

[Home](#) > ... > [Court Procedures](#) > [Digitalisation Regulation - Member State Notifications](#) > Italy

# Digitalisation Regulation - Member State notifications

Content provided by:

Italy



Italy

This page contains information about the notifications done by the Member States pursuant to Regulation (EU) 2023/2844.

## 1. National IT portals for communicating with courts or other authorities

Italy has set up and made operational a portal allowing access to telematic judicial services, for users and professionals, known as the Telematic Services Portal ([Portale dei Servizi Telematici - PST](#)); the portal provides links to other resources for interaction in civil and criminal matters, including the 'Online Court' ([Tribunale Online](#)), which allows individuals who participate in person in non-contentious proceedings to file procedural documents and documents electronically, without the need for subsequent paper filing.

The PST is composed of a public area and a restricted area, accessible by authentication; currently, authentication is permitted by means of a smart card [National Service Card ([Carta Nazionale dei Servizi - CNS](#)) or Electronic Identity Card ([Carta di Identità Elettronica - CIE](#)), or a Multiservice Justice Card (AT model card)] or via SPID - Public Digital Identity System ([Sistema Pubblico di Identità Digitale](#)).

## 2. National law on videoconferencing in civil and commercial matters

Applicable legal framework

Following the emergency measures adopted to manage the pandemic emergency, the use of remote audiovisual links for holding civil case hearings remotely has become a permanent feature (Legislative Decree No 149 of 10 October 2022). Videoconferencing is thus provided for and regulated by Article 127-bis of the Code of Civil Procedure (hearing via audiovisual links), which reads: *'The court may provide that hearings, including public hearings, be held remotely via audiovisual links where the only persons required to attend the hearing are the lawyers, the parties, the public prosecutor and the auxiliary members of the court. The measure referred to in the first paragraph shall be notified to the parties at least 15 days before the hearing. Each party to the proceedings may, within five days of the notice of remote hearing, request that the hearing be held in person. The court, having regard to the usefulness and importance of the parties' presence in relation to the steps to be taken at the hearing, shall respond to the request within five days by means of a non-appealable order, and may also decide that the hearing be held in the presence of the parties who have so requested and via audiovisual link for the other parties. The latter parties may nevertheless opt to participate in person as well. If there are special grounds of urgency, which the court shall mention in the measure, the time limits referred to in the second paragraph may be shortened.'* Therefore, in Italian civil proceedings, the hearing may be conducted by means of remote audiovisual links – that is, by videoconference – where only the lawyers, the parties, the public prosecutor's office and the auxiliary members of the court need to be present, i.e. when no witnesses are to be heard, since witnesses must always be heard in person by the court. It follows that when witnesses are to be heard by Italian courts, videoconferencing is not permitted. At present, Italian national law has no express provisions on videoconferencing in cross-border proceedings; in particular, there is no express provision either allowing or prohibiting one of the parties or their representatives from attending the hearing remotely when they are in another Member State. Indeed, the procedures for conducting the hearing remotely are laid down in

Article 196-duodecies of the Implementing Provisions to the Civil Code, which provides as follows. *'The hearing referred to in Article 127-bis of the Code shall be held in such a way as to safeguard the adversarial process and ensure the effective participation of the parties and, if the hearing is not public, its confidentiality. Article 84 shall apply. The minutes of the hearing shall record the statements of identity of the hearing participants, who must assure that no unauthorised persons are remotely connected or are present at the places from which the hearing participants are connected. The hearing participants shall keep their camera on throughout the hearing. They may not record the hearing. The place from which the judge joins the hearing shall be regarded as the courtroom for all intents and purposes, and the hearing shall be deemed to be held in the court where the proceedings are pending. The Director-General for Information and Automated Systems of the Ministry of Justice shall issue measures identifying and regulating the remote audiovisual links for holding the hearing and the means for ensuring that the hearing in which the case is discussed is public.'*

This primary legislation is accompanied by detailed implementing rules, consisting of the administrative measures issued by the Director-General for Automated Information Systems of the Ministry of Justice.

The main features of the legal framework in force in Italy in this area are summarised below.

## 1. Who and when

The court may order that the hearing be held via videoconference where the only persons required to attend the hearing are the lawyers, the parties, the public prosecutor and the auxiliary members of the court.

## 2. Opposition

Any parties (provided they are not absent) may request that the hearing be held in person. The court, after weighing the usefulness and importance of the parties attending in person in light of the obligations to be fulfilled at the hearing, may order, by a non-appealable decision, that the hearing be held in person or in hybrid mode.

