

Home>Taking legal action>Where and how>Costs

Costs

Italy

This page provides information on the costs of legal proceedings in Italy.

Regulatory framework for lawyers' fees

Lawyers

In Italy, there is only one category of lawyers, who, by way of registration with a bar association, are permitted to participate in any type of proceedings and before any type of court, except before the higher courts (Court of Cassation and Council of State), for which an additional special qualification is required. The provisions for costs of proceedings are laid down in the Consolidated Law on legislative and regulatory provisions for legal costs referred to in Decree No 115 of the President of the Republic of 30 May 2002, most recently amended by [Legislative Decree No 83 of 27 June 2015](#), converted, with amendments, into [Law No 132 of 6 August 2015](#), into [Legislative Decree No 156 of 24 September 2015](#) and into [Law No 208 of 28 December 2015](#), and in the new law on the legal profession (Law No 247/2012, or L.P.F.) as amended by [Ministerial Decree 55/2014 \(which has replaced Ministerial Decree 140/2012\)](#) on: **'Determining the parameters for settling lawyers' fees within the meaning of Article 13(6) of Law No 247 of 31 December 2012', which has been in force since 3 April 2014.**

Law on the profession No 147/12, in accordance with the previous primary standard (Article 9 of Legislative Decree No 1 of 24 January 2012, converted, with amendments, into Law No 27 of 24 March 2012), which provided for the revocation of the rates of regulated professions and the reference to parameters established by way of a decree of the monitoring Ministry for the determination of the fee paid to professionals (by a court of law), acknowledges the **reference to the parameters established every two years by the Ministry of Justice 'on the recommendation of the CNF'** (National Lawyers' Council).

Article 13 of Law No 247/2012, in particular, governs the assignment of the task and the fee:

Lawyers may also take on professional assignments for their own benefit.

The task may be carried out free of charge.

The fee due to the professional is usually agreed in writing when the professional task is assigned. Fees are agreed upon freely: a lump-sum, time-based agreement is permitted, usually in relation to one or more matters, based on the fulfilment and the times of the services being provided, for individual stages or services or for the entire duration of the activity, as a percentage of the value of the matter or of the amount that the recipient of the service may benefit from, not purely from the point of view of assets alone.

Agreements through which the lawyer receives, by way of remuneration in whole or in part, a share of the property to which the service or dispute in question relates, are prohibited.

Professionals are obliged, in compliance with the principle of transparency, to notify the client of the level of complexity of the assignment, providing all valuable information regarding all possible charges from the point in time when the assignment is awarded until it has been completed; upon request, professionals are also obliged to inform the person assigning the task in writing of the anticipated level of cost of providing the service, distinguishing between fees, charges, including lump sums, and professional remuneration.

The parameters set out in the decree issued by the Ministry of Justice, at the request of the National Lawyers Council (CNF), every two years, apply when, upon awarding the assignment or subsequently, the remuneration has not been set out in writing, in any case where this has not been agreed between the parties, during winding-up proceedings by the court and in cases where the professional service is carried out in the interests of third parties or for official services provided for by law.

In cases where a dispute which is the subject of judicial or arbitration proceedings is defined by agreements made in any form whatsoever, the parties are jointly liable to pay fees and reimburse costs to all the lawyers who have carried out their professional activity in the last three years and are still creditors, without express waiver of the benefit of solidarity.

Where no agreement is reached between the lawyer and the client, each of them may contact the local bar association to attempt to reach a solution.

Where an agreement cannot be reached, the council may, at the request of the member, issue an opinion on the validity of the lawyer's claim regarding the work carried out.

In addition to the fee for their professional service, lawyers must be paid, either by the client where this is set out in a contract, or in legal liquidation proceedings, a sum for reimbursement of lump-sum expenses in addition to reimbursement of costs actually sustained and all the charges and fees that may have been advanced in the interests of the client.

Therefore, as of 3 April 2014, all payments will be made in accordance with the provisions of the aforementioned Ministerial Decree 55/2014. The new parameters set out here do not take the individual activities performed by the lawyer (telephone calls, examination of documents, hearings, interviews, etc.) as a reference, but rather the stages of the proceedings (both for civil and criminal proceedings). An average settlement value is predetermined for each stage, which can be increased or reduced by the judge as a percentage depending on the specific circumstances (nature, complexity and severity of the case, value of the work, urgency of the service, application of preliminary injunctions, etc.) and on the competent court.

