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

FIRST SECTION

DECISION

This version was rectified on 27 February 2025
under Rule 81 of the Rules of Court.

Application no. 79696/13
Giacomo PANSITTA and Others
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 8 April 2021 as a Committee composed of:

Alena Poláčková, *President,*
Péter Paczolay,
Gilberto Felici, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 November 2013,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application 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 were represented by Mr A. Saccucci, a lawyer practising in Rome.

The applicants' complaints under Articles 11, 13 and 14 of the Convention concerning the ban imposed on the Revenue Police (*Guardia di Finanza*) by section 1475 § 2 of the Legislative Decree no. 66/2010 to form trade unions were communicated to the Italian Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the violation of Article 11 of the Convention, until the date of the Constitutional Court's judgement declaring the law at stake partially unconstitutional (judgment no. 120 of 13 June 2018). They considered that, in this respect, finding the violation constitutes sufficient just satisfaction. They also offered to pay the applicants 5,000 euros (EUR) jointly for costs and expenses. The amounts would be payable within three months from the date of notification of the Court's decision.

The payment will constitute the final resolution of the case.

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

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 case 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 applicants' freedom of association (see, for example, *Matelly v. France*, no. 10609/10, 2 October 2014, *Demir and Baykara v. Turkey* [GC], no. 34503/97, ECHR 2008 and *National Union of Belgian Police v. Belgium*, 27 October 1975, § 39, Series A no. 19).

Noting the admissions contained in the Government's declaration 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 application (Article 37 § 1 (c)).

It also notes that, with regards to the applicants indicated by an asterisk in the appended list, the sum offered by the Government in their unilateral declaration shall be paid directly to the applicants' representative by virtue of a special power of attorney.[1]

[1] Rectified on 27 February 2025: the paragraph "It also notes that,…power of attorney" has been added.

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 application in the part covered by the unilateral declaration (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application 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 case out of the list as regards the complaint raised under Article 11 of the Convention.

The applicants also raised other complaints under Articles 13 and 14 of the Convention.

The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration in so far as they concern the complaints raised under Article 11 of the Convention, and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 29 April 2021.

{signature_p_2}

Viktoriya Maradudina	Alena Poláčková
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 11 of the Convention
(ban imposed by law on the applicants, members of the Revenue Police (*Guardia di Finanza*), to form trade unions)

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 costs and expenses jointly (in euros)[1]
79696/13 28/11/2013 (397 applicants)	**Giacomo PANSITTA*** 1971 **Nicola D'ALBA*** 1976 **Carmine FERRANTE*** 1970 **Francesco MAZZOCCHI*** 1971 **Gianluca SUNDA*** 1967 **Tommaso TODARO*** 1968 **Francesco ZAVATTOLO*** 1971 **Nunzio ABATE*** 1964 **Gianluca ACQUAVIVA*** 1968 **Antonio ADDESSE*** 1976 **Marcello ADINOLFI*** 1966 **Roberto AGASUCCI*** 1969 **Cosimo Vito ALBANO*** 1958 **Pierluigi ALBERTINI*** 1967	Saccucci Andrea Rome	19/11/2020	07/01/2021	5,000 EUR

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 costs and expenses jointly (in euros)[1]
	Luigi ALEARDI* 1972 **Rocco ALESSIO*** 1967 **Claudio AMATO*** 1965 **Giorgio ANGELINO*** 1981 **Lucio ANNARUMMA*** 1973 **Nicola APICELLA*** 1964 **Pierpaolo ARNOLD*** 1967 **Luigi ARZANO** 1985 **Nicola BALBO*** 1981 **Danilo BALDONI*** 1972 **Giovanni BARRALE*** 1964 **Basilio BARRECA*** 1964 **Bruno BARTOLONI*** 1964 **Luca BARTALONI*** 1964 **Alessio BASILI*** 1974 **Leandro BATTAGLIA*** 1970 **Giulio BATTAGLINI*** 1968 **Manuel Maria BELISARDI*** 1979				

