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COMMISSION STAFF WORKING DOCUMENT

2024 Rule of Law Report Country Chapter on the rule of law situation in Italy

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

2024 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

A comprehensive reform of the justice system is in now place and the Government adopted the implementing legislation necessary for it to take full effect. The Government has submitted to Parliament a draft constitutional reform concerning the separation of careers of judges and prosecutors and the establishment of a High Disciplinary Court in charge of disciplinary proceedings against ordinary magistrates. The Department of Tax Justice has been established with the objective of increasing the level of independence of tax courts from the Ministry of Economy and Finance. Civil justice is now fully digitalised and tax justice is following suit. Steps have also been taken to improve the digitalisation of criminal courts and prosecutors' offices, while challenges in implementation remain. The length of judicial proceedings is continuing its positive trend but remains a serious challenge. Significant improvements have been made in the recruitment of new magistrates and administrative staff and in reducing the backlog of pending cases.

The National Anti-Corruption Plan was updated to strengthen the section on public contracts, while guidelines on revolving doors are being developed. The Parliament approved a draft law abrogating the offence of abuse of public office and limiting the scope of the offence of trading in influence. The Government adopted a Law Decree that introduces a new offence of embezzlement covering cases of improper allocation of money or movable property by public officials. A draft law proposing changes to the statute of limitations is under discussion in Parliament. Comprehensive legislation on conflicts of interest, and on lobbying rules and the establishment of a legislative footprint is still pending, and so are changes to the rules on political party and campaign financing. Corruption risks in public procurement remain, although the digitalisation of public contracts should improve transparency and investments in IT tools to help law enforcement authorities have continued.

Italy has a robust legislative framework to regulate the media sector which ensures the effective functioning of an independent and well-resourced media regulator. There are rules in place aimed at ensuring that public service media provide independent and pluralistic information, even though stakeholders raise persisting challenges related to the effectiveness of its governance and funding system. The Government has taken further measures in view of streamlining financial support to the media sector, although stakeholders stressed the need for more effective actions. Legislative initiatives regulating the possibility for journalists and newspapers to have access to, and publish, certain judicial documents and content of wiretaps were met with criticism by media stakeholders. In spite of targeted rules on the protection of journalists against threats, the situation regarding their safety and working conditions as well as the increasing prevalence of strategic lawsuits against public participation (SLAPPs) cases remain an issue. There have been no major developments on the proposal to reform the press defamation regime, which also raises concerns.

The Government has submitted to Parliament a draft constitutional reform with the objective of ensuring greater stability of government. There has been no further progress made toward the establishment of a National Human Rights Institution. Excessive use of emergency decrees by the Government has been reported as a source of concern. Challenges remain as regards the civic space, also in light of reported verbal attacks on organisations involved in humanitarian activities and of reported violence against demonstrators.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Italy has made:

- Some further progress on continuing the efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Some further progress on adopting comprehensive conflicts of interest rules and no further progress on adopting lobbying regulation to establish an operational lobbying register, including a legislative footprint.
- No further progress on effectively and swiftly addressing the practice of channeling donations through political foundations and associations and introducing a single electronic register for party and campaign finance information.
- No further progress on continuing the legislative process to reform and introduce safeguards for the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists.
- No further progress on continuing efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Italy to:

- Continue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices.
- Adopt the pending legislative proposal on conflicts of interest and adopt comprehensive rules on lobbying to establish an operational lobbying register, including a legislative footprint.
- Effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce single electronic register for party and campaign finance information.
- Continue the legislative process on the draft reform on defamation, the protection of professional secrecy and journalistic sources while avoiding any risk of negative impacts on press freedom and ensure it takes into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit and to guarantee its independence.
- Step up efforts to establish a National Human Rights Institution taking into account the UN Paris Principles.
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I. JUSTICE SYSTEM

The structure of the justice system is set out in the Constitution of Italy, which enshrines its independence and autonomy. Ordinary courts have jurisdiction in civil and criminal matters and are organised in three instances. The first instance is composed of justices of the peace, tribunals, and juvenile courts. The second and third instances are made up of the courts of appeal¹ and the High Court of Cassation, respectively. Administrative justice is organised in first and second instance courts². Jurisdiction in accounting matters is exercised by the Court of Auditors (with Regional and Central Chambers). The responsible courts for tax matters are the newly established tax courts at first and second instance, and, for both of them, the High Court of Cassation at the highest level. The structure of the prosecution service mirrors that of the courts. Italy participates in the European Public Prosecutor's Office (EPPO). According to the principle of unity of the judiciary, ordinary judges and public prosecutors are all magistrates, have a common career structure, and are governed by the High Council for the Judiciary³. Administrative, accounting and tax magistrates have their own self-government bodies⁴. As a rule, the judiciary is accessed through a public competition⁵. Ordinary magistrates are appointed by decree of the Ministry of Justice, administrative and accounting magistrates by decree of the President of the Republic, tax magistrates by decree of the Ministry of Economy and Finance⁶. The Constitutional Court has exclusive jurisdiction over disputes regarding the constitutionality of laws⁷. The National Bar Council is an independent and self-governing body established by law.

Independence

The level of perceived judicial independence in Italy continues to be low among the general public and is now average among companies. Overall, 36% of the general population and 42% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024⁸. This figure has decreased in comparison with 2023 (39%)

¹ With the exception of the judgments of the justices of the peace, which are appealed before the tribunals.

² Regional Administrative Tribunals (*Tribunali amministrativi regionali*) are courts of first instance, whereas Council of State (*Consiglio di Stato*) is the administrative court of second instance (the Council of Administrative Justice for the Sicilian Region – *Consiglio di Giustizia Amministrativa per la Regione siciliana* – is the administrative court of second instance only for the island of Sicily).

³ *Consiglio Superiore della Magistratura*.

⁴ Respectively, Council of Administrative Justice (*Consiglio di Presidenza della Giustizia Amministrativa*), Council of the Court of Auditors (*Consiglio di Presidenza della Corte dei Conti*) and Council for Tax Justice (*Consiglio di Presidenza della Giustizia Tributaria*).

⁵ Constitution of Italy, art. 106(1). However, exceptions to this general rule are in place, such as the appointment of honorary magistrates and the power of the government to appoint particularly deserving people as magistrates in certain courts (e.g. at the Courts of Auditors, at the Council of State).

⁶ For the appointment of administrative magistrates, the President of the Republic acts upon proposal of the Prime Minister. For the appointment of accounting magistrates, the President of the Republic acts upon proposal of the Prime Minister and deliberation of the Council of the Court of Auditors. For the appointment of tax magistrates, the Ministry of Economy and Finance acts upon deliberation of the Council for Tax Justice. Written contribution from the Italian Government in the context of the country visit to Italy.

⁷ Pursuant to art. 135 of the Constitution of Italy, the Constitutional Court is composed of 15 judges who are appointed for a nine-year term of office. Five are appointed by the President of the Republic, five are elected by Parliament and five are elected by supreme courts (three by the High Court of Cassation, one by the Court of Auditors, and one by the Council of State).

⁸ Figures 51 and 53, 2024 EU Justice Scoreboard, and Figures 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents

although it remains higher in comparison with 2020 (31%). The perceived judicial independence among companies has increased in comparison with 2023 (39%), as well as in comparison with 2020 (36%)⁹.

The Government adopted the implementing legislation necessary for the reform of the justice system to take full effect. As mentioned in the 2022 and 2023 Rule of Law Report¹⁰, in June 2022, a comprehensive reform of the judicial system, including the High Council for the Judiciary, was adopted¹¹. The reform consisted of directly applicable provisions¹² and others requiring implementing legislation. On 28 March 2024, the Government approved the implementing legislation¹³ relating, among others, to i) access to the judiciary, which introduces a psycho-aptitude interview as part of the competition tests¹⁴; ii) appraisal of magistrates' performance, with the establishment of a magistrate's professional file¹⁵; iii) criteria for the appointment of the members of the High Court of Cassation and of the General Prosecutor's Office at the High Court of Cassation¹⁶, and iv), assignment of

perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

⁹ 54% of the companies in Italy are either fairly or very confident that their investments are protected by the law and courts in the Member State. 24% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figure 56, 2024 EU Justice Scoreboard.

¹⁰ See 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 3-6; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 3-4.

¹¹ See Law which empowers the Government to reform the judicial system and to adapt the military judicial system, providing also for rules on legal, organisational and disciplinary matters, on eligibility and redeployment of magistrates and on establishment and functioning of the High Council for the Judiciary, No. 71 of 17 June 2022 ('Law 71/2022').

¹² See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 3, footnote 4. The provisions with direct applicability included: reform of the electoral system of the High Council for the Judiciary, which is supposed to make it more independent from the magistrates' associations; reform of functioning of the High Council for the Judiciary, which is supposed to make it more efficient; reform of the selection of the heads of judicial offices; stricter rules on "revolving doors" for the judiciary. On the impact of the reform on the independence of judges and the functioning of the High Council for the Judiciary, see 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 5-7, which explores the issues raised by the High Council for the Judiciary in its opinion 10/PA/2022 of 23 March 2022. Stakeholders are of the view that it is too early to draw conclusions on the impact of the reform on the functioning of the High Council for the Judiciary (information received in the context of the country visit to Italy from National Association of Magistrates and Italian Association of Constitutionalists).

¹³ See Legislative Decree implementing Law 71/2022, No. 44 of 28 March 2024 ('LD 44/2024'), and Legislative Decree containing rules on deployment of ordinary, administrative and accounting magistrates outside the judiciary, in implementation of Article 1(1) of Law No. 71 of 17 June 2022, No. 45 of 28 March 2024.

¹⁴ LD 44/2024, Article 5(1)(b)(4), amending Article 1(4) of Legislative Decree laying down rules on access to the judiciary and on the economic progression and functions of magistrates, No. 160 of 5 April 2006 ('LD 160/2006'). Further rules intervene on the functioning of the School for the Judiciary (*Scuola Superiore della Magistratura*), on the preparatory courses for the competitions for magistrate, on the regulation of the competition tests and on access to the judicial training (*tirocinio formativo*).

¹⁵ *Fascicolo personale del magistrato*. See LD 44/2024, Article 5(4)(a), which adds Article 10-*bis* to LD 160/2006. The file comprises, among others, decisions establishing tasks and activities of the magistrate, statistical data on the activity of the magistrate, acts and judgments issued by the magistrate (including their outcome in the following instances), acts relating to disciplinary proceedings against the magistrate, High Council for the Judiciary's previous decisions on the magistrate's performance.

¹⁶ LD 44/2024, Article 5(5)(a)(1), which amends Article 12 of LD 160/2006. Moreover, LD 44/2024, Article 5(5)(b), adds Article 12-*bis* to LD 160/2006, to regulate the procedure for the appointment of the members of the High Court of Cassation and of the General Prosecutor's Office at the High Court of Cassation.

managerial and semi-managerial functions within judicial offices, with the aim to increase transparency and appreciation of merit in their assignment¹⁷. The National Association of Magistrates has expressed its concerns on aspects of the implementing legislation, including the psycho-aptitude interview¹⁸ and the regulation of the appraisal procedure of magistrates¹⁹. The impact of the reform on the justice system will need to be assessed over time.

A draft constitutional reform separating careers of judges and prosecutors and establishing two Councils has been presented. On 29 May 2024²⁰, the Government approved a draft constitutional reform of justice, aimed at introducing a separation of careers of judges and prosecutors²¹ and at establishing two separate High Councils, one for judges and one for prosecutors²². In respect of the current High Council for the Judiciary, the draft reform confirms the composition of the Councils in terms of ratio of magistrates to ‘lay’ members²³, while proposing to change the nomination process of their members. In this regard, it provides for a shift from the current elective system to a system of nomination exclusively by lot: the magistrates would be drawn from among all ordinary judges and prosecutors respectively, and the lay members would be drawn from a list selected by Parliament²⁴. The draft reform leaves the regulation of the nomination procedures to ordinary legislation²⁵, which is still to be published. The separation of careers triggered a discussion as

¹⁷ LD 44/Article 5(7), which adds Articles 46-*bis* to 46-*decies* to LD 160/2006.

¹⁸ The National Association of Magistrates is of the opinion that such tests risk conveying a message that could undermine public confidence in judiciary, suggesting the magistrates could be lack of ‘*mental balance*’ (press release of 3 March 2024, ‘The ANM on psycho-aptitude tests for access to the judiciary’). A psycho-aptitude interview is provided for access to a number of public professional categories (e.g. police force personnel), because of the power that members of those categories have to affect the personal and legal sphere of citizens. Written contribution from the Italian Government. The High Council for the Judiciary informed that it has not been consulted on the introduction of the psycho-aptitude interviews (whereas it has expressed an opinion on the other aspects of the reform).

¹⁹ In particular, in the context of the country visit to Italy, the National Association of Magistrates expressed concerns with regard to the interpretation of the notion of ‘serious anomalies’, which could lead to a negative appraisal of the magistrate also in case of one judgment overturned at subsequent instances, with the effect of stimulating magistrates to align to established case-law. See also Opinion of the High Council for the Judiciary of 13 March 2024.

²⁰ Several draft laws aiming at separating the careers of judges and prosecutors were already pending at both houses of Parliament (draft constitutional laws A.C. 23, 434, 806 and 824 presented at the Chamber of Deputies, and A.S. 504 presented at the Senate of the Republic, as defined in Annex I). See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 5-6.

²¹ See new artt. 102(1) and 104(1) of the Constitution of Italy, as Articles 2-3 of the draft reform, respectively, intend to amend them.

²² As explained in the introductory paragraph, ordinary judges and public prosecutors currently have a common career structure and are governed by the High Council for the Judiciary.

²³ In particular, two thirds would be magistrates (*i.e.* judges for the High Council for judges and prosecutors for the High Council for prosecutors) and one third would be “lay” members (*i.e.* full professors in legal subjects and lawyers with at least fifteen years of practice). The President of the Republic would be confirmed as chair of both Councils, whereas the first President at the High Court of Cassation would be an *ex officio* member of the High Council for judges, and the Prosecutor General at the High Court of Cassation would be an *ex officio* member of the High Council for prosecutors. See new Article 104(3) of the Constitution of Italy, as Article 3 of the draft reform intends to amend it. As of today, both the First President and the Prosecutor General at the High Court of Cassation are members *ex officio* of the (single) High Council for the Judiciary.

²⁴ See new Article 104(4) of the Constitution of Italy, as Article 3 of the draft reform intends to amend it.