The following tables show, by way of example, the [fees for proceedings taking place before the Justice of the Peace and the General Court](#)  (47 Kb) .

The 'ancillary charges' are, in fact, added to the fee that has been agreed or calculated.

Ancillary charges are understood to mean:

disbursements (i.e. verified out-of-pocket expenses).

the fee for general expenses (15% in accordance with Article 2 of Ministerial Decree 55/2014),

travel expenses (Article 27 of Ministerial Decree 55/2014: accommodation costs + 10% and mileage allowance of 1/5 of the cost of fuel for each kilometre driven),

social security contribution of 4% (C.N.P.A – pension contributions for lawyers) and

VAT at 22% (increased as of 1 October 2013 in accordance with Law 98/2011).

Incidental expenses of 10% of the cost of any accommodation required by the professional where he/she has had to travel, or commuting expenses where he/she has used his/her own car.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for the parties in civil proceedings

As well as covering expenses to pay for their own lawyer, in civil proceedings each party incurs expenses for the actions that they perform and meets the expenses for the necessary procedural acts where the law or a judge deems these to be payable by the party (Article 8 of the Consolidated Act on legal costs).

What are legal costs?

The fees in civil actions are as follows:

Standard fee to bring the action: Articles 9 et seq. of Presidential decree 115/2002: in summary, this amount varies depending on the value of the claim (EUR 43 for proceedings up to a value of EUR 1 100, and for proceedings regarding mandatory social security and assistance disputes and other special proceedings; EUR 98 for proceedings having a value above EUR 1 100 and up to EUR 5 200 and for non-contentious legal proceedings, and other special proceedings; EUR 237 for proceedings having a value above EUR 5 200 and up to EUR 26 000 and for contentious proceedings of indeterminable value within the exclusive competence of the Justice of the Peace; EUR 518 for proceedings having a value above EUR 26 000 and up to EUR 52 000 and for civil proceedings with an indeterminable value;

EUR 759 for proceedings having a value above EUR 52 000 and up to EUR 260 000;

EUR 1 214 proceedings with a value above EUR 260 000 and up to EUR 520 000;

EUR 1 686 for proceedings having a value above EUR 520 000).

The standard fee to bring the action is increased by half for appeal proceedings and is doubled for proceedings brought before the Court of Cassation.

Where the appeal, even a cross-appeal, is dismissed in its entirety, declared inadmissible or cannot be taken into consideration, the appellant is obliged to pay, by order of the Judge, in respect of the standard fee, an additional sum of the same amount as that due for the same appeal, whether it be a main appeal or cross-appeal.

As regards enforcement proceedings relating to real estate, the fee due is EUR 278. For other enforcement proceedings, this amount is reduced by half. For enforcement proceedings relating to real estate with a value of less than EUR 2 500, the fee due is EUR 43. For opposition proceedings to the implementing acts, the fee due is EUR 168.

For proceedings before the Court of Cassation, in addition to the standard fee, an amount equal to the fixed registration fee for judicial decisions must be paid.

Other amounts are then provided for specific proceedings of a special nature.

Notifications at the request of the office: Article 30 of Presidential Decree No 115 of 2002:

ARTICLE 30 (All-inclusive advance amounts from private individuals to the tax authorities in civil proceedings): 1. The party who appears first, who files the application initiating proceedings, or who, in enforcement proceedings for repossession, requests the allocation or sale of seized goods, pays the charges, travel allowances and postage costs for notification carried out at the request of the office's representative, as a flat-rate payment, in the amount of EUR 27, with the exception of in the proceedings set out in the sole article of Law No 319 of 2 April 1958, and subsequent amendments, and in those in which this article applies.

Notification fees: Articles 32 et seq. of Presidential Decree 115/2002:

ARTICLE 32 (Notifications at the request of the parties) 1. The parties must pay to the judicial officers the charges and travel expenses or the costs of sending the requested documents; in proceedings relating to mandatory disputes regarding employment, social security and assistance, these fees are to be paid by the tax authorities.

