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> Italy

# Service of documents: official transmission of legal documents



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European Judicial Network  
(in civil and commercial matters)

## 1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

Service of documents is a codified procedure whereby knowledge is given to a natural or legal person of a legal document, for the purposes laid down by law.

Service (*notificazione*) is generally carried out by the bailiff at the request of one of the parties or the judicial authority, but may also be effected by a lawyer.

If the document to be served is an electronic document and the addressee does not have a certified email address, the bailiff will effect service by delivering a copy of the document in printed form, which they declare to be in conformity with the original, and will keep the electronic document for the following two years. If requested, the bailiff will also send the document served by electronic means to the email address declared by the addressee of the service or by their agent, or hand over a copy of the document served to those persons, subject to payment of the relevant fees, on a non-rewritable computer medium (Article 137 of the Code of Civil Procedure) (*Codice di Procedura Civile*).

Simple service (*comunicazione*) is carried out by the court registrar (*cancelliere*) in cases where the same must notify procedural documents to the parties and other persons in respect of the proceedings (Article 136 of the Code of Civil Procedure).

The service of documents specifically involves transmitting documents in their entirety to one or more predetermined addressees, the general purpose of which is to make their content known, by delivering to the addressee a true copy of the original, carried out with the means and by the persons laid down by the legislature, who attest to that activity, the method used and its outcome by means of a declaration having privileged probative value.

A structured set of rules to govern the process and the outcome of the procedure for service is linked to the fact that such activity serves to produce specific legal effects. In particular, where the proper form of service has been complied with the legislature attaches to that service the irrebuttable presumption that the addressee has knowledge of the document, irrespective of actual knowledge of the document which, in circumstances where it is not served, does not produce the same effects as the latter, except in cases where the purpose of the document has been achieved.

Accordingly, in that regard, from the point of view of certainty in legal matters, service is the necessary and sufficient condition for its effectiveness which is, more specifically, legal knowledge (*legale conoscenza*) of the document served on the part of the addressee.

## 2 Which documents need to be served formally?

Service generally concerns documents in respect of which legal knowledge is sought, for the purpose of producing specific legal effects: service must be carried out for the exercise of certain rights (e.g. revocation of a power of attorney, assignment of a claim, formal notice to comply), or the commencement or continuation of legal proceedings (e.g. summons in ordinary, opposition or appeal proceedings) or enforcement proceedings.

In the context of Regulation (EU) 2020/1784, formal service concerns all documents, whether judicial or extrajudicial, relating to civil and commercial matters, which are intended to give legal effect to legal knowledge of the document.

Documents with tax, customs or administrative content or which concern the liability of the State for acts or omissions carried out in the exercise of official authority are excluded from the scope of the Regulation.

## 3 Who is responsible for serving a document?

Service is effected:

- Through the bailiff (*ufficiale giudiziario*), in accordance with precise rules of territorial authority (Articles 106 and 107 of Presidential Decree (*Decreto del Presidente della Repubblica*) No 1229 of 15 December 1959). Under Article 3 of Regulation (EU) 2020/1784, bailiffs are the sole agents competent for the transmission and receipt of documents for service in or from another Member State.
- Through a lawyer having the appropriate power of attorney and authorisation from the council of the bar association (*Ordine*) with which they are registered, who may effect service by post, in accordance with Law No 890 of 20 November 1982, or by certified email (Article 149bis of the Code of Civil Procedure). However, the judicial authority or law may order that service be effected in person by the bailiff.

## 4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

The receiving authority for Italy forwards the request for service to the bailiff competent for the territory.

If the addressee cannot be found at the address given by the requesting party, the bailiff will take the following steps:

- Concerning a natural person: make enquiries with those living at the address given or with neighbours or obtain information at the local population register office (*Anagrafe del Comune*) (if the place and date of birth are indicated on the document).
- Concerning a legal person: the bailiff returns the document to the requesting party so that the latter can request service on the addressee's legal representative. In that case, the name of the legal representative and their personal residence must be included in the document (Article 145 of the Code of Civil Procedure).

Under Article 33(1) in conjunction with Article 7 of Regulation (EU) 2020/1784, the following should be noted.

