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If my claim (from another country) is to be considered in this country

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Italy



Italy

Which authority decides on a claim for compensation in cross-border cases?

The Committee for the Support of Victims of Mafia-style Crime and Intentional Violent Crime (*Comitato di Solidarietà per le vittime dei reati di tipo mafioso e dei reati intenzionali violenti*), which is attached to the Ministry of the Interior (Via Cavour n. 6; certified e-mail ('PEC') address: protocollovittimemafia@pecdici.interno.it). The Committee is made up of the Commissioner (*Commissario*), in the chair, sitting with one representative of the Ministry of the Interior, two representatives of the Ministry of Justice, one representative of the Ministry of Economic Development, one representative of the Ministry of Economic Affairs and Finance, one representative of the Ministry of Employment, Health and Social Policies, and one non-voting representative of the public insurance services corporation CONSAP, which is responsible for the financial management of the relevant fund.

Applications to access the fund have to be submitted, for investigation, to the Prefecture/Territorial Office of the Government (*Prefettura Ufficio territoriale del Governo*) for one of the following places: the place where the court that issued the conviction for one of the offences referred to in Article 11 of Law No 122/2016 sits; or the place of residence of the interested party, or of the other entitled persons if the victim of the offence has died; or the place of residence of the special representative (*procuratore speciale*) representing the victim or other entitled persons if they are Italian citizens or EU citizens not residing in Italy.

The actual decision on the application rests with the Committee.

The prerequisites for accessing the fund, and the application form, can be found on the following page on the Ministry of the Interior's website:

https://www.giustizia.it/giustizia/it/mg_2_10_6.page

Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

Yes, although going through the assisting authority can be useful in order to have the application and any other documentation translated.

In which language(s) do the compensation authorities(s) accept the:

- claim?
- supporting documents?

In Italian.

If the compensation authority translates the claim/supporting documents from another EU country, who pays for this?

No costs are borne by the applicant.

Are there administrative or other charges to be paid in this country for processing my claim (received from another EU country)? If so, how can I pay these?

No.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How can I claim them? Who do I have to contact?

There is no need to be present, as there are no adversarial hearings; if you wish to submit further observations or documentation, you can send them by certified e-mail or through the assisting authority.

Decree No 222/2008, Article 6: 'Hearing of the applicant requested by the Italian deciding authority

'1. If the Italian deciding authority decides to hear the applicant or any other person under [Article 2\(3\)](#) of the Legislative Decree, it shall send the request to the assisting authority in the other Member State, following the procedures indicated in [Article 3\(2\)](#) of this Regulation. The request must contain information on the procedural formalities laid down by Italian law, and must ask the assisting authority in the other Member State which has received the application to inform the person to be heard of those formalities.

'2. If the Italian deciding authority asks the assisting authority in the other Member State to hear the applicant or any other person in accordance with the laws of that Member State, under the final part of [Article 2\(3\)](#) of the Legislative Decree, it shall send the request following the procedures indicated in [Article 3\(2\)](#) of this Regulation.'

Is an interpreter provided, in case I have to be personally present?

Please see the answer to the previous question.

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

They will be recognised, provided that they are received in Italian or English. No specific assessments need to be carried out by domestic doctors.

Will I be reimbursed for my travelling costs, if I have to undergo a medical examination in this country?

No medical examinations need to be carried out; instead, you will have to submit the relevant medical documentation and the invoices for the medical costs you have incurred.

How long does it take approximately to get a decision on compensation from the authority/body?

The current rule is 60 days from receipt of the application. However, it should be borne in mind that the proceedings will be suspended if the deciding authority calls for any other documents or information (Article 10-

bis of Law No 241/90).

In which language will I receive the decision on my claim?

In Italian.

If I am not satisfied with the decision, how can I challenge it?

By bringing an action to the ordinary court (*tribunale*).

Can I get legal aid (help from a lawyer) under the other country's rules?

No.

Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

Not to the knowledge of the office supplying this information.

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