ARTICLE 33 (Travel for notification and enforcement of actions at the request of the party

granted legal aid by the State) 1. Where the notifications and implementing acts at the request of the party granted legal aid from the State are performed at the same time as other actions for payment, the judicial officers' travel entitlements and allowances or postage costs are absorbed.

2. In cases where the addresses are in different municipalities or more than 500 metres apart, the charges and travel expenses or postage costs are recorded as debits.

3. In cases where the judicial officers do not perform the actions at the same time as actions for payment, travel expenses or postage costs are paid by the tax authorities and the charges are recorded as debits.

4. In cases where judicial officers incur multiple travel expenses for actions in different municipalities or at a distance of more than 500 metres, the tax authorities will only pay the higher expenses and the others are recorded as debits together with the charges.

ARTICLE 34 (Amount of charges) 1. The one-off fee is payable in the following amount:

for documents with up to two addressees: EUR 2.58;

for documents with between three and six addressees: EUR 7.75;

for documents with more than six addressees: EUR 12.39.

ARTICLE 35 (Amount of travel expenses)

Travel expenses are set out as follows: a) up to 6 kilometres: EUR 1.65; b) up to 12 kilometres: EUR 3.00; c) up to 18 kilometres: EUR 4.14; d) above 18 kilometres, increased by EUR 0.88 for each distance of 6 kilometres or stretch greater than three kilometres of the following route, to the extent referred to in point c).

ARTICLE 36 (Surcharges for urgency)

Charges and travel expenses are increased by half for urgent acts, excluding the filing of foreclosure reports at the office of the enforcement court. In the event of simultaneous travel, the surcharge for urgency is payable only once to the extent agreed upon for the act that has the greatest claim or the highest allowance. Actions to be carried out on the same day or the next day are deemed to be urgent. The request, stating the date, may only be made for documents with a deadline of the same date as expressly provided for by law or at the wish of the parties.

Photocopying and certification charges: currently, as we await the issue of the Regulation referred to in Article 40(1) of Presidential Decree No 115 of 2002, the fees for photocopying charges are those set out in Articles 266 et seq. of the aforementioned Consolidated Act on legal costs and in the tables to which reference is made in these articles.

It should be borne in mind that Article 4(5) of Decree Law No 193 of 29 December 2009, as converted, with amendments, into Law No 24 of 22 February 2010 provides that, in order to issue a paper copy, including issuing true copies, the amounts provided for by tables 6 and 7, which are appended to Presidential Decree No 115 of 2002 and set out, respectively, in Articles 267 and 268 of the aforementioned Consolidated Act, must be increased by 50 per cent.

The amount for photocopying charges is adjusted every three years in relation to the variation, determined by the Italian National Institute of Statistics (ISTAT), in the consumer price index, as laid down in Article 274 of Presidential Decree No 115 of 2002.

Photocopying and certification charges: these are currently governed by a decree of the Ministry of Justice (in force since 30 June 2015).

Fixed charges in criminal proceedings

Fixed charges for the parties in criminal proceedings

The provisions for costs of proceedings are laid down in the Consolidated Law on legislative and regulatory provisions for legal costs referred to in Presidential Decree No 115 of 30 May 2002, amended most recently by [Legislative Decree No 83 of 27 June 2015](#), converted, with amendments, into [Law No 132 of 6 August 2015](#), into [Legislative Decree No 156 of 24 September 2015](#) and into [Law No 208 of 28 December 2015](#), and in the new law on the legal profession (Law No 247/2012, or L.P.F.) as amended by [Ministerial Decree 55/2014 \(which has replaced Ministerial Decree 140/2012\)](#) on: **'Determining the parameters for settling lawyers' fees within the meaning of Article 13(6) of Law No 247 of 31 December 2012', which has been in force since 3 April 2014.** Article 12 of this Ministerial Decree provided that the fee varies depending on the characteristics, urgency and value of the activity performed, the importance, nature and complexity of the proceedings, the severity and the number of indictments, the number and complexity of the legal and factual issues dealt with, the disputes relating to case-law, the judicial authority before which the proceedings are being brought, the significance as regards assets, the number of documents to be examined, the ongoing commitment, including as regards the frequency of travel from the lawyer's main place of work, as well as the outcome obtained, also having taken into account the civil-law consequences and the client's financial situation. The number of hearings, and the time needed to complete the associated activities, must also be taken into account. The court will take into account the average values stated in the tables prepared, which, by applying the general parameters, can usually be increased up to 80 per cent, or reduced to 50 per cent. In cases where the lawyer assists multiple subjects having the same position vis-à-vis the proceedings, the single fee can usually be increased by 20 per cent for each subject in addition to the first subject, up to a maximum of 10 subjects, and by 5 per cent for each subject in addition to the first 10 subjects, up to a maximum of 20. Where, without prejudice to the identical legal position, the professional service does not involve the examination of specific and distinct situations of fact or law in relation to the different defendants and in relation to the disputes, the amount that would otherwise be payable to assist one individual is usually reduced by 30 per cent.

