LEGISLATIVE DECREE 4 March 2010, n. 28

Implementation of Article 60 of Law no. 69 of 18 June 2009 on mediation aimed at reconciling civil and commercial disputes as amended by art. 7 of Legislative Decree no. 149 of 10 October 2022 Implementation of Law no. 206 of 26 November 2021, delegating to the Government for the efficiency of civil proceedings and for the revision of the discipline of alternative dispute resolution tools and urgent measures to rationalise proceedings on the rights of persons and families as well as on forced execution. (22G00158) (OJ No. 243 of 17-10-2022 - Ordinary Suppl. No. 38)

Version as amended by Legislative Decree no. 149 of 10 October 2022 as **amended** by [1] **paragraph 380 of LAW no. 197 of 29 December 2022, according to**

[1] 380. The following amendments are made to Legislative Decree No 149 of 10 October 2022:
(a) Article 35 is replaced by the following:
'Art. 35. – (Transitional arrangements) – 1. The provisions of this decree, unless otherwise provided, shall take effect from 28 February 2023 and shall apply to proceedings initiated after that date. Proceedings pending on 28 February 2023 shall be subject to the provisions previously in force.
2. Except as provided for in the second sentence, the provisions of Articles 127, third paragraph, 127-bis, 127-ter and 193, second paragraph, of the Code of Civil Procedure, those provided for in Chapter I of Title V-ter of the provisions for the implementation of the Code of Civil Procedure and transitional provisions, referred to in Royal Decree No 1368 of 18 December 1941, as well as those provided for in Article 196-duodecies of the same provisions for the implementation of the Code of Civil Procedure and transitional provisions, introduced by this decree, shall apply from 1 January 2023 also to civil proceedings pending before the General Court, the Court of Appeal and the Court of Cassation. The provisions of Articles 196-quarter and 196-sexies of the provisions for the implementation of the Code of Civil Procedure and transitional provisions, introduced by this decree, apply to employees used by public administrations to be in court personally from 28 February 2023.
3. Before the justice of the peace, the juvenile court, the commissioner for the liquidation of civic uses and the Superior Court of Public Waters, the provisions of Article 127, third paragraph, 127-bis, 127-ter and 193, second paragraph, of the Code of Civil Procedure and those of Article 196-duodecies of the provisions for the implementation of the Code of Civil Procedure and transitional provisions, referred to in Royal Decree No 1368 of 18 December 1941, introduced by this Decree, shall also take effect from 1 January 2023 for civil proceedings pending on that date. Before the same offices, the provisions of Chapter I of Title V-ter of the aforementioned provisions for the implementation of the Code of Civil Procedure and transitional provisions, introduced by this decree, shall apply from 30 June 2023 also to proceedings pending on that date. With one or more decrees not having a regulatory nature, the Minister of Justice, having ascertained the functionality of the related communication services, can identify the offices in which the deadline referred to in the second sentence is anticipated, even limited to specific categories of proceedings.
4. The rules of Chapters I and II of Title III of Book Two and those of Articles 283, 434, 436-bis, 437 and 438 of the Code of Civil Procedure, as amended by this Decree, shall apply to appeals brought after 28 February 2023.
5. Without prejudice to paragraph 6, the provisions of Chapter III of Title III of Book II of the Code of Civil Procedure and Chapter IV of the provisions for the implementation of the Code of Civil Procedure and Transitional Provisions, referred to in Royal Decree No 1368 of 18 December 1941, as amended by this Decree, shall take effect from 1 January 2023 and shall apply to proceedings brought by an application notified from that date.
6. Articles 372, 375, 376, 377, 378, 379, 380, 380-bis, 380-bis.1, 380-ter, 390 and 391-bis of the Code of Civil Procedure, as amended by this decree, also apply to judgments introduced by appeal already notified on 1 January 2023 for which a hearing or meeting in chambers has not yet been scheduled.
7. The provisions of Article 363-bis of the Code of Civil Procedure, introduced by this decree, also apply to proceedings on the merits pending on 1 January 2023.
8. The provisions of Article 3, paragraph 34, letters b), c), d) and è), shall apply to acts of obligation served after 28 February 2023.
9. The provisions of Articles 4(1) and 10(1) shall take effect from 30 June 2023.
10. Until the adoption of the Ministerial Decree provided for in the fourth paragraph of Article 13 of the provisions for the implementation of the Code of Civil Procedure and transitional provisions, referred to in Royal Decree No

the indications of the[2] Ministry of Justice, the **Parliament's Study Offices, the Court of Appeal of Naples, judgment no. 36 of 09.01.2023** (28 February 2023) of the CNF (1 March 2023 [34] **) and the update provided by Normattiva of 10/02/2023 (1[56] January 2023).**

1368 of 18 December 1941, introduced by this Decree, Articles 15 and 16 of those provisions for the implementation of the Code of Civil Procedure and transitional provisions continue to apply, in the text in force before the date of entry into force of this decree.
11. Until the adoption of the measures provided for in the fifth paragraph of Article 196-duodecies of the provisions for the implementation of the Code of Civil Procedure and transitional provisions, referred to in Royal Decree No 1368 of 18 December 1941, introduced by this decree, remote connections for the conduct of civil hearings continue to be regulated by the decision of the Director General for Information and Automated Systems of the Ministry of Justice of 2 November 2020';
(b) in Article 36(1) and (2), the words '30 June 2023' are replaced by the following: '28 February 2023';
(c) in Article 41:
1. in paragraph 1, the following ', paragraph (l)(c), (d), (e), (f), (g), (h), (t), (u), (v), (z), (aa) and (bb) shall be inserted after the words 'referred to in Article 7';
2. the following shall be inserted after paragraph 3:
'3-bis. The provisions of Article 8 shall also apply to conciliation agreements concluded in proceedings already pending on 28 February 2023';
3. in paragraph 4, the following shall be inserted after the words 'referred to in Article 9': ', paragraph 1 (e) and (l),'.
[2] Circular Prot. n. 0001924 of 28-02-2023
Article 9, paragraph 1, letter i), n. 3, of Legislative Decree. 10 October 2022, n. 149 introduced Article 6 of Legislative Decree no. 132 of 2014 (on the subject of assisted negotiation agreement for consensual solutions of legal separation, termination of civil effects or dissolution of marriage, modification of the conditions of separation or divorce, custody and maintenance of children born out of wedlock, and their modification, and of alimony) paragraph 2-bis, to regulate the telematic methods of sending the agreement reached. In particular, the rule provides that the agreement is transmitted electronically, by the lawyers who assist the parties, to the Public Prosecutor for the issuance of the authorization or for authorization. In turn, the Public Prosecutor, when applying the authorization or issuing the authorization, transmits the agreement signed digitally to the lawyers of the parties. While waiting for the electronic flow that will allow such communications to be structured, after consulting the Head of the Department for Justice Affairs, the competent offices are authorized to accept the filing in paper form by the lawyers who assist the parties to the agreements reached during assisted negotiation, pursuant to art. 6 of Legislative Decree no. 132 of 2014.
The SS. LL., as far as their respective competences are concerned, are invited to ensure appropriate dissemination of this circular. Rome, protocol date THE GENERAL MANAGER Giovanni Mimmo".
Communication on LinkedIn: "Yesterday, February 28, the entry into force of the reform of the civil process, after the anticipation decided in the last budget law. This is one of the enabling reforms for the PNRR, with the aim of reducing the duration of trials by 40% in five years, reducing the backlog and rationalizing the different procedural models. A reform of the system, necessary to meet the commitments with Europe and meet the needs of citizens and businesses.
The innovations are accompanied by the recruitment of administrative staff (5 thousand units planned in 2023), in addition to the future entry of another 8 thousand employees of the Office for the process, as established in the PNRR; three new competitions in the judiciary scheduled for the current year (two of which also with the use of PCs, to speed up the corrections of the tests); an acceleration on digitalization (over 200 projects for judicial offices in the coming years) and significant investments in construction (326 construction sites are currently open throughout Italy, for an investment of over 50 million).
After the entry into force already on 1 January 2023 of the reference for a preliminary ruling to the Court of Cassation, the reform of the judgment in the Court of Cassation and the alternative methods of holding civil hearings, the new ordinary rite now becomes operational, among other things; an enhancement of alternative forms of justice (mediation, assisted negotiation, arbitration) the simplified rite; simplification of labour judgments; changes to voluntary jurisdiction; the single rite for family proceedings (with the possibility of submitting a request for judicial separation and at the same time for divorce); the new competences for justices of the peace. Instead, the institution of the Court for persons, minors and for the family remains in 2024."
[3] The amendments made to Article 41, by point (c), concern the new provisions on mediation and assisted negotiation. In particular, with regard to mediation, the new rules on legal aid and training of mediators, expansion of the subjects in which the procedure is mandatory and abolition of the configuration of the first meeting as merely programmatic and free, necessarily require the adoption of the appropriate secondary standardization and the revision of the regulation referred to in Ministerial Decree 18 October 2010, No. 180. A large part of the

Entry into force of the amendments	
Entry into force on 1 January 2023 for Normattiva, on 28 February 2023 for the Study Offices of the Parliament and for the **Court of Appeal of Naples, judgment no. 36 of 09.01.2023** and for the **Ministry of Justice**, not for the CNF (**1 March 2023**)	Entry into force on **30 June 2023**[7]
art. 2 (Disputes subject to mediation), art. 3 Applicable rules and form of acts (which will probably refer until 30 June to Article 8 prior to the reform), art. 4 c. 1 and 2 (Access to mediation),	Art. 4 c. 3 (Access to mediation) Art. 5 (Condition of admissibility and relationship with the process), Art. 5-bis (Opposition procedure to an injunction),

application of the new discipline, therefore, is postponed to 30 June 2023. However, the entry into force as early as 28 February 2023 of the provisions that require only mere organizational measures, such as those on the subject of mediation in electronic mode, conciliation agreement signed by public administrations, procedural consequences of non-participation in the mediation procedure. On the subject of assisted negotiation, the new regime is expected to apply from 28 February 2023, except for the new provisions on legal aid, which replace those currently in force, as also in this case it is necessary to adopt the related secondary implementing legislation. The new discipline on this point, therefore, will apply from 30 June 2023. Furthermore, by introducing a new paragraph in article 41 (paragraph 3-bis), it is specified that the new provision on the accounting liability of public employees who conclude an agreement in the interest of the administration will apply from 28 February 2023 also to proceedings already pending on that date,
and not only to those introduced later.
Dossier XIX legislature
BUDGET LAW 2023
December 24, 2022
Volume II – Provisional edition
Article 1, paragraphs 369-591
http://documenti.camera.it/leg19/dossier/pdf/ID0002evol2.pdf?_1673387030846&fbclid=IwAR1v_eD-uBzXeo2uOiKEYOjLk3r0UtS-ADUmjxpgS34nuH5xaBRqEpkdD0A

[4] (Omitted) As for the derogability of the legal criterion of territoriality, it should finally be noted that the legislator with the recent reform adopted with Legislative Decree no. 149 of 2022 has integrated paragraph 1 of art. 4 Legislative Decree no. 28 of 2010 (with entry into force from 28 February 2023, ex L. n. 197 of 2022) precisely in order to clarify that "The competence of the body can be waived by agreement of the parties". This means that even if (and it is not so) the body where the mediation took place had not been based in the territorial district of the Court of Appeal of Naples, in any case the exception would have been of no value in view of the tacit agreement between the parties in derogation from the criterion provided for by the reference standard.

