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Italy

Class Actions

Contributor

Cappelli Riolo
Calderaro Crisostomo
Del Din & Partners



Eugenio Pizzetti

Partner | eugenio.pizzetti@crccdlex.com

Nicolò Orlich

Senior Associate | nicolo.orlich@crccdlex.com

Chiara Bazzarini

Associate | chiara.bazzarini@crccdlex.com

Giulia Vianello

Junior Associate | giulia.vianello@crccdlex.com

This country-specific Q&A provides an overview of class actions laws and regulations applicable in Italy.

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Italy: Class Actions

1. Does your jurisdiction have a class action or collective redress mechanism? If so, please describe the mechanism(s) and outline the principal sources of law and regulation and its overarching impact on the conduct of class actions in your jurisdiction.

Yes, Italian law provides for class actions and collective redress mechanisms, governed by a comprehensive legal framework that defines both the substantive requirements and the procedural aspects of such actions, while also referring to the general principles of civil procedure. The main legal sources are Articles 840-bis et seq. of the Italian Code of Civil Procedure (Royal Decree No. 1443 of 28 October 1940), Articles 140-ter et seq. of the Italian Consumer Code (Legislative Decree No. 206 of 6 September 2005), and Legislative Decree No. 198 of 20 December 2009.

Italian law provides for three main types of class actions and collective redress mechanisms.

Class actions governed by Articles 840-bis et seq. of the Code of Civil Procedure (Royal Decree No. 1443 of 28 October 1940) may be brought by representative organisations or by individual members of the class against enterprises or bodies managing public services or public utilities. Such class actions can be aimed at either compensatory or injunctive relief:

i. Compensatory class actions may be brought in relation to the breach of homogeneous individual rights (“diritti individuali omogenei”) resulting from acts or omissions incurred by the defendant(s) in the course of their activities. By such class actions, plaintiffs can seek a declaration of liability as well as compensation and/or restitution in the interest of the class members. Such class actions consist of two main phases: a preliminary phase and a decision-making phase. In the preliminary phase, the court rules on the admissibility of the action. The action is ruled admissible if (i) it is not manifestly unfounded, (ii) there is no conflict of interests between the claimant(s) and the defendant(s), (iii) it concerns homogeneous individual rights, and (iv) the claimant(s) appear(s) capable of taking adequate care of the latter. If it admits the action, the court must define the relevant class and set a time limit for class members – who are represented by a court-appointed class representative –

to join the action. Following any joinders and the required evidence gathering, the court rules on the class members' claims, by liquidating the amounts owed to each original individual plaintiff and by setting uniform liquidation criteria for the other class members who have joined in the action. In this latter instance, the court sets a deadline for the approval of a detailed liquidation schedule by the parties, failing which liquidation is made by the court in respect of all members of the class.

ii. Injunctive class actions seek the issuing of a cease-and-desist order, by which the court orders the defendant(s) to desist from a conduct harming the interests of a number of natural or legal persons. Procedure is simplified and more flexible compared to compensatory class actions, in that the course of the proceedings is largely determined by the court itself.

National or cross-border representative actions governed by Articles 140-ter et seq. of the Consumer Code (Legislative Decree No. 206 of 6 September 2005) may be brought by registered Italian or EU consumer organisations against natural or legal persons acting in the course of their trade, business, craft or profession, in relation to breaches of specific EU-derived consumer protection provisions. Such class actions can be aimed at either compensatory or injunctive relief and were introduced in 2023 by way of transposition of Directive (EU) 2020/1828.

Finally, the so-called actions for the efficiency of public administrations (also known as public class actions), governed by Legislative Decree No. 198 of 20 December 2009, may be brought by users or consumers of public services, holding legally relevant and homogeneous interests (“interessi giuridicamente rilevanti ed omogenei”), or by representative organisations thereof, against public administrations or concessionaires of public services, seeking a court order that compels the defendants to abide by its statutorily or regulatorily mandated service performance standards, or to set service performance standards as required by law or regulation.

2. What is the history of the development of the class actions/collective redress mechanism and its policy basis in your jurisdiction?

The development of class actions and collective redress mechanisms in Italy has its roots in consumer protection policy. Until the early 2000s, the Italian legal system did not recognise any form of class action or collective redress. It was only in 2005, with the enactment of the Consumer Code, that renewed legislative attention was directed toward strengthening consumer rights, inspired in part by comparative experiences (most notably in the United States).

