

4 December 2020

Dr. Maria Carmela Giarratano  
Director-General  
Directorate-General for Innovation, Personnel and Participation Policies  
Ministry of the Environment, Italy

Alessandro Giadrossi  
Lawyer  
WWF Italia, Italy

Dear Dr. Giarratano,  
Dear Mr. Giadrossi,

**Re: Communication to the Aarhus Convention Compliance Committee concerning  
compliance by Italy with provisions of the Convention in relation to judicial fees  
(ACCC/C/2015/130)**

During the hearing to discuss the substance of communication ACCC/C/2015/130 at its sixty-eighth meeting (23-27 November 2020), the Committee indicated that it would send questions for the written replies of the Party concerned and the communicant.

Please now find enclosed the questions prepared by the Committee for your attention. The Committee would be very grateful to receive your replies to the enclosed questions on or before **Friday, 18 December 2020**. Please send your reply to [aarhus.compliance@unece.org](mailto:aarhus.compliance@unece.org), copying the other party. The other party will have ten working days from the receipt of your answer to provide the Committee with any comments it wishes to make on your reply.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



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Fiona Marshall  
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva

Enc: Questions from the Committee to the communicant and the Party concerned

### **Questions from the Committee to the communicant and the Party concerned:**

#### **Questions to both parties:**

1. Is stamp duty (*imposta di bollo*) still due for documents lodged in the course of judicial proceedings within the scope of article 9 of the Convention?

If that is no longer the case, please provide the legislation which introduced this reform, with an English translation of the relevant provisions.

If stamp duty is still payable, how high is it at first instance and on appeal? How many documents are subject to this duty (i) at first instance; and (ii) on appeal?

#### **Questions to the communicant:**

2. In its update dated 20 November 2020, the communicant states that, where the action of a claimant in an environmental case has been rejected both at first instance and on appeal, the costs incurred by the claimant at both instances combined can range between €15,000 and €60,000.

Please provide examples of judgments and/ or judicial orders awarding costs against unsuccessful claimants in environmental cases within the scope of article 9 of the Convention to support its claim that costs at both instances combined can be up to €60,000. To enable the Committee to appreciate the costs at the two instances combined, the communicant is requested to provide such documentation at first instance and on appeal in the same cases.

3. Please provide examples of judgments or judicial orders in environmental cases within the scope of article 9 of the Convention in which a punitive surcharge has been imposed on the claimant pursuant to the second sentence of Article 26(1) and/ or under Article 26(2) of Decree 104/2010.
4. Please provide examples of judgments or judicial orders to substantiate your claim (in the second paragraph 13 of the communication), that access to the legal aid regime by environmental NGOs like WWF Italia is barred “on the basis of a very questionable interpretation given by administrative judges”. Please provide examples of such judgments or judicial orders:
  - (a) Issued prior to January 2018, while article 12 of Decree 460/1997 was still in force;
  - (b) Issued after January 2018 and since the entry into force of article 79 of Decree 117/2017 (the “Code of the Third Sector”).

In addition to the full text in Italian of each of the judgments or judicial orders which the communicant intends to submit in its reply to questions 2-4 above, the communicant is requested to provide an English translation of the relevant passages of each judgment or judicial order. The English translation should include the passage or passages of the judgment or order which set out the facts of the case so that the Committee can ascertain that it indeed concerned a case within the scope of article 9 of the Convention.