

SUMMONS IN ITALY

(A) What is the applicable law in domestic claims?

Italian Code of Civile Procedure.

(B) What is the applicable law in international claims?

- (a) Regulation (EU) 2020/1784 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.
- (b) Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

(C) How can the defendant be summoned?

- (a) by registered mail from the lawyer or the bailiff;
- (b) by certified e-mail (so called PEC)
- (c) by hand delivery from the bailiff;

(D) Regarding individuals

Usually, individuals are summoned by hand delivery from the bailiff or by registered mail sent to their official residence.

(E) Regarding a company

Every company in Italy is required to communicate a certified e-mail address (PEC) to a public register. The easiest way to summon a company is definitely via certified e-mail.

(F) What happens if the defendant is not found?

If the defendant is not found at his residence, the bailiff leaves a note at the door and deposits the copy of the document at the municipal house. In this case the bailiff must inform also the defendant by registered mail about the deposit.

If the defendant does not have a known residence or domicile, the bailiff effects the service by depositing a copy of the document in the municipal house of the last residence or, if this is also unknown, in the municipal house of the place of birth of the defendant.

(G) Is it possible to notify by edicts?

Yes, if the ordinary forms of service are not feasible, because of the large number of addressees or the difficulty of identifying them, notification by edicts is possible. However, explicit authorisation by the chief bailiff and clearance of the public prosecutor is required.

(H) Is it always valid?

No, the defendant can prove his ignorance or his impossibility to react, for reasons not imputable to him.

(I) Is there a risk of prison?

No, if the defendant refuses to accept service, the notification is considered successfully completed and the proceedings will be carried out in absentia.

Practical issues:

(J) Should the claim be translated or not?

Yes, absolutely. According to Art. 12 of Regulation (EU) 2020/1784 the addressee can refuse to accept the document if it is not translated in a language which the addressee understands or in the official language of the Member State addressed.

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