Ministero della Giustizia



DIRECTORATE GENERAL
FOR AUTOMATED INFORMATION SYSTEMS

Rule of Law - Country Visit - NRRP M1C1-38 - Reform 1.8 "*Digitalisation of the Justice System*"

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1. NRRP OBJECTIVES M1C1-38

Reform 1.8 "Digitalisation of the Justice System", no. M1C1-38 of the NRRP, contains several separate projects, grouped in the following objective in Milestone Q4-2023:

> *Mandatory electronic filing of all documents and full electronic workflow for civil proceedings. **First instance criminal proceedings digitalized (excluding preliminary hearing office)**. Creation of a free, fully accessible and searchable database of civil decision according to the legislation; Timeline: Q4 2023*

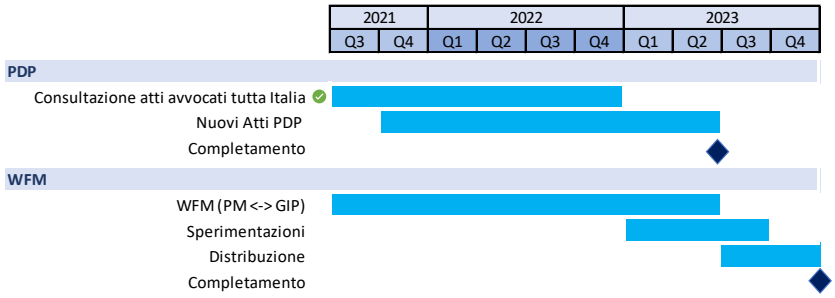
The part concerning the **criminal trial**, requires the implementation of a software solution that enables the drafting, signing and digital telematic filing, to be implemented on the PM <-> GIP flow, together with the completion of the filing and consultation of documents by lawyers (an objective also shared with the Criminal Reform).

Further on in this document, details will be provided for the interventions concerning the Digital Criminal Trial, with the state of play and envisaged completion.

2. Digital Criminal Trial

As to the digital criminal trial, some of the objectives of the NRRP M1C1-38 planned for the end of 2023 are brought forward by the Criminal Justice Reform to 30 June 2023; in particular, the availability of documents on the Portal for the *e*-filing of the criminal case documents [Depositi Atti Penali]. The other developments, which maintain the objectives of NRRP M1C1-38, concern the implementation of the new digital PM <-> GIP flow.

Here below is the macro work programme for all developments.



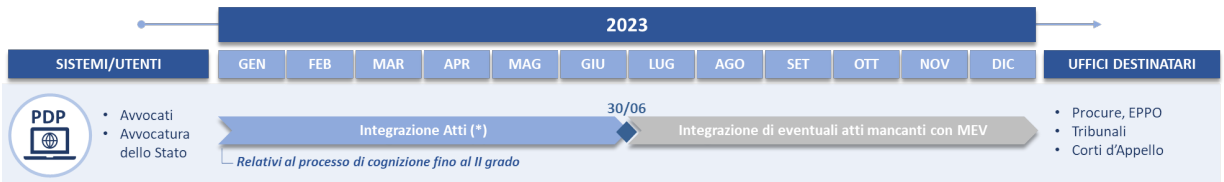
2.1 PORTAL FOR THE *E*-FILING OF THE CRIMINAL CASE DOCUMENTS (PDP)

The Portal for the e-filing of the criminal case documents [Deposito Atti penali] allows the electronic transmission to the Judicial Offices (which are individually selectable) of acts, documents and applications by authorized external parties, primarily defence counsels. To date 10 types of documents are available on the portal, by 30 June 2023 additional types of documents are expected to be distributed relating to fact-finding proceedings [processo di cognizione] up to the second instance, six months in advance of the NRRP, in order to meet the objectives of the Criminal Justice Reform.

Compared to the initial plan, the number of types of documents was increased from 55 to more than 100, therefore, it was considered essential to unify the two planned releases, in order to be able to assess the overall framework of the documents associated with the stages of the trial under consideration., so as to verify the overall correctness.

In the event that the need to include further types of documents should arise after this date, the integration will take place in the second half of 2023.

Here below is an outline of the planned schedule for the release of documents on the PDP.



The development for the consultation of documents by lawyers via the PDP was completed and deployed throughout Italy at the end of 2022.

2.2 APP (FORMER WFM) – PM <-> GIP

APP (Criminal Trial Application) - former WFM, is a web-based collaborative computer application, which allows all authorised parties the drafting, signing and digital and telematic filing of criminal measures (models), making all procedural flows digital, integrating the PDP and the *notitia criminis* portal.

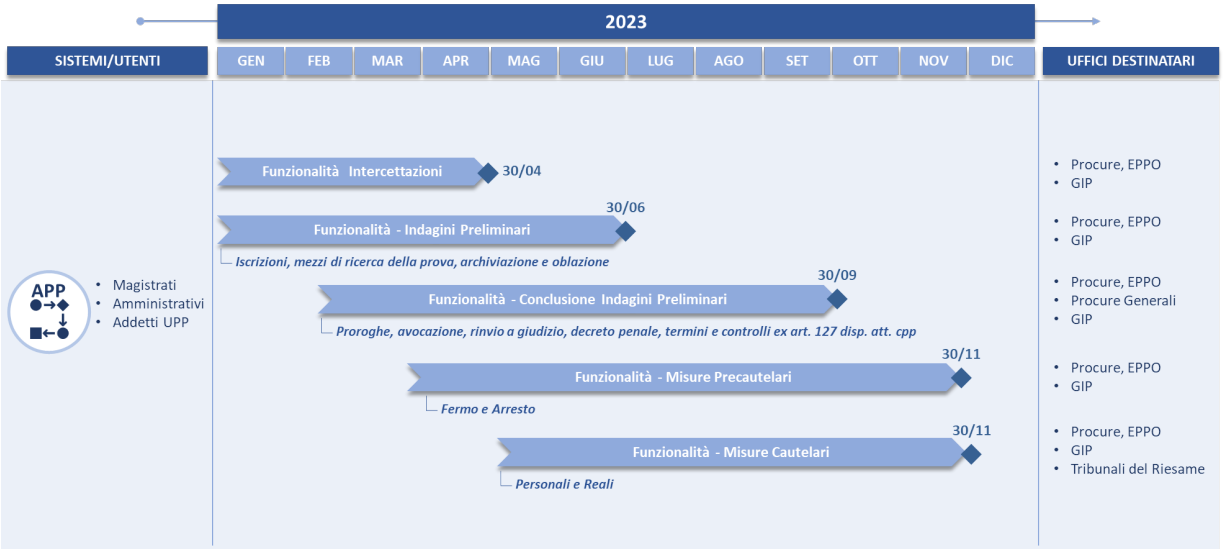
In order to address the objectives of NRRP M1C1-38, the basic solution of the WFM system and the interception flow (Model 37) was implemented.

