

APPENDIX

Laws, decrees and presidential orders:

Decree number 218, May 31, 1995,

The Reform of the Italian System of International Private Law.

The House of Commons in Italy and the Senate of the Republic have approved the following legislation:

The President of the Republic enacts the new legislation.

Heading I: General provisions

Article 1 (The general purpose of the law)

1. The present law determines the scope of Italian jurisdiction, lays down criteria to determine the applicable law and controls the effect of foreign judgments and legislation.

Article 2 (International Conventions)

1. The provisions in the present law do not prejudice the applicability of international conventions which are in force in Italy.
2. The interpretation of such conventions must take into consideration their international nature and the need for uniformity in their application.

Heading II: Italian Jurisdiction

Article 3 (Scope of jurisdiction)

1. The Italian court has jurisdiction if the defendant is either

domiciled or resident in Italy or has a representative who is authorized by virtue of article 77 of the Civil Procedure Code to be brought to trial in Italy. There is also Italian jurisdiction in other cases in which the law thus provides.

2. Jurisdiction is also established with regard to the criteria established in sections 2, 3 and 4 of Part II of the Convention and protocol concerning jurisdictional competence and the execution of judgments in civil and commercial matters signed in Brussels on September 27, 1968, and enacted into Italian law by Decree number 804, June 21, 1971, and by successive revisions in force in Italy. There is also jurisdiction even if the defendant is not domiciled in the territory of a member state when the material dealt with is included in the general provisions for the application of the Convention. With reference to other material, jurisdiction is established under the criteria concerning territorial competence.²⁷⁵

Article 4 (Acceptance of and derogation from jurisdiction)

1. When there is no jurisdiction on the basis of article 3, there is still jurisdiction when the parties have expressly accepted jurisdiction and the acceptance is evidenced in writing or the defendant appears in the procedure without having objected to jurisdiction in the primary instance.
2. Italian jurisdiction may usually be derogated from in favor of foreign jurisdiction or arbitration in cases there exists an express ceding power evidenced in writing and the case relates to rights which can be waived.
3. The derogation is ineffective if the foreign judge or arbiter declines such jurisdiction or the law of the court does not permit jurisdiction over such actions.

²⁷⁵ Decree number 804 of June 21, 1971, governs the ratification and execution of the Convention and protocol concerning Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters signed in Brussels on September 27, 1968.

Article 5 (Actions relating to immovable property situated abroad)

1. There is no Italian jurisdiction in real actions involving immovable property situated abroad.

Article 6 (Preliminary questions)

1. The Italian courts, as a matter of course, have the ability to decide questions which are outside of Italian jurisdiction when the solution of the questions is necessary for the decision of the central issue in question.

Article 7 (Foreign action pending)

1. If, in the course of an action, it is found that a previous action between the same parties pertaining to the same subject matter and based on the same grounds is pending before a foreign court and the decision of that court will be binding in Italy, then the action in the Italian courts should be suspended. If the foreign court declines jurisdiction or the foreign judgment is not recognized by Italian legislation then the Italian action will go ahead after a suitable petition by the interested parties.
4. The question of whether the case is pending before a foreign court is determined by the law of the country in which the case is to be heard.
5. During the pre-judicial stages of a case involving foreign law, the Italian judge is able to suspend the trial if he determines that the decision of the foreign court will have effect in Italy.

Article 8 (Point at which jurisdiction is determined)

1. Article 5 of the Italian Civil Procedural Code governs the determination of Italian jurisdiction. There is also Italian jurisdiction if facts and standards determining such jurisdiction are shown to pertain to the action.

Article 9 (Voluntary jurisdiction)

1. In addition to cases where the present legislation foresees jurisdiction and those cases where Italy has territorial jurisdiction, Italian jurisdiction is effective in the case of voluntary jurisdiction where the action concerns an Italian citizen or a person resident in Italy or when the case involves situations or relationships to which Italian law is applicable.

