Report
The Rule of Law
2024
ITALY

GENNAIO 2024

Presidency of the Council of Ministers
Department for European Affairs
National Focal Point*: Aurelio La Torre*

"...the magistrates who administer the law, the judges who act as its spokesmen, all the rest of us who live as its servants, grant it our allegiance as a guarantee of our freedom". Cicero (106 BC - 43 BC)

EUROPEAN RULE OF LAW MECHANISM

2024 RULE OF LAW REPORT

1. Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, four editions of the Rule of Law Report have been published in 2020, 2021, 2022 and 2023.

To facilitate the appropriate involvement of Member States, the Commission has set up a network of contact points on the rule of law, composed of national contact points appointed by Member States. In preparation for the previous Rule of Law Reports, all Member States, through these contact points, provided detailed input on presenting the summary of the legal framework and significant developments as regards the topics covered. The input assisted the Commission in the drafting of the Rule of Law Reports using comparable information covering all Member States. The input was complemented by the other contacts and sources set out in the document on methodology, including through networks such as the *Group of contact persons on national justice systems* and the *National contact points on corruption.*

The Commission would like to invite the national contact points to provide contributions to the 2024 Rule of Law Report. This document provides information on the type of information and topics that will be covered in the 2024 Rule of Law Report, in order to allow Member States to provide input. More targeted input may be requested at a later stage of preparation of the 2024 Rule of Law Report, including in the context of country visits, or bilateral contacts, as well as the later consultation on the draft country chapters.

The 2024 Rule of Law Report will continue to deepen the assessment under the existing four pillars, and will also follow-up on the implementation of the recommendations to Member States, that were issued as part of the 2023 Rule of Law Report. The contribution to be provided should include ***(1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and (2) any other significant developments since January 2023*[1] *falling under the 'type of information' outlined in section II.***

The input should consist of a short summary, if possible in English, covering the areas referred to below. The contribution should aim at not exceeding 30 pages. Legislation or other documents may be referenced with a link (no need to provide the full text). Contact points will be asked whether they agree to publish their input on the Commission's website. In order to avoid duplication and excessive administrative burden, contact points are encouraged to answer as many questions as possible by making explicit reference to any contribution already provided in a different context including under Council of Europe, OECD, OSCE and UN bodies or procedures. Information covered in the inputs for the previous Rule of Law Reports should be referenced where relevant and does not need to be repeated.

Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice

Please send us your replies by **15 January 2024** to the following email address: rule-of-law-network@ec.europa.eu. In case you would have any questions or requests for clarifications, please do not hesitate to contact the Commission at the same email address.

2. Type of information

The topics are structured according to four pillars: I. Justice system; II. Anti-corruption framework; III. Media pluralism and media freedom; and IV. Other institutional issues related to checks and balances. The replies could include aspects set out below under each pillar. This can include challenges, current work streams, positive developments and best practices:

A) Legislative developments

[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

- Newly adopted legislation

- legislative drafts currently discussed in Parliament

- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation

- evaluations, impact assessment, surveys

- white papers/strategies/actions plans/consultation processes

- follow-up to reports/recommendations of Council of Europe bodies or other international organisations

- important administrative measures

- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts

- important decision/opinions from independent bodies/authorities

- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable.

If there are no changes, it is sufficient to indicate this and the information covered in the inputs for the previous Rule of Law Reports should not be repeated.

3. Questions for contribution

The following four pillars (I.-IV.) are sub-divided into topics (A., B., etc.) and sub-topics (1., 2., 3., etc.). each of the topics and sub-topics, you are invited to provide (1) information on measures taken to implement the recommendations addressed to the Member State in the 2023 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2023 Rule of Law Report and (2) any other significant developments since January 2023[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). Significant developments can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

If there are developments you consider relevant under each of the four pillars that are not mentioned in the sub-topics, please add them under the section "other - please specify". Only significant developments should be covered.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

[3] Unless already covered in the input for the previous Rule of Law Reports.

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

With reference to the recommendation to *«continue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices»,* significant progress has been achieved. For further information on the activities undertaken for the implementation of the digital criminal trial, please refer to the extensive discussion under point I. Justice System, B. Quality of justice, 15. Digitalisation[4].

A. Independence (Q.2 – Q. 11)

2. Appointment and selection of judges[5], prosecutors and court presidents (incl. judicial review)

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

4. Promotion of judges and prosecutors (incl. judicial review)

5. Allocation of cases in courts

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

9. Independence/autonomy of the prosecution service

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

Law No. 71 of 17 June 2022, "enabling the Government to adopt a legislative decree for the reform of the justice system and for the adaptation of the military justice system and introducing provisions on legal, organisational and disciplinary matters, the eligibility and relocation of magistrates and the establishment and functioning of the High Council of the judiciary" published in the Official Gazette, General Series, no. 142 of 20.06.2022, introduced both immediately mandatory provisions and provisions delegating powers to the Government.
The immediately mandatory provisions were analysed in the contribution submitted for the 2023 Rule of Law Report.
Law no. 71/2022 has been in force since 21 June 2022 and the legislative delegation was to be exercised by the end of December 2023.

On 28 November 2023 the Council of Ministers approved the scheme of legislative decree whereby the delegation of powers provided for by Law no. 71/2022 will be exercised.

The scheme is currently being examined by the competent parliamentary committees for their opinion.
The scheme of the legislative decree implements the principles of delegation relating to the following matters:

- access to the judiciary;
- evaluation of magistrates' professional performance;
- functioning of the Court of Cassation Directorate and of the Judicial Councils;

[4] Ministry of Justice.
[5] The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

- selection of the members of the Supreme Court of Cassation and of the General Prosecutor's Office at the Court of Cassation;
- assignment of managerial and semi-managerial functions within judicial offices (i.e. appointment of heads of judicial offices and chambers).

The following aspects are worth highlighting.

Article 1, amending the Royal Decree no. 12 of 30 January 1941, containing the Consolidated Act on the judicial system, regulates the drafting and adoption of the organisational plans of the judicial offices, aiming to make the procedures for the adoption of such plans quicker and more efficient.
Article 2 regulates the participation of lawyers and law professors in the decisions concerning the evaluation of magistrates' professional performance. As far as the Court of Cassation Directorate is concerned, Article 2 provides that the lawyer member of the Directorate may exercise his/her right to vote on deliberations concerning the evaluation of magistrates' professional performance in accordance with the indication given by the National Council of Lawyers (Italian Bar Association - *Consiglio Nazionale Forense*) based on specific circumstances which, in the opinion of the National Council, require a positive or negative assessment of the magistrate.
A similar provision is introduced for the Judicial Councils. The only difference is that, in the case of Judicial Councils, the representatives of the bar can be more than one and, in the deliberations concerning the magistrates' professional evaluation, they may express only a unitary vote in accordance with the indication given by the relevant local bar association.
Article 3 amends the Legislative Decree no. 26 of 30 January 2006 (concerning the establishment of the High School of the Judiciary) and entrusts the High School of the Judiciary with the task of organising preparation courses for the competitive procedures for the recruitment of magistrates. Article 3 provides that participation in the preparation courses is restricted to those who have completed or are engaged in training activities at judicial offices and to members of the Office of the Trial (*Addetti all'Ufficio del Processo*), provided that they have achieved specific scores in university exams. The High School of the Judiciary will determine the maximum number of participants for each course and establish priority criteria in cases where the number of candidates exceeds the number of available positions.

Article 5 amends the provisions of the Legislative Decree no. 160 of 5 April 2006 concerning the competitive procedure for the access to the judiciary, the evaluation of magistrates' professional performance, the selection of members of the Supreme Court of Cassation and of the General Prosecutor's Office at the Court of Cassation, the assignment of managerial and semi-managerial positions (i.e. the appointment of heads of court of first instance, heads of chambers, chief prosecutors, deputy chief prosecutors etc.). Article 5 introduces the "magistrate evaluation file", which is maintained in digital format and intended to contain all information and documents relating to the professional activities of the magistrate. Moreover, Article 5 outlines with greater precision elements to be considered when evaluating the professional performance of magistrates. The new evaluation system for magistrates aims to ensure greater transparency and accuracy in the assessment of professional performance. The more stringent professional appraisal criteria are designed to encourage increased focus on the efficient and timely conduct of judicial activities by magistrates.

Concerning the appointment of members of the Court of Cassation and of the General Prosecutor's Office at the Court of Cassation, Article 5 adds an additional requirement to the existing legislative criteria. It mandates a minimum of ten years of exercising judicial functions as an additional prerequisite for eligibility.
As to the assignment of managerial and semi-managerial positions within the judicial offices, Article 5 introduces new rules governing the procedures for such assignment with a view to promoting greater transparency and efficiency of said procedures[6].

Regarding the 2024 "*Rule of Law*" Report of the European Commission and the questionnaire on the same topic, the entry into force of Law No. 71 of June 17, 2022 must be underlined. This law contains a set of delegations to the Government for the reform of the judicial system, as well as provisions on legal,

[6] Ministry of Justice.

organizational, and disciplinary matters, on the eligibility and judges' re-collocation in permanent staff, as well as the constitution and functioning of the High Council for the Judiciary. The abovementioned law, which came into force on June 21, 2022, contains **a series of immediate effective provisions (Articles 7 to 39 of Law No. 71/2022).** In addition to what has already been referred to in the previous 2023 Rule of Law Report regarding the constitution and functioning of the C.S.M., the electoral system for the appointment of professional members, as well as their re-collocation at the end of their mandate – among these provisions, the modification of regulations on the transition from judging to prosecuting functions and vice versa - are particularly interesting. This can be carried out only once during one's career and within 9 years from the first assignment of functions. After this period, a change of functions is only permitted once. This can only be done if the change takes place from or to civil judicial functions. Furthermore, the provisions regarding the reorganization of the public prosecutor's office are compelling, envisaging an organizational plan of the said office, which must contain detailed organizational measures, adopted and aimed at guaranteeing the effective and uniform exercise of criminal prosecution, the priority criteria in the exercise of the latter and the criteria for assigning proceedings. On this last point, the CSM expressed some doubts regarding the provision of the obligation to transmit said organizational projects to the Ministry of Justice for observation. This would entail an intrusion of executive power into a matter pertaining to the core of the exercise of the prosecuting jurisdiction. Moreover, the competence to adopt a general regulation for the organization and functioning of the Council itself has been included in the powers of the CSM. This choice is welcomed by the CSM and sees, in this provision, a strong confirmation of its autonomy. According to the objectives set by the PNNR (*National Recovery and Resilience Plan*), and as part of a broader reform plan, the decree of the Ministry of Justice of June 15, 2023 (implementing Art. 33, first paragraph, letter a of Legislative Decree No. 144/2022) modified the regulation of access to the judiciary in order to accelerate the timing for covering permanent staff, currently suffering from a serious shortage. The implementing decree establishes methods for carrying out written tests of the examination for access to the judiciary, providing that they are carried out electronically, through the use of a digital device. This provision and its relevant measure, previously introduced by Article 33 of Legislative Decree No. 144/2022, amended the provisions of Legislative Decree No. 160/2006. These measures allow law graduates to participate in competitive exams -eliminating provisions that required the possession of a second-degree qualification such as a research doctorate, a diploma from a specialization school, or an internship at judicial offices - so as to reduce the time of access to the judiciary and the effective entry into service.

These rules are complemented by the **provisions of Articles 1 to 6 of Law No. 71/2022** whereby the Government is delegated to adopt, no later than December 31, 2023, one or more legislative decrees for the reform of the judicial system in other areas (criteria for the assignment of executive and semi- executive positions, criteria for access to the functions of Supreme Court Judge and Deputy Attorney General at the Supreme Court, procedure for the establishment and approval of office organization tables, functioning Judicial Councils, professional skills evaluations, regulation regarding the ordinary judges' collocation outside of the permanent staff).
The aforementioned provisions require that the legislator take action to implement the Enabling Act No. 71/2022 by issuing relevant legislative decrees by the deadline of December 31, 2023 (Art. 1 of Law No. 71/2022). However, at this stage, there is no official text to refer to[7].

B. Quality of Justice[8]

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

Legal aid

The legislation of reference is in the Consolidated Text of Law on legal costs, Legislative Decree no. 115 dated 30th May 2002 (hereafter, the T.U.S.G. or Single Text), in the III Part, sections 74-145, which lays down

[7] High Council for the Judiciary (Consiglio Superiore della Magistratura)

[8] Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

specific access conditions (namely, eligibility requirements and nature of the covered costs): at present, the institute is applicable to holders of taxable annual income, resulting from the last tax return, not exceeding **EUR 12.838 in the year 2023** (a limit which may be increased in the presence of dependant cohabitees); taxable income is the income of the cohabiting household.

A noteworthy recent development registered in the civil area is the **extension of the institute of legal aid to some alternative dispute resolution tools (assisted negotiation and mediation)** as a result of the **Legislative Decree no. 149/2022** (bearing provisions for enforcing the Law no. 206 dated 26 November 2021 on the reform of the civil trial), in line with the general goals of simplification and expediency pursued by the enabling law. The reform of the civil trial sought to strengthen non-litigious dispute resolution instruments in order to reduce the number of civil proceedings and promote their reasonable length. It should also be noted that the principle of delegation (letter a of subsection 4 of section 1 of the Law no. 206/2021) included **three areas of intervention**: reorganisation, simplification, and expansion of **tax incentives,** expansion of legal aid to **assisted mediation and negotiation procedures**, and expansion to **categories of beneficiaries** and increase of tax incentives – measures aimed at promoting the expansion of complementary forms of dispute settlements, via negotiations, with a clear deflationary impact on litigation.
Further significant modifications related to the legal aid system have been made through:

- letter bb) of **article 7 of Legislative Decree no. 149/2022** (with regard to granting tax credits to mediation bodies, the benefit is granted if a party admitted to legal aid, that, by virtue of the admission, is not required to pay any fees to the mediation body, participates in the proceedings);
- **article 43 of Legislative Decree no. 149/2022** (which pertains to the monitoring of compliance with expenditure limits) pursuant to which the Ministry of Justice shall monitor annually compliance with the expenditure estimates relating to the provisions referred to in letter t), letter aa), and letter bb) of subsection 1 of section 7 and letter l) of subsection 1 of section 9 (i.e., the provisions affecting the new legal aid organisation related to ADRs). In the event of deviations from the above-mentioned estimates, the deviation shall be offset by the corresponding increase of the single court fee;
- **para 12 of article 3 of Legislative Decree no. 149/2022** (bearing provisions on 'Amendments to the Civil Procedure Code') that, as confirmation of the increasing systemic relevance of the institute, amends section 163 of the Civil Procedure Code by inserting the warning "that the technical defence by a lawyer is mandatory in all proceedings in Court, except for the cases provided under section 86 or special laws, and that the party, having met the legal conditions, can apply for admission to legal aid" in the list of notices, at no. 7, imposed on the claimant (in the trial with subpoena) about deadlines;
- likewise, by introducing **para 14 of section 473 bis of the Civil Procedure Code** (in the new Title IV bis "Proceeding provisions on persons, minors, and families" in the II Book of the Civil Procedure Code) in relation to the phases of the proceedings following the filing of the appeal, the President, in the order whereby he/she sets the date of the hearing, shall inform the respondent, inter alia, about the need of seeking the services of a lawyer since legal aid has been granted.

On 1 August 2023 the Minister of Justice adopted the **Decree concerning "Tax incentives in the form of tax credit in civil and commercial mediation and assisted negotiation procedures"**. The Decree outlines the procedures for recognising tax credits, the documentation to be produced in support of the request and checks on its authenticity, as well as the procedures for the electronic transmission of the list of beneficiaries to the Revenue Agency. By virtue of the Decree, parties and mediation bodies will benefit from the tax credits provided as incentives both to access civil and commercial mediation procedures and to conclude such procedures with a settlement agreement, and also for certain cases of arbitration procedures and for cases of assisted negotiation. The Decree mandates the Ministry of Justice to establish an IT platform for the entire management of applications for the recognition of tax credits and for the streamlining and rationalisation of the procedure.