²⁵ *Ibidem*.

to whether the reform might affect the independence of prosecutors²⁶. As already stated in the 2023 Rule of Law Report²⁷, while there is no single model in the EU for the institutional set-up of the prosecution service, institutional safeguards are required to ensure that prosecutors are able to fulfil their professional duties and responsibilities under adequate legal and organisational conditions and without interference²⁸ or undue political influence²⁹. The Italian authorities pointed out that the prosecutor's independence would not derive from abstractly belonging to the same career as judges, but from the procedural rules governing his function and role. These rules would remain unchanged and so the prosecutor's culture of jurisdiction. However, the National Association of Magistrates expressed concerns on the establishment of two separate High Councils considering that this would weaken their authority as self-governing bodies of the judiciary (compared with the current single High Council for the Judiciary)³⁰ and that the new nomination procedure would undermine the representation of magistrates in the High Councils³¹. According to European standards, not less than half the members of Councils for the judiciary should be judges chosen by their peers³². While the aim pursued through the nomination procedure by lot is to ensure objectivity in the selection of the judicial members of the High Councils, the proposed procedure does not seem to guarantee that such members are elected by their peers and, therefore, raises certain questions in that regard³³.

The draft constitutional reform envisages the creation of a High Disciplinary Court to which the disciplinary powers over ordinary magistrates would be transferred from the High Council for the Judiciary. The High Disciplinary Court would be composed of 15 members: six “lay” members³⁴ and nine ordinary magistrates³⁵. Appeals against first instance judgments delivered by the High Disciplinary Court would be brought before a different

²⁶ Some stakeholders expressed concerns that a separation could lead to prosecutors becoming increasingly distant from the culture of jurisdiction, possibly making them more prone to potential political influences. Information received in the context of the country visit to Italy from National Association of Magistrates, National Anti-mafia and Anti-terrorism Directorate, Italian Association of Constitutionalists, Prosecution Service at the High Court of Cassation. See also the Final Motion of the 36th National Congress of the National Association of Magistrates and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 6. On the other hand, in the context of the country visit to Italy, the National Bar Association welcomed the separation of careers as, in its view, the fact that judges and prosecutors are part of the same judicial order would undermine their mutual independence.

²⁷ See, in particular, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 7.

²⁸ 2022 Rule of Law Report, The rule of law situation in the European Union, p. 7.

²⁹ Venice Commission's Rule of Law Checklist, pp. 39-41.

³⁰ Final Motion of the 36th National Congress of the National Association of Magistrates. National Association of Magistrates, Press release of 15 June 2024.

³¹ *Avvenire* (2024), Vice-President of the National Association of Magistrates, ‘We are not enemies of the Government, but Nordio's reform is risky’; *Corriere della Sera* (2024), Justice Reform, Casciaro (ANM), ‘From Nordio unjust accusations, he should take a tour of the judicial offices’.

³² Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 27.

³³ It is for example not yet clear why all ordinary magistrates (currently around 10 000) would be eligible to be drawn by lot as judicial members of the High Councils, whereas the lot of lay members is “tempered” by the presence of a list (the extent of which is not defined in the draft reform) of eligible candidates selected by Parliament. It is also unclear why the draft reform imposes the separation of careers only for ordinary magistrates (and not, for example, judges and prosecutors of the Courts of Auditors).

³⁴ Three of which would be appointed by the President of the Republic from a list of professors in legal subjects and lawyers with at least twenty years of experience, and three drawn by lot from a list – selected by the Parliament – of persons meeting the same requirements.

³⁵ Six judges and three prosecutors drawn by lot from among those having at least twenty years of judicial service and who are or have been judges or prosecutors at the High Court of Cassation.

panel of the same High Court³⁶, rather than the High Court of Cassation as is currently the case. The regulation of the procedures before the High Disciplinary Court are left to ordinary legislation³⁷, which is still to be published. The National Association of Magistrates has expressed the view that the reform could undermine the independence of the judiciary, considering that the Court would be a judge of both first and second instance, and an appeal before the High Court of Cassation would no longer be possible³⁸.

The Parliament is discussing the priority criteria in criminal prosecution. The reform of the judicial system mandates the Parliament to periodically establish framework priority criteria in criminal prosecution to ensure effectiveness and uniformity in prosecution. Within the framework established by Parliament, it is then up to each prosecution office to identify specific priority criteria and to select the offences that will be prioritised over others, taking into account the number of cases to be dealt with and available resources³⁹. The Justice Committee of the Senate of the Republic is discussing a draft law to define the framework priority criteria⁴⁰. A number of stakeholders consider that priority criteria are needed to help prosecutors cope with their heavy workload⁴¹. The National Association of Magistrates underlined that, to preserve the independence of prosecutors, a fair balance must be achieved: if the framework priority criteria set by Parliament were too stringent, there would be a risk of intrusion into the autonomy of prosecutor's offices, but at the same time they would not fulfil their objective if they were too general⁴².

The Department of Tax Justice has been established with a view to increasing the independence of the newly established tax courts from the Ministry of Economy and Finance. As mentioned in the 2023 Rule of Law Report⁴³, commitments under the Recovery and Resilience Plan (RRP) to adopt a comprehensive reform of tax courts resulted in the establishment of new first and second instance tax courts, and in the introduction of an autonomous and professional role of tax judges⁴⁴, to improve the quality of the tax jurisdiction⁴⁵. As indicated in the 2023 Rule of Law Report⁴⁶, the appointment⁴⁷, the

³⁶ See new Article 105 of the Constitution of Italy, as Article 4 of the draft reform intends to amend it.

³⁷ Neither the text nor the underlying principles of this ordinary legislation have been published.

³⁸ La Notizia (2024), 'A useless and dangerous reform to weaken the judiciary': ANM Vice-President Maddalena speaks.

³⁹ See Law 71/2022, Article 13(1), which replaced Article 1(6) and (7) of the LD 160/2006.

⁴⁰ Draft law A.S n. 933, Implementing provisions of Law No 134 of 27 September 2021 on priority criteria for prosecution.

⁴¹ High Council for the Judiciary's opinion 10/PA/2022 of 23 March 2022, pp. 102-107. Information received in the context of the country visit to Italy from National Anti-mafia and Anti-terrorism Directorate and Prosecution Service at the High Court of Cassation.

⁴² Information received in the context of the country visit to Italy from National Association of Magistrates.

⁴³ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 4-5.

⁴⁴ Before the reform, tax judges were honorary judges, namely part-time judges, appointed on the basis of their qualifications.

⁴⁵ Written contribution from Ministry of Justice in coordination with Ministry of Economy and Finance in the context of the country visit to Italy, p. 11.

⁴⁶ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 4-5.

⁴⁷ The tax judges are selected on the basis of a competition managed by the Board for the Public Competition for Tax Judges, whose members are appointed by the Council for Tax Justice. The selected candidates are then appointed by a decree of the Ministry of Economy and Finance on a binding proposal by the same Council.

appraisal⁴⁸ and the disciplinary⁴⁹ proceedings for tax judges seem to offer significant safeguards for their judicial independence. The administrative staff that work for the Council for Tax Justice remain civil servants of the Ministry of Economy and Finance (MEF), even though the latter does not have a decision-making power over the organisation and management of the staff assigned to the Council for Tax Justice⁵⁰. To address concerns about the independence of tax courts from the MEF, the Department of Tax Justice has been established as an autonomous body within the MEF⁵¹, distinct from the Finance Department of the MEF⁵². The Department of Tax Justice carries out, among others, the planning and administrative management of tax judicial activity; develops and manages the digitalisation of tax justice; manages the procedures for the acquisition of goods and services connected to the functioning of the tax courts, thereby supporting the jurisdictional function of the tax courts. Despite this improvement, concerns have been reiterated on the independence of the tax courts from MEF due to the fact that MEF, through its tax agencies⁵³, can be a party in cases before tax courts⁵⁴.

Over the past year, stakeholders, including the National Association of Magistrates, raised concerns over public statements critical of the judiciary made by politicians. In October 2023, politicians publicly expressed strong criticism of a judge for a decision on the release of a migrant placed in detention⁵⁵. The National Association of Magistrates raised concerns about such public statements⁵⁶, and the High Council for the Judiciary opened a case to protect the independence of the judge concerned⁵⁷. Stakeholders underlined that such public statements⁵⁸ could affect the perception of independence of the judiciary, also

⁴⁸ The appraisal of the judges, including career progression, is an exclusive competence of the Council for Tax Justice, with the Ministry of Economy and Finance only having the power to implement its decision.

⁴⁹ Disciplinary proceedings can be initiated by the Prime Minister or by the President of the Tax Court of Second Instance in the region where the tax judge is appointed and are addressed to the disciplinary office of the Council for Tax Justice, which can impose a disciplinary sanction for specific violations identified by law.

⁵⁰ See written contribution from Ministry of Justice in coordination with Ministry of Economy and Finance in the context of the country visit to Italy, pp. 12-13.

⁵¹ Law Decree containing urgent provisions for strengthening the administrative capacity of public administrations, No. 44 of 22 April 2023, converted, with amendments, into Law No. 74 of 21 June 2023.

⁵² The Finance Department established within the MEF is in charge of the overall management of the tax system, planning of its development and strategy, direction and control of the tax agencies.

⁵³ Revenue Agency (*Agenzia delle Entrate*), Public Property Agency (*Agenzia del Demanio*), Customs and Monopolies Agency (*Agenzia delle Dogane e dei Monopoli*), Revenue Agency – Collection (*Agenzia delle Entrate – Riscossione*).

⁵⁴ Information received in the context of the country visit to Italy from National Association of Magistrates, according to which, to ensure full independence of tax courts, it would have been better to create specialised tax sections within the civil Tribunals. See also written contribution from the High Council for the Judiciary in the context of the country visit to Italy, pp. 5-6.

⁵⁵ On 2 October 2023, a judge of the Tribunal of Catania ordered the release of a migrant detained in a so-called pre-removal detention center (*Centro di Permanenza per il Rimpatrio*) on the ground that the Italian legislation allowing the detention breached Constitution of Italy, international conventions and EU law.

⁵⁶ National Association of Magistrates 2023, Unitary document of 26 November 2023.

⁵⁷ High Council for the Judiciary, Press release of 26 October 2023, First Commission opens a case to protect judge Apostolico.

⁵⁸ In November 2023, a minister referred to a risk of political use of justice by certain judges; *Corriere della Sera* (2023), Crosetto: ‘Groups of magistrates against the government’.

considering that they come from representatives of the Government⁵⁹. The 2023 Rule of Law Report noted that concerns were raised by stakeholders in relation to disciplinary proceedings initiated by the Minister of Justice against a panel of judges of the Court of Appeal of Milan based on the content of their decision⁶⁰. In May 2024, the General Prosecutor at the High Court of Cassation submitted a request to dismiss the case to the disciplinary section of the High Council for the Judiciary. In June 2024, the Minister of Justice ordered compulsory indictment of the judges before the High Council for the Judiciary⁶¹, which was criticised by the National Association of Magistrates as impacting the exercise of the judicial function⁶². Stakeholders have also reported acts of intimidation against magistrates, especially by organised crime groups⁶³, for which police protection measures are being taken by the Government.

Quality

Significant improvements were made in the recruitment of new magistrates and administrative staff. From July 2023 to April 2024, 209 new magistrates took office in ordinary courts⁶⁴. Three separate procedures for the overall recruitment of 912 ordinary judges have progressed over the last year and are expected to be completed by 2024⁶⁵. An additional competition for 400 posts of ordinary judges was launched on 9 October 2023⁶⁶ and should be completed by June 2025⁶⁷. Moreover, from July 2023 to April 2024, a total of 2 305 administrative staff members have been recruited, with additional 4 791 units planned to be recruited by the end of 2024⁶⁸. As for administrative courts, following the completion of the relevant competitions, 64 magistrates at the administrative court of first instance (TAR)⁶⁹ and 5 at the Council of State took office in 2023; two other procedures are ongoing and should be completed by 2024: they concern the recruitment of 53 magistrates at the TAR and

⁵⁹ Contribution from Civil Liberties Union for Europe for the 2024 Rule of Law Report, p. 4. Information received in the context of the country visit to Italy from CILD. See also the Final Motion of the 36th National Congress of the National Association of Magistrates.

⁶⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 6.

⁶¹ This power is granted to the Minister of Justice by Article 17(7) of the Legislative Decree 109/2006, but has rarely been exercised in the past.

⁶² National Association of Magistrates-Milan Section, Press release of 7 June 2024.

⁶³ A recent episode concerned two anti-mafia magistrates active in Apulia (information received in the context of the country visit to Italy from National Association of Magistrates). As of April 2024, 295 magistrates are under police protection (written contribution from Ministry of Justice in the context of the country visit to Italy, p. 3).

⁶⁴ Written contribution from Ministry of Justice in the context of the country visit to Italy, p. 3.

⁶⁵ Input from Italy for the 2024 Rule of Law Report, p. 10. The competitive procedures are three: the first, launched on 1 December 2021, for 500 posts, the second, launched on 18 October 2022, for 400 posts, the third, launched on 9 May 2023, for 12 posts.

⁶⁶ Input from Italy for the 2024 Rule of Law Report, p. 10. Alongside the activities for the recruitment of new magistrates, initiatives were taken to streamline the allocation of magistrates across the courts and public prosecutor's offices, with a view to meet the need to strengthen the staffing of certain judicial offices. For example, two decrees of the Ministry of Justice of 14 September and 22 November 2023 assigned to the Court and the Prosecutor's Office of North Naples a substantial increase in the number of assigned staff.

⁶⁷ Written contribution from Ministry of Justice in the context of the country visit to Italy, p. 3.

⁶⁸ Written contribution from Ministry of Justice in the context of the country visit to Italy, pp. 3-4. In the context of the country visit to Italy, the National Association of Magistrates highlighted that, to make ordinary justice more efficient, an update of the judicial geography would be necessary, namely a redesign of the territorial distribution of the courts and the related staffing, based on actual needs.

⁶⁹ *Tribunale Amministrativo Regionale*.

6 magistrates at the Council of State⁷⁰. Moreover, from July 2023 to April 2024, a total of 46 administrative staff members have been recruited, with additional 45 staff members planned to be recruited by the end of 2024⁷¹. As far as tax courts are concerned, following the introduction of a professional role of tax judges, 21 judges from other jurisdictions have decided to move to the tax courts⁷². Moreover, one competition for 147 tax judges will be launched by the end of 2024 and additional competitions for approximately 408 tax judges should be launched by 2029⁷³, while the professional profile of honorary judges will be discontinued. However, to ensure continuity of tax justice, the current honorary tax judges may remain in service until they reach the age of 70⁷⁴. Moreover, from July 2023, a total of 136 administrative staff members have been recruited, with additional 80 staff members planned to be recruited by the end of 2024⁷⁵. The Court of Auditors also recruited 31 magistrates in 2023⁷⁶. Stakeholders⁷⁷ reported that clerks for the Office of the Trial⁷⁸ had a positive impact on productivity and quality of the justice system⁷⁹.

Civil justice is now fully digitalised and tax justice is expected to be fully digitalised as of September 2024. In 2023, the digitalisation of civil justice was fully completed⁸⁰, and in terms of procedural rules allowing digital technology in court in civil cases, Italy is performing at a very high level⁸¹. Furthermore, the mandatory electronic management of all documents was extended, *inter alia*, to the High Court of Cassation and the justices of the peace⁸². Moreover, since 14 December 2023, a database has been made accessible to the public, containing judgments, orders and decrees, except for those concerning family

⁷⁰ Written contribution from Council of State in the context of the country visit to Italy, p. 19. The Council of State added that, following these competitions, the vacancies of judges should be almost entirely covered and new competitions to complete the coverage of vacancies should be launched in the next future.