In 2009, this policy direction led to the first introduction of collective redress provisions within the Consumer Code, marking the formal entry of class actions into the Italian legal framework. The same year also saw the introduction of public class actions aimed at improving the efficiency of public administrations. Both mechanisms were conceptually based on the idea of protecting individuals in their roles as users or consumers of goods and services.

A significant evolution occurred in 2019, when the Italian legislature enacted a major reform that relocated the legal framework for class actions from the Consumer Code to the Code of Civil Procedure. This reform not only systematised the procedural rules governing class actions but also significantly expanded their scope. The new provisions introduced the broader concept of "homogeneous rights" as the basis for collective redress, allowing for actions beyond the traditional consumer context.

This shift reflects, among other factors, an institutional recognition of the burden on the Italian judiciary and the strategic value of procedural consolidation. By centralising claims with common factual or legal elements before a single court, the collective redress mechanism serves as a tool to increase judicial efficiency and reduce systemic overload.

Importantly, the 2019 reform did not render obsolete the original representative actions under the Consumer Code. On the contrary, these actions remain in force and continue to play a distinct and complementary role, reflecting the origins of collective redress in Italy as a tool primarily designed to protect consumers.

3. What is the frequency of class actions brought in your jurisdiction (divided by type of claim, as applicable), in terms of number of cases over the years and/or comparison to other types of litigation?

Although class actions still represent a very small proportion of total litigation in Italy, their marked increase

in recent years – particularly between 2023 and early 2026 – indicates a growing awareness and use of collective redress mechanisms. This is confirmed by the most recent available data. At the end of April 2026, the relevant public online platform maintained by the Italian Ministry of Justice listed 103 collective actions filed since the introduction of the new collective redress framework in 2019. Of these, 22 actions were filed in the period between April 2025 and April 2026 alone.

Of the 103 actions above, 42 were framed as class actions under the Code of Civil Procedure and 47 were framed as national representative actions under the Consumer Code. The remaining 14 actions are listed on the Ministry's online platform without sufficient information to classify their primary statutory basis. A more specific analysis of those actions brought between April 2025 and April 2026 shows a marked prevalence of actions framed as national representative actions (16 out of 22) over actions framed as class actions (6 out of 22). It should also be pointed out that there have been a few instances of collective actions framed primarily as national representative actions but also, in the alternative, as class actions (or vice versa).

Conversely, actions for the efficiency of public administrations remain quite rare and continue to represent only a marginal part of collective redress litigation.

4. Are there certain courts or types of claims that are most prevalent (for example competition vs commercial litigation generally)?

Recent trends in collective redress litigation in Italy indicate that the most common claims continue to concern breaches of consumer protection law, rather than competition law or traditional commercial litigation.

Considering the new actions brought between April 2025 and April 2026, 45% of them (10 out of 22) involve the banking and financial services sector. In this area, claims primarily allege the violation of transparency and fairness obligations, with actions aimed, for example, at obtaining the reimbursement of up-front costs in the event of early loan repayments or at challenging the use of unfair contract terms in bank guarantees. A further 23% of cases (5 out of 22) are concentrated in the tourism and transport sector. Here, litigation aims to challenge unfair commercial practices and service disruptions suffered by consumers, including, by way of example, the application of unjustified surcharges, the cancellation of trips or stops without adequate prior notice, and misrepresentations in the booking process.

5. What is the definition of 'class action' or 'collective redress' relevant to your jurisdiction?

In the Italian legal system, the term "class action" refers to proceedings aimed at the direct protection of homogeneous rights, while the term "collective redress" refers more broadly to actions aimed at the indirect protection of collective consumer interests, typically through initiatives brought by representative organisations.

6. What are the general 'triggers' for commencement of a class action or collective redress in your jurisdiction from a factual perspective?

For class actions under the Code of Civil Procedure, a practical trigger may arise from the activism of consumer or citizen associations or organizations. Such associations and organizations act as the main catalysts for actions by individuals that are directly affected by the specific conduct of an enterprise. In these contexts, it is typical for the association's or organization's promoters to be themselves directly affected by the relevant corporate conduct. Conversely, class actions that are purely individual-driven are still quite rare in Italy.

