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality

systems for the judiciary and/or judicial quality policies)?

() Yes

(X) No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	() Yes (X) No
within the public prosecution services	() Yes (X) No

Comments

3.6.2 Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

(X) Yes

() No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- [X] number of incoming cases
- [X] length of proceedings (timeframes)
- [X] number of resolved cases
- [X] number of pending cases
- [X] backlogs
- [] productivity of judges and court staff
- [] satisfaction of court staff
- [] satisfaction of users (regarding the services delivered by the courts)
- [] costs of the judicial procedures
- [] number of appeals
- [] appeal ratio
- [X] clearance rate
- [X] disposition time
- [] other (please specify):

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality

indicators?

Yes

No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "Less frequent" or "More frequent", please specify: Quarterly

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments The evaluation of the court activity (case flow, DT, CR, etc.) are used to draw up the staffing plan (“pianta organica”) i.e. the ideal allocation of judges and court staff among the courts. More recently, this data is used for monitoring the implementation of reforms and investments related to the Recovery and Resilience Plan (PNRR) and the related EU Next Generation funds.

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

- Yes
- No

Comments

073-4. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Quarterly

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

- Yes
- No

Comments

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment))
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

=

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court



- External audit body
- Other (please specify):

Comments

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)?

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):

Comments

3.6.3 Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases

- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

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

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	()	(X)
within the public prosecution services	()	(X)

Comments

3.6.4 Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution):
- No

Comments

080-1. Are the statistics on the functioning of each court published?

- Yes, on the internet
- No, only internally (on an intranet website)
- No

Comments

=

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):

No

Comments

080-3. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on an intranet website)

No

Comments

=

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

=

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-5. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify: It is common practice for Courts and Prosecution Offices to sign memorandum of understanding, often also involving lawyers representatives, engaging all parties in the adoption of organizational measures to facilitate the smooth functioning of the system (e.g. case priority, calendar of the hearings, judicial expenses, etc.). In some cases, (e.g. those involving priority rules) the memoranda are aimed to guarantee the effective implementation of rules of law, while in others they only define best-practices.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify: Memorandum of understanding between lawyers and court representatives are widespread also for the management of civil cases. Such agreements are typically envisaged at court level.

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments Quantitative performance targets are set in terms of length and timeframe of proceedings. Judges who fail to meet certain requirements may face disciplinary proceedings.

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):
- NAP

Comments

114. Is there a system of qualitative individual assessment of the judges’ work?

- Yes
- No

Comments The assessment procedure applies to both judges and public prosecutors. Every four years, the High Judicial Council (CSM) conducts a professional appraisal based on the professional skills of judges/prosecutors. The professional status of both judges and prosecutors is organized into 7 different levels. Several criteria are taken into consideration: independence, impartiality, balance, professional capacity, hardworkingness, diligence and commitment. The assessment is based on a number of acts and documents that describe all the professional aspects of the magistrate to be evaluated. The most significant are: • a “self report” where the magistrate illustrates all the elements that he/she believes are necessary or useful to be considered for the purpose of his/her appraisal; • a random sample of acts and documents produced by the magistrate during the evaluation period; • an "informative report" prepared by a superior of the magistrate; • the statistics concerning activity of the magistrate: the number of provisions drafted, the processing times of the proceedings, the time for filing the documents (even in comparison with the other magistrates of the office); • scientific publications, if any; • reports from the lawyers' council, if any.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

=

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public Prosecutorial Council
- Head of the organisational unit or hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments

120-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

Comments

C4. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice - High Judicial Council

4.Fair trial

4.1.Principles

4.1.1Principles of fair trial

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

[]

[] NA

[X] NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Yes

No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments In civil, criminal and administrative cases, if a party considers that the judge is not impartial, they can go through the so-called

recusal procedure. The request is either addressed to the president of the section within which the judge is sitting or to the president of the court him/herself. The recusal procedure can be initiated at any stage of the proceeding/trial, even before the first hearing. Moreover, when there is a conflict of interest, a judge can autonomously withdraw from hearing a case to prevent creating a perception that he/she carried a bias while deciding the case.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

For civil procedures (non-enforcement)

For civil procedures (timeframe)

For criminal procedures (timeframe)

NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): In Italy there is no monitoring system in this respect. (NAP is not an option)

086-1. 1 Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Yes

No

NAP

Comments The possibility of revision of a criminal case after a finding of a violation of the European Convention on Human Rights by the ECHR is already possible (article 630 of the criminal code) while the extension to civil cases is currently on the table.