Where the address in Italy of the person to whom the judicial or extrajudicial document is to be served is not known, Italy will provide assistance in determining the address by indicating UNEP at the Court of Appeal of Rome (*Corte di Appello di Roma*) as the designated authority to which the transmitting agencies may address requests on the determination of the address of the person to whom the document is to be served. The Italian authorities do not submit on their own initiative requests for information about addresses to domicile registries or other databases in cases where the address indicated in the request for service is not correct.

The contact details of the UNEP offices at the Court of Appeal of Rome are as follows:

Viale Giulio Cesare 52, 00192 Rome

Tel. +39 06328367058-7059

Email: [attiesteri.unep.ca.roma@giustizia.it](mailto:attiesteri.unep.ca.roma@giustizia.it)

Certified email: [attiesteri.unep.roma@giustiziacert.it](mailto:attiesteri.unep.roma@giustiziacert.it)

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

The address must be provided by the requesting authority or party, which will obtain it from the documents available to it.

For possible searches, a distinction must be made between natural and legal persons.

The address of natural persons may be requested from the respective local population register offices, starting with the office of the municipality in which they last resided, which will usually respond to reasoned written requests from the parties or their lawyers, and will indicate whether there is a fee (in Rome it is currently EUR 0.26 for each certificate) or anything else which is required (in general, a stamped envelope with the applicant's address for the reply).

Recently, it has been possible for lawyers registered with the bar association to obtain population register certificates directly, as part of their professional remit, from the ANPR portal (Single National Population Register (*Anagrafe Nazionale Unica*) managed by the Ministry of the Interior). The certificates will be issued following confirmation by the lawyer of use for purposes related to carrying out their remit and will be exempt from stamp duty.

As regards legal persons and companies, the relevant information is available in the register of companies which is public and managed by the provincial chambers of commerce (*Camera di Commercio*). It can be consulted via the portal [registroimprese.it](http://registroimprese.it); a fee is payable for this (EUR 7.00 approx.). Alternatively, there are professional associations and web providers who will supply the desired information to subscribers.

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

Requests to determine the address of natural persons only must be sent to UNEP in Rome, already referred to as the competent authority, using Form B (*modulo B*), which must state the place and date of birth of the addressee (point 3.3.3).

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

Service is effected:

- Through the bailiff, in accordance with precise rules of territorial authority (Articles 106 and 107 of Presidential Decree No 1229 of 15 December 1959). The bailiff is the sole agent competent in application of Article 3(1) and (2) of Regulation (EU) 2020/1784 for the transmission and receipt of documents for service between Member States.
- Through a lawyer having the appropriate power of attorney and the authorisation of the council of the bar association with which they are registered, who is permitted to receive documents for service from foreign applicants under Article 20 (1) of the Regulation.
- Within Italy, in accordance with Law No 890 of 20 November 1982, or by certified email (Article 149bis of

the Code of Civil Procedure). However, the judicial authority or law may order that service be effected in person by the bailiff.

As regards alternative methods, please note the following.

#### Direct service

Delivery may also take place at the addressee's habitual residence (*abituale dimora*), at their offices, where they carry on their commercial activities, where they are temporarily resident, or where they have established the principal place of their business affairs and interests (*sede principale dei suoi affari ed interessi*), within the meaning of Article 43 of the Civil Code.

If the addressee is not to be found in those places, the copy, in a sealed envelope, may be delivered to a member of their family, or to a person employed in their home or offices, who is not under the age of 14, manifestly unfit or a party to the proceedings.

The copy, still in its sealed envelope, may also be delivered to the concierge of the building or to a neighbour, who must sign for it; in that case, the addressee must be advised of the delivery by registered letter without acknowledgment of receipt (Article 139 of the Code of Civil Procedure).

If the addressee habitually lives on board a merchant vessel, the document may be handed to the captain of the ship.

Article 146 of the Code of Civil Procedure provides that delivery to active military personnel, when not possible in person, is made to the Public Prosecutor's Office, which sends it to the commander of the corps to which the addressee belongs.

Where delivery is not possible in the manner described, because the addressee is absent at the time and the other persons capable of taking delivery of the document are absent or refuse to do so, the bailiff may proceed in accordance with Article 140 of the Code of Civil Procedure and deposit a copy of the document, in a sealed envelope, at the town hall of the municipality in which service must take place.

