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## Case Study Assumptions - Enforcing a commercial contract through the courts

Seller and Buyer are both domestic companies. Seller agrees to sell to Buyer, and Buyer agrees to buy from Seller, custom-made goods for an amount of **EUR 50,452**. Upon delivery of the goods, Buyer alleges that the goods are of inadequate quality, and refuses to pay. Seller insists that the goods are of adequate quality and demands payment of the contract price. The goods were custom-made for Buyer, and Seller cannot sell them to a third party. Following Buyer's refusal to pay, Seller sues Buyer before a competent court. The court decides 100% in favor of Seller, and orders Buyer to pay the contract price.

- 1) Both Seller and Buyer are domestic companies, located in **Rome**.
- 2) Seller sues Buyer to recover the amount due under the contract. The value of the claim is: **EUR 50,452**.
- 3) The court deciding the case is located in **Rome** and has jurisdiction over commercial claims of the above-mentioned value.
- 4) Buyer opposes the claim, which is then disputed on the merits. The court cannot decide the case based on documentary evidence or legal title only.
- 5) Seller fears that Buyer may dissipate assets, move assets out of the jurisdiction or become insolvent. Therefore, if such a procedure is allowed before the competent court, Seller requests and obtains attachment of Buyer's movable assets (office equipment or vehicles) prior to obtaining a judgment.
- 6) Opinions on the quality of the goods delivered by Seller are required and are given during the court proceedings:
  - a) If it is standard practice in your country (as in most common law countries) for Seller and Buyer to call their own expert witnesses, then each party calls one expert witness to provide an opinion on the quality of the goods delivered by Seller.
  - b) If it is standard practice in your country (as in most civil law countries) for the judge to appoint an independent expert to provide an opinion on the quality of the goods delivered by Seller, then the judge does so. It is assumed that no opposing expert testimony is provided.
- 7) Judgment is 100% in favor of Seller. Buyer is required to pay the agreed contract price to Seller.
- 8) Buyer does not appeal the judgment.
- 9) Seller decides to start enforcing the judgment when the time period allocated by law for appeal expires, and takes all required steps for prompt enforcement of the decision. It is assumed that Buyer has no money in his bank accounts, and that the contract price is collected successfully through a public sale of Buyer's movable assets (office equipment or vehicles).

**Definitions:** for the purpose of this survey, the following terms carry the following meaning:

- 1) **Competent court** means the court in **Rome** with jurisdiction over commercial disputes similar to the one described in the assumptions of the standardized case. If more than one court is competent, the competent court means the court which is most likely to determine the outcome of the standardized case.
- 2) **Pre-trial attachment** means a judicial order issued prior to or during the trial and judgment phase preventing Buyer from selling, moving or otherwise dealing with specified assets belonging to him prior to the resolution of the dispute on the merits. The purpose of such attachment is to prevent Buyer from dissipating or moving his assets to frustrate the enforcement of any future judgment.
- 3) **Expert witness** means a witness having the required qualifications or experience to give an opinion on whether the goods delivered are of adequate quality or not. Expert opinion is required and provided prior to judgment.

## Reform Update

### 1. Recent Reforms to Domestic Commercial Dispute Resolution

Has there been any reform (in practice or in the laws and regulations) related to domestic commercial dispute resolution since June 1, 2011?  Yes  No

If yes, please indicate the name and date of the text, if any, and if possible, provide a copy of the law or a link to the text of the law. [

Legislative Decree of September 1, 2011 no. 150, Provisions regarding the decrease and the simplification of civil proceedings: This Legislative Decree cancelled many provisions set forth by laws and decrees other than the Civil Procedural Code and regulating certain particular civil proceedings applicable in certain fields. Therefore, all the potential civil, employment and commercial disputes now fall under one of the three kinds of proceeding regulated by the Civil Procedural Code, which are: (i) the ordinary proceeding; (ii) the labour proceeding; and (iii) the summary proceeding.

