

20 January 2021

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)**

The Compliance Committee is currently deliberating on its draft findings on communication ACCC/C/2015/130. In this context, the Compliance Committee has identified some matters upon which it would value clarification from the parties. It has also identified that there are a number of legislative provisions and judgments referred to in the parties' submissions that have not to date been provided to the Committee or have been provided only in Italian.

As you may be aware, the working language of the Committee is English. Accordingly, the text of any legislation or judgment that you wish the Committee to consider needs to be provided to the Committee in its original language, together with a professional English translation of all its relevant parts.

In the light of the foregoing, please find enclosed the questions prepared by the Committee for your attention. The Committee would be grateful to receive your replies to the enclosed questions on or before **Wednesday, 3 February 2021**. Please send your reply to aarhus.compliance@un.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,



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 Party concerned and the communicant:**Questions to the Party concerned:**

1. Please clarify whether article 79 of the Code of the Third Sector (Legislative Decree no. 117/2017) has yet entered into force. If so, on what date did it enter into force? If it is not yet in force, please specify:
 - (a) On what date is article 79 scheduled to enter into force;
 - (b) Pending the entry into force of article 79, which legislative provisions govern how the taxable income of NGOs is to be calculated.
2. Please provide an English translation of the following provisions:
 - (a) Article 4 of the Code of the Third Sector (Legislative Decree no. 117/2017);
 - (b) Articles 88, 91, 92, 96 of the Code of Civil Procedure;
 - (c) Article 26(2) of Legislative Decree no. 104/2010;
 - (d) Article 10 of Presidential Decree no. 115/2002;
 - (e) Article 27 bis, table B of Presidential Decree no. 642/1972.

Questions to the communicant:

3. In your reply of 18 December 2020 to the Committee's questions you state that environmental cases are usually considered to be of "indeterminable" or "indeterminable of particular importance" value, with the result that the courts apply the costs applicable to claims of €26,000-€260,000 and €260,000-€520,000 respectively.
 - (a) Please provide the text of the legislative provision or other legal text, together with an English translation thereof, which stipulates that the costs in environmental cases are to be calculated in accordance with the costs applicable for monetary claims of €26,000-€260,000 and €260,000-€520,000 value.
 - (b) Please provide the text of the relevant legal instrument or judgment, together with an English translation thereof, which establishes the criteria which a court must apply to categorise a particular environmental case as of either:
 - (i) "Indeterminable" value; or
 - (ii) "Indeterminable of particular importance" value.
 - (c) In the case of a particularly important environmental case which raises very important issues of public interest, which of the above two costs categories would apply? Please provide relevant evidence to support your answer, together with an English translation thereof.
4. Please provide English translations of the relevant extracts of the following judgments that were annexed to your comments dated 30 April 2018:
 - (a) Council of State, judgment no. 1619, 22 February 2018 (Annex 1);
 - (b) Constitutional Court, judgment no. 77, 19 April 2018 (Annex 3);
 - (c) Administrative Court Marche, judgment no. 118, 2 December 2016 (Annex 4);
 - (d) Administrative Court Calabria, judgment no. 1967, 14 September 2016 (Annex 5).