#### Service by postal service

The postal worker must attempt to deliver the envelope personally to the addressee; when the addressee is absent, the envelope is delivered, at the place indicated on the envelope, to a family member living with them, even temporarily, or in their service, provided that they are not manifestly suffering from mental illness or under the age of 14. In the absence of such persons, the envelope may be handed to the concierge.

The person receiving the registered letter signs the acknowledgement of receipt and the delivery register in the space provided stating their relationship with the addressee.

Formal service where the addressee's residence, temporary residence or centre of affairs and interests is unknown

The addressee must be sought using ordinary diligence and in good faith. However, if the addressee cannot be found, service is effected by depositing a copy at the town hall of their last known place of residence or, if the last place of residence is unknown, at the town hall of their place of birth. If that is also unknown or is located abroad, the document is delivered to the Public Prosecutor's Office (Article 143 of the Code of Civil Procedure).

#### Methods of service ordered by the court

Upon request or of its own motion, in particular circumstances or for reasons of urgency the court may order methods of service other than the codified procedures. Those methods may be chosen freely, but they must protect the addressee's privacy and their rights of defence (Article 151 of the Code of Civil Procedure).

A common example is authorisation to send an envelope via a courier service in order to guarantee very quick delivery. Other systems are now obsolete.

#### Service by public announcement

On application by one of the parties, and after hearing the opinion of the Public Prosecutor's Office, the court may authorise service of this kind where there is a large number of addressees or where it is difficult to identify all of the addressees.

A copy of the document is deposited at the town hall of the municipality of the court of the proceedings, and an extract of the document is published in the Official Gazette (*Gazzetta Ufficiale della Repubblica Italiana*). The court may also order the publication of an extract in the most widely circulated newspapers, or use other forms of publicity (Article 150 of the Code of Civil Procedure).

The bailiff must serve the document directly, if the address is in the municipality in which the bailiff's office is located, and by post, if the address is outside that municipality (Article 107 of Presidential Decree No 1229/1959), unless the requesting party or authority expressly requests direct service.

Direct service: this consists of delivery of a certified copy of the original (Article 137 of the Code of Civil Procedure), which must be effected between the hours of 07.00 and 21.00 on a weekday (Article 147 of the Code of Civil Procedure). The bailiff delivers the copy personally to the addressee, preferably at their home in order to protect the addressee's privacy, but otherwise anywhere within the limits of the bailiff's territorial competence.

Where a natural or legal person has given an address for service at the place of another person or at offices, delivery must be made to the person authorised to accept service, at the place indicated in the address for service. Such delivery is treated as delivery to the recipient directly (Article 141 of the Code of Civil Procedure).

By way of exception to that rule, summonses with a view to eviction (*citazioni per convalida di sfratto*), enforcement orders (*titoli esecutivi*) and orders for payment (*precetti di pagamento*) cannot be served at an elected address for service.

State administrations have an address for service at the State Legal Office (*Avvocatura di Stato*).

By sending the copy through the postal service as provided for in Article 149 of the Code of Civil Procedure and Law No 890 of 20 November 1982: the copy of the document is placed in a special envelope for registered post with acknowledgement of receipt, both of which are green and in a standard form which enables them to be traced.

**6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?**

Yes, electronic service is permitted in civil proceedings.

Italy has provided, as the ordinary procedure for service of judicial and extrajudicial documents in civil and commercial matters, for the document to be sent directly to an addressee in possession of a certified email address, irrespective of the legal or professional status of the addressee.

Various parties are required to make their certified email address (*posta elettronica certificata* (PEC)) publicly available on the appropriate registers: legal professionals, legal persons, commercial undertakings and public bodies.

Under Article 149bis of the Code of Civil Procedure, the bailiff or lawyer of the requesting party will send a digital copy of the document signed by digital signature to the certified email address of the addressee which is listed in public directories or is otherwise accessible to the public authorities.

Service is deemed to have taken place at the time at which the service provider makes the electronic document

available in the addressee's email inbox.

