INAUGURATION OF THE 2019 JUDICIAL YEAR

REPORT BY THE FIRST PRESIDENT OF THE COURT OF CASSATION ON THE STATE OF JUSTICE IN 2019

Rome, 31 January 2020

“ … in defence of everyone's freedom, and above all of the rights of the most vulnerable, all the social and political forces must jointly undertake... to have increasingly fair laws and a judiciary that for their humanity, moral rigour, professional expertise and impartiality of judgement are able to be the correct interpreters of those laws in the actual society. ... It is on them above all that I found my hopes for the future of the administration of justice in our Country".

VITTORIO BACHELET

(Interview in the newspaper *Il Mattino* of 30 July1979)

Mr. President of the Republic,

I wish to thank you for honoring with your presence this General Assembly of the Court of Cassation, convened here today for the inauguration of the 2020 judicial year.

My thanks also go to all the religious, civil and military Authorities and the Guests present at this ceremony which every year offers us an opportunity for discussion and debate over the state of our Italian justice and, in particular, on the role that the Court of Cassation plays within it.

The Court of Cassation, last year, taking part in the autumn edition of the Italian Environmental Fund – FAI[1]*, opened its doors to the public. Those visiting the Court's building had the possibility to enjoy the vast historical, artistic and cultural heritage inside the Palace of Justice and also to see the Institution directly. Indeed, despite its solemn appearance, the Court, is open to accept readily submissions from any citizen and to exercise its role of highest jurisdiction at the service of the community. It is with the same objective of participation that, also this year, a group of students from a Rome high school is present at this ceremony. They will witness directly an important institutional celebration and, I hope, will understand the high significance of it.*

This occasion is all the more important because it comes shortly after the Holocaust Memorial Day, which has been honoured with intense participation by the entire community.

At the very end of 2019, the President of the Constitutional Court, Giorgio Lattanzi, concluded his mandate and Professor Marta Cartabia was appointed as the new President. I wish to express to her my sincere best wishes for her high office and to Mr. Lattanzi my personal thanks, and those of the Court of Cassation, for his work in performing his mandate.

I want to add my greetings and best wishes to President Stefano Petitti who has been elected at the Constitutional Court[2] *and welcome Giovanni Salvito, who has recently been appointed Counsel General at the Court of Cassation*[3] *and who is taking part at this inauguration ceremony in such capacity.*

Lastly, my warm thanks go to the judiciary, lawyers, and administrative staff, all those who work in the field of justice, fully committed to ensuring the correct functioning of the entire justice system.

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[1] Fondo Ambiente Italiano

[2] Corte Costituzionale

[3] Procuratore generale presso la Corte di cassazione

REPORT

§ 1. Next 12 February marks the fortieth anniversary of the death of Vittorio Bachelet, Vice President of the High Council of the Judiciary[1], who was brutally murdered by terrorists. The three years of his appointment – and in particular the first months of 1980 - were marred by tragic events that marked the life of our Nation and which on several occasions attacked directly the Judiciary. I wish to pay tribute to Him and ideally also to all the members of the judiciary and the women and men who fell victim to terrorism and organized crime in the performance of their institutional and operational duties.

Today I would like to remember Vittorio Bachelet as not only a jurist, a politician and a scholar, but also - and above all - as a man of the Institutions. In his role as Vice President of the High Council, he succeeded in making the dialectics between different views become an opportunity for a loyal exchange of opinions and proposals. Encouraging an open and transparent dialogue among the members of the High Council, he gave an exemplary image of unity of that self-governing body. In those difficult times, the whole judiciary gained unanimous prestige within the entire society, which saw in the activity of judges and prosecutors the strength of their fight against terrorism and of their vital support to the image of the State. Vittorio Bachelet, in other words, through his action succeeded in interpreting - in its real essence - the concept of autonomy and independent exercise of justice, and conveyed to the outside world the message of a sound democratic State and sound institutions.