⁷¹ Written contribution from Council of State in the context of the country visit to Italy.

⁷² Written contribution from Ministry of Justice (in coordination with Ministry of Economy and Finance) in the context of the country visit to Italy, p. 12.

⁷³ *Ibidem*.

⁷⁴ No more honorary tax judges will be recruited; the current ones who decide to remain in service until they retire will not be replaced by other honorary judges. Information received in the context of the country visit to Italy from Department of Tax Justice.

⁷⁵ Written contribution from Department of Tax Justice in the context of the country visit to Italy.

⁷⁶ Written contribution from the Italian authorities, p. 3.

⁷⁷ Information received in the context of the country visit to Italy from High Court of Cassation, National Association of Magistrates and High Council for the Judiciary.

⁷⁸ *Addetti all'Ufficio del Processo*. This is a support staff for the magistrate, whose recruitment has been financed under the RRP, with tasks, depending on the case, of study, research, drafting of documents or even of an administrative nature.

⁷⁹ Following a monitoring, the Ministry of Justice recorded a high resignation rate of law clerks, who opted for permanent contracts offered by other administrations/organisations, compared to the fixed-term (31 months or 24 months) contract envisaged for their role. With a view to solve this issue, also considering the important contribution given by law clerks to the quality of justice, Article 1(9)(b) of the Law Decree laying down urgent provisions on legal deadlines No. 215 of 30 December 2023, converted, with modifications, into Law No. 218 of 23 February 2024, extended the ongoing contracts of the law clerks until 30 June 2026. Moreover, following a new recruitment procedure, approx. 3 700 law clerks have been hired in June/July 2024. See written contribution from the Italian Government, p. 1.

⁸⁰ Input from Italy for the 2024 Rule of Law Report, p. 13. In terms of procedural rules allowing digital technology in court in civil cases, Italy is one of the best performing countries in EU (Figure 41, 2024 EU Justice Scoreboard). In the context of the country visit to Italy, the National Bar Association underlined the good level of digitalisation of civil justice.

⁸¹ Figure 41, 2024 EU Justice Scoreboard.

⁸² This is part of M1C1-38 milestone of the RRP.

relations, children and the status of the person⁸³. From 2024⁸⁴, the tax justice is also largely digitalised and will become completely digitalised for all cases introduced as from 2 September 2024⁸⁵. The administrative⁸⁶ and constitutional⁸⁷ justice is already fully digitalised, and the decisions are freely accessible online.

There has been some further progress in improving digitalisation of criminal courts and prosecutors' offices, while challenges in implementation remain. The 2023 Rule of Law Report recommended to Italy to '[c]ontinue efforts to further improve the level of digitalisation for criminal courts and prosecutors' offices'⁸⁸. According to the 2024 EU Justice Scoreboard, in terms of digital solutions to conduct and follow court proceedings in criminal cases, Italy ranks last at the EU level⁸⁹. It is only a negligible part of the criminal trial that is digitalised for the time being⁹⁰. Following a trial phase started in November 2023, a new case management system for criminal proceedings, named APP⁹¹ (interoperable with the PDP⁹²) has become operational since January 2024⁹³. On 29 December 2023, the Ministry of Justice defined technical rules for digitalised criminal justice⁹⁴. By virtue of the same decree, the phase of preliminary investigations of criminal proceedings would be now fully digitalised⁹⁵. Stakeholders reported that, despite this progress, the overall digitalisation of criminal justice needs to be improved⁹⁶, in particular because the APP is unstable, slow and

⁸³ Adopted by civil courts since 1 January 2016.

⁸⁴ With the adoption of Legislative Decree laying down rules on tax proceedings No. 220 of 30 December 2023.

⁸⁵ Information received in the context of the country visit to Italy from the Department of Tax Justice. Moreover, on 27 June 2024, a database of tax judgements has been made accessible to the public (written contribution from the Department of Tax Justice).]

⁸⁶ Written contribution from the Council of State in the context of the country visit to Italy, p. 12.

⁸⁷ Information received in the context of the country visit to Italy from the Constitutional Court.

⁸⁸ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2.

⁸⁹ See Figure 46, 2024 EU Justice Scoreboard. See also Figure 41, concerning procedural rules allowing digital technology in courts in criminal cases, where Italy is one of the least performing countries at the EU level.

⁹⁰ The e-portal for the filing of documents in criminal proceedings (*Portale Deposito atti Penali*; PDP) allows the electronic submission of 103 types of documents (they were 10 until mid-2023). See Decree of the Minister of Justice *Portale deposito atti penali (PDP)* No. 155, of 4 July 2023.

⁹¹ Acronym for *Applicativo del Processo Penale*.

⁹² APP is also interoperable with the e-Portal of Reports of Criminal Offence used by the Police to communicate reports of criminal offences to the competent prosecutor's office.

⁹³ Input from Italy for the 2024 Rule of Law Report, p. 14.

⁹⁴ Decree of the Ministry of Justice, 'Regulation laying down Decree pursuant to Article 87, paragraphs 1 and 3 of Legislative Decree No. 150 of 10 October 2022 and Article 4, paragraph 1 of Decree-Law No 193 of 29 December 2009, converted with amendments into Law No 24 of 22 February 2010, laying down amendments to Decree No 44 of the Ministry of Justice in agreement with the Ministry for Public Administration and Innovation of 21 February 2011', No. 217 of 29 December 2023, defines the technical rules for 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, and the terms of transition to the new filing communication and service regime.

⁹⁵ This is part of M1C1-38 milestone of the RRP that covers digitalisation of first instance criminal proceedings with the exclusion of preliminary investigations.

⁹⁶ Information received in the context of the country visit to Italy from High Council for the Judiciary, National Bar Association, High Court of Cassation, Prosecution Service at the High Court of Cassation. The National Bar Association also underlined the existence of many different platforms, which make the digitalised trial particularly complex.

user-unfriendly⁹⁷. In view of these developments, some further progress was achieved on the recommendation made in the 2023 Rule of Law Report.

The reform of the mediation system has been completed. The reform process of the mediation system, launched in 2022⁹⁸, has been finalised with the adoption of two decrees of the Ministry of Justice in 2023. The Decree of 1 August 2023 outlines the procedures under which parties and mediation bodies may benefit from tax credits in case of a settlement agreement. The Decree of 24 October 2023 lays down criteria and procedures for the management of the register of mediation bodies, imposes specific training obligations, and updates mediation bodies' fees. Such provisions aim to strengthen transparency, independence, and professionalism of mediation bodies, to encourage the use of alternative dispute resolution tools and reduce the number of judicial proceedings⁹⁹.

Efficiency

The length of proceedings has continued to decrease, even though it remains a serious challenge. According to the 2024 EU Justice Scoreboard, in 2022, the disposition time for first instance civil and commercial cases fell by 20 days compared to 2021, but remains among the lengthiest in the EU, as it still takes 540 days to resolve such cases¹⁰⁰. According to the European Commission for the efficiency of justice of the Council of Europe (CEPEJ), in 2022, the disposition time for first instance criminal cases recorded a remarkable decrease, being equal to 355 days against 399 days in 2021¹⁰¹. According to data presented by the authorities, a further improvement of the disposition time could be observed in the first half of 2023: the disposition time of first instance civil and commercial cases fell by an additional 87 days (being equal to 453 days), whereas that of first instance criminal cases fell by an additional 80 days (being equal to 275 days)¹⁰². Administrative justice has recorded an even better performance: according to the 2024 EU Justice Scoreboard, the estimated time needed to resolve first instance administrative cases in 2022 fell by 182 days compared to 2021 (574 against 756 days)¹⁰³. As for tax justice, a declining trend in the disposition time of first instance cases can be noted: in 2023, the disposition time was equal to 415 days against 430 days of 2022¹⁰⁴. Italy remains under enhanced supervision of the Council of Europe's

⁹⁷ Information received in the context of the country visit to Italy from High Council for the Judiciary and Prosecution Service at the High Court of Cassation.

⁹⁸ Legislative Decree implementing Law no. 206 of 26 November 2021, which empowers the Government for the efficiency of the civil process and the revision of the regulation of alternative dispute resolution instruments and urgent measures for the rationalisation of proceedings on personal and family rights and on enforcement, No. 149 of 10 October 2022.

⁹⁹ Input from Italy for the 2024 Rule of Law Report, pp. 7-8. Written contribution from Ministry of Justice in the context of the country visit to Italy, p. 2.

¹⁰⁰ Figure 6, 2024 EU Justice Scoreboard. Only Greece recorded a longer disposition time. In this regard, it is worth noting that the number of incoming first instance civil and commercial cases per 100 inhabitants has been stable between 2021 and 2022 (2,2 in 2022 against 2,1 in 2021; figure 3, 2024 EU Justice Scoreboard).

¹⁰¹ See CEPEJ (2024), Study on the functioning of the judicial systems in the EU Member States.

¹⁰² Input from Italy for the 2024 Rule of Law Report, pp. 16 and 18.

¹⁰³ Figure 8, 2024 EU Justice Scoreboard. According to the Council of State, the disposition time was stable in 2023 (written contribution from the Council of State in the context of the country visit to Italy, p. 14).

¹⁰⁴ Written contribution from the Department of Tax Justice in the context of the country visit to Italy, p. 1.

Committee of Ministers as regards the length of proceedings in administrative and criminal cases¹⁰⁵.

The backlog of pending cases has been significantly reduced. According to the 2024 EU Justice Scoreboard, Italy's rate of resolving civil, commercial, administrative, and other cases in 2022 was equal to 106%, making it the most effective Member State in reducing backlog¹⁰⁶. In the context of the commitments made under the RRP¹⁰⁷, Italy has reduced the backlog of civil and administrative justice. For civil justice, in 2022 the backlog of first instance courts decreased by 18 785 cases compared to 2021 (306 337 in 2022 against 325 012 in 2021); further improvements were recorded in the first half of 2023, with a decrease of additional 35 200 cases¹⁰⁸. As a result, the number of pending civil cases in 2022 has continued to decrease¹⁰⁹. As to administrative justice, in 2022 Italy's rate of resolving first instance administrative cases has been the highest in the EU (134%), while the number of pending first instance cases is stable¹¹⁰. As regards criminal justice, data presented by the authorities show a substantial increase in the number of disposed cases in 2023¹¹¹.

II. ANTI-CORRUPTION FRAMEWORK

The National Anti-Corruption Authority (ANAC) is the main entity in charge of the prevention of corruption within the public administration sector, coordinating the National Anti-Corruption Plan and supervising the adoption of the local three-year anti-corruption action plans. The Anti-Corruption Unit of the *Guardia di Finanza* is responsible for the investigation of corruption as a specialised law enforcement body. As an independent authority at the Bank of Italy, the Financial Intelligence Unit provides support to the competent prosecutor's office and cooperates with the *Guardia di Finanza* as the competent authority for receiving reports of suspicious financial transactions. To prevent and fight corruption in the allocation and implementation process of resources received under the Recovery and Resilience Plan, consultative and control tasks have also been assigned to the Court of Auditors¹¹².

The perception among experts and business executives is that the level of corruption in the public sector remains relatively high. In the 2023 Corruption Perceptions Index by Transparency International, Italy scores 56/100 and ranks 17th in the European Union and

¹⁰⁵ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 9.

¹⁰⁶ Figure 10, 2024 EU Justice Scoreboard.

¹⁰⁷ In particular, measure M1C1-41 to 44, 47 and 48.

¹⁰⁸ Input from Italy for the 2024 Rule of Law Report, p. 17. Italy noted that this significant reduction 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 initiated in 2020, a year in which the pandemic caused a decrease in the number of new cases (-21.4% compared to 2019). Moreover, Italy underlined that, in 2022, the trend, especially in some courts, had been affected by the exceptional number of international protection proceedings initiated in 2019. 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 have shown an even better flow.

¹⁰⁹ Figure 14, 2024 EU Justice Scoreboard. For 2022 the number in terms of first instance pending cases per 100 inhabitants was equal to 3.4 (against 3.6 in 2021, 4.1 in 2016 and 6.3 in 2010).

¹¹⁰ Figures 12 and 15, 2024 EU Justice Scoreboard.

¹¹¹ Estimated in 12.5%. Input from Italy for the 2024 Rule of Law Report, p. 18.

¹¹² Law laying down rules for the fulfilment of obligations arising from Italy's membership of the European Union – European Law 2019-2020, No. 238 of 23 December 2021, Article 46.

42nd globally¹¹³. This perception has been relatively stable over the past five years¹¹⁴. The 2024 Special Eurobarometer on Corruption shows that 78% of respondents consider corruption widespread in their country (EU average 68%) and 31% of respondents feel personally affected by corruption in their daily lives (EU average 27%)¹¹⁵. As regards businesses, 83% of companies consider that corruption is widespread (EU average 65%) and 50% consider that corruption is a problem when doing business (EU average 36%)¹¹⁶. Furthermore, 37% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)¹¹⁷, while 32% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)¹¹⁸.

The National Anti-Corruption Plan was updated to strengthen the section on public contracts and guidelines on revolving doors are being developed. By Resolution No. 605 of 19 December 2023¹¹⁹, ANAC adopted targeted changes to the 2022 National Anti-corruption Plan (NAP)¹²⁰, in particular to the part related to public contracts. The changes provide clarifications and amendments to introduce references, as necessary, to the new Public Procurement Code¹²¹ and include the applicable transitional rules for the digitalisation of the procurement system¹²². The changes also update the list of risk indicators and transparency, control, simplification, regulatory and organisational measures to support public entities to mitigate corruption and maladministration risks in public contracts that are financed with the funds from the RRP¹²³. Such measures notably include the conclusion of

¹¹³ Transparency International (2024), Corruption Perceptions Index 2023. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public-sector corruption scores above 79), relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

¹¹⁴ In 2019, the score was 53, while in 2023 the score is 56. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last five years.

¹¹⁵ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens' corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

¹¹⁶ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

¹¹⁷ Special Eurobarometer 548 on Citizens' attitudes towards corruption in the EU (2024).

¹¹⁸ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024).

¹¹⁹ ANAC, National Anti-corruption Plan, Update 2023, Resolution No. 605 of 19 December 2023 ('Resolution 605/2023').

¹²⁰ The NAP, adopted by ANAC Resolution No. 7 of 17 January 2023, will be in force from 2023-2025. The NAP sets out the main policy objectives for a three-year period, to be updated every year. Each ministry, local government and municipality design and implement their own local plans. Municipalities and institutions with fewer than 50 employees only need to update their policy every three years thus reducing their administrative burden. ANAC supports the public administration in designing and implementing entity-specific three-year action plans. The NAP has a general section to support public officials in the planning and monitoring of anti-corruption and transparency measures and a special section on public contracts.