Since the use of an operational means of transmission is limited to the national territory and is laid down in the procedure for the direct transmission of the document from the applicant to the addressee, service by certified email does not currently apply in relation to the cross-border document service. As regards other possible forms of electronic transmission of the document (fax, email), since these are not laid down by the legislature as the ordinary means of service of the document, they are specific and, as such, under Article 151 of the Code of Civil Procedure require express authorisation from the court of which the legal effect, confined to the national legal system, is doubtful in relation to acts having a cross-border dimension whereby legal relationships having effects outside the national territory can be regulated only in the context and on the basis of specific provisions which are regulatory in nature or laid down in agreements or treaties.

**6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?**

The Central Authority for cross-border service (*Autorità Centrale per le notifiche transfrontaliere*) has no knowledge of the use of that method of service which, since it is direct, may be effected on the parties in person, in accordance with the provisions of Article 19.1 and Regulation No 910/2014.

**6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.**

None at the present time.

## 7 'Substituted' service

**7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?**

As regards direct service, the document may also be delivered at the addressee's habitual residence, at their offices, where they carry on their commercial activities, where they are temporarily resident, or where they have established the principal place of their business affairs and interests, within the meaning of Article 43 of the Civil Code.

If the addressee is not to be found in those places, the copy, in a sealed envelope, may be delivered to a member of their family or to a person employed in their home or offices, who is not under the age of 14 or manifestly unfit or who does not have a direct interest in the proceedings to which the document served relates or a conflicting interest in respect of the addressee.

In the absence of such persons, the copy of the document may be handed to the concierge and, where there is no concierge, to a neighbour who accepts delivery of it, in both cases in a sealed envelope. The concierge or the neighbour must sign for the document and the addressee must be notified that delivery has taken place in their regard by registered letter without acknowledgement of receipt (Article 139 of the Code of Civil Procedure).

If the addressee habitually lives on board a merchant vessel, the document may be handed to the captain of the ship.

Article 146 of the Code of Civil Procedure provides that delivery to active military personnel, when not possible in person, is made to the Public Prosecutor's Office, which sends it to the commander of the corps to which the addressee belongs.

If one of the persons capable of withdrawing the document is not to be found or they refuse to accept a copy of the document, under Article 140 of the Code of Civil Procedure the bailiff will deposit a copy of the document in a sealed envelope at the town hall of the municipality in which service must take place, give notice that the

document has been deposited at the door of the addressee's home and inform them by registered letter with acknowledgement of receipt.

Service by postal service: the postal worker must attempt to deliver the envelope personally to the addressee; when the addressee is absent, it may be delivered, at the place indicated on the envelope, to a family member living with the same, even temporarily, or in their service, provided that they are not manifestly suffering from mental illness or under the age of 14. In the absence of such persons, the envelope may be handed to the concierge.

The person receiving the registered letter signs the acknowledgement of receipt and the delivery register in the space provided stating their relationship with the addressee.

Formal service where the addressee's residence, temporary residence or centre of affairs and interests is unknown

The addressee must be sought using ordinary diligence and in good faith. However, if the addressee cannot be found, service is effected by depositing a copy at the town hall of their last known place of residence or, if the last place of residence is unknown, at the town hall of their place of birth. If that is also unknown or is located abroad, the document is delivered to the Public Prosecutor's Office (Article 143 of the Code of Civil Procedure).

Methods of service ordered by the court

Upon request or of its own motion, in particular circumstances or for reasons of urgency the court may order methods of service other than the codified procedures. Those methods may be chosen freely, but they must protect the addressee's privacy and their rights of defence (Article 151 of the Code of Civil Procedure).

A common example is authorisation to send an envelope via a courier service in order to guarantee very quick delivery.

Service by public announcement

On application by one of the parties, and after hearing the opinion of the Public Prosecutor's Office, the court may authorise service of this kind where there is a large number of addressees or where it is difficult to identify all of the addressees.

A copy of the document is deposited at the town hall of the municipality of the court of the proceedings, and an extract of the document is published in the Official Gazette. The court may also order the publication of an extract in the most widely circulated newspapers, or use other forms of publicity (Article 150 of the Code of Civil Procedure).