§ 2. Today, forty years later, from the message He transmitted we take the necessary energy and nourishment to deal with the crisis that the High Council of the Judiciary went through last year. The view of an instrumental attempt to steer the High Council's activity towards factional purposes has had a great impact on public opinion and has also undermined the confidence that the members of the judiciary themselves place in the correct exercise of functions by their autonomous governing body.

My personal beliefs, as well as my quality of member of right of the High Council of the Judiciary and of President of the Court of Cassation, require me to oppose strongly any contamination of this Institution. The High Council of the Judiciary's image and moral integrity must be safeguarded, and its fundamental role in the constitutional framework of the Nation must be strongly reaffirmed.

Title IV of our Constitution provides that the judiciary be an autonomous power, independent of any other power of the State. This solemn declaration constitutes the

[1] Consiglio Superiore della Magistratura

institutional foundation of the judiciary's impartiality and, at the same time, the instrument that legitimises its role as guarantor of the citizens' rights. The High Council of the Judiciary – which is a collegiate and elective body chaired by the President of the Republic - is given the task by the Constitution to ensure the free exercise of jurisdiction and to regulate the activities of judges and public prosecutors.

The exercise of this function is the dialectic result of the variety of cultures and knowledge of the members of that collegiate body, given that some are elected by the judiciary while others by Parliament, and therefore they come from diverse areas of legal practice. The Constitution, in considering positively the debate between the judiciary and politics - as a synthesis of experiences - sets the natural forum for that debate within the High Council of the Judiciary. Hence, it is in this natural forum that the lay members of the High Council and those from the judiciary - protected by the prerogatives given to them by the Constitution and the law - have to discuss together and decide freely the measures affecting the status of the judiciary, the changes of their assignments, or their appointment to managerial positions. At the same time, they have to comply scrupulously with the legal, regulatory and procedural provisions governing their institutional activity.

My personal wish is that the disorientation caused by last year's crisis will raise the awareness of everyone over the risk of delegitimising the High Council of the Judiciary. At the same time, I also hope that such awareness be a strong deterrent to any future behaviour in violation of the High Council's fundamental deontological rules.

Mister President of the Republic, the entire judiciary looks at you with renewed confidence and thanks you for the firmness and determination with which you intervened to bring the High Council of the Judiciary's activity back to its institutional normality, to impose its correct functioning and to remove from it any negative image. Your words at the High Council's session of 21 June 2019 are not only an admonition, but also a moral support and encouragement for those who believe firmly in the constitutional function of that self-governing body.

§ 3. Over the past year, there has been an intensified debate on the reform of the statute of limitations in criminal matters introduced by Law No. 3 of 2019. Many noted that the freezing of the limitation period would extend the length of criminal proceedings and further increase the courts' workload. In this way, an accused could remain in this position for a long time after the first instance judgment. The victim of a crime could face an extension of the time necessary to obtain justice and compensation for the damage suffered. It would therefore be desirable that concrete

legislative measures be put in place to speed up proceedings, because there is a firm belief that it is the very structure of criminal proceedings that causes an excessive length of trials.

It is necessary, however, to adopt concrete measures to accelerate the proceedings not only after the first instance phase - which is now no longer covered by the statute of limitations - but also in the preceding phase – especially during the preliminary investigation and hearing – where there are the main shortcomings which determine longer procedures and the accrual of the limitation period.

To date, that is, at a time when the new legislation on the suspension of the limitation period after the first instance judgment has not yet had an impact, it is useful to highlight what consequences this innovation could have on the rulings of the Supreme Court of Cassation once the reform is fully implemented. In addition to a desirable reduction in the number of pending cases at appeal level - resulting from the expected decrease in exclusively dilatory appeals - the workload of the Court of Cassation is expected to increase by about 20,000-25,000 cases per year, which corresponds to the average number of proceedings that in recent years has become statute barred at appellate level. This would result in a significant increase in the criminal workload (by almost 50%) which could be difficult to deal with in a timely manner, despite the efficiency of the Criminal Sections of the Supreme Court of Cassation.