Article 10 (Sequestration)

1. When sequestration must be enforced in Italy and the judge has jurisdiction over the case, there is Italian jurisdiction.

Article 11 (Ability to establish lack of jurisdiction)

1. At any point in the action, lack of jurisdiction may only be established by a named defendant who has not expressly or tacitly accepted Italian jurisdiction. The judge can, on his own initiative, at any particular point of the action, declare the lack of jurisdiction when the defendant has defaulted, when the situation is of a type foreseen by article 5, or when Italian jurisdiction is excluded due to the effects of customary international law.

Article 12 (Procedural laws)

1. The Civil Law process in Italy is governed by Italian law.

Heading III: Applicable Law

Part I: General Principles.

Article 13 (Renvoi)

1. Whenever the application of foreign law is required, the effect of the renvoi procedure of foreign international private law on the law of another state must be taken into consideration if:
 - a) that particular state's law accepts the principle of renvoi, or

- b) the situation involves renvoi to Italian law.
- 2. The application of part 1 above is nevertheless excluded:
 - a) when the provisions of the present legislation result in the application of foreign law on the basis of a choice made by the interested parties to that effect;
 - b) with regard to the substantial form of the acts;
 - c) in relation to the legislation in Part XI of the present heading.
- 3. Renvoi is only applicable in the case of Articles 33, 34 and 35 if it brings into force a law agreeing to the establishment of filiation.
- 4. When the present law declares an international convention to be applicable, the law of renvoi is governed by that same convention.

Article 14 (Determination of applicable foreign law)

- 1. The judge's own initiative determines the foreign law to be applied. In addition to the measures indicated by an international convention, the judge may make use of information acquired through the Ministry of Justice or consult experts or specialist institutions.
- 2. If the judge is unable, even with the help of the parties, to establish the applicable foreign law, he must use that law which regulates similar cases or analogous matters. Failing this, Italian law must be applied.

Article 15 (Interpretation and application of foreign law)

- 1. Foreign law is applied according to its own principles of interpretation and application in force at the time.

Article 16 (Public policy limitations)

- 1. Foreign law must not be applied if its effects would be contrary to public policy.

2. In this situation, the law which regulates similar cases or analogous matters must be applied. Failing this, Italian law must be applied.

Article 17 (Applicability of binding norms)

1. Certain Italian norms which have a specific aim and content are applicable even in cases where foreign law has gained applicability.

Article 18 (Multi-legislative systems)

1. If the state in which the applicable law, as laid down by the present legislation, is found is one where more than one territorial or personal legislative system is in force, then the applicable law is determined according to the criteria laid down by that state's legislation.
2. If these criteria are not specifically identifiable, the legal system to be applied is that which shows the closest connection with the case in hand.

Article 19 (Stateless persons, refugees and persons holding multiple citizenship)

1. When the present legislation requires the law of the country of nationality of a person to be applied, in the case of stateless persons or refugees, the applicable law is that of the law of the state of domicile, or failing that, the law of the state of residence.
2. If the person concerned has multiple citizenship and one of those is Italian citizenship, then Italian law prevails. Where Italian citizenship is not one of those held, the law of the state with which the citizen has the closest ties is applied.

Part II: Legal capacity and rights of physical persons

Article 20 (Legal capacity of physical persons)

1. The legal capacity of physical persons is regulated by the

law of the country of nationality. Special conditions of capacity which regulate relationships are regulated by the same law.

Article 21 (Joint death)

1. When it is necessary to establish survivorship of one person over another and it is not known which of them died first, the time of death is determined by the law regulating the relationship for which such fact is relevant.

Article 22 (Deceased persons, missing persons and those presumed dead)

1. The legal requirements for deceased persons, missing persons and those presumed dead and the effects of those situations are the same as those which apply to their last country of nationality.
2. Italian jurisdiction exists under part 1 (above) if:
 - a) the last country of nationality of the person was Italy;
 - b) the last country of residency of the person was Italy; or
 - c) a determination of the status of the person as deceased, missing or presumed dead could produce legal effects in Italy.

