

November 2005

ITALY

(a)	Registration no.	I/1
(b)	Date	August 30, 1925
(c)	Author(ity)	Italian Government
(d)	Parties	
(e)	Points of law	The law provides the impossibility to carry out confiscations, distraints or executions over properties that belong to foreign States without the authorization of the Ministry of Justice
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette, January 25, 1925, no. 223
(h)	Additional information	See law July 15, 1926, no. 1263
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.1

It is not be possible to proceed to seizure or garnishment of, and to executive actions in general, on movables or immovable, ships, claims, stocks, valuables and whatever else a foreign State is entitled to possess without the authorisation of the Minister of Justice.

Proceedings underway cannot be continued without said authorisation.

The above provisions apply only to the States envisaging a reciprocity regime, declared by Ministerial decree.

Neither judicial remedy nor administrative claims can be filed against such decree, nor against those rejecting such authorisation.

(a)	Registration no.	I/2
(b)	Date	January 9, 1953
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Jugoslavia (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Jugoslavia with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette January 10, 1953, no. 7
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.2

The decree provides for a reciprocity regime between Italy and Yugoslavia, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

(a)	Registration no.	I/3
(b)	Date	June 30, 1958
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Great Britain (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Great Britain with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette July 4, 1958, no. 159
(h)	Additional information	
(i)	Full text – extracts – translation – summaries	Full text: Annex 1* Summary in English: Annex 2

I.3

The decree provides for a reciprocity regime between Italy and Great Britain, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

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(a)	Registration no.	I/4
(b)	Date	August 6, 1958
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Saudi Arabia (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Saudi Arabia with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette August 11, 1958, no. 193
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.4

The decree provides for a reciprocity regime between Italy and Saudi Arabia, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

(a)	Registration no.	I/5
(b)	Date	May 18, 1960
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Argentina (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Argentina with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette May 18, 1960, no. 121
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.5

The decree provides for a reciprocity regime between Italy and Argentina, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

(a)	Registration no.	I/6
(b)	Date	March 6, 1963
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Hungary (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Hungary with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette March 6, 1963, no. 63
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.6

The decree provides for a reciprocity regime between Italy and Hungary, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

(a)	Registration no.	l/7
(b)	Date	March 1, 1965
(c)	Author(ity)	Ministry of Justice
(d)	Parties	Italy (State)– Jugoslavia (State)
(e)	Points of law	The decree declares the existence of reciprocity between Italy and Jugoslavia with reference to decree-law August 30, 1925, no. 1621
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Official Gazette March 5, 1965, no. 57
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.7

The decree provides for a reciprocity regime between Italy and Yugoslavia, under article 1 of decree-law n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, as amended.

(a)	Registration no.	I/8
(b)	Date	February 2, 1971
(c)	Author(ity)	Tribunal of Livorno
(d)	Parties	Calli (natural person) vs. Government of the United States of America (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Giurisprudenza di merito, 1972, III, 24
(h)	Additional information	London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.8

According to a principle of international customary law, enshrined also in the London Convention of June 19, 1951, on the Status of Armed Forces of NATO Countries, immunity from civil jurisdiction should be recognised to a foreign country only in case it acts as a sovereign entity, and not in case it acts as a private body. This provision is aimed at guaranteeing that public functions of States are protected from interference.

(a)	Registration no.	I/9
(b)	Date	November 14, 1972
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Ditta Campione (body corporate) vs. Ditta Peti Nitrogenmuvék (body corporate) and Hungary (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1975, 238
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.9

According to one the commonly recognised international law rules (customary rules) enshrined in the Italian legal system under article 10 of the Italian Constitution, foreign countries are exempt from jurisdiction for those acts that are not governed by domestic law. In fact, States act in foreign territories, but as international law subjects, or they exercise the powers of a public authority in their own legal system and within their territory.

(a)	Registration no.	I/10
(b)	Date	November 7, 1973
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Comitato intergovernativo per le migrazioni europee (governmental body) vs. Chiti (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1976, 348
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.10

Immunity of foreign countries from civil jurisdiction does not cover private acts, i.e. acts expressing the sovereign power of an international law subject.

(a)	Registration no.	I/11
(b)	Date	November 23, 1974
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Luna (natural person) vs. Romania (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Italian Yearbook of International Law, 1976, 325
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.11

The Italian jurisdiction cannot apply when an employment relation is altogether alien to domestic legislation, in that it refers to activities a foreign country is carrying out in the exercise of the powers of a public authority, within its own legal system and within its territory, or even outside it, if the State acted as an international law subject. This principle is based on the generally recognised customary international law rule providing for the immunity from jurisdiction of foreign countries, enshrined in the Italian domestic law under article 10 of its Constitution.

(a)	Registration no.	I/12
(b)	Date	April 29, 1977
(c)	Author(ity)	Tribunal of Rome
(d)	Parties	Società immobiliare Corte Barchetto (body corporate) vs. Morocco (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1980-81, 222
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.12

On the basis of a generally recognised customary international law principle enshrined in the Italian domestic law, under article 10, paragraph 1, of the Constitution, foreign States are immune from civil jurisdiction only when, acting in their capacity as international law subjects or in the exercise of the powers of a public authority, perform acts aimed at attaining public goals. On the contrary, immunity cannot be applied when a foreign State acts outside its sovereign powers, as if it were a private citizen.

(a)	Registration no.	I/13
(b)	Date	July 5, 1979
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Castagna (natural person) vs. United States of America (State) and Delta Immobiliare (body corporate)
(e)	Points of law	The decision provides that, in the relationships between States Parties to the NATO Agreement, immunity from jurisdiction related to acts achieved in the territory of an host Country and referred to Member States of the Alliance or to specific bodies of the same Organization, is not regulated by customary law
(f)	Classification no.	0.b, 0.b.2, 1.c, 2.c
(g)	Source(s)	Diritto del lavoro, 1981, 129
(h)	Additional information	NATO Treaty (Washington, 1949)
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.13

In the relations between the States signatories of the NATO Treaty, immunity from jurisdiction for acts performed in the territory of the host State and involving both Member States of the Alliance and the bodies belonging to its organisation, is governed not by customary provisions, but by specific contractual provisions.

