



DEBT COLLECTION CLAIM IN ITALY

Litigation in Italy

ENFORCEMENT IN ITALY OF SENTENCE ISSUED BY COURTS OF EU COUNTRIES

by

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

The EC Regulation No. 44/2001 of Dec. 22, 2000 (which substituted Brussel Convention of 27th September 1968) allows the recognition and enforcement in Italy of decisions on civil and commercial matters issued by courts of other member states of European Union (excluded Denmark) without any previous approval of special proceeding when:

- decision is not contrary to public policy of Italy;
- court of foreign state has not contravened provisions of paragraphs 3, 4 and 6 of EC Regulation No. 44/2001 concerning the summons of defendant;
- summons has been properly and timely communicated to defendant who did not enter appearance in proceedings;
- decision is not in contrast with any other previous decision rendered between the same parties in Italy or with another decision rendered abroad, which may be recognised in Italy.

As per EC Regulation No. 44/2001 the party who wants to enforce a decision in Italy shall have to present the request to the competent Court of Appeal jointly with following documents:

- authenticated copy of decision;
- statement pursuant to Arts. 53, 54 and Annex V of EC Regulation No. 44/2001.

The party who wants to oppose this decision on such request may submit recourse to competent Court of Appeal; the decision of the Court of Appeal can be challenged in front of the Court of Cassation.