Law of November 12, 2011 no. 183: Provisions regarding the preparation of the yearly and multi-year State budget: This law introduced the compulsory utilization of a proper certified email account for certain activities to be carried out during the lawsuit, such as: (i) the filing of briefs with the court; (ii) the exchange of briefs among the parties of the proceeding; and (iii) the receipt of court's notices.

Furthermore, this law introduced some provisions aimed at accelerating the decision of the pending appeals. In particular, it set forth the possibility for the court of appeal to: (i) apply a monetary fine from EUR250 up to EUR10,000 to the party that filed a petition for the suspension of the effectiveness or the enforcement of the court's decision which is found totally groundless; and (ii) decide the case after an oral discussion, rather than the exchange of the final briefs among the parties. Moreover, this law increased the value of the filing fees.

Law Decree of December 22, 2011 no. 212, as converted by Law of February 17, 2012 no. 10, Urgent provisions regarding restructuring and rules of the civil proceeding: This law decree increased from EUR516.46 to EUR1,100 the value of the disputes during which the parties can defend themselves without being represented by an attorney-at-law. In addition, it set forth that in said proceedings the legal expenses quantified by the judge at the end of the lawsuit cannot be higher than the value of the claim. Furthermore, this law decree also extended the duration of the expiring appointments of honorary auxiliary judges and "giudici di pace" until December 31, 2012.

Law Decree of January 24, 2012 no. 1, Urgent provisions regarding competition, infrastructures' development and competitiveness: This law decree modified the legislative decree of June 23, 2006 no. 168 about the introduction of the courts' divisions specialized in industrial and intellectual property law. These courts' divisions have now a wider competence in all the enterprise related matters, which include, among others: (i) disputes between company shareholders; (ii) challenges to corporate resolutions; (iii) disputes concerning copyright; (vi) class actions as regulated by Italian Consumers' Code; and (v) subject to certain conditions, disputes on public contracts and supply agreements. This law decree modified also section 140 bis of the Italian Consumers' Code regarding class actions, by replacing the adjective "identical" - referred to the rights to be protected - with the adjective "homogeneous", in order to make said action more easily applicable. Lastly, said law decree abolished the compulsory minimum and maximum professional rates, although most likely judges will use them as useful criteria to quantify the legal expenses to be paid by the parties of a lawsuit. It must be noticed that this law decree has a validity of 60 days since it became effective. Therefore, all the mentioned reforms contained in this law decree are subject to the confirmation and/or the modification by the relevant conversion law, to be issued within the 60 days term.]

### 2. Future Reforms to Domestic Commercial Dispute Resolution

Are you aware of any future reform (in practice or in the laws and regulations) related to domestic commercial dispute resolution that is expected to be adopted:

a. prior to June 1, 2012?  Yes  No

Please describe: [As above described, there are many reforms adopted recently through Law Decree which could be entirely confirmed or amended or totally revoked by Law. Therefore, there could be significant changes in the scenario above outlined. For the time being, the potential change in the same scenario is not predictable. ]

b. after June 1, 2012?  Yes  No

Please describe: [ ]

**Last year we were informed of pending reform(s) in the field of commercial dispute resolution. Please provide an update on the status of the following reform(s):**

On 9 February 2011, the Italian Council of Ministers has approved a bill aimed at reducing the length of civil proceedings, as well as the backlog of cases (about 6,000,000 cases) and the number of cases brought before the European Court of Human Rights because of the excessive length of judicial proceedings in Italy. This bill has been presented to the Senate of the Republic on 15 March 2011. Among other provisions, the bill provides for: 1) the appointment of a maximum of 600 "auxiliary judges" among retired judges and state attorneys who shall help the ordinary judges in order to reduce the backlog of cases by rendering judgments in older cases; and 2) the possibility for the judges to issue simplified written reasons for the judgment, unless the parties concerned exercise their right to obtain full written reasons. This right has to be exercised within 15 days from the publication of the decision in order to appeal the judgment. The party who first asks for the extended written reasons has to pay the filing fees related to the next degree of judgment.

(a) Has this bill entered into force?

(b) Has there already been a noticeable impact on the time required to try a commercial disputes like the one in our case study?