(a)	Registration no.	I/14
(b)	Date	April 14, 1981
(c)	Author(ity)	Pretura (lower court judge) of Milan
(d)	Parties	SIMAC-CISL (body corporate) vs. United States of America (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1985, 181
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.14

An Italian judge has no jurisdiction on a claim filed by a trade union of employees of foreign consulates against a foreign country, under article 28 of the statute of workers' rights. In fact, the effects of the provisions contained in this article are not limited to the individual working relations, but also cover the prerogatives of the employer, therefore affecting the organisation functions of the foreign State.

(a)	Registration no.	I/15
(b)	Date	June 4, 1986
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Sindacato UIL-Scuola di Bari (body corporate) vs. Istituto di Bari del Centro internazionale di studi agronomici mediterranei (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale, 1987, 182
(h)	Additional information	Article 10 of the Italian Constitution; European Convention on State immunity
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.15

On the basis of an international customary principle sanctioned by scholars, jurisprudence and practice, and applied by the Italian Constitution under article 10, paragraph 1, foreign States are immune from jurisdiction and execution in the performance of the functions by which they pursue their institutional public goals. The European Convention on Immunity of States, signed in Basel on May, 16, 1972, does not bear witness to a limitation of the scope of this customary principle, in particular with reference to the exclusion of working disputes in the application of immunity from jurisdiction. To-date, said Convention was in fact accessed by a limited number of Countries, and Italy is not one of them.

(a)	Registration no.	I/16
(b)	Date	June 4, 1986
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Paradiso (natural person) vs. Istituto di Bari del Centro internazionale di alti studi agronomici mediterranei (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale, 1987, 190
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.16

On the basis of an international customary rule sanctioned by scholars, jurisprudence and practice, and enshrined in the Italian Constitution under article 10, paragraph 1, foreign States are immune from jurisdiction and execution in the performance of the functions by which they pursue their institutional public goals. The European Convention on Immunity of States, signed in Basel on May, 16, 1972, does not bear witness to a limitation of the scope of this customary rule, in particular with reference to the exclusion of working disputes in the application of immunity from jurisdiction. To-date, said Convention was in fact accessed by a limited number of Countries, and Italy is not one of them.

(a)	Registration no.	I/17
(b)	Date	May 26, 1979
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	SpA Imprese maritime Frassinetti and SpA Italiana lavori marittimi e terrestri (body corporates) vs. Libia (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Italian Yearbook of International Law, 1980-81, 262
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.17

Since foreign countries are immune from jurisdiction on disputes on activities performed in pursuance of their public goals, and since the acquisition by a State of goods belonging to foreigners through seizure is undoubtedly a public act, foreign Countries are immune from jurisdiction on disputes originating from said acquisition.

(a)	Registration no.	I/18
(b)	Date	October 21, 1977
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	lasbez (natural person) vs. Centre international de hautes études agronomiques méditerranéens (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1977, 319
(h)	Additional information	European Convention on State immunity
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.18

The European Convention on Immunity of States, signed in Basel on May, 16, 1972 (signed, but not yet ratified by Italy) bears witness to the evolution of customary international law. Such evolution is aimed at limiting the cases in which immunity from jurisdiction can be invoked by foreign countries and, in particular, at rejecting immunity in case of disputes related to a “working contract concluded by the State and a natural person when the job is to be performed on the territory of the State concerned” (article 5).

Immunity of foreign countries from jurisdiction only applies to working relations under which the worker is entrusted with co-operation and collaboration tasks, in that only such tasks entail the participation in the public functions of the foreign State.

(a)	Registration no.	I/19
(b)	Date	February 3, 1986
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Belgian Consulate in Naples (State) vs. Esposito (natural person)
(e)	Points of law	Working activities related to the organization and operative structure of a Consular Office, are directly expression of the foreign State and express a typical public activity of that State
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1987, 332
(h)	Additional information	European Convention on State immunity
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.19

Working relations established in order to organise the proper functioning of a consular office are to be considered as acts performed by a foreign State and, since they concern typically public activities of the State itself, they are immune from Italian jurisdiction.

In order to ascertain the public nature of the working relation established by the Consul, the existence of a link between the activity performed by the employee and the consular function is to be verified. This link can be reasonably found in the performance of qualified co-operation and collaboration tasks, implying the status expressly covered by article 43 of the Vienna Convention of April 24, 1963 on consular relations, governing the treatment to be given to members of a consular office.

(a)	Registration no.	I/20
(b)	Date	May 17, 1985
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Smorra (natural person)
(e)	Points of law	The decision is concerned with legitimacy of collective dismissals of the local personnel of NATO Headquarters
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1986, 922
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.20

The Court stated that, in the framework of relations between NATO foreign military bodies operating in Italy and their locally employed workers, collective dismissals are inadmissible, which are not governed by the individual dismissal regime, irrespective of the entrepreneurial nature of the activity carried out by workers.

(a)	Registration no.	I/21
(b)	Date	April 29, 1977
(c)	Author(ity)	Tribunal of Rome
(d)	Parties	Società immobiliare Corte Barchetto (body corporate) vs. Morocco (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1980-81, 222
(h)	Additional information	Confirmed by the decision of the Court of Appeal of Rome, September 12, 1979 (Italian Yearbook of International Law, 1980-81, 226)
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.21

The Italian judge can be seized of a dispute against a foreign Embassy on the subject of lease of immovable property. The Embassy did not state its intention to enjoy the privileges of a body representing a foreign State and concluded a contract as if it were a private body, committing itself to abide by the related conditions. Not even the public aim for which the contract was signed, i.e. the use of the immovable property as premises of the Embassy, could subtract the contract from the jurisdiction of the Italian State.

(a)	Registration no.	I/22
(b)	Date	September 12, 1979
(c)	Author(ity)	Court of Appeal of Rome
(d)	Parties	Morocco (State) vs. Società immobiliare Corte Barchetto (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1980-81, 226
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.22

Foreign States are immune from civil jurisdiction only as far as public acts performed while exercising their sovereign powers are concerned.