## 3. Adversarial procedure through real-time communication

The hearing via videoconference shall be held in such a way as to safeguard the adversarial process and ensure the parties' effective participation and, where the hearing is not public, its confidentiality.

## 4. Guarantees

The minutes of the hearing shall include the participants' confirmation of their identity and their assurance that there are no links with unauthorised persons and no such persons are present in the places from which participants are connected. Participants must keep their camera on throughout the hearing and may not record the hearing.

## 5. Dematerialisation of hearings

The place from which the court joins the hearing shall be regarded as the courtroom for all intents and purposes, and the hearing shall be deemed to be held at the judicial office where the proceedings are pending.

## 6. Fees

No fees shall be due to the State for participating in hearings via videoconference.

## General information

The legislation on videoconferencing described above also applies to cross-border hearings, unless it is excluded by EU regulations or international conventions.

Videoconferencing may be used in civil, family and commercial proceedings, in the cases and within the limits established in the relevant legislation.

In order to guarantee the right to effective and equal access to a court, respect for the adversarial character of the process, equality of arms, the opportunity to submit evidence and argue the case and the fairness of the

proceedings in civil proceedings, it is expressly provided that the hearing by videoconference must be conducted in such a way as to safeguard the adversarial process and ensure the parties' effective participation and, where the hearing is not public, its confidentiality. The minutes of the hearing will include the participants' confirmation of their identity and their assurance that there are no links with unauthorised persons and no such persons are present in the places from which participants are connected.

Participants must keep their camera on throughout the hearing and may not record the hearing.

The hearing may be held with all parties connected remotely via videoconference, including the judge. If the hearing is public, the court registrar will publish a link generated by the Teams application in a dedicated section of the judicial office's institutional website, which displays the links for attending public hearings remotely.

The published link shall be accompanied by the general register number of the proceedings, to allow third parties to identify it precisely. The link is removed from the court's website by the court registrar at the end of the public hearing. An encrypted channel with asymmetric cryptography algorithms is used to connect to the hearing.

### Technical considerations and interoperability

In Italy, courts and detention facilities have videoconferencing equipment.

In particular, the following tools/platforms are used to conduct hearings via videoconferencing.

- Customisation of Avaya Equinox, with an encrypted communication channel, created on a dedicated telematic network within the Single Judicial Network (Rete di Giustizia Unitaria), with a control room overseeing operations and a dedicated management and control system on the Judicial Administration's infrastructure, available in a large number of criminal courtrooms.
- Microsoft Teams, without admin/control centre, with hybrid cloud management and control system in multi-tenant data centres located in the territory of the European Union (Republic of Ireland and Kingdom of the Netherlands) and administered by the Directorate-General for Automatic Information Systems of the Ministry of Justice, which is the sole holder of the session log access keys, for those courtrooms not yet equipped with the Avaya Equinox system.

Compatibility between these systems and the connection software used by videoconference participants is ensured. Specifically, Windows 10 devices are natively compatible with Microsoft Teams;

Webcam Max Hub and Innex Cube are the most commonly used devices in Italian virtual/hybrid hearings (90% of total courtrooms). All criminal courtrooms are equipped with certified and compatible devices; Avaya Equinox Multi-Video Conferencing system has been customised to be compatible.

In order to allow all participants in the session, especially the judge, to visually recognise each other and see both the speaker asking questions or making statements and the listeners' reactions during the videoconference, in criminal hearings all webcams must show at the same time the judges and all the parties present in the courtroom or connected remotely, to approximate the experience of in-person hearings.

The Italian Ministry of Justice is planning to provide a similar service in civil hearings.

For participants who do not speak Italian fluently, Italian law provides for two-way interpretation by professionals; automatic and live translation and transcription tools are also available for additional support.

To enhance accessibility, in detention facilities some rooms have been equipped with assistive listening devices for persons with reduced mobility or impaired hearing; in addition, Microsoft Teams and Windows 10 have native 'Accessibility Tools'.

## 3. National law on videoconferencing in criminal matters

### 1. Who and when

Use of videoconferencing is provided for in the following cases:

- when the persons detained or interned in a place outside the jurisdiction of the court or who are subject to precautionary measures agree to it;
- when the court must arrange the hearing of witnesses, experts and individuals, subject to the parties' agreement;
- of the court's own motion, to hear undercover agents, informants and persons accused of the offences at issue or related offences.

## 2. Where - Remote participation

Jurisdiction for the hearing or act belongs to the court. However, one or more persons may participate remotely, via audiovisual link, from another judicial office or from a judicial police office identified by the judicial authority, or from another location, if authorised by the judicial authority.