[This bill entered into force only with reference to the appointment of the auxiliary judges. Said appointment is having a favorable impact, as it helps in accelerating the decision of the pending lawsuits.]

**Recent Experience**

**How many new or ongoing cases have you or your firm filed or litigated before the Rome District Court since June 1, 2011? (Please provide an approximate number).**

[10]

## Data Update

For your convenience, last year's answers are included in this survey. Please note, that they represent a unified answer, based on **all the answers** we received from **various contributors**. If you feel that the unified answer we report does not reflect the reality in your country, kindly provide us with a clear indication of your disagreement in the subsequent sections.

Please update the data in this section and in the following sections, taking into account the assumptions of the case study. Please describe in detail any change to the data and indicate since when the change took effect. We ask you to specify if the data were erroneous ("**correction**"), or if the change resulted from a modification in practice or by law which occurred after June 1, 2011 ("**reform**").

### A. Courts and applicable rules

<b>1. Competent Court</b>	
Our understanding is that the following court has jurisdiction over the standardized case, given the amount of <b>EUR 50,452: Rome District Court / Tribunale Civile di Roma</b>	
a. Is this information still correct?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. If this court is not the competent court, or if the name of court is incorrect, please explain:	[     ]
c. What is the monetary threshold for the competent court? <i>(Last year's answer: It hears commercial cases above 2,582.29 EUR. Smaller cases are heard by the Giudice di pace.)</i>	Same answer as last year: <input type="checkbox"/> New answer, if different from last year: [It hears commercial cases above EUR5,000.00 or above EUR20,000.00 if the claim concern the compensation of the damages caused by the circulation of cars and boats. Smaller cases are heard by the Giudice di Pace.]
d. Could another court have jurisdiction over the standardized case as well?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please explain: [     ]
<b>2. Specialized Commercial Court</b>	
Our understanding is that, in <b>Italy</b> , there <b>is not</b> a court, division of a court, or member(s) of a court's judiciary dedicated <u>solely</u> to hearing commercial cases.	
a. Is this information still correct?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. What is the name of this court? <i>(Last year's answer: not applicable)</i>	Same answer as last year: <input type="checkbox"/> New answer, if different from last year: [     ]
c. What is the monetary threshold for this court? <i>(Last year's answer: not applicable)</i>	Same answer as last year: <input type="checkbox"/> New answer, if different from last year: <i>(e.g. all commercial matters irrespective of claim value, commercial matter above a certain threshold, other)</i> [     ]
<b>3. Procedural Rules</b>	
Our understanding is that the following rules apply to the standardized case: <b>Code of civil procedure/ Codice di procedura civile</b>	
a. Is this information still correct?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If not, please explain: [     ]
b. <b>First adopted:</b> <i>(Last year's answer: 1940)</i>	Same answer as last year: <input checked="" type="checkbox"/> New answer, if different from last year: [     ]
c. <b>Last modified:</b>	Same answer as last year: <input type="checkbox"/>

(Last year's answer: 2009)

New answer, if different from last year: [2012]

**If you made changes to last year's information, please indicate whether this is:**

a Correction or  a Reform

Please explain: [            ]

**B. Time**

In light of your **recent experience**, please indicate the typical **number of days** to resolve the standardized case **in practice**.

As per our case study assumptions, no appeal is filed, and Seller decides to start enforcing the judgment only after the time period to lodge an appeal has expired. The time period within which an appeal can be lodged should be computed in **2. Trial and Judgment** time.

Whenever possible, please state all estimates in **calendar days**. If time estimates are expressed in working days, please specify.

