**Legal drafting - Italy**

The problem of Drafting was raised for the first time with the **Giannini Report of 1979**, which mentioned the lack of clarity of the rules, their overabundance and the lack of coordination between the laws (with consequent legal uncertainty), among the main causes of inefficiency of the public administration. On the basis of this analysis, the **Barettoni Arleri Commission** was set up in **1980** to address the problem concerning "simplification of procedures and the feasibility and applicability of laws as well as the preparation of the resulting regulatory frameworks". From the concluding report of the Barettoni Arleri Commission various proposals emerged to remove the highlighted problems of legislative design. Although the Commission's proposals were not immediately implemented, they stimulated a broad debate on the quality of standardization. And it is precisely in the context of this debate that the need to codify the rules of normative drafting arose in Italy.

At national level, in **1986 a joint Circular of the Presidents of the Chambers and of the President of the Council of Ministers** was adopted concerning "rules and recommendations on the technical formulation of legislative texts". This Circular was followed by the **Circular of the President of the Council of Ministers of 2 May 2001** for the legislative acts of government competence (legislative and regulatory) concerning the "guide to the drafting of normative texts".

In **1998**, an important **reform of the regulation of the Chamber of deputies** is approved, resulting in a great impact on the matter of legislative drafting rules. First of all, article 16 bis introduces a new subject, the Committee for the legislation, which is assigned the function of evaluating homogeneity, simplicity and clarity in the formulation of the norm. Articles 79 and 96 bis define, respectively, the legislative preliminary activity and the exam in the Parliament of the bills of law converting the decrees law (in this case, the Parliament has the duty to submit the proposal to the legislative Committee, which has 5 days in order to evidence provisions in contrast with the rules of homogeneity and do not reflect the content of the decree.

Of specific interest is also the modification of the **law n. 400/1988** **concerning governmental regulation**, which imposes the use of unambiguous language and of explicit rather than implicit abrogation (e.g. “all the rules inconsistent with the new regulation are repealed”); or that any rules adopted by reference should be specified (art. 13*bis*).

The first significant steps in improving legislative drafting had been performed at regional level. In 1984 **Tuscany Region** drafted a first methodological document concerning "suggestions for the drafting of normative texts": this is the act that underlies the subsequent experience of the interregional manual of normative drafting. An interregional manual containing "rules and suggestions for the drafting of normative texts" has been drafted by the **Interregional Legislative Observatory** (OLI). Moreover, provisions concerning legislative drafting techniques and rules are listed in many **regional statutes**. For example, art. 40 of the Statute of Abruzzo, named “The quality of the rules and the unique tests”, provides as follows: *“1. The normative texts of the region are based on principles of clarity and simplicity of formulation and compliance with the techniques of legislative drafting and quality of standardization; 2.* *“The law, for specific and homogeneous subjects, may provide for the drafting of unique regional texts, setting terms, principles and criteria”.* Similar provisions can be found in the other Regional statutes, for example art. 34 of the Statute of Marche (“quality of legislative drafting”), and article 44 of the Statute of Toscana, named “quality of regulatory sources”. Toscana has also been the first region in Italy to enact a regional law on the matter (L. r. Toscana 22nd October 2008, No. 55). In Liguria a specific regional law is devoted to “the quality of regulation and administrative simplification” (L. r. Liguria 8th June 2011 No. 13).

**Relevant Documents:**

a) Senat of the Republic, Guidelines, April 20, 2001

b) Presidency of the Council of Ministries, Guideline, May 2, 2001

c) Accademia della Crusca and CNR, Guide to the drafting of administrative documents, 2011

d) CNR, Manual of Rules of Drafting of administrative acts, 2010

e) R. Zaccaria (ed.), La buona scrittura delle leggi, 2011

f) OLI 2007