Prisoners and detainees, persons in pre-trial detention or detained after arrest or detention must connect from the facility in which they are held. Lawyers shall connect from their offices or from another appropriate location.

## 3. Adversarial procedure through real-time communication

The audiovisual link must be such as to safeguard the adversarial process and the parties' effective participation in the hearing, and to ensure that all participants from the various locations are able to simultaneously and effectively see and hear each other. Public hearings must be given appropriate publicity.

## 4. Guarantees

Audiovisual recording of the act or hearing shall always be provided. In any event, the right of the lawyers or their substitutes to be present at their client's location is always guaranteed.

The right of lawyers or their substitutes to consult each other and their client confidentially by appropriate technical means is always guaranteed.

As a general rule, a judge's or public prosecutor's auxiliary staff member is present at the location from which the persons carrying out the act or attending the hearing are connected remotely, to confirm their identity and draw up minutes of the proceedings.

The Ministry of Justice ensures that telematic links with the courts take place through appropriate communication networks or channels to ensure the integrity and security of data transmission.

## 5. Fees

No fees or charges are due to the State for participating in the hearings by videoconference.

## 6. General information

The legislation on videoconferencing described above also applies to cross-border hearings, unless it is excluded by EU regulations or international conventions.

Videoconferencing is allowed in criminal proceedings, in the cases and within the limits established by the relevant legislation.

An express requirement is that the audiovisual link be such as to safeguard the adversarial process and the parties' effective participation in the act or hearing, and to ensure that all participants from the various locations are able to simultaneously and effectively see and hear each other. Public hearings must be given appropriate publicity.

Participants must keep their camera on throughout the hearing and may not record the hearing.

The law guarantees the right of the party to be assisted by a lawyer before and during the hearing; the confidentiality of lawyer-client communications during the hearing is assured.

In hearings held on Microsoft Teams, confidentiality is assured via breakout rooms. In hearings held on Avaya Equinox Multi-Video Conferencing, the separate channel is provided by a VoIP system.

For international letters rogatory, telephony is used on PSTN (Public Switched Telephone Network) lines on the number provided by the foreign authority.

Publicity of the hearing is ensured, unless prohibited by law, since the hearing always takes place with the judge physically present in a courtroom accessible to the public, and audiovisual systems are used exclusively for the remote participation of certain parties to the proceedings.

#### Technical considerations and interoperability

In Italy, courts and detention facilities have videoconferencing equipment.

In particular, the following tools/platforms are used to conduct hearings via videoconferencing.

- Customisation of Avaya Equinox, with an encrypted communication channel, created on a dedicated telematic network within the Single Judicial Network (Rete di Giustizia Unitaria), with a control room overseeing operations and a dedicated management and control system on the Judicial Administration's infrastructure, available in a large number of criminal courtrooms.
- Microsoft Teams, without admin/control centre, with hybrid cloud management and control system in multi-tenant data centres located in the territory of the European Union (Republic of Ireland and Kingdom of the Netherlands) and administered by the Directorate-General for Automatic Information Systems of the Ministry of Justice, which is the sole holder of the session log access keys, for those courtrooms not yet equipped with the Avaya Equinox system.

Compatibility between these systems and the connection software used by videoconference participants is ensured. Specifically, Windows 10 devices are natively compatible with Microsoft Teams;

Webcam Max Hub and Innex Cube are the most commonly used devices in Italian virtual/hybrid hearings (90% of total courtrooms). All criminal courtrooms are equipped with certified and compatible devices; Avaya Equinox Multi-Video Conferencing system has been customised to be compatible.

In order to allow all participants in the session, especially the judge, to visually recognise each other and see both the speaker asking questions or making statements and the listeners' reactions during the videoconference, in criminal hearings all webcams must show at the same time the judges and all the parties present in the courtroom or connected remotely, to approximate the experience of in-person hearings.

For participants who do not speak Italian fluently, Italian law provides for two-way interpretation by professionals; automatic and live translation and transcription tools are also available for additional support.

To enhance accessibility, in detention facilities some rooms have been equipped with assistive listening devices for persons with reduced mobility or impaired hearing; in addition, Microsoft Teams and Windows 10 have native 'Accessibility Tools'.

Hearing by videoconference is primarily regulated – also for suspected or accused persons – by Article 24 of Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters, which provides for it only for investigative purposes, i.e. to take the statements of a suspected or accused person, hence not for mere participation in the proceedings. Furthermore, the suspected or accused person's consent to being heard by videoconference is required. The refusal of such consent is listed in Article 24(2)(a) of the Directive as one of the (optional) grounds for refusing to execute an EIO.