The role of associations and organizations is even more pre-eminent in the case of representative actions under the Consumer Code, where the initiative is linked to the activity of a category association. In this context, the trigger does not necessarily concern specific individual positions, but rather involves a broader pattern of conduct identified by the associations or organizations. Indeed, in the case of representative actions, it is possible to bring a class action based solely on conduct identified by associations as potentially harmful. If the action is deemed admissible, the members of the class are then given the right to join the action. This flexibility ensures that class actions may be brought in a wide range of situations, even where the harm is not immediately apparent but is believed to have the potential to affect a broad group of individuals.

7. How do class actions or collective redress proceedings typically interact with regulatory enforcement findings? e.g. competition, environmental or financial regulators?

The only general provision in this respect is Article 840-ter of the Code of Civil Procedure, which provides that the court may abstain from ruling on the admissibility of a

compensatory class action if an investigation on the relevant facts is pending before an independent administrative authority (autorità amministrativa indipendente).

Specific provisions apply in the realm of antitrust law.

In this respect, Article 7 of Italian Legislative Decree No. 3 of 19 January 2017 (transposing Directive 2014/104/EU) provides that final decisions by the Italian Competition Authority (AGCM) finding a violation of antitrust law have binding effect on all Italian civil courts regarding the existence and unlawfulness of the relevant anticompetitive conduct.

This provision clearly facilitates any civil actions, including class actions, aimed at compensation and/or restitution arising from violations of antitrust law, since the court can rely on the AGCM's findings regarding the alleged anticompetitive conduct.

The above civil actions, including class actions, are further facilitated by Articles 4, 5 and 6 of Legislative Decree No. 3/2017, which provide that the court:

- i. may compel the production of evidence contained in the investigation files of the AGCM or of another national competition authority of the European Union, if no party to the proceedings is able to submit such evidence;
- ii. may admit evidence obtained by a party through access to the investigation files of the AGCM or of another national competition authority of the European Union;
- iii. may request the AGCM to submit appropriate guidelines on the quantification of damages arising from the relevant anticompetitive conduct.

8. What types of conduct and causes of action can be relied upon as the basis for a class action or collective redress mechanism?

As regards class actions governed by the Code of Civil Procedure, no restrictions as to subject matter apply besides the requirement that uniform relief is sought against a breach of homogeneous individual rights ("diritti individuali omogenei") – to be understood as protected legal interests that are uniformly harmed by one unlawful conduct or pattern of conduct – or, in the case of injunctive class actions, against a conduct harming the interests of a number of natural or legal persons. Class actions governed by the Code of Civil Procedure can, therefore, rely on statutory as well as

contractual or non-contractual causes of action.

Differently, national or cross-border representative actions governed by the Consumer Code can solely rely on the alleged breach of one or more of the EU-derived consumer protection provisions listed in Annex II-septies of the Consumer Code. These provisions concern, for instance, liability for defective products, unfair terms in consumer contracts, air carrier liability in respect of the carriage of passengers and their baggage, food safety, unfair commercial practices and personal data protection.

Finally, actions for the efficiency of public administrations can solely rely on the alleged failure to implement service performance standards as required of the defendant by force of statute or regulation.

9. Are there any limitations of types of claims that may be brought on a collective basis?

Compensatory class actions governed by the Code of Civil Procedure are aimed at the issuance of a declaration of liability on the part of the defendant(s) as well as compensation and/or restitution.

Injunctive class actions governed by the Code of Civil Procedure are aimed at the issuing of a cease-and-desist order by the court.

Similarly, national or cross-border representative actions governed by the Consumer Code can be aimed at either compensatory or injunctive relief. Compensatory relief can consist of either the payment of a sum of money, repair, replacement, price reduction, rescission of the contract or reimbursement of the price paid, depending on the EU-derived consumer protection provisions that are relevant to the case. Injunctive relief consists of a cease-and-desist order.

Finally, actions for the efficiency of public administrations are aimed at the issuing of an order by the court, compelling the relevant defendant to comply.

10. Who may bring a class action or collective redress proceeding? (e.g. qualified entities, consumers, companies etc)

Class actions governed by the Code of Civil Procedure may be brought by natural or legal persons that are individual members of the relevant class, and/or by non-profit organisations or associations whose statutory purposes include the protection of the relevant

homogeneous individual rights ("diritti individuali omogenei") and that are registered on a list maintained by the Italian Ministry of Justice.