¹²¹ Legislative Decree laying down Public Procurement Code implementing Article 1 of Law 21 June 2022, No. 78, which delegates the Government in the field of public works contracts, No. 36 of 31 March 2023. The new Code has been in force since 1 July 2023. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 18.

¹²² ANAC, Resolution 605/2023, p. 12. Written contribution from ANAC in the context of the country visit to Italy, pp. 1-2.

¹²³ Public entities involved in the public contracts system may incorporate these measures into their three-year anticorruption plans and adapt them to their individual organisational needs and set-up. Written contribution

integrity agreements on the part of the contractor to take anti-mafia and anti-corruption measures during the contract's life-cycle¹²⁴. As part of the NAP, ANAC is also in the process of developing guidelines on revolving doors¹²⁵. The objective is to improve ANAC's existing guidance on the prohibition of revolving doors to help public administrations and entities identify preventative measures. The guidelines will also clarify the applicable sanctions and ANAC's enforcement powers.

The Parliament approved a draft law abrogating the offence of abuse of public office and limiting the scope of the offence of trading in influence. On 10 July 2024, the Parliament approved a draft law¹²⁶ to abrogate the offence of abuse of public office and reduce the scope of the offence of trading in influence. The changes to the scope of the offence of trading in influence aim to exclude not only cases where the intermediary merely alleges to be able to influence the public official, but also cases where the promised or given advantage is not economic¹²⁷. The Government considers that only a fraction of all related criminal proceedings for abuse of public office would end in a conviction¹²⁸, which would demonstrate the ineffectiveness of criminalising such behaviour, when compared to the administrative and financial resources invested in carrying out the related procedural activities¹²⁹. Moreover, the government claims that the offence has a paralysing effect on public administrations and other corruption offences provide for a sufficiently strong legislative framework to combat acts that undermine the impartiality and proper conduct of the public administration.¹³⁰ However, the criminalisation of abuse of office and trading in influence are part of the international conventions on corruption and are therefore essential tools for law enforcement and prosecution to fight corruption¹³¹. Stakeholders have pointed

from ANAC in the context of the country visit to Italy, p. 2. The update also addresses the critical issues identified in the various phases of the contract life cycle. ANAC, Resolution 605/2023, p. 16.

¹²⁴ ANAC, Resolution 605/2023, p. 28, and input from Italy for the 2024 Rule of Law Report, p. 26.

¹²⁵ Written contribution from ANAC in the context of the country visit to Italy, p. 3, and input from Italy for the 2024 Rule of Law Report, pp. 22-23. The guidelines have been open for public consultation until 10 May 2024. The 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 11, had referred to ANAC's in-depth study on the prohibition of revolving doors to avoid possible conflicts of interest in public administration and its intention to adopt guidelines.

¹²⁶ Draft law A.C. 1718, Amendments to the Criminal Code, the Code of Criminal Procedure, the Judicial System and the Code of Military Regulations.

¹²⁷ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 12, footnote 87.

¹²⁸ Out of 5 292 proceedings concluded for the offence, there were only 9 convictions and in 2022, out of 4481 proceedings, only 18 convictions. Written contribution from the Ministry of Justice in the context of the country visit to Italy, p. 23. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 12, footnote 86.

¹²⁹ Written contribution from the Ministry of Justice in the context of the country visit to Italy, pp. 21-22. The provisions in the Criminal Code on the offence of abuse of public office have been changed at least five times between 1930 and 2020. See ANAC's President statements before the Senate of the Republic of 5 September 2023 (pp. 5-6) and before the Chamber of Deputies on 28 March 2024 (pp. 5-7).

¹³⁰ Written contribution from the Ministry of Justice in the context of the country visit to Italy, pp. 3-4.

¹³¹ Abuse of public office and trading in influence are part of the United Nations Convention Against Corruption and trading in influence is part of the Criminal law Convention against corruption of the Council of Europe. The Commission proposed to criminalise these offences at Union level in May 2023, following the commitment of its President in the State of the Union in 2022, see COM(2023) 234 final, 3.5.2023. In a hearing before the Justice Committee of the Senate of the Republic on 5 September 2023, ANAC's President stated that the draft law would run counter to the Commission proposal and international anti-corruption conventions. In this regard, see contribution from Magistrats Européens pour la Démocratie et les Libertés for the 2024 Rule of Law Report, p. 18. There are at least 25 Member States that criminalise abuse of office, see COM(2023) 234 final, 3.5.2023, p. 12.

out that abrogating the offence of abuse of office could lead to lower levels of detecting and investigating fraud and corruption¹³². Moreover¹³³, reducing the scope of the offence of trading in influence would need to be counterbalanced by stronger lobbying rules¹³⁴. On 3 July 2024, the Government approved a Law Decree that introduces a new offence of embezzlement covering cases of improper allocation of money or movable property by public officials¹³⁵.

Proposed changes to the statute of limitations currently under scrutiny in the Parliament could reduce the time available to conduct proceedings for criminal offences, including on corruption cases. On 16 January 2024, the Chamber of Deputies approved a draft law¹³⁶ to change the rules on the statute of limitations for criminal offences¹³⁷. The draft law is currently under scrutiny in the Justice Committee of the Senate of the Republic. The judicial authorities have raised concerns that the proposed reform, coming so soon after the one in 2021 (there have been five such reforms since 2016), would impose a large administrative burden to recalculate the applicable limitation periods for all pending cases, with a possible detrimental effect on the duration of judicial proceedings and the elimination of the backlog of cases. They have also expressed the view that this

¹³² See ANAC's President statements before the Senate of the Republic of 5 September 2023 (pp. 12-13) and before the Chamber of Deputies of 28 March 2024 (pp. 12-14 and 17) and written contribution from ANAC in the context of the country visit to Italy, p. 9. See also contributions from EPPO (p. 34) and Magistrats Européens pour la Démocratie et les Libertés (p. 18) for the 2024 Rule of Law Report, and written contribution from The Good Lobby in the context of the country visit to Italy (p. 4). Information also received in the context of the country visit to Italy from National Anti-mafia and Anti-terrorism Directorate, Prosecution Office at the High Court of Cassation, Transparency International Italy and OpenPolis. In the context of the country visit to Italy, the Prosecution Service at the High Court of Cassation noted that the difference between the number of proceedings and convictions could even be interpreted positively in that this showed that the investigative authorities were being thorough in examining the evidence. ANAC's President made a similar observation before the Chamber of Deputies on 28 March 2024 (p. 4).

¹³³ Information received in the context of the country visit to Italy from The Good Lobby, Libera, ANAC and the Prosecution Service at the High Court of Cassation. See also written contribution from The Good Lobby in the context of the country visit to Italy, as well as the publications from The Good Lobby 'Regulate lobbying to improve democracy' and 'Anticorruption Decalogue'; ANAC President's statement before the Chamber of Deputies on 28 March 2024 (pp. 18 and 21).

¹³⁴ On lobbying, the Government has indicated that the complexity of the conflicts of interest rules are such as to require *ad hoc* intervention that could be addressed at a later stage after this reform has been approved. See written contribution from Presidency of the Council of Ministers-Department for legal and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, p. 21.

¹³⁵ Law Decree of 3 July 2024, No. 92, Urgent measures in the field of prisons, civil and criminal justice and staff of the Ministry of Justice. Article 9 of the Law Decree amends the Criminal Code by introducing Article 314-bis, Misappropriation of money or movable property (*Indebita destinazione di denaro o cose mobili* also known as *peculato per distrazione*). The Law Decree needs to be converted into law within 60 days from its adoption. Written contribution from the Italian Government.

¹³⁶ Draft Law A.C. 893, Amendments to the Criminal Code and the Code of Criminal Procedure on the subject of limitation periods. Ministry of Justice, press releases of 25 October 2023 Statute of limitation back to the substantive limitation period, and of 8 December 2023 Statute of limitation, Nordio and Sisto: 'full harmony, no confrontation'. See also written contribution from Ministry of Justice in the context of the country visit to Italy, p. 24, and contribution from the High Court of Cassation for the 2024 Rule of Law Report, pp. 22-23.

¹³⁷ The draft law consists of two main pillars: the reintroduction of the rule that the statute of limitations continues to run after a first instance judgement of acquittal, while a conviction at first instance will still have a suspensive effect on the statute of limitations (currently, the statute of limitations is always suspended after a decision of first instance, whether an acquittal or a conviction); the repeal of the mechanism by which criminal prosecution is time barred (*improcedibilità*) if the maximum duration of the appeal stages is exceeded.

development could affect the effective prosecution and adjudication of criminal offences, including high-level corruption cases¹³⁸.

The total number of convictions for corruption offences decreased slightly. The total number of convictions for natural persons for corruption offences decreased slightly in 2023 (1 361) compared to 2022 (1 483), and 143 are already registered for 2024¹³⁹. For legal persons, the number dropped to 9 in 2023 from 19 in 2022¹⁴⁰. The number of custodial sentences and financial penalties imposed were comparable: 79 custodial sentences and fines, 1 055 custodial sentences and 51 financial penalties imposed in 2023, while there were 86 custodial sentences and fines, 1 135 custodial sentences and 87 financial penalties imposed in 2022. The corresponding figures for 2024 currently stand at 6, 101 and 13, respectively¹⁴¹. The number of suspended sentences, though reduced in 2023, remains high: 108 (or 75% of total sentences) so far in 2024, 931 (68%) in 2023 and 1032 (70%) in 2022¹⁴².

Law enforcement authorities continued to benefit from investments in IT tools to help them carry out their tasks more efficiently. The interoperability of databases is fundamental to the work of law enforcement agencies, to help simplify administrative procedures and to fight tax fraud, fraud in public expenditure and economic and organised crime more effectively¹⁴³. Digitalisation has taken on a primary and strategic role thanks to funding opportunities under the Recovery and Resilience Plan¹⁴⁴. The *Guardia di Finanza*, for instance, has continued to renew and strengthen its technological infrastructure and has issued a multi-annual plan where IT plays a fundamental role. It has also consolidated various databases on a single platform to facilitate access to and use of data and information on natural and legal persons subject to an investigation¹⁴⁵. The National Anti-mafia and Anti-terrorism Directorate has launched a process to update and consolidate the databases for its 26 district prosecutors to facilitate cooperation and better access to information¹⁴⁶. The

¹³⁸ The following authorities called for a transitional regime for pending appeal proceedings, so that the applicable time limitation periods would not have to be recalculated: the presidents of the Italian Appeal Courts (by letter of 22 November 2023 to the Minister of Justice and the Presidents of the Justice Committees of both Houses of the Parliament), the High Council of the Judiciary (by advice on the draft law through a resolution dated 17 January 2024) and the National Association of Magistrates on 20 January 2024. See contribution from the High Court of Cassation for the 2024 Rule of Law report, pp. 22-23. Information also received from Prosecution Service at the High Court of Cassation in the context of the country visit to Italy. Such a transitional regime also applies until the end of 2024 to the amendments made to time limitation periods in 2021, see contribution from the High Court of Cassation for the 2024 Rule of Law Report.

¹³⁹ Written contribution from the Ministry of Justice in the context of the country visit to Italy, Annex 3. The decrease in the number of convictions between 2023 and 2022 is around 8%.

¹⁴⁰ Written contribution from the Ministry of Justice in the context of the country visit to Italy (p. 26).

¹⁴¹ Written contribution from the Ministry of Justice in the context of the country visit to Italy, Annexes 4- 6.

¹⁴² Written contribution from the Ministry of Justice in the context of the country visit to Italy, Annex 7. It should be noted that the data of recent years could deviate from the real ones due to the backlog in the feeding of the system. Law enforcement authorities did not have any data to provide on whistleblowing reports.

¹⁴³ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 13-14.

¹⁴⁴ Information received in the context of the country visit to Italy from the *Guardia di Finanza*.

¹⁴⁵ Information received in the context of the country visit to Italy from the *Guardia di Finanza*.

¹⁴⁶ Given the increased importance of fighting cybercrime and strengthening cybersecurity of critical infrastructure, Legislative Decree No 105/2023 extended the National Anti-mafia and Anti-terrorism Directorate's competence to these areas for the first time, which also highlights the importance of inter-agency cooperation. Written contribution from the National Anti-mafia and Anti-terrorism Directorate in the context of the country visit to Italy (p. 1).

Ultimate Beneficial Ownership Register, set up in June 2022, finally entered into operation on 29 September 2023 and will provide law enforcement authorities with an important source of information to carry out their investigations. Cooperation and coordination in practice between the various national police and prosecution services, the tax authorities and ANAC continues to be effective¹⁴⁷, as is the cooperation between police, law enforcement agencies and EPPO¹⁴⁸.

There has been some further progress to adopt comprehensive legislation on conflicts of interest. The 2023 Rule of Law Report recommended to Italy to ‘adopt comprehensive conflict of interest rules [...]’¹⁴⁹. Efforts to adopt comprehensive legislation on conflicts of interest for political office holders, including parliamentarians, have stalled over the years¹⁵⁰. On 28 May 2024, the Chamber of Deputies approved a draft law¹⁵¹ to update the conflict-of-interest rules for state, regional or local government office holders and members of certain supervisory authorities and prohibit the receipt of payments from foreign states by public office holders. The draft law would not cover all parliamentarians but only those who are at the same time government officeholders¹⁵². The proposal is now under consideration in the Senate of the Republic. In parallel, a draft law presented in March 2023¹⁵³, to amend and

¹⁴⁷ See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 13-14.

¹⁴⁸ EPPO and *Guardia di Finanza* were involved in an international large-scale investigation into an alleged criminal organisation suspected of defrauding EUR 600 million from the RRP. EPPO, Press release of 4 April 2024, Investigation ‘Resilient Crime’: 22 arrests in raid against criminal organisation suspected of EUR 600 million fraud involving NextGenerationEU funds. Cooperation between EPPO and the national prosecution offices is more complex, however, due to the (fragmented) national structure. Contribution from EPPO for the 2024 Rule of Law Report, p. 32. The EPPO investigated 42 corruption cases, which is 2% of its total cases in Italy, EPPO, Annual Report 2023, p. 37.

¹⁴⁹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2 In the 2023 Rule of Law Report, the Commission concluded that some progress was made on adopting comprehensive conflict of interest rules following the recommendation made in 2022. See also 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2.

¹⁵⁰ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 14, including related references to 2022, 2021 and 2020 Rule of Law Report (pp. 16, 11-12 and 11 respectively). The need to strengthen Italy’s integrity framework for parliamentarians in relation to conflicts of interest, codes of conduct and lobbying rules has been the subject of various recommendations by GRECO for a number of years, most recently in 2024. See GRECO, Fourth Evaluation Round, Second Addendum to the Second Compliance Report on Italy on corruption prevention in respect of members of parliament, judges and prosecutors, pp. 2-8.

¹⁵¹ Draft Law A.C. 304 proposes to repeal the law laying down rules on the resolution of conflicts of interest, No. 215 of 20 July 2004, and to establish a preventive mechanism to avoid the emergence of conflicts, including those arising from the mere ownership of large assets, and to provide for different types of fines and reputational penalties. State office holders include the Prime Minister, Vice-Presidents of the Council of Ministers, Ministers, Deputy Ministers, State Secretaries and the Special Commissioners of the Government. Written contribution from the Presidency of the Council of Ministers-Department for legal and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, pp. 18-20.

