



(Map source: Europa)

Italy



Population: 57 600 000 inhabitants
Surface area: 301 263 Km²
Capital: Rome
Currency: Euro
Official language: Italian
Form of government: Republic
Membership in the EU: 1958 (Founding member)
Membership in the UIHJ: 1952 (Founding member)

The Ufficiali Giudiziari

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection?

The 'Ufficiali Giudiziari' are the judicial officers that are charged with the service of writs and the enforcement of judgments and instruments and writs of execution. Banking and credit institutions can likewise proceed to the enforcement of writs that pertain to the organisations they represent.

What is the status of these professional officers?

The judicial officers are functionaries of the Ministry of Justice. They are attached to the court where they are employed and from which they receive their instructions, these instructions being conveyed directly by the court judge. They operate under deontological, disciplinary, and professional standards. Projects are underway towards the creation of an independent and liberal body of judicial officers.

How are the judicial officers organised?

Two organizations are members of the UIHJ:

Associazione Ufficiali Giudiziari in Europa (AUGE), which wishes for the implementation of a liberal profession of judicial officers in Italy - **Contact:** <http://auge.it>

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How can one join the profession?

There is no special requirement for any specific prerequisite legal diploma. The judicial officers are recruited through open competitions organised by the Ministry of Justice. The candidate is appointed by the Ministry of Justice.



The enforcement of court judgments

Who is charged with the enforcement of court judgments in Italy?

The judicial officers are empowered to proceed to the enforcement of judgments, with the exception of debts that are owed to banking institutions and certain credit institutions that institute enforcement procedures through their own agents.

Can one contact a judicial officer directly to have a court order enforced?

The dossier is handed over by the judge to the judicial officer with the required competence to proceed to subsequent action. The creditor cannot freely choose the judicial officer. In the matter of procedures of expulsion, the creditor's legal counsel forwards the dossier directly to the judicial officer.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officers are empowered to proceed to measures of enforcement against the debtor's tangible and intangible estate (seizure of personal possessions, attachment of bank accounts, and the like).

Is the judicial officer responsible for carrying out the enforcement act?

The judicial officer assumes responsibility for the enforcement process but he receives his instructions directly from the enforcing judge. It is likewise the judge who decides on the suspension of the action.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

No.

Who pays for the judicial officer's intervention costs?

The costs occasioned by the judicial officer's intervention are assumed by the tribunal.

The service of documents

Are judicial officers entitled to proceed to the service of writs?

The judicial officers are entitled to serving writs of judicial and extra-judicial nature. There is no question of a monopoly position and the writs can also be notified by solicitors or functionaries of the courts.

What are the physical steps involved in serving a writ?

In the context of the service of a writ, the latter is presented physically by the judicial officer to the addressee, or to another individual that is present at the domicile address. In that event, a registered letter with request for proof of receipt is forwarded to the domicile of the addressee. A copy of the writ is deposited with the local police department. In the event that the addressee's

whereabouts remain untraceable, a notice of the debtor's last known domicile is posted at the court and an announcement is published in the local newspaper of the municipality that is the debtor's birthplace.

What is the force in law of a writ?

This is a document that states the modalities of the service of the writ, thus being a document possessed of official and formal status.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

No.



Debt collection

Is the judicial officer empowered to proceed to the collection of debts?

No.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

How much will it cost a creditor to arrange the collection of a debt?

Other areas of intervention

May the judicial officer arrange for public auction sales?

No.

No.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

No.

Is the judicial officer entitled to offer legal advice?

Yes, but only within the confines of the enforcement procedure.

May the judicial officer represent the parties before the courts ?

Is the judicial officer entitled to engage in other activities ?

No.