As regards the provisions of national law, the general rules are laid down in the new Title II-bis of the Code of Criminal Procedure, inserted by Article 8(1) of Legislative Decree No 150 of 10 October 2022, with effect from 30 December 2022, pursuant to Article 99-bis(1) of Legislative Decree No 150/2022, added by Article 6(1) of Decree-Law No 162 of 31 October 2022, converted into law, with amendments, by Law No 199 of 30 December 2022.

At present, in the light of the latest provisions introduced by Legislative Decree No 31 of 19 March 2024, the matter is governed by Articles 133-bis and 133-ter of the Code of Criminal Procedure, which provide as follows.

Article 133-bis. General provision

*Unless otherwise provided, where the judicial authority provides that an act be carried out remotely or that one or more parties participate remotely in the performance of an act or in the holding of a hearing, the provisions of Article 133-ter shall apply.*

#### Article 133-ter. Procedures and guarantees for remote participation

- 1. Where the judicial authority provides that an act be carried out remotely or that one or more parties participate remotely in the performance of an act or in a hearing, it shall issue a reasoned order. Where the order is not issued at the hearing, it shall be served on the parties together with the measure setting the date for the performance of the act or the holding of the hearing, at least three days before that date, except in cases of urgency, without prejudice to the need to ensure that the lawyer may exercise the rights referred to in paragraph 7. The order shall also be notified to the authorities concerned.*
- 2. In the cases referred to in paragraph 1, an audiovisual link shall be set up between the courtroom or judicial office and the place where the persons performing the act or participating in the hearing remotely are located. The place where the persons who perform the act or participate in the hearing remotely are located shall be considered to be the courtroom.*
- 3. Under penalty of nullity, the audiovisual link shall be set up in such a way as to safeguard the adversarial process and the parties' effective participation in the act or hearing, and to ensure that all participants from the various locations are able to simultaneously and effectively see and hear each other. In the case of a public hearing, appropriate publicity of the acts carried out remotely shall be ensured. An audiovisual recording of the act or hearing shall always be made.*
- 4. Without prejudice to paragraphs 5, 6 and 7, the persons carrying out the act or participating in the hearing remotely shall connect from another courtroom or judicial police office designated by the judicial authority after verifying that suitable technical equipment is available and the logistical requirements for the audiovisual link are satisfied.*
- 5. Prisoners and internees, persons in pre-trial detention or under arrest or temporary detention, when performing the act or participating in the hearing remotely, shall connect from the detention facility in which they are held.*
- 6. After hearing the parties, the judicial authority may authorise the persons who perform the act or participate in the hearing remotely to connect from a place other than that referred to in paragraph 4.*
- 7. Lawyers shall connect from their offices or from another suitable location. In any case, the right of lawyers or their substitutes to be present at the place where the client is present is guaranteed. The right of lawyers or their substitutes to consult each other and with their client by appropriate technical means shall also always be guaranteed.*
- 8. In the cases referred to in paragraphs 4 and 5 and - unless the judicial authority provides otherwise - in the case referred to in paragraph 6, an auxiliary staff member of the court or of the public prosecutor, who may be selected from among the auxiliary staff members in service at the court referred to in paragraph 4, or a judicial police officer - preferably belonging to the staff of the judicial police sections and not currently or previously engaged in investigative or protection work concerning the accused person or in relation to the facts referred to such person - shall be present at the place where the persons who perform the act or who attend the hearing remotely are located, and shall certify their identity and draw up a report of the operations carried out in accordance with Article 136. The report shall also attest to compliance with the provisions of the first sentence of paragraph 3 and the second and third sentences of paragraph 7, the precautions taken to ensure the regularity of the examination with regard to the place where the person is present, and the absence of any impediment or limitation to the exercise of such person's rights and powers.*

Further rules on remote participation are set out in the provisions below.

At the preliminary investigation stage, Article 360(3-bis) of the Code of Criminal Procedure, introduced by Article 18(1)(a) of Legislative Decree No 150 of 10 October 2022, provides that the public prosecutor may authorise the person under investigation, the victim of the offence and any lawyers and expert witnesses who so request, to participate remotely in the expert's appointment or in non-repeatable technical investigations.

Under Article 370(1-bis) of the Code of Criminal Procedure, introduced by Article 18(1)(d)(1) of Legislative Decree No 150 of 10 October 2022, the public prosecutor may provide that the questioning of the suspect, even where delegated to the judicial police, is to be carried out remotely, subject to the consent of the suspect and their lawyer.