¹⁵² Written contribution from the Presidency of the Council of Ministers-Department for legal and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, p. 20. According to information received in the context of the country visit to Italy from Parliamentary Committees, all parliamentarians would nevertheless be covered by the provisions prohibiting receipt of payments from foreign states. See also GRECO (2024), Fourth Evaluation Round, Second Addendum to the Second Compliance Report on Italy on corruption prevention in respect of members of parliament, judges and prosecutors, pp. 3-4.

¹⁵³ Doc. II No. 6 of 1 March 2023, Proposal for an amendment to the Rules of Procedure-Introduction of the Code of Conduct for Deputies, currently under consideration by the Executive Committee for the Rules of Procedure of the Chamber of Deputies (*Giunta per il Regolamento della Camera dei Deputati*). This

strengthen the Chamber of Deputies' Rules of Procedure by codifying certain key transparency provisions of the 2016 Code of Conduct and increasing the sanctions for breaches, is still pending¹⁵⁴. Given that one of the legislative proposals was passed by the Chamber of Deputies, and both are still pending adoption without a specific timeframe, there has been some further progress on the implementation of the recommendations made in previous years.

There has been no further progress on adopting comprehensive lobbying rules and establishing a legislative footprint. The 2023 Rule of Law Report recommended to Italy to 'adopt comprehensive [...] lobbying regulation to establish an operational lobbying register, including a legislative footprint'¹⁵⁵. Although the Chamber of Deputies has rules on lobbying and a lobbying register of interest representatives¹⁵⁶, comprehensive lobbying rules are lacking for both parliamentary chambers¹⁵⁷. The lack of regulation of lobbying activities is perceived as one of the main weaknesses in the national integrity system¹⁵⁸. As of December 2023, there were 365 legal and 74 natural persons registered (compared to 318 and 62 respectively in mid-March 2023), which shows an improvement¹⁵⁹. As was the case last year, no parliamentary debates took place on any of the draft laws tabled in either of the two chambers¹⁶⁰. The fact-finding inquiry into the activities of interest representations,

proposal is similar to that made in the previous legislature (former Doc. II, No. 21) as it also aims to respond to a GRECO recommendation. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 15.

¹⁵⁴ Written contribution from the Parliamentary Committees in the context of the country visit to Italy. See also the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 14-15. In its latest evaluation, GRECO concluded that its recommendation to formalize the Code of Conduct in the Rules of Procedure of the Chamber of Deputies and its further refinement through detailed guidance on its provisions, and the establishment of an effective enforcement and accountability regime, addressed to both chambers, and its recommendation for clear and enforceable conflict of interest rules for parliamentarians, are still only partly implemented. GRECO, Fourth Evaluation Round, Second Addendum to the Second Compliance Report on Italy on corruption prevention in respect of members of parliament, judges and prosecutors, pp. 2-5.

¹⁵⁵ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2, and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2. In the 2023 report, the Commission assessed that some progress on adopting lobbying regulation to establish an operational lobbying register, including a legislative footprint, was made.

¹⁵⁶ Decision of No. 208/2017 on lobbying in the Chamber of Deputies establishes a mandatory public register of lobbyists for any individual or legal entity representing collective interests. This only regulates activities of the Chamber of Deputies, not of the Senate of the Republic. Across the national territory, the situation remains fragmented with no national register for the government and no systematic or standardised approach. See 2023 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 15 and 17, respectively.

¹⁵⁷ GRECO had noted that Decision No. 208/2017 only tackles the lobbyists part of the issue and underlined the need for Italy to develop targeted guidance to give deputies clear directions on how to engage with lobbyists and the expected conduct of behaviour. GRECO urged the Senate of the Republic to regulate on this matter too. GRECO, Fourth Evaluation Round, Second Compliance Report on Italy on corruption prevention in respect of members of parliament, judges and prosecutors, p. 6.

¹⁵⁸ The Lobbying4Change Coalition, led by The Good Lobby, consisting of 44 organisations and supported by more than 21 600 citizens who signed a petition for a lobbying law, has been pushing for the effective regulation of lobbying activities and conflict of interests: see the publication 'Regulate lobbying to improve democracy'. See also written contribution from The Good Lobby in the context of the country visit to Italy.

¹⁵⁹ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 15.

¹⁶⁰ Under the current legislature that started in October 2022, four draft laws have been presented to the Chamber of Deputies and five to the Senate of the Republic, but to date the examination of these proposals has not yet started. Written contribution from Presidency of the Council of Ministers-Department for legal

established in March 2023, was extended until 31 March 2024 from its original deadline of June 2023¹⁶¹. Based on the inquiry's outcome, the relevant Committee plans to draw up a report and assess the need to either draw up new regulations or issue a guide¹⁶². Some weariness has been voiced over conducting an inquiry since for them concrete legislative action is needed¹⁶³. They also underline that the need for comprehensive rules on lobbying activities, including a precise definition of a lobbyist, has become more important in view of the proposed changes to the scope of the criminal offence of trading in influence¹⁶⁴. The GRECO further concludes that, apart from rules governing the activities of third parties or lobbyists, what are also needed are rules covering the relations and contacts of parliamentarians with lobbyists¹⁶⁵. A 'legislative footprint' is still lacking¹⁶⁶. As there have not been any concrete legislative developments, and it is still unclear if the Parliament will propose comprehensive rules or set up a legislative footprint, no further progress has been made to implement the recommendation made in previous years.

There has been no further progress on political party and campaign financing since draft laws are still being debated. The 2023 Rule of Law report recommended to Italy to 'effectively and swiftly address the practice of channelling donations through political foundations and associations and introduce a single electronic register for party and campaign finance information'¹⁶⁷. As reported in previous years¹⁶⁸, the current practice of private party

and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, p. 20. See also input from Italy for the 2024 Rule of Law Report, p. 22, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 16.

¹⁶¹ Around 30 constitutional law professionals presented their views to the inquiry in 2023. The last hearing was on 5 December 2023 and are being resumed in 2024. Information received in the context of the country visit to Italy from Parliamentary Committees. See also input from Italy for the 2024 Rule of Law Report, p. 22, and the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 15.

¹⁶² Information received in the context of the country visit to Italy from Parliamentary Committees.

¹⁶³ See contribution from The Good Lobby for the 2024 Rule of Law Report, p. 14. Over 100 bills have been tabled since 1976 with none receiving definitive approve from either Chamber of Parliament. The Good Lobby further observed during the country visit that the hearings were too academic and legalistic and not focused enough on the 'sociological' aspects.

¹⁶⁴ See also The Good Lobby, Are we all traders of influence? The ANAC President made similar remarks in his statement before the Justice Committee of the Senate of the Republic on 5 September 2023 (pp. 15-16). Information received in the context of the country visit to Italy from the National Bar Association.

¹⁶⁵ GRECO concludes that its recommendation to further develop the applicable rules on how members of Parliament (in both Chambers) engage with lobbyists and other third parties who seek to influence the parliamentary process has not been implemented. GRECO, Fourth Evaluation Round, Corruption prevention in respect of members of parliament, judges and prosecutors, Second Addendum to the Second Compliance Report on Italy on corruption prevention in respect of members of parliament, judges and prosecutors, pp. 7-8.

¹⁶⁶ Open Polis launched an online platform in early 2024 called OpenParlamento to increase transparency and enable citizens to monitor closely the work of the government and parliament. Written contribution from Open Polis in the context of the country visit to Italy, pp. 1-2.

¹⁶⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2. See also the 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2. In the 2023 report, the Commission assessed that some progress was made on effectively addressing the practice of channelling donations through political foundations and associations and introducing single electronic register for party and campaign finance information. The European Commission Recommendation (EU) 2023/2829 of 12 December 2023 on inclusive and resilient electoral processes in the Union calls for Member States to address any gaps in their legislation related to donations and other funding from third countries to political parties, political foundations, electoral campaigns and candidates.

¹⁶⁸ See e.g., 2023 and 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 16-17 and pp. 17-18 respectively.

donations could impede public accountability and may even result in private donors exerting disproportionate influence on the political agenda depending on the size of their contributions¹⁶⁹. Various draft laws tabled in both houses of Parliament over the years to address this long-standing issue have not been adopted¹⁷⁰. The Constitutional Affairs Committee of the Senate of the Republic is now examining two draft laws presented in December 2022 and March 2023¹⁷¹ that aim to consolidate, rationalise and strengthen existing rules on political parties and their financing and increase transparency¹⁷². In parallel, a draft law was presented in 2023¹⁷³ to amend the rules of the Committee for Transparency and Control of Political Parties and Political Movements¹⁷⁴. This draft law aims to increase the Committee's autonomy comparable to an independent administrative body¹⁷⁵. The outcome and way forward of these various discussions, as well as a technical report on the financing of the Committee are still pending¹⁷⁶. A centralised, single, machine-readable

¹⁶⁹ Italy prohibits direct public funding to political parties, including for political campaigns. Since 2014, political parties are required to finance themselves almost exclusively through private donations from individual donors or legal entities.

¹⁷⁰ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 16.

¹⁷¹ Draft law A.S. 207 amending Law Decree No. 149 of 28 December 2013, converted, with amendments, into Law No. 13 of 21 February 2014, on statutes, transparency and financing of political parties, as well as delegating the Government to adopt a consolidated text of the provisions concerning political parties and movements for the full implementation of Article 49 of the Constitution presented on 6 December 2022. Draft law A.S. 549 laying down provisions for the implementation of Article 49 of the Constitution in the field of regulation of parties and delegating the Government to adopt a consolidated text of the provisions concerning political parties, political activity, electoral campaigns, forms of contributions and transparency of budgets and accounts presented on 7 March 2023. Another draft law was presented to the Chamber of Deputies, but its examination has not yet started (Draft Law A.C. 533 amending Law Decree No. 149 of 28 December 2013, converted, with amendments, into Law No. 13 of 21 February 2014, on statutes, transparency and financing of political parties, as well as delegating the Government to adopt a consolidated text of the provisions concerning political parties and movement). Information received in the context of the country visit to Italy from Parliamentary Committees and written contribution from Presidency of the Council of Ministers-Department for legal and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, p. 21.

¹⁷² Draft Law A.S. 207 proposes the integration of the statutory content of political parties to including transparency requirements on the powers and composition of the parties' decision-making, executive and supervisory bodies, the arrangements for their election and their members' term of office; stricter limits for private donations and the reintroduction of public funding to parties according to fair distribution criteria. Draft law A.S. 549 proposes to consolidate the relevant provisions on transparency obligations, the statutory requirements of political parties and how they contribute financially. Written contribution from Presidency of the Council of Ministers-Department for legal and legislative affairs and Department for relations with Parliament in the context of the country visit to Italy, p. 21, and information received in the context of the country visit to Italy from Parliamentary Committees.

¹⁷³ Draft law A.S. 552, Amendment to Law no. 96 of 6 July 2012 on the regulation of the Commission for the verification of statutes and the control of the accounts of political parties. Information received in the context of the country visit to Italy from Parliamentary Committees.

¹⁷⁴ *Commissione di garanzia degli statuti e per la trasparenza e il controllo dei rendiconti dei partiti politici*. The Committee, established by Law No. 96 of 6 July 2012, is tasked with checking the regularity and compliance of the political parties' statements for each accounting year. Its powers and responsibilities have been extended over the years, most recently by Law no. 3 of 9 January 2019. In its reports to Parliament on 29 April 2024 (pp. 8-9) and 20 April 2023 (pp. 8-9), the Committee had noted the need for more resources due to its increasingly numerous and complex tasks.

¹⁷⁵ The draft law proposes a number of rules including on the board's fixed non-renewable term, its size, composition and staff, and an increase in its financial envelop from EUR 60 000 to EUR 1 million. A technical report on the Committee's future financing is also pending.

¹⁷⁶ This may include the possible merging of the two draft laws. Information received in the context of the country visit to Italy from Parliamentary Committees.

register to help ensure that political party and campaign finance information is made available in a coherent, understandable, and timely manner is still lacking¹⁷⁷. Given these developments, there has been no further progress regarding the implementation of the recommendations made in the previous years.

Guidelines on procedures for the submission and management of external whistleblowing reports were issued. ANAC, as the designated external reporting channel for whistleblowers, issued new Guidelines on procedures for the submission and management of whistleblowing reports, which came into force on 12 July 2023 through Resolution No. 311¹⁷⁸. ANAC also plans to draw up guidelines on the establishment of internal reporting channels in the course of 2024 to address open questions on the interpretation of the rules¹⁷⁹. In 2023, ANAC received 1 032 reports of breaches of the law compared to 348 in 2022 and 534 in 2021¹⁸⁰. Of these, 419 were considered inadmissible. The remaining 613 are to be investigated (investigations on 115 have started). 107 reports were received in January 2024, of which 26 were ineligible and archived while the remaining ones are being assigned to officials for preliminary investigation¹⁸¹.

Risks of corruption in public procurement remain although the digitalisation of public contracts should improve transparency. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 29% of companies in Italy (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹⁸². Public procurement continues to be seen by many stakeholders¹⁸³ as a sector prone to high risk of corruption while the large amounts of

¹⁷⁷ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 16-17. GRECO's Third Evaluation Round, Second Addendum to the Second Compliance Report on Italy on incriminations and transparency of party funding (para. 37), had recommended that Italy coordinate the approach for the publication of information on party and campaign finance, ensure that the information is made available in a coherent, comprehensible and timely manner and provide easier and meaningful access by the public, including by making best use of internet publishing. Transparency International Italy has consistently noted that data on political party financing are incomplete and not provided in an open, coherent and useable machine-readable format.

¹⁷⁸ The Guidelines aim to clarify certain aspects of Legislative Decree No. 24 of 10 March 2023 on whistleblower protection and provide some guidance that public and private entities may consider when setting up their own internal reporting channels. Written contribution from ANAC in the context of the country visit to Italy, pp. 4-5, and input from Italy for the 2024 Rule of Law Report, pp. 23-26.

¹⁷⁹ From 4 to 22 December 2023, ANAC launched an anonymous survey for the public and private sectors required to activate internal reporting channels within their administrations or entities to identify the main problems they face in implementing this obligation. Written contribution from ANAC in the context of the country visit to Italy, pp. 4-5, and input from Italy for the 2024 Rule of Law Report, pp. 23-26. According to information received in the context of the country visit to Italy from Libera and Transparency International Italy, potential whistleblowers may not come forward either because they do not sufficiently trust internal reporting channels or because they are uncertain about the relationship between the external and internal reporting channels. At the same time, they consider the inclusion of the private sector in a positive light.

¹⁸⁰ According to ANAC, the low figures for 2021 and 2022 were mainly because of the pandemic. Information received in the context of the country visit to Italy.