Article 23 (Capacity of physical persons in proceedings)

1. The capacity of physical persons to effect legal acts is governed by the law of their country of nationality. However, when the law regulating proceedings lays down special provisions relating to the capacity to effect legal acts, those conditions are regulated by the same law of the country of nationality.
2. In relation to contracts between people who are situated in the same state: the person who is considered capable according to the law of the state where the contract was concluded may declare his incapacity by virtue of the regulating national law if, and only if, at the moment of conclusion of the contract the other party to the contract was aware of that incapacity or ignored it by his own

mistake.

3. In relation to unilateral acts: the person who is considered capable according to the law of the state where the contract was completed may declare his incapacity by virtue of the regulating national law if, and only if, this is not prejudicial to persons who, by no fault of their own, have placed trust in the capacity of the performers of the act.
4. The limits described in parts 2 and 3 are not applicable to cases involving family law, succession in case of death, or those relating to rights over immovable situated in a different state from that where the case has been brought.

Article 24 (Personal Rights)

1. The existence and content of personal rights are determined by the law of the state of nationality. However, rights which derive from a family relationship are determined by the law applicable to that relationship.
2. The violation of rights described in part 1 is governed by the law relating to responsibility for illegal acts.

Part III: Juridicial Entities

Article 25 (Companies and other organizations)

1. The law governing public or private companies, associations, foundations and any other organizations including those of a cooperative nature is that of the country in which the company was established. Nevertheless, Italian law is applied if the administrative headquarters are in Italy or if the principal object of the organization is exercised in Italy.
2. The law which regulates the organization determines the following:
 - a) the juridicial nature of the organization;

- b) the company's denomination;
 - c) the constitution and method of transformation and termination;
 - d) the legal competence;
 - e) the formation, powers and functional procedure of the bodies;
 - f) the representatives of the organization;
 - g) the method of acquiring and disposing of the capacity of associate or partner of the organization as well as the rights and obligations deriving from such capacities;
 - h) the responsibility for the obligations pertaining to the organization;
 - i) the consequences of violation of the law or of the constitutive acts.
3. The transfer of the registered office to another state, or the fusion of organizations with offices in various states, is only effective if carried out in conformity with the law of the states concerned.

Part IV: Persons and the family

Article 26 (Promise of marriage)

1. The legal effects flowing from a promise of marriage and its violation are determined by the national law which the couple have in common or, failing that, by Italian law.

Article 27 (Conditions necessary to enter into marriage)

1. The capacity to marry and the conditions necessary to enter into marriage are determined by the law of the country of nationality of each individual at the moment of marriage. However, if one of the spouses has obtained unmarried status by virtue of the decision of an Italian judge or a judgment which is recognized in Italy, this status is recognized.

Article 28 (Validity of marriage)

1. The form of a marriage is valid if it is considered valid by:
 - a) the law of the place of celebration of the marriage; or
 - b) the law of the country of nationality of at least one of the married couple at the moment of celebration of the marriage; or
 - c) the law of the state where the couple are jointly resident at the time of the marriage.

Article 29 (Personal relations between spouses)

1. Personal relations between spouses are regulated by the law of the country of nationality which the couple have in common.
2. Personal relations between spouses with different nationalities or spouses with more than one state where they are both nationals are governed by the law of the state in which their married life is predominantly situated.

Article 30 (Patrimonial relations between spouses)

1. The law regulating spouses' patrimonial relations is the same as that which regulates their personal relations. If expressly evidenced in writing, patrimonial relations may be governed by the law of a state where at least one of the spouses is a citizen or the law of a state where at least one of the spouses resides.
2. An agreement made between spouses as to the applicable law is valid if it is considered as such by:
 - a) the chosen system of law; or
 - b) the system of law in which the agreement was drawn up.
3. When patrimonial relations between spouses are regulated by foreign law, such law can be applied against third parties if, and only if, the third party was aware that the situation was governed by foreign law or ignored it by his own mistake. In relation to rights over immovable objects, the application of such rights over third parties is limited to

cases in which the form of publication required by the state in which the immovable is situated has been respected.