With a view to recognising immunity, not the ultimate goal pursued by the foreign State, but only a private activity which could be performed by a private subject is relevant.

It is undoubted that, while leasing immovable property according to the Italian law, the foreign State is acting *iure privatorum*.

(a)	Registration no.	I/23
(b)	Date	September 22, 1969
(c)	Author(ity)	Tribunal of Rome
(d)	Parties	Parravicini (natural person) vs. Commercial Office of the Republic of Bulgaria (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1970, 658
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.23

The Commercial Department of the Popular Republic of Bulgaria – which has not a legal personality of its own, distinct from the personality of the Bulgarian State – is but an office of that State, and is therefore responsible for taking actions and filing claims.

A foreign State is immune from Italian jurisdiction only in relation to acts performed by it *iure imperii*, i.e. acts expressing the exercise of its sovereignty. It is not immune in relation to acts performed *jure gestionis*, i.e. acts committing the State to property rights and obligations, at the same level as private contracting bodies. As a consequence, the Italian judge can exercise his jurisdiction only on a working dispute filed by an employee carrying out auxiliary tasks only, having no legal relation to the institutional tasks of the office itself.

(a)	Registration no.	I/24
(b)	Date	November 25, 1971
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	De Ritis (natural person) vs. Government of the United States of America (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Italian Yearbook of International Law, 1975, 235
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.24

The *United State Information Agency*, which is part of *United States Information Service (U.S.I.S.)*, is a US government agency performing public functions abroad. A dispute involving an employee working for the U.S.I.S. library in Naples falls therefore outside the Italian jurisdiction.

(a)	Registration no.	I/25
(b)	Date	April 19, 1973
(c)	Author(ity)	Court of Appeal of Venice
(d)	Parties	Pelizon (natural person) vs. SETAF Headquarters (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1977, 338
(h)	Additional information	London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.25

The decision rejects the exception raised by the US Government, according to which it would not be possible to distinguish between public and private relations in the exercise of a typically sovereign activity, such as the organisation and maintenance of troops.

The 1951 London Convention confirmed a customary international law principle, based on which foreign States are exempt from jurisdiction only with reference to acts being the expression of a concrete exercise of their sovereignty, i.e. private law acts. In fact, in Article IX, paragraph 4, the Convention expressly reaffirmed the principle according to which working and employment relations concluded between the armed forces or a civil body of a member State of the Atlantic Alliance and a private citizen of the host State are governed by the legislation in force in the hosting State. As a consequence, the Contracting Parties to the Convention, and therefore the United States of America too, accepted the recognition of the private law nature of working relations concluded with Italian citizens.

(a)	Registration no.	I/26
(b)	Date	April 29, 1974
(c)	Author(ity)	Pretore (lower court judge) of Rome
(d)	Parties	Mallavel (natural person) vs. Ministère des affaires étrangères français (governmental body)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1976, 322
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.26

According to the Italian legislation, foreign States, and international law subjects in general, are to be given the same treatment reserved by the Italian State to any other legal person exercising the powers of a public authority. Similarly, when such a subject is exercising a merely private activity, at the same level as a natural or legal person with whom it has a relation, it is subject to the Italian legislation. On the contrary, when an international law subject, in the pursuance of its domestic institutional goals, is exercising public activities or is concluding contracts on the basis of its sovereignty, it is exempt from jurisdiction, similarly to the Italian State, according to the principle *par in parem non habet iurisdictionem*.

(a)	Registration no.	I/27
(b)	Date	January 25, 1977
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Bruno (natural person) vs. United States of America (State)
(e)	Points of law	The decision provides that, in the relationships between States Parties to the NATO Agreement, immunity from jurisdiction related to acts achieved in the territory of an host Country and referred to Member States of the Alliance or to specific bodies of the same Organization, is not regulated by customary law
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International law, 1977, 344
(h)	Additional information	London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.27

An Italian fireman in force to the US armed forces cannot be considered as part of the “civil element” of NATO. In fact, the US Command has never included Italian firemen in that element, and the working hours of such workers were the subject of a special clause of the agreement concluded on July 17, 1957, between the Italian Minister of Labour and the US Commander. The agreement aimed at governing “recruitment, administration and payment of personnel employed by the US armed forces”, in execution of Article IX, paragraph 4 of the Convention. Moreover, the fireman was covered by insurance by the National Social Security Institute. As a consequence, immunity from jurisdiction cannot be invoked in working disputes between the above-mentioned fireman and the United States of America.

(a)	Registration no.	I/28
(b)	Date	January 27, 1977
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Porciello (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1978-79, 174
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.28

In order to determine whether the Italian judge has jurisdiction on working relations between NATO bodies and private citizens of the State of residence, it is necessary to distinguish between workers employed under a NATO international contract and workers employed under a local contract. Such a distinction is linked to the difference between acts performed *jure imperii* and acts performed *jure gestionis*.

Article IX, paragraph 4 of the London Convention of June 19, 1951, on the Status of NATO Countries' Armed Forces recognised the distinction between the public and private nature of the disputed relation. It subjected working relations concluded locally to the legislation in force in the residence State, and consequently also to its jurisdiction.

(a)	Registration no.	I/29
(b)	Date	October 13, 1977
(c)	Author(ity)	Tribunal of Naples
(d)	Parties	Di Palma (natural person) vs. Government of the United States of America (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Foro napoletano, 1979, 51
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.29

Under article IX, paragraph 4, of the London Convention of June 19, 1951 on the Status of NATO Countries' Armed Forces, working relations between the Armed Forces of NATO Countries and workers employed to meet the civil manpower local needs are governed by the legislation in force in the State of residence. In no case can these locally employed workers be considered as belonging to the armed forces, or to the civil element by which they are employed, nor as belonging to the public organisation of States operating abroad.

