

[Home](#) > ... > [Money/monetary Claims](#) > [Small Claims](#) > Italy

Small claims



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European Judicial Network
(in civil and commercial
matters)

1 Existence of a specific small claims procedure

There is no specific procedure for small claims. Small claims are heard by the justice of the peace (*giudice di pace*).

As a general rule, proceedings before the justice of the peace are kept as simple as possible, cf. Sections 316–322 of the Code of Civil Procedure (*codice di procedura civile*).

1.1 Scope of procedure, threshold

Justices of the peace have jurisdiction in disputes involving movable assets with a value of €10 000 or less, unless the law specifically provides otherwise.

Actions brought for damages in connection with vehicular and water traffic accidents are also heard by the justice of the peace, provided that the value involved does not exceed €25 000.

Irrespective of the value involved, the justice of the peace hears all cases involving:

- the setting of boundaries and observance of distances for the planting of trees and hedges as established by law, regulation or custom;
- the scope and use of apartment building services;
- relations between owners or occupiers of dwellings concerning smoke, fumes, heat, noise, vibrations and similar nuisances exceeding normal levels;
- interest or incidentals for late payment of pension or welfare benefits.

1.2 Application of procedure

The recent reform (Legislative Decree No 149/2022) brought in a number of new developments as regards proceedings before a justice of the peace. In order to adapt proceedings to digital requirements, the provisions of Articles 127(3) and 127-*bis* of the Code of Civil Procedure (Hearings with audiovisual links), Article 127-*ter* of the Code of Civil Procedure (Submission of written notes), Article 193(2) of the Code of Civil Procedure (Court technical expert declarations for oaths with a digital signature), and Article 196-*duodecies* (implementing provision) of the Code of Civil Procedure (Hearings with remote audiovisual links) also apply from 1 January 2023, including for proceedings pending on that date. The provisions laid down in Chapter I of Title V-*ter* (implementing provision) of the Code of Civil Procedure (Digital justice) apply from 30 June 2023, including for proceedings pending on that date.

Applications are submitted with an appeal in simplified proceedings, in so far as they are compatible (Articles 281-*decies* to 281-*terdecies* of the Code of Civil Procedure).

The application may also be made orally. The justice of the peace has a record drafted and served on the applicant, together with the decree scheduling the hearing of the parties referred to in Article 318 of the Code of Civil Procedure.

Applications must indicate the court and the parties, a statement of the facts and the subject matter of the appeal (new Article 318(1) of the Code of Civil Procedure).

The justice of the peace shall, within 5 days of assignment of the case, issue a decree scheduling a hearing of the parties in accordance with the second paragraph of Article 281-*undecies* (new Article 318(2) of the Code of Civil Procedure).

The applicant is established by submission of the served application or the official record referred to in Article 316 of the Code of Civil Procedure, together with the decree referred to in Article 318 (if they submitted their orally), the report of service and, where necessary, a power of attorney.

The defendant, on the other hand, is established pursuant to the third and fourth paragraphs of Article 281-*undecies* of the Code of Civil Procedure by submission of a statement of defence and, where necessary, a power of attorney (new Article 319 of the Code of Civil Procedure).

The justice of the peace, at the first hearing, is free to question the parties and attempts conciliation. If conciliation is successful, the judge of the peace drafts a record of the agreement arrived at. If conciliation fails, the justice of the peace proceeds in accordance with the simplified procedure (second, third and fourth paragraphs of Article 281-*duodecies*) and – if they do not consider the case to be ready for a ruling – launches the investigation procedures relevant for a ruling.

When the judge of the peace considers that the case is ready for a ruling, they follow the procedure set out in Article 281-*sexies* of the Code of Civil Procedure. It is therefore the judge who sets out the forms of order sought and may order an oral discussion of the case. The judgment is lodged with the court registry within 15 days of that discussion.

1.3 Forms

There are no set forms.

1.4 Assistance by a lawyer

Where the value of the case does not exceed €1 100, the parties may represent themselves before the justice of the peace (Section 82 of the Code of Civil Procedure; see the factsheet on '[How to bring a case to court](#)').

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In all other cases, the parties must be assisted by a lawyer.

However, the justice of the peace may, on the basis of the nature and scope of the case, allow a party to act as a litigant in person, at the party's own oral request or otherwise.

The judge checks that the parties have taken all the steps required for their appearance in court, and, where necessary, will ask them to complete or regularise any documents the judge finds to be defective.

If they find that the lawyer has no [power of attorney](#) as a [defence lawyer](#) or that there is any flaw in their power of [representation](#), [assistance](#) or [authorisation](#) rendering it invalid, the [judge](#) will set a [time limit](#) for the parties to establish a person responsible for representation or assistance, to grant the necessary authorisations, or to grant or renew the [power of attorney ad litem](#). If the flaw is remedied within the time limit, the application is considered regularised, and its substantive and procedural effects will apply from the date of the first [service](#) (Section 182 of the Code of Civil Procedure).

1.5 Rules concerning the taking of evidence

The rules on the taking of evidence are the same as for ordinary court proceedings (see the factsheet on '[Taking of evidence](#)').

1.6 Written procedure

This is governed by Article 127-ter of the Code of Civil Procedure, which states that a [hearing](#), even if already scheduled, may be replaced by the submission of written notes containing only the applications and forms of order sought, if the presence of persons other than the defence lawyers, the parties, the [public prosecutor](#) and the [auxiliary members of the court](#) is not required. In such cases, the hearing is replaced by the submission of written notes upon request of all the parties constituted. When ordering a replacement of the hearing, the judge set a mandatory [time limit](#) of at least 15 days for submission of the notes. Each party [...]

1.7 Content of judgment

In general, the rules of the simplified procedure as set out in 1.2 apply.

The justice of the peace may adjudicate *ex aequo et bono* (i.e. without an express reference to the legal rules) for cases with a value of up to €2 500 (Article 113 of the Code of Civil Procedure).

1.8 Reimbursement of costs

Is there any restriction on the reimbursement of costs? If so, which?

Decisions awarding costs are taken on the basis of the normal rules, whereby the losing party has to pay the costs. However, the parties may each have to pay their own costs if both lose, or for some other good reason.

1.9 Possibility to appeal

Judgments handed down by a justice of the peace on the basis of the *ex aequo et bono* principle (disputes with a value not exceeding €2 500) may be contested only if there has been a breach of procedural rules, constitutional law or EU law, or of the principles governing the subject matter.

All other judgments delivered by the justice of the peace may be appealed.

See the factsheets on the [judicial system](#), [jurisdiction](#) and [how to proceed](#).

Related annexes

[Code of Civil Procedure](#)

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