D1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify:

089. 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

Comments - If yes, please specify:

4.2.2 Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	3 610 366 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 671 545 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 741 198 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 540 713 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	2 233 438 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 139 154 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 184 941 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 187 651 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	1 226 175 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 490 342 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 498 906 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 217 611 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	1 226 175 [] NA [] NAP	1 490 342 [] NA [] NAP	1 498 906 [] NA [] NAP	1 217 611 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	150 753 [] NA [] NAP	42 049 [] NA [] NAP	57 351 [] NA [] NAP	135 451 [] NA [] NAP	79 771 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In 2020 the case flow was highly affected by the COVID-19 pandemic and the consequent temporary shutdown of courts. This had an impact on both incoming and resolved cases, which fell quite considerably compared to 2019. However, the fall in the number of resolved cases was less drastic than that of incoming cases, resulting in a clearance rate (CR) higher than 100% and, hence, in a reduction in the number of the unresolved cases (i.e. the pending cases at the end of the period). The COVID-19 pandemic also had a strong impact on the disposition time (DT). The number of pending older than 2 years is not available because figures include the activity of both tribunals and justice of peace offices and for the latter this information is not available.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. Non-litigious cases include -amongst others- divorce and separation by mutual consent, change of divorce/separation conditions, judicial interdiction and incapacitation, hereditament, some family-related procedures, etc.
Under this category also fall the following: order for payment procedures, proceedings for validation of eviction, precautionary proceedings and proprietary measures.

093. Please indicate the case categories included in the category "other cases":

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	1 193 323 [] NA [] NAP	1 042 721 [] NA [] NAP	945 778 [] NA [] NAP	1 290 266 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	1 094 651 [] NA [] NAP	922 368 [] NA [] NAP	834 920 [] NA [] NAP	1 182 099 [] NA [] NAP	408 895 [] NA [] NAP
2. Misdemeanour and / or minor criminal cases	98 672 [] NA [] NAP	120 353 [] NA [] NAP	110 858 [] NA [] NAP	108 167 [] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify

4.2.3 Case flow management – second instance**097. Second instance courts (appeal): Number of “other than criminal law” cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	308 057 [] NA [] NAP	96 914 [] NA [] NAP	109 828 [] NA [] NAP	295 143 [] NA [] NAP	134 526 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	302 701 [] NA [] NAP	89 839 [] NA [] NAP	102 989 [] NA [] NAP	289 551 [] NA [] NAP	134 251 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	5 356 [] NA [] NAP	7 075 [] NA [] NAP	6 839 [] NA [] NAP	5 592 [] NA [] NAP	275 [] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	5 356 [] NA [] NAP	7 075 [] NA [] NAP	6 839 [] NA [] NAP	5 592 [] NA [] NAP	275 [] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If “Other cases” please specify In 2020 the case flow was highly affected by the COVID-19 pandemic and the consequent temporary shutdown of courts. This had an impact on both incoming and resolved cases, which fell quite considerably compared to 2019. However, the fall in the number of resolved cases was less drastic than that of incoming cases, resulting in a clearance rate (CR) higher than 100% and, hence, in a reduction in the number of the unresolved cases (i.e. the pending cases at the end of the period). The COVID-19 pandemic also had a strong impact on the disposition time (DT).

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	267 997 [] NA [] NAP	91 318 [] NA [] NAP	85 612 [] NA [] NAP	273 703 [] NA [] NAP	131 118 [] NA [] NAP
1. Severe criminal cases	263 401 [] NA [] NAP	88 819 [] NA [] NAP	82 375 [] NA [] NAP	269 845 [] NA [] NAP	130 282 [] NA [] NAP

2. Misdemeanour and / or minor criminal cases	4 596 [] NA [] NAP	2 499 [] NA [] NAP	3 237 [] NA [] NAP	3 858 [] NA [] NAP	836 [] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify.

4.2.4 Case flow management – Supreme Court



099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	143 134 [] NA [] NAP	43 829 [] NA [] NAP	42 329 [] NA [] NAP	144 634 [] NA [] NAP	70 305 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	116 635 [] NA [] NAP	32 208 [] NA [] NAP	28 730 [] NA [] NAP	120 113 [] NA [] NAP	57 631 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	26 101 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 281 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 221 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 161 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 610 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	398 <input type="checkbox"/> NA <input type="checkbox"/> NAP	340 <input type="checkbox"/> NA <input type="checkbox"/> NAP	378 <input type="checkbox"/> NA <input type="checkbox"/> NAP	360 <input type="checkbox"/> NA <input type="checkbox"/> NAP	64 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases", please specify

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

(X) Yes, please indicate the number of cases closed by this procedure: 7193

() No

Comments In Italy there is a procedure of manifest inadmissibility. However, this procedure doesn't follow a simplified procedure nor it is presided by a single judge. Indeed, proceedings that are judged as 'inadmissible' are always handled by a panel (more often in closed section). The judges' decision (with its motivation) is published with an ordinance.

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	23 583 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 508 <input type="checkbox"/> NA <input type="checkbox"/> NAP	37 618 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 473 <input type="checkbox"/> NA <input type="checkbox"/> NAP	48 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	21 261 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 695 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 558 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 398 <input type="checkbox"/> NA <input type="checkbox"/> NAP	43 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	510 <input type="checkbox"/> NA <input type="checkbox"/> NAP	598 <input type="checkbox"/> NA <input type="checkbox"/> NAP	558 <input type="checkbox"/> NA <input type="checkbox"/> NAP	550 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other criminal cases	1 812 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 502 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 525 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If "Other criminal cases", please specify 2."minor criminal cases" represent cases against justice of peace's decisions and cases against first and second instance judges' decisions, regarding minor offences that are punished with fines. 3. "Other cases" Can be related to procedures pending in first or second instances (jurisdiction or competence conflicts between other courts), or pending in other countries (rogatory or capture instances); "Other cases" can be also related to decisions regarding the execution of imposed punishments (for example regarding the end or a change (home detention) of the imprisonment), or can be related to the correction of material errors on Highest Court's sentences.