With regard to judicial police activities, in addition to the above-mentioned case, Article 350(4-bis) of the Code of Criminal Procedure, inserted by Article 17(1)(b) of the Legislative Decree of 10 October 2022, provides that the 'investigative questioning' (*sommario informazioni*) of the suspect may be carried out remotely. Furthermore, remote participation by the defendant is expressly provided for in the following cases: the review of orders imposing a coercive measure, under Article 309 (8-bis) of the Code of Criminal Procedure; questioning in extradition proceedings, under Article 703(2) of the Code of Criminal Procedure or, in case of arrest, under Article 717(2) of the Code of Criminal Procedure. With regard to the trial stage, Article 496(2-bis) of the Code of Criminal Procedure, introduced by Article 30(1)(g) of Legislative Decree No 150 of 2022, makes it possible for witnesses, experts, technical advisers, defendants in related proceedings and private parties to be questioned remotely, at the request of the court, with the consent of the parties and unless a specific legal provision provides otherwise.

An equivalent provision has been inserted in Article 422(2) of the Code of Criminal Procedure, as amended by Article 23(1)(h) of Legislative Decree No 150 of 2022, for the collection of additional evidence by the preliminary hearing judge. By virtue of the reference made to it by Article 441(6) of the Code of Criminal Procedure, this provision also applies to summary trials (*giudizio abbreviato*).

Remote participation of the person concerned is also expressly provided in the following cases: in supervision proceedings, by Article 678(3.2) of the Code of Criminal Procedure; in enforcement proceedings, by Article 666(4) of the Code of Criminal Procedure.

Lastly, where a defendant detained abroad cannot be transferred to Italy, remote participation is governed by Article 205-ter of the Code of Criminal Procedure, introduced by Article 16 of Law No 367 of 5 October 2001 and amended by Article 41(1)(hh)(1) and (2) of Legislative Decree No 150 of 10 October 2022, with effect from 30 December 2022, pursuant to Article 6 of Legislative Decree No 162 of 31 October 2022.

The full text of the Article is set out below.

Article 205-ter. Remote trial attendance by defendants detained abroad.

1. *Defendants detained abroad, who cannot be transferred to Italy, shall participate in the hearing via audiovisual link, where provided for by international agreements and in accordance with the rules contained therein. For all matters not expressly regulated by international agreements, Article 133-ter of the Code shall apply.*
2. *Participation via audiovisual link is not possible if the foreign State does not ensure that a lawyer or substitute can be present at the place where the act is carried out or if the lawyer or substitute is unable to talk privately with his or her client.*
3. *Defendants shall be entitled to the presence of an interpreter if they do not speak the language of the place where the act is performed, or the language used to ask them questions.*
4. *The detention of a defendant abroad may not lead to the suspension or postponement of the hearing where participation in the hearing via audiovisual link is possible, in cases in which the defendant does not consent or refuses to attend. The provisions of Article 420-ter of the Code shall apply mutatis mutandis.*

*The participation of witnesses or experts in a hearing via audiovisual link shall take place under the procedures and conditions provided by international agreements. For all matters not expressly regulated, Article 133-ter of the Code shall apply mutatis mutandis.*

## 4. Fees for proceedings in civil and commercial matters

Under the regulation, the notification requirement only applies to information relating to the proceedings referred to in Annexes 1 and 2 to the regulation, more specifically to the proceedings in which the European electronic access point may be used.

However, the general rules are those set out in Articles 9 to 18-bis of Presidential Decree No 115 of 30 May 2002 (Consolidated Law on Legal Costs), as well as in Legislative Decree No 116 of 27 May 2005 on 'Implementation of Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes' implementing another legislative instrument.

In Italian law, Presidential Decree No 115/2002 (Consolidated Law on Legal Costs, hereinafter 'TUSG') is the fundamental legislative source for all legal costs which, under various headings, must be borne by private parties in order to have access to justice in civil, commercial and criminal matters (with the exception of legal aid cases; see Article 8 TUSG).

Accordingly, said Presidential Decree contains the rules and instructions to be given to users, for the purposes of Regulation (EU) 2023/2844, on the fees (cost items) charged to the party involved in legal proceedings (even if cross-border) before a national court.

Specifically:

court filing fee (*contributo unificato*) – flat-rate advances from private individuals to the State Treasury – costs of serving notices – fees for copies and certificates

(5) registration duty for documents subject to registration (Presidential Decree No 131 of 26 April 1986).