On 1 August 2023 the Minister of Justice adopted a further **Decree concerning the "Determination and payment, including through the granting of tax credits, of the fees payable to the lawyer of the party admitted to the legal aid in the cases referred to in Articles 5(1) and 5-quarter of Legislative Decree no.**

28 of 4 March 2010 and Article 3 of Decree-Law no. 132 of 12 September 2014, converted with amendments into Law not. 162 of 10 November 2014". The Decree implements, for both civil and commercial mediation and assisted negotiation, the procedure for the provisional granting of legal aid and, after the conclusion of the agreement, the procedure for confirming such granting, including for the quantification and payment of the fee. The procedure for recognising the credit to be paid to a lawyer who has assisted a party who was granted legal aid is largely managed digitally, though the establishment of an IT platform accessed by lawyers, their Bar Associations and the Ministry of Justice for the verification and payment phase of the credit, which, by means of IT procedures, can also be used as a tax credit.

The framework of implementing measures in the field of Alternative Dispute Resolution (ADR) has been completed by the adoption of **Decree no. 150 of the Minister of Justice of 24 October 2023**, laying down the criteria and procedures for the management of the register of mediation bodies and the list of training bodies, as well as the approval of fees due to mediation bodies. The Decree regulates also the special section of the register of the mediation bodies that will handle the ADR procedures related to consumer protection disputes. The provisions of Decree no. 150 aim to strengthen the transparency, independence and professionalism of mediation bodies. One of the main novelties is the introduction of new rules on the costs of the mediation procedure, with fixed and predetermined fees for the first mediation session (based on the value of the dispute), so as to ensure effectiveness and quality, with distinct provisions for public and private bodies. The goal is to foster positive competition while upholding high qualitative standards. More stringent rules are also laid down for the initial and continuous training of mediators and trainers as well as for the procedure to impose the penalties of suspension or removal from the official registry of mediation bodies.

Proximity Offices

In 2023, the Ministry of Justice (Directorate-General for Cohesion Policies Coordination - DGCOE) has been engaged in coordinating the project 'Proximity Offices'. The project was originally part of the '*Sistema Giustizia*' initiatives pertaining to Axis I of the European Social Fund of the National Operational Programme [NOP] on Governance and Institutional Capacities 2014-2020, Specific Objective 1.4 (Improving the efficiency and quality of the performance of the judicial system), Action 1.4.1 (including activities linked to computerising and digitising voluntary jurisdiction files), and, following Decree no. 48 of 10/06/2022 of the AICT and Decree no. 209 of 28/07/2022 of the DGCPC, was launched on the Cohesion Action Programme (POC) complementary to the NOP Governance and Institutional Capacities 2014-2020 (Axis 1 – Specific Objective 1.2 – Action 1.2.2).
The 'Proximity Offices' project aims to enhance access to justice for citizens by setting up **a network of local offices capable of providing uniform services primarily targeting 'vulnerable groups' of the population** with the additional goal of alleviating congestion in courts through cooperation and involvement of local authorities and support for IT tools. The intervention strategy was implemented as a nationwide system action, operating at the territorial level, consisting of a first experimental phase, through the definition of organisational, managerial and technical/IT models, and a subsequent implementation phase, replicating the previously defined models across all regions. Sixteen regional projects have been approved for funding and fifteen regions have signed an agreement with the Ministry of Justice. At present, the total number of local offices operating in Italy is 74 and the number of memoranda of understanding signed for the opening of additional "proximity offices" is 216, including Unions of Municipalities and Mountain Communities.
Within the complex project of proximity offices, the individual pilot projects set up by the following Regions - Piedmont, Tuscany and Liguria - are worth mentioning. The project by the Piedmont Region enabled the development of an organisational, procedural and training model, inclusive of explanatory video clips which serve as a resource for all regions participating in the initiative. The project by the Tuscany Region has made it possible to draw up a specific communication model for Proximity Offices (https://ufficidiprossimita.it) which can be adopted by all the regions participating in the project. The ongoing project by the Liguria Region is focused on implementing a specific management software for proximity offices designed to transmit appeals, applications, social and health assessments, various annexes, accounts, etc. to the courts, by proximity offices, individual citizens, court-appointed guardians and service operators. The project 'Proximity Offices' is part of

the broader framework of the reforms promoted by the Ministry of Justice to respond to the need for efficiency and improvement of the quality of the justice system as a whole. The guiding principle underpinning this intervention is 'subsidiarity' in its:
— legislative connotation for allocating competences and being closer to citizens;
— ethical connotation based on the perception of justice as a common good;
— social connotation based on participation.
The aim is to foster a participatory relationship between institutions and civil society. With a view to preventing corruption, the project also strengthens the principle of transparency of information. The placement of proximity offices across the territory ensures not only a reduction in procedural time, but also facilitates faster, more accessible and user-friendly information for citizens. The Proximity Offices project represents a fundamental element of democratic regulation of the interaction between the administration and the territory. They emerge as an effective mechanism to ensure transparency as a crucial aspect of services provided by public administration that is increasingly becoming more approachable, open and, most importantly, dedicated to serving citizens.

Consumer protection

As far as accessibility of courts is concerned, Legislative Decree no. 28 of 10 March 2023 is worth mentioning. The Legislative Decree transposes Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers. The aim of the legislative intervention, in accordance with the EU Directive, is to ensure a high level of consumer protection by enabling qualified entities to act in the interest of consumers in order to bring representative actions, both at national and cross-border levels, for injunctive measures and redress measures against traders that infringe provisions of Union law referred to in Annex 1 to the Directive. The new provisions on representative actions have been included in the Consumer Code, the entities entitled to bring representative actions have been identified and the procedural rules for such actions have been laid down, modelled on the rules governing class actions provided for in the Code of Civil Procedure, whose provisions have been referred to insofar as they are compatible. The relevant Annex to the Decree lists the national provisions implementing the EU provisions, the infringement of which allows qualified entities to bring the representative actions provided for in the Legislative Decree.

Restorative criminal justice

Legislative Decree no. 150 of 10 October 2022 implemented Law no. 134 of 27 September 2021 delegating powers to the Government for the efficiency of criminal proceedings, as well as on restorative justice and provisions for the speedy definition of judicial proceedings.
The criminal justice reform, aimed at improving procedural efficiency, was complemented by the adoption of implementing legislation. In particular, with regard to the **comprehensive reform of restorative justice**, in 2023 all the implementing regulations provided for in the Legislative Decree were adopted within the deadlines provided by law. The "mediator with expertise in restorative justice programmes" (more briefly, "expert mediator"), being entrusted with the very important task of conducting the said programmes, plays a crucial role.
Given the significance of this role, the legislator through Article 59 of the above-mentioned Legislative Decree introduced a new professional figure with multidisciplinary and cross-cutting competences. Therefore, the high level of professionalism needed for such a significant role requires detailed provisions for a high profile training programme (encompassing both practical and theoretical aspects, and ensuring both initial and continuous education). In accordance with Article 59 (10) of Legislative Decree no. 150/2022, **on 9 June 2023 the Minister of Justice**, in agreement with the Minister of Labour and Social Policy and the Minister of University and Research, **adopted the Decree stipulating "provisions on the forms and timeframes of training to obtain the qualification of a mediator with expertise in restorative justice programmes** as well as on the procedures for conducting and assessing the admission test to training programmes and the final test thereof, pursuant to Article 59 (7), (8), (9) and (10) of Legislative Decree no. 150 of 10 October 2022".
The above-mentioned inter-ministerial decree describes in detail the characteristics of skills and knowledge

that the newly created professional figure needs to acquire, all of which are instrumental in the optimal conduct of mediation or dialogue-oriented programmes, in the interests of the victim and of the alleged perpetrator, with the aim of addressing and mitigating the negative effects of the conflict arising from the offence, encouraging the choice of the best solutions to overcome, where possible, the prejudicial effects of the offence, foster the development of restorative agreement and re-establish connection with the community.
The Decree also explicitly indicates that the training is to be provided by universities in collaboration with Restorative Justice Centres. Article 60 (1) of Legislative Decree no. 150/2022 mandates that, in order to work as a professional mediator in restorative justice programmes, the registration in an *ad hoc* list is required. Therefore, **on 9 June 2023 the Minister of Justice**, in agreement with the Minister of Labour and Social Policy and the Minister of University and Research, **issued a Decree on the "establishment of the list of mediators with expertise in restorative justice at the Ministry of Justice.** Rules on the requirements for registration and removal from the list, registration fees, causes of incompatibility, attribution of the qualification of trainer, procedures for reviewing and supervising the list and finally the date from which participation in the training activities constitutes a mandatory requirement for practicing in the field". In the implementation of the provision of Article 65 (3) of the Legislative Decree no. 150/2022, after consulting the Data Protection Authority and obtaining the opinion of the Council of State, the Minister of Justice adopted the Decree no. 97 of 25 July 2023 on: "Rules of procedure on provisions concerning processing of personal data by Restorative Justice Centres, pursuant to Article 65(3) of Legislative Decree no. 150 of 10 October 2022". Indeed, the restorative justice system established by the Legislative Decree is based on the utmost protection of confidentiality of participants in the programme and their data. In this perspective, Article 65 of the Legislative Decree identified the Restorative Justice Centres established pursuant to Article 63 of the Legislative Decree as the controllers of personal data acquired or obtained in the performance of the activities assigned to them; it allowed for the processing of data belonging to the categories referred to in Articles 9 and 10 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 only in cases where they are strictly necessary for the performance of tasks and for the achievement of the objectives referred to in the Legislative Decree and for the purposes of significant public interest referred to in Article 2-sexies (2) (q) of Legislative Decree no. 196 of 30 June 2003[9].

13. Resources of the judiciary (human/financial/material[10])

Judiciary personnel. Recruitment of new magistrates.
During 2023, activities for the recruitment of new magistrates (judges and prosecutors) were intensified. In particular, the following competitive procedures were continued or launched:

1) **competitive procedure for 500 posts launched by Ministerial Decree dated 1 December 2021**

On 23 October 2023, the correction of the written tests was completed; 626 candidates were admitted to the oral test, out of 3,606 candidates who handed in all three papers. On 27 October 2023 the relevant list of successful candidates was published on the Ministry of Justice notice board, and the necessary steps were taken to schedule the oral tests, which started on 11 December 2023. The President of the Board of Examiners has planned to conclude the oral tests by the end of July 2024.

2) **competitive procedure for 400 posts launched by Ministerial Decree dated 18 October 2022**

The written tests took place from 17 to 19 May 2023. 21,768 applications were received; 7,734 candidates took the written tests and 3,147 candidates handed in all three tests. The correction began in June 2023 and is expected to be completed by April 2024. As of 21 November 2023, the Board of Examiners had examined the papers of 1,221 candidates, 207 of whom passed the tests. It is reasonable to assume that the procedure will be completed by the end of 2024.

[9] Ministry of Justice
[10] Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

It should be noted that, as part of the actions taken by the Ministry of Justice to expedite the recruitment of new magistrates, Article 1 (381) of Law no. 197 of 29 December 2022 exceptionally reduces to twelve months the traineeship for ordinary judges and prosecutors who passed the tests following the competitive procedures launched by ministerial decrees adopted on 29 October 2019 and 1 December 2021, by way of derogation from Legislative Decree no. 26 of 30 January 2006. Moreover, in order to facilitate access to the judiciary, Article 10 (1) of Decree-Law no. 13 of 24 February 2023, converted into Law no. 41 of 21 April 2023, provides that «in order to ensure that the objectives set out in Mission 1, Component 1, Axis 2 "Justice" of the NRRP, by way of derogation from the provisions of Article 8 (3-bis) of Legislative Decree no. 160 of 5 April 2006, in relation to competitive procedures for ordinary judges launched by decrees of the Minister of Justice dated 1st December 2021 and 18 October 2022, published in the Official Gazette, 4th Special Series, no. 98 of 10 December 2021 and no. 84 of 21 October 2022 respectively, the Minister of Justice may request the High Council of the Judiciary to assign to candidates who have been declared suitable, according to their ranking order, a number of additional posts not exceeding twice the tenth of those available in the competitive procedure».
This measure could lead to the filling of 1,080 magistrates' positions in 2024, surpassing the 900 posts available in the competitive procedures under the two above-mentioned Ministerial Decrees.

3) **competitive procedure for 12 posts for the judicial offices of the Autonomous Province of Bolzano launched by Ministerial Decree of 9 May 2023**

The written tests took place from 11 to 13 July 2023. The correction of the written papers began on 11 September and ended on 15 September 2023; oral tests started on 7 November and ended on 10 November 2023. The ranking list, which was sent to the High Council of the Judiciary on 16 November, was approved by the High Council by decision adopted on 22 November 2023.

4) **competitive procedure for 400 posts, launched by Ministerial Decree dated 9 October 2023**

The competitive procedure notice was published in the Official Gazette of 13 October 2023. 13,491 applications have been received; written tests are scheduled to take place in January 2024.

Rationalisation in the distribution of magistrates.

Alongside the activities for the recruitment of new magistrates, initiatives were taken to streamline the allocation of magistrates across the various courts and public prosecutor's offices, in order to meet the need to strengthen the staffing plan of certain judicial offices. Mention should be made of the Ministerial Decree of 22 November 2023 whereby the staffing plan of magistrates assigned to the Court and the Public Prosecutor's Office of North Naples was enlarged; the decree followed the Ministerial Decree of 14 September 2023 which enlarged by 30 units the staffing plan of administrative personnel assigned to the Court and the Public Prosecutor's Office of North Naples.
As to the reallocation of magistrates, mention should also be made of the Ministerial Decree of 12 April 2023 whereby, in implementation of the agreement reached between the Minister of Justice and the European Public Prosecutor's Office, the Catanzaro office of the European Public Prosecutor's Office was abolished and the corresponding two European Delegated Prosecutor posts were assigned to the Rome office.

Law clerks for the Office of the Trial (*Addetti all'Ufficio del Processo*)

The recruitment procedure, which started with the competitive procedure notice of 6 August 2021, for 8,171 law clerks for the Office of the Trial ended in 2022 with the conclusion of 7,741 contracts. During 2023, new recruitment procedures were carried out, resulting in the recruitment of additional 540 law clerks for the Office of the Trial.

Administrative staff

In 2023, recruitment procedures continued for administrative staff tasked with supporting judicial offices in various capacities. A total of 2,244 newly recruited administrative staff units joined the administration.

Extension of ongoing contracts

Decree-Law no. 80/2021 (converted into law by Law no. 113/2021 and partly amended by Decree-Law no. 152/2021) contains provisions aimed "at strengthening the administrative capacity of public Administrations in view of the implementation of the National Recovery and Resilience Plan and for the effectiveness of justice".
The objective to strengthen the capacity of the administration of justice has been based, inter alia, on the investment in human resources.
With reference to the investment in human resources the path undertaken was the extraordinary recruitment of staff for a fixed term aimed at reaching the efficiency targets through the reduction of backlog and trial duration. Decree-Law no. 80/2021 provided for:

a. the recruitment, during the period 2021-2024, through two distinct hiring procedures, of a maximum of 16,500 units of staff members assigned to the Office of the Trial (*Addetti all'Ufficio del Processo*), with two year and seven months fixed term employment contract for the first group of newly recruited staff, and a two-year contract for the second group (Article 11);

b. the recruitment for the period 2021-2026 of a maximum of 5,410 units of technical-administrative staff, with a fixed term employment contract of a maximum length of 3 years to support the lines of project for justice of the National Recovery and Resilience Plan (Article 13).

Therefore, two competitive examinations were organized: a first one for the staff to be assigned to the Office of the Trial for 8,250 units, with a contract of 2 years and 7 months (starting in February 2022 to September 2024); a further competition for 5,410 units of technical/administrative staff to support the Office of the Trial, with a three-year contract (from November 2022 to November 2025). The recruitment with a two-year contract of a second group of staff to be assigned to the Office of the Trial was expected to take place as of June 2024. Upon monitoring the state of implementation of the recruitment procedures, a high resignation rate was recorded among the NRRP staff since a significant number of newly recruited staff opted for permanent contracts offered by other administrations.
As a consequence, some corrections to the Plan's recruitment targets became necessary.

As proposed by Italian authorities and accepted by the European Commission, the duration of the contracts of NRRP staff already in service has been extended in alignment with the Plan's timeline. According to Article 9 of the **Decree-Law 30 December 2023, n. 215 (*Urgent provisions in the field of legislative terms*) the ongoing contracts of the staff of the Office of the Trial and of the technical-administrative staff have been extended until 30 June 2026.** Therefore, a new recruitment procedure of 4,000 units to be assigned to the Office of the Trial is to be launched (instead of 8,250 units as originally established).