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 costs and expenses jointly (in euros)[1]
	Nicola BELLOPEDE* 1969 **Dino BERALDO*** 1967 **Sergio BERNARDINI*** 1971 **Franco BERTAGNOLLI** 1963 **Antonio BEVACQUA*** 1967 **Cesare BIANCHI*** 1961 **Christian BIANCO*** 1978 **Alessandro BIZZARRI*** 1975 **Gaetano BLASI*** 1977 **Marco BOCCACCI** 1962 **Luca BOERO*** 1975 **Mauro BORGHINO*** 1970 **Mauro BORRELLI*** 1979 **Giovanni BORSCI*** 1960 **Luigi BRAMATO*** 1964 **Carmelo BUCCA*** 1963 **Giovanni BUONAIUTO*** 1968 **Filippo CADDEO*** 1978				

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	Salvatore CAIAZZA* 1975 **Luca CAIONE*** 1966 **Giovanni CALABRESE*** 1975 **Rosario CALANDRINO*** 1985 **Massimo CALATI*** 1970 **Francesco CALENZO*** 1976 **Stefano CALLAI*** 1976 **Raffaele CAMBERLINGO*** 1964 **Bartolomeo CAMMARINO*** 1977 **Emanuele Concetto CAMPAGNA*** 1990 **Riccardo CAMPANELLI*** 1972 **Pasquale CANNAVACCIUOLO*** 1972 **Roberto CANNAVALE*** 1964 **Aristide CANOVA*** 1974 **Enrico CANTA*** 1978 **Raffaele CAPASSO*** 1970 **Piercarlo CAPPELLINO*** 1960 **Patrick CAPRI*** 1971				

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	Davide CARANNANTE* 1972 **Tommaso CARBONE*** 1973 **Michele Antonio CARETTO** 1957 **Antonio CARFORA*** 1969 **Massimo CARLESI*** 1965 **Claudio CARLINI*** 1974 **Giuseppe CAROLI*** 1972 **Luigi CARROZZO MAGLI*** 1965 **Giuseppe CASAMASSIMA*** 1984 **Luigi Matteo CASCAVILLO*** 1970 **Arcangelo CASO*** 1973 **Stefano CASTELLI*** 1963 **Stefania CASTRICONE*** 1973 **Gennaro Ciro CAVALIERE*** 1981 **Amedeo Salvatore CELENTANO*** 1967 **Giuseppe CERCHIO*** 1981 **Vincenzo CETANI** 1958 **Loris CHIARAMELLO*** 1966				

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	Mario CHIOCCINI* 1966 **Vittorio CICCHIELLO*** 1976 **Luca CICERO*** 1972 **Francesco CILIONE*** 1981 **Giuseppe CIMINO*** 1975 **Agostino CIMMINO*** 1970 **Francesco CIOLA*** 1962 **Domenico CIPOLLA*** 1975 **Massimo CIPOLLA*** 1970 **Vincenzo CLEMENTE*** 1974 **Salvatore COLANGELO*** 1971 **Piero COLAZZO*** 1965 **Roberto COLETTA*** 1974 **Alessandro COMITINI*** 1964 **Raffaele Marco CONCAS*** 1974 **Antonino CONIGLIO*** 1972 **Alessandro COPPOLA*** 1978 **Angela COPPOLA*** 1984				

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	Massimo CORCHIA* 1966 **Giovanni Angelo CORDOVA*** 1965 **Davide CORSARO*** 1973 **Francesco COSCIA*** 1975 **Massimo COSTA*** 1973 **Salvatore COZZOLINO*** 1968 **Giuseppe CROCAMO*** 1972 **Maurizio CUCCI*** 1970 **Giovanni CULICI*** 1969 **Luigi CUOMO*** 1971 **Patrizio CUOMO*** 1964 **Pierangelo CURRI*** 1981 **Luca D'APOLLONIO*** 1975 **Felice D'AURIA*** 1970 **Franco D'AVANZO*** 1968 **Marco D'ADDIO*** 1975 **Ugo Raffaele DALLERICE** 1957 **Giuseppe D'ERCHIE*** 1959				

