

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Taking Evidence \(recast\)](#) > [Italy](#)

Taking evidence (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 2(1) - Authorities that can be considered as courts

None

Article 3(2) - Requested courts

Ordinary courts (*tribunali ordinari*) and magistrates' courts (*giudici di pace*), in accordance with the subject-matter jurisdiction criterion laid down in Article 7 of the Code of Civil Procedure (*Codice di Procedura Civile*) (Jurisdiction of Magistrates' Courts)

Magistrates' courts have jurisdiction in actions concerning movable property of a value not exceeding €10 000, where the law does not confer jurisdiction on another court.

Actions brought for damages in connection with vehicle and water traffic accidents are also heard by the magistrates' courts, provided that the value involved does not exceed €25 000.

Irrespective of the value involved, magistrates' courts hear all cases involving:

- 1) the setting of boundaries and observance of distances for the planting of trees and hedges as established by law, regulation or custom;
- 2) the scope and use of apartment building services;
- 3) relations between owners or occupiers of dwellings concerning smoke, fumes, heat, noise, vibrations and similar nuisances exceeding normal levels;
- 3a) interest or incidentals for late payment of pension or welfare benefits.

Article 4 - Central body

MINISTRY OF JUSTICE (*Ministero della Giustizia*)

Department of Judicial Affairs (*Dipartimento Affari di Giustizia*)

Directorate-General for International Affairs and Judicial Cooperation (*Direzione Generale degli Affari Internazionali e della Cooperazione Giudiziaria*)

Office I - International Judicial Cooperation (*Ufficio I - Cooperazione Giudiziaria Internazionale*)

Tel.: +39 06.6885.2264

Email: cooperation.dginternazionale.dag@giustizia.it

Via Arenula, 70 - 00186 Rome

Article 6 – Languages accepted for completion of the forms

Italian or the language of the requesting State, if accompanied by a translation into Italian certified by a public authority or translator

Article 7 – Means accepted for transmission of requests and other communications

Ordinary mail.

Where the requesting lawyer is entered in the Register of Electronic Addresses (*Registro degli Indirizzi Elettronici - RegIndE*), they must send the request for the taking of evidence in electronic form only via the online services portal (*portale dei servizi telematici - PST*)

Article 19 – Central body or competent authority(ies) responsible for decisions on requests for direct taking of evidence

MINISTRY OF JUSTICE

Department of Judicial Affairs

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Article 29 – Agreements or arrangements to which Member States are parties and which comply with the conditions in Article 29(2)

Italy does not intend to use this option, as it considers the provisions of Regulation (EU) 2020/1783 to be appropriate and sufficient

Article 31(4) – Notification on the early use of the decentralised IT-system

None currently

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