4.2.5 Case flow management and timeframes – specific cases



101. Number of specific litigious cases received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Litigious divorce cases	44 792 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 607 <input type="checkbox"/> NA <input type="checkbox"/> NAP	25 212 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 187 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 353 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	15 207 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 380 <input type="checkbox"/> NA <input type="checkbox"/> NAP	14 038 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15 549 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 409 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	9 401 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 985 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 256 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 130 <input type="checkbox"/> NA <input type="checkbox"/> NAP	999 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	49 277 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 963 <input type="checkbox"/> NA <input type="checkbox"/> NAP	42 604 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33 636 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-court procedures relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	94 041 <input type="checkbox"/> NA <input type="checkbox"/> NAP	23 779 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 401 <input type="checkbox"/> NA <input type="checkbox"/> NAP	89 419 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 217 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Court cases relating to the right of entry and stay for aliens	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 964 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 757 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

101-1. Could you briefly describe the system in your country dealing with legal remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The Italian asylum system foresees a single regular procedure, the same for the determination of both refugee status and subsidiary

protection status. The asylum claim can be lodged either at the border police office or within the territory at the provincial Police station (Questura).

The police authorities send the registration form and the documents concerning the asylum application to the Territorial Commissions or Sub-commissions for International Protection (Commissioni territoriali per il riconoscimento della protezione internazionale) (CTRPI) located throughout the national territory, the only authorities competent for the substantive asylum interview. Asylum seekers can appeal against a negative decision issued by the Territorial Commissions within 30 days before the competent Civil Tribunal.

101-2. Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system: In order to correctly identify child sexual abuse cases it is necessary to assess both articles and paragraphs, which the Italian Criminal Code is composed of. Unfortunately, in most cases the only information available for statistical purposes is the article. In general, when it comes to the quantification of specific crimes it necessary to implement a study of the phenomenon first. This exercise cannot be reduced to a mere data extraction from the database as we might end up in either overestimate or underestimate the phenomenon. Having said that, we are in the process of investigating this area and we might be in a position to provide the desired data for the next cycles.

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as enforcement procedure.

	% of decisions subject to appeal	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)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	1 148 [] NA [] NAP	1 138 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Litigious divorce cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	694 [] NA [] NAP	427 [] NA [] NAP	875 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	431 [] NA [] NAP	382 [] NA [] NAP	687 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Insolvency cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	148 [] NA [] NAP	[] NA [X] NAP	1 083 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Robbery cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	230 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	177 [] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Separation by mutual consent and uncontested divorce are also possible without judicial procedure. In particular through an ADR procedure called "negoziazione assistita" (literally assisted negotiation) or alternatively directly to the public register office without the intervention of the lawyer.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. The average length is the arithmetic mean of the actual lengths of the cases resolved during the year of reference.

4.2.6 Case flow management – public prosecution

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 request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (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 (please specify):

Comments

106. Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	1 587 721 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	2 503 277 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	2 487 994 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	1 657 870 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	971 314 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	679 742 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	6 814 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1.4 Discontinued for other reasons	0 [] NA [] NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	6 281 [] NA [] NAP
3.3. Cases closed by the public prosecutor for other reasons	388 574 [] NA [] NAP
3.4. Cases brought to court	435 269 [] NA [] NAP
4. Pending cases on 31 Dec. ref. year	1 603 004 [] NA [] NAP

Comments

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
Before the main trial	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
During the main trial	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

(X) Yes

() No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice + Supreme Court of Cassation + Council of State

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1 Recruitment and promotion of judges



110. How are judges recruited?

- [X] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [] a combination of both (competitive exam and working experience)
- [] other (please specify):

Comments

111. Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by:

- [] An authority made up of judges only
- [] An authority made up of non-judges only
- [X] An authority/authorities made up of judges and non-judges
- [] Other

Comments - 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:

111-1. How many members compose this authority?

	Total	Male	Female
Members	29		
	<input type="checkbox"/> [] NA	<input type="checkbox"/> [] NA	<input type="checkbox"/> [] NA
	<input type="checkbox"/> [] NAP	<input checked="" type="checkbox"/> [X] NAP	<input checked="" type="checkbox"/> [X] NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- (X) Yes
- () No

Comments – please specify which body is competent to decide on appeal?

112. Is the same authority (Q111) competent for the promotion of judges?

- () Yes
- (X) No

Comments

113. What is the procedure for the promotion of judges? (multiple answers possible)

- [] Competitive test / Exam
- [X] Other procedure (interview or other)
- [] No special procedure

Comments - Please specify how the promotion procedure for judges is organised (especially if there is no competition or examination): Unlike other Member States, in Italy the concept of “promotion” is mostly related to “seniority”. The appointment of a judge to a higher court is not considered a “promotion” even though it is clearly more prestigious to work within the Supreme Court of Cassation compared to first instance courts. The promotion has only to do with the 7 levels described above.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple replies possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

5.1.2 Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if “mixed model” or “other”, please specify.