[5] "4) Changes in mediation and assisted negotiation. The budget law left unchanged the original date of entry into Vigor of the Provisions of art. 7 of Legislative Decree. 149/22 - relating to the amendments to Legislative Decree. n. 28/10, already set at 30 June 2023, but adding specifications referring to individual paragraphs and letters. This implies that most of the reformed provisions are subject to the general rule, contemplated by paragraph 380, which provides - as seen - the anticipation of the entry into force to proceedings introduced starting from 1 March 2023, without prejudice to the limitation of the accounting liability of the PA only to cases of willful misconduct and gross negligence for conciliatory agreements concluded in the context of mediation proceedings (or judgments) already pending on 28 February 2022."

[6] https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2010-03-04;28!vig=

[7] Legislative Decree no. of 10 October 2022. 149, as amended by the L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".
N.B. Paragraph 1 of art. 41 has been further amended by art. 37 of the DECREE-LAW 24 February 2023, n. 13 and today reads: "1. The provisions referred to in Article 2, paragraph 2, and in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), shall apply from 30 June 2023.". However, this only affects the postponement to June 2023 of art. 71-quarter of the preliminary provisions of the Civil Code.

art. 8-bis (telematic mediation), art. 11 (Conclusion of the procedure), Art. 9 (Duty of confidentiality), art. 11-bis (Conciliation Agreement signed by public administrations), art. 12 (Enforceability and enforcement), art. 12-bis (Procedural consequences of non-participation in the mediation procedure), Art. 13 (Court costs in the event of rejection of the conciliation proposal), Art. 14 (Obligations of the Ombudsman), Art. 15 (Mediation in class actions).	Art. 5-ter (Legitimation in mediation of the condominium administrator), Art. 5-quarter (Mediation requested by the judge), Art. 5-quinquies (Magistrate training, evaluation of litigation defined with delegated mediation and collaboration), Art. 5-sexies (Mediation on contractual or statutory clause), Art. 6 (Duration), Art. 7 (Effects on the reasonable duration of the trial), Art. 8 (Procedure), all provisions on legal aid: CHAPTER II-bis (Provisions on legal aid in civil and commercial mediation) from art. 15-bis to Article 15-undecies, the new heading of Chapter III Mediation bodies and training bodies'. art. 16 (Mediation bodies and register. List of trainers), art. 16-bis (Training institutions), art. 17 (Resources, taxation and allowances), art. 20 (Tax credit in favour of parties and mediation bodies).

Changes or new items are highlighted yellow in red

Chapter I

GENERAL PROVISIONS

THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 76 and 87 of the Constitution;

Having regard to Article 60 of Law no. of 19 June 2009. 69, delegating to the Government the mediation and conciliation of civil and commercial disputes;

Having regard to Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;

Having regard to the preliminary resolution of the Council of Ministers, adopted at the meeting of 28 October 2009;

Acquired the opinions of the competent Committees of the Chamber of Deputies and the Senate of the Republic;

Having regard to the resolution of the Council of Ministers, adopted in the meeting of 19 February 2010;
On the proposal of the Minister of Justice;
It issues the following legislative decree:

Art. 1 (unchanged)
Definitions

1. For the purposes of this legislative decree, the following definitions shall apply: a) mediation: the activity, however named, carried out by an impartial third party and aimed at assisting two or more subjects in the search for an amicable agreement for the settlement of a dispute, also with the formulation of a proposal for the resolution of the same;
b) mediator: the person or natural persons who, individually or collectively, carry out the mediation without in any case the power to make judgments or decisions binding on the recipients of the service itself;
(c)conciliation: the settlement of a dispute following the conduct of mediation;
(d)body: the public or private body within which mediation proceedings may take place under this
decree;
(e)register: the register of bodies established by decree of the Minister for Justice pursuant to Article 16 of this decree and, until that decree is issued, the register of bodies established by Decree No 222 of the Minister of Justice of 23 July 2004.

Pre-reform version	Version from 1 January 2023 for Normattiva[8] Version from February 28, 2023 (or March 1) for others
Art. 2 Disputes subject to mediation 1. Anyone may access mediation for the conciliation of a civil and commercial dispute concerning available rights, according to the provisions of this decree. 2. This decree does not preclude voluntary and equal negotiations relating to civil and commercial disputes, nor the complaint	Art. 2 Disputes subject to mediation 1. Anyone can access mediation for the conciliation of a civil and commercial dispute concerning available rights, according to the provisions of this decree. 2. This decree does not preclude voluntary and joint negotiations relating to civil and commercial disputes, nor the complaint and

[8] Legislative Decree no. of 10 October 2022. 149, as amended from L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in paragraph 2 of this article applies from 30 June 2023.

procedures provided for by the service charters.	conciliation procedures provided for by the service charters.

Chapter II
OF THE MEDIATION PROCEDURE

Pre-reform version	Version from 1 January 2023 for Normattiva[9] Version from February 28, 2023 (or March 1) for others
Art. 3 Applicable rules and form of acts 1. The rules of procedure of the body chosen by the parties shall apply to the mediation procedure. 2. The Rules shall in any event guarantee the confidentiality of the proceedings in accordance with Article 9 and the arrangements for appointing the Ombudsman which shall ensure their impartiality and suitability for the correct and prompt performance of the task. 3. The acts of the mediation procedure shall not be subject to formalities. 4. Mediation may take place by means of telematics provided for in the rules of procedure of the body.	Art. 3 Applicable rules and form of acts 1. The rules of procedure of the body chosen by the parties shall apply to the mediation procedure, in compliance with the provisions of Article 8. 2. The Rules must in any case guarantee the confidentiality of the proceedings in accordance with Article 9, as well as procedures for appointing the Ombudsman which ensure his impartiality, independence and suitability for the correct and prompt performance of the task. 3. The acts of the mediation procedure shall not be subject to formalities. 4. Mediation can take place according to telematic methods provided for by the body's regulations, in compliance with Article 8-bis.

Pre-reform version	Version from 1 January 2023 for Normattiva[10]

[9] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendments referred to in paragraphs 1, 2 and 4 of this article apply from 30 June 2023.

	Version from February 28, 2023(or March 1) for others N.B. The third paragraph goes to 30/06/23
Art. 4 Access to mediation 1. The request for mediation relating to the disputes referred to in Article 2 shall be made by lodging an application with a body in the place of the court with territorial jurisdiction for the dispute. In the case of several claims relating to the same dispute, mediation shall take place before the territorially competent body to which the first request was submitted. To determine the time of the application, the date of filing of the application is taken into account. 2. The application shall state the body, the parties, the subject matter and the reasons for the claim. 3. When appointing the client, the lawyer shall inform the client of the possibility of availing himself of the mediation procedure governed by this decree and of the tax advantages referred to in Articles 17 and 20. The lawyer shall also inform the client of cases in which the conduct of the mediation procedure is a condition for the admissibility of the document instituting the proceedings. The information must be provided clearly and in writing. In the event of a breach of the information obligations, the contract between the lawyer and the client may be	Art. 4 Access to mediation 1. The request for mediation relating to the disputes referred to in Article 2 shall be lodged by one of the parties with a body in the place of the court with territorial jurisdiction for the dispute. In the case of several claims relating to the same dispute, mediation shall take place before the territorially competent body to which the first request was submitted. The competence of the body may be waived by agreement of the parties. To determine the time of the application, reference is made to the date of filing of the request for mediation. 2. The request for mediation shall state the body, the parties, the subject matter and the reasons for the claim. 3. At the time of assignment, the lawyer is required to inform the client of the possibility of using the mediation procedure governed by this decree and of the tax advantages referred to in Articles 17 and 20. The lawyer shall also inform the client of cases in which the conduct of the mediation procedure is a condition for the admissibility of the document instituting the proceedings. The information must be provided clearly and in writing. In the event of a breach of the information

[10] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, has provided (with art. 41, paragraph 1) that paragraph 3 of this article applies from 30 June 2023 and no longer provides that the amendments referred to in paragraphs 1 and 2 apply from 30 June 2023.

voidable. The document containing the information is signed by the patient and must be attached to the initiating act of any judgment. The judge who verifies the non-attachment of the document, if he does not provide pursuant to Article 5, paragraph 1-bis, informs the party of the faculty to request mediation.	obligations, the contract between the lawyer and the client may be voidable. The document containing the information is signed by the patient and must be attached to the initiating act of any judgment. The judge who verifies the non-attachment of the document, if he does not do so pursuant to Article 5, paragraph 2, informs the party of the right to request mediation.

Current version	Version from June 30, 2023[11]
Art. 5 Condition of admissibility and relationship with the process 1.Who intends to bring an action in court relating to a dispute concerning condominium, real rights, division, inheritance, family agreements, lease, loan, rent of companies, compensation for damage deriving from the use of vehicles and boats, medical liability and defamation by the press or other means of advertising, insurance contracts, banking and financial, is required in advance to carry out the mediation procedure pursuant to this decree or the conciliation procedure provided for by Legislative Decree 8 October 2007, n. 179, or the procedure established in implementation of Article 128-bis of the Consolidated Law on Banking and Credit referred to in Legislative Decree 1 September 1993, n. 385, as amended, for the matters regulated therein. The use of the	Art. 5 (Condition of admissibility and relationship with the process) 1. Who intends to bring an action in court relating to a dispute concerning condominium, real rights, division, hereditary successions, family agreements, lease, loan, rent of companies, compensation for damage deriving from medical and health liability and defamation by the press or other means of advertising, insurance, banking and financial contracts, joint venture, association in participation, Consortium, franchising, work, network, administration, partnership and subcontracting, is required to carry out the mediation procedure pursuant to this chapter. 2. In the disputes referred to in paragraph 1, the mediation procedure is a condition for the admissibility of the judicial request.

[11] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197 has provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), shall apply from 30 June 2023".

mediation procedure is a condition for the admissibility of the document instituting the proceedings. The inadmissibility must be objected to by the defendant, under penalty of forfeiture, or detected ex officio by the judge, no later than the first hearing. Where the court finds that mediation has already begun but has not been concluded, it shall schedule the next hearing after the expiry of the period referred to in Article 6. In the same way, it provides when mediation has not been carried out, at the same time assigning to the parties the deadline of fifteen days for the submission of the request for mediation. This paragraph does not apply to the actions provided for in articles 37, 140 and 140-bis of the Consumer Code referred to in Legislative Decree 6 September 2005, n. 206 and later Modifications. 1-bis. Whoever intends to bring an action in court relating to a dispute	The inadmissibility is objected to by the defendant, under penalty of forfeiture, or taken over ex officio by the judge no later than the first hearing. Where the court finds that mediation has not been carried out or has already begun, but has not been concluded, it shall fix the next hearing after the expiry of the period referred to in Article 6. At that hearing, the court ascertains whether the condition of admissibility has been satisfied and, failing that, declares the document instituting the proceedings to be inadmissible. 3. In order to fulfil the condition of admissibility, the parties may also use, for the matters and within the limits regulated therein, the procedures provided for: a) Article 128-bis of Legislative Decree no. 385 of 1 September 1993;[12] b) Article 32-ter of Legislative Decree no. 58 of 24 February 1998;[13]

[12] Art. 128-bis
Dispute resolution
1. The entities referred to in Article 115 shall adhere to systems for the out-of-court settlement of customer disputes.
2. By resolution of the ICRC, on the proposal of the Bank of Italy, the criteria for conducting dispute settlement procedures and the composition of the decision-making body shall be determined, so that the impartiality of the same and the representativeness of the interested parties is ensured. The procedures must in any case ensure the speed, the cost-effectiveness of dispute resolution and effective protection.
3. Without prejudice to the provisions from Article 5, paragraph 1, of Legislative Decree 4 March 2010, n. 28, the provisions of paragraphs 1 and 2 do not affect the customer to resort to any other means of protection provided for by law.
3-bis. The Bank of Italy, when receives a exposed by the customers of the subjects referred to in paragraph 1, indicates to the exponent the possibility of appealing to the systems provided for in this article.