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	Rosario DE DOMINICIS* 1962 **Ippazio DE MATTEIS*** 1964 **Domenico DE PINTO*** 1962 **Corrado DE RUVO*** 1961 **Antonio DE VENEZIA*** 1961 **Domenico DEL SORBO** 1962 **Dario DELLA PORTA*** 1970 **Giorgio DENARO*** 1969 **Daniele DI CHIO*** 1963 **Enrico DI DIO*** 1975 **Rocco DI FILIPPO** 1972 **Cosimo DI FONZO*** 1970 **Felice Ruggero DI LELLO** 1974 **Vincenzo DI MATTEO** 1958 **Pasquale DI NARDO*** 1970 **Emiliano DI SEGNA*** 1973 **Angelo DITTA*** 1973 **Donatello DODARO*** 1972				

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	Angelo EFRATI* 1974 **Antonino ESPOSITO*** 1975 **Leondino ESPOSITO** 1972 **Michele ESPOSITO*** 1969 **Stefano FALCONE*** 1969 **Paolo FALZETTI*** 1964 **Domenico FARETRA*** 1964 **Francesco FARINA*** 1967 **Roberto FEDELE*** 1967 **Cristiano FEDERICI*** 1970 **Natalino FERRI*** 1960 **Paolo FESTA*** 1983 **Giuseppe FILIPPO*** 1972 **Maurizio FILIPPONE*** 1969 **Paolo FINETTI*** 1967 **Roberto FIORI*** 1974 **Stefano FOIANO** 1957 **Gianluca FORCELLINO*** 1973				

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	Joseph FORGIONE* 1968 **Pasquale FRANCIOSO*** 1971 **Donato FRATIANNI*** 1968 **Massimo FUSCO*** 1975 **Antonio FUSILLI** 1960 **Manielo GALASSO*** 1975 **Giuseppe GALLINA*** 1969 **Armando GALLUCCI*** 1972 **Alberico GAMBINO*** 1962 **Salvatore GENOVESE*** 1973 **Luciano GERVASI*** 1962 **Antonio GIANNUZZI*** 1958 **Giuseppe GIORDANO*** 1964 **Basilio GIUFFRIDA** 1957 **Paolo GOZZERINI** 1963 **Vincenzo GRASSO*** 1966 **Teresa GRAVANTE** 1982 **Marco GRAZIANO*** 1969				

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	Raffaele GRAZIANO* 1975 **Marco GRAZIOLI*** 1961 **Martino GRECO*** 1974 **Michele GUERRA*** 1977 **Gaetano GUERRIERO*** 1963 **Alessandro GUTTUSO** 1977 **Cleto IAFRATE*** 1966 **Antonio IEZZI*** 1970 **Gaetano INSINNA*** 1964 **Massimo LA GATTA*** 1974 **Giovanni LAI*** 1975 **Davide LANFRANCO*** 1975 **Gianni LASTELLA*** 1959 **Michele LAURO** 1971 **Simone LEDDA*** 1976 **Rosario Antonio LEONARDO*** 1968 **Massimo Verdo LEONETTI*** 1972 **Diego Mario LIBERTO*** 1968				

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	Filippo LO PRESTI* 1969 **Silvestro LO PRESTI*** 1963 **Davide LODDO*** 1976 **Massimo LOFFREDI*** 1967 **Antonio LOMBARDI*** 1969 **Vincenzo LOMBARDO** 1957 **Luigi LOSASSO*** 1963 **Giovanni MAGLIE*** 1969 **Giovanni MAGLIOLI*** 1978 **Arnaldo MALVASO** 1959 **Roberto MANCINI*** 1971 **Vincenzo MANDARANO*** 1965 **Marco MANGIACAPRA*** 1984 **Giacomo MANNINO*** 1975 **Bruno MARENCO*** 1967 **Alessandro MARGIOTTA*** 1963 **Andrea MARONGIU*** 1972 **Alessandro MARRA*** 1979				