(a)	Registration no.	I/30
(b)	Date	October 14, 1977
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Gereschi (natural person) vs. United States of America (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Italian Yearbook of International Law, 1978-79, 173
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.30

The intention to put workers employed by the armed forces of a foreign country at the same level as workers employed by national subjects would be thwarted if the former were denied the possibility to appeal to judges of their State of origin for the protection of their rights. For this reason, it is to be understood that the fact that working conditions of local manpower are subjected to the laws of the State of residence should include also the fact that related disputes are to be subjected to the jurisdiction of that State. Immunity from Italian jurisdiction of a dispute between a NATO member country and a worker employed in Italy belonging to the category of workers covered by the above-mentioned provision cannot be invoked.

(a)	Registration no.	I/31
(b)	Date	May 26, 1979
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Velloso (natural person) vs. Borla (natural person)
(e)	Points of law	Working activities immediately related to decisional, directive or responsible offices of an embassy, are not subjected to italian jurisdiction
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Italian Yearbook of International Law, 1980-81, 232
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.31

Italian jurisdiction on a foreign State is excluded in case the latter, while working in order to carry out its public functions, aimed at attaining its institutional goals, employed in Italy a subject entitled to perform decision-making, managing or clerk functions within the organisational structure of its Embassy or of bodies closely linked with it.

(a)	Registration no.	I/32
(b)	Date	July 14, 1980
(c)	Author(ity)	Pretore (lower court judge) of Martina Franca
(d)	Parties	Castagna (natural person) vs. United States of America (State) and Delta Immobiliare (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 2.b, 2.c
(g)	Source(s)	Diritto del lavoro, 1981, 131
(h)	Additional information	Article 9 (a) of the Paris Agreement of July 26, 1961 between the Italian Government and the Supreme Allied Headquarters in Europe (SACEUR)
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.32

Since it was ascertained that in this specific case the supply of work and services was not in favour of the subject formally appearing as employer, but rather of the Government of the United States of America, the latter is to supply the economic and legal treatment due to the claimant employed by it.

(a)	Registration no.	I/33
(b)	Date	July 5, 1982
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Special Delegate for the Vatican City State (governmental body) vs. Pieciuckiewicz (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Italian Yearbook of International Law, 1985, 179
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.33

In pursuance of the universally accepted customary principle *par in parem non habet iurisdictionem*, enshrined in article 10, paragraph 1 of the Italian constitution, the competence of the Italian judge is excluded in case of supply of translation and speaker services in favour of the Vatican Radio. In fact, these services clearly refer to the performance of its “mission in the world” and therefore are part of the tasks performed in order to attain the public goals of the Vatican State.

(a)	Registration no.	I/34
(b)	Date	November 25, 1983
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Strino (natural person)
(e)	Points of law	The decision is concerned with legitimacy of collective dismissals of the local personnel of NATO Headquarters
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1984, 741
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.34

The Italian judge cannot question the decisions by the employer, which is a foreign NATO Member State country, on the organisation of its own armed forces and related auxiliary services. If appropriate, the employer can proceed to collective dismissal.

(a)	Registration no.	I/35
(b)	Date	May 5, 1984
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Calvano (natural person)
(e)	Points of law	Article IX of the London Convention of 1951 says that working activities with civil personnel of an host Member State of NATO are subjected to legislation of such State
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1985, 584
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.35

Under article IX, paragraph 4, of the 1951 London Convention on the Status of NATO Armed Forces, working relations with civil personnel of the host State are subject to the legislation of that State.

(a)	Registration no.	I/36
(b)	Date	January 17, 1986
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Church (natural person) vs. Ferraino (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1987, 325
(h)	Additional information	Article 43 (1) of the Vienna Convention of April 24, 1963 on consular relations
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.36

According to article 43, paragraph 1, of the Vienna Convention on Consular Relations, concluded on April 24, 1963, codifying an international general principle on this subject, Consuls cannot be judged by the authorities of the State of residence for acts performed in the exercise of their consular functions.

The Italian judge has no jurisdiction on a working dispute filed by an employee of the international hospital of Naples against a foreign Consul being a member of the Board of Directors of the Hospital.

(a)	Registration no.	I/37
(b)	Date	June 11, 1990
(c)	Author(ity)	Tribunal of Piacenza
(d)	Parties	CF SpA (body corporate) vs. Libia (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.3, 1.b, 2.b
(g)	Source(s)	Rivista di diritto internazionale, 1990, 406
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.37

The defending foreign State is not immune from jurisdiction in case the dispute refers to a merely private activity, such as the supply of goods.

Under paragraph 3 of the single article of Royal Decree 1621 of 1925, the authorisation of the Minister of Justice is necessary only when the Minister has previously stated the existence of reciprocity by decree duly published in the Official Journal.

Based on a customary international law principle (enshrined in the Italian law by article 10 of the Constitution, i.e. through a preceptive rule) the assets of a foreign State necessary to exercise sovereign functions or to attain public goals cannot be seized nor subjected to compulsory enforcement. Hence, the seizure of bank current accounts is to be excluded, in that it would deprive a foreign State of the resources needed to carry out its institutional and public tasks in the State in which the accounts are open.

(a)	Registration no.	I/38
(b)	Date	August 23, 1990
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Libia (State) vs. Condor Srl (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 0.b, 1.b, 2.b
(g)	Source(s)	Rivista di diritto internazionale, 1991, 679
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.38

According to a customary international law principle, the exemption of a foreign State from the jurisdiction of the territorial State can be applied only in case of acts performed *iure imperii*, except in cases where the foreign State is in the same situation as Italian citizens resorting to private instruments of domestic law.

According to an international customary law principle, the assets of a foreign State are exempt from provisional and executive measures, provided that the assets are used in the exercise of sovereign functions or to attain public goals. Hence, also in case of conservatory or enforcement acts, immunity from jurisdiction can be applied to activities carried out in the exercise of the powers of a public authority, whereas it is excluded in case of private activities.

(a)	Registration no.	I/39
(b)	Date	November 28, 1991
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Norway (State) vs. Quattri (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale, 1991, 993
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.39

According to customary international law, a foreign State is immune from jurisdiction of other States in the performance of acts aimed at attaining its institutional goals, i.e. acts through which it exercises its State functions. On the contrary, no immunity is provided for with reference to acts performed in the territory of another State by a foreign State acting as private law subject, within the domestic law of the hosting State, even if these acts are necessary in order to establish, organising and operating an office.

