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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Italy



Italy

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

(a) The authorities referred to in Article 2(2)(2)(b) and 2(2)(3)

- Public authorities or other authorities empowered to draw up an authentic instrument as referred to in Article 2(2)(2)(b): notary (*notaio*), civil registrar (*ufficiale dello stato civile*), court (*autorità giudiziaria*);

- Public authorities empowered to register an agreement as referred to in Article 2(2)(3): civil registrar, court (General Court (*Tribunale*), Court of Appeal (*Corte di Appello*) and Public Prosecutor's Office (*Procura della Repubblica*)).

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

a) The authorities referred to in Article 74(2);

- Administrative authorities that grant legal aid as referred to in Article 74(2): none;

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

The courts and authorities competent to issue certificates as referred to in Articles 36(1) and 66, and the courts competent to rectify certificates as referred to in Articles 37(1), 48(1), 49, and 66(3) in conjunction with Article 37(1);

- Courts and authorities competent to issue certificates as referred to in Articles 36(1) and 66: General Court, Court of Appeal, Public Prosecutor's Office, civil registrar;

- Courts competent to rectify certificates as referred to in Articles 37(1) and 48(1) and general courts competent to issue a certificate indicating the lack or limitation of a certified decision as referred to in Article 49: General Court, Court of Appeal, Public Prosecutor's Office, civil registrar.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

- Courts competent to rectify certificates as referred to in Articles 37(1) and 48(1): General Court, Court of Appeal, Public Prosecutor's Office and civil registrar;

- Courts competent to issue a certificate indicating the suspension or limitation of a certified decision as referred to in Article 49: General Court, Court of Appeal;

- Courts or authorities competent to rectify the certificate as referred to in Article 67(1), issued within the meaning of Article 66(1): General Court, Court of Appeal, Public Prosecutor's Office and civil registrar.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

(c) The courts referred to in Articles 30(3), 52, 40(1), 58(1) and 62 as well as the courts referred to in Article 61(2);

- the courts referred to in Articles 30(3), 52, 40(1) and 58(1): General Court;

- the authorities and courts referred to in Article 61(2): Court of Appeal;

- The courts referred to in Article 62: Court of Cassation (Corte di Cassazione).

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

(d) The authorities competent for enforcement as referred to in Article 52:

General Court

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

e) the redress procedures referred to in Articles 61 and 62:

with reference to Article 61, proceedings brought before the Court of Appeal with geographical jurisdiction; with reference to Article 62, appeal brought before the Supreme Court of Cassation (*Corte Suprema di Cassazione*);

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

f) the names, addresses and means of communication for the Central Authorities designated pursuant to Article 76;

The Central Authority for the whole of Italy is the Department of Juvenile and Community Justice (*Dipartimento per la Giustizia Minorile e di Comunità*)

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Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

There are no categories of relatives in Italy, other than parents, for which the placement of children does not need to be authorised.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

h) the languages accepted for communications to Central Authorities pursuant to Article 91(3):

Italian, English and French;

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

i) the languages accepted for the translations pursuant to Articles 80(3), 81(2), 82(4) and 91(2):

no information submitted.

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