It is therefore essential to study and implement the most appropriate legislative, structural and organizational solutions in order to avoid the crisis that could likely arise in the Court of Cassation's activity.

Last year, after a rapid parliamentary debate, Law No. 69 - known as the Red Code[2]- was passed. This law, on the protection of victims of domestic and gender-based violence, has introduced new criminal offences into the Criminal Code, with the aim of increasing the protection of vulnerable persons who are victim of violent acts. Just as crucial are the procedural provisions aimed at accelerating and facilitating the intervention of the investigation authorities. In this regard, however, it is important to point out the fundamental fact that any intervention in support of a victim must involve not only the judicial authorities, but also the public (social services), private (voluntary non-profit associations) and health structures, based on a model of intervention for which it will be necessary to identify a credible coordination entity.

[2] Codice rosso

§ 4. A particularly delicate issue is that of the legislative reforms, called for by several parties, aimed at regulating the activity of the High Council of the Judiciary, especially with regard to the reform of its electoral system.

From a general point of view, it should be noted that if a "reform" of the High Council of the Judiciary is to be achieved, in the sense of recovering within it a shared ethics, alien to individualism and interests that are distant from the proper functioning of justice, such a reform cannot come from changes in its electoral system. Apart from this issue - the solution of which is in any case in the hands of the lawmakers - all the negative situations caused by the conducts of some individual can be overcome giving to the High Council's decisions the maximum transparency. And this can only be achieved by avoiding any external influences and forms of lobbying, supporting debate *within* the Plenum, while complying with the procedures and rules of conduct that the High Council has given itself.

§ 5. The data provided by the Directorate-General of Statistics of the Ministry of Justice show, at national level and therefore for all the judicial offices throughout the country, a decrease in the number of new cases, which is slight in the civil sector (-1.4%) and more marked in the criminal sector (-2.6%).

There have been many legislative reforms in the civil and criminal field over the past few years, albeit at a sectoral level. Indeed, the last systematic interventions date back to the nineties of the past century, in spite of the fact that the persistence of a critical situation would require a correction of perspective. We have seen, in fact, that when efficient tools for an out-of-court settlement of civil litigations and containment of criminal sanctions have been adopted, there has been a reduced number of cases brought before the courts. This has resulted in an increase in the speed and quality of the response of justice, as well as a more appropriate use of the courts: less congested with trivial cases and more active in solving cases concerning the protection of the primary rights of individuals.

These considerations, on the one hand, urge us to foster legislative initiatives aimed at creating preventive instruments to deflate civil and criminal proceedings; on the other hand, they require judges to perform their functions in line with criteria that are increasingly tailored to the needs of a modern society, which takes into consideration security issues as well as the well-being of individuals and the community.

There is a need for such a renovated efficiency, especially at a time when the judicial system is required to settle disputes that are likely to have an impact on

important needs of the community, within the economy and primary sectors such as the protection of the environment, land and health.

In the criminal field, the commitment to combat criminal associations, which threaten to extend their pervasive action to increasingly greater portions of the national territory, remains constant and topical. The activities of the criminal associations are progressively evolving and no longer tied to the traditional forms of mafia-type associations. They also develop in new territorial environments that derive their image from those traditional models of organized crime, thus polluting the entire socio-economic system.

The judiciary, therefore, is required to carry out their duties not only with a general, but also with a sector-specific expertise. They must be increasingly in contact with the real problems arising from the present society.

Therefore, it is against this background that we must read the data that, from a statistical and evaluative point of view, can be derived from those on the performance of justice in 2019.

§ 6. The total number of *civil proceedings* pending in all courts as of 30 June 2019 was 4.80% lower than on 30 June 2018. This number is decreasing steadily every year.

The 2018-2019 period recorded a virtually stable number of new cases before the Justice of the Peace[3] and a reduction before the Courts[4] (-1.7%) and the Courts of Appea[5]l (-8.3%). Instead the percentage of applications for cassation[6] increased sharply (+12.2%).