Article 31 (Separation of spouses and dissolution of marriage)

1. Separation of spouses and dissolution of marriage are regulated by the law of the country of nationality which the spouses have in common at the moment of the request for separation or dissolution; failing that, the law of the country in which the married life of the spouses is predominantly situated is applied.
2. If separation and dissolution of marriage are not provided for by the applicable foreign law then Italian law regulates the situation.

Article 32 (Jurisdiction in the case of nullity, annulment, separation and dissolution of marriage)

1. In the situation of nullity, annulment, separation and dissolution of marriage, in addition to the provisions and cases in Article 3, Italian jurisdiction governs the situation where one of the spouses is an Italian citizen or when the marriage was celebrated in Italy.

Article 33 (Filiation)

1. The status of a child is determined by the national law of the child at the time of its birth.
2. A child is legitimate if considered as such by the law of the country in which one of the parents is a citizen at the moment of the child's birth.
3. The national law of the child at the moment of birth governs the assessment of the status of the child and the rules and regulations concerning a conflict over the status of the child. The status of a legitimate child which is determined by the national law of the country where one of the parents is a citizen cannot be contested under that same law.

Article 34 (Legitimation)

(Legitimation attributes to a person born outside of marriage the status of legitimate, natural child.)

1. Legitimation effected by the subsequent marriage of the parents is regulated by the law of the country of nationality of the child at the moment of birth or by the law of the country of nationality of one of the parents determined at the same point in time.
2. In other cases, legitimation is regulated by the law of the country of nationality of whichever parent determines legitimacy at the time of the request for legitimation. In the case where legitimation has effect after the death of the legitimating parent, legitimation is regulated by the law of the country of nationality of the parent at the moment of death.

Article 35 (Acknowledgement of natural children)

1. The conditions for acknowledgement of natural children are regulated by the law of the country of nationality of the child at the moment of birth or, if more favorable, by the law of the country of nationality of the person who is acknowledging the child, which is determined at the moment at which the recognition takes place.
2. The capacity of acknowledgement exercisable by the parent is regulated by the law of the country of nationality of that parent.
3. The form of the acknowledgement is regulated by the law of the country in which acknowledgement occurs or the law of the country which regulates the material.

Article 36 (Relations between parents and children)

1. Patrimonial and personal relations between parents and children, including parental authority, are regulated by the law of the country of nationality of the child.

Article 37 (Jurisdiction in cases concerning filiation)

1. Italian jurisdiction determines matters of filiation and the relations between parents and children in the following cases:
 - a) when the situation falls under Articles 3 and 9;
 - b) when one of the parents or the child is an Italian citizen or resides in Italy.

*Part V: Adoption*Article 38 (Adoption)

1. The requirements, establishment and revocation of adoption are regulated by the law of the state of nationality, at the time of adoption, of the adopter or the national law which the couple have in common in the case of adopters or, failing that, the law of the State in which the adopters are both resident or where the married life of the spouses is predominantly situated. Nevertheless, if a request for the adoption of a minor is brought before an Italian judge, and from that request the child becomes legitimate, Italian law regulates the procedure.
2. In all cases where the adopted child is an adult, the national law of the child is applied in the discernment of relationships.

Article 39 (Relations between the adopted child and adopting family)

1. Patrimonial and personal relations between the adopted child and the adopter or adopters and the relatives of the adopted child are regulated by the law of the country of nationality of the adopter or adopters or, failing that, by the law of the country where the adopters are both resident or the country in which the married life of the adopters is primarily situated.