The fee is paid in stages.

With regard to the different stages of the trial, examples are given below: a) for the study phase, including investigative activity: examination and study of the documents, inspections of locations, initial document search, consultations with the client, colleagues or advisers, written or oral reports or opinions, which includes activities and are carried out prior to the introductory phase; b) for the introductory phase of the judgment: introductory actions such as exhibits, legal complaints, petitions, applications, declarations, oppositions, claims, appeals, written pleadings, involvement of the responsible party and the summons of the responsible party; c) for the preliminary or litigation phase: requests, messages, attendance or services relating to acts and procedural or legal investigative activities, including preliminary activities, also provided at public hearings or in chambers, which are instrumental in obtaining evidence, in collecting evidence, including lists, citations and the associated services, examination of consultants, witnesses, suspects or defendants for a connected or related offence; d) for the decision-making stage: oral or written statements of defence, responses, attendance at the closing arguments of the other parties to the proceedings, whether in chambers or at the public hearing.

[Fixed charges for the parties in criminal proceedings](#)  (56 Kb) 

Preliminary proceedings phase in which the fixed costs are necessarily incurred

The costs of criminal proceedings are paid by the State, with the exception of those relating to acts requested by private parties and those relating to publication of the judgment.

Whether the interested party has been held or sectioned, or whether they have not been subjected to a restriction of their personal freedom, the amount due for procedural expenses and maintenance costs is paid in respect of the party in financial need and who has behaved in an orderly fashion in the institution, provided that an application has been made in this respect.

In cases where the civil action has been brought in criminal proceedings, Article 12 of Presidential Decree No 115 of 2002 shall apply; on this basis, payment of the standard fee to bring the action is not due if a request is made for only general sentencing of the responsible party. Otherwise, if a request is made, including on a provisional basis, for an order to pay a sum by way of compensation for damages, the fee is due, where the application is granted, based on the value of the amount paid and according to the scales of value referred to in Article 13.

The one-off fee is due for notification of the documents. The one-off fee is payable in the following amount:

for documents with up to two addressees: EUR 2.58;

for documents with between three and six addressees: EUR 7.75;

for documents with more than six addressees: EUR 12.39.

Non-resident witnesses are entitled to have their travel costs repaid, on a round trip basis, in the amount equal to a second-class ticket for railway services or the price of an economy flight, where this is authorised by the judicial authorities.

Unlike the owner or rights holder, the guardian of goods subject to criminal seizure for precautionary reasons is due a fee for custody and retention.

Allowances and travel expenses payable to the witnesses and accompanying persons, allowances and travel expenses for travel relating to the performance of acts away from the location in which the proceedings are taking place; the amounts due to the magistrate's staff are paid at the request of those concerned, submitted to the competent authority.

Legal costs do not include: a) burial of detainees; b) transfer of detainees; c) transport, detention and burial of persons who have died on public roads or in a public place; d) transport of procedural documents and objects that are required in the proceedings.

Information that must be provided by legal representatives

Rights and obligations of the parties

The professional's obligation to provide information on the progress of the defence to their own client represents the performance of the general diligence obligation referred to in Article 1218 of the Italian Civil Code.

Law on the profession No 147/12 indicates the duties and references to professional conduct (Article 3), the obligation of professional secrecy (Article 4), insurance costs (Article 12), ways to assign the task (Article 13) and ways to perform the task (Article 14), grounds for incompatibility (Article 18) and the associated exceptions (Article 19).