These data, however, require a clarification: while the reduction of the courts of first instance is real, the one of the courts of appeal is essentially due to the transfer to the Supreme Court of Cassation of the appeals concerning international protection. In fact, following Decree-Law no. 13 of 17 February 2017, those appeals, which were previously distributed among the various Courts of Appeal, have all gone to the Supreme Court of Cassation, thus causing a supplementary heavy burden on the Court's activity.

At the national level, however, the overall figures for civil proceedings are decreasing. The number of pending proceedings as of 30 June 2019 dropped by 4.8% in comparison with 30 June 2018. This seems to be the result of the combined effect of the general reduction in the number of new cases and the increase in the number of

[3] Giudice di Pace
[4] Tribunale
[5] Corte d'appello
[6] Ricorsi per cassazione

completed cases in some specific fields, with a prevalence of completed cases over new ones, so that the ratio between the two figures has remained in favour of the completed ones.

The combination of these data indicates that the length of court proceedings in 2019 has been reduced further, albeit insufficiently with respect to the standards of the European Court of Human Rights on the right to a fair trial, and also to the expectations of the business world, which calls for a civil justice system capable of resolving litigations rapidly and giving certainty to the legal interactions of individuals.

§ 7. The Ministry of Justice data show, at national level, an overall (prosecution and trial) reduction in the number of *criminal proceedings* against known defendants. As of 30 June 2019, the number of pending trials is 4,0% less than on 30 June 2018. Over the same period there has also been a reduction in the number of new proceedings (-2,6%), and also in that of completed cases (-4,1%).

The data of completed cases at court level (sitting as a single-judge or a panel) show that alternative modes of trial are not very popular. The reason for their lack of success lies in part in the length of time of criminal proceedings and in the consequent prospect of the expiry of the limitation period. Alternative modes of trial mainly concern defendants held in prison custody or subjected to a precautionary measure. This is because it is generally unlikely that their proceedings will take so long as to exceed the limitation period. In addition, a negative effect on the choice of alternative modes of trial comes from the widely diffused procedure characterised by the absence of the accused at the trial. Not surprisingly, in the judicial systems where such simplified procedures are more widespread, it is required that the defendant be present at the trial, and such presence is also required in order to ensure that he or she is actually aware of the charges brought against him or her.

§ 8. At the end of 2019, there were 9,008 judges and prosecutors working in the ordinary courts. There was 9.83% of uncovered staff, equally distributed between judges (-9.74%) and prosecutors (-10.01%). As regards gender representation, women are slightly more (54%).

There are 3,326 honorary judges: 1,211 of which are Justices of the Peace and 2,115 honorary judges at the Courts. In addition, there are 342 auxiliary judges at the Courts of Appeal and 1,762 deputy honorary prosecutors, as well as 18 recently appointed auxiliary justices assigned to the Tax Section of the Court of Cassation.

2018 ended with an increase of 600 units in the number of staff of the judiciary, and the Minister of Justice has been consequently authorised to launch the relevant competitive examinations for the recruitment of 200 new units per year, over the 2019-

2021 three-year period. The initial allocation of the new staff was made by the Ministerial Decree of 17 April 2019, which provides for an increase in the number of judges at the Court of Cassation and at the Court's Counsel General's Office[7]. The final allocation of the judges and prosecutors at the various judicial offices is in progress.

Budget Law no. 160 of 27 December 2019, in Article 1, paragraph 432, has amended entirely the second chapter (Articles 4-8) of Law no. 48 of 13 February 2001, which staffed which each court of appeal with a number of judges and prosecutors who were specifically intended to replace their colleagues – except those in charge of executive and semi-directive functions - absent from service. The new provision aims at overcoming the limits of the previous system. So, it provides that at each court of appeal there be a *flexible staff* of judges and prosecutors who are not only meant to replace their absent colleagues, but can also be appointed at the courts in the relevant district "that are in critical working conditions".