The Italian State cannot interfere with in the exercise of functions typical of a public service of a foreign State. Yet, there is no interference when the jurisdiction is exercised on disputes concerning working relations and the employee is carrying out merely auxiliary functions, or the claim only concerns property aspects, unless public powers related to the organisation of offices or services of an Embassy are directly involved.

(a)	Registration no.	I/40
(b)	Date	March 19, 1992
(c)	Author(ity)	Tribunal of Milan
(d)	Parties	PROCURA Impianti Srl (body corporate) vs. Alberta Agriculture Department (governmental body)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1992, 584
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.40

Immunity from jurisdiction of foreign States is at present limited to functional aspects and does not cover relations in which States and employees of territorial autonomous bodies act as if they were private subjects, in an ordinary contractual framework.

(a)	Registration no.	I/41
(b)	Date	July 15, 1992
(c)	Author(ity)	Constitutional Court
(d)	Parties	Condor and Filvem (body corporates) vs. Ministry of Justice (governmental body)
(e)	Points of law	The decision declares the constitutional illegitimacy of the royal decree-law August 30, 1925, no. 1621 and the inexistence of a customary rule that absolutely forbids coercive measures on properties belonging to foreign States
(f)	Classification no.	0.c, 1.c, 2.b
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1992, 941
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.41

A not written international rule prohibiting enforcement measures on assets belonging to foreign State is no longer applicable.

The single article of royal decree n. 1621 of August 30, 1925, turned into law n. 1263 of July 15, 1926, is against the Italian constitution (see Article 24). It refers to enforcement measures on assets belonging to foreign States in Italy, and subjects to the authorisation of the Minister of Justice any conservatory act or enforcement measures on assets belonging to a foreign State, other than assets which - according to generally recognised international law measures - cannot be subjected to enforcement measures.

(a)	Registration no.	I/42
(b)	Date	February 13, 1993
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Terracciano (natural person) vs. Cappellari (natural person)
(e)	Points of law	Articles 37 and 41 the italian Civil Proceedings Code enable to check italian jurisdiction in the cases of immunity
(f)	Classification no.	0.c, 1.c, 2.c
(g)	Source(s)	Foro italiano, 1993, I, 722
(h)	Additional information	Articles 37 and 41 of the italian Civil Proceedings Code
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.42

The immunity of jurisdiction of the Italian judge, based on rules on immunity from civil jurisdiction in disputes between an Italian citizen and a foreign State (or another sovereign international or foreign body) can be codified through a preventive regulation on jurisdiction, under articles 37 and 41 of the civil procedure code.

(a)	Registration no.	I/43
(b)	Date	April 2, 1993
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Kanton Uri (State) vs. Società Reale Mutua di Assicurazioni (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.4, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1994, 372
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.43

The exercise of public powers on which the system of road signs and signals is based only concerns the law-making process, i.e. the time orders or prohibitions related to the specific requirements of road traffic regulation are planned through typical cases corresponding to different situations. On the other hand, the actual enforcement of such a system is compulsory, and those who do not comply with it are liable of sanctions. The ascertainment of this kind of responsibilities does not interfere with the exercise of the above-mentioned powers. As a consequence, a foreign State against which a claim is filed, aimed at attributing such a responsibility, cannot be exempt from the jurisdiction of the Italian judge, based on the principle *par in parem non habet iurisdictionem*, in that the related activities are not *iure imperii*.

(a)	Registration no.	I/44
(b)	Date	May 7, 1994
(c)	Author(ity)	Court of Appeal of Genoa
(d)	Parties	Fincantieri-Cantieri navali SpA and Oto Melara SpA (body corporates) vs. Irak (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Nuova giurisprudenza civile commentata, 1995, I, 661
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.44

A foreign State is not exempt from jurisdiction in all cases where it could become a party, but only with reference to some cases, i.e. cases concerning activities performed by a foreign State in the exercise of its sovereign power as *superiorem non recognoscens*, i.e. as international law subject. This is not the case when, like in the reference case, a foreign State acts as a private law subject, enjoying its legal capacity recognised to it by another legal system and its relevant private law instruments.

(a)	Registration no.	I/45
(b)	Date	January 12, 1996
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Montefusco (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Giustizia civile, 1996, I, 1671
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.45

Customary international law, applied in the Italian domestic law through article 10 of the constitution, provides for the recognition of immunity from jurisdiction only with reference to disputes related to public activities carried out by foreign States.

(a)	Registration no.	I/46
(b)	Date	February 3, 1996
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Guinea (State) vs. Buzi Jannetti (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Archivio civile, 1996, 1425
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.46

The generally recognised international law provision on immunity from jurisdiction of foreign States and international public bodies only applies to situations which are not covered by domestic law, either because those States or bodies act in other countries as international law subjects, or because they act exercising their powers of a public authority in the legal system they belong to. When those States or foreign public bodies act not in the exercise of their sovereign powers, but as if they were private citizens, the jurisdiction of the host State cannot be excluded, in that it performs its activities *iure privatorum*.

(a)	Registration no.	I/47
(b)	Date	March 31, 1989
(c)	Author(ity)	Pretore (lower court judge) of Rome
(d)	Parties	Cecchi Paone (natural person) vs. Czechoslovakia (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1990, 153
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.47

The provisions in articles 22, paragraphs 1 and 3, and 31, paragraph 1.a, of the Vienna Convention on Diplomatic Relations, of April 18, 1961, provide not only for immunity of the premises of a foreign Embassy from any measures of civil judges, but also for the exemption from jurisdiction, in case a concrete measures are taken on immovable property.