## 7.2 If other methods are applied, when are the documents deemed to have been served?

Service through delivery of the document to persons other than the addressee: where the document is handed to a member of the addressee's family or to a person employed in their home or by delivery to the concierge or a neighbour, service takes place on the date on which the document was handed to such persons, even though the addressee has actual knowledge of it subsequently.

Service of the document at the municipal town hall under Article 140 of the Code of Civil Procedure: in the event of service carried out by depositing the document at the municipal town hall, within the meaning of Article 140 of the Code of Civil Procedure, since the formalities necessary for valid service are numerous and are not necessarily completed on the same day, the courts have stepped in to give a definitive interpretation of the provision. The relevant case-law has established that the date on which service takes place, in respect of the applicant, is that of the last formality, namely sending the registered letter containing the notice of deposit at the town hall, while in respect of the addressee it is the date of expiry of the 10 days of its being held at the post office, or the date on which the envelope is collected, if earlier.

Service by post: the date is the date of delivery of the document indicated in the acknowledgement of receipt; if the document is not collected, the date of service will be the date of expiry of the 10 days of its being held at the post office. If the latter is still uncertain, service is deemed to have taken place on the date shown by the stamp affixed by the post office to the acknowledgement of receipt, to be returned to the sender.

An uncollected envelope will be available to the addressee for 6 months, so that they may nevertheless gain actual knowledge of its contents.

Formal service where the addressee's residence, temporary residence or centre of affairs and interests is unknown: the document is considered to have been served 20 days after the deposit at or delivery to the Public Prosecutor's Office.

Methods of service ordered by the court

The date on which service is completed depends on the method used to carry it out.

Service by public announcement

Service is deemed to have taken place when, having followed the procedures laid down by law, the bailiff lodges with the registry of the court before which the proceedings have been brought a copy of the record [of service] and of the documents demonstrating the action taken by the party at the request of the court (publication in the Official Gazette, etc.).

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

Under Article 140 of the Code of Civil Procedure, in the absence of the addressee or persons capable of taking delivery of the document in the addressee's absence, the bailiff lodges a copy of the document in the town hall of the municipality in which it must be served. The bailiff lodges a notice of deposit in a sealed envelope at the door of the addressee's home and also informs them by registered letter with acknowledgement of receipt. The registered letter is delivered to the addressee or to other persons capable of taking delivery of the envelope from the postal worker who, in their absence, deposits it at the post office responsible for the area, leaving a notice in the addressee's letterbox to collect it within the next 10 days.

In cases where service is effected through the postal service, in the absence of the addressee, the postal worker may deliver the envelope containing the document to be served to one of the persons entitled to accept delivery of it, then sends to the addressee notification of delivery (*comunicazione di avvenuta consegna*, CAN) by registered letter.

Where the postal worker cannot find the addressee or other authorised person at the known address, they send by registered post to the addressee a notice of deposit (*comunicazione dell'avvenuto deposito*, CAD) of the copy of the document at the post office responsible for the area. The CAD and CAN notices are in addition to service and the postal worker enters a note that they have been sent on the original acknowledgement of receipt of the envelope containing the document to be served. The notices are to ensure that the addressee has actual knowledge of the document, and do not affect the date of service, which remains the date of expiry of the 10-day holding period at the post office, or the date of collection, if earlier.

In order that the postal worker can carry out the steps for service by post the addressee must have a box suitable for the receipt of correspondence, which indicates the name.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

Under Article 138 of the Code of Civil Procedure the [bailiff](#) may always effect [service](#) by handing over the copy to the addressee in person at their home or, if that is not possible, wherever they are in the district of the judicial office to which the bailiff is assigned. If the addressee refuses to accept delivery of the copy, the bailiff records that fact in the [record](#), and service is deemed to have taken place through personal service.

In the case of delivery of a copy of the document to a person other than the addressee capable of taking delivery in their absence, as well as in the case of service effected by depositing the document at the municipal town hall or service effected through the postal service, service is in any event deemed to have been completed when the formalities laid down by law have been performed irrespective of the subsequent refusal to accept the document by the addressee.