The number of administrative judicial staff suffers a -22.82% lack of personnel (43.304 units on paper against only 33.423 filled ones). The average age of administrative personnel is still high (54), although there is a slight improvement compared to 2018 (54.28), following the recruitment of 625 new units of assistant court clerks[8] and court officials[9]from younger generations. However, the new recruitment has not solved this problem, which will only worsen with the forthcoming retirements of present staff who are increasingly reaching retirement age. Consequently, it is necessary to rely on the recruitment of 2nd and 3rd-area administrative judicial personnel that has already been successfully selected, and then to launch, from November 2019, new competitive selections for the recruitment of about 5,000 new units of personnel.

§ 9. As far as the Court of Cassation is concerned, in 2019 the civil sector had an increase of 3.7% in the number of new cases, a slight increase (+1.86%) in the number of completed cases and a 5.4% increase in the overall amount of pending cases. The trend of the new cases, which remained stable in the years from 2014 to 2017, rose sharply in 2018 (+21.7%) and 2019 (+3.7%).

The significant increase in the number of new civil cases in 2018 and, even more in 2019, is due to the dramatic increase in international protection cases, given that the relevant administrative decisions can only be appealed before the Court of Cassation.

The annual number of applications for cassation in international protection cases has increased, in just four years, from 374 in 2016 to 10,341 in 2019 and has caused a considerable

[7] Procura generale della Corte
[8] Assistenti giudiziari
[9] Funzionari giudiziari

worsening of the workload of the First Civil Section of the Court, which is competent for dealing with them. Despite providing supporting measures, due to the rapid growth of the First Section's backlog and the need to deal rapidly with the cases, the First President of the Court, as of 1 July 2019, has ordered to rotate - on a quarterly basis - the assignment of the cases also among the other Civil Sections, except the Tax Section Moreover, given that the law provides that the justices of the Court be field-specialized and that there be a uniform field-nomophilacy, this organizational measure has been accompanied by the creation of a special coordination unit in order to set uniform jurisprudential criteria and overcome jurisprudential conflicts. At the conclusion of the first phase of this new organisation and after having reassessed the number of justices per Section - consequent to the increase in their overall number at the Court of Cassation - it will be possible to adopt new organisational measures when assessing the Sections' field-specialisation and staff required for the 2020-2022 period.

In any case, there have been positive results in another field of the civil sector of the Court of Cassation. Indeed, a huge investment in terms of staff and equipment in the Fifth Civil Section (taxation) enabled it to reach positive results in all of its components as of 31 December 2019. Last year had a marked reduction in the number of new applications for cassation, as a result of many out-of-court settlement procedures launched by the Ministry of Finance. The support measures – at legal, administrative and organization level - adopted since 2017, together with the diligence of the Section's justices and court staff, allowed the Section to complete over eleven thousand cases in 2019: an unprecedented achievement in the history of a civil section of the Court of Cassation.

The reduction of new cases in parallel to the increase of completed ones has entailed a marked improvement in the turnover index. In 2019, the number of completed cases (11,457) has been higher than that of new cases (9,537) and, for the first time in the Tax Section's life (i.e. since 1999, when it was established) pending cases in tax matters have significantly diminished (-3.56%).

The new decision-making procedure for the applications for cassation, introduced by Law No. 197 of 2017, has been applied extensively. This procedure, without altering the quality of the *audi alteram partem* rule and the right of access to the Court, has moved in the direction of optimizing the decision-making activity. It has elevated the order in chambers[10] to the ordinary form of decision in civil proceedings and has limited the decisions in a public hearing only to cases of significant nomophilactic relevance.

[10] Ordinanza in camera di consiglio

§ 10. In the criminal sector, in 2019 the number of cases fell by 2.2% compared to the previous year (50,810 cases, compared to 51,956), thus confirming the trend observed in 2018, which had seen a reduction of over 8% in new cases.