National or cross-border representative actions governed by the Consumer Code may be brought by one or more:

- i. nationally representative consumer or user associations based in Italy that are registered on a list maintained by the Italian Ministry of Enterprises and Made in Italy;
- ii. nationally representative consumer or user associations based in another EU Member State that are registered on the list maintained by the EU Commission pursuant to Article 5, paragraph 1, of Directive (EU) 2020/1828;
- iii. national public authorities designated by an EU Member State as responsible for enforcing EU consumer protection legislation, as defined by Article 3(6) of Regulation (EU) 2017/2394.

Actions for the efficiency of public administrations may be brought by natural or legal persons that are users or consumers of the relevant public service, and/or by associations or committees formed by such users or consumers.

11. Are there any limits on the nationality or domicile of claimants in class actions or collective redress proceedings?

In class actions governed by the Code of Civil Procedure, there are no limits on the nationality or domicile of claimants that are individual members of the relevant class. Differently, non-profit organisations or associations cannot act as claimants in such class actions if their registered office is outside the European Union.

In national or cross-border representative actions governed by the Consumer Code, claimants must be based in the European Union as explained in the answer to Question 10 above.

Finally, there are no specific limits on the nationality or domicile of claimants in actions for the efficiency of public administrations.

12. Are there any limitations on size or type of class?

In the Italian legal system, there are no noteworthy

limitations on the size or type of the class in class actions or collective redress proceedings.

13. Are there any requirements or prohibitions in sourcing this class?

Yes, there are specific requirements regarding the definition and composition of the class in Italian class action proceedings, and certain prohibitions apply.

Although the class may be described in general terms in the initial petition, it is ultimately the responsibility of the court to define the class. To do so, the court requires supporting documentation to substantiate the claims of potential class members. This ensures that the individuals included share the same homogeneous rights that are necessary for the action to proceed.

A crucial admissibility condition is also the absence of any conflict of interest between the claimant and the defendant. The existence of such a conflict is one of the grounds on which the action may be declared inadmissible.

14. Which courts deal with class actions or collective redress proceedings?

The first-instance stage of class actions governed by the Code of Civil Procedure, as well as of national or cross-border representative actions governed by the Consumer Code, is generally dealt with by the specialised business division of the ordinary court (tribunale) of the place where the defendant maintains its registered office. There are 22 first-instance courts in Italy with a specialised business division (namely those of Ancona, Bari, Bologna, Bolzano, Brescia, Cagliari, Campobasso, Catania, Catanzaro, Florence, Genoa, L'Aquila, Milan, Naples, Palermo, Perugia, Potenza, Rome, Turin, Trento, Trieste and Venice). In antitrust matters, however, only the specialised business divisions of the courts of Milan, Rome and Naples have jurisdiction. Appeals are dealt with by the relevant court of appeal (corte di appello) and, as the court of last resort, by the Supreme Court of Cassation (Corte Suprema di Cassazione).

The first-instance stage of actions for the efficiency of public administrations is dealt with by the regional administrative court (tribunale amministrativo regionale) of the place where the defendant maintains its registered office. Appeals are dealt with by the Council of State (Consiglio di Stato) and, as the court of last resort in matters of jurisdiction, by the Supreme Court of Cassation.

15. Are there any jurisdictional obstacles to class actions or collective redress proceedings?

There are no ad hoc rules on jurisdiction regarding class actions or collective redress proceedings. Accordingly, jurisdiction is determined according to the generally applicable provisions of EU and Italian law, including Regulation (EU) 2012/1215, as interpreted by the EU Court of Justice and the Italian courts (most importantly, the Supreme Court of Cassation), even in the event of a foreign defendant.

Regarding the separation between ordinary jurisdiction and administrative jurisdiction, it has been suggested by some authors that it should not be possible to bring class actions before the ordinary courts if the subject matter thereof falls within the domain of the so-called exclusive jurisdiction of the administrative courts, i.e. subject matters that would ordinarily fall under the jurisdiction of the ordinary courts but are expressly reserved to the administrative courts by law. This view is, however, disputed.

16. Does your jurisdiction adopt an "opt in" or "opt out" mechanism?

Italy is an opt-in jurisdiction.

Members of a class may join a compensatory class action governed by the Code of Civil Procedure, or a national or cross-border representative action governed by the Consumer Code, within a court-set deadline after the court admits the class action or after the court rules on the class members' claims in favour of the latter. Members of the class join in the action by filing a standard online application form established by a decree of the Italian Minister of Justice.