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	Valerio MARTINO* 1967 **Ignazio MARTIRADONNA*** 1965 **Ilenia MARZO*** 1980 **Luca MASPERO*** 1967 **Maurizio MASSARENTI*** 1963 **Biagio MASTRANGELO*** 1986 **Vincenzo MATTEO*** 1961 **Marco MAURO*** 1975 **Giovanni MAZZARELLA*** 1964 **Paolo MAZZEO*** 1973 **Luigi Antonio MELIS*** 1969 **Luca MELLO*** 1967 **Sergio MELONI*** 1979 **Marco MENEGAZZO*** 1968 **Gian Luca MEOLA*** 1973 **Giampaolo MERLANO*** 1966 **Cirino MICELI*** 1966 **Americo MIGLIACCIO*** 1971				

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	Domenico MILANESIO* 1962 **Giovanni MINIERI*** 1974 **Angelo MONTRANO*** 1964 **Emanuele MORCIANO*** 1981 **Mauro MORELLI*** 1962 **Alessio MORONI*** 1977 **Arturo MOZZILLO** 1974 **Giuseppe MUGNO*** 1964 **Salvatore MUNDO*** 1976 **Pierluigi MUOIO*** 1981 **Giuseppe MURRI*** 1960 **Giovanni MUSELLA*** 1959 **Graziano NADILE*** 1968 **Luciano NAPOLITANO*** 1964 **Felice NARDIELLO*** 1970 **Raffaele NARDONE*** 1961 **Donato NARDUCCI*** 1973 **Germano NATRELLA*** 1970				

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	Giuseppe NATUZZI* 1971 **Daniele NEGRO*** 1974 **Michele OLIVO** 1974 **Michele Sandokan ORTODOSSO*** 1976 **Lorenzo PACELLA*** 1968 **Mario PAESANI*** 1970 **Luigi PAGLIARO*** 1973 **Luigi PALMA*** 1963 **Pietro PALMAS*** 1962 **Giuseppe PALMISANO*** 1963 **Luigi PALUMBO*** 1966 **Salvatore Giuseppe PANTALEO*** 1979 **Antonio PARADISO** 1960 **Tommaso PARADISO*** 1972 **Lucio PARISI** 1962 **Pierpaolo PASCALICCHIO*** 1978 **Antonio PATACCOLI*** 1972 **Pasquale PATELLA** 1978				

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	Domenico PAVONE* 1966 **Andrea PERONE*** 1969 **Vincenzo PERULLI*** 1962 **Mario Vito PESCE*** 1975 **Silvio PETRELLI*** 1969 **Giovanni PETTERUTI*** 1970 **Guglielmo PICCIUTO*** 1964 **Pasquale PINTO*** 1975 **Mariano PIRAS** 1964 **Fabrizio PISANO*** 1976 **Paolo PISCITELLI*** 1973 **Matteo PIZZI*** 1983 **Francesco POLLIFRONE*** 1965 **Rinaldo POMPILI*** 1960 **Lorenzo PONTILLO*** 1977 **Vincenzo PONZO*** 1962 **Renzo PORFIRIO** 1960 **Piero PORTALURI*** 1975				

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	Salvatore POSA* 1970 **Luca POVERO*** 1972 **Carmelo PRATICÒ*** 1969 **Nicola PUCILLO*** 1969 **Piero PUOZZO*** 1972 **Giuseppe QUARTA*** 1970 **Giovanni RACANATI*** 1970 **Carolina RAFFAELE*** 1980 **Luca RAGOZZINO*** 1972 **Enrico RAIMONDI*** 1967 **Fabrizio RICCHIELLO*** 1969 **Vincenzo RICCIARDI** 1969 **Pasquale Maurizio RICCIO*** 1964 **Bruno RIPEPI*** 1970 **Antonio RIZZO*** 1973 **Carlo RIZZO*** 1970 **Michele ROCA*** 1974 **Christian ROLLI*** 1973				