[13] Art. 32-ter
(Out-of-court dispute resolution).
1. The persons in respect of whom CONSOB exercises its supervisory activity, to be identified with the regulation referred to in paragraph 2, as well as independent financial advisors and financial advisory firms adhere to out-of-court dispute resolution systems with investors other than professional clients referred to in Article 6, paragraphs 2-quinquies and 2-sexies. In case of non-adhesion, the sanctions referred to in Article 190, paragraph 1, apply to companies and entities and the sanctions referred to in Article 18-bis are applied to the natural persons referred to in Article 18-bis.
referred to in Article 187-quinquiesdecies, paragraph 1-encore. The sanctions provided for in this paragraph shall be applied to self-employed financial advisors and financial advisory firms in accordance with the procedure governed by Article 196, paragraph 2.

concerning condominium, real rights, division, inheritance, family agreements, lease, loan, rent of companies, compensation for damage deriving from medical and health liability and defamation by means of the press or other means of advertising, insurance, banking and financial contracts, is obliged, assisted by the lawyer, prior to carrying out the mediation procedure pursuant to this decree or the procedures provided for by Legislative Decree 8 October 2007, n. 179, and by the	c) Article 187.1 of Legislative Decree no. 209 of 7 September 2005;[14] d) Article 2, paragraph 24, letter b), of Law no. 481 of 14 November 1995.[15] 4. Where the conduct of the mediation procedure is a condition for the admissibility of the document instituting the proceedings, the condition shall be deemed to have been fulfilled if the first meeting before the mediator ends without the conciliation agreement. 5. The conduct of mediation shall in any case not preclude the granting of

2. CONSOB shall determine, by its own regulations, in compliance with the principles, procedures and requirements set out in Part V, Title II-bis, of Legislative Decree no. of 6 September 2005. 206, and subsequent amendments, the criteria for carrying out the dispute resolution procedures referred to in paragraph 1 as well as the criteria for the composition of the deciding body, so that the impartiality of the same and the representativeness of the subjects is ensured
Interested.

3. To the cover The related operating expenses shall be provided, without new or increased charges for public finances, with the resources referred to in Article 40, paragraph 3, of Law no. 724 of 23 December 1994, as amended, as well as with the amounts charged to the users of the procedures themselves.

[14] Art. 187.1

Out-of-court dispute resolution systems

1. Understanding The provisions of Article 32-ter of Legislative Decree no. of 24 February 1998. 58, the Subjects referred to in Article 6, paragraphs 1, letters a) and d), as well as ancillary insurance intermediaries, adhere to the out-of-court dispute resolution systems with customers relating to insurance services deriving from all insurance contracts, without any exclusion.

2. By decree of the Minister for Development economic, of in agreement with the Minister of Justice, on the proposal of IVASS, the criteria for carrying out the dispute resolution procedures referred to in paragraph 1, the criteria for the composition of the deciding body are determined, in compliance with the principles, procedures and requirements referred to in Part V, Title 2-bis, of Legislative Decree no. 206 of 6 September 2005, so that it is insured
the impartiality of the same and the representativeness of the interested parties, as well as the nature of the disputes, relating to insurance benefits and services deriving from an insurance contract, dealt with by the systems referred to in this Article. The procedures must in any case ensure the speed, cost-effectiveness and effectiveness of protection.

3. For disputes defined by the decree referred to in paragraph 2, recourse to the dispute resolution system referred to in paragraph 1 is an alternative to the experiment with mediation and assisted negotiation procedures provided, respectively, by Legislative Decree no. 28 of 4 March 2010 and by Decree-Law no. 132 of 12 September 2014, converted, with amendments, by Law no. 162 of 10 November 2014, and does not prejudice the use of any other means of protection provided for by law.

4. The operating costs of the systems referred to in this Article shall be covered, without new or increased burdens on public finances, by the resources referred to in Articles 335 and 336.

[15] 24. Within sixty days from the date of entry into force of this law, with one or more regulations issued pursuant to Article 17, paragraph 1, of Law No 23 August 1988. 400, are Defined:

b) the criteria, conditions, terms and procedures for the conduct of conciliation or arbitration procedures in contradictory at the Authorities in the event of disputes arising between users and subjects operating the service, also providing for the cases in which such conciliation or arbitration procedures may be referred in the first instance to the arbitration and conciliation commissions established at the Chambers of Commerce, industry, crafts and agriculture. Until the expiry of the deadline set for the submission of requests for conciliation or referral to arbitrators, the time limits for appeals to the courts which, if proposed, are inadmissible, are suspended. The minutes of conciliation or arbitration decision shall constitute an enforceable title.

respective implementing regulations or the procedure established in implementation of Article 128-bis of the Consolidated Law on Banking and Credit referred to in Legislative Decree no. of 1 September 1993. 385, as amended, or the procedure established in implementation of Article 187-ter of the Private Insurance Code referred to in Legislative Decree 7 September 2005, n. 209, for the matters regulated therein. The use of the mediation procedure is a condition for the admissibility of the document instituting the proceedings. Starting from the year 2018, the Minister of Justice shall report annually to the Chambers on the effects produced and the results achieved by the application of the provisions of this paragraph. The inadmissibility must be objected to by the defendant, under penalty of forfeiture, or detected ex officio by the judge, no later than the first hearing. Where the court finds that mediation has already begun but has not been concluded, it shall schedule the next hearing after the expiry of the period referred to in Article 6. In the same way, it provides when mediation has not been carried out, at the same time assigning to the parties the deadline of fifteen days for the submission of the request for mediation. This paragraph does not apply to the actions provided for in Articles 37, 140 and 140-bis of the Consumer Code referred to in Legislative Decree 6 September 2005, n. 206, as amended. 2. Without prejudice to the provisions of paragraph 1-bis and without prejudice to the provisions of paragraphs 3 and 4, the judge, even during the appeal judgment, having	urgent and protective measures or the transcription of the document instituting the proceedings. 6. Paragraph 1 and Article 5-quarter shall not apply: a) in proceedings for injunction, including opposition, until the ruling on the applications for granting and suspension of provisional enforcement, as provided for in Article 5-bis; b) in proceedings for validation of license or eviction, until the change of the rite referred to in Article 667 of the Code of Civil Procedure; c) in procedures for prior technical advice for the settlement of the dispute, referred to in Article 696-bis of the Code of Civil Procedure; (d) in possessory proceedings, up to the delivery of the measures referred to in the third paragraph of Article 703 of the Code of Civil Procedure; (e) in opposition or incidental declaratory proceedings relating to enforcement; (f) in proceedings in chambers; (g) in civil proceedings brought in criminal proceedings; h) in the action for an injunction referred to in Article 37 of the Consumer Code, referred to in Legislative Decree no. 206 of 6 September 2005.';

assessed the nature of the case, the state of the investigation and the conduct of the parties, may order the mediation procedure; In this case, the exercise of the mediation procedure is a condition for the admissibility of the judicial request also on appeal. The measure referred to in the preceding sentence shall be taken before the hearing to clarify the Opinion or, where no such hearing is scheduled, before the case is discussed. The court shall fix the next hearing after the expiry of the time limit referred to in Article 6 and, when mediation has not already begun, shall at the same time set the parties a time limit of fifteen days for submitting the request for mediation. 2-bis. Where the use of the mediation procedure is a condition for the admissibility of the document instituting the proceedings, the condition is deemed to have been fulfilled if the first meeting before the mediator is concludes without agreement. 3.The conduct of mediation shall in any case not preclude the granting of urgent and protective measures or the transcription of the document instituting the proceedings. 4. Paragraphs 1-bis and 2 shall not apply to: (a)in order for payment proceedings, including opposition, until the ruling on applications for granting and suspension of provisional enforcement; (b)in proceedings for validation of a licence or eviction, until the change of the rite referred to in Article 667 of the Code of Civil Procedure; c)in procedures for prior technical advice for the purpose of settling the	

dispute, referred to in Article 696-bis of the Code of Civil Procedure; (d)in possessory proceedings, until the orders referred to in the third paragraph of Article 703 of the Code of Civil Procedure are delivered; (e)opposition or incidental declaratory proceedings relating to enforcement; (f)in proceedings in chambers; (g)in civil proceedings brought in criminal proceedings; 5. Without prejudice to the provisions of paragraph 1-bis and without prejudice to the provisions of paragraphs 3 and 4, if the contract, the statute or the deed of incorporation of the entity provide for a mediation or conciliation clause and the attempt is not made, the judge or arbitrator, on a party objection, proposed in the first defense, assigns to the parties the deadline of fifteen days for the presentation of the request for mediation and sets the next hearing after the expiry of the the time limit referred to in Article 6. Similarly, the judge or arbitrator sets the next hearing when the mediation or conciliation attempt has begun, but not concluded. The application is submitted before the body indicated by the clause, if registered in the register, or, failing that, before another registered body, subject to compliance with the criterion referred to in Article 4, paragraph 1. In any case, the parties may agree, after the contract or the statute or the deed of incorporation, the identification of a different registered body. 6. As soon as it is communicated to the other parties, the request for mediation shall have the effects of the	

document instituting the proceedings on the limitation period. From the same date, the request for mediation also prevents the revocation for a single time, but if the attempt fails, the document instituting the proceedings must be brought within the same limitation period, starting from the filing of the report referred to in Article 11 at the secretariat of the body.	

From 30 June 2023[16]
Art. 5-bis (Opposition procedure for an order for payment) 1. When the action referred to in Article 5(1) has been brought by an appeal for an order for payment, in the opposition proceedings the burden of submitting the request for mediation rests on the party who has appealed for an order for payment. The judge at the first hearing decides on the requests for granting and suspension of provisional execution if formulated and, having ascertained the failure to make the mandatory attempt at mediation, sets the next hearing after the expiry of the period referred to in Article 6. At that hearing, if mediation has not been carried out, it declares the inadmissibility of the document instituting the proceedings by the application for an order for payment, revokes the opposite decree and decides on costs. Art. 5-ter (Legitimation in mediation of the condominium administrator) 1. The condominium administrator is entitled to activate a mediation procedure, to join it and to participate in it. The minutes containing the conciliation agreement or the conciliatory proposal of the mediator are submitted to the approval of the condominium assembly, which resolves within the deadline set in the agreement or proposal with the majorities provided for in Article 1136 of the Civil Code. In case of non-approval within this period, the conciliation shall be deemed not to be concluded. Art. 5-quarter (Mediation requested by the court)

[16] Legislative Decree no. of 10 October 2022. 149, as amended from L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

1. The court, even in the appeal proceedings, until the moment of clarification of the conclusions, having assessed the nature of the case, the state of the investigation, the conduct of the parties and any other circumstances, may order, by reasoned order, the conduct of a mediation procedure. By the same order, it shall fix the next hearing after the expiry of the period referred to in Article 6.
2. The mediation requested by the judge is a condition for the admissibility of the judicial request. Article 5(4), (5) and (6) shall apply.
3. At the hearing referred to in paragraph 1, when mediation has not been carried out, the judge declares the inadmissibility of the judicial request.