Costs

Where can I find information about the costs in Italy?

As well as the legislative texts, which are published on the website of the Official Gazette of the Italian Republic, specific information can be found on the websites of the judicial offices or councils for the judiciary.

Which language is this information on costs in Italy available in?

The information is usually provided in Italian. Some sites also provide information in English.

Where can I find information on mediation?

In Italy, the institute for mediation is governed by Legislative Decree No 28 of 4 March 2010, updated by [Legislative Decree No 138 of 13 August 2011](#) and then by [Decree Law No 69 of 21 June 2013 \(Conversion Law No 98 of 9 August 2013\)](#). In addition to the website of the Italian Ministry of Justice (<http://www.giustizia.it/>, Home » Itinerari a tema (Thematic routes) » [Riforma della giustizia \(judicial reform\)](#)), the websites belonging to the judicial offices provide information on the topics in question and are freely available. Other specialist websites also exist, but are only available at a charge.

Value Added Tax

Judicial documents in civil matters which define, including in part, the judgment on preliminary enforceable injunctions, on provisions that the arbitration panels declare to be enforceable and on the judgments declaring foreign judgments to be effective in the State, are subject to registration fees (Article 37 of Presidential Decree No 131 of 26 April 1986).

Legal aid

What it is

Legal aid in criminal proceedings is granted for the defence of a citizen who is not wealthy, a suspect, an accused party, a sentenced party, an injured party, a damaged party who intends to join a civil action, a defendant in the civil action or the party civilly liable to pay a financial penalty.

Legal aid is also guaranteed in civil, administrative, accounting and tax proceedings and in matters of non-contentious jurisdiction, to defend underprivileged citizens when their reasons are not manifestly unfounded.

The granting of legal aid is valid at every level and at every stage of the proceedings and for any derived or incidental proceedings, however these are connected.

Who can apply for it

Legal aid can be granted to persons with a taxable income for the purposes of personal income tax, resulting from the most recent declaration, of no higher than, currently, EUR 11 528.41 (amount determined by Ministerial Decree of 7 May 2015, published in Official Journal No 186 of 12 August 2015, to be updated every two years within the meaning of Article 77 of Presidential Decree No 115/2002); if the interested party lives with a partner or other family members, the income is made up of the sum of the income obtained in the same period by each member of the family, including the applicant.

In order to establish the income limits, account is also taken of the income which, by law, is exempt from income tax on individuals (personal income tax - *IRPEF*) or which has been subject to retention of tax at source, or to substitute tax.

Personal income is taken into account when it is at issue in proceedings on rights relating to personality, or in proceedings in which the interests of the applicant conflict with those of other members of the nuclear family living with this person.

For individuals who have already been sentenced with a final judgment for serious crimes specified by law, income is deemed to exceed the prescribed limits. People who are victims of sexual violence, including where these crimes are committed against minors, may also be granted legal aid by way of derogation from the general income limits.

Additional information

Requirements for requesting State legal aid

The interested party may request the granting of legal aid at any stage or level of the proceedings. The application is drafted on plain paper and, on penalty of inadmissibility, contains:

the request to be granted legal aid, specifying the proceedings to which this refers, if they are already pending;

general information regarding the interested party and the members of his/her family household, together with the respective tax codes;

a statement equivalent to a certificate from the interested party attesting to the fact that he/she meets the income conditions laid down for acceptance, with specific calculation of the total income that can be assessed for these purposes;

the commitment to communicate, until the proceedings have been settled, significant variations in income limits which were verified the previous year, within thirty days of the expiry of the period of one year from the date on which the application was made or of any previous notification of change.

As regards income earned abroad, citizens of non-EU states must submit with the application certification from the competent consular authorities attesting to the truthfulness of the information contained in the application.

Where the previous court or the Council of the Bar Association having jurisdiction to make provision in advance so request, the interested parties are obliged, on penalty of inadmissibility of the request, to submit the necessary documentation to attest to the truthfulness of the information contained therein.

A person granted legal aid may nominate a lawyer chosen from among those entered on the lists of lawyers for legal aid, enrolled with the Bar Association in the district of the court of appeal in which the magistrate with jurisdiction to hear the case on the merits or the magistrate before which the proceedings are pending is located.