Differently, members of a class may join an action for the efficiency of public administrations up to 20 days before the first hearing in the case, by serving the other parties with a brief of appearance and then filing it with the court.

17. What is required (i.e. procedural formalities) in order to start a class action or collective redress claim?

Class actions governed by the Code of Civil Procedure, as well as representative actions governed by the Consumer Code, are initiated by filing an application with the competent court. The court then sets the date for the first hearing of the parties, by an order which the applicant must serve on the defendant(s) alongside the application.

The application and the order are published by the court's clerk on a public online platform maintained by the Italian Ministry of Justice. No class actions or representative actions may be brought on the basis of the same fact pattern and against the same defendant(s) once 60 days have elapsed from the day on which the application and the order are so published.

Actions for the efficiency of public administrations can only be brought if the plaintiff(s) has served prior notice on the relevant public administration(s) or concessionaire(s) of public services, demanding compliance by a deadline of no less than 90 days. The plaintiff(s) can then serve and subsequently file an application with the competent court, in which they must state that the defendant(s) have not fully remedied their state of non-compliance within the allotted 90 days or more. The application must be published on the defendant(s)'s website(s), and must be notified by the court's clerk to the Italian Minister for Public Administration.

18. What other mandatory procedural requirements apply to these types of matters?

In addition to the general admissibility criteria, Italian class actions are subject to several mandatory procedural requirements.

- i. Publication on the Ministry's public online platform: the class-action petition, together with the court's decree setting the date for the hearing, must be published by the competent court's clerk on a public online platform maintained by the Italian Ministry of Justice within 10 days of the filing of the decree.
- ii. Modalities for adhesion: potential class members may join the action only by submitting a formal adhesion request through the Ministry's online platform, according to a procedure set forth in the Code of Civil Procedure. Joining the action by means of a standard third-party statement of claim, as permitted in ordinary civil proceedings, is expressly prohibited.
- iii. Timely performance of procedural propulsive acts: certain key acts must be performed within certain time limits or the right to pursue the action will lapse or be deemed inadmissible. These include (i) the payment of certain litigation fees, (ii) the submission of any additional evidence or integrations requested by the court in its admissibility order, and (iii) the appealing of interlocutory rulings of inadmissibility, to be lodged with the Court of Appeal within 30 days of notification or communication of the ruling.

Although the law does not prescribe fixed deadlines for certain procedural steps, their timely completion is essential for the continuation and effectiveness of the proceedings. For instance, the payment of the above litigation fees, once determined by the court – typically in the order admitting the class action – must be made within the time implicitly required to comply with the court's order. Failure to do so may jeopardise the progression of the action or the admissibility of individual adhesions. Similarly, the court may set a specific deadline for the submission of additional evidence or integrations. Failure to comply within the prescribed deadline may result in forfeiture or inadmissibility.

19. Are normal civil procedure rules applied to these proceedings or a special set of rules adopted for this purpose?

In the context of these proceedings, the relevant regulations specifically govern the course of the procedure, which differs from ordinary civil proceedings. The procedure is based on a special accelerated model with specific characteristics and structured in two phases, as described in the answer to Question 1 above.

However, despite these specificities, the general principles established in the Code of Civil Procedure continue to apply. In particular, principles such as those relating to the conditions for the existence of Italian civil jurisdiction or the validity of certain types of evidence remain applicable in this particular context.

20. How long do these cases typically run for?

It is difficult to establish a typical duration for collective action proceedings, as their duration can vary significantly from case to case. This is because the duration of a case depends on several factors affected by a high degree of unpredictability, such as the complexity of the legal or factual issues involved and the court's familiarity with the peculiarities of collective action proceedings. That said, the most recent available data suggest that the preliminary phase on the admissibility of an action generally requires a few months for an initial ruling on admissibility.

21. What remedies are available to claimants in class action or collective redress proceedings?

Please see the answer to Question 9 above.

22. What is the measure of damages for any financial remedies for class actions or collective redress proceedings?

Damages in class actions and collective redress proceedings are awarded on the basis of the "full compensation" principle. Accordingly, the amount of damages awarded to each class member is intended to place the latter in the economic position in which it would have been but for the misconduct on the defendant(s)'s part, net of any contributory negligence by the relevant class member and excluding any punitive or exemplary damages.