The court filing fee is payable 'for each instance of civil proceedings – including insolvency and non-contentious proceedings – and of administrative and tax proceedings, in the amounts set out in Article 13 and without prejudice to the provisions of Article 10' (Article 9 TUSG); the fee must be paid by the party who first brings an action, files the statement of claim or, in expropriation enforcement proceedings, applies for the assignment or sale of the attached assets (Article 14(1) TUSG); the value of the proceedings, determined in accordance with the Code of Civil Procedure, without considering interest, must be specifically declared by the party in the form of order sought in the initial statement of claim (Article 14(2) TUSG); a separate court filing fee is payable by the party that files a counterclaim or a claim against a co-defendant, brings a third party into the proceedings, or voluntarily joins the proceedings (Article 14(3) TUSG); the initial court filing fee must be supplemented if the claim is amended or supplemented by another claim so as to increase the value of the case (Article 14(3) TUSG). Unless special rules applying to particular proceedings apply, the amounts of the court filing fee are those set out in Article 13(1)(a) to (g), according to the value of the case (i.e., the value of the claim, even where not determined). However, those amounts may be higher or lower in the case of particular proceedings; in particular, the amounts increase in the case of appeals ('the filing fee is increased by half'), proceedings before the Court of Cassation ('the filing fee is doubled'), or proceedings handled by the specialised chambers referred to in Legislative Decree No 168 of 27 June 2003 ('the filing fee is doubled'). In addition, for real property enforcement proceedings, the court filing fee is EUR 278.00; for the other enforcement proceedings, the filing fee is reduced by half; for enforcement proceedings on movable property having a value of less than EUR 2 500, the filing fee is EUR 43.00; for enforcement opposition proceedings, the filing fee is EUR 168.00; the filing fee is reduced by half for the special proceedings referred to in Book IV, Title I, of the Code of Civil Procedure, including oppositions to orders for payment and oppositions to bankruptcy judgments, and for individual private or public-sector employment disputes (except for fully exempt disputes); for bankruptcy proceedings, which cover the process from the judgment declaring bankruptcy to closure, the filing fee due is EUR 851.00; on the other hand, no filing fee is due for filing a claim in bankruptcy.

Special exemptions are provided for in national law by Article 10 TUSG; in particular, opposition and interim proceedings, even at the enforcement stage, concerning child maintenance payments, and any other proceedings concerning children are not subject to the court filing fee; proceedings in matters of interdiction, incapacitation and appointment of a guardian (*amministratore di sostegno*) are not subject to the court filing fee; proceedings for declaration of absence and presumed death; non-contentious proceedings relating to children, interdicted persons and incapacitated persons.

The flat-rate advances by individuals to the State Treasury in civil proceedings (Article 30 TUSG) consist of a fixed fee (EUR 27.00) required by Article 30 TUSG, which is payable by 'the party who first brings an action, files the statement of claim or, in expropriation enforcement proceedings, applies for the assignment or sale of the attached assets'.

The fees for the service of documents at the parties' request (Articles 32 et seq. TUSG) consist of the travel fees and allowance payable by the parties to the judicial officers tasked with serving a document; the amount of the single fee (*diritto unico*) is set out in Article 34 TUSG, while the amount of the travel allowance is set out in Article 35 TUSG.

Pending the adoption of the regulation provided for in Article 40(1) TUSG, the fees for copies and certificates are

governed by Article 266 et seq. TUSG; these fees are charged for issuing copies of documents in the case file or for the issue of certificates requested from the court registry; under Article 40 TUSG, the amount of the fee for the issue of paper copies shall be at least fifty percent higher than that for the issue of an electronic copy; in any event, no fee is due for a non-certified copy when such copy is extracted from the computerised case file by the persons authorised to access it; the amounts of the fees payable for the issue of copies of documents from the case file, not certified as true copies, are set out in the table in Annex 6 TUSG; the amounts of the fees payable for the issue of certified true copies of documents are set out in the table in Annex 7 TUSG; the amount of the fee payable for the issue of non-paper copies of documents is set out in the table in Annex 8 TUSG; for the issue of paper copies within two days, either certified or non-certified as true copies, the fee due is tripled (Article 270 TUSG); the fees for copies and certificates are adjusted every three years, on the basis of the change, measured by ISTAT, in the consumer price index for the families of manual and office workers over the previous three years, by a measure of the Ministry of Justice, in agreement with the Ministry of Economic Affairs and Finance (Article 274 TUSG); currently, the amounts are set out in the Decree of the Ministry of Justice of 9 July 2021 (published in the Official Gazette of the Italian Republic No 184 of 3 August 2021).