¹⁸¹ ANAC investigates cases falling within its competence while it forwards those falling outside its sphere of intervention to the Public Prosecutor's Offices or to the competent administrative Authorities. ANAC also has sanctioning powers and may impose administrative fines. Input from Italy for the 2024 Rule of Law Report, pp. 24-25.

¹⁸² Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU. This is 2 percentage points above the EU average.

¹⁸³ Information received in the context of the country visit to Italy from National Anti-mafia and Anti-terrorism

recovery and resilience funds¹⁸⁴ are also perceived as particularly vulnerable to possible corrupt practices as well as infiltration from organised crime¹⁸⁵. The digitalisation, as of 1 January 2024¹⁸⁶, of the entire lifecycle of all procurement or concession contracts, whatever their value, under the new Public Procurement Code¹⁸⁷ should ensure more transparency of public contracts throughout their life cycle, therefore making it easier to trace supply chains¹⁸⁸. The revision to the NAP by ANAC Resolution No. 605 outlined above was also made specifically to strengthen the implementation and transparency of procurement procedures and mitigate potential risks of fraud and corruption that could arise from the simplified procedures in the new procurement code¹⁸⁹.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Italy, the freedom of the press and freedom of expression are values enshrined and protected in the Constitution¹⁹⁰. A comprehensive legal framework provides for media freedom and media pluralism safeguards, while the Communication Regulatory Authority (AGCOM) is the independent regulator for the media sector. The Freedom of Information Act (FOI Act) grants citizens the right to access documents and information held by public administration bodies¹⁹¹.

Directorate, *Guardia di Finanza*, ANAC, Court of Auditors, Libera, Transparency International Italy and Openpolis. According to the National Anti-mafia and Anti-terrorism Directorate, for instance, criminal organisations have been drawn to the use of the RRP funds used for procurement of the green transition, major infrastructural works and services. Other stakeholders identified sham consultancies, false declarations, artificial splitting of large value contracts into smaller value ones to avoid more rigorous controls. See also EPPO, Press release of 4 April 2024, Investigation ‘Resilient Crime’: 22 arrests in raid against criminal organisation suspected of EUR 600 million fraud involving NextGenerationEU funds. In May 2024, media reported widely about the investigations by the Guardia di Finanza and charges brought by the Prosecutor’s Office of Genoa against a number of officials, including at high-level, and entrepreneurs concerning several alleged cases of corruption in the granting of port terminal concessions as well as electoral corruption.

¹⁸⁴ The Regional Public Prosecutor’s Offices of the Court of Auditors are currently investigating a number of cases of misuse or fraudulent use of public resources and other irregularities connected to the implementation of RRP projects. The damages resulting from these cases are yet to be precisely quantified, but the figure is expected to be significantly higher than the estimate of around EUR 1.8 million. In addition, in 2023, the regional judicial sections of the Court of Auditors issued decisions to pay compensation for fiscal damage in the area of public funds amounting to EUR 51.3 million. Written contribution from Court of Auditors in the context of the country visit to Italy, pp. 3-4.

¹⁸⁵ This was reported in previous years as well. See the 2022 Rule of Law Reports, Country Chapters on the rule of law situation in Italy, pp. 19-20 and p. 18 respectively. See also Chamber of Deputies, Doc. LXXIV n. 3, Report on the activities carried out and the results achieved by the Anti-Mafia Investigative Directorate (First Half of 2023) of 18 June 2024.

¹⁸⁶ This is part of the M1C1-75 milestone of RRP. The publicly accessible National Database on Public Contracts (*Banca Dati Nazionale dei Contratti Pubblici*), managed by ANAC, aggregates data from diverse databases and ensures a unified approach to accessibility, transparency, publicity, and traceability throughout the procurement process.

¹⁸⁷ Legislative Decree No. 36 of 31 March 2023.

¹⁸⁸ Input from Italy for the 2024 Rule of Law Report, p. 19.

¹⁸⁹ Information received in the context of the country visit to Italy from ANAC.

¹⁹⁰ Constitution of Italy, art. 21. Italy ranks 46th in the 2024 Reporters without Borders World Press Freedom Index compared to 41st in the previous year.

¹⁹¹ Legislative Decree No. 97 of 25 May 2016.

The media regulator continues to function independently and effectively. AGCOM oversees electronic communications, audiovisual media services and postal sectors¹⁹². In 2023, AGCOM has been entrusted with new competences¹⁹³, which include further regulatory powers *vis-à-vis* online platforms, having been designated as Digital Service Coordinator under the Digital Services Act¹⁹⁴. Under Italian law, AGCOM is also tasked with electoral integrity functions, being the competent authority in charge of monitoring and ensuring the plurality, accuracy and impartiality of political communications and information in the press, radio and audiovisual media services, including during electoral periods (so called *par condicio*)¹⁹⁵. A well-established legal framework ensures that AGCOM continues to be functionally autonomous and independent in the exercise of its regulatory competence, which also includes monitoring, enforcement and sanctioning powers over media providers¹⁹⁶. Since 2006, a self-financing system based on contributions that AGCOM collects from services operating in the sectors falling under its regulatory remit also ensures its financial stability and independence¹⁹⁷.

Public service media play a crucial role in the media landscape, and whereas there are rules in place aimed at ensuring that they provide independent and pluralistic information, there are several challenges in relation to their governance and funding system. The public service broadcaster, RAI¹⁹⁸ represents the source of news most frequently used by the Italian audience¹⁹⁹ and is the first player both in the audiovisual sector, where it holds 37.9% audience shares on an average day, and in the radio sector, where it holds 23.1% market shares in terms of revenues²⁰⁰. The service contract, concluded between RAI and the Government, specifies the modalities for the fulfilment of RAI's public service mission and requires RAI to provide an independent, impartial, and pluralistic offering²⁰¹. However, as mentioned in the 2023 Rule of Law Report and MPM 2024, the effectiveness of the governance system²⁰² in securing RAI's full independence represents a long-standing source

¹⁹² Law No. 249 of 31 July 1997 on the establishment of Communication Regulatory Authority (AGCOM). Input from Italy for the 2024 Rule of Law Report, p. 28.

¹⁹³ In particular, AGCOM acquired new powers in the contrast to online piracy and on protection of minors in relation to online pornographic content, Law No. 93 of 14 July 2023. Law Decree No. 123 of 15 September 2023, as confirmed by information received in the context of the country visit to Italy from AGCOM.

¹⁹⁴ Law Decree No. 123 of 15 September 2023. Media Pluralism Monitor 2024, country report for Italy, p. 17, as confirmed by information received in the context of the country visit to Italy from AGCOM.

¹⁹⁵ Law No. 28 of 22 February 2000, as confirmed by information received in the context of the country visit to Italy from AGCOM. Most notably, AGCOM is entrusted with the power to issue, for each electoral or referendum cycle, a tailored regulation setting out the specific measures to be taken by private media outlets to ensure the provision of accurate and impartial political coverage and prevent dissemination of disinformation near elections.

¹⁹⁶ Law No. 249 of 31 July 1997 on the establishment of Communication Regulatory Authority (AGCOM). Input from Italy for the 2024 Rule of Law Report, p. 29.

¹⁹⁷ Input from Italy for the 2024 Rule of Law Report, p. 29. 2024 Media Pluralism Monitor 2024, country report for Italy, p. 17, as confirmed by information received in the context of the country visit to Italy from AGCOM.

¹⁹⁸ According to European Parliament's Flash Eurobarometer: News & Media Survey 2023, 45% of respondents in Italy stated that they trust public TV and radio stations, below the EU average of 48%.

¹⁹⁹ Reuters Institute, Digital News Report Italy.

²⁰⁰ Media Pluralism Monitor 2024, country report for Italy, p. 22.

²⁰¹ The service contract 2023-2028 requires RAI to provide quality and accurate information as well as to develop tools and practices that can foster the contrast to disinformation. Written contribution from Ministry of Economy and Finances and Ministry of Enterprises and Made in Italy in the context to the country visit to Italy, pp. 4-6; Written contribution from RAI in the context to the country visit to Italy, pp. 6-7.

²⁰² RAI's Board of Directors is made up of seven members elected for a three-year period renewable once. It

of concern in Italy²⁰³. In this regard, stakeholders²⁰⁴ stress the need of a comprehensive reform²⁰⁵ to ensure that RAI is better shielded from risks of political interference²⁰⁶. Stakeholders also reported that following the appointment of the new RAI's CEO and other top-level figures, including news programmes editors, there was an editorial shift which led to the resignation of several journalists and presenters²⁰⁷. Stakeholders expressed concerns

carries out administrative functions and ensures that the aims and obligations of the public service broadcasting are fulfilled. Nomination of the candidates are made following a public selection process where any person fulfilling the relevant criteria set out in the law may submit a candidature. Two members are elected by the Chamber of Deputies, by the Senate of the Republic and by the Council of Ministers respectively, on a proposal by the Minister of Economy and Finance. Another member is appointed from among the employees of RAI. The Board appoints its chairperson, but such appointment is dependent on the favourable opinion of the Parliamentary Committee for the General Guidelines and Supervision of Broadcasting Services (*Commissione parlamentare per l'indirizzo generale e la vigilanza dei servizi radiotelevisivi*), Legislative Decree No. 208 of 8 November 2021, Article 63. Input from Italy for the 2024 Rule of Law Report, pp. 32-33. Media Pluralism Monitor 2024, country report for Italy, p. 32.

²⁰³ Media Pluralism Monitor 2024, country report for Italy, pp. 32-33; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 19-20; Media Pluralism Monitor 2023, country report for Italy, pp. 32-33, and 41. In particular, the Media Pluralism Monitor 2024 considers the independence of public service media at high risk, with a risk score of 71%, due to the appointment of RAI's management bodies being influenced by the Government and negotiations between the political parties in the Parliament, Media Pluralism Monitor 2024, country report for Italy, pp. 32 and 42. In April 2024, a complaint was lodged before the Administrative Tribunal of Lazio on the incompatibility of the Chamber of Deputies' appointment procedure of the members of RAI's Board of Directors with the RAI's governance rules and the Constitutional Court case law. See Articolo 21, Appeal against the current selection criterion for the Rai's Board of Directors; Corriere della Sera, two appeals to the Tar to block the appointments of the new Board of Directors.

²⁰⁴ Media Pluralism Monitor 2024, country report for Italy, p. 42; Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, pp. 4-5, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁰⁵ There are currently 10 legislative proposals concerning the reform of RAI's governance and funding system that have presented either in the Chamber of Deputies or the Senate of the Republic, written contribution from RAI in the context to the country visit to Italy, pp. 7-8; written contribution from Minister of Economy and Finances and Minister of Enterprises and Made in Italy in the context to the country visit to Italy, pp. 2-3.

²⁰⁶ Risks of political influence stem from the established practice of re-organising RAI's top-management positions based on the balance of political power emerging from electoral cycles; Media Pluralism Monitor 2024, country report for Italy, pp. 32-33 and 42; Media Pluralism Monitor 2023, country report for Italy, p. 32; Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 17-18) and Civil Liberties Union for Europe on Italy (pp. 13-14) for the 2024 Rule of Law Report; Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, pp. 4-5, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*. Stakeholders also reported on cases of alleged undue political interference which took place over 2023 and led to the resignation of RAI's CEO, before the conclusion of his mandate, Media Pluralism Monitor 2024, country report for Italy, p. 33.

²⁰⁷ RAI's programming was affected, with some shows cancelled and others migrated to private broadcasters; Media Pluralism Monitor 2024, country report for Italy, p. 33; Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 17-18) and Civil Liberties Union for Europe on Italy (pp. 13-14) for the 2024 Rule of Law Report. In addition, stakeholders expressed concerns in relation to the summoning, by the Parliamentary Committee for the General Guidelines and Supervision of Broadcasting Services, of the presenter of a RAI's investigative TV show whose investigative activities also focused on political figures. Although the possibility to summon journalists falls within the Parliamentary Committee's powers, stakeholders referred to the summon as unusual, since for the first time the Parliamentary Committee singled out an individual journalist for questioning, and expressed concerns for the mocking behaviour shown by some members of the Committee during the summoning, which they considered as an illustration of undue political pressure, European Federation of Journalists, Italy: MFRR

regarding the new rules on equal airtime (so called *par condicio*)²⁰⁸, applicable to political communications and information broadcasted on RAI during the 2024 European Parliament elections, which would allow candidates with a role in the government to have more airtime and visibility in comparison to candidates from opposition parties²⁰⁹. On the other hand, the Government indicated that AGCOM's monitoring activities would have ensured compliance with the *par condicio* rules and that there were no indications that they benefited candidates with government roles over other candidates²¹⁰. Moreover, concerns were expressed on the Government's decision, adopted with the Budget Law for 2024²¹¹, to reduce the RAI's license fee and offset this reduction with the provision of additional direct funding of EUR 430 million²¹². Whereas the Government explained this change as a reallocation of funding resources, implemented through a reduction of the component of the RAI's licence fee linked to an increase of the component related to transfers from the general taxation²¹³, stakeholders considered that the licence fee reduction could affect RAI's financial autonomy and viability by lowering the available resources that RAI can collect autonomously and that are needed to operate and fulfil its public service mission²¹⁴. It is also considered that it risks affecting the predictability of the overall resources for RAI, undermining both its future financial planning ability and economic stability²¹⁵.

The Government has been working on a rationalisation of the system of financial contributions to the media sector. As in past years²¹⁶, stakeholders voiced concerns on the deterioration of journalists' working conditions and the overall economic distress faced by

partners condemn summons of RAI presenter Sigfrido Ranucci; Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 17-18) and Civil Liberties Union for Europe on Italy (pp. 13-14) for the 2024 Rule of Law Report.

²⁰⁸ The rules were adopted by the Parliamentary Committee for the General Guidelines and Supervision of Broadcasting Services, which is tasked with the development of the *par condicio* framework applicable in the public service media. In this capacity, the Parliamentary Committee can approve changes to the tailored regulations adopted by AGCOM. Such changes only apply to public service media, Media Pluralism Monitor 2024, country report for Italy, pp. 30 and 33-34. See also footnote 195.

²⁰⁹ In particular, the concerns focused on the exemption for members of the government from the "*par condicio*" rules when communicating on institutional matters and the risk that this could result in a possibility for the government to indirectly campaign in an unrestricted manner, Media Pluralism Monitor 2024, country report for Italy, p. 33; *Federazione Nazionale Stampa Italiana*, Par Condicio, Usigrai and Cdr RaiNews: 'No to political comities on the Rai newspapers and government propaganda'; European Federation of Journalists, Italy: Public service RAI becomes a "megaphone" of the government.

²¹⁰ Written contribution from the Italian Government in the context of the country visit to Italy, pp 5-6;

²¹¹ Law No. 213 of 30 December 2023.

²¹² Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (p. 18) and Civil Liberties Union for Europe on Italy (p. 14) for the 2024 Rule of Law Report; Written contribution from Minister of Economy and Finances and Minister of Enterprises and Made in Italy (p. 6) and RAI (pp. 4-5) in the context to the country visit to Italy.