23. Are punitive or exemplary damages available for class actions or collective redress proceedings?

Italian law does not contemplate punitive or exemplary damages.

Please note, however, that following a successful compensatory class action governed by the Code of Civil Procedure, the court must order the defendant(s) to pay a special reward to the class representative and to each of the lawyers representing the successful class members. Such amounts are determined by the law as a percentage (depending on the number of class members) of the total compensation or restitution awarded to the class members and can be raised or lowered up to 50 percent at the court's discretion.

24. Is a judge or multiple judges assigned to these cases?

The competence to decide on the admissibility order and on the merits of the case lies with the specialised business division of the ordinary court, which decides in a panel of three judges.

25. Are class actions or collective redress proceedings subject to juries? If so, what is the role of juries?

Italian law does not provide for the use of juries in civil proceedings, and class actions or collective redress proceedings are no exception.

26. Is there any prescribed procedural mechanism for the collective settlement of class

actions or collective redress proceedings?

Yes. The prescribed procedural mechanisms for the collective settlement of class actions and collective redress proceedings vary depending on the specific legal framework.

Class actions governed by the Code of Civil Procedure can be settled on a proposal by the court or by the class representative. While the court can issue a settlement proposal up to the first hearing in the case, the class representative and the defendant(s) may agree on a settlement proposal even after the court has ruled on the class members' claims. In both cases, the settlement proposal must be published by the court's clerk on a public online platform maintained by the Italian Ministry of Justice, and members of the class may accept or reject such proposal within 45 or 15 days of publication, respectively. No answer implies acceptance, while rejection only counts as such if the relevant class member provides a formal explanation for it.

National or cross-border actions governed by the Consumer Code can be settled either on a proposal by the court or on a joint proposal by the claimant(s) and the defendant(s). In both cases, the settlement proposal must be made before the first hearing in the case.

There is no formal mechanism for the collective settlement of actions for the efficiency of public administrations.

27. Is there any judicial oversight for settlements of class actions or collective redress mechanisms?

Yes.

In class actions governed by the Code of Civil Procedure, once 45 days have elapsed from the publication of the settlement proposal (please see the answer to Question 26 above), the court, having regard to the interests of the class members, must issue an order by which it either authorises or refuses to authorise the entering into of the settlement proposal by the class representative on behalf of the class. Prior rejections of the proposal by class members (please see the answer to Question 26 above) are not binding for the court, but class members who rejected the proposal are not bound by the settlement if they confirm their rejection by an online filing within 15 days of publication of the above-mentioned order in the public online platform maintained by the Italian Ministry of Justice.

Similar rules apply to the settlement of national or cross-border actions governed by the Consumer Code. In this context, however, authorisation of a settlement by the court is subject to the explicit additional requirement that such settlement does not conflict with any mandatory provisions of law and does not include clauses or obligations that are, in effect, unenforceable.

28. Is there any prescribed procedural obligation to undertake alternative dispute resolution (outside of the court system) and, if so, a specified format?

There is no general, overarching procedural obligation to undertake alternative dispute resolution (ADR) prior to commencing a class action or collective redress mechanism.

However, the Italian legal system provides for certain cases in which an attempt at ADR constitutes a mandatory condition for the admissibility of a judicial claim (condizione di procedibilità della domanda).

The most important statutory instrument to this effect is Legislative Decree No. 28 of 4 March 2010, which provides for a mandatory attempt at mediation (tentativo obbligatorio di mediazione), through meetings before an impartial professional mediator, aimed at reaching an amicable settlement that is binding and enforceable between the parties. Several sets of disputes are subject to this regime pursuant to Article 5 of Legislative Decree No. 28/2010, including, by way of example, disputes concerning (i) banking, financial, or insurance contracts, (ii) condominiums, (iii) leases, (iv) damages arising from medical liability, or (v) damages arising from libel.

With specific reference to the relationship between the tentativo obbligatorio di mediazione and class actions, Article 5, paragraph 6, item h), of Legislative Decree No. 28/2010 explicitly excludes the applicability of the tentativo obbligatorio di mediazione to national or cross-border representative actions governed by the Consumer Code and aimed at injunctive relief. With regard to compensatory class actions governed by the Code of Civil Procedure, Article 15 of Legislative Decree No. 28/2010 provides that, if a mediation settlement is reached outside the class action mechanism after the deadline for joining the class action has expired, class action members may nonetheless opt to be bound by the mediation settlement instead of continuing to pursue the class action. Both of these provisions of Legislative Decree No. 28/2010 give rise to significant interpretive issues that are not yet settled.

