

Specialised courts - Italy



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This section provides you with information on the organisation of specialised courts in Italy.

Specialised courts

Article 102 of the **Constitution** prohibits the establishment of new 'extraordinary or special' courts. **Within the ordinary courts, however, divisions** may be set up specialising in particular classes of subjectmatter, with judges of that court assisted by citizens who are not professional judges (an agricultural division, for example).

Article 103 of the Constitution also makes provision for a number of special courts, including administrative courts, the Court of Auditors and military courts, which were already in existence before the Constitution came into force.

Military courts (*tribunali militari*), which have jurisdiction to try military crimes committed by members of the armed forces, are separate from the ordinary courts, and are administered by their own selfgovernment body, the High Council of the Military Judiciary (*Consiglio Superiore della Magistratura Militare*).

Administrative courts

The administrative courts deal with disputes between private parties and public authorities regarding decisions taken by public administration.

The administrative courts consider whether an administrative measure was properly taken; they are not concerned with the advisability of the measure. An application to an administrative court asks the court to annul an administrative measure on the grounds that it is defective for lack of authority (*incompetenza*), infringement of the law (*violazione di legge*), or misuse of powers (*abuso di potere*).

As a general rule, the test that distinguishes the jurisdiction of the ordinary courts and the jurisdiction of the administrative courts is the nature of the injury claimed, namely whether the administrative measure infringes a right (*diritto soggettivo*) or only a legitimate interest (*interesse legittimo*): the administrative courts hear cases involving legitimate interests, though there are also some other areas where they have exclusive jurisdiction.

The selfgovernment body of the administrative courts is the Presiding Council of of the Administrative Judiciary (*Consiglio di Presidenza della Magistratura Amministrativa*).

- The **regional administrative courts** (*tribunali amministrativi regionali*) are courts of first instance;
- the **Council of State** (*Consiglio di Stato*) is a court of appeal.

The Court of Auditors and the tax tribunals have jurisdiction in administrative cases in particular subject areas.

The **Court of Auditors** (*Corte dei Conti*) consists of judges and prosecutors who are specialised in accountancy. Investigations are conducted by an Office of the ProsecutorGeneral (*Ufficio del procuratore generale*) attached to the court. Following a recent reform, the Court now has independent regional divisions (*sezioni regionali*) performing adjudication and audit functions in their own areas.

The selfgovernment body of the Court is the Presiding Council (*Consiglio di Presidenza*).

The Court of Auditors has power to:

- vet in advance the consistency with the law of a wide range of measures taken by the government and other public bodies

- review the financial management and assets of public administrations
- adjudicate on questions relating to public accounts, pensions, and the liability of public servants.

Tax tribunals (*commissioni tributarie*) have jurisdiction in tax matters.

Legal databases

On the website of the [military courts](#), you can find historical notes and information on proceedings. The main historic war crimes trials are also published there.

The website of the [regional administrative courts and the Council of State](#) offers free access to the schedule of hearings and the full text of judgments and orders in disputes between public authorities and private parties regarding measures taken by public administration.

For data protection reasons, research in pending proceedings is subject to certain restrictions.

The main decisions and judgments of the Court of Auditors are published on its website, and can be consulted free of charge.

The Court of Auditors website also serves as a portal for the regional divisions of the Court, and provides extensive information on their role and operation.

Name and URL of the database

- [Military courts section of the website of the Ministry of Defence](#)
- [Website of the administrative courts](#)

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