Article 40 (Jurisdiction in cases of adoption)

1. There is Italian jurisdiction when:

- a) the adopters, or at least one of them, or the adopted child, is an Italian citizen or a foreigner with residency in Italy;
or
 - b) the adopted child holds the status of an abandoned minor in Italy.
2. There is Italian jurisdiction in personal and patrimonial relations between the adopted child and the adopter or adopters and the relatives of both the child and the adopters in every situation where the adoption has been carried out in conformity with Italian law as well as in the case where the situation is included in Article 3.

Article 41 (Recognition of foreign provisions in cases of adoption)

- 1. Articles 64, 65 and 66 govern the recognition in Italy of foreign provisions in cases of adoption.
- 2. The special provisions for laws relating to the adoption of minors remain in place.

Part VI: Protection of the disabled and support obligations

Article 42 (The jurisdiction and applicability of law in the protection of minors)

- 1. The protection of minors is always regulated by the Hague Convention of October 5, 1961, concerning the Competence of Authorities and the Law Applicable in Cases Concerning the Protection of Minors enacted into Italian law by Decree number 742, October 24, 1980.
- 2. The provisions in the Convention are applicable not only to persons who are considered minors by virtue of their national law, but also to persons whose habitual residence is not in one of the member states of the Convention.²⁷⁶

²⁷⁶ Decree number 742 of October 24, 1980, governs ratification and execution of the Convention concerning the competence of authorities and the law applicable to cases concerning the protection of minors adopted in Hague on October 5, 1961.

Article 43 (Protection for persons who have reached adult age)

1. The national law of the disabled person regulates both the determination and effects of protective measures for disabled persons who have reached adulthood and the relations between the disabled person and his caregiver. In urgent cases, in order to temporarily protect the person or the property of the disabled person, the Italian judge may adopt measures provided by Italian law.

Article 44 (Jurisdiction in cases of the protection of persons who have reached adult age)

1. There is Italian jurisdiction in the protection of disabled persons of adult age in urgent cases where there is a need to temporarily protect the person or the property of the disabled person as well as in the cases which fall under Article 3 of the present legislation.
2. When a case concerning the capacity of a foreigner is based on Article 66 and therefore gives effect to a foreign provision, there is Italian jurisdiction in the determination of any necessary modifications or additions.

Article 45 (Obligations of support within the family)

1. The obligations for family support are regulated by the Hague Convention of October 5, 1961 concerning the Competence of Authorities and the Law Applicable in Cases Concerning the Obligations of Support, enacted into Italian law by Decree number 745, October 24, 1980.²⁷⁷

²⁷⁷ Decree number 745 of October 24, 1980, governs The ratification and execution of the following Conventions:

- (1) the Convention concerning the adoption of cases abroad in civil and commercial matters, adopted in Hague on March 18, 1970;
- (2) the Convention on the international administration of succession adopted in Hague on October 2, 1973;
- (3) the Convention concerning the recognition and execution of decisions in support cases adopted in Hague on October 2, 1973;
- (4) the Convention concerning the law applicable to cases of support adopted in Hague on October 2, 1973.

*Part VII: Succession*Article 46 (Succession due to death)

1. Succession due to death is governed by the national law of the deceased at the moment of death.
2. The deceased may subject the whole question of succession, by an expressed declaration in testament, to the law of the country in which he resides. This express choice is ineffective if, at the time of death, the deceased no longer lives in that country. In the case of an Italian citizen, the expressed choice made cannot affect the rights which Italian law gives to legitimate Italian residents at the time of the death of the person whose succession is in question.
3. The division of the inheritance is subject to the law applicable to the question of succession, except when the inheritors have agreed among themselves to elect the law of the country of reading of the succession²⁷⁸ or have chosen to use the law of the place where one or more of the parts of the inheritance are situated.

Article 47 (Testamentary capacity)

1. The capacity to prepare, modify, or revoke a testament is governed by the national law of the testator at the moment of preparing, modifying or revoking the testament.

