

**KEY DEVELOPMENTS IN ITALY IN 2024
REPORT OF THE ITALIAN NATIONAL BAR AT THE
53RD EUROPEAN PRESIDENTS' CONFERENCE 2025**

The Italian National Bar (Consiglio Nazionale Forense - CNF) would like to express its gratitude to the Austrian Bar for the kind invitation to the 53rd European Presidents' Conference 2025. Since the CNF President, Francesco Greco, is unable to attend, I have been honored with the task of representing him.

This speech aims to provide an overview of the judicial developments (proposals or reforms) that have taken place in Italy in 2024, highlighting areas where we believe there has been progress, as well as others where we have some concerns.

Throughout 2024, the government introduced a bill that significantly reforms the judicial system, accompanied by various sectoral provisions, among which the most relevant are:

i) *Bill C. 1917 of June 13, 2024 – Nordio's Reform*

- One of the most relevant aspects of the bill concerns the proposal of the separation of careers between judges and prosecutors. Although this may appear as a divisive issue, the CNF has long supported this reform, believing that it strengthens the principle of a fair trial by ensuring a greater balance between prosecution and defense and providing a clearer distinction of roles within the judicial system.

The impartiality of judges in criminal proceedings not only reinforces these principles but also enhances the perception of a fairer justice system.

The bill does not place the prosecutorial magistracy under government authority, a crucial aspect that the CNF considers essential.

- Another of the key issues of Bill C. 1917 of June 13, 2024, concerns the reform of the appointment and disciplinary regulation of judges, with the creation of a new oversight body, the "High Disciplinary Court". The CNF takes no formal position on this reform but emphasizes that transparency must be the guiding principle in preserving judicial independence.

ii) *Developments in digitalization of the Judicial System and use of Artificial Intelligence*

The legal profession in Italy welcomes the opportunities brought by digitalization but also recognizes the challenges it entails. For example, generally there is concern that excessive digital bureaucracy could undermine the right to defense, particularly for professionals who may not have the necessary technological resources.

- *Digitalization.* While the digitalization of civil proceedings has been under development since 2013, leading to a consolidated digital system, digitalization in criminal proceedings has been more complex due to the specific procedural safeguards required. In 2024, the government and Parliament made strides towards completing the digitalization of criminal proceedings. In particular, Ministerial Decree No. 206 of December 27, 2024, made the digital submission of documents in criminal proceedings mandatory. While this measure represents progress in judicial efficiency, many lawyers have expressed concerns about the lack of an adequate transition period and the accessibility of digital tools for all legal professionals.

- *Artificial Intelligence in Justice.* The role of AI in the legal sector has been widely debated. In 2024, the CNF organized a meeting with the Bar Associations of the G7 countries to discuss regulatory frameworks and possible models to be adopted. This discussion highlighted a fundamental debate between regulation and deregulation, which is not merely an economic issue but a cultural challenge of paramount importance.

In its discussions with the government, the CNF has emphasized the need for transparency and traceability in automated decision-making to safeguard the principle of a fair trial. AI should serve exclusively as a support tool and must not replace judges in complex decision-making processes.

The AI Bill No. 1146 of 2024 stipulates that AI systems may be used exclusively for legal research and jurisprudence support, without replacing judicial decisions. While the CNF acknowledges the government's responsiveness to its concerns, it stresses the need for clearer regulations to ensure transparency and human oversight in automated decisions.

- *EU Regulations and Cross-Border Notification of Legal Documents.* The CNF has raised concerns regarding the integration of new digital systems with existing ones, which has caused difficulties for legal professionals and increased the risk of procedural errors. Proposed solutions include a dual-track system, though this may lead to challenges in transitioning to a unified digital identity system.

- *Civil Justice Reforms.* Recent civil justice reforms aim to simplify and expedite proceedings by introducing new mediation and conciliation tools. However, the CNF has stressed the importance of ensuring that these mechanisms do not undermine the right to a fair trial due to the misuse of written procedures in cases.

iii) Other Noteworthy Legislative Measures

- *Independence of the Legal Profession.* The CNF has expressed concerns regarding the classification of professional associations under the Public Procurement Code,

which equates them to public administrations. It has pointed out that professional associations, funded through private contributions, should not be subject to the same procurement regulations as public entities managing state funds. While the government has provided some clarifications on the financial management of local bar associations, bureaucratic constraints remain, particularly concerning staff hiring and consultancy contracts. These constraints may lead to excessive oversight by administrative and judicial bodies, potentially limiting the independence of the legal profession.

- *Duration of Legal Proceedings and Judicial Efficiency.* Although there have been some improvements, Italy continues to record significantly longer trial durations compared to the European average, with first-instance civil proceedings lasting approximately 675 days. The CNF reiterates the urgency of strengthening judicial staff, both for judges and administrative personnel. It also acknowledges the adoption of alternative dispute resolution methods, while insisting on adequate guarantees to ensure that these mechanisms do not obstruct the fundamental right to a trial in court.

- *Access to Justice and Court Fees.* The CNF has engaged in discussions with the government regarding access to justice, particularly concerning court fees. It successfully advocated for amendments in the 2025 Budget Law to mitigate the risk of economic discrimination in accessing to justice. Ensuring that all citizens, regardless of financial means, can exercise their fundamental right to legal protection remains a top priority.

iv) Conclusions

The CNF acknowledges a moderate satisfaction with some recent reforms and legislative proposals, remaining vigilant in overseeing their implementation. With regard to deregulation trends, the CNF expresses concern about certain proposals, particularly those related to AI, emphasizing that its application in the legal profession must be strictly regulated.

On other matters, particularly in the field of economic reforms, the CNF awaits the European Commission's proposals on competitiveness before evaluating their potential impact on judicial systems.

Finally, I would like to reiterate my gratitude for this invitation. I firmly believe that European cooperation is a value to be protected and promoted, as it is essential to face the challenges that lie ahead for our continent.