115-1. Does the law or other regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions: Head of prosecution office is allowed to issue general guidelines on prosecution activity aimed to public prosecutors. In addition, if the Public prosecutor -for any reason- doesn't carries out his/her prosecutorial duties (“inerzia”) and under no other circumstances, the general prosecutor in court of appeal (Procuratore Generale presso la corte d'appello) can step in and take control of the proceeding (“avocazione”).

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If "Other", please specify:

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other
- NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

- Issued seeking prior advice from the competent public prosecutor
- Mandatory
- Reasoned
- Recorded in the case file
- Other
- NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

- Exceptional
- Occasional
- Frequent
- Systematic
- NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning

of their career recruited by:

- 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
- Other

Comments - 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:

117-1. How many members compose this authority?

	Total	Male	Female
Members	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify what is the status of this authority and who is proposing its members?

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal? Yes they can appeal to the competent regional administrative court (TAR).

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors High Judicial Council (CSM)

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion procedure for prosecutors is organised (especially if there is no competition or examination):

119-2. Please indicate the criteria used for the promotion of a prosecutor:

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria



5.1.3Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:70

No

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

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

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

Yes, please indicate the compulsory retirement age:70

No

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

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

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

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

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

[]

NA

NAP

Comments

126-1. Is it renewable?

Yes

No

NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

5.2. Training

5.2.1 Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in a court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

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

	Frequency of the judges training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on child-friendly justice	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2 Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)	() Yes (X) No	(X) Yes () No	() Yes (X) No

In-service training for management functions (e.g. Head of prosecution office, manager)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on child-friendly justice	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	[]	[]	[]

Institution(s) for prosecutors	<input type="checkbox"/>]	<input type="checkbox"/>]	<input type="checkbox"/>]
Institution(s) for both judges and prosecutors	<input type="checkbox"/>]	<input type="checkbox"/>]	<input checked="" type="checkbox"/> X]

Comments

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	<input type="checkbox"/>] NA <input checked="" type="checkbox"/> X] NAP
Institution(s) for prosecutors	<input type="checkbox"/>] NA <input checked="" type="checkbox"/> X] NAP
Institution(s) for both judges and prosecutors	13 335 928 <input type="checkbox"/>] NA <input type="checkbox"/>] NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. In Italy both judges and prosecutors have compulsory initial training.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP
1. For judges	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP
2. For prosecutors	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP
3. For other non-judge staff	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input checked="" type="checkbox"/> X] NA <input type="checkbox"/>] NAP

4. For other non-prosecutor staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Training for other professionals	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. We cannot fill in the above table. However, in 2020 we had 572 training courses (online and in-person) and 20.866 attenders. These figures include judges, prosecutors and staff.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-judge staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other professionals	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments We cannot fill in the above table. However, in 2020 we had 572 training courses (online and in-person) and 20.866 attenders. These figures include judges, prosecutors and staff.

5.3. Practice of the profession

5.3.1 Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	56 263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	34 758 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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)	187 296 <input type="checkbox"/> NA <input type="checkbox"/> NAP	101 161 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Public prosecutor at the beginning of his/her career	56 263 [] NA [] NAP	34 758 [] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP
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 Attorney General).	187 296 [] NA [] NAP	101 161 [] NA [] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	() Yes (X) No	() Yes (X) No
Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	() Yes (X) No	() Yes (X) No

Comments

134. If “other financial benefit”, please specify:

[X] NAP

=

135. Can judges combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No

Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify.

137. Can public prosecutors combine their work with any of the following functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

Yes

No

Comments - If yes, please specify the conditions and if possible the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, who are the members of this institution/body?

Only judges

Judges and other legal professionals

Other, please specify:

Comments

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

5.4. Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

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

Court users

Relevant Court or hierarchical superior

- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify): Minister of Justice
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify): Minister of Justice
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple replies possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple replies possible)

- Supreme Court

- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2 Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	80 <input type="checkbox"/> NA <input type="checkbox"/> NAP	38 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	53 <input type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons.

E3. Please indicate the sources for answering the questions in this part

Sources: High Judicial Council

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	235 964 <input type="checkbox"/> NA	123 117 <input type="checkbox"/> NA	112 847 <input type="checkbox"/> NA

Comments

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

Yes ()

No (X)

Comments

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

[]

[] NA

[X] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes always (X) Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Dismissal cases	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Criminal cases – Defendant	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Criminal cases – Victim	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP
Administrative cases	() Yes always (X) Yes in some cases () No [] NAP	() Yes always (X) Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Lawyers have the right to represent parties with respect to any ordinary and extra-ordinary legal remedy and to obtain details on their status/the status of legal proceedings concerning them: general details of legal proceedings as well as judicial decisions public and accessible. Details of legal proceedings are accessible only to the parties, and the lawyer is required to proceed for the necessary inquiries on behalf of the client.

149-0. If other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No

Family member	() Yes (X) No	() Yes (X) No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Trade union	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - If "other", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s): Self-representation is allowed in civil cases before first instance lower courts (Justice of Peace courts) either with small financial value (under €1.100,00) or when the judge (Justice of Peace) authorizes accordingly the party, taken into account the nature and value of the controversy.