(a)	Registration no.	I/48
(b)	Date	May 15, 1989
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	British General Consulate in Naples (State) vs. Toglia (natural person)
(e)	Points of law	Consuls have immunity from civil and administrative jurisdiction of the host Country for acts related to the exercise of their functions
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1990, 652
(h)	Additional information	European Convention on State immunity
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.48

According to a generally recognised international principle – codified in article 43 of the Vienna Convention on Consular Relations of April 24, 1963, as well as in articles 6 and 13 of the Italian-British of June 1, 1954 – Consuls are entitled to immunity from the civil and administrative jurisdiction of the host State for acts performed in the exercise of their functions.

The European Convention on Immunity of States, concluded in Basel on May 16, 1972, excluding immunity for working relations with workers who are citizens of the accrediting State and which was not ratified by Italy, constitutes a document codifying the evolution of international customary law.

(a)	Registration no.	I/49
(b)	Date	November 18, 1992
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Giaffreda (natural person) vs. France (State)
(e)	Points of law	Working activities related to the organization and operative structure of a Consular Office are directly expression of the foreign State and express also a typical public activity of that State
(f)	Classification no.	0.a, 1.a, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1994, 340
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.49

An Italian judge cannot exercise jurisdiction on disputes concerning working relations of Italian personnel of a foreign Consulate in Italy, when such personnel is carrying out activities aimed at attaining public and institutional goals of the Consulate.

(a)	Registration no.	I/50
(b)	Date	October 17, 1995
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Cuba (State) vs. Sonnino (natural person)
(e)	Points of law	The decision excludes immunity from civil jurisdiction when a foreign embassy sues an Italian citizen
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista giuridica dell'edilizia, 1996, 61
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.50

An Italian judge has jurisdiction when a foreign Embassy in Italy files a civil claim against an Italian citizen. In fact, in the related proceeding it is not possible to enjoy immunity, as provided for in article 31 of the Vienna Convention on Diplomatic Relations of April 18, 1961, and therefore the acceptance of the Italian jurisdiction is clearly implied.

(a)	Registration no.	I/51
(b)	Date	December 9, 1992
(c)	Author(ity)	Tribunal of Genoa
(d)	Parties	Fincantieri SpA, Oto Melara SpA (body corporates) vs. Irak (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1993, 413
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.51

Immunity from jurisdiction of a foreign State applies to sovereign acts performed by that State in its capacity as international law subject or as subject of its domestic law. Such acts cannot in fact have legal consequences on a different legal system.

On the other hand, there is no immunity from jurisdiction of a foreign State for private law acts performed by that State in its capacity as a subject of the domestic law of other States. In fact, in this case it acts as if it were a subject of that legal system and resorts to the ordinary private instruments of that system, irrespective of the fact that these acts are performed in order to attain the public interests of the foreign State.

(a)	Registration no.	I/52
(b)	Date	November 16, 1993
(c)	Author(ity)	Tribunal of Palermo
(d)	Parties	Fall. SpA Maniglia Costruzioni (body corporate) vs. Saudi Arabia (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Diritto fallimentare, 1994, II, 379
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.52

The customary international law rule on immunity from jurisdiction of foreign countries was and still is interpreted by the States belonging to the international community on the basis of the principle of relativity of immunity. Said rule therefore applies only to public acts performed by a foreign State in its relations not covered by its domestic law, or in the exercise of its sovereign powers, but does not apply to private acts it may carry out. This principle was also repeatedly supported by the joint sections Court of Cassation.

(a)	Registration no.	I/53
(b)	Date	May 30, 1990
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Libia (State) vs. Riunione adriatica di Sicurtà SpA (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1991, 450
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.53

According to the international principle of limited immunity, the Italian jurisdiction applies to a dispute concerning a contract of lease of immovable property hosting the premises of a consular office.

On the basis of the principle of immunity, in the implementation stage of the proceeding the Italian jurisdiction will not apply.

(a)	Registration no.	I/54
(b)	Date	May 18, 1992
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Malta (State) vs. Società Nicosia Immobiliare SpA (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1993, 397
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.54

Immunity from jurisdiction of foreign States and public bodies applies when they act as international law subjects or in the exercise of the powers of a public authority. It does not apply when they act as private Italian citizens, resorting to the private instruments provided for by the domestic law, e.g. in the case of the conclusion of a contract of lease, even if the premises are to host the Embassy of a foreign State.

(a)	Registration no.	I/55
(b)	Date	October 18, 1993
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Guinea (State) vs. Trovato (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1994, 620
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.55

Although ordinary practice and article 30 of the Vienna Convention of April 18, 1961, provide for the official residence of the Ambassador to be treated as the premises of the Embassy, the Italian jurisdiction applies to a dispute with a foreign State concerning the validity of a preliminary contract aimed at purchasing a building that will host the residence of the Ambassador.

With a view to establishing immunity from jurisdiction of a foreign State, the actual property of a building by its diplomatic agent is irrelevant, in case the preliminary sale contract was not subsequently sanctioned by an official document.

(a)	Registration no.	I/56
(b)	Date	May 4, 1987
(c)	Author(ity)	Pretore (lower court judge) of Pisa
(d)	Parties	Greco (natural person) vs. United States of America (State)
(e)	Points of law	Working activities of civil personnel in the NATO military bases are subject to Italian jurisdiction when they are not immediately related to specific duties of the Alliance
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1988, 721
(h)	Additional information	London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.56

According to the London Convention of June 19, 1951, the acquisition of the status of civil element at NATO requires the person concerned not to be resident in the host State and to carry out an activity closely and directly linked to the performance of the tasks of the Organisation.

The jurisdiction of the Italian judge applies in case of disputes between the Government of the United States of America and a US citizen permanently residing in Italy, who is not a staff member, and was charged with the task of maintaining sports facilities at the Camp Darby NATO base in Pisa.

(a)	Registration no.	I/57
(b)	Date	July 19, 1961
(c)	Author(ity)	Tribunal of Rome
(d)	Parties	Cassa di risparmio della Libia (body corporate) vs. Federazione italiana dei consorzi agrari and Consorzio agrario della Tripolitania (body corporates)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 1.b, 2.c
(g)	Source(s)	Diritto internazionale, 1963, II, 241
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.57

Immunity from jurisdiction applies to foreign public bodies only in case they are entitled to have public law relations, but not in connection to private activities, such as the conclusion of contracts entailing property obligations.