## 8 Postal service from abroad (Article 18 of the Service of Documents Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

The postal worker delivers the registered letter to the addressee at the address indicated or to another suitable person, as provided for by the rules relating to the delivery of registered letters: members of the household, cohabitants, co-workers, the concierge.

Registered letters addressed to organisations, legal persons and associations are delivered to the legal representative or to the responsible staff member. Registered letters addressed to organisations, legal persons and associations are delivered to the legal representative or to the staff member responsible.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

If the postal worker finds nobody, they will deposit the document at the post office responsible for the area.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

In the absence of the addressee, the postal worker leaves an invitation in their letterbox to collect the document.

Service from abroad is possible by means of international registered mail which, unlike service by post in Italy, does not have the features enabling the postal agent or the addressee to identify its content as the service of a document from abroad under Article 18 of Regulation (EU) 2020/1784, starting with the type of envelope used, which is green for service by post nationally and thus makes it possible to identify the content. The envelope is therefore treated as any other registered letter containing personal or commercial correspondence.

The international acknowledgement of receipt does not have certain features which are present in the notices of receipt provided for under national law to ensure proper delivery and the rights of the defence, and which provide useful information as to the status of the person who collects the envelope, in addition to the name and the date of any deposit at the post office, for the purposes of assessing the correct holding period. The holding period is 30 days for an international registered letter, but only 10 days under national law, even though the envelope remains at the disposal of the addressee for 6 months, thereby guaranteeing a longer period for actual knowledge of the document.

## 9 Is there any written proof that the document has been served?

The person effecting service endorses on the copy served and on the original the date, manner and place of delivery for the purposes of the assessment of the proper procedure for service. They must also indicate any searches carried out, including in personal records (Article 148 of the Code of Civil Procedure).

The record of service by the postal service must indicate the date and the post office sending the document. The acknowledgement of receipt must be returned to the sender as documentary proof that the document has been served.

When the postal worker indicates in the acknowledgement of receipt that the addressee is unknown or has left the address given on the envelope, service is not completed.

The bailiff's record is an official document, and unless it is shown to be false it is proof of what took place in the bailiff's presence and of the statements made to them; it is prima facie evidence of other circumstances not ascertained by the bailiff personally (for example, the fact that the person who took delivery of the document was a family member or a person employed in the home of the addressee).

As regards cross-border notifications, the outcome of the service operations are recorded in the forms in respect of notification or non-notification laid down in Regulation (EU) 2020/1784.

**10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?**

Service will be invalid when the formal requirements laid down to guarantee the principle of legal knowledge have not been complied with, or where there is fundamental uncertainty as to the person to whom it was effected and on which date.

An invalid delivery may be remedied if the service nevertheless achieved its purpose, for example if the addressee appears in court.

Uncertainty as to the date of service must be fundamental and cannot be remedied if a mandatory deadline depends on it. Where there is a different date on the original and on the copy, the date indicated on the addressee's copy takes precedence, in order to guarantee the addressee's rights of defence.

According to the case-law there is no service, and therefore nothing which can be remedied, when the document has not been served at all, or where it has been served in a place or to a person not linked to the addressee in any way.

Another ground for invalidity which cannot be remedied is discrepancy between the original and the copy such as to prevent the addressee from entering a defence.

**11 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, is there a specific legal remedy to challenge that decision?**

Where the addressee of service refuses to accept the document on account of the language used (Article 12 of the Regulation on service) and the court considers that such refusal is unjustified, the remedies generally provided for under procedural law (Code of Civil Procedure) may be used to challenge measures adopted in breach of the rights of the defence and the right to be heard.

**12 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.**

In civil cases, the party requesting service must cover the costs, consisting of duties payable to the Treasury (*erario*), delivery costs and expense allowances owed to the bailiff for documents handled outside the place of the bailiff's office.

The matter is governed by Presidential Decree No 115 of 30 May 2002 (Consolidated Law on court costs (*Testo Unico delle spese di giustizia*)).

In some types of proceedings, including employment and social security matters, separation and divorce cases, and cases in which a person of insufficient means has been granted legal aid from the State, the party is exempt from paying the costs of service, which are charged to the Treasury.

Service which is required under Regulation (EU) 2020/1784 is exempt from all costs.

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■ Last update: 20/11/2024

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