With regard to tax law cases, legal representation for first and second instance can be exercised by lawyers, certified tax accountants (commercialisti), labour law experts (consulenti del lavoro), and also by engineers, surveyors (geometri), industrial engineers (periti industriali), agronomist/agricultural engineers (dottore agronomo e forestale), agricultural technician (agrotecnici), agricultural technician (periti agrari), forwarding agents (spedizionieri doganali), for specific matters defined by law (art. 2, comma 2, and art. 12 D.Lgs. n. 546/1992). Self-representation is also allowed in all tax law cases under the value of €3.000,00. Legal representation is exclusively exercised by lawyers with regard to petitions to the high instance court.

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- Notarial activity
- Arbitration / mediation
- Proxy / representation
- Property manager
- Real estate agent
- Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- a national bar association
- a regional bar association
- a local bar association

Comments

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

- Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees: Law Degree (minimum of a four-years university course) is required in order to access professional training, which lasts for 18 months (or 6 months if the lawyer candidate holds a diploma from a legal profession specialization school – scuola di specializzazione per le professioni legali) and national bar exam according to the provisions of L. 247/2012.

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

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: Specialization in specific legal fields is disciplined by the Justice Ministry Decree DM 144/2015, recently amended by decree DM 163/2020 which introduced the necessary measures for the system to work properly. Specialization, which does not replace the continuing education requirements for lawyers and is not required in any case for the exercise of legal profession in a specific field, has been deemed as a useful tool for citizens and individuals when facing the choice of hiring a lawyer. The system involves subjects at different levels (the Ministry of Justice, the National Bar, as well as local Bars, specialistic lawyers' associations and law faculties), and allows to acquire a title, which will be conferred by the National Bar (Consiglio Nazionale Forense), either attending with proficiency a specific two-years specialization course or after the positive evaluation of the application and documentation submitted showing acquired experience in the sector. Each lawyer will be able to achieve a maximum of two different specializations (to ensure adequate qualification).

F1. Please indicate the sources for answering the questions in this part

Sources: National Bar Association (Consiglio Nazionale Forense)

6.1.2 Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar 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

Comments

6.1.3 Quality standards and disciplinary procedures



157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used? The quality standards are determined setting out the rules of conduct of those who exercise the legal profession, with regard to professional contacts, professional activities and also personal activities which may impact on the profession (i.e. personal honour, honesty and integrity). The principles set out in the Code of Conduct for Lawyers are consistent with the provisions of the Charter of core principles of the European legal profession and the Code of Conduct for European Lawyers. Independence from the client is deemed as a core principle to guarantee the quality of the lawyer's work, along with the right and duty to keep clients' matters confidential and to respect professional secrecy, avoid conflict of interest, loyalty to the client, fair treatment of clients in relation to fees, professional competence, respect towards professional colleagues, respect for the rule of law and the fair administration of justice.

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

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	6 115 [] NA [] NAP
1. Breach of professional ethics	[X] NA [] NAP
2. Professional inadequacy	[X] NA [] NAP
3. Criminal offence	[X] NA [] NAP
4. Other	[X] NA [] NAP

Comments - If "other", please specify: The total disciplinary proceeding provided for 2020 differs from the figures provided in the past. Actually, the data collected in the past were not completely exhaustive as the local Bar associations used to provide figures only for those disciplinary proceedings which successfully went through the preliminary and inquiry phases. For 2020 the total figure at Q.161 is the total number of requests received by the local Bar associations. Most of these requests are dismissed (at different stage of the process) for manifest inadmissibility. Moreover, since the sub-categories proposed at Q.161 do not fully fit the nation Code of Conduct for Lawyers the breakdown is not available.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	452 [] NA [] NAP
1. Reprimand	247 [] NA [] NAP
2. Suspension	163 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	[] NA [X] NAP
5. Other	42 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The figures at Q.162 do not include verbal reprimands (introduced by the law on legal profession – L. 247/2012 – and effective since 2015, which are not disciplinary sanctions and are provided by the law on legal profession L. 247/2012 in the case of minor breaches).

“Other category” includes: 11 removal from the Bar registry (“radiazione”) and 31 temporary measures.

7. Court related mediation and other alternative Dispute Resolution

7.1. Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Real rights, condominium disputes, division of assets, wills and inheritance, leasing, family covenants and agreements, loans, business rents, medical malpractice damages, libel, insurance, bank and financial contracts. In 2020 the procedures subject to mediation were extended to the disputes related to COVID.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Labour cases including employment dismissals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Consumer cases	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
-----------------------	--------------------------------	--------------------------------	--------------------------------	--------------------------------

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

- (X) Yes
() No
[] NAP

Comments - If yes, please specify (only one or both options)::

=

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	23 804 [] NA [] NAP	11 601 [] NA [] NAP	12 203 [] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	60 110 [] NA [] NAP	52 311 [] NA [] NAP	15 013 [] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source: Mediation is not provided for administrative justice (NAP). The other forms of mediation are

provided by bodies external to the judiciary (e.g. Corecom) and therefore they do not fall under the control/vision of the Ministry of Justice. In 2020 the numbers are deeply affected by the Pandemic. If we look at the first half of 2021, we can already see a “recovery” in this respect.