The purpose of such contracts' extension is to ensure that an adequate number of temporary staff remains in service in order to achieve the NRRP targets, i.e. "*the reduction of the backlog and of the disposition time, which is the goal of Mission 1*".
The above-mentioned extension of contracts also acknowledges the considerable training efforts made to prepare the staff of the Office of the Trial as well as the level of professionalism required to perform the relevant tasks[11].

Regarding the information requested by the Pillar I.B., as far as **judicial resources** are concerned, in 2023 a new competition notice for a nationwide recruitment of 400 professional magistrates (i.e., judges and prosecutors) was published (on October 9, 2023). Furthermore, a competition notice for the recruitment of 12 professional magistrates (judges and prosecutors) in the Autonomous Province of South Tyrol (*Provincia autonoma di Bolzano*) was also published (on May 9, 2023). Regarding the judicial staff, 541 judicial officers (on March 2, 2023) and 427 judicial assistants (on September, 6, 2023) were hired (the call for applications was published on April 8, 2022)[12].

[11] Ministry of Justice.
[12] High Council of the Judiciary (Consiglio Superiore della Magistratura)

14. *Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

The training of judges

As for the training activities addressed to members of judiciary (judges and prosecutors) please refer to the detailed information available on the High School of the Judiciary (*Scuola Superiore della Magistratura - SSM*) website, the institution responsible for training activities of judges and prosecutors. https://www.scuolamagistratura.it

Training of administrative staff.
In 2023, the training activities for law clerks of the Office of the Trial (*Addetti all'Ufficio del Processo*) and administrative staff covered a differentiated and much broader target group than in 2022. The collaboration between the Ministry of Justice and the judiciary, in the training plan and delivery of training programmes, led to a Convention between the Ministry and the *Scuola Superiore della Magistratura* within the framework of the NRRP's implementation. The Convention identified specific online training courses for law clerks of the Office of the Trial, focused on civil trial and criminal trial reforms. As at October 2023, the training programmes launched for the implementation of the NRRP targeted, 8,311 law clerks of the Office of the Trial, as well as an additional 1,469 administrative staff. In addition to these central training programmes the individual Courts of Appeal also instituted in-person training initiatives known as "*percorsi per conoscere*" (learning paths) for the newly recruited law clerks at the Office of the Trial.

In 2023, an agreement was also extended with the European Union Agency for Asylum for the specialised training of staff working in the specialised immigration and international protection units. In accordance with this agreement, a training programme was developed, alternating between self-study online on the Agency's e-learning platform and in-person training activities, to provide an overview of the Common European Asylum System and support in analysing international protection appeals, with specific detailed modules on the drafting and assessment of information on countries of origin and evidence and credibility assessment, which took place in Rome. In 2023, the Ministry of Justice and the *Scuola Nazionale dell'Amministrazione* (SNA – National School for Public Administration) strengthened their collaboration for the training of administrative managers, with a focus on courses on public management, NRRP and administrative transparency.
Lastly, it should be noted that training activities have also focused on strengthening the digital skills of administrative staff. This includes the digital skill-building programme *Ri-Formare la P.A.* introduced in 2022 by the Office for Innovation and Digitalisation of the Department of Public Administration. In 2023, a new e-learning course named Syllabus was developed specifically for Public Administration staff. After an assessment test of their IT skills level, they attended training activities with a view to bridging the different skills gaps in subjects such as IT security, document digitalisation, privacy, and online communication[13].

15. *Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)*[14]

In 2023 significant progress has been achieved in the digitalisation of the justice system, in both civil and criminal areas. In 2023 the process of digitalization of the civil justice system was completed, and the mandatory electronic management of all documents was extended to the Supreme Court of Cassation, Juvenile Courts and Prosecutors' Offices at the Juvenile Courts, the Superior Court of Public Waters and the Regional Courts of Public Waters, the Justices of the Peace. In addition, NEP Offices (*Uffici Notificazioni, Esecuzioni e Protesti)* have been integrated into the Digital Civil Trial allowing bailiffs to access the national Revenue Agency databases and search for assets to be seized, in accordance with Article 492 bis of the Code of Civil Procedure. **Civil proceedings are now fully digitalised, from the commencement to the final judgment of the proceedings.** Thus, the reform of the civil justice system aimed, inter alia, at the complete digitalization

[13] Ministry of Justice.
[14] Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2023 EU Justice Scoreboard, does not need to be repeated.

of civil proceedings, as envisaged in the NRRP, was fully implemented in 2023. Its impact will be monitored in terms of results until 2026. As to the **digitalisation of the criminal justice system** (*PPT – Processo Penale Telematico* – Digital Criminal Trial) the achievement of some of the NRRP's targets, planned for the end of 2023, was brought forward to 30 June 2023 in order to meet the objectives of the reform of criminal trial; in particular the availability of documents on the portal for the electronic filing of documents related to criminal proceedings (*PDP – Portale Deposito Atti Penali* – Criminal Acts e-filing Portal). The Portal for the filing of documents in criminal proceedings allows acts, documents and requests from authorised external parties to be sent electronically to judicial offices, including in multimedia format. **Currently, 103 types of documents are available on the portal.** Consultation of documents by lawyers through PDP has been active since the end of 2022. The functionality to consult new types of documents (e.g. multimedia) will be implemented by 2024. In this regard, the Decree of the Minister of Justice of 4 July 2023 (Official Gazette no. 155 of 5 July 2023) was published concerning the decision of the Director-General for Automated Information Systems adopting technical specifications for the electronic filing of the documents identified in Article 1 of the Decree of the Minister of Justice of 4 July 2023 – Portal for the filing of documents in criminal proceedings (PDP) replacing the previous one, no. 1690.ID of 24 February 2021, published on the *e*-Services Portal. Subsequently the Decree of the Minister of Justice of 18 July 2023, was published which also authorises the use of certified emails for the transmission of documents, in order to assist users in the digital transition process. In addition to the evolution of the PDP, developments in the digitalisation of the criminal justice system included the **setting up of the new uniform, unified and scalable system for managing all flows, proceedings, phases and procedures of the digital criminal trial.** With legal effects since January 2024, the new Case Management System for criminal proceedings, named **APP (Applicativo del Processo Penale – Criminal Trial Workflow Manager)**, interoperable with the PDP and the NdR Portal (Portale delle Notizie di Reato – Police Force Portal of Reports of Criminal Offences), in use by the Judicial Police, has been operational throughout the Country; therefore, quantitatively and qualitatively significant flows of first instance criminal proceedings have been digitized, making it possible to draw up, sign and file related documents, in accordance with the objectives of the NRRP by December 2023.

APP is the solution to support the entire digital criminal trial. Therefore, its implementation does not end with this objective, since it is a flexible and scalable web-based system, it will enable the electronic management of subsequent phases and the different instances of court proceedings. It is worth noting that, since 1 December 2023, a specific section and functionality have been operational at national level on the Defense Counsels' Portal (PDP), on the Police Force Portal (NDR) and on the internal management system for national criminal proceedings, aimed at the compulsory reporting (portal side) and legal classification (internal management side) of crime facts falling under the category of gender-based violence, with compulsory entry in the relevant structured fields of the victim-offender relationship, the type of weapon used and any other descriptive and characteristic element of the fact, as established by Law no. 53 of 5 May 2022 (provisions on **statistics on gender-based violence**). Lastly, **on 29 December 2023 the Minister of Justice adopted Decree no. 217** (Official Gazette No. 303 of 30 December 2023). The Decree defines the technical rules concerning the filing, communication and service of documents in criminal proceedings by electronic means and identifies the judicial offices and the types of documents for which non-telematic methods of filing, communication or service may also be adopted, as well as the terms of transition to the the new filing communication and service regime, pursuant to art. 87 of Legislative Decree No. 150 of 10 October 2022. By virtue of the above-mentioned Ministerial Decree and consistently with the targets of the NRRP, the phase of preliminary investigations of criminal proceedings is now fully digitalised. The Ministerial Decree provides also for the timeframe of the digitalisation of the other phases and instances of criminal proceedings. The same Decree amends and updates the Regulation concerning the technical rules for the adoption of information and communication technologies in civil and criminal proceedings (Decree of the Minister of Justice of 21 February 2011, No. 44, Official Gazette No. 89 of 18 April 2011), also with the aim of adapting it to the provisions of the Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (eIDAS Regulation), as well as of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27

April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR). In light of these developments, while taking into account that the overall digitalisation still needs to be supported by further investment in materials and training to become fully operational, significant progress has been achieved in fulfilling the recommendation of the 2023 Rule of Law Report on the digitalisation of the justice system with particular regard to criminal proceedings[15].

Regarding **digitalization**, in 2022 two important law amendments, affecting both criminal and civil justice sectors, were adopted through the Legislative Decrees No. 150/2022 and No. 149/2022. The new provisions revised the judicial framework regulation of criminal and civil proceedings. These reforms aimed at strengthening the efficiency of justice and the reduction of judicial backlog and the so-called *disposition time*, in compliance with the principle of reasonable duration of proceedings.

According to this perspective, these two decrees have significantly accelerated the process of digitalization of justice: the measures envisaged by the reform are not limited to a mere dematerialization of acts and paper documents but to an implementation of several procedural provisions in electronic means. Therefore, the digitalization measures also focus on drafting documents in the form of an electronic document, and their deposit in a digital file; notifications to a digital domicile; remote hearings; audio and video recording of declaratory evidence and questioning. To be more precise, with regard to civil proceedings, in 2023 a mandatory electronic filing of procedural documents and acts by lawyers and other parties of the civil trial was established. **Auxiliary experts** of a judge also have to comply with this obligation, as provided by Articles 196 bis and the implementing provisions of the Code of Civil Procedure (C.C.P.) established by Legislative Decree No. 149/2022. According to the provisions of the Legislative Decree No. 150 of 2022 (so-called *Cartabia reform*) concerning the digitalization of legal proceedings, Ministerial Decree No. 155, issued on July 5, 2023, and regarding the criminal sector, defines and considerably expands the number of documents (103) that can be filed exclusively by electronic means through the Criminal Records Deposit Portal ("PDP"). This brings significant savings of time and expenses. The effectiveness of the decree remains suspended, regarding the part in which it provides for the exclusivity of electronic filing and pending the adoption of implementing regulations. Lastly, what must be pointed out is that, following the already mentioned novelties implemented in 2022 and 2023 (and partially contained in the 2023 Report with regard to the Legislative Decree No. 150/2022 which modified Articles 110, 111 and 134 of the Code of Criminal Procedure (C.C.P.) and enforced Articles 111-*bis* and 133-*ter* C.C.P.), the Government shall adopt, in the coming months, a further secondary legislation aimed at fully implementing the digital transition of criminal proceedings, in order to reduce the duration of the trial. However, at this stage, no measure has yet been adopted on this matter[16].

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

17. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

C. Efficiency of the justice system[17]

18. Length of proceedings

With regard to the civil justice reform, the law reforming civil justice (Legislative Decree no. 149/2022) entered into force on 28 February 2023. The reform involves the entry into force of nine implementing ministerial decrees aimed at making some parts of the reform actually applicable. **All nine decrees were adopted by the Minister of Justice in 2023.** In particular:

[15] Ministry of Justice.
[16] High Council of the Judiciary.
[17] Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

- Ministerial Decree published in the Official Gazette on 29.9.2022: Setting up of a committee for monitoring the efficiency of civil justice, reasonable duration of the trial and statistics on judicial activity.
- Ministerial Decree published in the Official Gazette on 11.5.2023: Scanning of hard copies and their duplication in electronically filed documents by electronic means aimed at their management and preservation including the relevant organisation means.
- Ministerial Decree published in the Official Gazette on 28.7.2023: Setting up of a database on judicial auction at the Ministry of Justice, storing details of bidders, accounts used to pay deposits and costs as well as valuation reports.
- Ministerial Decree published in the Official Gazette on 07.8.2023: Fiscal aids for mediation in civil and commercial matters.
- Ministerial Decree published in the Official Gazette on 07.8.2023: Legal aid in civil and commercial mediation and alternative dispute resolution.
- Ministerial Decree published in the Official Gazette on 11.8.2023: Amendments to the regulation concerning technical experts.
- Ministerial Decree published in the Official Gazette on 11.8.2023: Establishing IT templates, including the fields for the data entry of details in the trial records and the judicial records with restrictions thereof.
- Ministerial Decree published in the Official Gazette on 27.10.2023: Activity of family mediators, their training, code of conduct and applicable fees.
- Ministerial Decree published in the Official Gazette on 31.10.2023: Principles and procedures for the entry and keeping of registers of mediation bodies and lists of mediation trainers and the amounts of the fees for mediation bodies.

As to the **civil justice sector**, the data for the first half of 2023 show lower values compared to the 2019 baseline for all the NRRP indicators, as can be seen in **Tables 1 and 2**, in particular

- total disposition time -19.2%
- backlog in Courts of first instance -19.7%
- backlog in Courts of Appeal -33.7%

The breakdown of the variation by type of office shows that the improvement of DT compared to the baseline is remarkable at all instances.
Compared to the first half of 2022, the DT decreased by 1.0%. The reduction was greater in Courts of first instance (-8.9%) but was also significant in Courts of Appeal (-7.8%). Against a decrease of 19.8% compared to the baseline, the DT in the Court of Cassation increased during the year (+7.1% in the first half of 2023 compared to the first half of 2022) (**Table 1**).

Table 1 - Disposition Time – Civil proceedings

	Courts of first instance	Courts of Appeal	Supreme Court of Cassation	TOTAL	var% from baseline
baseline 2019	**556**	**654**	**1.302**	**2.512**	
2020	719	836	1.525	3,080	22.6%
2021	567	663	1.002	2,233	***-11.1%***
I half 2022	497	578	976	2,051	***-18.4%***
2022	532	620	1,063	2,215	***-11.8%***
I half 2023	453	533	1,045	2,031	***-19.2%***
var% from baseline	***-18.5%***	***-18.4%***	***-19.8%***	***-19.2%***	
var% 1H 2023 vs 1H 2022	***-8.9%***	***-7.8%***	***7.1%***	***-1.0%***	

Source: General Directorate for Statistics and Organisational Analysis and Statistical Office of the Supreme Court

As to the trend of the civil backlog, in the first half of 2023 the decrease from baseline was -19.7% in Courts of first instance and -33.7% in Courts of Appeal. In the last year (between the first half of 2022 and the first half of 2023), there was a 14.0% decrease in Courts of First Instance, a clear improvement over the average annual decrease already observed, and a 12.7% decrease in Courts of Appeal (**Table 2**). However, it should be noted that the acceleration observed in Courts of First Instance is, at least partly, related to the dynamics of the backlog: in the first half of 2023, the new backlog is made up of pending cases with an entry date in 2020, a year in which the pandemic caused a decrease in the number of cases entered (-21.4% compared to 2019). The figure for the Courts of Appeal, which would seem to show a slowdown in the disposal rate (in 2022 the decrease was -18.9% compared to 2021), may also be related to the same phenomenon. The Courts' backlog, being made up of cases pending for more than two years, had in fact benefited one year earlier from the decrease in the entry of backlogged proceedings.

Table 2 Civil backlog

	Courts of first instance	var% from baseline	Courts of Appeal	var% from baseline
baseline 2019	**337,740**		**98,371**	
2020	344,083	1.9%	97,966	-0.4%
2021	325,012	***-3.8%***	86,952	***-11.6%***
I half 2022	315,190	***-6.70%***	74,653	***-24.1%***
2022	306,227	***-9.3%***	70,531	***-28.3%***
I half 2023	271.137	***-19.7%***	65,187	***-33.7%***
var% from baseline	***-19.7%***		***-33.7%***	
var% 1H 2023 vs 1H 2022	***-14.0%***		***-12.7%***	

Source: Directorate General for Statistics and Organisational Analysis

In 2022, the trend of the Courts backlog, especially in some district courts, had been affected by the exceptional number of international protection proceedings entered in 2019 (approximately 68,000, assigned to specialised Chambers). In the first half of 2023, this matter accounted for 5.4% of the total backlog (it was 6.0% at the end of 2022). Net of international protection, the trend of Courts backlog would show a better flow: the reduction would be equal to -23.6% compared to 2019 (excluding this matter also from 2019 data) and to -15% compared to the first half of 2022 (**Table 3**).