Art. 5-quinquies
(Magistrate training, evaluation of litigation defined with delegated mediation and collaboration)

1. The magistrate takes care of his own training and updating in the field of mediation by attending seminars and courses, organized by the Higher School of the Judiciary, also through the teaching structures of decentralized training.
2. For the purposes of the assessment referred to in Article 11 of Legislative Decree no. 160 of 5 April 2006, attendance at seminars and courses referred to in paragraph 1, the number and quality of business defined by mediation order or by conciliatory agreements constitute, respectively, indicators of commitment, ability and industriousness of the magistrate.[17]
3. The orders by which the magistrate refers the parties to mediation and the disputes settled following their adoption are subject to specific statistical collection.
4. The head of the judicial office may promote, without new or increased burdens on public finances, collaborative projects with universities, bar associations, mediation bodies, training institutions and other professional and professional bodies and associations, respecting mutual autonomy, to encourage the use of delegated mediation and training in mediation matters.

Art. 5-sexies
(Mediation on contractual or statutory clause)

1. Where the contract, statutes or instrument of incorporation of the public or private body provide for a mediation clause, the mediation experiment is a condition for the admissibility of the document instituting the proceedings. If the attempt at conciliation is not made, the judge or arbitrator, on the exception of the party within the first hearing, shall provide in accordance with Article 5, paragraph 2. Article 5(4), (5) and (6) shall apply.

[17] LEGISLATIVE DECREE 5 April 2006, n. 160
New regulation of access to the judiciary, as well as on the economic progression and functions of magistrates, pursuant to Article 1, paragraph 1, letter a), of Law no. 150 of 25 July 2005.

2. The request for mediation is submitted to the body indicated by the clause if registered in the register or, failing that, to the body identified pursuant to Article 4, paragraph 1.

Current version	Version from June 30, 2023[18]
Art. 6 Duration 1. The mediation procedure shall not exceed three months. 2. The period referred to in paragraph 1 shall run from the date of filing of the request for mediation, or from the expiry of the date set by the court for filing the request for mediation and, even in cases where the court orders the referral of the case pursuant to the sixth or seventh sentence of paragraph 1-bis of Article 5 or pursuant to paragraph 2 of Article 5, It is not subject to holiday suspension.	Art. 6 (Duration) 1. The mediation procedure shall last no longer than three months, which may be extended by a further three months after its initiation and before its expiry by written agreement of the parties. 2. The period referred to in paragraph 1 starts from the date of filing of the request for mediation or from the expiry of the deadline set by the judge for the filing of the same and, even in cases where the judge orders the referral of the case pursuant to Article 5, paragraph 2, or pursuant to Article 5-quarter, paragraph 1, It is not subject to holiday suspension. 3. If the judgment is pending, the parties shall notify the court of the extension of the period referred to in paragraph 1.

Current version	Version from June 30, 2023[19]
Art. 7 Effects on the reasonable duration of the process	Art. 7 Effects on the reasonable duration of the process

[18] Legislative Decree no. of 10 October 2022. 149, as amended from L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

[19] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

1. The period referred to in Article 6 and the period of referral ordered by the court pursuant to Article 5, paragraphs 1-bis and 2, shall not be counted towards the purposes referred to in Article 2 of Law No 89 of 24 March 2001.	1. The period referred to in Article 6 and the period of referral ordered by the court pursuant to Article 5, paragraph 2 and Article 5-quarter, paragraph 1, shall not be counted for the purposes referred to in Article 2 of Law No 89 of 24 March 2001.

Current version	Version from June 30, 2023[20]
Art. 8 Procedure 1.When submitting the request for mediation, the head of the body shall designate a mediator and arrange the first meeting between the parties no later than thirty days after the filing of the request. The request and the date of the first meeting shall be communicated to the other party by any appropriate means to ensure its receipt, including by the applicant party. At the first meeting and subsequent meetings, until the end of the procedure, the parties must participate with the assistance of the lawyer. During the first meeting, the mediator clarifies to the parties the function and methods of mediation. The mediator, always in the same first meeting, then invites the parties and their lawyers to express themselves on the possibility of starting the mediation procedure and, if so, proceeds with the procedure. In disputes requiring specific technical expertise, the body may appoint one or more auxiliary mediators.	Art. 8 (Procedure) 1. When submitting the request for mediation, the head of the body appoints a mediator and arranges the first meeting between the parties, which must be held no earlier than twenty and no later than forty days from the filing of the request, unless otherwise agreed by the parties. The request for mediation, the designation of the mediator, the venue and time of the meeting, the procedures for conducting the procedure, and the date of the first meeting and any other useful information shall be communicated by the body to the parties by any appropriate means to ensure receipt. In disputes requiring specific technical expertise, the body may appoint one or more auxiliary mediators. 2. From the moment the communication referred to in paragraph 1 becomes known to the parties, the request for mediation produces the effects of the judicial request on the prescription and

[20] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197 has provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7(l)(c), (3), (d), (e), (f), (g), (h), (t), (u), (v), (z), (aa) and (bb) shall apply from 30 June 2023."

2.Il proceedings shall take place without formalities at the premises of the mediation body or at the place indicated in the rules of procedure of the body. 3. The mediator shall ensure that the parties reach an amicable dispute settlement agreement. 4.When the mediator cannot proceed pursuant to the last sentence of paragraph 1, he may avail himself of experts registered in the registers of consultants in the courts. The rules of procedure of the body shall lay down detailed rules for calculating and paying the fees payable to experts. 4-bis. If the court fails to participate in the mediation proceedings without due cause, it may infer evidence in subsequent proceedings under the second paragraph of Article 116 of the Code of Civil Procedure. The court shall order the party constituted which, in the cases provided for in Article 5, did not participate in the proceedings without justified reason, to pay to the State budget a sum corresponding to the standard contribution due for the proceedings. 5.If the court fails to participate without justified reason in the mediation proceedings, it may infer evidence in subsequent proceedings pursuant to the second paragraph of Article 116 of the Code of Civil Procedure. The court shall order the party constituted which, in the cases provided for in Article 5, did not participate in the proceedings without justified reason, to pay to the State budget a sum corresponding to the standard contribution due for the	prevents the revocation only once. To this end, the party may communicate to the other party the request for mediation already submitted to the mediation body, without prejudice to the obligation of the body to proceed pursuant to paragraph 1. 3. The procedure shall take place without formalities at the premises of the mediation body or at the place indicated in the rules of procedure of the body. 4. The parties participate personally in the mediation procedure. Where there are justified reasons, they may delegate a representative who is acquainted with the facts and has the powers necessary for the settlement of the dispute. Persons other than natural persons shall participate in the mediation procedure using representatives or delegates who are aware of the facts and have the powers necessary for the settlement of the dispute. Where necessary, the mediator shall request the parties to declare their powers of representation and shall record them in the minutes. 5. In the cases provided for in Article 5, paragraph 1, and when mediation is requested by the court, the parties are assisted by their respective lawyers. 6. At the first meeting, the mediator sets out the function and modalities of the mediation, and ensures that the parties reach a conciliation agreement. The parties and the lawyers assisting them shall cooperate in good faith and loyally in order to bring about an effective

proceedings.	discussion on the issues in dispute. The minutes of the first meeting are drawn up by the mediator, signed by all participants. 7. The Ombudsman may make use of experts entered in the registers of consultants in the courts. The rules of procedure of the body shall lay down detailed rules for calculating and paying the fees payable to experts. When appointing the expert, the parties may agree on the admissibility of his report, even by way of derogation from Article 9. In this case, the report is assessed in accordance with the first paragraph of Article 116 of the Code of Civil Procedure.

Version from 1 January 2023 for Normattiva[21] Version from February 28, 2023 (or March 1) for others
Art. 8-bis (Mediation in telematic mode) 1. When mediation takes place electronically, each act of the procedure is formed and signed in compliance with the provisions of the Digital Administration Code, referred to in Legislative Decree no. 82 of 7 March 2005, and can be transmitted by certified e-mail or other qualified certified delivery service. 2. The meetings can be held with an audiovisual connection remotely. The audiovisual liaison systems used for the meetings of the mediation procedure shall ensure the contextual, effective and mutual audibility and visibility of the persons connected. Either party may request the head of the mediation body to participate remotely or in person. 3. At the end of the mediation, the mediator forms a single electronic document, in native digital format, containing the minutes and any agreement and sends it to the parties for signature by digital signature or other type of qualified electronic signature. In the cases referred to in Article 5, paragraph 1, and when mediation is requested by the judge, the electronic document is also sent to lawyers who sign it in the same way.

[21] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in this article applies from 30 June 2023.

4. The electronic document, signed pursuant to paragraph 3, is sent to the mediator who digitally signs it and transmits it to the parties, to the lawyers, if appointed, and to the secretariat of the body.
5. The storage and exhibition of the documents of the mediation procedure carried out electronically take place, by the mediation body, in accordance with Article 43 of Legislative Decree no. 82 of 2005.

Current version	Version from 1 January 2023 for Normattiva[22] Version from February 28, 2023 (or March 1) for others
Art. 9 Duty of confidentiality 1. Any person who works or services in the organisation or in the context of the mediation procedure shall be bound by an obligation of confidentiality with regard to statements made and information acquired during the proceedings. 2. With respect to statements made and information acquired during separate sessions, and subject to the consent of the reporting party or from which the information originates, the mediator shall also be bound by confidentiality vis-à-vis the other parties.	Art. 9 Duty of confidentiality 1. Any person who works or participates in the mediation procedure or participates in the mediation procedure shall be bound by an obligation of confidentiality with regard to statements made and information acquired during the proceedings. 2. With respect to statements made and information acquired during separate sessions, and subject to the consent of the reporting party or from which the information originates, the mediator shall also be bound by confidentiality vis-à-vis the other parties.

Art. 10 (unchanged)
Unusability and professional secrecy

1.Statements made or information acquired in the course of the mediation procedure may not be used in proceedings involving the same subject matter, even partially, started, summarised or continued after the failure of the

[22] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in paragraph 1 of this article applies from 30 June 2023

mediation, unless the declaring party agrees or from which the information originates. Witness evidence is not admissible on the content of the same statements and information and no decisive oath can be taken.
2. The Ombudsman may not be required to testify on the content of statements made and information acquired in the mediation procedure, either before a court or another authority. The provisions of Article 200 of the Code of Criminal Procedure apply to the mediator and the safeguards provided for the lawyer by the provisions of Article 103 of the Code of Criminal Procedure are extended insofar as they apply.