²¹³ Written contribution from the Italian Government in the context of the country visit to Italy, p 6.

²¹⁴ European Federation of Journalists, Italy: EFJ joins FNSI in warning about the independence of PSM. Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (p. 18) and Civil Liberties Union for Europe on Italy (p. 14) for the 2024 Rule of Law Report. Media Pluralism Monitor 2024, country report for Italy, p. 34.

²¹⁵ Written contribution from RAI in the context to the country visit to Italy, pp. 4-5, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²¹⁶ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 23; 2022 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 23.

the media sector in Italy²¹⁷. To support the media sector and counteract the employment crisis, the Government established the Single Fund for Pluralism and Digital Innovation in Information and Publishing (the Fund)²¹⁸. The Fund aims to restructure and streamline all the existing ordinary²¹⁹ and extraordinary²²⁰ public contributions, by channeling them into one permanent fund which will function as a single tool for the distribution of all the financial aid to the media sector²²¹. Moreover, the Government has also provided that a quota, not exceeding 5% of the Fund, is allocated each year to counteract employment crisis situations in companies operating in the information and publishing sector²²². Stakeholders considered these measures to be necessary but not sufficient, emphasising the need for more comprehensive and forward-looking public strategies and actions that could foster resilience, sustainability, and competitiveness of the media industry²²³.

There have been no new developments with respect to the rules on transparency of media ownership. Pursuant to the relevant rules in place, all press, radio, and audiovisual media outlets, as well as search engines and online intermediation services are required to register in the Register of Communication Operators (ROC)²²⁴ – managed by AGCOM – and disclose information on their ownership structures²²⁵. Under Italian law, AGCOM is

²¹⁷ Media Pluralism Monitor 2024, country report for Italy, p. 15; Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 5, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²¹⁸ Input from Italy for the 2024 Rule of Law Report, p. 29; Media Pluralism Monitor 2024, country report for Italy, p. 31, as confirmed by information received in the context of the country visit to Italy from the Presidency of the Council of Ministers.

²¹⁹ In 2016, the Government established the Fund for pluralism of information aimed at supporting the publishing as well as the radio and TV sectors. The resources allocated to such fund in 2023 amounted to around EUR 159 million, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 21; Media Pluralism Monitor 2023, country report for Italy, p. 30.

²²⁰ In 2022, the Government established an extraordinary fund to sustain employment levels and foster the digital transition in the media sector. The resources allocated to this extraordinary fund in 2023 amounted to EUR 140 million, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 21; Media Pluralism Monitor 2023, country report for Italy, p. 31.

²²¹ Most notably, measures that could be adopted through the Fund include incentives for the recruitment of young journalists and media professionals with digital and cybersecurity skills, incentives for the hiring of journalists left jobless following media outlets restructuring, as well as incentives for investments in media and digital innovation, input from Italy for the 2024 Rule of Law Report, p. 29, as confirmed by information received in the context of the country visit to Italy from the Presidency of the Council of Ministers.

²²² Media Pluralism Monitor 2024, country report for Italy, p. 31. Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 5, as confirmed by information received in the context of the country visit to Italy from the Presidency of the Council of Ministers.

²²³ Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 5, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*. The 2024 Media Pluralism Monitor also referred to issues of the system which are related for example to the lack of criteria taking into account pluralism at local level for the distribution of subsidies aimed at protecting linguistic minorities or the lack of effective control over the use of the allocated resources, Media Pluralism Monitor 2024, country report for Italy, p. 31.

²²⁴ Law No. 249 of 31 July 1997 and AGCOM Resolution n. 666/08/CONS – Regulation for the organization and maintenance of the Register of communications operators.

²²⁵ Legislative Decree No. 208 of 8 November 2021, art. 29, and Law No. 249 of 31 July 1997, art. 1(5); input from Italy for the 2024 Rule of Law Report, p. 37. However, the information publicly available only includes the name, address, field of activity and the ROC number of the relevant registered services, while access to further details on media ownership, including information that could enable to identify beneficial owners, may only be obtained by submitting a formal request to AGCOM, Media Pluralism Monitor 2023, country

competent for the assessment of media market concentrations and can adopt measures to stop those concentrations that may result in the formation of positions of significant market power that are detrimental to media pluralism²²⁶. In this context, AGCOM has been preparing a set of guidelines – currently under public consultation – on the methodology and criteria to be taken into account for the assessment of positions of significant market power detrimental to media pluralism²²⁷.

Legislative initiatives regulating the access to, and publication of certain judicial information, are a source of concern for journalists. The general framework regulating the right to access information held by public administration bodies set out in the FOI Act remains unchanged²²⁸. Two legislative initiatives, the so-called ‘Nordio’s reform’²²⁹ and ‘Costa amendment’²³⁰, were put forward to regulate the possibility to publish certain categories of judicial documents²³¹. The Government considered these initiatives to be justified to guarantee the right to privacy, the respect for the confidentiality of correspondence and communications, and the presumption of innocence²³². The Government also considered that these initiatives would not affect the freedom of the press nor the freedom of information since, in the case of the Nordio’s reform, the limitation would only apply to information not acquired in the course of the criminal proceedings in accordance with the relevant provisions of the code of criminal procedure, while, in the case of the Costa amendment, the prohibition of publication would be temporally limited to the phase of preliminary investigations, and would not prevent in any case journalists from paraphrasing or summarizing the content of the pre-trial custody orders²³³. However, several stakeholders considered these measures to amount to a restriction of the freedom of the press, as they would affect court reporting and the citizens’ right to be informed²³⁴. Stakeholders also raised

report for Italy, p. 21; Media Pluralism Monitor 2024, country report for Italy, pp. 9 and 20-21.

²²⁶ Legislative Decree No. 208 of 8 November 2021, art. 51; input from Italy for the 2024 Rule of Law Report, pp. 35-36, as confirmed by information received in the context of the country visit to Italy from AGCOM.

²²⁷ AGCOM, Resolution 94/23/CONS; Media Pluralism Monitor 2024, country report for Italy, p. 8, as confirmed by information received in the context of the country visit to Italy from AGCOM.

²²⁸ Legislative Decree No. 97 of 25 May 2016. The FOI Act aims to foster transparency in the relations between civil society and public institutions. To this end, it provides for a general civic access to public administration’s data and documents that are relevant to public and private interests and delineates the grounds, such as national security, public security or protection of personal data, where public administration bodies can reject a request of access after providing a duly substantiated justification.

²²⁹ This legislative initiative, initiated by the Government and currently under discussion in the Chamber of Deputies after the approval by the Senate of the Republic, aims to prohibit the full or partial publication of the content of wiretaps that have not been used in a judicial proceeding (draft law A.S. 808 – see above), as confirmed by information received in the context of the country visit to Italy from the Ministry of Justice.

²³⁰ This legislative initiative, adopted by the Parliament, delegates the Government to adopt measures aimed at forbidding the publication of all or part of the text of pre-trial custody orders until the end of the preliminary investigations, Amendment n. 3.01000 to the European Delegation Law 2023, as confirmed by information received in the context of the country visit to Italy from the Ministry of Justice.

²³¹ Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 20-21) and Civil Liberties Union for Europe on Italy (p. 18) for the 2024 Rule of Law Report; Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l’informazione*.

²³² Information received in the context of the country visit to Italy from the Ministry of Justice.

²³³ Information received in the context of the country visit to Italy from the Ministry of Justice.

²³⁴ Most notably, stakeholders stressed that Nordio’s reform ultimately restricts the right of citizens to be informed about facts emerging from wiretaps that, although they do not constitute a crime and are not judicially relevant, are still a matter of general public interest. Contribution from *Osservatorio Balcani*

concerns in relation to the measures envisaged by the Costa amendment, pointing to the risk of it generating a chilling effect on journalists, who risk being more exposed to possible defamation lawsuits in case of incorrect summaries or reformulations of pre-trial custody orders²³⁵.

Despite specific rules being in place with a focus on the protection of journalists in case of threats against them, journalists continue to face several challenges in the exercise of their profession. Cases of physical attacks, death threats and other forms of intimidations have been reported, which continue to raise concerns on the safety of journalists in Italy²³⁶. Since the 2023 Rule of Law Report, seven alerts concerning Italy were registered by the Council of Europe's Platform to promote the protection of journalism and safety of journalists, four of which related to cases of physical attacks on journalists and three related to cases of harassment and intimidation of journalists²³⁷, while the Mapping Media Freedom platform reported 75 incidents in the first six months of 2024, 47 of which related to different forms of attacks on journalists and 13 related to cases of legal incidents involving journalists²³⁸. The latest available data of the Italian Coordination Centre²³⁹ show that, in 2023, the police registered 98 cases of intimidations²⁴⁰. Although these data show a decrease in cases compared to 2022, stakeholders pointed out that journalists do not always report cases of attacks or intimidation to the police²⁴¹. In their view, this reality, coupled with the

Caucaso Transeuropa/Centro per la Cooperazione Internazionale (pp. 20-21) and Civil Liberties Union for Europe on Italy (p. 18) for the 2024 Rule of Law Report; Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, pp. 1-3. Media Pluralism Monitor 2024, country report for Italy, pp. 13-14, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²³⁵ Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy (pp. 1-2), as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*. The Media Pluralism Monitor 2024, country report for Italy (p. 13), reports a medium risk of 42% in relation to the protection of the right of information, also due to the envisaged restrictions on journalists to access certain judicial information.

²³⁶ In 2023, 250 journalists have been under police protection while round-the-clock police escort has been provided to 22 journalists, *Ordine dei Giornalisti*, 'Threats, over 250 journalists under escort'. The national legislation provides for a specific protection protocols system which involves police and judicial authorities and allows to adopt specific protection measures varying according to the level of threats to which journalists are exposed. These measures range from providing an armoured car to round-the-clock police escort. Input from Italy for the 2024 Rule of Law Report, p. 38. In May 2024, the Media Freedom Rapid Response consortium organized an urgent mission to Rome to raise awareness of media freedom issues in Italy, Media Freedom Rapid Response (2024), MFRR to conduct a mission to Italy amid worsening state of media freedom in the country.

²³⁷ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Italy.

²³⁸ In particular, out of 47 incidents related to different forms of attacks on journalists six incidents related to cases of physical attacks, 14 incidents related to cases of attacks to property, and 27 related to cases of verbal attacks. The other incidents related to 15 cases of censorship, Mapping Media Freedom, Italy country profile.

²³⁹ The Coordination Centre is managed by the Italian Ministry of Interior. Through the Centre, the Ministry monitors, in collaboration with the police, cases of physical attacks and other threats against journalists. The data are collected on the basis of the complaints filed by journalists to the police authorities, and categorised according to several criteria, including location, gender of the victim, and typology of incident, *Centro di coordinamento sul fenomeno degli atti intimidatori nei confronti dei giornalisti*, *Centro di coordinamento sul fenomeno degli atti intimidatori nei confronti dei giornalisti* | Ministero dell'Interno.

²⁴⁰ Of these cases, 12,2% concerned organised crime and 40,8% were of 'political-social nature', while 30 out of 98 cases (30,6%) occurred online, Department of Public Security, Acts of intimidation against journalists – 2023.

²⁴¹ Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale*

fact that the Coordination Centre does not monitor SLAPPs cases, could lead to underreporting issues²⁴². While acknowledging the positive impact of the Coordination Centre in improving the relationship between media professionals and public authorities, stakeholders²⁴³ also advocated for its enhancement to make it fully independent from the Government and capable of monitoring SLAPPs cases. Most notably, on SLAPPs cases²⁴⁴, stakeholders²⁴⁵ signaled an increase in the number of cases of legal intimidations, including from political figures, as also shown by the monitoring activity carried out by civil society²⁴⁶, according to which the abusive lawsuits represented 34% of the overall registered and fact-checked cases of threats to the safety of journalists in 2023²⁴⁷.

There has been no further progress on the reform of the defamation regime. The 2023 Rule of Law Report recommended to Italy to ‘continue the legislative process to reform and introduce safeguards for the regime on defamation, the protection of professional secrecy and journalistic sources, taking into account the European standards on the protection of journalists’²⁴⁸. As previously reported, a legislative proposal to reform the press defamation regime was presented to the Senate of the Republic²⁴⁹. Since then, there has been no further progress and this legislative proposal is still under examination by the Senate²⁵⁰. Stakeholders welcomed the proposal to formally abolish the penalty of imprisonment for press defamation, in line with the Constitutional Court’s jurisprudence²⁵¹, and to extend the protection of professional secrecy and journalistic sources to non-professional journalists²⁵². However,

(pp. 19-20) and Civil Liberties Union for Europe on Italy (p. 15) for the 2024 Rule of Law Report, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l’Informazione*.

²⁴² *Ibidem*.

²⁴³ *Ibidem*.

²⁴⁴ The Media Pluralism Monitor 2024 reported an increase of the risk indicator for journalists’ protection, which has risen to 58% from 54% in the previous year. This increase is also due to SLAPPs trends and online threats which affect journalists’ safety, Media Pluralism Monitor 2024, country report for Italy, pp. 9, 12-13, and 15-17.

²⁴⁵ Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 21-22), Civil Liberties Union for Europe on Italy (pp. 16-17) and Committee to Protect Journalists (p. 17) for the 2024 Rule of Law Report, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l’Informazione*.

²⁴⁶ Since 2007, *Ossigeno per l’Informazione* runs the Ossigeno Observatory, through which it collects, analyses and report cases concerning five different categories of threats against media professionals, namely physical assaults, damages, intimidations, legal actions, and obstruction to access to information. All the reported cases and data collected are scrutinized and verified by *Ossigeno per l’Informazione*, which also discloses all the names of the media professionals concerned by the verified cases, information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l’Informazione*. Further information is available on the ‘Ossigeno per l’Informazione website’: <https://www.ossigeno.info/>.

²⁴⁷ *Ossigeno per l’Informazione* reported that out of a total of 319 certified cases of threats against journalists, 108 consisted of abusive court proceedings, *Ossigeno per l’Informazione* (2023), ‘Seventy thousand journalists threatened since 2006 in Italy’.

²⁴⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2.

²⁴⁹ In particular, the aim of the legislative proposal (A.S. 466) was to respond to the call made to the Parliament by the Constitutional Court to address the unconstitutionality and incompatibility with the European Convention of Human Rights of the press defamation rules, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 23-24.

²⁵⁰ See Senate’s website: https://www.senato.it/leg/19/BGT/Schede/Ddliter/comm/56433_comm.htm.

²⁵¹ Constitutional Court, Judgements No. 132 of 9 June 2020 and No. 150 of 22 June 2021.