Table 3 Civil backlog net of International Protection

	Court
baseline 2019	**335,754**
I half 2022	301,598
I half 2023	256,496
var% from baseline	***-23.6%***
var% IH 2023 vs IH 2022	***-15.0%***

Source: Directorate General for Statistics and Organisational Analysis

The trend in the indicators (DT and backlog) reflects the decrease in pending cases which, compared to 2019, was -18% in Courts of first instance, -27% in Courts of Appeal and -14.1% in the Supreme Court of Cassation. At the same time, clearance rate values remained at high levels and increased compared to 2019 up to 1.16 in Courts of first instance, 1.28 in Courts of Appeal and 1.32 in the Supreme Court of Cassation.

As to the **criminal justice** sector, the figures for the first half of 2023 show a clear improvement compared to the 2019 baseline, with an overall variation exceeding the one required by the NRRP target in particular:

- total disposition time -29.0%.

The marked decrease in DT can be seen at all instances: -29.7% in Courts of first instance, -26.6% in Courts of Appeal and -39.1% in the Supreme Court of Cassation.

In the last year (first half of 2023 compared to first half of 2022), the decrease was -22.7%, -12.6% and -28.2% respectively, with a total estimated length of less than 1,000 days. (**Table 4**).

Tab. 4 Disposition Time – Criminal proceedings

	Courts of first instance	Courts of Appeal	Supreme court of Cassation	TOTAL	var% from baseline
baseline 2019	**392**	**835**	**166**	**1.392**	
2020	516	1.188	238	1,942	39.5%
2021	414	906	184	1,504	8.0%
I half 2022	356	701	141	1,199	-13.9%
2022	366	755	132	1,253	-10.0%
I half 2023	275	613	101	989	-29.0%
var% from baseline	***-29.7%***	***-26.6%***	***-39.1%***	***-29.0%***	
var% 1H 2023 vs 1H 2022	***-22.7%***	***-12.6%***	***-28.2%***	***-17.5%***	

Source: Source: Directorate General for Statistics and Organisational Analysis Analysis and Statistical Office of the Supreme Court of Cassation

The analysis of flows shows a substantial increase in the number of disposed cases in courts in the last 12 months (+12.5%), which affected both the Gip-Gup [Judge for preliminary investigation – Judge for preliminary hearing] divisions (+7.7%) and trial divisions (+22.1%). At the Gip-Gup divisions, the increase concerned all the main disposal methods, and was most marked for committals for trial (+13%). In the trial divisions, the increase in the number of disposed cases can be observed at both single-judge (+22.6%) and collegiate (+13.0%) levels; for decisions on the merits alone the increase was +13.8% and +11.7% respectively. Overall, the number of time-barred proceedings in the Courts remained stable (+0.2%).

In Courts of Appeal, too, the decrease in pending cases is associated with an increase in the number of disposed cases (+7.0% between the first half of 2023 and the first half of 2022), related to ordinary divisions. The increase in the number of disposed cases concerned decisions on the merits (+11.6%), while there was a significant reduction in the number of time-barred proceedings (-18.2%)[18].

Regarding the duration of trials, the legislator continues to refer to regulatory interventions aimed at **encouraging the use of deflationary measures** of litigation in order to reduce the number of judicial proceedings and, as a result, their duration. In particular, **Ministerial Decree No. 150/2023** was issued on October 24, 2023, by the Ministry of Justice. This decree regulates the establishment - at the Ministry - of the Register of Mediation Bodies with a specific special section for ADR bodies and mediators. **Ministerial Decree No. 151/2023** containing the regulation concerning professional discipline of family mediators was issued on October 27, 2023, by the Ministry of Enterprises and Made in Italy. As for Ministerial Decree No. 151/2023, it has implemented Legislative Decree No. 149/2022. This decree has inserted, among the provisions for the implementation of the Civil Procedure Code and transitional provisions, a new Chapter I-bis aiming at regulating the figure of family mediators, while contemporarily delegating concrete regulation of the figure to an act of secondary regulation. With the provision in question, the Ministry has therefore indicated in detail what the professional activity of the family mediator and his/her training consist of; requirements for practicing the profession; methods and contents of mandatory training courses dedicated to family mediators; ethical rules of the profession; rates applicable to the professional activity and duties inherent to the processing of personal data that they have collected. Ministerial Decree No. 150/2023 was also issued based on primary regulations contained in Legislative Decree No. 149/2022 and Legislative Decree No. 28/2010. Furthermore,

[18] Ministry of Justice.

Ministerial Decree No. 150/2023 determines the criteria and concrete operational methods (requirements for registration in the relevant register, obligations of members, training courses, supervision, and remuneration) of the mediation profession or the activity carried out by an impartial third party and aimed at assisting two or more individuals searching for an amicable agreement for the settlement of a dispute. All of this with the elaboration of a proposal for its resolution[19].

Other – please specify

II. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

The new Procurement Code, introduced by Legislative Decree No. 36 of 31 March 2023, provided the digitalisation of the entire lifecycle of public contracts starting on January 2024. From now on, the planning, design, publication, award and execution phases of contracts and concessions will be managed by contracting authorities through certified digital procurement platforms, which each public authority must use. Digitalisation applies to all procurement or concession contracts, whatever their value, in both ordinary and special sectors. At the heart of the new digital procurement system is the ANAC database, which interacts both with the certified platforms used by contracting authorities and with government databases, containing the information needed by contracting authorities to manage the various phases of the public procurement lifecycle. This will make it possible to ensure full transparency of public contracts throughout their life cycle: it will be easier to trace supply chains (not just the first tier) and subcontractors. There is also another innovation that affects not only administrations but also economic operators participating in public tenders: thanks to the interoperability of the system, the Virtual Economic Operator's File, prepared by ANAC, will be operational, allowing access to information on an economic operator, in order to verify that he/she fulfils the requirements to participate in public tenders and that there are no grounds for exclusion.

As far as international cooperation in the field of prevention of corruption and public integrity is concerned, among the main functions assigned to ANAC by Law no. 190/2012, which established the Italian National Anticorruption Authority in implementation of Article 6 of the Convention United Nations Convention against Corruption (UNCAC). In fact, the first of ANAC's competences listed by the second paragraph of Article 1 of the aforementioned law, is precisely that of cooperating with the competent regional and international organizations. ANAC has strengthened bilateral and multilateral relations.The Authority worked intensively with the European institutions that have requested its cooperation, within of its competences, both in the area of prevention of corruption, as well as in the area of public contracts. In particular, ANAC has continued to join the working groups of the European Commission. ANAC participates in the following networks in the area of prevention of corruption:

- EU network against corruption;
- IAACA International Association of Anti-Corruption Authorities;

[19] High Council of the Judiciary

- EPAC/EACN European Partners against Corruption/European contact-point network against corruption;
- NCPA Network of corruption prevention authorities;
- ENPE European Network for Public Ethics;
- NFI Network for Integrity;
- NEIWA Network of European Integrity and Whistleblowing Authorities.

ANAC in 2023 actively participated in the Network of European Integrity and Whistleblowing Authorities' (NEIWA), animating all its initiatives and contributing to the circulation of knowledge and experience in the particularly delicate and important phase of transposition of the European by the States of the European directive on the subject. Moreover ANAC took over the Presidency of NEIWA and Vice-presidency of NFI Network for Integrity. Particular attention also deserves the collaboration with the European Network for Public ethics (ENPE), of which ANAC is a founding member. Compared to other networks operating European level, this is the only network that exclusively brings together authorities that deal exclusively with the prevention of corruption and to which only institutions belonging to an EU Member State. During 2023 ANAC participated in the preparation of the 5th National Open Government Plan for Italy, promoting the establishment and coordination of a multistakeholder task force (more than 30 institutions and organisations civil society organisations). Within the plan, ANAC assumed the coordination of three specific actions, two in the field of prevention of corruption and a culture of integrity and one for the digital transformation and inclusion. ANAC was also elected among the representatives of public administrations in the Multistakeholder Forum, a joint body in which 11 public administrations and 11 civil society organisations, which is in charge of the governance of the National Open Government Plan and the co-creation of the Italian Strategy for Open Government. Several memoranda of understanding and cooperation agreements were signed to consolidate bilateral relations with similar Authorities, such as Authorities from Switzerland, Albania, Paraguay, Romania, North Macedonia and Ukraina. ANAC also participated in the main initiatives of cooperation within the framework of the Convention United Nations Convention against Corruption (UNCAC) and, more generally, of the United Nations forum and the agency responsible for anti-corruption matters, the United Nations Office on Drugs and Crime (UNODC). Among the various activities carried out in this field, it is worth mentioning is the contribution that ANAC made to the follow-up of the Abu Dhabi Declaration[20].

As regards the Cooperation with the European Anti-Fraud Office and the European Public Prosecutor's Office in the protection of European Funds a contribution by the Committee to Fight Fraud Against the EU (COLAF) is attached *(Annex 1_COLAF).*

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

ANAC is an independent authority as its decisions are taken in compliance with the Anti-Corruption Law and the Code of Public Contracts without any possibility of government interference. In order to guarantee the necessary independence, the appointment mechanisms of ANAC's board members are designed to ensure that ANAC is politically neutral and that integrity and objectivity are respected. In particular the procedure for appointing ANAC board members requires a broad institutional consensus, in order to safeguard the principle of independence. The Board members are appointed by decree of the President of the Republic, after deliberation by the Council of Ministers, and binding opinion expressed by a qualified majority of the competent parliamentary committees. Such an inclusive appointment mechanism guarantees a politically balanced result: in fact, the two-thirds majority rule ensures that no single party can submit nominations unilaterally and that an agreement has to be reached with the opposition parties. Members of anti-corruption institutions generally serve for a fixed period longer than the legislative or executive term. Therefore, appointments to these institutions are staggered with respect to the electoral cycle, which helps to maintain their political independence. In Italy, the normal term of Parliament is five years, while that of the ANAC Council is six years, non-renewable. The security of tenure helps to preserve the independence of appointed members by protecting them from arbitrary dismissal/removal. The Board of the National Anticorruption Authority must be appointed 'from among highly qualified professionals'. The members may not engage in

[20]ANAC.

any professional or consultancy activity in their own interest, may not hold any government or other office in public or private bodies, and may not be elected or hold office in political parties. Lastly ANAC enjoys financial autonomy as the resources for its operation do not come from the state budget. It is financed by a compulsory contribution paid by contracting authorities and economic operators participating in public tenders[21].

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

ANAC's tasks include verifying and monitoring the administrations and entities required to adopt integrity plans (PIAO/PTPC). This activity was carried out not only through supervision, but also through a monitoring activity hold by a special platform, with the aim of collecting, in a systematic manner, all the information concerning: the planning, programming of the measures and their implementation ('Platform for acquisition and monitoring of three-year plans and measures of corruption prevention and transparency protection', please see https://www.anticorruzione.it/-/piattaforma-di-acquisizione-dei-piani-triennali-per-la-prevenzione-della-corruzione-e-della-trasparenza). The results of such survey can be found in the ANAC's Annual Report to the Parliament (pp. 82-106 at the following link https://www.anticorruzione.it/documents/91439/8406f509-5acc-d5eb-1bcb-a780980a988a).
According to the results of the verifying and monitoring activity the success factors of corruption prevention activity are the following:

- carrying out regular monitoring of the implementation and adequacy of the measures provided for in the integrity plan as well as on the overall functioning of the risk management process so that it is possible to make any necessary changes in a timely manner to the planning;
- greater participation of managers and staff in the overall corruption prevention strategy and in particular, in the annual updating of maps and risk indices, as well as in all stages of preparing and implementation of anti-corruption measures;
- integration of risk management systems with the systems administration's internal control systems.

ANAC also monitors the compliance to the law on transparency (legislative decree 33/2013 implemented by legislative decree 97/2016), which establishes specific publication obligations and provides guidelines in order to clarify these obligations. The results of the monitoring activity on transparency, including the sanctions issued, can be found in the ANAC's Annual Report to the Parliament (pp. 121-128 at the following link https://www.anticorruzione.it/-/relazione-annuale-2023)[22].

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).[23]

Pantouflage

It is disciplined by paragraph 16-ter of Article 53 of Legislative Decree No. 165/2001, which applies to cases of transfer from the public sector to the private sector following termination of service. In the PNA an in-depth study was carried out on the prohibition of pantouflage, a hypothesis of conflict of interest to be framed as a subsequent incompatibility, pursuant to Article 53, para. 16-ter, Legislative Decree No. 165/2001. In order to ensure compliance with the provision on pantouflage, the National Anticorruption Plan (PNA) recommends that administrations take appropriate measures to prevent this phenomenon that could be included both in the Integrated Plan of Organization and Activities (PIAO) - anticorruption and transparency section - or in the Anticorruption and transparency Plans and in the Codes of Conduct. Consideration could be given to proposing the inclusion within the Code of Conduct of a duty for the employee to sign a declaration within a certain period deemed appropriate by the administration (e.g. three years before leaving the service), by which the employee acknowledges the rules on pantouflage and undertakes to respect this prohibition.

[21] ANAC.
[22] ANAC.
[23] For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

It should be noted that the Authority is currently in the process of adopting specific Guidelines and a new specific Regulation in order to organically regulate the supervisory activity on compliance with the legislation on the so-called pantouflage ban[24].

24. General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

Lobbying

On lobbying, no legislative developments have been introduced since the last edition of the rule of law report. The hearings of university professors of constitutional law continued; the last hearing was on 5 December and is being resumed. Law No. 3 of 9 January 2019 introduced measures for the transparency of political parties and movements and foundations, with particular reference to their funding. Subsequently, Decree-Law 34/2019 intervened on the matter, mainly to redefine the transparency obligations placed on political foundations[25].

25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

The general rules on conflicts of interest are of particular relevance to the prevention of corruption. The Italian legislator has intervened by means of provisions within both the law on Code of Conduct for public employees, and in the Administrative Procedure Act in which the obligation for the employee/proceedings manager to communicate the conflict situation and to abstain (Artt. 6, 7 and 14, Presidential Decree no. 62/2013; art. 6-bis, Law. no. 241/1990; PNA 2019, Part III, § 1.4).

The second part of the PNA 2022 adopted by ANAC with Resolution no. 7 dated January 17, 2023 containing the new National Anti-Corruption Plan 2022 (PNA), that will be valid for the next three years devotes particular attention to the regulation of conflict of interest in the area of public contracts, a sector particularly exposed to risks of corruption. Concrete measures to be taken in anti-corruption planning in the field of contracts are provided together with a template declaration to identify possible conflict of interest scenarios in advance. ANAC has deemed it appropriate to provide a list of data and information useful for each administration's drafting of its own self-declaration model. The template is to be considered an example and not exhaustive, as it does not take into account the specificities of the administration, the reference sector and the type of procedure. Therefore, it is recommended that administrations supplement it or modify it according to their own particularities. In order to draw up the model, four macro-areas were identified for attention: 1. Past professional and work activity 2. Financial interests 3. Personal relations and relationships 4. Others.

As to the validity of the self-declaration, for the Project Manager and tender Commissioners, this is intended for the duration of the individual tender procedure and until the conclusion of the contract, being necessary to produce and acquire a new declaration in the event of a new tender. The declaration has to be updated for each tender and by all subjects taking part in the procedure in case it implies the use of PNRR resources and structural funds.

Article 1, paragraph 2 of Legislative Decree No. 39 of 8 April 2013 provides some important definitions such as:

- letter g): '***Non-conferrable status*** ' is the permanent or temporary preclusion from holding the offices provided for in this decree for those who have been convicted of criminal offences provided for in Chapter I of Title II of Book II of the Penal Code, for those who have held offices or positions in private law entities regulated or financed by public administrations or have carried out professional activities in favour of the latter, and for those who have been members of political bodies;

- letter h): "***Incompatibility*** " is the obligation for the person to whom the office is conferred to choose, under penalty of forfeiture, within the peremptory term of fifteen days, between remaining in office and taking up or holding offices and positions in private law entities regulated or financed by the public administration that confers the office, or carrying out professional activities or becoming a member of political bodies. 'Non-conferrable status and incompatibility both aim at guaranteeing the impartiality of public officials, avoiding

[24] ANAC.