(a)	Registration no.	I/58
(b)	Date	July 15, 1987
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Panattoni (natural person) vs. Germany (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1989, 109
(h)	Additional information	Article 10 of the Italian Constitution
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.58

A foreign country is exempt from the Italian jurisdiction with respect to disputes on employment contracts with an Italian citizen permanently working in the organisation of the diplomatic mission, even if he/she carries out merely material functions.

(a)	Registration no.	I/59
(b)	Date	May 19, 1988
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United Kingdom (State) vs. Bulli (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1990, 704
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.59

In the field of working relations with the Embassy of a foreign State in Italy, the customary international principle of immunity from civil jurisdiction applies only to individuals employed to perform professional or clerk jobs. In fact, due to this reason, they are part of the public organisation of the State, thus contributing to attain its institutional goals.

(a)	Registration no.	I/60
(b)	Date	July 7, 1988
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Libia (State) vs. Longo (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1990, 708
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.60

Foreign States and other international law subjects are exempt from Italian jurisdiction for activities related to the exercise of their sovereign functions, or aimed at attaining their institutional goals.

Lack of jurisdiction of an Italian judge with reference to a request for conservative measures of goods in Italy belonging to the Libyan State, aimed at safeguarding credits for news reporting activities carried out in favour of such State, must be declared.

(a)	Registration no.	I/61
(b)	Date	October 17, 1988
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Brasil (State) vs. De Lucia (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1990, 705
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.61

In order to determine whether a foreign State is immune from civil jurisdiction for working or employment relations with Italian citizens, it is necessary to consider the nature of the job of the individual worker. Based on this principle, an Italian judge has no jurisdiction for working relations entailing the participation of the employee in activities carried out by a foreign country in order to attain its public goals. On the other hand, mechanical or manual jobs, which cannot be considered as public activities of a State, are subject to the Italian jurisdiction.

(a)	Registration no.	I/62
(b)	Date	March 15, 1989
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Malta (State) vs. Dalli (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1991, 474
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.62

In case of dispute between a foreign Embassy in Italy and a typist, the Italian jurisdiction cannot be applied. In fact, his/her job implies his/her participation in the public organisation of the State itself, in that it is performed in close connection with the officials' job, and therefore in a position of trust, due to his/her necessary knowledge of the State's institutional acts.

(a)	Registration no.	I/63
(b)	Date	January 16, 1990
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Libia (State) vs. Trobbiani (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1991, 435
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.63

In case of dispute on a working relation with a foreign State, the Italian jurisdiction cannot be applied. In fact, although the dispute refers to a financial aspect of the relation itself, the claimant asks the judge to deal with the functions carried out by an employee, and thus with the autonomous activity of the State itself.

(a)	Registration no.	I/64
(b)	Date	July 9, 1991
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Ghana (State) vs. Barbini (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1993, 87
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

(a)	Registration no.	I/65
(b)	Date	October 10, 1991
(c)	Author(ity)	Pretore (lower court judge) of Rome
(d)	Parties	Taha (natural person) vs. Egypt (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista giuridica del lavoro, 1992, II, 784
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.65

Immunity from civil jurisdiction, enjoyed by foreign States under a customary international law principle, only applies to acts through which the public functions of said States are exercised and cannot be applied to private activity of the States. When applying this principle to working relations, it is common opinion that immunity from jurisdiction cannot be applied when the employee carries out manual or auxiliary jobs, or in case the dispute concerns property aspects not connected with the organisation of the offices of the foreign State concerned.

(a)	Registration no.	I/66
(b)	Date	October 17, 1991
(c)	Author(ity)	Pretore (lower court judge) of Rome
(d)	Parties	Younis (natural person) vs. Jordania (State)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista giuridica del lavoro, 1992, II, 785
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.66

An Italian judge has no jurisdiction on a working dispute filed by a driver employed by the Embassy of a foreign State. The long time of his/her working relation bears witness to his/her permanent integration in the Embassy, which is the requirement necessary to apply immunity, irrespective of the manual job performed by the worker.

(a)	Registration no.	I/67
(b)	Date	May 18, 1992
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Zambia (State) vs. Sendanayake (natural person)
(e)	Points of law	Working activities performed in a foreign embassy and concerning subordinate and subsidiary duties are submitted to Italian jurisdiction
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1993, 399
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.67

An Italian judge has jurisdiction on a dispute filed by a worker against the Embassy of a foreign State in Italy, in case the dispute deals with auxiliary and secondary functions. The fact the worker is a foreign citizen is insignificant, in that the right to take legal action is given to everybody and not only to Italian citizens, based on the wide scope of article 24 of the Italian constitution.

(a)	Registration no.	I/68
(b)	Date	February 25, 1993
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Giannetti and Puccetti (natural persons)
(e)	Points of law	The decision is concerned with legitimacy of collective dismissals of the local personnel of NATO Headquarters
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1994, 361
(h)	Additional information	London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.68

Working relations between Italian citizens and a foreign NATO Member State are governed by the Italian law, according to the London Convention of June 19, 1951, on the Status of the Armed Forces of the Atlantic Alliance stationed in the territory of an allied State. Yet, the regime of collective dismissals and of the protection of employment does not apply to the above relations, in the light of the non-entrepreneurial nature of the employer.

(a)	Registration no.	I/69
(b)	Date	September 24, 1993
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Brasil (State) vs. Magurno (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1994, 648
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.69

According to the well-established principle of limited immunity, the Italian jurisdiction applies to working relations of the Italian personnel employed by foreign States, not only in case of disputes concerning the performance of auxiliary activities, but also in case of disputes filed by employees carrying out tasks closely connected to institutional functions. In fact, the decision requested from the Italian judge – even though it only involves financial aspects of the working relation – cannot affect or interfere with the above functions.