Despite the reduction in the number of cases, the work of the Criminal Sections remained unchanged. Actually, it had a positive turnover index which, also in 2019, was over 100%. In fact, every 100 new cases entered in the criminal register, there were almost 102 cases completed. Consequently, the number of pending cases decreased further (-4.14%), thus remaining for each Section within physiological limits.

The Court of Cassation can proudly say that in 2019 the criminal cases were decided in an average time of only 167 days, which is 13 days less than in 2018, and very few cases became statute barred while pending before the Court of Cassation.

§ 11. The Court of Cassation, now has a greater number of justices thanks to the increase provided by the decree of 17 April 2019. Thus, Law No. 145 of 2018 increased the number of members of the Judiciary by 600 units. 52 of them were assigned to the Court of Cassation, which thus increased the number of its justices from 308 to 356 and that of its Presidents of Chambers from 55 to 59. The recruitment of the new staff - at present only theoretical - has just been started by the High Council of the Judiciary, which is carrying out the procedures for the selection and allocation of the new justices.

However, the increase in the number of staff would be pointless if the performance of the tasks and institutional responsibilities of the Court of Cassation were not organised rationally through internal procedures and services, the management of which depends on the respective work of the judiciary and administrative staff.

The increase in the functionality of the Court is even more necessary now that the international context moves all jurisdictions to interact with one another. Courts are increasingly interested in supranational sources of law and therefore tend to cooperate mutually and to link up in Judicial Networks relating to specific legal domains, such as those of the European Court of Justice and the European Court of Human Rights.

Actually, there is a tendency, in the normal course of legal interrelations, to developing a case-law characterized by principles based on a supranational nomophilacy. Indeed, the European legal systems themselves provide the judges and the Courts with suitable instruments of interconnection. This is not only the case of the referrals to the European Court of Justice for a preliminary ruling, but also that of the preliminary questions to the European Court of Human Rights, established by Protocol No. 16 to the ECHR. If Italy ratifies this Protocol (and Protocol No. 15 which is linked

to it) – in relation to which a number of bills are pending in Parliament - the Court of Cassation, as well as the other national Supreme Courts, will be able to submit preliminary questions to the Strasbourg Court on the correct interpretation of the provisions of the Convention, before deciding issues which could potentially be in conflict with the Convention. The expected non-binding nature of the responses will exclude any automatism and will certainly increase the degree of awareness on the decisions taken.

12. The rationalisation and adaptation of working methods are therefore becoming part of the very culture of the decision-making process. The increase in the number of decisions, however, cannot be an absolute objective, since the Court of Cassation must, as a primary function, issue rulings that, with their convincing reasoning and authority, have an impact on the courts of merits and the public.

With reference to the most important rulings of 2019 in the civil sector, we must mention judgment No. 12193 by which the United Civil Sections, in relation to same-sex parents, examined the issue of a child born of a surrogate mother. The United Civil Sections ruled that the recognition of the enforceability of a foreign court order establishing the parentage relationship between a child born abroad of a surrogate mother and the parent of intent with Italian citizenship is precluded by the prohibition of maternity surrogacy provided by Article 12, para. 6, of Law No. 40 of 2004, which qualifies as being a principle of public order, since it protects fundamental values, such as the dignity of a pregnant woman.

By judgment No. 13000, the First Civil Section examined some important issues of bioethics and balance between the technological progress and the respect for the fundamental principles. It ruled that, also a child born through a medically assisted homologous posthumous conception, using the cryopreserved semen of the father who died before the formation of the embryo, can be given the legal status of child of that father, provided that the latter, while alive, consented together with his wife or partner to post-death use of these techniques.

An issue examined in 2019 was that of the determination of the divorce allowance. The United Civil Sections, in Judgment No.18287 of 2018, stated that, among the criteria to be taken into account in determining the divorce allowance is the applicant's inability to live autonomously and in dignity, as well as the need to compensate for their specific contribution to the formation of the family's or other spouse's assets during their married life. In judgment 21234 the United Civil Sections also highlighted that the financial disparity between the spouses and the high income of the ex-spouse are not, on their own, relevant for the determination of the divorce allowance, since the income disparity is irrelevant in itself with regard to the determination of the allowance.