[25] ANAC.

any improper influences that may come from the political sphere and the private sector. A bill containing provisions on conflicts of interest of holders of state, regional or local government offices, as well as the president and members of independent guarantee, supervisory and regulatory authorities is under discussion at the Parliament (A.C 304, presented on October, 13, 2022 '*Provisions on conflicts of interest and delegation to the Government for the adjustment of the rules on local government office holders and members of independent guarantee, supervisory and regulatory authorities, as well as provisions concerning the prohibition on the receipt of payments from foreign States by holders of public office*'). The bill provides a delegation to the Government to adapt the regulations on local government office holders and members of independent guarantee, supervisory and regulatory authorities, as well as provisions concerning the prohibition of foreign payments by holders of public office. The draft law provides a unitary and organic discipline applicable to all public government offices, from the state to the local level, in line with what the Authority expressed in its Report Act No. 4 of 10 June 2015; in May 2023 the President was heard in a hearing. He is currently in charge of the I Commission for Constitutional Affairs of the Chamber of Deputies, which has started a fact-finding investigation; the last session was on 27 September 2023. In the year 2023, the Authority examined approximately 154 files concerning issues relating to alleged violations of Legislative Decree No. 39/2013 (i.e. cases of alleged incompatibility or non conferrable status between appointments), to alleged conflicts of interest or to alleged cases of violation of the legislation on the prohibition of pantouflage (Article 53, para. 16-ter, of Legislative Decree No. 165/2001). Most of the issues dealt with (approximately 74% of the files dealt with) concerned the possible violation of Legislative Decree No. 39/2013, when public appointments were conferred and, in such cases, the Authority proceeded to assess compliance with the decree in question. In fact, in this matter, case law has recognised ANAC as having a power of assessment constitutive of legal effects, in the sense that the Authority assesses the compliance with the law of the conferment to a certain person of a given managerial or top management position in the public administration. This assessment, which produces legal consequences, is therefore of a provvedimental nature. A smaller number of investigations (about 24% of the files handled) concerned alleged violations of the regulations on the prevention and management of possible conflicts of interest.

Regarding conflicts of interest, under the current legislation, the assessment of the merits of individual factual situations of possible conflict of interest is under the competence of the individual Administrations. ANAC's role, therefore, is to interact with the Administrations concerned - after verifying the adoption of the Plan and of the Code of Conduct - in order to obtain information on the checks carried out and on the manner in which the Administration has implemented the measures for preventing and managing possible conflicts of interest, the configuration of which, but above all the control of the merits of which, is left to the Administrations themselves.
Finally, in 2023, the Authority also dealt with some issues (around 2% of the files dealt with) concerning the alleged breach of Article 53(16-ter) of Legislative Decree No. 165/2001 (the so-called *pantouflage* ban). Also in this specific matter, there exists - as clarified by the case law of legitimacy and by administrative jurisprudence - the Authority's competence to supervise and ascertain cases of subsequent incompatibility, with consequent sanctioning competence.
Consequently, in the cases under review, the Authority proceeded to verify the possible existence of violations of the legislation in question.
Moreover, it should be noted that the Authority is currently in the process of adopting specific Guidelines and a new specific Regulation in order to organically regulate the supervisory activity on compliance with the legislation on the so-called pantouflage ban.
Lastly, for the sake of completeness, it should be noted that the Authority has proceeded on a bimonthly basis to draw up prospectuses (summary tables published on its institutional website) containing the reports received in relation to which no competence profiles have emerged. In the year 2023, the Authority filed approximately 350 reports, relating to matters that did not fall within its sphere of intervention[26].

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

Italy adopted Legislative Decree No 24 of 10 March 2023, implementing Directive (EU) 2019/1937 of 23 October 2019 of the European Parliament and of the Council on the "*protection of persons who report breaches*

[26] ANAC.

of Union law and laying down provisions regarding the protection of persons who report breaches of national laws". Legislative Decree No. 24/2023 brings together in a single regulatory text the entire discipline of reporting channels and the protections afforded to whistleblowers in both the public and private sectors. The result is an organic and uniform discipline aimed at strengthening the protection of whistleblowers, who are incentivised to report offences within the limits and in the manner indicated in the decree. The regulatory framework applies:

- to the PUBLIC SECTOR, which includes: public administrations, including police forces and military personnel; independent administrative authorities; public economic entities; publicly controlled companies, even if listed; in-house companies, even if listed; bodies governed by public law; public service concessionaires.
- the PRIVATE SECTOR which includes entities, other than those falling within the definition of the public sector, which
- have employed, in the last year, an average of at least fifty employees with permanent or fixed-term employment contracts;
- fall within the scope of application of the Union acts referred to in Parts I.B and II of the Annex (so-called sensitive sectors), even if they have NOT employed an average of at least 50 employees in the last year;
- fall within the scope of Legislative Decree No. 231 of 8 June 2001 and adopt organisation and management models provided for therein, EVEN if they have NOT reached an average of 50 employees in the last year.

Public sector and private sector entities, as listed above, are required to ensure the protections and establish internal reporting channels. According to the new rules, it follows that: the whistleblower is the person who reports, discloses or denounces to the judicial or accounting authorities, violations of national or European Union regulatory provisions that harm the public interest or the integrity of the public administration or private entity, of which he/she has become aware in a public or private employment context. The range of persons entitled to report has been broadened, not only public employees - including police and military personnel - but also all persons working in the employment context of a public or private sector entity, as: employees of private sector entities, self-employed workers, collaborators, freelancers, consultants, volunteers and trainees, paid and unpaid. Shareholders and persons with functions of administration, management, control, supervision or representation are also entitled to report, even if such functions are exercised on a de facto basis, in public or private sector entities. Legislative Decree 24/2023 gives ANAC a significant role by extending its powers. More specifically, ANAC holds three main powers:

- **Regulatory power**. With the reform introduced by Legislative Decree 24/2023, the ANAC has been granted the power/duty to adopt, by 30 June 2023, the Guidelines on the procedures for the submission and management of external reports. These Guidelines will interpret and clarify the legislation.

- **Powers for management of external reports and reports of returns.** ANAC is the only competent authority to receive external notifications from the public and private sectors, which may be transmitted: - in written form through the IT platform; - in oral form through telephone lines or voice messaging systems, as well as through a direct meeting set within a reasonable time limit. ANAC shall manage the reports, investigating those falling within its competence and forwarding those falling outside its objective sphere of intervention to the Public Prosecutor's Offices or to the administrative Authorities competent from time to time. The ANAC is required to notify the person concerned of receipt of the report within seven days and to provide feedback on the report within three months or, if there are justified and reasoned reasons, within six months.

- **Sanctioning power**. ANAC is also competent to handle reports of retaliation in the public and private sectors. In particular, ANAC is competent to deal with cases in which whistleblowers believe they have suffered retaliation as a result of a previous report and to impose a fine on the author of the retaliatory conduct. ANAC may impose administrative fines when it establishes that retaliation has taken place or when it establishes that the report has been obstructed or that an attempt has been made to obstruct it or that the obligation of confidentiality has been breached; when it establishes that reporting channels have not been set up, that no procedures have been adopted for making and handling reports or that the adoption of such procedures does not comply with the regulatory provisions, and when it establishes that the activity of verifying and analysing the reports received has not been carried out. Compared to the previous legislation, ANAC may also impose a sanction of between EUR 500 and EUR 2,500 on the whistleblower, in the event that the whistleblower is found to be liable for libel or slander, unless the whistleblower has already been convicted, even at first instance, of the offences of libel or slander or in any case of the same offences committed with the report to the judicial or accounting authorities. ANAC, according to the provisions of Legislative Decree 24/2023, art.

10, adopted the Guidelines on "*the protection of people who report violations of Union law and the protection of people who report violations of national regulatory provisions. Procedures for the presentation and management of external reports*" (resolution no. 311 of 12th July 2023) please see the following link https://www.anticorruzione.it/-/del.311.2023.linee.guida.whistleblowing) to allow the novelties to be introduced from 15th July 2023, as the Decree No 24 provided. The Guidelines provide indications for the submission and management, by ANAC, of external reports, i.e. communications of information on violations of Legislative Decree 24/2023, submitted by the subjects protected by the legislator through the 'external' reporting channel activated by the Authority. In addition, ANAC launched a monitoring through a questionnaire submitted to the subjects - both in the public and private sectors - called upon to activate the internal reporting channels of their administrations/entities. The survey, in anonymous form, aims to identify the main issues faced or to be faced by the above-mentioned subjects, in order to provide subsequent general guidelines also with reference to internal reporting channels. All information on the protection of whistleblowers and the tasks of Anac is available at the following link https://www.anticorruzione.it/-/whistleblowing#p5. Since 15 July 2023, the Authority, in the exercise of this power, has received no. 734 reports qualified as whistleblowing, grouped by public sector (57%) and by private sector (43%) - the majority relating to alleged wrongdoing, the others referring to retaliation measures[27].

Legislative Decree no. 24 of 10th March 2023, Implementation of the Directive (EU) 2019/1937 of the European Parliament and Council of 23 October 2019 on the protection of persons who report violations of Union Law and provisions on protection of persons who report violations of domestic regulatory provisions (General Series of the Official Journal no. 63 of 15th March 2023).

The Legislative Decree was adopted to implement the Law no. 127 of 4th August 2022 delegating powers to the Government to transpose European directives and implement other acts of the European Union, and transposed, into our legislation, the Directive (UE) 2019/1937 of the European Parliament and Council of 23 October 2019 on the protection of persons who report violations of Union law (so-called Whistleblowing directive).

The Legislative Decree:

a) identifies the topics which are included or excluded (i.e. domestic defence, public order and security, judiciary autonomy and independence, functions and attributions of the High Council of the Judiciary), workers who are entitled to report, persons entitled to protection measures, violations to be reported;

b) regulates the procedures for internal reports (to the competent persons identified inside public or private entities) and external reports (to the national anti-corruption authority, A.N.A.C.) and the obligations of confidentiality towards the reporting party and persons involved;

c) indicates the protection measures for the reporting person and conditions for obtaining them.

The reports can be made via different channels: internal, external, and public ones.

The protection consists in ensuring confidentiality about the identity of the reporting person and prohibiting retaliatory actions against the same reporting person.

In the public sector, protection is granted to the civil servants who, in the interest of the integrity of the public administration, report unlawful conducts internally or externally (to the anti-corruption authority or to the judicial authority).

The safeguards provided to the reporting person shall lapse if criminal liability is ascertained (a first instance decision is enough) for slandering or defamation purposes, or for other offences committed by filing the complaint or if civil liability is ascertained for the same offences in case of intent or gross negligence.

[27] ANAC.

In the private sector, whistleblowers protection is restricted to the employees and collaborators of entities that have adopted the organisational model provided for by the Legislative Decree no. 231 of 8th June 2001 and for the offences that are relevant under that regulation.

The safeguards include the guarantee of confidentiality for the reporting person, prohibition of retaliatory actions, and provision of a right cause to disclose secrets, that can exempt the employee from civil and criminal liability. The safeguards provided to the reporting person shall cease in the event of unsubstantiated reports made with intent or gross negligence.

In accordance with the Directive, matters of national security, which fall within the exclusive competence of the national legislator, protection of classified information, legal and medical secrecy, and deliberations of judicial bodies, as well as the criminal procedure rules are excluded from the scope of the Legislative Decree[28].

27. Sectors with high risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement

- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

ANAC with Resolution no. 605 dated December 19, 2023 published an updating to the National Anticorruption Plan 2022, devoted to public contracts in consideration of the new rules introduced by Legislative Decree No. 36 of 31 March 2023, ('New Public Contracts Code'), which came into force while the objectives of the NRP/NCP were being achieved and in a regulatory framework that, as indicated in the NAP 2022, presents profiles of complexity due to the numerous derogatory provisions introduced from time to time. In the Resolution no. 605 have been provided a list of the types of measures to mitigate corruption risks as follows: (can be found at the following site: https://www.anticorruzione.it/documents/91439/ef49f77c-d523-fb53-3f89-391c3fc05ea7)

- transparency measures (e.g. periodic updating of the lists of economic operators to be invited in negotiated procedures and in direct awarding of contracts, precise explanation of the reasons for the awarding procedure in the contract awarding determinations);
- control measures (e.g. internal audits, monitoring of the procedural time, with particular reference to the contracts financed with the funds of the NRP, use of IT tools that allow the monitoring and traceability of direct awarding outside the MePA for works, services and supply contracts);
- simplification measures (e.g. use of management systems to monitor tenders and contracts; periodic reporting from the digital procurement platform);
- regulatory measures (e.g. explanatory circulars also containing behavioural forecasts on fulfilments and subcontracting rules, in order to guide behaviour in similar situations and to identify those procedural steps that may give rise to uncertainties);
- organisational measures (e.g. staff rotation, specific training of RUPs and staff);
- use of checklists for the different types of awarding;
- stipulation of integrity pacts and provision in the notices, tender notices and letters of invitation, of the acceptance of the contractor's obligations to adopt the anti-mafia and anti-corruption measures set out therein during contract performance.

As far as conflict of interest in public procurement sector is concerned, according to article 16 of the new Code of public contracts "*A conflict of interest exists where a person who, in any capacity whatsoever, intervenes with functional tasks in the award procedure or the execution phase of contracts or concessions and may influence, in any way whatsoever, their outcome, results and management, has directly or indirectly a financial, economic or other personal interest which may be perceived as a threat to his impartiality and independence in the context of the award procedure or the execution phase. 2. Consistent with the principle of reliance and in order to preserve the functionality of administrative action, the perceived threat to impartiality and independence must be proven by the person who invokes the conflict on the basis of specific and documented premises and must relate to actual interests, the satisfaction of which can only be achieved by*

[28] Ministry of Justice.

subordinating one interest to the other. Staff in the situations referred to in paragraph 1 must inform the contracting authority or contracting entity and refrain from taking part in the procedure and in the performance of the award. 4. Contracting authorities shall take appropriate measures to identify, prevent and effectively resolve any conflict of interests". By way of example, other measures to be provided for in the Plans are suggested to the integrity managers:
- identification of rotation criteria in the appointment of the RUP where possible, taking into account the characteristics and organisational methods of the administration;
- clear identification of the persons who are required to receive and assess and monitor declarations of situations of conflict of interest;
- inclusion, in the legality protocols and/or integrity pacts, of specific requirements for competitors and contractors, who are required to declare in advance that they have no kinship or family relationships:
- relationships of kinship or familiarity with the persons involved in the definition of the tender procedure and the disclosure of any conflicts of interest that may arise thereafter.
- provision, in the legality protocols and/or integrity pacts, of sanctions against the economic operator, both as a competitor and as a contractor, in the event of breach of the commitments undertaken, depending on the seriousness of the breach ascertained.
  - gravity of the violation ascertained and the stage at which the violation was committed, as well as in compliance with the principle of proportionality[29].

28. Any other relevant measures to prevent corruption in public and private sector

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)[30], including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds[31].

Natural persons

Criminal Offences	2018	2019	2020	2021	2022	2023
art.314 c.c.	460	519	369	450	331	168
art.316 c.c.	5	9	4	4	4	1
art.316 bis c.c.	14	5	3	17	18	6
art.316 ter c.c.	209	218	138	143	145	138
art.317 c.c.	42	44	37	26	22	7
art.318 c.c.	35	26	38	32	46	27
art. 319 c.c.	192	140	135	175	219	99
art.319 ter c.c.	6	18	19	19	11	1
art.319 quater c.c.	65	71	41	34	39	20
art.320 c.c.	9	7	29	6	3	4
art.321 c.c.	81	91	69	62	133	68
art.322 c.c.	96	94	64	66	51	21
art.322 bis c.c.	-	2	1	-	-	-

[29] ANAC.
[30] Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.
[31] For MS participating in the EPPO, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPPO.