Registration duty is due on the judicial documents and measures specifically referred to in Article 37 of Presidential Decree No 131/1986 (Consolidated Law on registration duty), namely on 'acts of the judicial authority in civil disputes which close all or part of the proceedings', 'immediately enforceable injunctions', 'enforcement orders concerning arbitration awards and rulings declaring the enforceability of foreign judgments'; such measures are subject to the duty even if, at the time of registration, they have been challenged or are still open to challenge. However, the duty may be offset or refunded if the measures are subsequently set aside by a final judgment; out-of-court settlements to which the State administration is party are considered equivalent to a final judgment. The amount of the duty to be charged on judicial documents subject to registration is set out in Article 8 of the Tariff annexed to the Consolidated Law on registration duty.

The above reference rules apply to:

- the cross-border disputes covered by Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure, Regulation (EC) No 861/2007 of the European Parliament and of the Council establishing a European Small Claims Procedure; and those covered by Regulation (EC) No 805/2004 of the European Parliament and of the Council creating a European Enforcement Order for uncontested claims;
- the recognition, enforcement or non-recognition proceedings under Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, Council Regulation (EU) 2016/1103 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, Council Regulation (EU) 2016/1104 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships, Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction;
- the procedures concerning the issue, correction and revocation of the extracts referred to in Regulation (EC) No 4/2009 (see above), the European Certificate of Succession and the attestations referred to in Regulation (EU) No 650/2012 (see above), the certificates referred to in Regulation (EU) No 1215/2012 (see above), the certificates referred to in Regulation (EU) No 606/2013 (see above), the attestations referred to in Regulation (EU) 2016/1103 (see above) and Regulation (EU) 2016/1104 (see above), the certificates referred to in Regulation (EU) 2019/1111 (see above);
- claims lodged by foreign creditors in insolvency proceedings pursuant to Article 53 of Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings;
- communication of natural or legal persons or their representatives with the central authorities under Regulation (EC) No 4/2009 (see above) and Regulation (EU) 2019/1111 (see above), or with the

competent authorities under Chapter IV of Council Directive 2003/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

As regards Regulation (EU) No 655/2014 of the European Parliament and of the Council establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, Article 13(6-quinquies) TUSG contains a special rule specifying the amounts of the court filing fee to be paid for the various cross-border disputes covered by the EU regulation.

In particular, 'for the disputes referred to in Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, the following amounts shall apply:

1. the amounts set out in Article 13(1)(b) and (1-bis) for the proceedings under Articles 21 and 37 of Regulation (EU) No 655/2014;
2. the amounts set out in Article 13(3) for the proceedings under Articles 8, 33 and 35 of Regulation (EU) No 655/2014;
3. the amounts set out in Article 13(1) for the procedures under Article 34 of Regulation (EU) No 655/2014;
4. the amounts set out in Article 13(1-quinquies) for the proceedings under Article 14 of Regulation (EU) No 655/2014.'

This is without prejudice to the possibility for a party with insufficient means to obtain legal aid, provided for and governed by Part III of Presidential Decree No 115/2002 (TUSG), in application of Article 24(3) of the Constitution, which provides that 'appropriate measures shall ensure that persons with insufficient means have the means to act and defend themselves before any court'.

In particular, as stated, Article 8 TUSG provides, '1. Each party shall pay the costs of the procedural acts they carry out and those which they request and shall advance the costs for acts necessary for the proceedings where so directed by law or the court. 2. If the party is eligible for legal aid, the costs shall be advanced by or charged for later payment to the Treasury, in accordance with the provisions of Part III of this consolidated law.'

In particular, Article 74 of the Consolidated Law on Legal Costs provides that 'legal aid shall be granted in civil, administrative, accounting, tax and non-contentious proceedings for the defence of citizens with insufficient means where their claims are not manifestly unfounded'; pursuant to Article 75 TUSG, access to legal aid is effective at every instance and stage of proceedings and for any procedures, whether derived or accidental, howsoever connected to the proceedings; the rules on legal aid also apply, *mutatis mutandis*, to the enforcement stage, judicial review, revision proceedings and third-party proceedings, as well as in proceedings on the application of security measures or preventive measures and in proceedings before the supervising court (*tribunale di sorveglianza*), provided that the person concerned must or may be assisted by a lawyer or expert witness.