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168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):see general comment

Comments

G1. Please indicate the sources for answering the questions in this part

Source: Department of Statistics and Organizational Analysis (within the Ministry of Justice)

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	2 490 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 150 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 340 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Private professionals under the authority (control) of public authorities	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	2 490 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 150 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 340 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify:

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

- Yes, please indicate the age of retirement: 70
- No, please specify the duration of the appointment:

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

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Movable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bank account	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other	() Yes (X) No	() Yes (X) No
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Comments - If "other", please specify:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of immovable properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of immovable properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of remunerations	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of motorised vehicles	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP

Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

171-3. Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immoveable property

- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments Other: Seizure of goods. Enforcement agents also play a role within the scope of family matters (custody of minors).

8.1.3 Training and ICT

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

- Yes
- No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

- Yes
- No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

- Yes
- No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

- Yes
- No

Comments - Please explain:

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: Ministry of Justice

8.1.5 Organisation of profession and efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments

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

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - 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

unethical behaviour of enforcement agent

other (please specify):

Comments

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

() between 11 and 30 days

() more (please specify):

NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of

sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering the questions in this part

Source: Ministry of Justice

8.2.Execution of decisions in criminal matters

8.2.1 Functioning of execution in criminal matters

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

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent
- Other authority (please specify):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1 Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	5 087	3 182	1 905
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

1. Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Holders of public offices appointed by the State	5 087 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 182 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 905 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Civil servants (paid by the State)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure:

192-1. What are the access conditions to the profession of notary (multiple replies possible):

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):

Comments

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement: 75
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

9.1.2 Activities/scope of competences

194. What kind of activities do notaries perform (multiple options possible):

	Please select one option
Authentication	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Other (for example collect taxes, run registers etc.)

- Yes, exclusively performed by notaries
- Yes, but not exclusively performed by notaries
- No
- NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

194-3. Do notaries use specialised ICT systems in their activity?

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify:

194-6. In which computerised registries can notaries modify data (either directly or by submitting

an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Business registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Civil status/ Population registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Succession / Family law registry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Any other registry (please specify)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple

options possible)?

professional body

court

Ministry of Justice

public prosecutor

other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

11. Please indicate the sources for answering the questions in this part

Sources: National Council of Notaries (Consiglio Nazionale del Notariato)

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1 Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of registered court interpreters:

[]

[X] NA

[] NAP

Comments

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

() Yes

(X) No

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

201. Are the courts responsible for selecting court interpreters?

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

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

[] No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1 Status of judicial experts



202. In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible):

[X] Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

[X] Experts appointed by the court or other authority independent of the parties

[] Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

(X) Yes

() No

202-1-1. If yes, at which level is the list established (multiple replies possible):

- national
- administrative district or federal entity
- judicial district
- other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?): Additional information on this topic can be found here:
https://www.giustizia.it/giustizia/it/mg_3_4_1.page

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

202-2. Which authority is competent for the registration of judicial experts?

- Ministry of justice
- Courts
- Administrative body
- Independent body (association of judicial experts)
- Other

Comments - Please also specify the registration criteria:

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

202-4. Can an expert who is not on the list or not registered be appointed in a case?

- Yes
- No

Comment - If yes, please specify in which cases: Judges are bound to appoint experts who are on the list. However, the judge due to the relationship of trust between him/her and the expert has the opportunity to appoint experts not in the list. However, in this case the judge has an obligation to motivate the choice.

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	() Yes (X) No
Continuous training	() Yes (X) No

Comments Judicial experts are professionals belonging to different categories, for example architects, accountants etc. Each category comes a specific association which may or may not provide specific forms of training. However, such training is completely outside the scope of the judiciary. In other words, there is no training provided to experts by the judiciary.

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments

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

- (X) Yes
- () No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

- (X) Yes
- () No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	(X) NA () NAP	(X) NA () NAP	(X) NA () NAP

Comments

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	(X) NA () NAP

1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Defined by the court/judge	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Freely agreed between expert and the parties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Quality of expertise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

207-1. Does the judge or another body control the progress of the expertise?

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Ministry of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms



208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Italy is working on comprehensive reforms involving civil and criminal justice as well as insolvency proceedings, aimed at simplifying and rationalising the forms of the trial at all levels of justice.

The Senate approved the enabling act setting forth the civil justice reform on September 21, 2021. The text should become final and effective once approved by Chamber of Deputies. With the exception of the urgent provisions included in the act (which should be directly effective), the reform should enter fully into effect with the adoption of implementing legislative decrees within a year from entry into force of the enabling act.

The civil justice reform envisages changes in, among others, the following areas: (i) ADR means; (ii) ordinary and simplified first instance proceedings; (iii) digital tools in civil proceedings; (iv) proceedings before the courts of appeal and the Supreme Court; (v) labour disputes; (vi) enforcement proceedings; (vii) court-appointed experts; (viii) the judicial office (ufficio per il processo); (ix) a unified

proceedings in family matters; and (x) a court for persons, minors and families.

On September 23, 2021, the Senate approved the enabling act setting forth the criminal justice reform, already approved by Chamber of Deputies on August 3, 2021. The law will come into force after its publication in the Official Gazette, scheduled for the next few days. With the exception of the urgent provisions included in the act (which are meant to be directly effective), the reform should enter fully into effect with the adoption of implementing legislative decrees within a year from entry into force of the enabling act.