Art. 323 c.c.	88	64	65	57	35	11
art.328 c.c.	46	38	32	44	39	16
art.346 bis c.c.	10	11	15	34	24	14
art.640 bis c.c.	163	187	99	171	278	190
art.2635 c.c.	3	4	1	2	3	2
art.2635 bis c.c.	-	1	-	-	-	-
art. 2635 ter c.c.	-	1	-	-	-	-
art. 28 Legislative Decree 39/2010	-	-	-	-	-	-
Total convictions per year	**1.547**	**1.551**	**1.170**	**1.344**	**1.402**	**807**

Legal Persons

Types of Offences	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**
art. 24 Legislative Decree no. 231/2001	25	15	18	21	14	6
art. 25 Legislative Decree no. 231/2001	18	9	10	11	5	3
art. 25 ter, letter s bis Legislative Decree no. 231/2001	-	-	-	1	-	-
Total convictions per year	**43**	**24**	**28**	**33**	**19**	**9**

It should be noted that the data of recent years (in particular 2021, 2022 and 2023) could be significantly lower than the real ones due to the existing backlog in the entering of judgments which have recently become final[32].

As regards the data on action to protect the financial interests of the European Union, a contribution by the Committee to Fight Fraud Against the EU (COLAF) is attached (*Annex 2_COLAF*).

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

Other–please specify

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

A. Media authorities and bodies[33]

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

In Italy, AGCOM is the convergent and independent National Regulatory Authority in charge of electronic communications, audiovisual media services and postal sectors. Established by Law 31 July 1997 n. 249, AGCOM is entrusted with regulatory, surveillance, enforcement and sanctioning powers in the media sector.

[32] Ministry of Justice.
[33] Cf. Article 30 of Directive 2018/1808

Article 1 of Law 249/97 states that AGCOM "*operates in full autonomy and is independent in its judgement and assessment*". The **monitoring** activities are carried out either *ex officio* or relying on complaints filed by the public. In case the provisions of the audiovisual framework are violated, AGCOM can adopt different **enforcement** tools, depending on the nature of the infringed legal or regulatory provision[34]. AGCOM is required to publish its decisions; according to Law 14 March 2012, n.33, art 34, unless the **publication** on the Official Gazette is required, general decisions adopted by the Italian Public Administration must be published on the institutional websites. By Law, AGCOM is fully autonomous in managing its own **budget**. Since 2006, the Italian budget Law withdrew any public contribution to AGCOM's budget and now AGCOM is now fully financed by firms operating in sectors under its remit, which contribute with a percentage of their annual revenues referred to the activities regulated by the NRA. It is worthwhile highlighting that such contribution may be requested only to cover the cost of relevant regulatory activities, on the basis of strict accounting rules. As regards **human resources**, the procedures to select AGCOM's staff follow the general principles adopted by the Italian Public Administration: a procedure regulated by law, aimed at recruiting civil servants and envisaging public exams for all candidates. Within such procedural rules, AGCOM can nonetheless set specific recruitment criteria (i.e. skills and experience required), which must be clearly established beforehand and applied during the recruitment process, and it is autonomous in the adoption of its own regulations concerning the **internal organization** and functioning. The legal framework concerning the legal and economic treatment of the AGCOM employees is provided by law 481/95 (art.2, para 28), according to which AGCOM and the Competition authority share the same provisions related to the treatment of their employees, who are all civil servants. AGCOM's managers cannot, for 2 years after the end of their work in AGCOM, hold any kind of direct or indirect relationship with any undertaking operating in the regulated sectors; such a **cooling-off period** is not remunerated[35].

Concerning the activities of the Department [for Information and Publishing] of the Presidency of the Council of Ministers] in supporting pluralism and professional media providers economically, in 2023 the measures foreseen in the Special Fund of the budget law for 2021, and referred to the year 2022, were implemented. Among the interventions were support for the permanent hiring of journalists, the hiring of young professionals with digital skills and the transformation of fixed term in to permanent contracts. Furthermore, a Resources Distribution Decree was adopted which allocates financial support from the Special Fund laid down for 2023. This decree foresees the same measures as 2022 with greater resources.
As far as the newly adopted legislation is concerned, a provision has been laid down in the budget law for 2024 that establishes a single, permanent fund which includes all the financial aid to the sector. At the same time, it is foreseen that a decree will lay down new requirements to access contributions that can respond to the changes in the media system. The aim is to create a system which is able to reinforce the quality of the information products and to improve and reward the work of the journalists. For example, increasing the minimum number of professional journalists employed, with a full-time permanent contract and a fair salary, could be a way to guarantee the quality standards of the contents well as contribute to an enabling professional environment for the media and journalists. The new criteria also foster innovative media products and investments in new content and new technology.
In 2023 a reform concerning public contributions to the news agencies was put in place. A list of "agencies of national relevance" has been created which provide their services to public administrations and which have the right to a contribution established in proportion to the journalists employed, with a minimum of 50 journalists with a full-time permanent contract and a fair salary.
Another initiative that was started in 2023is the Committee of Experts with the task of analysing the impact of generative AI in the information and publishing sector.
The first impact, which is of a general character, concerns the use of AI in the newsroom to generate information content, and involves the replacement, at least in part, of journalistic work.

[34] For instance, for politic pluralism the sanction consists in an order to the broadcaster aimed at restoring the balance between the political parties; fines might be imposed only in case of non-compliance with the AGCOM order. In other sectors, such as minors' protection or advertisement caps, the sanctions are usually the payment of a fine. The maximum and minimum ranges of the fines that AGCOM can impose are determined by law and are determined within a proceeding in which the infringing subjects have the right of defending themselves. Often the fines may be preceded by a warning. All of the pecuniary fines are paid to the State budget.
[35] AGCOM

This is a question which could well have a major influence not only on employment but also on the integrity of the information environment as a whole, since journalistic professionality remains one of the key guarantees of quality and trustworthiness.
In the second place there is the fact that AI can be used to create and spread disinformation. Though, when usefully employed, it can also be a tool to fight against disinformation.
Finally, there is the question of the protection of journalistic copyright in relation to content used to train AI, a topic very much in discussion at the moment.
The creation of the Committee of Experts is designed so that study and exchange of ideas among stakeholders and leaders in the sector might contribute to find policies which protect all the varied interests involved[36] .

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

AGCOM Board is composed of a President and four Board Members (the overall number of AGCOM Board members was reduced from 8 to 4 by Law-decree 201/2011), appointed according to the Law no. 249/1997. Pursuant to Law 249/1997 and Law 481/1995, the AGCOM President is appointed by decree of the President of the Republic, upon designation by the Prime Minister (in agreement with the Ministry of Enterprises and Made in Italy - MIMIT, former Minister for Economic Development); the designation by the Prime Minister is subject to the binding favourable opinion by the competent parliamentary committees, which must be expressed by 2/3 majority of all their component members. The Law 249/1997 sets out also the procedure for the appointment of the AGCOM **Board members**: according to Art. 1, both the Lower Chamber and the Senate appoint two Board Members each (each MP has the right to vote for one Member). The appointment is then confirmed by a Decree by the President of the Republic. According to Art. 2, paragraph 8, of Law 481/95, high level and publicly recognized competence and professionalism are considered as mandatory **requirements to be appointed** as a member of the NRA (both as Chairman and as Member of the Board). During the mandate, the President and the Members of the Board cannot:

- carry out any professional activity, including consultancy, either directly or indirectly;
- hold a position as a manager or as an employee in other public or private entities;
- hold a position in public offices, including electoral mandates or positions in political parties;
- have any kind of interest in the fields of competence of Agcom

Article 3 of "*Section V – final provisions*", of the recently approved Legislative Decree 8 November 2021, n. 207, transposing the European Code of electronic communications, prescribes that the Commissioners and the President of AGCOM will be chosen on the basis of merit, skills and knowledge of the sector, among people of recognized standing and professional experience, who have expressed and motivated their interest in filling these roles and who have sent their curriculum vitae. The curricula received must be published on the websites of the institutions involved in the appointment of the AGCOM Board. Safeguards aimed at preventing **conflicts of interests** are foreseen both during the mandate of the Board and in the first two years after the mandate expires, a 2 year non remunerated cooling-off period is applied. As a tool to ensure AGCOM's independence from any political pressure, the Members' mandate is not tied to electoral cycles (the mandate of the AGCOM Board is **7 years**, not renewable, while the legislature in Italy lasts 5 years). The **dismissal** of AGCOM's Chairman and Board members is not envisaged at all, not even by the competent appointing institutions and a termination of the mandate can only be due to the arising of one of the incompatibility reasons listed in Law 481/1995[37].

36. Existence and functions of media councils or other self-regulatory bodies

In Italy there are no Press or Media Councils. The journalistic profession is regulated by a corporation named "Ordine dei Giornalisti", created by Law no. 69 of 3 February 1963, prescribing duties connected to the journalistic profession[38].

[36] Department [for Information and Publishing] of the Presidency of the Council of Ministers]
[37] AGCOM.
[38] AGCOM.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

On 25 December 2021, the Italian AVMS Code (legislative Decree no. 208/2021, hereinafter referred to as TUSMA), entered into force and -inter alia- transposed the AVMS Directive. The relevant provision is Article 49, which leaves unaltered the previous discipline (represented by Article 41 of the Legislative Decree no. 177 of July 31, 2005). Pursuant to Article 49 and the procedural criteria established by the Italian Department for European Policy of the Presidency of the Council of Ministers with its Directive of 28 September 2009, the Italian public administration bodies (around 24,000 public administration institutions/organisms, including the public economic bodies) that purchase advertising space in the mass media, must inform AGCOM about the advertising expenditures of the previous financial year. This information must be sent each year between September 1 and September 30, by means of a digital template published by AGCOM in the webpage http://www.agcom.it/entipubblici pursuant to AGCOM Decision no. 4/16/CONS of 14/01/2016.

Moreover, Article 49 determines also that the amounts that public administrations or public bodies allocate to the purchase of advertising slots on the mass media, for institutional communication purposes, must respect, for each financial year, the following criteria:

- at least 15% of the advertising expenditures must be spent on advertisements broadcast on private local television and local radio operating in the territories of the EU Member States;
- at least 50% of the advertising expenditures must be spent on advertisements published on daily newspapers and magazines.

AGCOM, also through the CO.RE.COM (Regional Committees), monitors the Public Administrations' compliance with the aforementioned criteria[39].

38. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)

- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

The provisions concerning the public service media independence are stated in Articles 59-66 of the aforementioned Italian AVMS Code/TUSMA, introducing specific safeguards.
The concession of the public radio, television, and multimedia service is entrusted, until 30 April 2027, to RAI – Radiotelevisione italiana S.p.A.

The concession has a duration of 10 years and is preceded, pursuant to Article 5(5) of Law No 220 of 28 December 2015, by a public consultation on the service provider's obligations.

Article 63 of the AVMS Code states a cap to the maximum salary limit of EUR 240,000 per year, respectively to directors, employees, collaborators, and consultants of the entity entrusted with the concession for the public radio, television, and multimedia service, whose professional performance is not determined by regulated tariffs.
The board of directors of RAI – Radiotelevisione italiana S.p.A. is composed of seven members. The Board, in addition to being the administrative body of the company, also performs functions of control and assurance of the correct fulfilment of the aims and obligations of the general public service broadcasting. Persons having the prerequisites for appointment as constitutional judges pursuant to Article 135(2) of the Constitution or, in

[39] AGCOM.

any case, persons of recognised good reputation, prestige, and professional competence and well-known independence of conduct, who have distinguished themselves in economic, scientific, legal, humanistic cultural, or social communication activities, gaining significant managerial experience, may be appointed as members of the board of directors. If they are employed, they are placed on unpaid leave for the duration of their term of office upon request. The term of office of the members of the board of directors shall be three years and the members shall be re-elected once. The renewal of the board of directors shall take place before the end of the previous term of office.

The composition of the board of directors shall be defined by favouring the presence of both sexes and an appropriate balance between members with a high level of professionalism and proven legal, financial, industrial, and cultural experience, as well as, taking into account the authority required by the appointment, the absence of conflicts of interest or of holding offices in competitor companies.

The appointment of member of the board of directors may not be held, on pain of ineligibility or forfeiture, even in the course of their term of office, by persons who hold the post of Minister, Deputy Minister, or Under-Secretary of State or who have held that post during the 12 months preceding the date of appointment, or who hold the post referred to in Article 7(1)(c) of the consolidated act referred to in Presidential Decree No 361 of 30 March 1957, the post referred to in Article 1(54)(a) of Law No 56 of 7 April 2014, or the post of regional councilor.

Persons in one of the following situations cannot be appointed members of the board of directors and, if appointed, shall lose their mandate:

a) perpetual or temporary disqualification from public offices;
b) legal or temporary disqualification from the management offices of legal persons and companies, or in any case any of the situations referred to in Article 2382 of the Civil Code;
c) subjection to preventive measures ordered by the judicial authority pursuant to the Code of Anti-Mafia Legislation and Protection Measures, as per *Legislative Decree No 159 of 6 September 2011*, without prejudice to the effects of rehabilitation;
d) sentence by final judgment to imprisonment for one of the offences provided for in Title XI of Book Five of the Civil Code, without prejudice to the effects of rehabilitation;
e) sentence by final judgment to imprisonment for a crime against the public authority, public faith, property, public order, the public economy, or a tax offence;
f) sentence by final judgment to imprisonment for any offence committed with criminal intent for a period of two years or more.

The appointment of the Chairman of the board of directors shall be made by the board within its members and shall become effective after obtaining the favourable opinion of the Parliamentary Committee for the General Guidelines and Supervision of Broadcasting Services referred to in Article 4 of Law No 103 of 14 April 1975, as amended, by a two-thirds majority of its members. The Chairman may be entrusted by the board of directors with executive powers in the areas of external and institutional relations and supervision of internal control activities, subject to a resolution of the meeting authorizing their delegation.

The members of the board of directors shall be identified as follows:

a) two elected by the Chamber of Deputies and two elected by the Senate of the Republic, with a vote limited to only one candidate;
b) two appointed by the Council of Ministers, on the proposal of the Minister of the Economy and Finance, in accordance with the criteria and procedures for appointing the members of the administrative bodies of companies controlled directly or indirectly by the Ministry of the Economy and Finance;
c) one appointed by the meeting of employees of RAI-Radiotelevisione Italiana S.p.A., among the employees of the company holding an employment relationship for at least three consecutive years, in a manner that ensures the transparency and representativeness of the appointment itself.

The members of the board of directors appointed by the Chamber of Deputies and the Senate of the Republic must be elected from among those who submit their candidature in the context of a selection procedure, the notice of which must be published on the websites of the Chamber, the Senate, and RAI Radiotelevisione italiana S.p.A. at least sixty days before the appointment. Applications must be received at least 30 days before the appointment and CVs must be published on the same websites. For the election of the member expressed

by the meeting of the employees of RAI Radiotelevisione italiana S.p.A., the voting procedure must be organised by the outgoing board of directors of the same company, with notice published on its institutional website at least sixty days before the appointment, according to the following criteria: a) participation in voting, ensuring the secrecy of all employees that have an employment relationship, including via the internet or through the corporate intranet network; b) access to the application of only persons who meet the requirements set out in paragraph 4 to 15. Individual applications may be submitted by one of the trade unions signatories to the collective or supplementary agreement of RAI-Radiotelevisione italiana S.p.A. or by at least one hundred and fifty employees and must be received at least thirty days before the appointment.

The general guidance and supervisory functions of the Parliamentary Committee on the General Guidelines and Supervision of Broadcasting Services remain valid. The board of directors shall report every six months, before the approval of the financial statements, to the same Committee on the activities carried out by RAI Radiotelevisione italiana S.p.A., giving the full list of the names of the guests participating in the broadcasts. The managing director and members of the management and supervisory bodies of RAI-Radiotelevisione italiana S.p.A. are subject to the civil liability actions provided for by the ordinary rules of limited companies. The managing director shall ensure, in compliance with the current regulations on the protection of personal data, the timely publication and updating, at least annually, of the data and information provided for in the Corporate Transparency and Reporting Plan approved by the Board of Directors. The failure to comply with the publication obligations referred to in the previous period constitutes possible cause of liability for damage to the image of the company and is, in any case, assessed for the purposes of payment of ancillary remuneration or profit, where applicable. The managing director shall not be held liable for the failure to comply if he or she proves that it was due to cause not attributable to him or her.