Legal aid is granted to citizens with insufficient means (Article 74 TUSG). In civil proceedings, the right to legal aid for citizens with insufficient means also applies to foreigners legally residing in the national territory, stateless persons, and non-profit entities or associations that do not engage in economic activity (Article 119 TUSG); asylum seekers are also eligible for legal aid if they have insufficient means, in accordance with the Geneva Convention of 28 July 1951; a foreign national who has been served an expulsion order may benefit from legal aid in court (Article 142 TUSG). Bankruptcy estates can obtain legal aid if they have insufficient assets to cover court fees. This is provided in Article 144 TUSG: '1. In proceedings to which a bankruptcy estate is a party, if the delegated judge issues an order attesting to the lack of funds to cover the costs of the proceedings, the bankruptcy estate shall be considered eligible for legal aid pursuant to and for the purposes of the rules laid down in this part of the consolidated law, save for any rules incompatible with the granting of legal aid.'

Under Article 76 TUSG, 'legal aid may be granted to any person who has a taxable income for the purposes of personal income tax, as shown in the latest return, not exceeding EUR 12 838.01'; Article 77 TUSG provides that the income thresholds for access to legal aid shall be adjusted every two years on the basis of changes in the consumer price indices published by ISTAT.

Under Article 76(4-quater) TUSG, 'unaccompanied foreign minors who are involved in any capacity in court proceedings shall have the right to be informed that they can appoint a lawyer of their own choice, including through their appointed guardian or the person exercising parental responsibility pursuant to Article 3(1) of Law

No 184 of 4 May 1983, as amended, and to avail themselves of legal aid at any stage and instance of the proceedings in accordance with the legislation in force'; under Article 76(4-quater.1) TUSG, 'minor children or financially dependent adult children who have been orphaned of one parent due to said parent having been killed by the parent's spouse, even if legally separated or divorced, or by the civil partner, even if the civil partnership had ended, or by a person who was or had been in an affective and stable cohabitation relationship with said victim, are eligible for legal aid, including by derogation to the applicable income threshold. Such eligibility by derogation shall apply to the relevant criminal proceedings and to all civil proceedings arising out of the offence, including enforcement proceedings'.

To obtain legal aid, the entitled person must apply to the competent Bar Council (Article 78 TUSG); the application may be made at any time during the proceedings, but before their conclusion; the Bar Council (COA - *Consiglio dell'Ordine degli Avvocati*) having territorial jurisdiction (Article 126 TUSG) decides on the application, but the court hearing the case has the final say (Article 136 TUSG).

An appeal can be brought against a legal aid refusal decision pursuant to Article 99 TUSG.

A legal aid revocation measure can be opposed pursuant to Article 170 TUSG.

The beneficiaries of legal aid can choose their lawyer from those registered in ad hoc lists and are exempted from all the costs of the proceedings (see Article 131 TUSG).

In other words, the State will cover the costs which would otherwise have been borne by the legal aid beneficiary, such as lawyers' fees, experts' fees and other procedural costs (e.g. payment of the court filing fee in civil proceedings, fees for copies and certificates, flat-rate advances for service of documents at the court's request).

## 5. Electronic payment methods

A general guide to online payments ([vademecum sui pagamenti telematici](#)) is published on the Telematic Services Portal (PST).

These online payment methods can also be used by residents of EU Member States who are not resident in Italy and do not have an account with a bank or postal institution in Italy, as they can also be accessed by 'unregistered' credit card holders.

## 6. Notification on the early use of the decentralised IT-system

At present, the Italian State is not using the decentralised system; however, technical activities are under way to enable - in a reasonably short time and in any case by the deadlines established by the regulation for each lot - the use of the decentralised system for the instruments covered by the regulation referred to in Annex II, point 10 (Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters) and Annex I, point 3 (Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure) and, for the purposes of implementing Article 25, for the instrument referred to in Annex I, point 10 (Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings).

## 7. Notification on the early use of videoconferencing in civil and commercial matters

Italy will assess the feasibility of implementing Article 5 on videoconferencing in civil and commercial matters within the time limits laid down in the regulation, in accordance with the procedures described above, even though it has already put in place suitable videoconferencing systems, having the characteristics described in the preceding paragraphs, which are currently fully compliant with the national rules.

## 8. Notification on the early use of videoconferencing in criminal matters

Italy will assess the feasibility of implementing Article 6 on videoconferencing in criminal matters within the time

limits laid down in the regulation, in accordance with the procedures described above, even though it has already put in place suitable videoconferencing systems, having the characteristics described in the preceding paragraphs, which are currently fully compliant with the national rules.

---

■ Last update: 30/09/2025

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.