On the subject of fundamental rights, the United Civil Sections underlined that compensation cases for damages caused by the evocation in the press of past events involving the applicant implied taking into account conflicting interests: on the one hand, the right of the public to be informed and, on the other hand, the right of the individual to be forgotten. In judgment No. 19681, the United Civil

Sections stated that the historical evocation of past events corresponds to a free editorial decision, but at the same time the court has to evaluate the existence of a concrete and actual public interest in identifying the persons who were at the centre of those events. Such a reference is lawful only if it refers to people who are still in the public eye. Otherwise, the right of the persons concerned not to be identified personally prevails.

In the criminal area, is worth mentioning judgment No. 30475 of 2019 by the United Sections on cannabis sativa. This judgment came after differing interpretations had been given on the scope of application of Law No. 242 of 2 December 2016, which qualified as lawful the cultivation of hemp of the varieties listed in the Common Catalogue of Agricultural Plant Species. The judgment of the United Sections stated that the transfer, the sale and, in general, the marketing of derivatives of cannabis sativa L - such as leaves, inflorescences, oil and resin - constitute the criminal offence provided for in Article 73 of Presidential Decree No. 309 of 9 October 1990, even if the THC content is lower than the amounts indicated in Article 4, paragraphs 5 and 7, of Law No. 242 of 2 December 2016, except when the derivatives are, in fact, devoid of any doping or psychotropic effect, according to the principle of the offensiveness.

Also judgment No. 51 of 2020 (decided at the public hearing of 4 December 2019) on phone-tapping deserves being mentioned. It concerns the prohibition to use phone tap evidence in proceedings other than the one for which they had been ordered. In this judgment, the United Criminal Sections ruled that the prohibition does not apply to the criminal offences that, as per Article 12 of the code of criminal procedure, are connected to those in respect of which the phone tapping had originally been ordered

In order that a case be considered concluded, it is not only necessary that the relevant order or judgment be filed by the justices, but also that some administrative procedures be performed by duly qualified administrative court staff. Unfortunately, the constant understaffing of such personnel entails that the available administrative staff is unable to complete those procedures in due time, and consequently the publication of orders or judgments is belated. To remedy this further critical situation the Court's Administrative Management has successfully monitored and moved staff.

What has proved an essential objective is that of achieving an increasing computerisation of the Court's administrative services and of the Supreme Court of Cassation's proceedings. The system –which entered into force on 15 February 2016 - of mailing of the communications of the Court's Registry by certified electronic mail has now achieved such a high level of efficiency that the postponement of cases to a new date due to failed service of notices of hearing is virtually occasional.

§ 13. Mr President, the considerations made so far are not only a summary of the work carried out by the judicial structures during the past year, but also highlight the critical moments that court professionals usually encounter in their daily work.

Overcoming these moments inevitably requires new legislative instruments, additional resources and good administrative structures. A common interest in the proper functioning of justice also requires everyone - the judiciary, lawyers, representatives of the civil society - to engage in a serene dialogue and mutual cooperation in the pursuit of this objective.

The Court of Cassation, for its part, puts forth every day its best resources and, thanks also to the cooperation of the other Jurisdictions, the Bar, the Counsel General's Office and the Institutions as a whole, tenaciously pursues the task that the law requires from it in order to ensure the correct interpretation of the law. The effort that the justices of the Court and all its staff make is (and always will be) that of fulfilling this task in the best possible way every day, in order to enable the Court to provide the whole community with an increasingly improved justice.

This is the aim of the whole judiciary, of the judges and prosecutors who, for their humanity, moral rigour, professional ability, and impartiality of judgment are capable of being good interpreters of the law. Recalling again Vittorio Bachelet's statement, it is on them above all that are founded the "hopes for the future of the administration of justice in our Country".

Thank you.