As for the general regime of audiovisual media services, the Italian AVMS Code prescribes at Article 7 the main principles of the system to safe guard pluralism and fair competition:

a) promotion of fair and sustainable competition in the system of audiovisual media services, radio, and mass media services and in the advertising market, and the protection of pluralism, prohibiting, to this end, the establishment or maintenance of positions of significant market power detrimental to pluralism, including through controlled or linked entities, in accordance with the criteria laid down in this Decree, and ensuring maximum transparency of the company structures. For the purposes of this Consolidated Act, control exists, including with regard to entities other than companies, in the cases provided for in Article 2359(1) and (2) of the Italian Civil Code. Control is deemed to exist in the form of dominant influence, unless there is evidence to the contrary, where one of the following situations occurs:
   1) the existence of an entity that, alone or on the basis of cooperation with other members, has the opportunity to exercise a majority of the votes of the ordinary general meeting or to appoint or revoke a majority of the directors;
   2) the existence of relationships, including between members, of a financial or organisational or economic nature capable of achieving one of the following effects:
   2.1) the transmission of profits and losses;
   2.2) the coordination of the management of the enterprise with that of other enterprises with a view to pursuing a common purpose;
   2.3) the attribution of powers greater than those deriving from the shares or stocks held;
   2.4) the attribution to parties other than those authorised on the basis of the power holding structure in the choice of directors and managers of enterprises;
   3) subject to common management, which may also result on the basis of the characteristics of the composition of the administrative bodies or other significant and qualified elements.
b) provision of different licences for carrying out activities pertaining to network operators or audiovisual media service providers, including on-demand or radio, or associated interactive services or conditional access services providers, with a general authorisation regime for activities pertaining to network operators or associated interactive service or conditional access service providers; the general authorisation does not involve the allocation of radio frequencies, which shall be carried out with a separate measure; the authorisation to act as a provider of audiovisual media services, including on-demand or radio, may not be granted to companies that do not have as their corporate purpose the exercise of broadcasting, editorial, or other information and entertainment activities; without prejudice to the provisions for the concession company of the general public broadcasting service, public authorities, public bodies, including economic entities, companies with majority public shareholding, and companies and credit institutions may not,

directly or indirectly, hold licences enabling them to carry out the activities of network operators or media service providers, including on demand or radio;

c) provision of separate licences for carrying out, respectively, on terrestrial or coaxial cable or satellite frequencies or on other platforms, including by the same entity, the activities referred to in point b), as well as the provision of a sufficient duration of the relevant licences, in any case not less than 12 years, for activities on digital terrestrial frequencies, with the possibility of renewal for equal periods;
d) provision of separate licences for carrying out the supply activities referred to in point b), at a national or local level respectively, where they are exercised on terrestrial frequencies, establishing, in any case, that the same entity or entities party to a relationship of control or affiliation may not, at the same time, be authorised to provide radio media services, including as concession companies, at a national and local level;
e) obligation for network operators:
   1) not to discriminate against audiovisual media service providers, including on-demand, or radio services not attributable to affiliated and controlled companies, providing them the same technical information provided to audiovisual media service providers, including on-demand, or radio services attributable to affiliated and controlled companies;
   2) not to discriminate in establishing appropriate technical arrangements on transmission quality and conditions for access to the network between audiovisual media service providers, including on-demand providers, or radio broadcasts belonging to parent companies, subsidiaries, or affiliates and providers of audiovisual media services, including on-demand, or radio broadcasts and associated interactive service or independent conditional access service providers, while providing, in any case, that network operators shall divest their transmission capacity under market conditions in accordance with the principles and criteria laid down by the Authority in its own regulations;
   3) to use, under its own responsibility, information obtained from broadcasters, including digital radio broadcasters, or from on-demand media service providers not attributable to affiliated and controlled companies, solely for the purpose of concluding technical and commercial network access agreements, prohibiting the transmission to subsidiaries or affiliates or third parties of the information obtained;
f) an obligation for radio stations and audiovisual media service providers, including on demand, or radio broadcasters in case of the transfer of rights to use programmes, to observe non-discriminatory practices between the different distribution platforms, under market conditions, without prejudice to respect for exclusive rights, copyright rules, and free negotiation between the parties;
g) separate accounting obligation for enterprises, other than those broadcasting in analogue, operating in two or more of two sectors of audiovisual media services, radio broadcasting, and associated interactive services or conditional access services, in order to enable the disclosure of fees for access and interconnection to communication infrastructure, and the disclosure of charges relating to the general public service, the assessment of the installation and management of the infrastructure separate from that of the provision of content or services, where carried out by the same entity, and the verification of the absence of cross-subsidies and discriminatory practices, providing, in any case, that:
   1) the provider of audiovisual media services, including on demand, or radio broadcasts, which is also a service provider, is required to establish a separate accounting system for each authorisation;
   2) the provider of audiovisual media services, including on demand, or radio broadcasts, which is also a network operator at a national level, or a provider of associated interactive services or conditional access services, is required to separate companies;
   3) the provisions referred to in points 1) and 2) do not apply to entities operating only locally on terrestrial frequencies.

Depending on the platform on which the provider operates, the specific procedures for licensing and authorizations are foreseen by specific regulations adopted by AGCOM and issued by AGCOM or the Ministry of Enterprises and Made in Italy[40].

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

Pluralism, transparency of media ownership and provisions regarding the positions of significant market power find their legislative framework pursuant to Article 51 of the Italian AVMS Code/TUSMA.

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Art 51 forbids the establishment of positions of significant market power detrimental to pluralism in the market and information services. Legal acts, mergers, and agreements that contravene the prohibitions referred to this Article shall be null and void.

AGCOM is tasked with monitoring the development and evolution of the integrated communications system and shall ensure, at least annually, by making public its results, its overall economic value and that of its component markets and shall also demonstrate the market power positions of the parties active in those markets and the potential risks to pluralism. For the quantifications, AGCOM will take into account the revenues generated in Italy, including by companies with headquarters abroad, which derive from public service broadcasting funding, net of the rights of the State Treasury, from national and local advertising, including in direct form, from teleshopping, sponsorship, agreements with public entities of a continuous nature and public provision directly paid to the entities carrying out the activities referred to in Article 2(1)(s) of the AVMS Code, from offers of paid audiovisual and radio media services, subscriptions and the sale of newspapers and periodicals, including book and phonographic products marketed in the annex, as well as national news agencies, electronic publishing including via the internet, advertising online and on the various platforms including in direct form, including resources collected from search engines, social media and sharing platforms, and the use of audiovisual and cinematographic works in the various forms of public use.

Entities operating in the integrated communications system with a turnover exceeding the values referred to in Article 16 of Law No 287 of 10 October 1990 shall notify AGCOM of the agreements and mergers for the purposes of this Article. Entities that, including through subsidiaries or affiliates and also as a result of agreements or mergers, are included in the categories listed below, which are symptomatic indices of a position of significant market power potentially detrimental to pluralism, must also formally notify AGCOM:

a) entities that generate revenues exceeding 20 % of the total revenues of the integrated communications system or revenues exceeding 50 % in one or more of its markets;

b) entities that achieve revenues exceeding 20 % of the total revenues in the markets for the retail provision of electronic communications services, as defined by Legislative Decree No 259 of 1 August 2003, and which at the same time generate more than 10 % of the total revenues of the integrated communications system and more than 25 % of the revenues in one or more of its markets;

c) entities that achieve revenues exceeding 8 % of the total revenues of the integrated communications system and that, at the same time, have or acquire holdings in companies publishing daily newspapers, with the exception of companies publishing daily newspapers distributed exclusively electronically;

d) entities holding authorisations to broadcast more than 20 % of the total television programmes or more than 20 % of radio programmes broadcast on terrestrial frequencies at a national level through the networks provided for in the national digital television frequency allocation plan.

The notification procedures are defined in the specific regulations adopted by AGCOM. For the purposes of quantifying the thresholds referred to in this paragraph, reference is made to the most recent estimates published by AGCOM and, for affiliated companies, only the share of revenue, or holding of authorisation rights, corresponding to the shareholding percentage, shall be taken into account. In the case of companies that have failed to comply with the prior notification requirements referred to above, AGCOM may impose on the same companies pecuniary administrative penalties of up to one percent of their turnover in the year preceding the year in which the dispute occurred.

AGCOM shall, following the notifications referred to above, or *ex officio* on the basis of the elements resulting from the determinations abovementioned, or on the basis of an alert from those who have an interest in it, carry out investigations in order to verify the existence of the positions prohibited under paragraph 1, and shall, where necessary, adopt measures to eliminate or prevent the formation of positions of significant market power that are detrimental to pluralism. In order to determine whether a company or group of companies is in a situation of significant market power that is detrimental to pluralism, AGCOM shall take into account, *inter alia*, in addition to revenues, the level of static and dynamic competition within the system, barriers to entry

into the system, convergence between sectors and markets, synergies resulting from activities carried out in different but contiguous markets, vertical and conglomerate integration of companies, the availability and control of data, the direct or indirect control of scarce resources needed, such as transmission frequencies, the company's economic efficiency, including in terms of economies of scale, range, and network, and quantitative indices of broadcasting programmes, including information programmes, cinematographic works, publishing and online products and services. On the basis of those criteria, AGCOM shall define the specific methodology for the verification referred to in this paragraph by means of guidelines, which shall be reviewed periodically at least every three years.

Without prejudice to the invalidity prescribed by the Article, if AGCOM, following an open investigation pursuant to paragraph 5, finds that there are positions of significant market power detrimental to pluralism, it shall take action to ensure that they are promptly removed; if it finds that acts or operations are carried out to give rise to a prohibited situation, it prohibits its continuation and orders the reversal of its effects. If AGCOM considers that it should lay down measures affecting the structure of the company by requiring the divestment of businesses or business branches, it is required to determine in the measure a reasonable period within which to divest it; in any event, this period may not exceed 12 months. The entities under investigation by AGCOM may submit behavioral and structural commitments that, if AGCOM considers sufficient to eliminate or prevent the formation of significant market power positions detrimental to pluralism, are made binding by AGCOM.

AGCOM, by means of its own regulation adopted in accordance with the adversarial, participatory, and transparency principles laid down in the aforementioned Law No 241/1990, regulates the measures, the relevant procedures and the communication methods. In particular, the notification of the opening of the investigation to the parties concerned, the possibility for them to submit their own inferences at every stage of the investigation, AGCOM's power to require interested parties and third parties who are in possession of information and to produce documents relevant to the investigation must be ensured. AGCOM is required to comply with the confidentiality obligations relating to the protection of individuals or companies with regard to news, information, and data in accordance with the legislation on the protection of persons and other subjects with regard to the processing of personal data. Notice of the initiation of the procedure and of the final decision shall be given by publication on AGCOM's website.

For the purposes of the following Article, holdings in capital acquired or otherwise held through companies, even indirectly controlled companies, trust companies, or by intermediary persons, shall also be considered. Holdings that belong to a party other than that to which they previously belonged, including as a result of or in connection with mergers, demergers, divestments, business transfers or the like affecting such parties, shall be deemed to have been acquired. Where there are agreements between the different members, concluded in any form, pertaining to the concerted exercise of voting, or, in any case, the management of the company, other than mere consultation between members, each of the members shall be deemed to hold the sum of stocks or shares held by contracting members of their subsidiaries. The law foresees the "control" according to Article 2359(1) and (2) of the Civil Code including with regard to parties other than companies. Control is deemed to exist in the form of dominant influence, unless there is evidence to the contrary, where one of the following situations occurs:

a) existence of an entity that, alone or on the basis of consultation with other shareholders, has the possibility of exercising a majority of the votes of the ordinary shareholders' meeting or to appoint or revoke a majority of the directors;
b) the existence of relationships, including between members, of a financial or organisational or economic nature capable of having one of the following effects:
    1) the transmission of profits and losses;
    2) the coordination of the management of the company with that of other companies for the purpose of pursuing a common purpose;

3) the conferral of powers greater than those deriving from the shares or stocks held;

4) the attribution to parties, other than those entitled on the basis of the ownership structure, of powers to choose directors and managers of the companies;

c) the subjection to common management, which may also be based on the characteristics of the composition of the administrative bodies or other significant and qualified elements.

Pursuant to art. 1, paragraph 6, lett. c), of Law of 31 July 1997, no. 249, any modification to the ownership of radio and television companies must be notified and authorized by AGCOM (see AGCOM Resolution No. 368/14/CONS, amended by Resolution No. 110/16/CONS)

To assess the correctness of the data, AGCOM can semi-automatically carry out a cross-check with the information held by the national Chamber of Commerce system (*www.impresainungiorno.gov.it*).

Finally, Law 31 July 1997, no. 249, requires newspaper publishers, radio and audiovisual media service providers and other providers in the media, electronic communications, online platforms and postal services fields to be registered into the Register of Communication and Postal Operators (ROC) and to declare any information regarding their ownership structure. AGCOM is in charge of managing the ROC and any provider is compelled to be registered according to the AGCOM Decision no. 666/08/CONS as amended, inter alia, by AGCOM Decision no. 200/21/CONS, which has extended the obligation to be registered also to search engines and online intermediatory services.

Since 2013 (AGCOM Decision no. 393/12/CONS), the ROC can semi-automatically acquire the data concerning the ownership structures of the registered operators from the national Chamber of Commerce database. Pursuant to Law 5 August 1981, no. 416, the newspapers publishers are obliged to declare their ownership structure up to the physical shareholders, unless the companies are listed on the stock exchange[41].

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

The principle of pluralism and freedom of information constitutes an essential component of our democratic society, as it allows the exercise of the fundamental right to freedom of expression, recognized by art. 10 of the European Convention on Fundamental Rights ("ECHRU") and, lastly, in art. 11 of the EU Charter.

In the Italian set of rules, the principle of pluralism finds its foundation in art. 21 of the Constitutional Charter, according to which "Anyone have the right to freely express their thoughts with words, writings and any other means of diffusion. The press cannot be subject to authorization or censorship. Seizure can only be decreed by reasoned act of the judicial authority [cf. art.111 c.1] in the case of crimes, for which the law on the press expressly authorizes it, or in the case of violation of the rules that the law itself prescribes for the indication of those responsible".

The jurisprudential interpretation, notably the Constitutional Court, has enriched and consolidated the complex of protections and prerogatives related to the exercise of the journalistic profession, in particular with reference to the topics of the right of news and criticism, on the assumption that journalistic activity differs from other forms of manifestation of thought by the peculiar democratic function recognized to it. In recognizing and protecting the prerogatives of freedom and independence of journalistic activity, the regulation requires that the right balance be ensured between those prerogatives and the needs to safeguard fundamental values and rights attributable to the sphere of human dignity and human rights, recognized in article 2 of the Constitution (dignity, honor, image and reputation).

[41] AGCOM.

In Italy, in order to practice the profession of journalism, it is necessary to be registered to the "Ordine dei Giornalisti", a self-regulatory body which provides for the professional standards, ethical rules and obligations and training. Journalistic activity is guaranteed by specific laws that protect the exercise of the profession and governed by the ethical rules of the sector. Fundamental is the "Consolidated text of the journalist's duties" and the enclosed rules. The adoption of self-regulatory provisions intends to prevent any external influence on the exercise of the profession.

Moreover, there are other institution and other rules ensuring the journalists' independence and the pluralism. In particular, AGCOM is in charge of guaranteeing pluralism with regulatory power. AGCOM supervises the media sector and conduct a specific monitoring activity on the journalism profession ("Observatory on Journalism").

Being in charge of guaranteeing media pluralism, AGCOM regularly monitors the news media system, publishes reports and conducts investigations concerning the various components of the media market. In 2014, AGCOM established the Observatory on Journalism, which published regular reports. The third Report published by the Observatory, in 2020 ("Journalism at the time of the Covid-19 emergency"), aimed at monitoring the evolution of the profession at a critical moment for the news media ecosystem[42].

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

In Italy there is a strong focus on the threats and the attacks on the journalists (probably for historical reasons due to a painful legacy of mafia and terrorist crimes) and there are different provisions on those issues. In case of threats of violence, there is a specific protection protocol involving police, judiciary and local government.

There are four levels of protection that vary according to the level of risks to the life of the journalist. They go from providing her/ him with an armoured car, to a round-the-clock police escort. Furthermore, in 2017 the Ministry of the Interior has launched the Coordination Centre for monitoring, analysis and permanent exchange of information on the phenomenon of intimidating acts against journalists to monitor the phenomenon of threats to reporters and develop the necessary protection measures and last year. This Centre represents the first initiative to set up a safety mechanism in Europe.