Article 48 (Testamentary form)

1. The form of the testament is valid if it is considered as such by the national law of the country which the testator has expressly chosen, or by the law of the country of which the testator was a citizen at the moment of making the testament or at the moment of his death or the law of the country where the testator was domiciled or resident.

²⁷⁸ That is, the country in which the estate will be opened.

Article 49 (State succession)²⁷⁹

1. In the absence of successors and where the law governing succession does not provide for state succession, the parts of the inheritance situated in Italy are transferred to the Italian State.

Article 50 (Jurisdiction in cases of succession)

1. There is Italian jurisdiction in matters of succession in the following cases:
 - a) if the deceased was an Italian citizen at the time of his death;
 - b) if the succession opened in Italy;
 - c) if the parts of the inheritance with the greatest monetary value are situated in Italy;
 - d) if the defendant is domiciled or resident in Italy or has accepted Italian jurisdiction except in cases where the inheritance consists of immovable property situated abroad;
 - e) if the case concerns property situated in Italy.

*Part VIII: Real rights*Article 51 (Possession and rights)

1. Possession, proprietorship and real rights over movable and immovable property are governed by the law of the country in which the property is situated.
2. The same system of law governs the acquisition and disposal of property, except in cases of succession and cases where the allocation of a real right depends on a family relationship or a contract.

Article 52 (Real rights over property in transit)

1. Property in transit is governed by the law of the country of destination.

²⁷⁹ That is, escheat to the state.

Article 53 (Prescription of movable property)

1. The prescription of movable property is regulated by the law of the country in which the property is situated up until the termination of the prescription period.

Article 54 (Rights over intangibles)

1. Rights over intangibles are governed by the law of the country in which they are being utilized.

Article 55 (Publication of acts referring to real rights)

1. The publication of the acts of constitution, transferral and extinction of real rights is governed by the law of the country in which the property is situated at the moment of the enactment.

*Part IX: Donations*Article 56 (Donations)

1. Donations are governed by the national law of the country of the donor at the time of the donation.
2. The donor may, by making an express declaration at the same time as the donation, elect that the donation be governed by the law of the country in which he resides.
3. The form of the donation is valid if it is considered as such by the law which regulates its substance or by the law of the country in which the act of donation is completed.

*Part X: Contractual obligations*Article 57 (Contractual obligations)

1. Contractual obligations are, in all cases, governed by the Convention of Rome concerning the Law Applicable to Contractual Obligations signed on June 19, 1980, and

enacted into Italian law by Decree number 975, December 18, 1984. The application of this Convention does not prejudice the application of other relevant international conventions.²⁸⁰

Part XI: Non-contractual obligations

Article 58 (Unilateral promises)

1. Unilateral promises are governed by the law of the country in which they are declared.

Article 59 (Titles of credit).

1. Bills of exchange, promissory notes, and checks are, in all cases, governed by the regulations contained in the Convention of Geneva concerning Conflicts of Law over Bills of Exchange and Promissory Notes of June 7, 1930, enacted by royal Decree number 1130 into Italian law on August 25, 1932, and amended by Decree number 1946, December 22, 1932 and March 19, 1931, concerning the Conflicts of Law over Bank Checks enacted by royal Decree number 1077, August 24, 1933, and amended by Decree number 61, January 4, 1934.
2. These regulations also govern obligations which have been assumed outside the territory of a member state or if the law of a non-member state is nominated.
3. Other instruments of credit are governed by the law of the country in which each one of the instruments was released.²⁸¹ Obligations which differ from those which are principal are governed by the law of the country in which

²⁸⁰ Decree number 975 of December 18, 1984, governs ratification and execution of the Convention, protocol and two declarations concerning the applicable law in cases of contractual obligations adopted in Rome on June 19, 1980.

²⁸¹ That is, drafted, signed by the parties, and registered if necessary.

those differing obligations are assumed.²⁸²

Article 60 (Voluntary representation)

1. Voluntary representation is governed by the law of the country in which the representative has his principal office of business, on the condition that he is operating under a professional title and that this office is recognized or capable of recognition by a third party. In the absence of these conditions the law of the country where the representative exercises his principal power in the case governs the situation.
2. The form of an act of conferment of the powers of a representative is valid if considered as such by the law of the country which governs the case or by the law of the country of enactment.

Article 61 (Obligations deriving from the law)

1. The management of other people's affairs, unjust enrichment, unjust payment and other legal obligations which are not otherwise governed by the present law are governed by the law of the country where the act, from which the obligation derives, occurred.

Article 62 (Responsibility for illegal acts)

1. Responsibility for illegal acts is governed by the law of the country in which the event is verified. The injured party may, however, ask the court to apply the law of the country where the act which caused the damage occurred.
2. Whenever the illegal act involves citizens who are resident in the same country, the law of that country is applied.

²⁸² Royal decree number 1130, August 25, 1932, amended by Decree number 1946 on December 22, 1932, governs execution of the Conventions between Italy and other states concerning the unification of the law of bills signed in Geneva on June 7, 1930.

Royal decree number 1077 of August 24, 1933, amended by Decree number 1934 on January 4, 1934, governs the execution of the Conventions between Italy and other states concerning the unification of the law of bills signed in Geneva on June 7, 1930.

Article 63 (Extra-contractual responsibility for damage to products)

1. Responsibility for damage to products is regulated, at the choice of the injured party, either by the law of the state in which the domicile or the management of the producer is situated or by the law of the state in which the product was bought unless the producer can prove that the product was on the market without his consent.

Heading IV: Effect of Foreign Legislation and Judgments

Article 64 (Recognition of foreign judgments)

1. A foreign judgment is recognized in Italy without the need for recourse to any other procedure when:
 - a) the judge who declared the judgment is empowered to recognize the judgment according to the principles of jurisdictional competence contained in Italian legislation;
 - b) the introductory case is brought to the attention of the defendant in such a way as foreseen by the law of the state in which the case is heard and when none of the fundamental rights essential to a defense have been violated;
 - c) the parties were brought to trial according to the law of the place of trial or a default was declared in conformity with such law;
 - d) when the judgment is no longer appealable according to the law of the country where the judgment is pronounced;
 - e) the sentence is not contrary to another unappealable sentence decided by an Italian judge in court;
 - f) no other trial, which would have begun before the foreign trial, is pending before an Italian judge concerning the same matter and parties;
 - g) the judgment does not produce effects which are contrary to public policy.

Article 65 (Recognition of foreign provisions)

1. Provisions concerning the capacity of persons, the existence of family relations and rights of status when pronounced by the authority of the country whose law is recognized by the present law or when capable of legal effects in that country, even if pronounced by another state, all have effect in Italy providing that they are not contrary to public policy and that they respect the essential right to a defense.

Article 66 (Recognition of foreign provisions concerning voluntary jurisdiction)

1. Foreign provisions concerning voluntary jurisdiction are recognized without the need for recourse to other procedures, when they are produced by the authority of the country whose law is applicable according to the present legislation or if they produce effects in the legislation of that state, even though they form part of another state's legislation, or they are declared by an authority which is competent in criteria corresponding to Italian legislation. In every case the foreign provisions must respect the conditions of Article 65 as far as they are applicable.

Article 67 (Implementation of foreign provisions and judgments in voluntary jurisdiction and the situation where recognition is challenged)

1. In the case of lapsed observance or a challenge to the recognition of a foreign judgment, or a foreign provision on voluntary jurisdiction, or if it is necessary to force observance, a request for the conditions for implementation of the recognized provisions may be made to the Court of Appeal of the place of execution of the foreign act by any interested party.
2. The foreign judgment and the foreign provisions on voluntary jurisdiction, together with the provisions which accompany the request in part 1 above, constitute title for the implementation and the forced execution.