Pre-reform version	Version from 1 January 2023 for Normattiva[23] Version from February 28, 2023 (or March 1) for others
Art. 11 Conciliation 1. If an amicable agreement is reached, the Ombudsman shall draw up minutes to which the text of the agreement shall be annexed. When agreement is not reached, the mediator may make a proposal for conciliation. In any case, the mediator shall make a proposal for conciliation if the parties so request at any time during the proceedings. Before the proposal is made, the mediator shall inform the parties of the possible consequences referred to in Article 13. 2.La proposal for conciliation shall be communicated to the parties in writing. The parties shall send the mediator in writing within seven days that they accept or reject the proposal. In the absence of a reply within the deadline, the proposal is rejected. Unless otherwise agreed by the parties, the proposal may not contain any reference to statements	Art. 11 (Conclusion of the procedure) 1. If a conciliation agreement is reached, the Ombudsman shall draw up minutes to which the text of the agreement shall be annexed. When agreement is not reached, the mediator shall acknowledge this in the minutes and may make a proposal for conciliation to be annexed to the minutes. In any case, the mediator shall make a proposal for conciliation if the parties so request at any time during the proceedings. Before the proposal is made, the mediator shall inform the parties of the possible consequences referred to in Article 13. 2. The proposal for conciliation shall be drawn up and communicated to the parties in writing. The parties shall send the mediator, in writing and within seven days of notification or within the period specified by the mediator, of

[23] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in this article applies from 30 June 2023.

made or information acquired in the course of the proceedings. 3.Se the amicable agreement referred to in paragraph 1 has been reached, or if all the parties adhere to the mediator's proposal, minutes are formed which must be signed by the parties and by the mediator, who certifies the authorship of the signature of the parties or their impossibility to sign. If with the agreement the parties conclude one of the contracts or perform one of the acts provided for in Article 2643 of the Civil Code, in order to proceed with the transcription of the same, the signing of the minutes must be authenticated by a public official authorized to do so. The agreement reached, also following the proposal, may provide for the payment of a sum of money for any violation or non-compliance with the obligations established or for the delay in their fulfillment. 4. If conciliation fails, the Ombudsman shall draw up minutes indicating the proposal; The minutes are signed by the parties and by the mediator, who certifies the authorship of the signature of the parties or their impossibility to sign. In the same minutes, the mediator acknowledges the non-participation of one of the parties in the mediation procedure. 5. The minutes shall be deposited with the secretariat of the body and copies shall be issued to the parties who so request.	acceptance or rejection of the proposal. In the absence of a reply within the deadline, the proposal is rejected. Unless otherwise agreed by the parties, the proposal may not contain any reference to statements made or information acquired in the course of the proceedings. 3. The conciliation agreement shall contain an indication of its value. 4. The final minutes of the mediation, containing any agreement, are signed by the parties, their lawyers and other participants in the procedure as well as by the mediator, who certifies the authorship of the signature of the parties or their impossibility to sign and, without delay, takes care of the deposit at the secretariat of the body. In the minutes, the mediator acknowledges the presence of those who participated in the meetings and of the parties who, although regularly invited, remained absent. 5. The minutes containing any conciliation agreement shall be drawn up in digital format or, if in analogue format, in as many originals as there are parties participating in the mediation, together with an original for deposit with the body. 6. A copy of the minutes containing any agreement deposited with the secretariat of the body shall be issued to the parties who so request. The body shall be obliged to keep copies of the documents of the proceedings dealt with for at least three years from the date of their conclusion. 7. If with the agreement the

	parties conclude one of the contracts or perform one of the acts provided for in Article 2643 of the Civil Code, in order to proceed with the transcription of the same, the signing of the conciliation agreement must be authenticated by a public official authorized to do so. The agreement reached, also following the proposal of the mediator, may provide for the payment of a sum of money for any violation or non-compliance with the obligations established or for the delay in their fulfillment.

Version from 1 January 2023 for Normattiva[24] Version from February 28, 2023(or March 1) for others
Art. 11-bis (Conciliation agreement signed by public administrations) 1. Article 1, paragraph 01.bis of Law no. 20 of 14 January 1994 applies to representatives of public administrations, referred to in Article 1, paragraph 2, of Legislative Decree no. 165 of 30 March 2001, who sign a conciliation agreement.[25]

Pre-reform version	Version from 1 January 2023 for Normattiva[26] Version from February 28 (or March 1) 2023 for others
Art. 12 Enforceability and enforcement 1. Where all the parties to mediation are assisted by a lawyer, the	Art. 12 Enforceability and enforcement 1. Where all the parties participating in the mediation are

[24] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in this article applies from 30 June 2023.

[25] In the event of the conclusion of a conciliation agreement in the mediation procedure or in court by the representatives of the public administrations referred to in Article 1, paragraph 2, of Legislative Decree 30 March 2001, n. 165, accounting liability is limited to facts and omissions committed with intent or gross negligence, consisting in inexcusable negligence deriving from the serious violation of the law or from the misrepresentation of the facts.

[26] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendments referred to in paragraphs 1, 1-bis and 2 of this article apply from 30 June 2023.

agreement signed by the parties and by the lawyers themselves shall constitute an enforceable title for forced expropriation, execution by surrender and release, enforcement of obligations to do and not to do, as well as for the registration of judicial mortgage. Lawyers shall certify and certify the conformity of the agreement with mandatory rules and public order. The agreement referred to in the preceding sentence must be transcribed in full in the Requirement within the meaning of the second paragraph of Article 480 of the Code of civil procedure. In all other cases, the agreement attached to the minutes is approved, at the request of the party, by decree of the president of the court, after verification of formal regularity and compliance with mandatory rules and public order. In cross-border disputes referred to in Article 2 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, the minutes shall be confirmed by the President of the court in whose district the agreement is to be implemented. 2. The report referred to in paragraph 1 constitutes an enforceable title for forced expropriation, for enforcement in a specific form and for the registration of a judicial mortgage.	assisted by lawyers, the agreement that has been signed by the parties and by the lawyers themselves, also in the manner referred to in Article 8-bis, constitutes an enforceable title for forced expropriation, execution by delivery and release, execution of obligations to do and not to do, as well as for the registration of judicial mortgages. Lawyers shall certify and certify the conformity of the agreement with mandatory rules and public order. The agreement referred to in the preceding sentence must be fully transcribed in the precept pursuant to the second paragraph of Article 480 of the Code of Civil Procedure. 1-bis. In all other cases, the agreement attached to the minutes is approved, at the request of the party, by decree of the president of the court, after verification of formal regularity and compliance with mandatory rules and public order. In cross-border disputes referred to in Article 2 of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008, the minutes shall be confirmed by the President of the court in whose district the agreement is to be implemented. 2. With the approval, the agreement constitutes an enforceable title for forced expropriation, for enforcement in a specific form and for the registration of a judicial mortgage.

Version from 1 January 2023 for Normattiva[27]

[27] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in this article applies from 30 June 2023.

From February 28, 2023 (or March 1) for others
Art. 12-bis (Procedural consequences of non-participation in the mediation procedure) 1. If the court fails to attend the first meeting without justified reason in the mediation procedure, it may infer evidence in the subsequent proceedings under the second paragraph of Article 116 of the Code of Civil Procedure. 2. When mediation is a condition of admissibility, the court orders the party constituted who did not participate in the first meeting without justified reason to pay to the State budget a sum corresponding to twice the unified contribution due for the judgment. 3. In the cases referred to in paragraph 2, with the measure that defines the judgment, the judge, if requested, may also order the losing party who did not participate in the mediation to pay in favor of the opposing party a sum equitably determined in an amount not exceeding in maximum the costs of the judgment accrued after the conclusion of the mediation procedure. 4. When it provides pursuant to paragraph 2, the judge transmits a copy of the measure adopted against one of the public administrations referred to in Article 1, paragraph 2, of Legislative Decree 30 March 2001, n. 165, to the public prosecutor at the judicial section of the Court of Auditors, and a copy of the measure adopted against one of the supervised entities to the competent supervisory authority.

Pre-reform version	Version from 1 January 2023 for Normattiva[28] Version from February 28, 2023 (or March 1) for others
Art. 13 (Court costs). 1. Where the decision establishing the proceedings corresponds entirely to the content of the proposal, the court shall exclude the recovery of the costs incurred by the successful party who refused the proposal, relating to the period following the formulation of the proposal, and the order to reimburse the costs incurred by the losing party relating	Art. 13 (Court costs in case of rejection of the conciliation proposal) 1. Where the decision establishing the proceedings corresponds entirely to the content of the proposal, the court shall exclude the recovery of the costs incurred by the successful party who refused the proposal, relating to the period following the formulation of the proposal, and the order to reimburse the costs

[28] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the changes referred to in paragraph 1 and heading of this article apply from 30 June 2023.

to the same period, as well as to pay a further proposal to the State budget Amount corresponding to the unified contribution due. The applicability of Articles 92 and 96 of the Code of Civil Procedure, the Code of Civil Procedure remains unaffected. The provisions of this paragraph shall also apply to the costs of the compensation paid to the mediator and the remuneration due to the expert referred to in Article 8, paragraph 4. 2. When the measure defining the judgment does not entirely correspond to the content of the proposal, the judge, if there are serious and exceptional reasons, may nevertheless exclude the recovery of the costs incurred by the successful party for the compensation paid to the mediator and for the remuneration due to the expert referred to in Article 8, paragraph 4. The court must explicitly state, in the statement of reasons, the reasons for the decision on costs referred to in the previous sentence. 3. Unless otherwise agreed, the provisions of paragraphs 1 and 2 shall not apply to proceedings before arbitrators.	incurred by the losing party relating to the same period, as well as to pay a further proposal to the State budget Amount corresponding to the unified contribution due. The applicability of Articles 92 and 96 of the Code of Civil Procedure, first, second and third paragraphs of the Code of Civil Procedure, remains unaffected . The provisions of this paragraph shall also apply to the costs of the compensation paid to the mediator and the remuneration due to the expert referred to in Article 8, paragraph 4. 2. When the measure defining the judgment does not entirely correspond to the content of the proposal, the judge, if there are serious and exceptional reasons, may nevertheless exclude the recovery of the costs incurred by the successful party for the compensation paid to the mediator and for the remuneration due to the expert referred to in Article 8, paragraph 4. The court must explicitly state, in the statement of reasons, the reasons for the decision on costs referred to in the previous sentence. 3. Unless otherwise agreed, the provisions of paragraphs 1 and 2 shall not apply to proceedings before arbitrators.

Pre-reform version	Version from 1 January 2023 for Normattiva[29] Version from February 28, 2023 (or March 1) for others

[29] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the changes referred to in paragraph 2 of this article apply from 30 June 2023.

Art. 14 Obligations of the Ombudsman 1. The mediator and his vicarious agents shall be prohibited from assuming any rights or obligations directly or indirectly connected with the business dealt with, except for those strictly related to the provision of the work or service; They are prohibited from receiving remuneration directly from the parties. 2. The Ombudsman shall also be required to: (a) to sign, for each case for which he is designated, a declaration of impartiality in accordance with the formulae laid down in the applicable Rules of Procedure and any further commitments where appropriate, provided for by the same regulation; (b) immediately inform the body and the parties of the reasons for possible prejudice to impartiality in the conduct of mediation; (c) formulate proposals for conciliation in compliance with the limits of public policy and mandatory rules; (d) respond immediately to any organisational request made by the head of the organisation. 3. At the request of a party, the head of the body shall arrange for the replacement of the mediator if necessary. The regulation identifies the different competence to decide on the application, when mediation is carried out by the head of the body.	Art. 14 Obligations of the Ombudsman 1. The mediator and his vicarious agents are prohibited from assuming any rights or obligations connected, directly or indirectly, with the affairs dealt with, except for those strictly related to the provision of the work or service; They are prohibited from receiving remuneration directly from the parties. 2. The mediator is also obliged to: (a) to sign, for each case for which he is appointed, a declaration of independence and impartiality in accordance with the formulae laid down in the applicable Rules of Procedure and any further commitments provided for in those Rules; (b) immediately inform the head of the body and the parties of any circumstances arising during the procedure which may affect his independence and impartiality; (c) formulate proposals for conciliation in compliance with the limits of public policy and mandatory rules; (d) respond immediately to any organisational request made by the head of the organisation. 3.Su the request of the party, the head of the body shall arrange for the possible replacement of the mediator. The regulation identifies the different competence to decide on the application, when mediation is carried out by the head of the body.

