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Small claims

Italy

Article 25 1 (a) Competent courts

The courts or tribunals with jurisdiction for the European small claims procedure are: the justice of the peace (*giudice di pace*) or, or, in cases in which Italian legislation provides for exclusive jurisdiction over the subject-matter, the ordinary court (*tribunale ordinario*).

In particular, jurisdiction lies with the ordinary court in the event of:

- (1) monetary claims in respect of rentals of immovable property and of businesses (Article 447 *bis* of Italy's Code of Civil Procedure);
- (2) claims relating to agricultural contracts (in this case jurisdiction lies with the specialised agricultural divisions of the ordinary court within the meaning of Act No 29 of 14 February 1990);
- (3) claims relating to patents and trademarks, company law and antitrust issues, or concerning public contracts for work, services or supplies of Community significance (in this case jurisdiction lies with the divisions of the ordinary court specialising in business cases within the meaning of Legislative Decree No 168 of 26 June 2003);
- (4) claims under shipping law, in particular for damage in connection with the collision of vessels; damage caused by vessels when anchoring or mooring or performing any other manoeuvres in ports and other stopping places; damage caused by the use of loading and unloading gear and the handling of goods in ports; damage caused by vessels to nets and other fishing equipment; charges and compensation for assistance, rescue and recovery; and reimbursement of expenditure and awards for recovering wreckage under Article 589 of the Navigation Code.

Article 25 1 (b) Means of communication

By post. Online submission is also accepted only for proceedings before the ordinary courts. This must be done by a defence lawyer. More detailed technical information is available via the following link: https://pst.giustizia.it/PST/it/pst_1_2.wp

Article 25 1 (c) Authorities or organisations providing practical assistance

ECC-NET Italy (<https://www.ecc-netitalia.it/en/>), which provides assistance to consumers only, within the scope of its competence;

For matters beyond the competence of ECC-NET Italy, the Ministry of Justice (*Ministero della Giustizia*).

Department of Judicial Affairs (*Dipartimento per gli Affari di Giustizia*)

Directorate-General for International Affairs and Judicial Cooperation (*Direzione Generale degli Affari internazionali e della Cooperazione giudiziaria*)

Office I - International Judicial Cooperation (*Ufficio I - Cooperazione giudiziaria internazionale*)

Via Arenula 70 - 00186 Rome Tel. (+39) 06 68852480

E-mail: cooperation.dginternazionale.dag@giustizia.it

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

There is no provision for their use in cases before the justices of the peace. Electronic service and communication may, however, be used for cases before the ordinary courts. More detailed technical information is available via the following link: https://pst.giustizia.it/PST/it/pst_1_7.wp

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

The lawyers of the parties, but only for cases heard by the ordinary courts.

Article 25 1 (f) Court fees and the methods of payment

The court fees applying are governed by Presidential Decree No 115 of 30 May 2002.

They are made up of three parts: (A) a standard fee; (B) a flat-rate advance for costs; and (C) a fixed duty for the registration of judicial documents, payable only for cases before the Court of Cassation (*Corte di cassazione*).

(A) The level of the standard fee varies depending on the amount of the claim and whether the case is being heard at first instance or on appeal. Specifically:

- (a) for claims up to EUR 1 100 the fee is: EUR 43 if the court proceedings are at first instance; EUR 64.50 if the court proceedings go to appeal; EUR 86 in the case of appeal on a point of law to the Court of Cassation;

- (b) for claims between EUR 1 100 and EUR 5 200 the fee is: EUR 98 if the court proceedings are at first instance; EUR 147 if the court proceedings go to appeal; EUR 196 in the case of appeal to the Court of Cassation.

(B) In addition to the standard fee, an amount of EUR 27 is payable as a flat-rate advance for the costs.

Exception: for cases before the justice of the peace and attempts at settlement prior to litigation where the value of the claim is less than EUR 1 033.00, and the corresponding acts and measures, only the standard fee is payable (thus excluding the advance under this point (B)).

(C) If the case goes before the Court of Cassation, a further payment of EUR 200 is payable, irrespective of the value of the claim, being the fixed duty for the registration of judicial documents.

As for the methods of payment accepted:

(A) payment of the standard fee can be made:

- (a) at Italian post offices using a post office payslip (*bollettino di conto corrente personale*);

- (b) at Italian banks using form F23;

- (c) at vendors of revenue stamps in Italy using the appropriate form to notify payment;

- (d) by bank transfer:

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which is a method available to persons who are not resident in Italy and do not have a current account with a bank under contract to the Revenue Agency (*Agenzia delle Entrate*).

(B) Payment of the flat-rate advance for costs can be made:

- (a) at vendors of revenue stamps in Italy using the appropriate form to notify payment;

- (b) electronically, but only for cases before the ordinary courts.

(C) Payment of the fixed registration duty can be made:

(a) at Italian banks using form F23;

(b) by bank transfer.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

The decisions of the justices of the peace can be challenged before the ordinary courts. The decisions of the ordinary courts can be challenged before the courts of appeal (*corte di appello*).

The time-limit for lodging a challenge is 30 days from notification of the judgment (Article 325 of Italy's Code of Civil Procedure) or six months from its publication in the event of the judgment not being notified (Article 327 of the Code of Civil Procedure).

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

The bodies competent for review are:

(a) for decisions by the justice of the peace - the ordinary court;

(b) for decisions by the ordinary court - the court of appeal.

In terms of procedure, the rules that apply are those governing appeals and legal challenges in general (Article 323 *et seq.* of the Code of Civil Procedure).

Article 25 1 (i) Accepted languages

The language accepted is Italian.

Article 25 1 (j) Authorities competent for enforcement

The authorities competent for enforcement are the ordinary courts.

The authorities competent to stay or limit enforcement of a decision within the meaning of Article 23 of the Regulation are the ordinary courts.

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