



*Train 2 EN4CE Project is being funded by the  
European Union's Justice Programme (2014-2020)*



1<sup>st</sup> october 2019 - 31<sup>st</sup> march 2022

Train to Enforce



**CONCLUDING PROJECT MEETING**

**24.3.2022**

**Prof. Sara TONOLO**

**Univ. Trieste**



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## **Members of Trieste Unit**

**Prof. Sara Tonolo**  
**Prof. Domenico De Stefano**  
**Prof. Francesca Fiorentini**  
**Prof. Marta Infantino**  
**Prof. Giuseppe Pascale**  
**Prof. Alessandra Frassinetti**

**Dr. Rossana Rosario**  
**Dr. Giulia Mosca**  
**Dr. Luisa Delle Vedove**  
**Dr. Fabio Focassi**  
**Dr. Sara Frisano**



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# Training Activities

 Scienze Internazionali e  
Diplomatiche - Gorizia  
UNIVERSITÀ  
DEGLI STUDI DI TRIESTE

  
  
1<sup>st</sup> October 2019 - 31<sup>st</sup> March 2022  
Train to Enforce

**SEMINARIO DI FORMAZIONE  
SUL DECRETO INGIUNTIVO EUROPEO  
4 dicembre 2020 – ore 14.00 – 19.00**  
Gli eventi si terranno mediante la piattaforma ZOOM

## Training Seminar on EOPP

4 December 2020: 120p

Speakers: members of the Trieste Unit  
+ Pietro Franzina (Catholic U. Milan)

[https://youtu.be/yPluIAIL\\_Ko](https://youtu.be/yPluIAIL_Ko)

PROGETTO TRAIN2EN4CE  
SECONDO SEMINARIO DI FORMAZIONE  
Evento finanziato da JUSTProgram UE- partecipazione gratuita

 Scienze Internazionali e  
Diplomatiche - Gorizia  
UNIVERSITÀ  
DEGLI STUDI DI TRIESTE

  
  
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**IL PROCEDIMENTO  
EUROPEO RELATIVO  
ALLE CONTROVERSIE DI  
MODESTA ENTITÀ**

26 FEBBRAIO 2021, ORE 10:00–18:00

L'evento è organizzato in collaborazione con  
gli Ordini del distretto FVG  
ed è accreditato per 6 crediti formativi.

## Training Seminar on ESCP

26 February 2021: 50p

Speakers: members of the Trieste Unit  
+ Giacomo Biagioni (Cagliari U.) and  
Beatrice Zuffi (Padua U.).

<https://youtu.be/xuUivk1oyPo>



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# Training Activities

## International Training Seminar on the EOPP and ESCP Regulations

8 October 2021, 14:00–17:00

9 October 2021, 10:00–13:00

in hybrid format, both on site at the Faculty of Law of  
Uppsala University, Uppsala, Sweden, and on Zoom

### Training Seminars on EOPP & ESCP

8-9 October 2021

Speakers: members of the Trieste Unit





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# Training Activities



## International Training Seminars on the EOPP and ESCP Regulations

26 November 2021, 14:00-18:00

27 November 2021, 10:00-13:00



### Training Seminar on EOPP & ESCP

26-27 November 2021: 70 p.

Speakers: members of the Uppsala  
Unit + Roberta Bardelle (judge  
seconded at the Ministry of Justice)



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# Training Activities

<https://www.dispes.units.it/it/node/35097>

[trieste.train2en4ce@gmail.com](mailto:trieste.train2en4ce@gmail.com)



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## **Expected Results**

- Increased knowledge of EU private international law among legal practitioners;
- Improved mutual trust between legal practitioners in cross-border judicial cooperation;
- Improved cooperation for different legal professions.