Pre-reform version	Version from 1 January 2023 for Normattiva[30] Version from February 28, 2023 for others
Art. 15 Mediation in class action 1. When the class action provided for in Article 140-bis of the Consumer Code, referred to in Legislative Decree no. 206 of 6 September 2005, as amended, is exercised, the conciliation, which took place after the expiry of the deadline for membership, also takes effect with regard to members who have expressly permitted.	Art. 15 Mediation in class action 1. When the class action provided for by 840-bis of the Code of Civil Procedure and subsequent amendments is exercised, the conciliation, which took place after the expiry of the deadline for membership, also takes effect with regard to the members who have expressly consented to it.

From 30 June 2023[31]
CHAPTER II-a (Provisions on legal aid in civil and commercial mediation) Art. 15-bis (Establishment of patronage and scope of applicability) 1. Legal aid shall be ensured, under the conditions laid down in this Chapter, to the disadvantaged party for the assistance of the lawyer in the mediation procedure in the cases referred to in Article 5(1), if a conciliation agreement is reached. 2. Legal aid is excluded in disputes for assignment of claims and reasons of others, except in the case where the assignment appears undoubtedly made in payment of pre-existing claims or reasons. Art. 15-ter (Income conditions for admission) 1. Legal aid may be granted to those who have taxable income for personal

[30] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197, no longer provides (with art. 41, paragraph 1) that the amendment referred to in paragraph 1 of this article applies from 30 June 2023.
[31] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

income tax purposes, resulting from the last declaration, not exceeding the amount indicated in Article 76 of the Consolidated Law on Legal Expenses, referred to in Decree No 115 of the President of the Republic of 30 May 2002.

Art. 15-quarter
(Application for early admission)

1. The interested party who is in the conditions indicated in Article 15-ter may request to be admitted to legal aid in order to lodge a request for mediation or to participate in the related proceedings, in the cases referred to in Article 5, paragraph 1, and when mediation is delegated by the judge.
2. The application for admission, under penalty of inadmissibility, is drawn up and signed in accordance with articles 78, paragraph 2, and 79, paragraph 1, letters b), c) and d), of the Decree of the President of the Republic n. 115 of 2002, and contains the statements in fact and in law useful to assess the non-manifest groundlessness of the claim that is intended to be asserted.
3. For income produced abroad, the citizen of a non-European Union country or the stateless person, under penalty of inadmissibility, accompanies the application for admission with a certification from the competent consular authority attesting to the veracity of what is indicated in it. In case of impossibility of presenting such certification, the application is accompanied by a substitutive declaration of certification, drawn up pursuant to Article 47 of the Decree of the President of the Republic 28 December 2000, n. 445.

Art. 15-quinquies
(Body competent to receive the application for early admission and appointment of the lawyer)

1. The application for early admission is submitted, either personally or by registered mail or by certified e-mail or other qualified certified electronic delivery service, by the interested party or by the lawyer who authenticated the signature, to the Bar Council of the place where the competent mediation body identified in accordance with Article 4, paragraph 1 is located.
2. Within twenty days of the submission of the application for admission, the Council of the Bar Association, having verified its admissibility, admits the person concerned to legal aid, in advance and provisionally, and immediately notifies him.
3. Those who are admitted to legal aid may appoint a lawyer chosen from among those registered in the lists of lawyers for legal aid, established at the Bar Councils of the place where the competent mediation body identified in accordance with Article 4, paragraph 1, is located.

Art. 15-sexies
(Action against the rejection of the application for early admission)

1. Against the rejection of the application for early admission, the interested party may appeal, within twenty days of the communication, before the president of the court of the place where the council of the order that adopted the measure is located. Article 99, paragraphs 2, 3 and 4, of the Decree of the President of the Republic no. 115 of 2002 applies.

Art. 15-septies
(Effects of early admission and its confirmation)

1. Early admission to legal aid is valid for the entire mediation process.
2. The indemnities referred to in Article 17, paragraphs 3 and 4, are not due by the party admitted to legal aid in advance.
3. When the conciliation agreement is reached, the admission is confirmed, at the request of the lawyer, by the council of the bar that has approved the early admission, by affixing the adequacy visa on the fee.
4. The application for confirmation indicates the amount of the fee requested by the lawyer and is accompanied by the conciliation agreement. The council of the order, having verified the completeness of the documentation and the adequacy of the remuneration based on the value of the agreement indicated pursuant to Article 11, paragraph 3, confirms the admission and sends a copy of the approved fee to the competent office of the Ministry of Justice to proceed with the checks deemed necessary and to the mediation body.
5. The lawyer may not request or receive from his client fees or reimbursements for any reason, other than those provided for in this chapter. Any agreement to the contrary is null and void and Article 85, paragraph 3, of the Decree of the President of the Republic no. 115 of 2002 applies.

Art. 15-g
(Determination, settlement and payment of lawyers' fees and expenses)

1. By decree of the Minister of Justice, adopted in agreement with the Minister of Economy and Finance, within six months of the entry into force of the implementing provisions of Law no. 206 of 25 November 2021, the amounts due to the lawyer of the party admitted to legal aid by way of fees and expenses are established. The same decree establishes the methods of settlement and payment, also by recognition of tax credit or compensation, of the sums determined pursuant to this article, as well as the methods and contents of the relative request and the applicable checks, including authenticity.

Art. 15-novies
(Revocation of the admission order and appeal against the relevant decree)

1. The non-existence of the conditions for admission referred to in Article 15-ter, by anyone ascertained, also following the checks referred to in Article 15-decies, paragraph 2, is communicated to the Bar Council which has approved the admission.
2. Changes to the income conditions that exclude admission to legal aid are immediately communicated by the admitted party or his lawyer to the Bar Council which has approved the admission in advance.
3. Upon receipt of the communications provided for in paragraphs 1 and 2, the Bar Council, having carried out the checks deemed necessary, revokes the admission and notifies the interested party, the lawyer and the mediation body.
4. The person concerned may lodge an appeal against the revocation measure, within twenty days of the communication, before the president of the court of the place where the council of the order that adopted it is located. Article 99, paragraphs 2, 3 and 4, of the Decree of the President of the Republic no. 115 of 2002 applies.

Art. 15-decies
(Sanctions and controls by the Guardia di Finanza)

1. Whoever, in order to obtain or maintain admission to legal aid, formulates the application for admission accompanied by the substitutive declaration of certification, falsely certifying the existence of the conditions of income provided, is punished pursuant to Article 125, paragraph 1, of the Decree of the President of the Republic n. 115 of 2002.
2. Article 88 of Decree No 115 of the President of the Republic of 30 May 2002 applies.

Art. 15-undecies
(Financial provisions)

1. The burden deriving from the implementation of the provisions referred to in this chapter, is authorized the expenditure of 2,082,780 euros per year starting from the year 2023, is provided by a corresponding reduction of the Fund for the implementation of the delegation for the efficiency of the civil process pursuant to art. 1, paragraph 39, of Law no. 206 of 26 November 2021

Current version	Version from June 30, 2023
Chapter III MEDIATION BODIES	Chapter III MEDIATION BODIES AND TRAINING PROVIDERS

Current version	Version from June 30, 2023[32]
Art. 16 Mediation bodies and register. List of trainers 1. Public or private bodies, which give guarantees of seriousness and efficiency, are authorized to set up bodies deputed, at the request of the interested party, to manage the mediation procedure in the matters referred to in Article 2 of this decree. The bodies must be entered in the register. 2. The formation of the register and its revision, registration, suspension and cancellation of members, the establishment of separate sections of the register for the handling of business that require specific competences also in consumer and international matters, as well as the determination of the compensation due to the bodies shall be regulated by specific decrees of the Minister of Justice, in agreement, with regard to consumption, with the Minister of Economic Development. Until the adoption of those decrees, the provisions of the decrees of the Minister for Justice of 23 July 2004, no. 222 and 23 July 2004, n. 223. Until the same date, the out-of-court settlement bodies provided for in Article 141 of the Consumer Code, referred to in Legislative Decree no. 206 of 6 September 2005, as amended, shall comply with these provisions.	Art. 16 Mediation bodies and register. List of trainers 1. Public or private bodies, which give guarantees of seriousness and efficiency, are authorized to set up bodies deputies, at the request of the interested party, to manage the mediation procedure in the matters referred to in Article 2 of this decree. The bodies must be entered in the register. 1-bis. For the purposes of the qualification referred to in paragraph 1 and its maintenance, the following are requirements of seriousness: (a) the good repute of members, directors, managers and mediators of the bodies; b) the provision, in the corporate purpose or in the associative purpose, of the exclusive performance of mediation, conciliation or alternative dispute resolution and training services in the same areas; (c) an undertaking by the body not to provide mediation, conciliation and alternative dispute resolution services when it has an interest in the dispute. 1-ter. For the purposes referred to in paragraph 1, the adequacy of the organization, the financial capacity, the quality of the service, the organizational, administrative and accounting transparency, as well as

[32] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

3. The body, together with the application for entry in the register, deposits its rules of procedure and code of ethics with the Ministry of Justice, communicating any subsequent changes. The regulation must provide, without prejudice to the provisions of this decree, the telematic procedures that may be used by the body, so as to guarantee the security of communications and respect for the confidentiality of data. The tables of compensation payable to bodies set up by private entities proposed for approval pursuant to Article 17 shall be annexed to the Regulation. For the purposes of registration in the register, the Ministry of Justice assesses the suitability of the regulation. 4. Supervision of the register shall be exercised by the Ministry of Justice and, with reference to the section for dealing with consumer affairs referred to in paragraph 2, also by the Ministry of Economic Development. 4-bis. Lawyers enrolled in the register are mediators by right. Lawyers registered with mediation bodies must be adequately trained in the field of mediation and maintain their preparation with theoretical-practical updating courses aimed at this, in compliance with the provisions of Article 55-bis of the Forensic Code of Ethics. The implementation of this provision must not give rise to new or increased burdens on public finances. 5. The Ministry of Justice shall establish, by ministerial decree, the	the professional qualification of the head of the body and that of the mediators constitute requirements for the efficiency of the body. 2. The formation of the register and its revision, the registration, suspension and cancellation of members, the establishment of separate sections of the register for the handling of business that require specific competences also in consumer and international matters, as well as the determination of the indemnities due to the bodies are regulated by special decrees of the Minister of Justice, in concert, with regard to consumption, with the Minister of Economic Development. Until the adoption of those decrees, the provisions of the decrees of the Minister for Justice of 23 July 2004, no. 222 and 23 July 2004, n. 223. Until the same date, the out-of-court settlement bodies provided for in Article 141 of the Consumer Code, referred to in Legislative Decree no. 206 of 6 September 2005, as amended, shall comply with these provisions. 3. The body, together with the application for registration in the register, deposits with the Ministry of Justice its rules of procedure and the code of ethics, communicating any subsequent changes. The regulation must provide, without prejudice to the provisions of this decree, the telematic procedures that may be used by the body, so as to guarantee the security of communications and respect for the confidentiality of data. The tables of compensation payable to bodies set up by private entities and the criteria