²⁵² Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 15-16) and Civil Liberties Union for Europe on Italy (p. 19) for the 2024 Rule of Law Report, as

they also voiced concerns on other aspects of the proposed reform related to criminal²⁵³ and disciplinary²⁵⁴ penalties for press defamation, the introduction of an obligation of automatic rectification²⁵⁵, and the defamation lawsuits' jurisdictional criteria²⁵⁶, considering that these elements risk triggering a chilling effect on the media freedom and the freedom of expression²⁵⁷. Given that the legislative proposal has not yet been approved by either Chamber of the Parliament, there has been no further progress on implementing the recommendation made in the 2023 Rule of Law Report.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Italy is a unitary parliamentary republic with an indirectly elected President²⁵⁸. The Parliament is bicameral: it comprises the Chamber of Deputies and the Senate of the Republic, both having the same powers. The right of legislative initiative is vested in the Government, the members of Parliament, 50 000 citizens, the National Council for Economics and Labour²⁵⁹, and the Regional Council. The Constitutional Court has exclusive jurisdiction over disputes regarding the constitutionality of laws. There is currently no

confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵³ A.S. 466, art. 1(e). In particular, stakeholders considered the increase of the criminal penalties for press defamation, which can reach a maximum of EUR 50 000, as particularly damaging for small publishers and freelance journalists. They also pointed out that such high fines would also foster the abuse of defamation litigation for intimidation purposes. Contribution from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 15-16) and Civil Liberties Union for Europe on Italy (p. 19) for the 2024 Rule of Law Report, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵⁴ A.S. 466, art. 1(e). In this respect, stakeholders voiced concerns with respect to the potential deterrent effect on press freedom and freedom of expression stemming from the envisaged possibility to disqualify journalists found guilty of defamation from practicing the profession for up to six months. Contribution from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 15-16) and Civil Liberties Union for Europe on Italy (p. 19) for the 2024 Rule of Law Report, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵⁵ A.S. n. 466, art. 1(e). In particular, stakeholders considered the introduction of an obligation of automatic rectification, without the editors or the journalists being able to add comments or reply, to potentially shrink the space for press freedom. Contribution from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 15-16) and Civil Liberties Union for Europe on Italy (p. 19) for the 2024 Rule of Law Report. Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 3, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵⁶ A.S. 466, art. 1(f). In particular, stakeholders stressed that the identification of the judge of the place of residence of the plaintiffs as the competent judge for defamation lawsuits, instead of the judge of the place where the alleged defamation has been committed, would increase the economic burden, in terms of increased litigation costs for publishers and journalists, as they would be forced into a 'court tour' across Italy in order to attend lawsuits trials. Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 3, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵⁷ Contributions from *Osservatorio Balcani Caucaso Transeuropa/Centro per la Cooperazione Internazionale* (pp. 15-16) and Civil Liberties Union for Europe on Italy (p. 19) for the 2024 Rule of Law Report. Written contribution from *Federazione Nazionale Stampa Italiana* in the context to the country visit to Italy, p. 3, as confirmed by information received in the context of the country visit to Italy from *Ordine dei giornalisti* and *Ossigeno per l'Informazione*.

²⁵⁸ The President is elected by Parliament, meeting in joint session, together with 58 regional electors.

²⁵⁹ The National Council for Economics and Labour is also vested with the right to propose legislation in the economic and social field.

national human rights institution, and several regional ombudspersons are responsible for safeguarding the freedoms and rights of persons²⁶⁰. The Inter-ministerial Committee for Human Rights (CIDU) is the coordinating national institution interacting with civil society, academia, and all relevant stakeholders to ensure reporting and follow-up on human rights issues.

The Government has submitted to Parliament a draft constitutional reform, with the objective of ensuring greater stability of government. On 15 November 2023, the Government submitted to Parliament a draft constitutional reform, aiming at ensuring greater stability of the Italian government²⁶¹. The draft reform has been approved by the Senate of the Republic on 18 June 2024 and transmitted to the Chamber of Deputies²⁶². It envisages a new procedure for selecting the Prime Minister, who would be elected by universal suffrage in a popular vote concurrent with Parliamentary elections²⁶³. Following the elections, the President of the Republic would be required to give the winning candidate a mandate to form the government²⁶⁴. The draft reform also provides a detailed regulation in case of a government crisis, i.e., the government falls before the end of the five-year term of the legislature²⁶⁵. In such a case, the President of the Republic would have three options: to give a new mandate to form the government to the outgoing Prime Minister; to appoint a new Prime Minister, provided that he/she is a member of Parliament and belongs to the same party or coalition of the outgoing Prime Minister; or to dissolve Parliament if neither the first Prime Minister nor the second Prime Minister gain the confidence of the Parliament (the formation of a third government would not be allowed). With this reform, it would no longer be possible for the President of the Republic to find an alternative majority and/or to appoint a person outside Parliament as Prime Minister²⁶⁶. Some stakeholders expressed concerns at the

²⁶⁰ For more information, see Ombudsman of Tuscany website (<http://www.difensorecivicotoscana.it>).

²⁶¹ In the 76 years of republican history, Italy has had 32 Prime Ministers and 68 governments, with an average time in office of approx. 14 months (written contribution from Presidency of the Council of Ministers – Department for Institutional Reforms in the context of the country visit to Italy, p. 7).

²⁶² Draft Law A.C. 1921, Amendments to Part Two of the Constitution to introduce the direct election of the President of the Council of Ministers, strengthen the stability of governments and to abolish the power of the President of the Republic to appoint senators for life.

²⁶³ By voting for a party or coalition, the voters would automatically vote for its candidate Prime Minister, who must be a member of Parliament. As of today, the Prime Minister could even be a person from outside Parliament, as it happened several times in the past.

²⁶⁴ As of today, the President of the Republic has the power to choose the Prime Minister on the basis of the indications provided by the political parties during post-elections consultations; the Prime Minister appointed by the President of the Republic must then have the confidence of the Parliament.

²⁶⁵ A regulation of government crises is missing in the Constitution of Italy (written contribution from Presidency of the Council of Ministers – Department for Institutional Reforms in the context of the country visit to Italy, p. 7).

²⁶⁶ Since 1993, Italy has had six Prime Ministers who were not members of the Parliament. The Reform would also repeal art. 59(2) of the Constitution of Italy, according to which the President of the Republic ‘may appoint five citizens who have honoured the Nation through their outstanding achievements in the social, scientific, artistic and literary fields as senators for life’. Moreover, it modifies the threshold of for the election of the President of the Republic by Parliament in joint session (with the participation of representatives of the Regions). As of today, to be elected President of the Republic, a majority of 2/3 of Parliament or, after the third vote session, an absolute majority (50%+1) must be reached. The reform would require that a majority of 2/3 of Parliament be reached until the sixth vote session (absolute majority would suffice only from the seventh vote session).

proposed changes to the current system of institutional checks-and-balances²⁶⁷, as well as doubts that as to whether it would bring more stability²⁶⁸.

Stakeholders have raised concerns that law decrees are used too often by the Government. Pursuant to Article 77 of the Constitution of Italy, in case of necessity and urgency, the government may adopt law decrees, namely temporary acts having the force of law, which come into force upon publication in the Official Gazette (or the following day). Law decrees must be converted into law by both Chambers of the Parliament within 60 days of their publication, under penalty of forfeiture. Stakeholders underlined that the use of law decrees by governments (not only the Government in office) has increased in the last decades and has excessively intensified in the last years²⁶⁹. According to official data²⁷⁰, in the current legislature (started on October 2022), the Government has adopted 59 law decrees; of these, 51 have been converted into law, while seven have not been converted, but their content has been included in other laws. This amounts to approximately 50 % of laws adopted by the Parliament. The frequent use of law decrees by governments could affect the balance of powers between the government (as the executive power) and the Parliament (as the legislative power)²⁷¹.

On 1 January 2024, Italy had 66 leading judgments of the European Court of Human Rights pending implementation, an increase of seven compared to the previous year²⁷². At that time, Italy's rate of leading judgments from the past 10 years that remained pending was at 65% (compared to 63% in 2023) and the average time that the judgments had been pending implementation was 6 years and 7 months (compared to 6 years and 2 months in 2023)²⁷³. The oldest leading judgment, pending for 26 years, concerns the excessive length of

²⁶⁷ In the context of the country visit to Italy, the Italian Association of Constitutionalists explained that the role of the President of the Republic would be weakened compared to the current institutional set-up, especially with regard to the management of government crises. Concerns on the impact of the draft reform on the system of checks-and-balances have been expressed also by members of the ruling majority during the parliamentary debate. The concerns are also based on the fact that the draft reform leaves the definition of certain key aspects linked to the reform (e.g. the electoral law) to ordinary legislation, whose text or underlying principles have not published.

²⁶⁸ Information received in the context of the country visit to Italy from Italian Association of Constitutionalists.

²⁶⁹ Information received in the context of the country visit to Italy from Emergency, COSPE, Amnesty International Italy, Unione Forense per la Tutela dei Diritti Umani, and The Good Lobby. See also contribution from Amnesty International Italy for the 2024 Rule of Law Report, pp. 19-20. Written contribution from Emergency (p. 1) and European Civic Forum (p. 11) in the context to the country visit to Italy. In the context of the country visit to Italy, the Italian Association of Constitutionalists highlighted that for years law decree has become an instrument of ordinary legislation, and this is also attributable to the limited powers governments have to enforce political direction.

²⁷⁰ Chamber of Deputies, Lawmaking: figures and characteristics – figures updated to 13 May 2024.

²⁷¹ See Constitutional Court, Judgement No. 171 of 23 May 2007. It is worth noting that 18% of the surveyed companies perceive the frequent changes in legislation or concerns about quality of law-making process as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

²⁷² The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

²⁷³ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See contribution from European Implementation Network for the 2024 Rule of Law Report, p. 5.

criminal and administrative proceedings²⁷⁴. As regards the respect of payment deadlines, on 31 December 2023 there were 136 cases in total awaiting confirmation of payments (compared to 72 in 2022)²⁷⁵. On 1 July 2024, the number of leading judgments pending implementation had increased to 71²⁷⁶.

There has been no further progress on establishing a National Human Rights Institution. The 2023 Rule of Law Report recommended to Italy to '[c]ontinue efforts to establish a National Human Rights Institution taking into account the UN Paris Principles'²⁷⁷. As in previous years, while four draft laws are being tabled at the Parliament²⁷⁸, there are still no further concrete actions taken to establish a National Human Rights Institution in practice, which was also confirmed by stakeholders²⁷⁹. Thus, no further progress has been made to implement the recommendation made in the 2023 Rule of Law Report.

Challenges remain as regards the civic space, also in light of reported verbal attacks on organisations involved in humanitarian activities and of reported violence against demonstrators. The civic space continues to be assessed as 'narrowed'²⁸⁰. Stakeholders reported verbal attacks by some media and politicians against organisations, especially those carrying out humanitarian activities²⁸¹, and episodes of violence against demonstrators by police²⁸². There have been no significant updates with regard to *ex post* evaluations and public consultation processes, which – as reported in 2023 Rule of Law Report – are not systematically carried out²⁸³. In July 2023, the National Hub for Public Participation was launched. It is a platform aimed at boosting and collecting public participation policies, and shares relevant practices, pathways, and tools at the national and international level²⁸⁴. The

²⁷⁴ European Court of Human Rights, Judgement of 2 September 1997, *Abenavoli v. Italy*, 24487/94, pending implementation since 1997.

²⁷⁵ Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 137.

²⁷⁶ Data according to the online database of the Council of Europe (HUDOC).

²⁷⁷ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 2.

²⁷⁸ Draft laws A.S. 303, A.C. 426, A.S. 505 and A.C. 580 (see Annex I). See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, p. 27.

²⁷⁹ Information received in the context of the country visit to Italy from Parliamentary Committees, Amnesty International Italy and *Unione Forense per la Tutela dei Diritti Umani*; Contribution from Amnesty International Italy for the 2024 Rule of Law Report, p. 20; Written contribution from European Civic Forum in the context of the country visit to Italy, p. 11. The Italian authorities considered that the Italian legal system would provide full, effective and independent protection of human rights by ordinary courts, an Interministerial Committee for Human Rights and an Office for the Promotion of Equal Treatment.

²⁸⁰ See the rating given by CIVICUS. Ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²⁸¹ Information received in the context of the country visit to Italy from Amnesty International Italy, *Unione Forense per la Tutela dei Diritti Umani*, Emergency and COSPE. See also written contribution from Emergency in the context to the country visit to Italy, p. 4. In particular, public statements by politicians contesting financing methods of the organisations and lawfulness of their rescue activities were reported.

²⁸² For example, on 23 February 2024, student marches were blocked by police in Florence and Pisa and images have been published of policemen using their truncheons on school-age protesters in Pisa. On 22 December 2023 in Rome, significant clashes between students and police occurred. These episodes were the subject of extensive media coverage and parliamentary questions. See written contribution from European Civic Forum in the context of the country visit to Italy, p. 6. The Italian authorities considered that the reported episodes of police violence were sporadic occurrences and due to the particular complexity and excitement of the particular situations.

²⁸³ See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Italy, pp. 25-26.

²⁸⁴ Input from Italy for the 2024 Rule of Law Report, p. 43.

Hub is piloted by five public administrations²⁸⁵ and four civil society organisations²⁸⁶. Stakeholders underlined that the Hub is not yet fully operational, thus it is not yet possible to draw conclusions on its effectiveness²⁸⁷.

²⁸⁵ Presidency of the Council of Ministers – Department for public administration and Department for Institutional Reforms, Emilia-Romagna Region, Roma Capitale, Ministry of the Environment and Energy Security.

²⁸⁶ Namely Aip2, Action Aid, Mappina, The Good Lobby.

²⁸⁷ Information received in the context of the country visit to Italy from Libera. In the context of the country visit to Italy, The Good Lobby explained that the Hub is still in its initial phase and, for its success, promotional communication support will be important.

Annex I: List of sources in alphabetical order*

* The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en.

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Annex II: Country visit to Italy

The Commission services held virtual meetings in February 2024 with:

- AGCOM (Media Authority)
- Amnesty International Italy
- Anti-corruption Agency (ANAC)
- Anti-corruption Unit of the Financial Police
- Italian Association of Constitutionalists (*Associazione Italiana dei Costituzionalisti*)
- Association of Journalists (*Ordine dei Giornalisti*)
- CILD
- Constitutional Court (*Corte Costituzionale*)
- COSPE
- Council of State (*Consiglio di Stato*)
- Court of Auditors (*Corte dei Conti*)
- Emergency
- Federazione Nazionale Stampa Italiana (Journalist Association)
- High Court of Cassation (*Corte Suprema di Cassazione*)
- High Council for the Judiciary (*Consiglio Superiore della Magistratura*)
- Libera
- Ministry of Justice
- National Anti-mafia and Anti-terrorism Directorate (DNAA)
- National Association of Magistrates
- National Bar Association (Consiglio Nazionale Forense)
- Open Polis
- Ossigeno per l'Informazione (Journalist Association)
- Parliament (Senate of the Republic and Chamber of Deputies)
- Presidency of the Council of Ministers
- Prosecution Service at the High Court of Cassation
- Prosecutor's Office at the Court of Auditors
- RAI – Radiotelevisione italiana S.p.A.
- Tax Courts
- The Good Lobby
- Transparency International – Italy
- Unione Forense per la Tutela dei Diritti Umani

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe

- Democracy Reporting International
- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU