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# Court fees concerning Small Claims procedure

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## Introduction

The rules on the costs of proceedings are set out in the Consolidated law on legal costs (*Testo Unico delle disposizioni legislative e regolamentari in materia di spese di giustizia* - TUSG) contained in Presidential Decree No 115 of 30 May 2002.

## What fees are applicable?

In civil actions, each party covers the costs of its own documents and of the documents necessary for the action if the law or the court requires that party to pay them (Article 8 of the Consolidated law on legal costs, Presidential Decree No 115/2002).

The fees in civil actions are as follows:

1. standard fee to bring the action (Articles 9 et seq of the TUSG);
2. the 'flat-rate advance payment by private individuals to the state' to cover service costs at the request of the court (Article 30 of the TUSG);
3. 'service fees' at the request of the parties (Articles 32 et seq of the TUSG);
4. 'fees for copies and certificates' (Article 40 of the TUSG);
5. registration fee for documents subject to registration (Presidential Decree No 131 of 26 April 1986).

## How much shall I pay?

The standard fees are set out in Article 13(1)(a) to (g) on the basis of the value of the action (i.e. the value of the claim, even if it is undetermined); the amount is reduced by half for the special proceedings provided for in Book IV, Title I of the Code of Civil Procedure, including proceedings to oppose an order for payment or to challenge a judgment declaring bankruptcy, and for individual labour or civil service relationship disputes (except for those subject to a full exemption).

Specific exemptions are provided for in national law under Article 10 of the TUSG: in particular, there is an exemption from payment of the standard fee for enforcement, appeal and provisional proceedings concerning child support allowances, and any proceedings relating to that child.

The flat-rate advance payment by private individuals to the state in civil proceedings (Article 30 of the TUSG) consists of a fixed fee (EUR 27.00) required by Article 30 of the TUSG, which is payable by 'the party who initiates the proceedings, lodges the application, or who, in enforcement proceedings for expropriation, applies for the allocation or sale of seized property'.

The service fees at the request of the parties (Articles 32 et seq of the TUSG) consist of travel rights and allowances payable by the parties to the bailiff responsible for serving a document; the amount of the one-off fee is set out in Article 34 of the TUSG, while the amount for the travel allowance is set out in Article 35 of the TUSG.

The fees for copies and certificates are laid down in Articles 266 et seq of the TUSG; they are to be paid for the issue of copies of documents or acts in the case file, or for the issue of the certificates requested by the court registry; fees for paper copies are at least 50% higher than those for electronic copies; in any event, no fees are charged for copies that do not require 'true copy' certification (*certificazione di conformità*) when the copy is extracted from electronic files by persons authorised to access them; the fees payable for the issue of copies of documents and acts from the case file without 'true copy' certification are set out in the table in Annex 6 to the TUSG; the fees payable for the issue of authentic copies of documents are set out in the table in Annex 7 to the TUSG; the fees payable for the issue of non-paper copies of documents are set out in the table in Annex 8 to the TUSG; the fee is tripled for paper copies to be issued within two days, with or without 'true copy' certification (Article 270 of the TUSG).

A registration duty must be paid on the judicial documents and orders specifically referred to in Article 37 of Presidential Decree No 131/1986 (Consolidated law of the provisions on registration duty), which include 'acts of the judicial authority in civil disputes which define (even partially) the proceedings' and 'enforceable payment orders'; registration duty must be paid even if they have been challenged or are still open to challenge at the time of registration, subject to adjustment or reimbursement in accordance with a subsequent final judgment. The fees to be paid for judicial documents subject to registration are set out in Article 8 of the Annex on Fees (*Tariffa*) attached to the Consolidated law.

## What happens if I do not pay the court fees on time?

In the event of non-payment, the court or a debt collection company (agreement in place with Equitalia Giustizia SpA) will serve a payment notice with instructions on how to arrange payment of the standard fee (Article 248 of Presidential Decree No 115/2002).

In the event of non-payment of the fees for copies and the amount provided for in Article 30 of Presidential Decree No 115/2002, the court may refuse to accept the document (Article 285 of Presidential Decree No 115/2002).

## How can I pay the court fees?

If the payment is made in Italy, the standard fee to bring the action before an ordinary court should be made via the IT platform referred to in Article 5(2) of the Digital Administration Code, laid down in Legislative Decree No 82 of 7 March 2005 (PAGOPA).

Payment of the fees for copies, certificates and the costs of ex-officio notifications in civil proceedings should be made via the IT platform referred to in Article 5(2) of the Digital Administration Code, laid down in Legislative Decree No 82 of 7 March 2005 (PAGOPA).

Payments from abroad by bank transfer should be made to the following account:

BIC: BITAITRENT

IBAN: IT 04 O 01000 03245 350008332100

## What shall I do after the payment?

After the payment, the relevant receipt must be provided to the judicial office as proof of payment.

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