Two notable further domains in which an attempt at ADR is mandatory prior to bringing a judicial action are disputes concerning (i) agrarian contracts or (ii) dismissals for so-called justified objective reasons (licenziamento per giustificato motivo oggettivo) of certain grandfathered employees in businesses employing more than 15 employees (or more than 5 employees in case of agrarian businesses). The relevant provisions in this regard are, respectively, (i) Article 11 of Legislative Decree No. 150 of 1 September 2011 and (ii) Article 7 of Law No. 604 of 15 July 1966, which prescribe a mandatory attempt at conciliation (tentativo obbligatorio di conciliazione) through meetings before certain public mediation bodies.

29. What litigation funding models are available for a class action or collective redress.

Italian law does not prohibit litigation funding, but neither does it regulate it extensively. More generally, it is advisable for entities interested in litigation financing in Italy to eliminate, from their standard contracts, clauses aimed at transferring ownership of the things or claims in dispute to the financing entity by way of security before the commencement of the litigation, since this circumstance, if revealed during the proceedings, could lead to the dismissal of the claim on the merits owing to lack of ownership of the disputed right.

Italian law strictly prohibits arrangements whereby lawyer's fees are tied, in whole or in part, to the amount recovered on behalf of the client. Accordingly, such arrangements are null and void as a matter of Italian law. This also applies to class actions or collective redress proceedings. Conversely, it is permissible under Italian law (i) to tie lawyer's fees, in whole or in part, to the amount in dispute (e.g. as a percentage thereof), without regard to the eventual outcome of the dispute, and (ii) to agree on an additional fee to be paid by the client in the event of a favourable outcome of the dispute (the so-called palmario), provided that such fee is not tied to the amount recovered.

30. Are there any restrictions on third-party funding of a class action or collective redress.

Litigation funding falls under the purview of specific provisions of the Consumer Code on national or cross-border representative actions, under which:

i. Any entity wishing to bring cross-border representative actions (i) must include in its articles of association rules ensuring the entity's independence and the absence of

influence from persons other than consumers, particularly from entrepreneurs or enterprises having a commercial interest in the bringing of representative actions, (ii) must include in its articles of association appropriate measures to prevent and resolve any conflicts of interests that may arise between the entity, its funders and the consumers, and (iii) must disclose on its website, or by other appropriate means, adequate information on its sources of funding allowing an assessment on potential conflicts of interests.

ii. Any entity bringing a cross-border representative action must disclose in its application what funding, if any, has been provided or promised by any third parties for the purposes of bringing and pursuing said action.

iii. The action shall be ruled inadmissible if it was brought in a situation of conflict of interests, particularly if it appears that the person funding the action is a competitor of, or a dependent of, the defendant. The court may rule the action inadmissible on this ground of its own motion, provided that it has set a deadline for the claimant to put into place alternative funding arrangements and the claimant has failed to timely comply.

31. What are the top three emerging business risks that are the focus of class action or collective redress litigation?

An analysis of the subject matters of the collective actions brought between April 2025 and April 2026 shows that, while the claims have maintained a general focus on unfair commercial practices and unfair contract terms, their scope has extended to a broader spectrum of commercial matters.

Recent prominent cases include disputes against numerous banking institutions, including some of the most prominent Italian banks, for the alleged failure to reimburse up-front costs in the event of early loan repayments or for the alleged use of unfair contract terms in bank guarantees.

Another notable area of emerging business risk is the tourism and transport sector. In this domain, disputes concerning the fallout from service disruptions and unfair practices have involved a large number of major industry players, including international air carriers and cruise companies.

Finally, the pure consumer protection front linked to the production and distribution of goods has found renewed vigour, with companies facing ever stronger exposure

over manufacturing defects and deceptive promotion of physical products.

