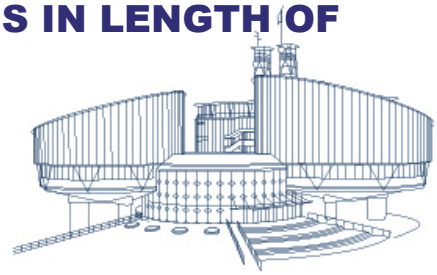
EUROPEAN COURT OF HUMAN RIGHTS

PRESS RELEASE

EFFECTIVENESS OF PINTO REMEDIES IN LENGTH OF PROCEEDINGS CASES IN ITALY



ECHR 268 (2026) 29.10.2026

Press release issued by the Registrar of the Court

In recent weeks the European Court of Human Rights has dealt with a number of applications concerning the effectiveness of remedies under the Pinto Act which provides for compensation in respect of damage resulting from excessive length of judicial proceedings. The applications fall into three main categories.

The first category concerns cases where no compensation was awarded domestically for excessive length of proceedings or was limited to the value of the underlying claim.

In today's Chamber judgment in the case of **Andreani and Others v. Italy** (application no. 44596/18 and 2 others), the Court found that section 2 *bis*, paragraph 3 of the Pinto Act, was not an effective remedy. Although the provision was formally drafted as a limitation on compensation, its wording, coupled with the manner in which it had been interpreted and applied in the case, had resulted in a presumption of adequacy operating in practice as a binding and irrebuttable one. The national courts had given no consideration to whether the awards made were adequate and sufficient in the circumstances of the applicants' cases. By contrast, section 2, paragraph 2 *sexies*, point (g) of the Pinto Act, considered in the Court's Committee decision of 24 September 2026 in **Ferracane v. Italy** (application no. 17925/20), contained a rebuttable presumption that no compensation would be awarded where the value of the underlying claim was negligible and reflected the Court's admissibility criterion of "no significant disadvantage".

In **Schiavo S.R.L. and Others v. Italy** (Committee decision of 22 October 2026, notified today; application no. 60258/13), the applicant company had not used the domestic remedies as it considered that any potential compensation available under section 2 *bis* paragraph 3 of the Pinto Act would have been negligible. In the decision in that case, the Court rejected the application for non-exhaustion of domestic remedies, holding that it could not substitute itself for the national courts and speculate as to how the remedy would have operated in circumstances that had not been brought before the national authorities.

The second category of cases concerned the application by the national courts of Article 2, paragraph 2 *quinquies*, point (a) of the Pinto Act, which excluded payment of compensation for excessive length of proceedings where the claimant had been found liable for abusive litigation under Article 96 of the Code of Civil Procedure. In today's Committee judgment in **Mendicino and Others v. Italy** (application no. 78000/16 and 3 others), the Court found that the provision at issue was not as such ineffective.

Finally, the third category concerned the effectiveness of the Pinto remedy for excessive length of tax proceedings. In the 8 October 2026 Chamber judgment of **Grassucci and Others v. Italy** (application no. 12952/13 and 4 others), the Court found that the remedy enabling individuals to complain of the excessive length of tax-related legal proceedings was ineffective as a result of national courts' interpretation of the Pinto Act, which had dismissed compensation claims of litigants who had made use of the remedy, holding that Article 6 of the Convention was not applicable under either its civil or its criminal aspect. Emphasising the principle of subsidiarity, the Court held that the national authorities and courts had to interpret and apply domestic law in a manner that gave full effect to the Convention and stated that future applicants would be required to make use of the Pinto remedy to complain of the excessive length of the main proceedings in tax matters.

A legal summary for the case of Andreani and Others v. Italy will be available in the Court's database HUDOC (link).

THE PINTO ACT (LAW NO. 89 OF 24 MARCH 2022)

Law no. 89 of 24 March 2002 (as amended by Law no. 134 of 7 August 2012) is commonly referred to as the "Pinto Act". The Pinto Act provides for compensation in respect of pecuniary and non-pecuniary damage resulting from excessive length of judicial proceedings. The Grand Chamber judgment in Cocchiarella v. Italy sets out relevant national law and case-law concerning the Pinto Act.