The fee and expenses due to the lawyer are paid by the judicial authority by way of a payment order, complying with the professional tariff so as in any case not to be higher than the average values of the fees provided for by law, taking into account the nature of the professional commitment, in relation to the effect of the adopted measures compared to the procedural position of the individual being defended.

Payment is made at the end of each stage or level of proceedings and, therefore, at the time of the termination of the assignment by the prosecuting judicial authority; for the Court of Cassation, payment is made by the referring court, or by the court that declared the judgment that has the force of *res judicata*. In any case, the competent court may also arrange for payment of the fees due for the earlier stages or levels of the proceedings, where the order granting legal aid has been put in place after these took place.

The order for payment is issued by the court at the same time as the delivery of the judgment that brings an end to the stage referred to in the associated claim.

The counsel, the deputy judge and the technical consultant are not permitted to request and receive fees or reimbursement from their client for any purpose, other than those provided for by this part of the consolidated act. Any agreement to the contrary is invalid.

Any infringement of this prohibition constitutes a serious professional disciplinary offence.

It should be emphasised that legal aid in criminal proceedings is governed by Articles 90 et seq. of Presidential Decree No 115 of 2002, while legal aid in civil, administrative, accounting and tax proceedings is governed in Articles 119 et seq. of the aforementioned consolidated act.

When would the unsuccessful party be made to pay the costs of the proceedings?

In civil matters, Articles 91 to 98 of the Code of Civil Procedure deals with the award of costs.

By way of the judgment that brings the proceedings brought before it to an end, the court orders the unsuccessful party to reimburse the costs in favour of the other party and to pay the amount together with the defence costs.

If the court grants the application at a level that does not exceed any proposed settlement made by the court in the course of the proceedings, the party that refused the proposal without any justified reason shall be ordered to pay the expenses accrued in the proceedings after the proposal was made, unless the grounds for compensation are met (both parties being unsuccessful, absolute novelty of the matter at hand or changes in case-law in relation to the essential issues).

In pronouncing the judgment referred to in the previous article, the court may disallow recovery of the costs sustained by the successful party where these are deemed to be excessive or superfluous; and may, irrespective of whether a party is successful or not, order that party to reimburse the costs, including non-recurring costs, that it has caused to the other party as a result of a breach of the duty of loyalty and honesty.

If both parties are unsuccessful, or in cases where the issue is being dealt with for the first time or in the event of changes to the case-law with regard to the essential issues, the court may compensate the costs incurred, in part or in full, between the parties.

Where the parties have settled, the costs will be understood to have been offset, except in cases where the parties themselves have come to a different arrangement in the minutes of the settlement.

Where it transpires that the unsuccessful party has acted or resisted in bad faith or with gross negligence in legal proceedings, the court, at the request of the other party, shall order the unsuccessful party, in addition to the costs, to pay compensation for damages, which it will calculate in the judgment, including of its own motion. A court which ascertains that a precautionary measure has been put in place, a document instituting the proceedings has been sent, a judicial mortgage taken out, or that enforcement proceedings have begun or have been completed, without justification, shall, at the request of the injured party, order the plaintiff or creditor, who acted without due care, to compensate for damages.

In any event, when making a decision on costs, the court may, including at its own initiative, order the unsuccessful party to pay to the counterparty an amount which is determined *ex aequo et bono*.

Costs of experts, interpreters and translators

The magistrate's staff members are paid a fee, a travel and subsistence allowance, travel expenses and reimbursement of costs incurred in the performance of their job. The fees are fixed, variable and time-based.

The level of fixed and variable fees, as well as time-based fees, is determined by way of tables, which are approved by decree of the Ministry of Justice, in agreement with the Ministry of Economic and Financial Affairs (Ministerial Decree of 30 May 2002).

For services that are not provided for in the tables, the fees are proportionate to the time spent and are determined based on call-out charges. The period of professional attendance is two hours. The fee for the first period of professional attendance is €14.68, and then €8.15 for each subsequent period.

The fee for the period of professional attendance may be doubled when a term of not more than five days is laid down for completion of operations; can be increased by up to half in cases where a deadline of no longer than 15 days is set.

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