As of the beginning of 2023, the solution is being tested in several Public Prosecutors' Offices, the results of which are being taken into account in order to improve its usability.

During the second half of 2023, the gradual deployment of the APP application will begin in all districts throughout the country.

Moreover, in order to achieve the digitalisation of first-instance criminal proceedings (excluding the preliminary hearing), which is NRRP objective M1C1-38, an incremental release of all the other functionalities related to the PM <-> GIP flow subsequent to the wiretapping flow (Preliminary Investigations, Conclusion of Preliminary Investigations, Pre-precautionary Measures, Precautionary Measures) is expected by 2023.

In particular, APP's timeline for 2023 is illustrated below:

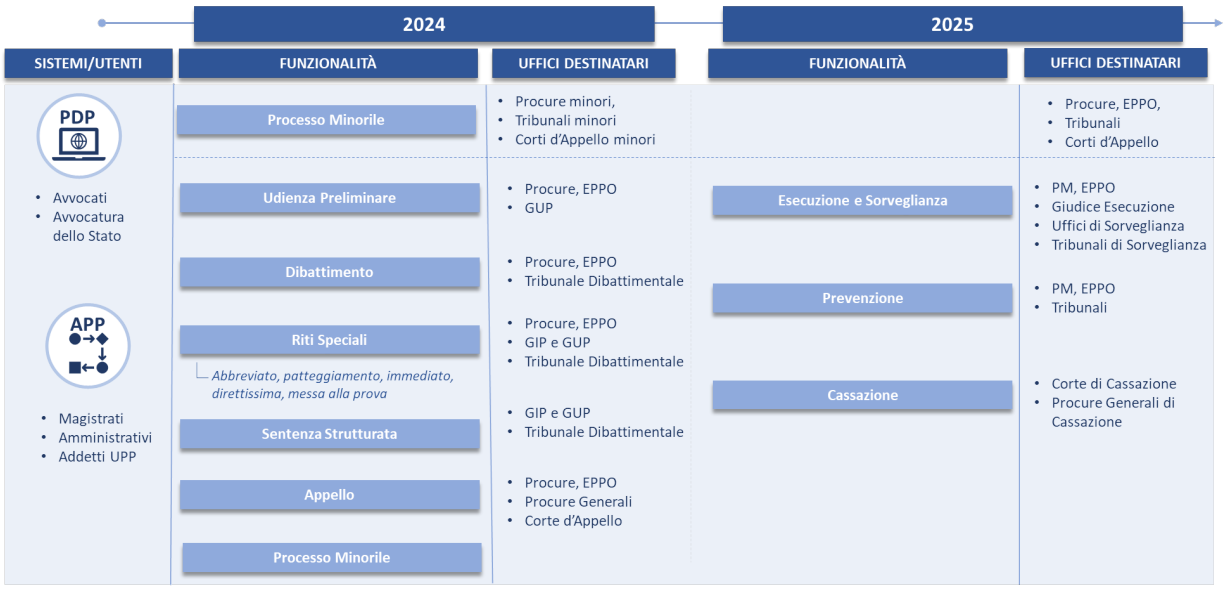


One of the functionalities developed on APP is the **digital signature**. This functionality allows the use of the remote signature service with static PIN, exposed by the Mercurio application for document management, to sign documents. Once the documents are drafted using Word, they are signed in APP and converted into a .pdf format before being filed in the digital file.

The application is intended for use by Magistrates and court's clerks accessing via ADN credentials. On the application, different privileges are set among users: all magistrates are enabled to sign remotely, while as far as court's clerks are concerned, only some of them are enabled to sign documents while the others have consultation permissions.

APP identifies the solution to support the entire digital criminal trial; therefore, its development will not end with this objective, since it will also have to provide for the subsequent stages and the different instances of judgement. For this reason, it is a project which will continuously evolve over the years and which will lead to the shutdown of some obsolete existing solutions (e.g. the document management application).

The image below shows a high-level timeline of the planned developments and additions to APP in the following years.



2.3 EXTERNAL LIMITATIONS

For the NRRP objectives M1C1-38 relating to the digital criminal trial, there are no external limitations, except for the importance of a change/adaptation process on the part of end users.

The limitation for the full availability of the platform is related to its complex implementation, which requires addressing multiple additional developments and preparatory solutions (e.g. the implementation of the Single Filing Plan [Titolario Unico] and the new Single Justice Document Management Application [Documentale Unico di Giustizia]), in addition to a dialogue with the territory, in order to assess and overcome obstacles due to non-ministerial IT solutions in use, which are a limitation to the acceptance and deployment of the new solution.