



בית המשפט העליון
THE SUPREME COURT OF ISRAEL

JUSTICE DAPHNE BARAK-EREZ

השופטת דפנה ברק-ארז

December 1, 2021

Ms. Marie Lanore
Council of State
France

Re: **AIHJA Exchange Program at the Italian Council of State: Report
of Justice Daphne Barak-Erez (Israel), November 2021**

I am delighted to submit my report addressing my visit and internship at the Italian Council of State during the first two weeks of November 2021.

I would like to start by saying that I found this visit enormously enriching and helpful. It was highly interesting to be exposed to judicial work focused on public administration shaped by a legal tradition different from that of my own system (which is highly influenced by the UK in this area). At the same time, it was enriching to identify similarities in approaches and dilemmas.

The visit was organized and closely followed by Mr. Marcello Apicella, the diplomatic advisor to the President of the Council of State, and it certainly was inspired by his rich professional and international experience.

May I add that I also got an office at the building of Council of State, in a manner that made my daily visit convenient and supported by all the necessary conditions for writing, reading and engaging with people.

The visit included the following elements:



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Lectures/Presentations addressing the Legal and Constitutional Foundations of the System

1. Meeting with the President of the Council of State, Mr Filippo Patroni Griffi.
2. Lecture by Councillor Francesco Gambato Spisani.
3. Lecture by Councillor Nicola Fenicia.
4. Lecture by Councillor Dario Simeoli (focusing on remedies).
5. Discussion meeting with Councillor Luca Lamberti.
6. Lecture by Councillor Rosa Perna (from the tribunal of first instance, focusing on the operation of that tribunal).

These lectures and meetings covered both the special history of the Council of State and its current powers and organization. They included introduction to relevant provisions of the Italian Constitution, as well as to the Code of Administrative Procedure (I was provided by relevant materials in English, as well as with Power Point presentations in English).

Hearings

During the visit I attended several hearings and for this purpose I was offered preparatory meetings with judges who were on the relevant panels. The issues dealt with in these hearings varied and included building matters, compensation afforded to infringed parties, and covid-19 related matters (mandatory vaccination for employees in the health system).



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In total, I attended hearings in three of the chambers, in a manner that enabled me to be learn about different subject matters.

Chamber for Regulatory Acts

Chamber IV (judicial functions)

Chamber III (judicial functions)

Before and after the hearings I attended I had the opportunity to meet with:

Mr Luigi Carbone, President of Chamber for Regulatory Acts

Councillor Marina Perrelli (Chamber for Regulatory Acts)

Mr Franco Frattini, President of Chamber of the Council of State (Chamber III)

Councillors Nocelli and Tulumello (Chamber III)

Mr Raffaele Greco, President of the Chamber of the Council of State (Chamber IV)

Councillor Silvia Martino (Chamber IV)

Judicial Administration

The visit included explanations and background information about administrative and semi-administrative aspects of the work of the Council of State.

1. Lecture and presentation concerning the IT services

This presentation was delivered by a team led by Councillor Italo Volpe and Councillor Laure Patelli.

This part of the visit was extremely interesting because it presented the shift to a completely paperless system of administrative justice since 2017 (first in Europe).

2. Lecture on the functioning the Judiciary Council

This presentation was delivered by Councillor Daniele Dongiovanni. Its importance derives from the direct connection between the work of the council and the regulation of judicial independence.



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Visits and Meetings in other Courts and Tribunals

1. Visit at the Regional Administrative Tribunal, Lazio (administrative court of first instance), including meeting with Mr. Savo Amodio, the President of the tribunal.

2. Visit at the Constitutional Court

Meeting the President of the court, Judge Giancarlo Corraggio

Meeting with Judge Francesco Vignano of the Constitutional Court

Meeting with the Minister of Justice, former President of the Constitutional Court, Prof. Marta Cartabia.

Conclusion

As mentioned above, my visit included significant engagement with the various aspects of the administrative justice in Italy. I feel that it also gave me a perspective on administrative law in Europe in general.

I am thankful for this opportunity and would be delighted to engage in the future in more activities of judicial cooperation, including hosting such visits in my court, as I did in the past.

With best wishes,

Daphne Barak-Erez