EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 10479/21
Daniele ACAMPORA and Others against Italy
and 7 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 10 November 2022 as a Committee composed of:

Krzysztof Wojtyczek*, President*,
Ivana Jelić,
Erik Wennerström*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of "Pinto" domestic decisions were communicated to the Italian Government ("the Government").

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints.

They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the non-enforcement or delayed enforcement of domestic decisions. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The Government also undertook to ensure the enforcement of the domestic decisions under consideration in the cases concerned (see appended table) within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decisions in the cases concerned will constitute the final resolution of the cases.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the non-enforcement or delayed enforcement of domestic decisions (see, for example, *Gaglione and Others v. Italy,* nos. 45867/07 and 69 others, 21 December 2010 and *Gagliano Giorgi v. Italy,* no. 23563/07, 6 March 2012).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does

not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 1 December 2022.

Viktoriya Maradudina Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of "Pinto" domestic decisions)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
1.	10479/21 09/02/2021 (59 applicants)	**Daniele ACAMPORA** 1960 **Massimiliano ATTILI** 1965 **Giovanni IACHETTA** 1947 **Lorenzo LEONI** 1968 **Sergio GIANCASPRO** 1962 **Massimiliano DI IANNI** 1966 **Giuseppe ESPOSITO** 1961 **Alessandro BOGGIANI** 1957	Alunni Marco Rome	Court of Cassation RG 18089/2014, 03/09/2015	07/07/2022		200	30

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Mauro TETI 1963 **Alberto DELLAI** 1961 **Mario RUDA** 1967 **Giovanni MAIORANA** 1964 **Pierantonio CENTARO** 1962 **Antonio Giovanni CALO'** 1962 **Giuseppe GUIDA** 1952 **Salvatore BIANCHINI** 1959 **Silverio INSOGNA** 1964 **Salvatore CAPASSO** 1964 **Raffaele IANNELLA** 1965						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Nicola SIGNORILE 1969 **Antonio MINGOLLA** 1955 **Luigi FAELLA** 1961 **Nicola TONTI** 1963 **Valter UTILI** 1960 **Nicola Marcello FUSCO** 1956 **Lorenzo CELLA** 1958 **Antonio BISOGNO** 1947 **Liberato GUIDA** 1964 **Claudio DENTE** 1964 **Giovanni RENZI** 1959						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Natale LAUDANI 1960 **Rosario MONTEMAGNO** 1960 **Maurizio ETTORI** 1962 **Giuliano OLIVIERI** 1964 **Domenico RAVIDA'** 1965 **Giuseppe ANDREOLI** 1960 **Marco QUATTROCCHI** 1966 **Luciano APETINO** 1967 **Umberto PELLEGRINI** 1965 **Vincenzo NARDIELLO** 1966						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Franco Maurizio MALTESE 1964 **Rosario FERMO** 1961 **Santo NIGRELLI** 1945 **Saverio D'ALESSIO** 1955 **Antonio MAIELLO** 1964 **Salvatore MILITANO** 1962 **Adriano DUCA** 1966 **Angelo OLIVIERO** 1961 **Maurizio PETTINARI** 1960 **Pasquale CICALESE** 1966						

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		Giuseppe COLAZZO 1960 **Lorenzo DE DONATIS** 1965 **Romano FADDA** 1968 **Domenico ANASTASIO** 1951 **Luciano BERNABITI** 1956 **Michele SESSA** 1956 **Mauro POZONE** 1962 **Stefano DELLE MONACHE** 1963 **Marco BETTINI** 1961						
2.	17253/21 23/03/2021 (7 applicants)	**Carmela FORINO** 1931	D'Alessio Dario Salerno	Naples Court of Appeal RG 1178/2019, 19/09/2019	07/07/2022		200	30

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Vincenzo PETROSINO 1962 **Maria Rosaria PETROSINO** 1956 **Rosa PETROSINO** 1953 **Patrizia PETROSINO** 1971 **Salvatore PETROSINO** 1958 **Francesco PETROSINO** 1960						
3.	38207/21 20/07/2021 (55 applicants)	**Vincenzo ALBANESE** 1970 **Antonio Giuseppe PIREDDA** 1951 **Sabatino PAGANO** 1963	Abbate Ferdinando Emilio Orte	Perugia Court of Appeal RG 3321/2012, 20/06/2018	07/07/2022		200	30

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Massimo ANGELINI 1967 **Mauro ANGELINI** 1949 **Daniele DE PASCALI** 1967 **Giuseppe ANNUNZIATA** 1967 **Roberto ARGANESE** 1962 **Lorenzo FENNI** 1964 **Roberto BLASETTI** 1969 **Marco PIERONI** 1964 **Enzo OSANNA** 1970 **Celestino LABIANCA** 1970						

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		Francesco PALAMARA 1962 **Aldo Gabriele NICOLETTI** 1954 **Giuseppe DI NUZZO** 1971 **Francesco PELLEGRINO** 1972 **Mauro ERCOLI** 1967 **Fabiop D'ERAMO** 1972 **Giampiero FERRI** 1973 **Marino SIMONETTI** 1972 **Fabio SEBASTIANI** 1966 **Francesco SANTORO** 1964						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Salvatore CAFARO 1963 **Eugenio CAPONE** 1959 **Mauro CATALANO** 1965 **Antonio DE BIASIO** 1955 **Pasquale MANDILE** 1969 **Roberto Nicola PAVONE** 1967 **Angelo PESANTE** 1961 **Gino PETROSELLI** 1966 **Domenico QUARANTA** 1950						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Giuseppe QUARANTA 1968 **Filippo DE LUCIA** 1968 **Rolando Luigi D'ANGELO** 1948 **Adriano POLESI** 1952 **Angelo MOSCATELLI** 1964 **Nicola RAINONE** 1966 **Daniele SPINELLI** 1969 **Diamante VITO** 1966 **Nicola PELLECCHIA** 1941 **Michele BOVINO** 1967						

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Relevant domestic decision	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
		Massimo CEDRONI 1968 **Massimo CAMPAGNA** 1966 **Mario CALI'** 1958 **Marco CALABRETTA** 1967 **Antonio BONFITTO** 1969 **Guido BIANCHI** 1968 **Rino BORBONE** 1968 **Giuseppe CIVETTA** 1968 **Carmine PROIETTI** 1955 **Vincenzo RICCARDI** 1966						

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		Mario RICCOBENE 1966 **Franco ROTONDO** 1951 **Alfredo TUZI** 1970						
4.	44438/21 31/08/2021	**Walter TARANTO** 1950	Di Febbraro Agostino Naples	Naples Court of Appeal RG 1873/2018, 25/10/2018	07/07/2022		200	30
5.	45206/21 06/09/2021	**Rosina LONGO** 1974	De Francesco Iolanda Corsano	Potenza Court of Appeal RG 429/15, 15/03/2016	07/07/2022		200	30
6.	47232/21 16/09/2021	**Luigi TEMPORIN GRUER** 1932	Parola Stefania Rome	Roma Court of Appeal RG 52373/17, 06/12/2017	07/07/2022	01/08/2022	200	30
7.	54542/21 25/10/2021 (10 applicants)	**Eugenio MERULLO** 1968 **Fabrizio Giuseppe DE SIMONE** 1966 **Giovanni GRANATA** 1966	Abbate Ferdinando Emilio Orte	Perugia Court of Appeal RG 3321/2012, 20/06/2018	07/07/2022		200	30

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		Oronzo GRECO 1965 **Tommaso GRECO** 1957 **Brizio Leonardo MAZZEI** 1970 **Luigi MENNILLO** 1967 **Sergio MERIGHI** 1967 **Claudio MASCIARELLI** 1961 **Michele FAVATÀ** 1968						
8.	55201/21 29/10/2021	**Stefano CIOTOLA** 1962	Ruggiero Aurelio Naples	Rome Court of Appeal RG 57849/2011, 24/06/2016	07/07/2022	11/08/2022	200	30

[1] Plus any tax that may be chargeable to the applicants.
[2] Plus any tax that may be chargeable to the applicants.