In order to deflate and accelerate criminal proceedings, the criminal justice reform envisages provisions to simplify and streamline the system of documents and notifications; to develop interventions for the stage of investigations and of preliminary hearing aimed at ensuring more certain and tighter timetables; to extend the possibility of resorting to alternative procedures and incentive of the related benefits; to set up schemes to ensure a greater selectivity with regard to prosecution and to the access to trial debates, both in the first and in the second instance proceedings; to ensure a greater smoothness of the first instance trial: to provide for a reasonably selective access to appeal proceedings; to fix the terms of duration of proceedings, allowing for appropriate mechanisms of adaptation to possible specificities of each judicial office. Furthermore, measures designed to ensure a more substantial reduction in the number of proceedings are envisaged by means of intervening on: the conditions for prosecuting criminal offences; the possibility of extinction for some kinds of offences through restorative conduct protecting the victims; extension of the application of the legal arrangement of the particular tenuousness of the offence. In this perspective the statute of limitation for criminal offences is placed in a more efficient and rational framework, where it is no longer the only possible remedy in case of unreasonable length of proceedings. INSOLVENCY:

“On August 24th, 2021 the Italian Government approved Decree-Law No. 118/2021. The new law has:

- Postponed to May 16th, 2022 the entry into force of Legislative Decree No. 14/2019, except for certain provisions which help negotiating the restructuring process (convenzione di moratoria, accordi di ristrutturazione ad efficacia estesa, accordi di ristrutturazione agevolati). - Provided for a new instrument, called “composizione negoziata”, to help enterprises that are, or could be, in financial difficulty. The “composizione negoziata” established by Decree-Law No. 118/2021 is an early warning mechanism. It is available in case of financial difficulty or in case of remediable crisis and it encourages the debtor to assess any difficulties at an early stage. It is conceived as a voluntary mechanism that helps the entrepreneur to negotiate with his creditors and any parties involved in the process of restructuring. It should benefit in particular micro and small enterprises (which usually do not have professionals specialized in business restructuring).

The new law also provides for a platform accessible from the website of every Chamber of commerce. The “composizione negoziata” works through the platform which indicates: all relevant information about the “composizione negoziata”; a checklist to help the entrepreneur conceive the restructuring plan; the forms to request the appointing of the Expert; a “viability test” that can be taken by every enterprise even before requesting the appointment of the Expert. The Expert helps the entrepreneur to carry out negotiations with creditors and other interested parties. As a first step, he or she assesses the viability of the enterprise, summons the entrepreneur to discuss the restructuring strategy, if possible, and gives advice about the entrepreneur’s plan, if necessary. Subsequently, the Expert starts the negotiations with the other interested parties in the presence of the debtor. The negotiations can last up to 18 months, at the outcome of which the entrepreneur can reach an agreement with some or all the creditors or file with the Court a request for one of the restructuring proceedings provided by the insolvency law (ADR, CP, piano attestato di risanamento, sovraindebitamento). If, during or following the negotiations, the enterprise proves to be not viable, the debtor shall file a request for bankruptcy. When a deal is reached with the creditors, the law provides for fiscal benefits for the enterprise and protects the interested parties from avoidance actions in subsequent insolvency proceedings.

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees,

renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The civil justice reform envisages a number of changes in this respect, including:

- The establishment in tribunals, courts of appeals and the Supreme Court of organisational structures called ufficio per il processo, to support judges in performing their tasks and, thus, reduce the backlog and increase efficiency in the administration of justice;
- The establishment of a tribunal for persons, minors and families competent to deal with most matters concerning family law and persons;
- A substantial strengthening of IT tools and their use in the administration of justice, which is pursued, among others, by imposing a greater use of digital filings for submissions and documents, by recruiting specialised IT personnel in judicial offices and by admitting remote hearings on a stable basis;
- A reduction of the cases in which the tribunal rules as a panel, an increase of the cases falling under the competence of the giudice di pace and the provision that appeal proceedings are directed by the investigating judge (consigliere istruttore) rather than the panel.
- With regard to the criminal justice reform, it envisages a number of measures in order to intervene on the internal management of resources (also in consideration of the new “office for trials” [ufficio per il processo]), on the current scarcity of resources (judges and judicial officers) and on the shortage of funds to support the expenditure, on the standardisation and interoperability of the various modules for digitisation of documents and procedures, on professional training for magistrates, lawyers and officers.

ADMINISTRATIVE JUSTICE

- Regarding public procurement, to fasten the procedure, in 2020, the rule to adopt generally the decision of cases with simplified judgment to be delivered in 15 days has been introduced (l.d. 76/2020, converted into l. 78/2020)
- According to the Recovery plans, a huge programme of decrease of backlog has been adopted with an increase of number of administrative functionaries (to be recruited), new management and working methods. In particular, the Office of the process has been strengthened with the provision of new tasks and responsibilities.(l.d. 80/ converted into law 113/2021)
- In order to decrease the backlog, the possibility to celebrate online special hearings dedicated to eldest cases has been introduced in 2021. (art. 87, 5th paragraph, introduced by l.d. 80/ converted into law 113/2021)
- In order to avoid the creation of new backlog, some new provisions have been introduced in the administrative code trial. For example, the immediate decision of the easiest cases in chamber, with simplified judgment; the necessity to motivate about exceptional reasons justifying the postponing of the case to another hearing (art. 72 bis administrative code trial introduced by l.d. 80/ converted into law 113/2021)

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The civil justice reform aims to strengthen alternative dispute resolution means, without encroaching the right to access justice. Hence, for example, the reform aims to strengthen the mandatory mediation system in force in Italy, but also assists the parties financially by extending legal aid to mediation and assisted negotiation and by introducing fiscal incentives.