The latest report released by the Coordination Centre has shown a decreasing number of intimidating acts against journalist (28 acts in the first quarter of 2023 against the 44 acts registered in the same period of 2022) but has remarked the spreading of hate speech against the journalists through the social networks. In this scope, AGCOM intervened in 2019 with the "Regulation containing provisions regarding respect for human dignity and the principle of non-discrimination and contrast to hate speech" adopted with resolution no. 157/19/CONS. This settlement is a complementary protection tool to the judicial protection, which contributes to sensitize the information system operators with respect to the need to prevent or not feed expressions of hatred in the audiovisual media sector, while avoiding excessive limitations on the freedom of information recognized to individual journalists. It also represents a means of active protection for the same journalists who are more and more frequently victims of verbal threats and assaults carried out with expressions of hatred on the media, especially online platforms and social networks.

Moreover, in 2023 AGCOM approved the "*Regulation on the protection of the fundamental rights of the person pursuant to article 30 of the Legislative Decree 8 November 2021, n. 208*" adopted with the resolution n. 37/23/CONS. This Regulation implemented the Italian AVMS Code, which expanded the tools for the protection of the fundamental rights of the person and for the contrast to hate speech. In particular, it defines the binding criteria that must guide the programming of the audiovisual media services providers in order to prevent the violation of the prohibitions of incitement to violence and hatred. It also provides for a specific sanctioning system that allows the Authority to apply appropriate pecuniary sanctions in the event that the violation of the prohibition of incitement to violence or hatred against a group of people or a member of a group based on any of the grounds referred to in Article 21 of the Charter of Fundamental Rights of the

[42] AGCOM.

European Union and of public provocation to commit a terrorist offence as set out in Article 5 of Directive (EU) 2017/541[43].

In the first 9 months of 2023 a total of 71 intimidating episodes were recorded (resulting in a decrease of -15.5% compared to the same period in 2022, when 84 episodes were recorded); 7 intimidating episodes are attributable to organized crime contexts (9.9%) and 27 to political/social contexts (38%). 24 episodes (34% of the total events) were consumed via the web channel; the most used means, among social networks, were Facebook, with 10 episodes and e-mail, with 6 episodes. The regions which, in the period under examination, recorded the highest number of events were Lazio, Lombardy, Campania, Sicily and Calabria, with 49 episodes overall, representing 69% of the total. As for metropolitan areas, the highest number of episodes was reported with reference to Milan (12 intimidating events), followed by Rome (11), Reggio Calabria (5) and Naples (4). In some cases, the victim of the intimidating act does not appear to have filed a complaint. Overall, 68 information professionals appear to be involved as victims in the events detected in the first nine months of 2023, including 17 women (25%) and 51 men (75%). 11% of the total reports relate to incidents of intimidation perpetrated against journalistic offices or unspecified crews (source: https://www.interno.gov.it/sites/default/files/2023-12/report_9_mesi_2023_web.pdf; Minisry of Interior)[44].

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

No legislative and/or other measures are in place to prevent the abuse of the judicial process, i.e. vexatious or malicious use of the law and legal process to intimidate and silence journalists and other media actors. Following the recent Decision of the Constitutional Court of 22 June 2021, No. 150/2021, which has declared the penalty of imprisonment for press defamation provided for in Article 13 of the Press Law (Law of 8 February 1948, n. 47) unconstitutional and incompatible with Article 10 of the European Convention of Human Rights, and has invited the Italian Parliament to reform the defamation regime, some draft bills on this matter are still in discussion in the Italian Parliament[45].

Other - Media Literacy

Article 33A of the revised Audiovisual Media Services Directive (2018) introduced specific obligations regarding media literacy promotion in Member States. The Italian Audiovisual Code (TUSMA) approved in December 2021, which -inter alia- transposes the AudioVisual Media Services Directive, introduced specific provisions regarding media and digital literacy. Art. 4, paragraphs 3 and 4, of the TUSMA states that the MIMIT (the Ministry for Enterprise and Made in Italy Ministry) shall promote the digital and media literacy initiatives carried out by audiovisual media services providers and video-sharing platforms. AGCOM shall monitor the results of this activity and prepare the report that the Ministry should send to the European Commission at least every three years.

In addition to the law obligations, one year ago, AGCOM introduced in its 2023-25 Performance Plan a specific strategic objective named *Promote digital literacy and culture and protect the most vulnerable individuals.* According to this strategic objective, the digital literacy and the responsible use of legacy and digital media are essential goals for countering disinformation and hate speech as well as for mitigating the risks to which minors and most vulnerable individuals are exposed in the consumption of online media. To that end, following

[43] AGCOM.
[44] Department for European Affairs, Presidency of the Council of Ministers.
[45] AGCOM.

the European Commission Media Literacy Guidelines for the MSes report released on February 2023, AGCOM decided to carry out an annual monitoring activity on media literacy measures, initiatives and policies in Italy, and is going to launch an extensive research activity on digital and media literacy needs with the aim of enhancing its know-how and its proactive ability in this field. Furthermore, AGCOM has recently approved, with Deliberation no. 182/23/CONS, the Guidelines addressed to the Regional Communications Committees (Co.Re.Com) aimed at harmonizing the different initiatives that they carried out at local level following the Framework Agreement approved in December 2022. The 2023 Italian Budget Law has created a Fund dedicated to media and digital literacy projects and media education projects addressed to minors to be carried out by AVMS providers and Video sharing platforms. 3 million Euros were allocated to the Fund for a three-year period starting in 2023. AGCOM is taking part to the ministerial technical roundtable for the implementation of this Fund[46].

Other – Training in the field of the prevention of corruption

On December 19th 2023 the paper "Shaping the values for a sustainable future - Education for the fight against corruption" was published by the OECD BIAC - Business at OECD, the OECD institutional stakeholder representing the private sector (Source: https://www.businessatoecd.org/hubfs/Shaping%20the%20values%20for%20a%20sustainable%20future%20-%20Education%20for%20the%20fight%20against%20corruption.pdf?hsLang=en; cf. also https://sna.gov.it/nc/tutte-le-news/dettaglio-news/article/la-sna-riconosciuta-come-best-practice-internazionale-nellambito-della-formazione-sulla-pre/). The paper includes the National School of Administration (Scuola Nazionale dell'Amministrazione – SNA) among the main stakeholders in Italy entrusted with the task of training civil servants. The National School of Administration is also the main provider of training in the field of the prevention of corruption in public administrations, training about 6,000 civil servants and public officials every year[47].

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

As regards to the financing of political parties, a bill is currently being examined by the 1st standing Commitee (Constitutional Affairs) of the Senate (A.S. 207)[48]: https://www.senato.it/leg/19/BGT/Schede/Ddliter/comm/55789_comm.htm [49].

Over 2023, the Minister for Institutional Reforms and Regulatory Simplification was the promoter of a widespread activity aimed at simplifying and restructuring the regulatory framework as well as reducing the stock of current rules, thus improving quality of regulation and ensuring legal certainty. The Italian legal system is plagued by regulatory inflation, which makes it difficult for citizens and businesses to identify the rules applicable in each specific case, placing a serious constraint to the political and social development and economic growth of the country. Within this general framework, approximately 33,000 pre-republican legislative acts, still formally in force, have been scrutinized in order to identify those no longer able to produce effects or, in any case, obsolete. As a result, five bills have passed by the Council of Ministers and currently are in the parliamentary process, which will repeal approximately 22,000 Royal decrees and 8,000 pre-republican acts. It is worth pointing out that in December 2022 the Council of Ministers passed a bill, linked to the Budget Law, which deploys an overall and organic regulatory simplification strategy. It introduces the annual regulatory simplification law, as a tool for periodic review of legislation, aimed at reordering and codifying legislation. Furthermore, the bill delegates the Government to regroup and codify existing legislation

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[46] AGCOM.

[47] Department for European Affairs, Presidency of the Council of Ministers.

[48] Modifiche al decreto-legge 28 dicembre 2013, n. 149, convertito, con modificazioni, dalla legge 21 febbraio 2014, n. 13, in materia di statuti, trasparenza e finanziamento dei partiti politici, nonché delega al Governo per l'adozione di un testo unico delle disposizioni concernenti i partiti e i movimenti politici per la piena attuazione dell'articolo 49 della Costituzione

[49] Department for European Affairs, Presidency of the Council of Ministers.

in the areas of foreign affairs and international cooperation, education, disability, civil protection, university and research.

The Department for institutional reforms, in partnership with the Polygraphic Institute and State Mint (IPZS), is also working on the classification of regulatory acts in some areas (disability, university, attraction of foreign investments, environment and renewable energy). The classification aims at benefiting drafting of codes and combined texts. In order to make the results of the regulatory simplification efforts available and usable by citizens, the Department for Institutional Reforms, in co-operation with IPZS, developed an activity aimed at improving accessibility and online searching of current legislation by citizens, through the release of new features of the 'Normattiva' database. In 2023, the Minister for Institutional Reforms and Regulatory Simplification was also the promoter of a highly innovative testing of a preliminary application of artificial intelligence (AI) on regulatory simplification. AI will help identify redundancies, inconsistencies and overlaps in existing legislation. As a first step, AI is currently been used to refine the Normattiva database, so to improve the system for classifying normative acts. The Minister for Institutional Reforms and Regulatory Simplification signed in 2023 Memoranda of Understanding with many Italian Regions with the aim of identifying common strategies for regulatory simplification for the benefit of businesses and citizens. As to enhancement of popular sovereignty and the strengthening of the role of citizens, it must be noted that in November 2023 the Council of Ministers approved the constitutional bill introducing the direct election of the President of the Council of Ministers. The proposal, currently being examined by the Parliament, provides for the direct democratic legitimation of the President of the Council of Ministers, who would be elected by universal suffrage in a popular vote held at the same time as the elections for the Parliament. In addition, the draft reform introduces mechanisms aimed at ensuring that the popular vote and the electoral mandate conferred by the voters are upheld throughout the Legislature's term[50].

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'[51]/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.

Law n. 246 of 2005 introduced systematic impact assessment on new legislation and subordinate regulation submitted to the Council of Ministers or adopted by a Minister. RIA Regulation n. 170 of 2008 set the procedural steps for developing an impact assessment and provided a RIA report template. Directive on goldplating required an assessment of the introduction of additional national regulation when transposing EU directives or EU regulations, in order to avoid this phenomenon.

A new RIA Regulation (DPCM 169/2017) was introduced in 2017. The cited Regulation requires the publication twice a year (January and July) on the Government's website of Lists of legislative initiatives per each ministry, containing all the planned legislative initiatives, and highlighting the ones subject to RIA and consultations. The list will be published on the Ministry's website as well. The list provides the general public with information such as: description of the policy objectives; RIA automatic exemption cases; planned RIAs; planned consultations; other ministries involved in the new regulation; expiring terms for adoption of the new regulation. In addition, in 2018 methodological guidelines was adopted, explaining details on how to conduct a RIA in practice, considering the most recent international standard on the issue of evaluation and impact assessment[52].

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

Italian Constitutional Law foresees a fast-track procedure in adopting primary law in urgency cases, that are named Decree Law (decreto legge): such a kind of laws are adopted directly from the Government, with a simplified procedure for RIA scrutiny, and must be approved by the Parliament within 60-days from the

[50] Department for Institutional Reforms, Presidency of the Council of Ministers.
[51] This includes also the consultation of social partners.
[52] Department for Legal and Legislative Affairs, Presidency of the Council of Ministers.

adoption. If the Parliament's approval does not occur by 60 days, the decree-law adopted by the Government has no effect. In 2023, 37 out of 75 (49%) primary laws have been adopted by Decree-Law[53].

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

48. Regime for constitutional review of laws

The Constitutional Court (hereinafter, the Court) rules on controversies or disputes "regarding the constitutional legitimacy of the laws and acts having the force of law issued by the State and the Regions" (art. 134, Italian Constitution). The Court is called on to review whether legislative acts have been enacted in accordance with the procedures stipulated in the Constitution ("formal constitutionality"), and whether their content conforms to constitutional principles ("substantive constitutionality").

Legislative acts cover not only laws enacted by Parliament, but also delegated legislative decrees (decreti legislativi delegati, enacted by the Government pursuant to authority delegated by Parliament), decree-laws (decreti-legge, emergency decrees adopted by the Government which expire unless converted into permanent law by Parliament), and laws issued by the Regions and the Autonomous Provinces, which have their own legislative power in the Italian constitutional system. By contrast, enactments that are subordinate to primary laws, such as administrative regulations, are not subject to direct constitutional review by the Court, but are instead subject to review for conformity by the ordinary courts. Insofar as primary laws must conform to the Constitution, and regulations must conform to primary laws, such regulations should also conform to the Constitution, without there being any need for constitutional review of the regulations themselves by the Court. The Constitutional Court is not free to decide autonomously which questions to examine but must be called on to do so through specific procedures. A law could not be directly challenged before the Court by any party; the issue of a law's constitutionality could only be raised by judges in the course of applying that law. Thus, any judicial authority who must resolve a dispute that requires the application of a legal provision, where there is a doubt as to that provision's constitutionality, has both the power and the duty to call for a judgment the Constitutional Court. Apart from that, in the case of constitutional controversy arising between the Regions and the State, the Government can appeal directly against a regional law, and a Region can appeal directly against a national law or a law enacted by another Region.

In these cases, a judgement follows the same rules, has the same range of possible outcomes, and produces similar effects to those discussed above (taken, with adaptations, from https://www.cortecostituzionale.it/documenti/download/pdf/The_Italian_Constitutional_Court.pdf)[54].

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions[55]

Last May 16, 2023, a constitutional bill by Hon. Laus from Democratic Party (acronym in Italian, PD) to establish the National Human Rights Authority in accordance with UN General Assembly Resolution No. 48/134 of 1993 was assigned to the Constitutional Affairs Committee at the Chamber of Deputies, for first reading and referral. The Foreign Affairs Committee is also expected to give its opinion on this proposal.

The one-article proposal inserts Article 100-bis into the Italian Constitution, establishing the independent national body, outlining its functions, articulation and composition.

The Authority is given legislative initiative, advisory, impulse and monitoring powers, as well as jurisdictional powers over human rights violations. This text can be found at the following link: http://documenti.camera.it/leg19/pdl/pdf/leg.19.pdl.camera.580.19PDL0010990.pdf. As above recalled, other Bills on the establishment of an independent national human rights institution have been presented in this

[53] Department for Legal and Legislative Affairs, Presidency of the Council of Ministers.
[54] Department for Legal and Legislative Affairs, Presidency of the Council of Ministers.
[55] Cf. the website of the European Court of Auditors: https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#

Legislature (AS 303 Pucciarelli from League Party; AC 426 Quartapelle from Democratic Party-IDP; AS 425 Valente from Democratic Party; and AS 505 Bevilacqua from Five Star Movement (acronym in Italian, M5S), of which relevant discussions are ongoing[56].

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

52. Judicial review of administrative decisions: - short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non- implementation

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and attacks and dedicated support services.

57. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

As far as the enabling framework for civil society is concerned, it is worth pointing out that in 2023 the National Hub for Public Participation was launched, under the 5th National Action Plan for Open Government. The Hub for Participation (https://partecipa.gov.it/assemblies/hub-partecipazione) is a platform that boosts and collects Italy's public participation policies, and shares practices, pathways and tools at the national and international level. The Hub is promoted by five public administrations and four civil society organizations: Presidency of the Council of Ministers (PCM) - Department for public administration, PCM - Department for Institutional Reforms, Emilia-Romagna Region, Roma Capitale, Ministry of the Environment and Energy Security, Aip2, Action Aid, Mappina, The Good Lobby[57].

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

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[56] Ministry of Foreign Affairs and International Cooperation.

[57] Department for Institutional Reforms, Presidency of the Council of Ministers.

In 2023 the Department for European Affairs included in its annual communication plan updated information on the activities related to the annual dialogue on the rule of law, publishing such information also on its official website https://www.affarieuropei.gov.it/it/.[58]

Other – please specify

[58] Department for European Affairs, Presidency of the Council of Ministers.