1. Filing and service.		
From Plaintiff (Seller)'s decision to sue Defendant (Buyer) until Defendant (Buyer) is served with process. <i>(Our case study notes that both parties are companies domiciled in Rome).</i>		
Last year's published answer	This year	Explain change, if any
40 calendar days	[20 calendar] days	[ ] If relevant, please specify whether this is: <input type="checkbox"/> a Correction or <input type="checkbox"/> a Reform
a. Can filing of the <u>initial</u> complaint be done electronically?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
- If filing of the <u>initial</u> complaint can be done electronically, how can it be done:		<input type="checkbox"/> Email <input type="checkbox"/> Dedicated website – address: [ ] <input checked="" type="checkbox"/> Other, please specify: [certified email]
- Is it required to submit a <u>hard copy</u> of the initial complaint as well?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please explain: [ ]
b. How is the complaint served?		<input checked="" type="checkbox"/> Court agent or bailiff <input checked="" type="checkbox"/> Mail / postal service <input checked="" type="checkbox"/> Plaintiff or Plaintiff's attorney <input checked="" type="checkbox"/> Other, please explain: [certified email but only, like in the others case, through the bailiff.]
c. In your opinion, what is the main cause of delay between Seller's decision to sue and the moment process is served on Defendant?		<input type="checkbox"/> Difficulties in locating Defendant <input checked="" type="checkbox"/> Slow service by bailiff or attorney, or else <input type="checkbox"/> Inefficient postal service <input type="checkbox"/> Obtaining information from registrar's office (date of hearing, pre-assessment of the complaint, etc.) <input type="checkbox"/> Other, please explain: [ ]
<b>Comments on the length of service and filing:</b> [It is now much easier to file a petition for a Court order of payment using the certified email system. Italian courts and attorneys are now much more familiar with this method of filing. Therefore, that reduced the time needed to obtain a Court order of payment and to serve it on the debtor.]		

2. Trial and judgment.		
From service of process on Defendant (Buyer), through the judgment, until time to lodge an appeal has expired, including, if applicable, attaching Defendant's movable assets prior to judgment, adjournments, and providing expert opinions.		
Last year's published answer	This year	Explain change, if any
900 calendar days	[900 calendar] days	[ ] If relevant, please specify whether this is:

	<input type="checkbox"/> a Correction or <input type="checkbox"/> a Reform
<p>a. After process is served, how long would Defendant typically have in practice to respond? (Last year's answer: <b>90 calendar days</b>)</p>	<p>Same answer as last year: <input type="checkbox"/></p> <p>New answer, if different from last year: [40 days. This is due to the fact that, given the case at hand, we deemed more appropriate to assume that in order to collect its credit, the plaintiff starts a legal proceeding applying for a Court order of payment rather than serving a writ of summons on the defendant. Indeed, under the scenario we considered in this edition, after having obtained a Court order of payment, the plaintiff has to serve it on the defendant who, on his/her turn has to challenge it within 40 days]</p>
<p>b. How long would it typically take in practice to obtain a date for the first procedural hearing (after Defendant has been served)? (If this is not applicable for your jurisdiction, please put "N/A").</p>	[N/A]
<p>c. How long would it typically take in practice to obtain a date for the trial hearing?</p>	[100]
<p>d. Typically in practice, how many procedural and trial hearings would be held for the standardized case?</p>	<input checked="" type="checkbox"/> Less than 5 <input type="checkbox"/> Between 5 and 10 <input type="checkbox"/> More than 10
<p>e. Is it common practice (more than 50% of the time) for the Parties (plaintiff or defendant) to request adjournments?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. When a trial or evidence hearing is postponed, how long do the Parties have to wait, typically in practice, for the next hearing to occur?</p>	<input type="checkbox"/> Less than a week <input type="checkbox"/> Less than a month <input checked="" type="checkbox"/> Less than 3 months <input type="checkbox"/> More than 3 months
<p>g. Typically in practice, by how many days would a trial be delayed due to the use of adjournments?</p>	<p>[It depends on the reason of the adjournment. The parties can request a short one, that could last only one week, or not specify that and than the length is around 70 calendar days.]</p>
<p>h. Once the pleadings and hearing(s) have taken place:</p> <ul style="list-style-type: none"> <li>how long does it typically take in practice for the judge to issue an <u>oral judgment</u>?</li> </ul>	<p>[When this scenario occurs, the judge issues the oral judgment in the final hearing.]</p>
<ul style="list-style-type: none"> <li>how long does it typically take in practice for the judge to issue a <u>written judgment</u>?</li> </ul>	<p>[Under the Italian law, the judgement should be issued within 60 calendar days from the filing of final pleadings.]</p>
<p>i. What is the legal <b>time limit to lodge an appeal</b> against the judgment rendered by a first instance court? (Last year's answer: <b>30 calendar days</b>)</p>	<p>Same answer as last year: <input checked="" type="checkbox"/></p> <p>New answer, if different from last year: [If the judgment is not served on the unsuccessful party by the successful party the limit is 6 months.]</p>
<p>j. In your opinion, what is the main cause of delay during this Trial and Judgment period?</p>	<input checked="" type="checkbox"/> Backlog of cases <input type="checkbox"/> Adjournments <input checked="" type="checkbox"/> Waiting periods between hearings