VALUE OF UNDERLYING CLAIM

The case of **Andreani and Others v. Italy** concerned excessive length of proceedings and the effectiveness of the compensatory remedy available under the Pinto Act following amendments in 2012, which introduced a statutory cap, under section 2 *bis*, paragraph 3, whereby compensation could not exceed the value of the claim in the underlying proceedings.

In today's Chamber judgment, the Court reiterated that when it came to the assessment of the appropriateness of an award of non-pecuniary damage, there was a strong but rebuttable presumption that excessively long proceedings would result in non-pecuniary damage. However, in some cases, the length of proceedings might only result in minimal non-pecuniary damage or no non-pecuniary damage at all. The national courts had to justify any decision by giving sufficient reasons.

The applicants in the case had received compensation limited to value of the underlying proceedings. The national courts had relied on section 2 *bis*, paragraph 3 of the Pinto Act to award compensation for the excessive length of the proceedings, while simultaneously seeking to avoid the payment of excessive compensation for non-pecuniary damage.

The national case-law referred to by the Government showed that in practice the national courts did not carry out any assessment of whether compensation awarded was adequate and sufficient. Once the ceiling established by the provision in question had become applicable, the national courts treated the amount resulting from that provision as necessarily adequate, without examining whether the award remained reasonably related to the standard developed in the Court's case-law or whether the applicants had advanced arguments capable of justifying a different assessment. In those circumstances, the Court considered that, although the provision was formally drafted as a limitation on compensation, its wording, coupled with the way it was interpretated and applied, had resulted in a presumption of adequacy operating in practice as a binding and irrebuttable one.

The applicants had received amounts which were substantially lower than those normally awarded under the Court's well-established case-law for proceedings of comparable duration. Compensation awarded at such level could not be regarded as appropriate and adequate redress for the violation complained of. The Court therefore concluded that the remedy was ineffective within the meaning of Article 13 of the Convention. The Government's objection of loss of victim status was rejected.

The Court found therefore that there had been a **violation of Articles 13 (of the Convention).**

The Court also found a **violation of Article 6**. The proceedings had lasted from over 14 years to more than 20 years for between one and three levels of jurisdiction. Having regard to the overall length of the proceedings, the material before it, and its case-law, the Court found no circumstances capable of justifying such delays.

Conversely, in **Ferracane v. Italy** the Court found that the presumption contained in section 2, paragraph 2 *sexies*, point (g) of the Pinto Act, which allowed for the dismissal of an appeal where the value of the claim was negligible, was rebuttable as the personal circumstances of the litigant were taken into account.

The provision in question could be understood as transposing into national law the Court's admissibility criteria of "no significant disadvantage". It introduced a mechanism enabling the national courts to presume the non-existence of a significant disadvantage resulting from unreasonable length of proceedings in cases where the value of the claim was negligible but allowed the courts to take into account the personal circumstances of the applicant.

The applicant in the case had applied for compensation under the Pinto Act on account of excessive length of appeal proceedings, which had been dismissed on the basis of section 2, paragraph 2 *sexies*, point (g). The value of the claim in the main proceedings had been negligible. There was no evidence that the applicant's financial circumstances were such that the refusal to award compensation for the excessive length of the proceedings would have had a significant effect on her personal life. Having regard to the nature of the dispute, its limited practical impact and the absence of an established significant disadvantage, the Court concluded that it did not disclose any serious questions of principle of any structural issues warranting further scrutiny.

The Court declared the **application inadmissible** on the grounds that the applicant had not suffered a significant disadvantage.

In the case of **Schiavo S.R.L. and Others v. Italy,** the applicant company had not lodged an application for compensation for the alleged excessive length of proceedings, as it considered that any potential compensation available under section 2 *bis* paragraph 3 of the Pinto Act would have been negligible.