3. If a challenge to a foreign judgment occurs during a trial, the judge can make a decision, but that decision's applicability is limited solely to that trial.

Article 68 (Implementation and execution of public acts received abroad)

1. In the case of the implementation and execution in Italy of public acts with executive force which are made abroad, these are governed by the provisions of Article 67.

Article 69 (Use of foreign judges' evidentiary methods)

1. Foreign judges' declarations and provisions concerning the examination of witnesses, technical and judicial verification and interrogations or other evidentiary methods to be used in the Republic, are made executive by a decree of the Court of Appeal in the place where these provisions need to be evidenced.
2. If the use of the evidentiary methods is requested by an interested party, the case is referred to the court by an appeal at which an authenticated copy of the judgment or provision which orders the evidence to be collected must be produced. If the interested party making the request is the original judge who decided the provision, the request must be made by diplomatic methods.
3. The court considers the case in the chamber of council and refers the acts to the appropriate judge in the event that their implementation is authorized.
4. The implementation of evidentiary methods, or the execution of other instructive acts which are not foreseen by the Italian legislative system may be laid down only when they do not conflict with the principles of the legislative system itself.
5. The implementation or performance is governed by Italian law. Foreign judges' decisions and formalities should be followed only if they are compatible with the Italian

legislative system.

Article 70 (Requests made by diplomatic methods)

1. If the request for the implementation of evidentiary methods of instruction is made by diplomatic methods and the interested party does not have a legal representative who could request the implementation, then the necessary provisions are declared by the proceedings judge and notification is made by the chancellor.

Article 71 (Notification of authoritative foreign acts)

1. The notification of a summons to appear before a foreign authority or other acts of a foreign state are authorized by the Public Ministry of the jurisdiction in which the summons must be performed.
2. A summons requested diplomatically is carried out, at the request of the Public Ministry, by a court official.
3. The summons is carried out in accordance with Italian law. The method of application requested by the foreign court should be assessed to evaluate its compatibility with the Italian legislative system. The summons may be presented in all cases to an addressee who voluntarily accepts it.

Heading V: Transitory and Final Provisions

Article 72 (Transitory provisions)

1. The present act is applicable to all cases begun after the date at which it came into force. Cases finished before this time should apply the previous international private law provisions which, only in these cases, are effective.
2. Pending cases are governed by the Italian judge if the facts and rules which determine their jurisdiction are discovered in the course of the case.

Article 73 (Revocation of incompatible legislation)

1. Articles 17 to 31 of the provisions contained in the general introduction to the Civil Code are revoked, as well as Articles 2505 and 2509 of the Civil Code and Articles 2, 3, 4, and 37(2) of the Civil Procedure Code and articles 796 to 805 of the Civil Procedure Code are revoked from June 1, 1996.²⁸³

Article 74 (Entry into force)

1. The present legislation enters into force 90 days after its publication in the Official Gazette of the Italian Republic.

The present legislation, signed with the State seal, will be inserted into the Official Records of the legislation of the Italian Republic. Each person is asked to respect them and to obey them as law.

Rome, May 31, 1995.

Signed: SCALFARO

Signed: Dini, President of the Council of Ministers.

Note:

The text of the notes here published has been edited in accordance with Article 10(3) of the unified text concerning the regulation and production of the law with reference to the emanation of Presidential decrees and the official publications of the Italian Republic which was approved with D.P.R. number 1092 of December 28, 1985 with the sole purpose of assisting in the reading of the laws which are referred to herein.

²⁸³ Already substituted by article 8, Legislative Decree no. 361 of August 28, 1995, amended by Law no. 437 of October 27, 1995. Postponement of the effectiveness of the provisions of Heading IV of Law no. 218 of May 31, 1995, concerning the reform of the Italian system of international private law. This latter substituted by Article 12, Legislative Decree no. 547 of December 23, 1995. Deferment of the terms provided by legislative provisions concerning interventions in the social and economic sector.