list of trainers for mediation. The decree establishes the criteria for the registration, suspension and cancellation of members, as well as for carrying out training activities, so as to guarantee high levels of training of mediators. The same decree establishes the date from which participation in the training activity referred to in this paragraph constitutes a professional qualification requirement for the mediator. 6. The establishment and maintenance of the register and the list of trainers take place within the framework of the human, financial and instrumental resources already existing, and available under current legislation, at the Ministry of Justice and the Ministry of Economic Development, for the part of their respective competence, and, in any case, without new or greater burdens for the State budget.	for calculating them, proposed for approval pursuant to Article 17, shall be annexed to the Regulation. For the purposes of registration in the register, the Ministry of Justice assesses the suitability of the regulation. 4. The supervision of the register is exercised by the Ministry of Justice and, with reference to the section for dealing with consumer affairs referred to in paragraph 2, also by the Ministry of Economic Development. 4-bis. Lawyers enrolled in the register are mediators by right. Lawyers registered with mediation bodies must be adequately trained in mediation matters and maintain their preparation with theoretical-practical updating courses aimed at this, in compliance with the provisions of Article 62 of the Forensic Code of Ethics. The implementation of this provision must not give rise to new or increased burdens on public finances. At the Ministry of Justice, the list of trainers for mediation is established by ministerial decree. The decree, in accordance with Article 16-bis, establishes the criteria for the registration, suspension and cancellation of members, as well as for carrying out training activities, in order to guarantee high levels of training for mediators. The same decree establishes the date from which participation in the training activity referred to in this paragraph constitutes a professional qualification requirement for the mediator.

	5. The establishment and maintenance of the register and the list of trainers take place within the scope of human, financial and instrumental resources already existing, and available under current legislation, at the Ministry of Justice and the Ministry of Economic Development, for the part of their respective competence, and, in any case, without new or greater burdens on the State budget.

From 30 June 2023[33]
Art. 16-bis (Training institutions) 1. Public or private bodies that give guarantees of seriousness and efficiency, as defined in Article 16, paragraphs 1-bis and 1-ter, are authorized to register in the list of training bodies in the field of mediation. 2. For the purposes referred to in paragraph 1, the training institution is also required to appoint a scientific manager of clear reputation and experience in the field of mediation, conciliation or alternative dispute resolution, who ensures the quality of the training provided by the institution, the completeness, adequacy and updating of the training course offered and the competence and experience of the trainers, also matured abroad. The person in charge periodically communicates the training program and the names of the chosen trainers to the Ministry of Justice, according to the provisions of the decree referred to in Article 16, paragraph 2. ~~3.~~ The decree referred to in Article 16, paragraph 2, also establishes the qualification requirements of mediators and trainers necessary for registration, and maintenance of registration, in their respective lists.

Current version	Version from June 30, 2023[34]
Art. 17 Resources, taxation and allowances	Art. 17 (Resources, taxation and

[33] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".
[34] Legislative Decree no. 149 of 10 October 2022, as amended by L. 29 December 2022, n. 197 provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), apply from 30 June 2023".

1. In implementation of Article 60, paragraph 3, letter o), of Law no. 69 of 18 June 2009, the tax benefits provided for herein article, paragraphs 2 and 3, and article 20, are among the purposes of the Ministry of Justice that can be financed with the part of the resources flowed to the "Fondo Unico Giustizia" attributed to the aforementioned Ministry, pursuant to paragraph 7 of article 2, letter b), of Decree-Law no. 143 of 16 September 2008, converted, with amendments, by law 13 November 2008, n. 181, and paragraphs 3 and 4 of article 7 of the decree of the Minister of Economy and Finance 30 July 2009, n. 127. 2. All acts, documents and measures relating to the mediation procedure shall be exempt from stamp duty and from any expenses, taxes or charges of whatever kind and nature. 3. The memorandum of agreement is exempt from registration tax within the value limit of 50,000 euros, otherwise the tax is due for the excess part. 4. Without prejudice to the provisions of paragraphs 5-bis and 5-ter of this article, with the decree referred to in Article 16, paragraph 2, the following are determined: (a) the minimum and maximum amounts of compensation payable to public bodies, the method of calculation and the arrangements for distribution between the parties; (b) the criteria for approving the scales of allowances proposed by bodies set up by private entities; c) the maximum increases in the compensation due, not exceeding 25 per cent, in the event of a successful	allowances) 1. All acts, documents and measures relating to the mediation procedure are exempt from stamp duty and from any expenses, taxes or rights of any kind and nature. 2. The minutes containing the conciliation agreement are exempt from registration tax within the value limit of one hundred thousand euros, otherwise the tax is due for the excess part. 3. Each party shall, at the time of submission of the request for mediation or at the time of accession, pay to the body, in addition to the documented costs, an amount by way of compensation including the costs of initiation and mediation costs for the conduct of the first meeting. When mediation ends without agreement at the first meeting, the parties are not obliged to pay additional amounts. 4. The rules of procedure of the mediation body shall indicate the additional mediation costs payable by the parties for the conclusion of the conciliation agreement and for subsequent meetings. 5. With the decree referred to in Article 16, paragraph 2, the following are determined: (a) the minimum and maximum amounts of compensation payable to public bodies, the method of calculation and the arrangements for distribution between the parties; (b) the criteria for approving the scales of allowances proposed by bodies set up by private entities; (c) the amounts as compensation for start-up costs and mediation costs

mediation; d) the minimum reductions of the indemnities due in cases where mediation is a condition of admissibility pursuant to Article 5, paragraph 1-bis, or is ordered by the judge pursuant to Article 5 5, paragraph 2. 5. When mediation is a condition for the admissibility of the application pursuant to Article 5, paragraph 1, no compensation is due to the body from the party who is in the conditions for legal aid, pursuant to Article 76 (L) of the consolidated text of the laws and regulations on the costs of justice referred to in the Decree of the President of the Republic of 30 May 2002, No. 115. To this end, the Party shall be required to deposit with the appropriate body substitutive declaration of the deed of notoriety, the signature of which can be authenticated by the same mediator, as well as to produce, under penalty of inadmissibility, if the body so requests, the documentation necessary to prove the veracity of what has been declared. 5-bis. When mediation is a condition of admissibility of the application pursuant to Article 5, paragraph 1-bis, or is ordered by the court pursuant to Article 5, paragraph 2, of this decree, the body is not due any compensation from the party who is in the conditions for admission to legal aid, pursuant to Article 76 (L) of the consolidated text of the laws and regulations on court costs, referred to in Decree No 115 of the President of the Republic of 30 May 2002, as amended. To this end, the Party is required to file a declaration with the body. substitute for the deed of notoriety, the	for the first meeting; (d) the maximum increases in compensation due, not exceeding 25 per cent, in the event of successful mediation; e) the minimum reductions of the indemnities due in cases where mediation is a condition of admissibility pursuant to Article 5, paragraph 1, or is delegated by the judge; f) the criteria for determining the value of the conciliation agreement pursuant to Article 11, paragraph 3. 6. When mediation is a condition for the admissibility of the document instituting the proceedings pursuant to Article 5(1) or Article 5-quarter(2), no compensation is due to the body from the party entitled to legal aid. 7. The Ministry of Justice shall, as part of its institutional activities, monitor mediation concerning persons exempt from the payment of mediation compensation. 8. The amount of the allowance may be redetermined every three years in relation to the variation, established by the National Institute of Statistics, in the consumer price index for blue-collar and white-collar households over the previous three years. 9. The costs for the implementation of the provisions referred to in paragraphs 1 and 2, estimated at 5.9 million euros for the year 2010, 7.018 million euros for the years 2011 to 2022 and 13.098 million euros starting from the year 2023, are provided for: a) as regards 5,9 million euros for 2010 and 7,018 million euros from 2011 through a corresponding reduction in the share of the

signature of which can be authenticated by the same mediator, as well as to produce, under penalty of inadmissibility, if the body so requests, the documentation necessary to prove the veracity of what has been declared. 5-ter. In the event of no agreement at the outcome of the first meeting, no fee is due to the mediation body 6. The Ministry of Justice shall, as part of its institutional activities, monitor mediation concerning persons exempted from the payment of mediation fees. The results of this monitoring shall be taken into account for the determination, by the decree referred to in Article 16, paragraph 2, of the due to public bodies, so as to also cover the cost of the activity provided in favor of persons entitled to exemption. 7. The amount of the allowance may be redetermined every three years in relation to the variation, established by the National Institute of Statistics, of the consumer price index for blue-collar and white-collar households in the previous three years. 8. The costs deriving from the provisions of paragraphs 2 and 3, estimated at 5.9 million euros for the year 2010 and 7.018 million euros starting from the year 2011, shall be	resources of the 'Single Justice Fund' referred to in Article 2, paragraph 7, letter b) of Decree-Law No 143 of 16 September 2008, converted, with amendments, by Law No 181 of 13 November 2008, which, for this purpose, it remains acquired at the revenue of the State budget; b) as for 6.08 million euros starting from the year 2023 through a corresponding reduction of the Fund for the implementation of the delegation for the efficiency of the civil process pursuant to art. 1, paragraph 39, of Law no. 206 of 26 November 2021.[35]

[35] 39. For the implementation of the provisions referred to in paragraph 4, letter (a), expenditure of EUR 4,4 million for the year shall be authorised 2022 and of 60.6 million euros per year starting from the year 2023. The relative charge is provided, as regards 4.4 million euros for the year 2022 and 15 million euros per year starting from the year 2023, through a corresponding reduction of the Fund for structural interventions of economic policy referred to in Article 10, paragraph 5, of Decree-Law 29 November 2004, n. 282, converted, with amendments, by Law 27 December 2004, n. 307, as regards 15 million euros per year starting from the year 2023, through a corresponding reduction of the Fund referred to in Article 1, paragraph 200, of Law no. 190 of 23 December 2014, and, as regards 30.6 million euros per year starting from the year
2023, through corresponding reduction in the projections of the allocation of the special current account fund entered, for the purposes of the three-year budget 2021-2023, under the "Reserve and special funds" program of the mission "Funds to be shared" of the estimates of the Ministry of Economy and Finance for the year 2021, for the purpose partially using the provision relating to the Ministry of Justice.

covered by corresponding reduction in the share of resources of the 'Single Justice Fund' referred to in Article 2 (7) (b) of the Decree-Law 16 September 2008, n. 143, converted, with amendments, by Law no. of 13 November 2008. 181, which, for that purpose, remains acquired on revenue from the State budget. 9. The Minister of Economy and Finance shall monitor the charges referred to in paragraphs 2 and 3 and in the event of deviations from the provisions referred to in paragraph 8, the additional amount necessary to guarantee the financial coverage of the greater burden from the same portion of the Single Justice Fund referred to in paragraph 8 remains acquired upon entry.	

Art. 18 (unchanged)
Bodies at the courts

1. Councils of Bar Associations may set up bodies in each court, using their own staff and using the premises made available to them by the President of the Court. Bodies attached to the courts shall be entered in the register on request, in accordance with the criteria laid down in the decrees referred to in Article 16.