(a)	Registration no.	I/70
(b)	Date	April 21, 1995
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Lo Gatto (natural person)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Il Consiglio di Stato, 1995, II, 1771
(h)	Additional information	Vienna Convention of April 24, 1963 on consular relations
(i)	Full text – extracts – translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.70

According to the Vienna Convention of April 24, 1963, on Consular Relations, an Italian judge has no jurisdiction in case of re-employment of an Italian citizen who was employed by a foreign Consulate in Italy as a switchboard operator. His job is in fact one of the confidential jobs of the public organisation of the consular office.

(a)	Registration no.	I/71
(b)	Date	October 1, 1996
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United States of America (State) vs. Trapè (natural person)
(e)	Points of law	Article IX of the London Convention of 1951 says that working activities with civil personnel of an host Member State of NATO, are subject to the jurisdiction of such State
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1998, 181
(h)	Additional information	Article IX of the London Convention of June 19, 1951 (NATO-SOFA Convention)
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.71

Article IX of the London Convention of June 19, 1951, on the Status of the Armed Forces of the Atlantic Alliance allows the Italian State to exercise its jurisdiction on personnel employed by the *Marine Navy Exchange* to meet the local requirements of civil manpower. In order to enforce the principle of protection of employment, under article 18 of law n. 300 of May 20, 1970, an Italian judge must start an inquiry on the economy of the conduct of the activity carried out by such institution.

(a)	Registration no.	I/72
(b)	Date	May 6, 1997
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Spain (State) vs. Chiesa di San Pietro in Montorio (body corporate)
(e)	Points of law	The decision admits the immunity from civil jurisdiction only for foreign States when they act as sovereign bodies and not when they act as private subjects
(f)	Classification no.	0.b, 0.b.1, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1998, 605
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.72

In a dispute between a foreign government and a church body on the property of a church, the Italian jurisdiction can be applied. In fact, from the agreement signed by such body and the Italian government it can be inferred that the former acted as a private law subject within the Italian law.

(a)	Registration no.	I/73
(b)	Date	February 12, 1999
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	United Arab Emirates (State) vs. Pinto (natural person)
(e)	Points of law	The decision admits the possibility to bring a specific trial action to protect the immunity of a foreign State from execution
(f)	Classification no.	0.c, 1.c, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 2000, 119
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.73

Preventive jurisdiction in appeals based on the enforcement measure filed by an Italian citizen vs. a foreign State is inadmissible, in that the immunity of a foreign State from enforcement measures is adequately safeguarded by the appeal against execution.

(a)	Registration no.	I/74
(b)	Date	May 26, 1999
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Egypt (State) vs. Refaat Armia (natural person)
(e)	Points of law	The decision admits the possibility to bring a specific trial action to protect the immunity of a foreign State from execution
(f)	Classification no.	0.c, 1.c, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 2000, 494
(h)	Additional information	
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.74

The preventive rule of jurisdiction by which a foreign State claims immunity from jurisdiction of an Italian judge on the seizure of sums of money deposited with a bank of its Embassy is inadmissible, in that the case can be lodged appealing against execution.

(a)	Registration no.	I/75
(b)	Date	May 27, 1999
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	British General Consulate in Milan (State) vs. Sala (natural person)
(e)	Points of law	Working activities not related to the organization and operative structure of a Consulate, are submitted to the jurisdiction of Italian judges
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1999, 628
(h)	Additional information	Article 43 of the Vienna Convention of April 24, 1963 on consular relations
(i)	Full text - extracts - translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.75

Under article 43 of the Vienna Convention on Consular Relations of April 24, 1963, an Italian judge has jurisdiction on the request for payment of sums of money, submitted by an employer against a foreign Consulate, in case the relevant working relation does not consist of the exercise of organisation powers of the foreign State.

(a)	Registration no.	I/76
(b)	Date	June 12, 1999
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Austria (State) vs. Petrone (natural person)
(e)	Points of law	The decision excludes the Italian jurisdiction when there is a claim for damages, due to an error of judgment, proposed against a foreign State
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 2000, 727
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.76

A case of compensation of damages resulting from a judicial error, filed by an Italian citizen against a foreign State does not fall within the Italian jurisdiction.

(a)	Registration no.	I/77
(b)	Date	April 20, 1998
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Canada (State) vs. Cargnello (natural person)
(e)	Points of law	Working activities immediately related to directive offices of a Consulate are not submitted to Italian jurisdiction
(f)	Classification no.	0.a, 1.a, 2.a
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 1999, 1030
(h)	Additional information	Article 5 (b) (c) of the Vienna Convention of April 24, 1963 on consular relations
(i)	Full text - extracts - translation - summaries	Extract: Annex 1* Summary in English: Annex 2

I.77

The fact that the State of Canada proposes an appeal in cassation through a decision concerning the Consulate General of Canada in Milan does not constitute a case for replacement. In fact said Consulate is not a subject different from the State it belongs to, but is one of its representation bodies. The Italian judge, however, has no jurisdiction on the dismissal by the Consulate General of Canada of a commercial attaché, in that the tasks performed by him fall within the consular functions under article 5.b and c of the Vienna Convention on Consular Relations of April 24, 1963. Moreover, a decision on the financial aspect of the case would entail an assessment and an inquiry on the exercise of the sovereign powers of a foreign State.

(a)	Registration no.	I/78
(b)	Date	July 15, 1999
(c)	Author(ity)	Supreme Court of Cassation
(d)	Parties	Saudi Arabia (State) vs. Al Baytaty Khalil (natural person)
(e)	Points of law	Working activities not immediately related to decisional, directive or responsible offices of a foreign embassy, are submitted to Italian jurisdiction
(f)	Classification no.	0.b, 0.b.2, 1.b, 2.c
(g)	Source(s)	Rivista di diritto internazionale privato e processuale, 2000, 757
(h)	Additional information	
(i)	Full text – extracts – translation - summaries	Full text: Annex 1* Summary in English: Annex 2

I.78

The Italian jurisdiction applies to the cases filed by employees of a foreign Embassy performing auxiliary functions when the decision concerns only financial aspects of the working relation and is therefore liable to interfere with the functions themselves.

The Italian judge jurisdiction applies to disputes concerning the collective wage agreement of Embassies or Consulates.