



DEBT COLLECTION CLAIM IN ITALY

Litigation in Italy

KINDS OF JUDGMENTS IN ITALY

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In order to start a debt collection recovery claim in Italy is necessary to consider the following rules.

The decision is given upon the facts and the demands are brought by the parties.

The decisions that can be issued by a judge in Italy are of three kinds:

- sentenza: through this act the judge issues the decisions or opinions based upon facts and points of law (judgment); the “sentenza contumaciale” is the judgment rendered by default; the “sentenza non definitiva” is the judgment given in course of suit upon some intermediate object, without finally deciding suit (interlocutory judgment);

- ordinanza: through this kind of decision the judge issues all necessary orders in the course of a suit as a consequence of the instance made by one party with summons of the other party or ex officio;

- decreto: through this kind of decision the judge issues orders made on instance of a party without summoning the other or ex officio.

Recognition in Italy of foreign judgments and arbitration Judgments issued by a foreign court are recognized in Italy without need of resorting to any proceeding if:

- the parties entered appearance in conformity with laws of country of proceedings or their failure to appear was declared in conformity with that law;



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- the judgment is not contrary to another judgment issued by an Italian judge that became “res judicata”;
- no proceedings are pending in front of the Italian judge for the same matter and between the same parties which were initiated prior to foreign proceedings;
- its provisions do not produce effects contrary to public policy (as per art. 64, Law No. 218 of May 31, 1995);
- judge that issued it could take cognizance of case in accordance with Italian principles on jurisdictional competence;
- the claim introducing proceedings abroad was made known to defendant as per the provisions of law of place where proceedings were held and if essential rights of defense were not violated;

If the foreign judgment is not in compliance with recognition or there is an objection to recognition or in case it is necessary to proceed with forceful execution, the interested person could claim in front of court of appeal of the place where the judgment should have been implemented to the aim of determine the existence of the requisites for recognition.

The decision allowing application of foreign judgment gives to the beneficiary the entitlement to implementation and forceful execution.

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