Art. 19 (unchanged)
Bodies attached to the Councils of Professional Associations at Chambers of Commerce

1. The Councils of Professional Associations may, in matters reserved for their competence, subject to the authorization of the Ministry of Justice, set up special bodies, using their own staff and using premises at their disposal.
2. The bodies referred to in paragraph 1 and the bodies set up pursuant to Article 2, paragraph 4, of Law no. 580 of 29 December 1993, by the chambers of commerce, industry, crafts and agriculture shall be entered in the register upon request, in compliance with the criteria established by the decrees referred to in Article 16.

Chapter IV
TAX AND INFORMATION PROVISIONS

Current version	Version from June 30, 2023[36]
Art. 20 Tax credit 1. The parties who pay the indemnity to the persons authorized to carry out the mediation procedure at the bodies are recognized, in case of success of the mediation, a tax credit commensurate with the indemnity itself, up to a maximum of five hundred euros, determined in accordance with the provisions of paragraphs 2 and 3. In case of failure of the mediation, the tax credit is reduced by half. 2.Starting from the year 2011, by decree of the Minister of Justice, by 30 April of each year, the amount of resources from the share of the 'Single Justice Fund' referred to in Article 2, paragraph 7, letter b) of Decree-Law No 16 September 2008 shall be determined. 143, converted, with amendments, by Law no. 181 of 13 November 2008, intended to cover the lower revenues deriving from the granting of the tax credit referred to in paragraph 1 relating to mediations concluded in the previous year. The same decree identifies the tax credit actually due in relation to the amount of each mediation in proportion to the resources allocated and, in any case, within the limits of the amount indicated in paragraph 1. 3.Il Ministry of Justice communicates to the interested party the amount of	Art. 20 (Tax credit in favour of parties and mediation bodies) 1. The parties are recognized, when the conciliation agreement is reached, a tax credit commensurate with the indemnity paid pursuant to Article 17, paragraphs 3 and 4, up to a maximum of six hundred euros. In the cases referred to in Article 5, paragraph 1, and when mediation is delegated by the judge, the parties are also granted a tax credit commensurate with the fee paid to their lawyer for assistance in the mediation procedure, within the limits set by the forensic parameters and up to a maximum of six hundred euros. 2. The tax credits provided for in paragraph 1 can be used by the party within the overall limit of six hundred euros per procedure and up to a maximum annual amount of two thousand four hundred euros for natural persons and twenty-four thousand euros for legal persons. In the event of failure of the mediation, the tax credits are reduced by half. 3. An additional tax credit is recognized commensurate with the unified contribution paid by the party of the judgment extinguished following the conclusion of a conciliation agreement, within the

[36] Legislative Decree no. of 10 October 2022. 149, as amended by L. 29 December 2022, n. 197 has provided (with art. 41, paragraph 1) that "The provisions referred to in Article 7, paragraph l, letters c), number 3), d), e), f), g), h), t), u), v), z), aa) and bb), shall apply from 30 June 2023".

the tax credit due within 30 days from the deadline indicated in paragraph 2 for its determination and transmits, electronically, to the Revenue Agency the list of beneficiaries and the relative amounts communicated to each. 4.Il tax credit must be indicated, under penalty of forfeiture, in the tax return and can be used from the date of receipt of the communication referred to in paragraph 3, in compensation pursuant to Article 17 of Legislative Decree 9 July 1997, n. 241, as well as, by natural persons not holding business income or self-employment, decrease in income taxes. The tax credit does not give rise to reimbursement and does not contribute to the formation of income for income tax purposes, nor of the value of net production for the purposes of regional tax on productive activities and is not relevant for the purposes of the relationship referred to in articles 61 and 109, paragraph 5, of the Consolidated Law on Income Taxes, referred to in Decree No 917 of the President of the Republic of 22 December 1986. 5.Ai order to provide financial coverage for the loss of revenue deriving from this article, the Ministry of Justice shall pay annually the amount corresponding to the amount of resources allocated to tax credits on special accounting no. 1778 "Revenue Agency - Budgetary funds".	limit of the amount paid and up to five hundred and eighteen euros. 4. Mediation bodies are granted a tax credit commensurate with the indemnity not payable by the party admitted to legal aid pursuant to Article 15-septies, paragraph 2, up to a maximum annual amount of twenty-four thousand euros. 5. By decree of the Minister of Justice, in agreement with the Minister of Economy and Finance, to be adopted within six months of the entry into force of the implementing provisions of Law no. 206 of 25 November 2021, delegating to the Government for the efficiency of the civil process and for the revision of the discipline of alternative dispute resolution tools and urgent measures to rationalise proceedings on the rights of persons and families as well as in subject to enforcement, the procedures for recognizing the tax credits referred to in this article, the documentation to be presented in support of the request and the checks on the authenticity of the same, as well as the methods of electronic transmission to the Revenue Agency of the list of beneficiaries and the related amounts communicated to each are established. 6. To the resulting burden. For the implementation of the provisions referred to in this article, estimated at € 51,821,400 per year starting from the year 2023, which is provided by a corresponding reduction of the Fund for the implementation of the delegation for the efficiency of the civil process pursuant to art. 1, paragraph 39, of

	Law no. 206 of 26 November 2021.[37] 7. The Ministry of Justice annually provides for the payment of the amount corresponding to the amount of resources allocated to tax credits on special accounting no. 1778 "Revenue Agency – Budget Funds".

Art. 21 (unchanged)
Information to the public

1. The Ministry of Justice shall take care, through the Department for Information and Publishing of the Presidency of the Council of Ministers and with the funds provided for by Law no. 150 of 7 June 2000, the dissemination to the public through special advertising campaigns, in particular via the internet, of information on the mediation procedure and on the bodies authorized to carry it out.

Chapter V
REPEALS, COORDINATION AND TRANSITIONAL PROVISIONS
Art. 22 (unchanged)

Reporting requirements for the prevention of the financial system a
Purpose of money laundering and terrorist financing 1. In Article 10(2)(e) of Legislative Decree No 231 of 21 November 2007, the following is added after paragraph 5): '5-bis) mediation, pursuant to Article 60 of Law No 69 of 18 June 2009;'.

Art. 23 (unchanged)

Repeal

[37] 39. For the implementation of the provisions referred to in paragraph 4, letter a), the expenditure of 4.4 million euros for the year 2022 and 60.6 million euros per year starting from the year 2023 is authorized. The relative charge is provided, as regards 4.4 million euros for the year 2022 and 15 million euros per year starting from the year 2023, through a corresponding reduction of the Fund for structural interventions of economic policy referred to in Article 10, paragraph 5, of Decree-Law 29 November 2004, n. 282, converted, with amendments, by Law 27 December 2004, n. 307, as regards 15 million euros per year starting from the year 2023, through a corresponding reduction of the Fund referred to in Article 1, paragraph 200, of Law no. 190 of 23 December 2014, and, as regards 30.6 million euros per year starting from the year
2023, through a corresponding reduction in the projections of the allocation of the special current part fund entered, for the purposes of the three-year budget 2021-2023, under the "Reserve and special funds" program of the mission "Funds to be shared" of the estimates of the Ministry of Economy and Finance for the year 2021, for the purpose partially using the provision relating to the Ministry of Justice.

1. Articles 38 to 40 of Legislative Decree no. 5 of 17 January 2003 are repealed, and the references made by law to these articles are intended to refer to the corresponding provisions of this decree.
2. The provisions providing for mandatory conciliation and mediation procedures, however named, as well as the provisions concerning conciliation procedures relating to disputes referred to in Article 409 of the Code of Civil Procedure remain unaffected. The procedures referred to in the preceding sentence shall be carried out in place of those provided for in this decree.

Art. 24 (unchanged)
Transitional and final provisions

1. The provisions referred to in Article 5, paragraph 1, take effect twelve months after the date of entry into force of this decree and apply to the processes subsequently begun.
This decree, bearing the seal of the State, shall be included in the Official Compilation of Normative Acts of the Italian Republic. It is the obligation of everyone responsible to observe it and to have it observed.

Given in Rome, 4 March 2010

NAPOLITANO
Berlusconi, Prime Minister
Alfano, Minister of Justice
Seen, the Keeper of the Seals: Alfano

Other amendments related to LEGISLATIVE DECREE 4 March 2010, n. 28

Art. 8
Amendments to Law no. 20 of 14 January 1994 (enters into force on 28/2/23)
1. In Article 1 of Law No 20 of 14 January 1994, the following is inserted after paragraph 1: '1.1. Where a conciliation agreement is concluded in the mediation procedure or in court by the representatives of the public authorities referred to in Article 1(2) of Legislative Decree No 165 of 30 March 2001, accounting liability shall be limited to acts and omissions committed intentionally or grossly negligently, consisting in inexcusable negligence resulting from the serious breach of the law or from the misrepresentation of the facts.'.

Art. 41
Transitional provisions of the amendments to Legislative Decree no. 28 of 4 March 2010

1. The provisions referred to in Article 7(l)(c), (3), (d), (e), (f), (g), (h), (t), (u), (v), (**z), (aa) and (bb) shall apply from 30 June 2023**.
2. Mediation bodies registered in the register referred to in Article 3 of Ministerial Decree No 180 of 18 October 2010, if they intend to maintain their registration, shall be required, by 30 April 2023, to submit the relevant application to the Department for Justice Affairs of the Ministry of Justice, accompanied by documentation certifying compliance with the requirements of Article 16, as amended by Article 7 of this decree. Until 30 June 2023, registered organisations may not be suspended or deleted from the register for lack of these requirements. Failure to comply by 30 June 2023 shall result in the suspension of the bodies from the register.
3. Training institutions registered in the list referred to in Article 17 of Ministerial Decree no. 180 of 2010 if they intend to maintain registration, are required, by 30 April 2023, to submit an application to the Department for Justice Affairs of the Ministry of Justice, accompanied by documentation certifying compliance with the requirements of Article 16-bis, introduced by Article 7 of this decree. Failure to comply by 30 June 2023 will result in the suspension of institutions from the list.
3-bis. The provisions of Article 8 shall also apply to conciliation agreements concluded in proceedings already pending on 28 February 2023
4. The provisions laid down in Article 9 shall apply from 30 June 2023.

Art. 42
Monitoring of cases of mandatory mediation attempt pursuant to Article 5, paragraph 1, of Legislative Decree 4 March 2010, n. 28 1.

After five years from the date of entry into force of this decree, the Ministry of Justice, in the light of the statistical results, verifies the appropriateness of the permanence of the mediation procedure as a condition of admissibility in the cases provided for in Article 5, paragraph 1, of Legislative Decree 4 March 2010, n. 28.

Art. 43 Monitoring compliance with expenditure limits
1. The Ministry of Justice shall monitor annually compliance with the expenditure forecasts relating to the provisions referred to in Articles 7, paragraph 1, letter t), letter aa) and letter bb) and 9, paragraph 1, letter l). If any deviations from the aforementioned forecasts occur, the deviation is compensated with the corresponding increase in the standard contribution.

Art. 44 Coordination standard

1. The words 'Article 5(1-bis) of Legislative Decree No 28 of 4 March 2010', wherever present, in all the legislation in force, shall be replaced, from 30 June 2023, by the words 'Article 5(1) of Legislative Decree No 28 of 4 March 2010'.