	<input type="checkbox"/> Other, please explain: [ ]
Comments on the length of trial and judgment: [ ]	

3. Enforcement of judgment.		
From the day when the period to appeal the judgment has expired until the day when Plaintiff (Seller) obtains payment through the public sale of Defendant's (Buyer's) movable goods. Time includes attachment of Defendant's assets, if applicable during enforcement.		
Last year's published answer	This year	Explain change, if any
270 calendar days	[270 calendar] days	[ ] If relevant, please specify whether this is: <input type="checkbox"/> a Correction or <input type="checkbox"/> a Reform
a. Typically in practice, how long would Defendant have to comply voluntarily with the judgment?  (Last year's answer: up to 30 days)		Same answer as last year: <input type="checkbox"/> New answer, if different from last year: [30 days is the timing which actually elapses from when the judgement is issued to when the Defendant should comply with the judgement. This timing includes some activities aimed at obtaining enforceable copies of the judgment, the timing of the service of it on the Defendant and the legal deadline of 10 days to be granted by the Plaintiff to the Defendant.]
b. Assuming that the <i>movable</i> assets have not been attached yet, how long does it typically take in practice to attach <i>movable</i> assets (other than money in a bank account or cash), and remove them physically from the possession of the Defendant?		[20 calendars days, including the research of the goods and the request to the bailiff. Generally speaking movable assets must not be removed from the possession of the Defendant. Only if the bailiff identifies cash or precious takes and gives them to the office of the clerck.]
c. For pre-judgment attachment or for post-judgment attachment: who performs the attachment?		<input checked="" type="checkbox"/> sheriff/bailiff <input type="checkbox"/> public enforcement officer <input type="checkbox"/> private enforcement agent <input type="checkbox"/> other, please explain: [ ]
d. Once the movable assets of Defendant have been attached (and/or seized), how long does it take before the auction can be held?		Please provide a range (fastest-longest): [4 - 12 months, it depends on wether the Defendant or other entitled persons challenge the attachment.]
e. Is it required to publish notices for the auction?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain: [A mandatory notice is published on the notice board at the Court. Moreover, the judge can optionally order that the captioned notice is also published on a newspaper almost 45 days before the beginning of the auction.]
f. Who performs the auctions for the sale of movable assets?		<input type="checkbox"/> professional auctioneer <input type="checkbox"/> sheriff <input checked="" type="checkbox"/> judge <input type="checkbox"/> bailiff or enforcement officer <input checked="" type="checkbox"/> other, please explain: [under decision of

	<p>the judge, the performance of the auction can be devolved to specific institutes licensed by the Ministry of Justice or notaries, lawyers and accountants indicated in a list that the respective Professional Councils send each 3 years to the President of the District Court]</p>
<p>g. How long does it take for Plaintiff to be paid after the sale of Defendant's <i>movable</i> assets?</p>	<p>[30 days]</p>
<p>h. In your opinion, what is the main cause of delay during this Enforcement period?</p>	<p><input checked="" type="checkbox"/> attaching the movable assets  <input checked="" type="checkbox"/> waiting for the public sale to be held  <input checked="" type="checkbox"/> finding buyers for the goods  <input type="checkbox"/> other, please explain: [       ]</p>
<p><b>Comments on the length of enforcement:</b> [       ]</p>	

**C. Costs**

Please indicate only the average approximate costs incurred by Plaintiff in the standardized case (a case with a value of EUR 50,452). Indicate all costs and expenses Plaintiff must incur to obtain and enforce the judgment.