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: A plan for gender balance for 2021-2023 in the administrative justice has been approved Regarding the recruitment of personnel for the enforcement of the Recovery plan, the necessity to respect gender equality has been emphasized (art. 17 quater law decree 80/2021, converted in law 113/2021).

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: See 208-1

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The civil justice reform aims at enhancing and reinforcing the respect of judicial orders by intervening on the grounds for requesting a suspension of the enforceability of orders and, more generally, on the complex system of the enforcement process. To this end, the reform envisages:

1.Strengthening the regulation of measures on provisional enforcement of judgments on appeal and, in particular, setting forth more stringent conditions to suspend the enforceability of a judgement under appeal as well as providing for administrative penalties if the appeal is declared inadmissible or manifestly unfounded;

2.Amending the enforcement process, including by (i) shortening procedural deadlines relating to the fulfilment of obligations prior to the issuance of an order of sale, (ii) introducing a private sale procedure to enable the debtor to place assets on the market directly, and (iii) granting the execution judge the power to order indirect coercion measures in order to compel compliance.

The criminal justice reform aims at a faster and more efficient criminal trial, by reviewing the sanctions regime provided for offences and introducing an organic set of rules for restorative justice and for the office for criminal trial.

208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Strengthening alternative dispute resolution tools is one of the main objectives of the civil justice reform, which envisages important measures on mediation, assisted negotiation and arbitration. The reform envisages, inter alia:

1.Strengthening tax incentives relating to out-of-court dispute resolution procedures; 2.Harmonising and collecting in a consolidated law the legal regulation of out-of-court dispute resolution procedures;

3.Extending mandatory mediation, as a condition to accessing the courts, to a range of subject matters that typically involve stable relationships between the parties, who should thus be encouraged to find an amicable settlement; 4.Reforming the mediation procedure and the negotiation procedure, introducing more stringent requirements for public or private bodies to establish mediation bodies and improving training in ADR, in order to increase their effectiveness, awareness and quality;

5.Extending assisted negotiation to family disputes with the provision that agreements reached following assisted negotiation may also contain agreements on the transfer of immovable property with binding effects and may provide for the payment of the divorce allowance in a lump sum;

6.Strengthening the guarantees of impartiality and independence of the arbitrator;

7.Granted arbitrators the power to issue interim measures, subject to the agreement of the parties, while maintaining the judge's power to issue interim measures when the application is filed prior to the constitution of the arbitral tribunal.

208-11. Fight against crime

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Important regulatory reforms have been adopted in implementation of European Union legislation, such as the Legislative Decree February 2, 2021, n. 9 Provisions for the adaptation of national legislation to the provisions of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO'). Others are close to adoption, such as: -the adaptation of national legislation to Regulation (EU) 2018/1805 of the European Parliament and of the Council of November 14, 2018 on the mutual recognition of freezing and confiscation orders; -the implementation of DIRECTIVE (EU) 2018/1673, relating to the fight against money laundering through criminal law; -the implementation of DIRECTIVE (EU) 2016/343 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 March 2016, on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings; -the implementation of DIRECTIVE (EU) 2019/713 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION; -the implementation of DIRECTIVE - (EU) 2019/1937 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2019 on the protection of persons who report

208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The civil justice reform envisages several important innovations in the field of the family and minors, including by: 1.Creating a unified proceedings to adjudicate family matters and, in particular, most cases relating to minors falling within the competence of the ordinary court, the juvenile court and the tutelary judge. In these proceedings, among other things, the judge should be granted wide-ranging ex officio powers in matters where minors are involved and may request support by third-party experts or social services;

2.Regulating the proceedings leading to judicial measures to protect minors, with a view to protecting the minor and safeguarding the procedural rights of all parties involved;

3.Enabling the judge to appoint a special representative of the minor (curatore speciale del minore) in cases with a high degree of conflict, and to invest the special representative with specific substantive powers to carry out the judge's orders;

4.Transforming juvenile courts into a highly specialized court for persons, minors and families, supported by its judicial office made up of, among others, honorary judges;

5.Extending the possibility to pursue assisted negotiation procedures in matters relating to the custody and maintenance of children born out of wedlock.

208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The civil justice reform envisages specific provisions for the treatment of judgments in which gender-based or domestic violence is alleged, in order to ensure for such cases (i) appropriate safeguards and protection, (ii) the necessary procedures for coordination with other judicial authorities, including investigators, (iii) shorter procedural deadlines as well as (iv) specific procedural and substantive provisions to avoid secondary victimization, including in case minors are involved. The criminal justice reform strengthens the protective measures of victims in criminal proceedings, extending the cases in which the victim has the right to be informed of the accused's release and introducing compulsory arrest in flagrancy of crime in case of violation of the measures of removal from the family home.

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: