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

FIRST SECTION

DECISION

Application no. 14035/23
Maurizio FANTOZZI and Others against Italy
and 14 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 4 April 2024 as a Committee composed of:

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, 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 retrospective application of section 1(218) of Law no. 266/2005 of 23 December 2005 to pending proceedings 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 retrospective application of section 1(218) of Law no. 266/2005 of 23 December 2005 to pending proceedings. 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 payment 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 retrospective application of section 1(218) of Law no. 266/2005 of 23 December 2005 to pending proceedings (see, for example, *Agrati and Others v. Italy* , nos. 43549/08 and 2 others, 7 June 2011, *De Rosa and Others v. Italy,* nos. 52888/08 and 13 others, 11 December 2012, *Caligiuri and Others v. Italy,* nos. 657/10 and 3 others, 9 September 2014 and *Cicero and Others v. Italy,* nos. 29483/11 and 4 others, 30 January 2020).

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 25 April 2024.

Viktoriya Maradudina Acting Deputy Registrar	Péter Paczolay President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (retrospective application of section 1(218) of Law no. 266/2005 of 23 December 2005 to pending proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary damage per applicant/household (in euros)[1]	Amount awarded for and costs and expenses per applicant/household (in euros)[2]
1.	14035/23 20/03/2023 (6 applicants)	**Maurizio FANTOZZI** 1946 **Egidio BARTOLI** 1944 **Lino DE FAZI** 1944 **Rolando FANTOZZI** 1941 **Roberto STELLA** 1942 **Marina VALENTINI** 1943	Ferrara Alessandro Benevento	09/02/2024	12/03/2024	The Government offered not to proceed with the recovery of 40% of the sums paid to each applicant in execution of judgment no. 535/02 of the Civitavecchia District Court later reversed on appeal.	43.48
2.	20371/23 12/05/2023	**Renato TUCCI** 1961	Sullam Isacco Milan	09/02/2024	-	The Government offered to pay the applicant 40% of the sums awarded by judgment no. 684/04 of the Monza District Court and which the applicant returned, provided that he gives proof of the restitution.	
3.	20390/23 12/05/2023	**Donatella FERRI** 1958				The Government offered to pay the applicant 40% of the sums awarded by judgment no. 684/04 of the Monza District Court and	

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary damage per applicant/household (in euros)[1]	Amount awarded for and costs and expenses per applicant/household (in euros)[2]
						which the applicant returned, provided that she gives proof of the restitution.	
4.	21421/23 24/05/2023 (4 applicants)	Household **Massimiliano DOMENIGHINI** 1983 **Maria CAMPOSANO** 1957 **Giuseppina DOMENIGHNI** 1980 **Alessandro DOMENGHINI** 1988 Heirs of Domenighini Benedetto				The Government offered to jointly pay the applicants 40% of the sums awarded to Domenighini Benedetto by judgment no. 61/06 of the Busto Arsizio District Court and which the applicants returned, provided that they give proof of the restitution.	
5.	22008/23 24/05/2023	**Giovanni PETTENON** 1957				The Government offered to pay the applicant 40% of the sums awarded by judgment no. 1035/04 of the Busto Arsizio District Court and which the applicant returned, provided that he gives proof of the restitution.	
6.	26421/23 23/06/2023	**Enea CRESPI** 1952				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 198/05 of the Busto Arsizio District Court later reversed on appeal and partially returned.	
7.	26423/23 23/06/2023	**Domenico DE LORENZO** 1956				The Government offered to pay the applicant 40% of the sums awarded by judgment no. 685/04 of the Monza District Court and	

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary damage per applicant/household (in euros)[1]	Amount awarded for and costs and expenses per applicant/household (in euros)[2]
						which the applicant returned, provided that he gives proof of the restitution.	
8.	26429/23 23/06/2023	**Marina PARRELLA** 1961				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	
9.	26467/23 23/06/2023	**Giuseppa LO IACONO** 1957				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	
10.	26471/23 23/06/2023	**Patrizia STIZZOLI** 1956				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	
11.	26478/23 26/06/2023	**Francesca BOSCARO** 1960				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	
12.	26515/23 23/06/2023	**Salvatore CAPACCHIONE** 1955				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	
13.	26517/23 23/06/2023	**Patrizia TREZZI** 1962				The Government offered not to proceed with the recovery of 40% of the sums paid to the applicant in execution of judgment no. 349/05 of the Monza District Court later reversed on appeal and partially returned.	

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14.	26521/23 23/06/2023	**Donato DI PRETE** 2022				The Government offered to pay the applicant 40% of the sums awarded by judgment no. 198/05 of the Monza District Court and which the applicant returned, provided that he gives proof of the restitution.	
15.	27280/23 23/06/2023	**Patrizia CAVINATO** 1962				The Government offered to pay the applicant 40% of the sums awarded by judgment no. 198/05 of the Monza District Court and which the applicant returned, provided that he gives proof of the restitution.	

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