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## ITALY

### **Service for Legal Affairs, Diplomatic Disputes and International Agreements**

Following the promulgation of Presidential Decree 2010/95, the Italian Ministry of Foreign Affairs has gone through a structural reorganization in order to be able to respond more effectively to the global challenges that the States are facing today.

The old separation between geographical (bilateral) and multilateral Departments has been replaced by wide "macro-area" Directorates-General.

One of the central elements of the reform was the creation of a new legal department, the Service for Legal Affairs, Diplomatic Disputes and International Agreements (SGCDT), led by a career diplomat, at Director General level. The new body was conceived as the main point of reference on juridical issues for the whole Ministry of Foreign Affairs' structure, providing for a unified guidance to the headquarters in Rome and the Italian diplomatic network worldwide.

The SGCDT has thus expanded its competence from international law only, (as it was in the old Legal Department, the "Contenzioso Diplomatico"), to new fields: it now oversees the tasks of juridical assistance providing advices on legal issues and legal support in both domestic and international disputes.

From an administrative point of view, the SGCDT is now a high level managerial structure, on a basis of parity with the other Directorates-General.

The Service is composed of diplomats, non-diplomat officers of the Ministry, Judges and a network of renowned academics.

The Service is organized into three offices:

#### **Office I – Diplomatic disputes, international law, assistance to Italian government agents to protect national interests in international courts**

- legal assistance for negotiation and the signing of international conventions and treaties;
- procedure for the ratification of international conventions and treaties entered into by Italy, as well as collecting and up-dating them;
- deposit and management of multilateral Conventions of which Italy is the depositary (the EU Institutional Treaties together with their successive amendments, the IDLO Agreement, the UNIDROIT Convention and others);
- collaboration with the Italian Government Agent to protect the rights and interests of Italy before international courts and tribunals, in liaison with the other government departments concerned. The office of the Italian Government Agent before the European Court of Human Rights is also located at the SGCDT;
- assistance to the organization of the Venice Commission's meetings in Italy;
- collaboration with Public Officials on the admissibility of Foreign Direct Investments from non-EU Countries on the basis of the principle of reciprocity;

**Office II – Defence of the Ministry in external disputes**

This office is organized as a working team offering guidance and legal assistance in several matters, such as civil law, private international law, administrative law, labour and contract law.

On the basis of the information provided by the relevant offices in the Ministry and abroad this office is responsible for the Administration's defence in lawsuits brought by external parties or in lawsuits brought by the Ministry of Foreign Affairs against external parties.

The officers represent the Ministry in domestic courts protecting the interests of the State in labour litigations, while in civil courts it draws on the assistance of the State General Attorney, working close with their central office in Rome.

It also offers assistance in any disputes abroad involving the interests of the Ministry of Foreign Affairs, with reference to state-owned real estate, negotiated settlements and arbitration, negotiation and litigation of contract disputes. In their capacity of legal advisors the officers provide guidance in the drafting, negotiation and application of contracts abroad.

**Office III – Legal advisory service**

- Advice on legal questions submitted by other offices and of interest to the Ministry; with a view to ensuring unified guidance;
- opinions, assistance in drafting public tenders and contractual instruments;
- collection, up-dating and consultation of legislative provisions and the decisions of the courts.