- We are interested in all costs and expenses Plaintiff must advance, regardless of the final cost to Plaintiff. Do not deduct costs Plaintiff can recover at the end, if he wins the case.
- Please indicate amount in **EUR** and/or percentage of claim value.
- Note that the value of the claim has been updated since last year's survey.
- *Doing Business* does not measure all aspects of the business environment. It does not for example, measure corruption. Please do not include any cost related to bribery, if applicable, in your estimate.

1. Average attorney fees charged by a local law firm including - (i) fees to handle the case up to judgment, including pre-trial attachment (ii) fees for enforcement if a lawyer is commonly retained for this purpose (iii) if applicable, value added tax or other taxes <i>Please bear in mind the type of lawyer that would take our standard case.</i>		
Last year's published answer	Total Amount this year	Explain change, if any
EUR 10,999 OR 21.8% of claim	EUR [11,000] OR [21,80]% of claim	[ ] If relevant, please specify whether this is: <input type="checkbox"/> a Correction or <input type="checkbox"/> a Reform
a. Lawyer fees:	<input type="checkbox"/> are regulated <input type="checkbox"/> are regulated, but differ in practice <input checked="" type="checkbox"/> are not regulated	
b. Who regulates lawyer fees?	<input type="checkbox"/> Bar association <input type="checkbox"/> a Law, please specify [ ] <input type="checkbox"/> Other, please explain [ ]	
c. On what basis does an attorney normally charge his client in a case like this one?	<input checked="" type="checkbox"/> Hourly basis <input checked="" type="checkbox"/> Lump sum <input type="checkbox"/> Contingency fees <input type="checkbox"/> Other, please explain [ ]	
d. Would <i>pro se</i> representation (Plaintiff representing himself in court) be possible in our case study?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Comments: [ ]	
• If yes, would Plaintiff typically hire an attorney for the standardized case?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
e. When is a winning party in a case entitled to an award of legal costs?	<input type="checkbox"/> by law automatically when a judgment is given <input checked="" type="checkbox"/> only when a court specifically makes an award of costs on giving judgment <input type="checkbox"/> winning parties are not entitled to costs awards	
Comments on lawyer fees: [ ]		

2. Court and expert fees up to judgment only. Please provide average approximate cost incurred by Plaintiff <i>bearing in mind the competent court for our standard case.</i>		
Last year's published answer	Total Amount this year	Explain change, if any
EUR 1,463 OR 2.9% of claim	EUR [2,000] OR [ ]% of claim	[increase of the filing fees] If relevant, please specify whether this is: <input type="checkbox"/> a Correction or <input checked="" type="checkbox"/> a Reform

<p>a. In a case similar to the standardized case, what would be the fees, typically in practice, to register the case (filing fees only)?</p> <p><i>(Last year's answer: -% of claim or EUR 380).</i></p>	<p>Same answer as last year: <input type="checkbox"/></p> <p>New answer, if different from last year, please provide an estimate:  <b>EUR</b> [450] OR [ ] % of claim</p>
<p>b. What are the fees for expert witness (see assumption 6 of the case-opinion given on <i>quality of goods at trial</i>)                  Please provide a range.</p>	<p><b>EUR</b> [2000] OR [ ] % of claim                  Comments: [It depends on both the length and complexity of the activity and on the method elected by the expert for the calculation of his fees.]</p>
<p>c. What additional fees does Plaintiff have to advance? (other than filing fees)</p>	<p><input type="checkbox"/> Bond to secure pre-attachment of Defendant's movable assets – <i>amount</i> [ ]</p> <p><input checked="" type="checkbox"/> Attachment order – <i>amount</i> [240]</p> <p><input checked="" type="checkbox"/> Stamp duties – <i>amount</i> [120]</p> <p><input type="checkbox"/> Hearing duties – <i>amount</i> [ ]</p> <p><input checked="" type="checkbox"/> Fees for issuance of judgment – <i>amount</i> [60]</p> <p><input type="checkbox"/> Other, please explain: [ ]</p>

