

AARHUS CONVENTION COMPLIANCE COMMITTEE

United Nations Economic and Social Council

Economic Commission for Europe

Geneva, Switzerland

**Decision VII/8j concerning compliance by Italy with its obligations under the Aarhus Convention
Progress report**

The Italian Ministry of the Environment and Energy Security (IMEES), designated as the national Focal Point for the Aarhus Convention, is well aware of the reporting deadlines outlined by the Compliance Committee, particularly acknowledging the request to submit to the Committee its first progress report by 1 October 2023 on the measures Italy has by that date taken, and the results achieved, to implement the recommendations in paragraphs 2(a)-(f) of decision VII/8j. It is therefore pleased to provide the Compliance Committee with an update on the activities done and on what is planned to be done, with the aim to achieve the expected results.

Italy is strongly engaged in finding the most appropriate options and measures to implement the recommendations of decision VII/8j. It is noteworthy that the compliance issues in question have relevance for a series of aspects of the administration of justice at domestic level and require extensive inter-ministerial discussion.

As a first step, the IMEES carried out a careful mapping of competences of the different Ministries and institutions, with the purpose to establishing an inter-ministerial working group, competent and responsible for identifying the possible initiatives and appropriate legislative interventions to be adopted, regarding the facilitation of access to justice in environmental matters and to follow up on what is recommended in Decision VII/8j.

During the course of 2022, IMEES initiated bilateral consultations with those institutions. As a result of this first preparatory phase, the inter-ministerial working group was established, including representatives from the following Administrations: the Ministry of Economy and Finance, the Ministry of Justice, the Presidency of the Council of Ministers, Council of State and the State General Accounting Office.

In particular:

- In matters of judicial expenses, the Presidency of the Council of Ministers together with the Minister of Public Service have a driving role, in concert with the Minister of Justice and the Minister of Economy and Finance;
- the Ministry of Justice is competent over matters related to civil and penal proceedings, including the legislation concerning the unified contribution and court costs for those;
- the Ministry of Economy and Finance is competent over matters related to tax proceedings, including the legislation concerning the unified contribution and court costs for those;
- the General Accounting Office of the State assesses the economic and financial compatibility of the proposed legislative measures;
- the Presidency of the Council of Ministers is competent over matters related to judicial administrative proceedings.

The dialogue between the different ministries, promoted by IMEES, led to the definition of a work programme, as follow:

- Preliminary analysis concerning type of appeals presented before Italian civil, criminal, accounting and administrative jurisdictions in the field of access to justice in environmental matters;
- Data collection from all jurisdictions in relation to pending judgments or concluded disputes brought by NGOs in environmental matters and analysis;
- Identification of possible options to implement the recommendations contained in the document "Decision VII/8j concerning compliance by Italy with its obligations under the Convention";
- Assessment and evaluation of the economic impact that different options would entail;
- Drafting of regulatory act;
- Process for adopting regulatory act, including public consultation.

As a result of the preliminary analysis carried out, it appears that the majority of cases regarding the excessive costs of justice concern appeals presented before the administrative jurisdictions.

The phase of collecting data, which is still ongoing, is essential to quantify the economic impact of any proposal for exemption or reduction of the unified contribution, which is mandatory to proceed with options identification and evaluation.

While waiting for the data analysis phase to be completed and finalized, IMEES is engaged in identifying possible interventions, including legislative measures to implement the recommendations of decision VII/8j.

The current phase therefore aims at sharing and discussing proposals and addressing proper efficiency evaluation of those.

On November 14th, 2023 the inter-ministerial working group had a meeting to progress with the discussion on the matters indicated above.

These actions are taken in order to progress toward addressing the issues of non-compliance. We are confident that we have initiated the correct and appropriate procedure towards the most appropriate options and measures to implement the recommendations of decision VII/8j, and we hope to be able to submit an advanced progress report in the near future.