The Court did not accept the argument that any compensation awarded to the applicant company would necessarily have been inadequate or that the domestic courts would necessarily have applied that provision in the applicant's case. To do so would be to substitute itself for the national court and to speculate as to how the remedy would have operated in circumstances that had not been brought before the national authorities. Such an approach would sit uneasily with the principle of subsidiarity, which required the national courts to be afforded a genuine opportunity to examine Convention complaints before they were lodged with the Court.

The Court declared the **application inadmissible** on the grounds that the applicant company had not exhausted domestic remedies.

ABUSIVE APPLICATIONS

The case of **Mendicino and Others v. Italy** concerned Article 2, paragraph 2 *quinquies*, point (a) of the Pinto Act. That provision, which is no longer in force, excluded payment of compensation for excessive length of proceedings where a claimant had been found liable for abusive litigation under Article 96 § 1 of the Code of Civil Procedure.

In today's judgment in the case, the Court noted that the national courts in the Pinto proceedings had recognised that the length of the proceedings in question had been excessive. However, they had applied Article 2, paragraph 2 *quinquies*, point (a) of the Pinto Act and the irrebuttable presumption excluding payment of non-pecuniary damage even though no sanction for abusive litigation had been imposed on the applicants by the courts ruling on the merits of the case in the underlying proceedings. By rejecting the applicants claim for compensation, despite the absence of such a sanction, and in contradiction of the provision in question, the national authorities had not provided appropriate and sufficient redress. The applicants could therefore still claim to be victims of excessive length of domestic proceedings.

The Court found a **violation of Article 6**. The length of the proceedings had ranged from 8 years and 7 months to 16 years and 10 months, which exceeded a reasonable time.

The Court found the complaint under **Article 13 inadmissible as manifestly ill-founded**. It held that the provision at issue was not as such ineffective. The fact that the outcome of the proceedings had not been favourable to the applicants did not render the remedy ineffective.

TAX MATTERS

In the case of **Grassucci and Others v. Italy** the Court found that the remedy enabling individuals to complain of the excessive length of tax-related legal proceedings, as shaped by the domestic courts' interpretation of the Pinto Act, could not be regarded as effective within the meaning of Article 13 of the Convention.

The Court noted that the tax penalties imposed on the applicants were governed by tax legislation and not by Italian criminal law. However, they had been based on general provisions applicable to all taxpayers and pursued an aim that was both deterrent and punitive. In the Court's view, the latter circumstance alone was sufficient to establish the criminal nature of the sanction. Article 6 of the Convention was therefore applicable under its criminal aspect.

As to whether the applicants had exhausted domestic remedies, the Court reiterated that a remedy in respect of the length of proceedings was effective if it provided adequate redress for any violation that had already occurred. That was not the case in the matter at hand. The Government had not submitted any case-law examples in which the national courts had found Article 6 of the Convention to be applicable under its criminal aspect. Furthermore, the national courts had dismissed the compensation claims of the other applicants who had made use of that remedy, holding that Article 6 of the Convention was not applicable under either its civil or its criminal aspect.

However, the Court's finding that the remedy could not be regarded as effective did not mean that in future it would no longer be necessary to make use of the Pinto remedy before applying to the Court. In the Court's view, the ineffectiveness of the remedy in tax matters stemmed from the domestic courts' interpretation of the Pinto Act. Emphasising the principle of subsidiarity, the Court held that the national authorities and courts had to interpret and apply domestic law in a manner that gave full effect to the Convention.

Future applicants would be required to make use of the Pinto remedy to complain of the excessive length of the main proceedings in tax matters. That applied to all relevant domestic proceedings ending after the judgment in the case became final.

There had therefore been a violation of Article 13 of the Convention.

The Court also found a **violation of Article 6**. The length of the proceedings had ranged from 8 years and 9 months to 24 years and 7 months, which exceeded a reasonable time.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.