<b>3. Overall costs to enforce a judgment (including judgment registration, organization of a public sale, etc.)</b> Please provide average approximate cost advanced by Plaintiff.		
Last year's published answer	Total Amount this year	Explain change, if any
<p><b>EUR 2,624 OR 5.2% of claim</b></p>	<p><b>EUR</b> [2700] OR [ ] % of claim</p>	<p>[ ]</p> <p>If relevant, please specify whether this is:  <input type="checkbox"/> a Correction or <input type="checkbox"/> a Reform</p>
<p>a. What are the fees to register a judgment?</p>	<p><b>EUR</b> [300] OR [ ] % of claim                  Comments: [ ]</p>	
<p>b. What fees would Plaintiff typically have to <u>advance</u> to the enforcement officer and/or auctioneer?</p>	<p><b>EUR</b> [ ] OR [ ] % of claim</p> <p><input checked="" type="checkbox"/> Enforcement officer fees – amount [150]</p> <p><input checked="" type="checkbox"/> Warehousing – amount [depend on the length of the warehousing]</p> <p><input type="checkbox"/> Transportation – amount [ ]</p> <p><input checked="" type="checkbox"/> Personnel assisting – amount [ ]</p> <p><input type="checkbox"/> Other, please explain [ ]</p> <p><input type="checkbox"/> Plaintiff does NOT advance fees/expenses (for example, fees or expenses are deducted from the proceeds of the auction)</p> <p>Comments: [ ]</p>	
<p>c. Are there additional fees to enforce a judgment?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please specify: [ ]</p> <p><b>EUR</b> [ ] OR [ ] % of claim</p>	

**D. Procedural steps (see Annex)**

In the annex we have provided a list of standard procedural steps. The list of procedural steps traces the chronology of the different steps of a commercial dispute before the competent court. Please indicate which of the procedural steps included in the annex are applicable, in law or in practice, to our standardized case.

- The procedural steps applicable to the standardized case are identical to the ones listed in the annex.
- The procedural steps applicable to the standardized case are **not** identical to the ones listed in the annex.

**E. Research / Transparency**

The following questions are part of the research conducted by *Doing Business*. The answers to the research questions will not be included in the *Doing Business* indicators or rankings.

**When more than one response applies, please tick all relevant boxes.**

1. Remuneration for judges	
Are salary schedules for judges* made available to the general public?  <i>*in general, not for the <b>Rome District Court</b>, only.</i>	<input type="checkbox"/> Always made available <input type="checkbox"/> Made available under certain conditions - please specify: [       ] <input checked="" type="checkbox"/> Never made available
If salary schedules for judges* are made available to the general public, how can the general public access such information?  <i>* in general, not for the <b>Rome District Court</b>, only.</i>	<input type="checkbox"/> Online, please provide the website: [       ] <input type="checkbox"/> Official gazette <input type="checkbox"/> In court, through public notice <input type="checkbox"/> In court, upon request <input type="checkbox"/> Other, please specify: [       ]
If publicly available, what would the salary of a judge be: <ul style="list-style-type: none"> <li>• for an <i>entry level</i> judge in a court that hears civil cases in first instance?</li> </ul>	Salary range: [       ]  Please specify the name of the court: [       ]
<ul style="list-style-type: none"> <li>• for the <i>most senior judge</i> in the highest judicial office (e.g. Supreme Court, High Court)?</li> </ul>	Salary range: [       ]  Please specify the name of the court: [       ]
What other benefits are judges entitled to?	<input type="checkbox"/> housing allowance <input type="checkbox"/> car allowance <input type="checkbox"/> Other, please specify: [       ]
2. Publicity of trial and judgment	
<p><b>a. Law on publicity:</b></p> <p>- Is there a law or provision that provides for publicity of trial and judgment in Italy:  <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No                      (e.g. Article 6§1 of the European Convention on Human Rights: "(...) everyone is entitled to a fair and public hearing within a reasonable time (...). Judgment shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security (...)")                      If yes, please provide the reference of the relevant article of the law: [Article 128 of Italian Civil Procedural Code ]</p> <p>- Does such a law or provision cover (tick all that apply):  <input checked="" type="checkbox"/> Access to hearings  <input type="checkbox"/> Access to copies of judgments  <input type="checkbox"/> Other, please specify: [       ]</p> <p>- What type of cases are covered by such a law or provision (tick all that apply):  <input checked="" type="checkbox"/> Civil cases        <input checked="" type="checkbox"/> Commercial cases        <input type="checkbox"/> Criminal cases  <input type="checkbox"/> All cases            <input type="checkbox"/> Other, please specify: [       ]</p>	
<p><b>b. Access to hearings:</b></p> <p>Before a court of 1<sup>st</sup> instance, can the general public* attend, by law or in practice, hearings of a commercial case between 2 private parties?  <input type="checkbox"/> Yes, the general public can always attend such hearings</p>	