32. What trends in litigation are evident in the last three years in your jurisdiction in respect of class actions?

Over the last three years, class actions in Italy have concentrated primarily around three main areas, confirming historic trends while integrating recent developments:

i. Consumer credit and financial services: a large number of recent class actions have involved claims against banks, credit institutions, and insurance companies, typically for unfair commercial practices such as the failure to reimburse up-front costs in the event of early loan repayments, the use of unfair contract terms in bank guarantees, and misrepresentations in the distribution of financial or insurance instruments.

ii. Transparency in digital markets: a consolidated trend involves online platforms, subscription-based services, and travel operators operating digitally. Actions have been brought in relation to aggressive promotional practices, technical barriers to cancellations, and misleading commercial practices during the booking and check-in phases.

iii. Traditional consumer rights: over the last three years, the scope of class actions concerning physical goods markets has broadened, encompassing a broader variety of manufacturers sued for alleged product non-conformities or unlawful marketing practices.

33. Where do you foresee the most significant legal development in the next 12 months in respect of collective redress and class actions?

Over the next 12 months, we expect to see significant legal developments in the area of collective redress and class actions, developing along two related trajectories.

The first trajectory concerns the expansion of collective actions beyond traditional commercial or consumer contexts. As complex disputes progress, we expect class actions and collective redress mechanisms to be increasingly deployed in technically and legally sophisticated sectors such as technology and investment services.

The second trajectory concerns the resolution of recent pilot cases in the banking and financial sectors, which

will be instrumental in defining the boundaries of this expanded consumer protection framework. A prominent illustration of this trend is the class action, declared admissible by the Court of Venice, against Banca Popolare dell'Alto Adige S.p.A. regarding the sale of its own unlisted shares between 2012 and 2015. In this dispute, consumer associations have claimed that the bank failed to adequately disclose the illiquid nature of its shares due to the absence of an active secondary market, while allegedly circumventing MiFID suitability rules in the distribution of shares to retail investors. The ultimate outcome of this dispute may set a crucial precedent clarifying the extent to which Italian collective redress mechanisms may be leveraged in investor disputes that are typical areas for class action activity in other mature legal systems.

34. Are class actions or collective redress proceedings being brought for 'ESG' matters? If so, how are those claims being framed?

To our knowledge, class actions and collective redress proceedings brought in Italy to date include the following concerning ESG matters:

- i. A representative action brought in 2016 by a consumer organisation against the mother company and the Italian subsidiary of the Volkswagen Group, relating to the notorious "Dieselgate" scandal. The plaintiff organisation's compensatory claims concern, inter alia, alleged greenwashing by the Volkswagen Group in respect of the emissions performance of its vehicles. These claims are framed as statutory breaches of Italian legislation banning unfair commercial practices. The proceedings were settled out of court in May 2024.
- ii. A class action brought in 2022 by an anti-discrimination organisation, on behalf of a flight

attendant, against ITA Airways, seeking injunctive relief in connection with alleged gender-based discrimination in the defendant's hiring practices. The plaintiff's claim is framed as a statutory breach of Italian legislation banning gender-based discrimination.

iii. A class action brought in 2023 by residents of the southern city of Taranto against the owner and the operator of the Taranto steel mill, claiming compensation for damages allegedly resulting from the air and ground pollution caused by the steel mill's operations. The plaintiffs' claim is framed as a tortious breach of their rights to health and to respect for private and family life, as enshrined in the Italian Constitution, in the European Convention on Human Rights and in the EU Charter of Fundamental Rights.

Looking forward, we expect future ESG-related class actions to be increasingly tailored around greenwashing allegations. We expect that this trend will be driven by the recent transposition into Italian law of the new European regulatory framework on the empowering of consumers for the green transition through better protection against unfair practices and through better information (Directive (EU) 2024/825). The Italian instrument of transposition (Legislative Decree No. 30 of 20 February 2026) has made significant amendments to the Consumer Code, explicitly targeting misleading environmental claims, which will provide an unprecedented and much stronger statutory basis for collective redress in this key area.

35. Are there any proposals for the reform of class actions or collective redress proceedings? If so, what are those proposals?

No proposal for the reform of class actions or collective redress proceedings is currently being discussed in the Italian parliament.

Contributors

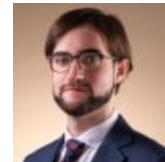
Eugenio Pizzetti
Partner

eugenio.pizzetti@crccdlex.com



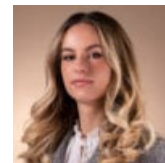
Nicolò Orlich
Senior Associate

nicolo.orlich@crccdlex.com



Chiara Bazzarini
Associate

chiara.bazzarini@crccdlex.com



Giulia Vianello
Junior Associate

giulia.vianello@crccdlex.com