# Why did the EOPP Regulation have a limited success in Italy?

## Structural problems at the EU level

Optional character and limited scope of application of the EOPP

Linguistic and legal diversity

Limited digitalization and coordination of civil justice services across Europe

## Structural problems at the Italian level

Distance between the EOPP and domestic rules of civil procedure

Italy's reputation for lengthy trials and delayed justice

## Other problems in Italy that might be easily addressed

Lack of normative guidelines on EOPP and domestic rules of civil procedure

Lack of information on judicial websites and offices

Admissibility of forms written in Italian only

Absence of special rules on jurisdiction





# Why did the ESCP Regulation have a limited success in Italy?

## Structural problems at the EU level

Optional character and limited scope of application of the ESCP

Linguistic and legal diversity

Limited digitalization and coordination of civil justice services across Europe

## Structural problems at the Italian level

Italy's reputation for lengthy trials and delayed justice

Historical absence of a fast-track procedure for small claims

## Other problems in Italy that might be easily addressed

Lack of normative guidelines on the ESCP and domestic rules of civil procedure

Lack of information on judicial websites and offices

Admissibility of forms written in Italian only



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# PROJECT RESULTS AND FUTURE ACTIVITIES

•Case Book

•Italian Case Book  
on EOPP and  
ESCP+ Comments  
Italian/English  
«Simplification of  
Debt Collection in  
Italy» Giappichelli  
Editore

•Essays  
written by  
members of  
the UniTrieste  
Team

•Cross –  
Fertilization  
with other EU  
Projects-  
ENIJTA



# Aldricus

The EJNita project portal

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The Project ▾

Rules ▾

The actors ▾

Resources ▾

Events ▾

[AldricusBlog](#)

# Aldricus

## The EJNita project portal

<https://aldricus.giustizia.it>

### The rules of judicial cooperation in civil matters

Internal rules

International conventions

Legal Acts of the European Union



## *Why an Italian Case – Book?*

### EOPP

- Tribunale di Taranto, decreto 15 settembre 2009
- Tribunale di Firenze, decreto 25 settembre 2009
- Tribunale di Piacenza, decreto 18 settembre 2010
- Tribunale di Milano, ordinanza 28 ottobre 2010
- Tribunale di Varese, ordinanza 12 novembre 2010,
- Tribunale di Mantova, ordinanza 14 luglio 2011
- Tribunale di Milano, decreto 18 luglio 2011
- Tribunale di Verona, ordinanza 26 maggio 2012
- Tribunale di Torino, decreto 31 agosto 2012
- Tribunale di Forlì, sentenza 22 gennaio 2013,
- Tribunale di Forlì, ordinanza 18 giugno 2013,
- Tribunale di Sant'Angelo dei Lombardi, sentenza 30 luglio 2013
- Tribunale di Mantova, decreto 25 febbraio 2014
- Tribunale di Milano, sentenza 8 aprile 2015
- Corte di Cassazione (s.u.), sentenza 26 maggio 2015, n. 10799
- Corte di Cassazione (s.u.), ordinanza 26 maggio 2015, n. 10800
- Corte di Cassazione (s.u.), ordinanza 15 giugno 2015, n. 12308
- Tribunale di Trieste, ufficio tavolare, decreto 26 agosto 2015
- Tribunale di Rovereto, ordinanza 8 giugno 2016
- Corte di Cassazione (s.u.), sentenza 20 marzo 2017, n. 7075
- Tribunale di Terni, 4 aprile 2017
- Corte di Cassazione (s.u.), sentenza 31 gennaio 2019, n. 2840-2841
- Tribunale di Arezzo, sentenza 26 febbraio 2019.
- Tribunale di Torino, sentenza 7 gennaio 2021

### ESCP

- G.d.P. Brunico del 5 settembre 2011
- G.d.P. Firenze 2011(Ryanair)
- Trib. Roma del 18 novembre 2013 (spese e onorario avv.)
- G.d.P. Parma 2014 (Easyjet)
- G.d.P. Bolzano n. 125 del 2015 (pagamento credito professionista)
- Trib. Milano, s.s.i., del 26 maggio 2016 (utilizzo illegittimo di foto)
- G.d.P. Brunico del 27 maggio 2016
- G.d.P. Trento n. 164 del 2016 (consulenza studio legale)
- G.d.P. Barletta del 3 maggio 2017
- G.d.P. Verona del 4 maggio 2017
- G.d.P. Modena n. 910 del 2017 (risarcimento da compagnia aerea)
- G.d.P. Messina settembre 2017 (sospensione account Google Wallet)
- G.d.P. Bolzano n. 415 del 2017 (cancellazione volo)
- G.d.P. Bolzano n. 815 del 2017 (credito ditta belga)