- Yes, the general public can attend such hearings under certain conditions. Please specify: [ ]
- No, only the parties, attorneys of the parties, persons invited by the parties or their attorneys, or persons approved by the court or other court officials can attend the hearings
- other (e.g. attorneys not related to the parties can also attend), please explain [general public can attend only at the hearings where the merit is discussed (as opposed to those where for instance the witnesses are examined). However in some particular cases the judge can decide to admit only the attorneys of the parties. ]

\*General public means a third party, such as a journalist, who can attend the hearings without specific permission of the parties, their lawyers, the judge or a court official

**c. Access to copies of judgments by the General Public:**

- Can any third party (e.g. a journalist) obtain a copy of a judgment rendered **in a commercial case** between 2 private parties? Please tick all that apply in the below table.

<i>Types of court</i>	Court/s of first instance	Highest Court/s
<b>Availability of judgments to the general public</b>		
All decisions are available?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Only selected decisions are available?	<input type="checkbox"/> Please specify: [ ]	<input type="checkbox"/> Please specify: [ ]
No decisions are available?	<input type="checkbox"/>	<input type="checkbox"/>
If available, where can copies of judgments be obtained (tick all that apply)?	<input type="checkbox"/> Website, please specify: [ ] <input type="checkbox"/> Newspaper, please specify: [ ] <input type="checkbox"/> Gazette <input checked="" type="checkbox"/> In court <input type="checkbox"/> Other, please specify: [ ]	<input checked="" type="checkbox"/> Website, please specify: [available if it is paid a subscription at <a href="http://www.italgiure.giustizia.it/">http://www.italgiure.giustizia.it/</a> ] <input type="checkbox"/> Newspaper, please specify: [ ] <input type="checkbox"/> Gazette <input checked="" type="checkbox"/> In court <input type="checkbox"/> Other, please specify: [ ]
For those decisions that are made available, what are the conditions to their availability?	<input type="checkbox"/> Publicly available to anyone, without application to any authority (website, official gazette, etc.). <input type="checkbox"/> Available upon request to the authority, and upon assessment by the court or a court official that there is an acceptable interest in the case. <input checked="" type="checkbox"/> Available upon request to the authority (no assessment of the interest in the case is required).	<input type="checkbox"/> Publicly available to anyone, without application to any authority (website, official gazette, etc.). <input type="checkbox"/> Available upon request to the authority, and upon assessment by the court or a court official that there is an acceptable interest in the case. <input checked="" type="checkbox"/> Available upon request to the authority (no assessment of the interest in the case is required)

- If decisions are made available to the general public, how old would be the oldest decisions that can be obtained in this manner (i.e. without special/different procedure)? Please provide an estimate: [1940]

**Referrals**

Please help us expand our list of contributors by referring us to other lawyers or judges who can answer the Enforcing Contracts survey.

First name	Last name	Position	Firm	Address	Phone	E-mail
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

**Thank you very much for completing the survey!**

We sincerely appreciate your contribution to the *Doing Business* project.

The results will appear in *Doing Business 2013* and on our website: <http://www.doingbusiness.org>.

Your work will be gratefully acknowledged in both.