# Questions

## **Trib Prato (EOPP 2016)- DISTANCE BETWEEN EOPP AND NATIONAL CIVIL PROCEDURE**

*“The claimant served the statement of claim without complying with the time limit set by the court following the filing of the opposition to the European order for payment pursuant to Article 17 of Regulation (EC) No 1896/2006. No legislation allows the courts to set a mandatory time limit for the party seeking a payment order for supplementing the statement of claim in response to an opposition by the party on which the European order for payment was served. The defendant may, at most, assert the failure to comply with Article 163-bis of the Italian Civil Procedure Code and ask that the hearing be deferred. So the objection seeking the annulment of the proceedings pursuant to Article 307(3) of the Italian Civil Procedure Code is undounded»*

## **G.d.P. Vicenza (ESCP 2018)- LINGUISTIC PROBLEMS AND LEGAL DIVERSITY:**

*«Model A filled up in English: the G.d.P. asked for the Italian translation in 30 days. The Claimant didn't allege it and the claim was rejected for this reason».*

## **G.d.P. Aosta (ESCP 2018):DELAYED JUSTICE IN ITALY**

*«Problems of servings a Judgment issued in 2016: after unsuccessful attempts with UNEP and the postal service, it was only succeeded through the Consulate»*



# *Tentative Answers*

**Knowledge of Italian Case Law to Implement  
EOPP and ESCP in Italy**

**Knowledge of Italian Case Law to modify Italian  
Civil Procedural Law**

## **Proposal for a Regulation on the e-Codex system**

- **E-Justice Communication via Online Data Exchange**
- enables different **national e-justice systems to be interconnected** in order to carry out **cross-border procedures in civil and criminal matters**





# *Waiting for the future.....*



Council of the  
European Union

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**Interinstitutional File:  
2020/0345(COD)**

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Brussels, 28 May 2021  
(OR. en)

9005/21

LIMITE

ECODEX 8  
EJUSTICE 55  
JUSTCIV 90  
JAI 579  
COPEN 238  
DROIPEN 101  
IXIM 93  
DATAPROTECT 135  
CSC 205

**NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8339/1/21 REV 1
No. Cion doc.:	13709/20
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amending Regulation (EU) 2018/1726 - Preparation for a general approach

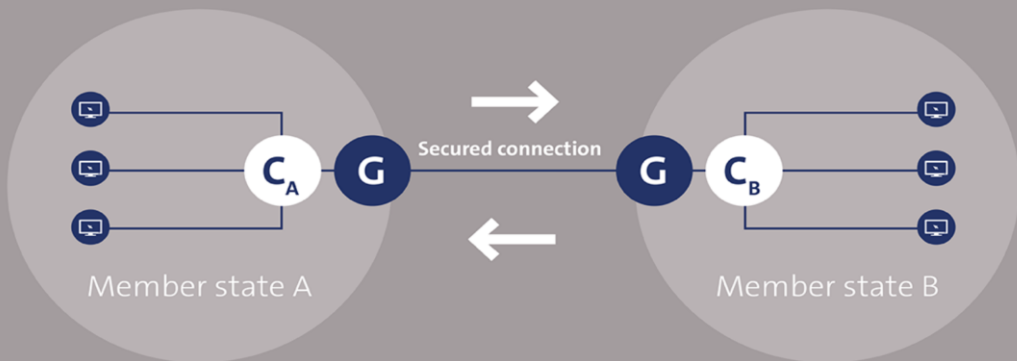
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## e-CODEX / Technical infrastructure



**C** Connector   **G** Gateway   Back-end application(s)



*Thank you for the attention!*

## e-CODEX / Technical infrastructure