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	Antonino ROMEO* 1972 **Michele ROMONDIA*** 1968 **Emiliano ROSSI*** 1976 **Filippo ROVETTO*** 1967 **Francesco RUSSO*** 1975 **Gaetano RUSSO*** 1968 **Mario RUSSO** 1961 **Eugenio SABATINO*** 1975 **Orazio SACCÀ*** 1972 **Michele SACCO*** 1969 **Massimiliano SALCE*** 1964 **Attilio SALESE*** 1967 **Vincenzo SALZANO*** 1984 **Flavio SANNA*** 1976 **Simone SANSONI*** 1972 **Frank SANTINI** 1962 **Maurizio SANTO*** 1973 **Antonio SANTORO*** 1973				

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	Francesco SANTORO* 1976 **Salvatore SAVASTA*** 1964 **Cosimo SCARDINO** 1957 **Emanuele SCARSELLETTA*** 1965 **Letterio SCILIBERTO** 1960 **Claudio SCRIMIERI*** 1973 **Giovanni SEMERARO*** 1960 **Gaspare SENA*** 1972 **Pierluigi SERRA*** 1965 **Antonio SIANO*** 1965 **Michele SIRAVO*** 1979 **Domenico SISTI*** 1974 **Angelo SORECA*** 1977 **Salvatore SORRENTINO*** 1967 **Giuseppe SOTTILOTTA*** 1967 **Marcello SPADA*** 1975 **Vincenzo SPIZZIRRI*** 1969 **Ernesto STELLA*** 1969				

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	Vincenzo STELLAVATECASCIO* 1960 **Antonio STERPETTI*** 1967 **Michele STIMOLA*** 1963 **Pasquale STRIANO*** 1965 **Gianluca TACCALOZZI*** 1974 **Raimondo TAFURI*** 1970 **Giancarlo TANCREDI*** 1963 **Michele TANTULLI*** 1975 **Pietro TAURINO*** 1967 **Eliseo TAVERNA*** 1966 **Salvatore TERRANOVA*** 1964 **Simone TERRERI*** 1984 **Luca TESTA*** 1975 **Daniele TISCI*** 1968 **Giancarlo TOCCI** 1960 **Roberto TOFANELLI*** 1974 **Fulvio TOIGO*** 1968 **Giuseppe TONDI*** 1975				

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	Michelangelo TONTI 1950 **Luca TORNELLO*** 1972 **Salvatore TORRISI*** 1977 **Giuseppe TORTORELLI*** 1973 **Pier Luca TOSELLI*** 1965 **Mauro TRAMIS*** 1977 **Cosimo TRANI*** 1980 **Giuseppe TRENTINO*** 1983 **Giuseppe TRIA*** 1972 **Salvatore TRINX*** 1960 **Cesare TROVATO*** 1978 **Vincenzo VACCA*** 1960 **Luca VALENTE*** 1967 **Nicolino VALENTI*** 1964 **Domenico VALLEFUOCO*** 1963 **Vincenzo Christian VARONE*** 1976 **Antonio VECCARI*** 1971 **Giovanni VENAFRO** 1963				

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	Antonio VENTRIGLIA* 1979 **Pietro VENUTOLO*** 1971 **Alessandro VERALLI*** 1977 **Alessandro VERARDO*** 1975 **Fabrizio VERCELLI** 1966 **Giovanni VERNA*** 1971 **Giuseppe VIGLIOTTI*** 1981 **Pietro Paolo VOLLONO*** 1963 **Emilio VOLPE*** 1956 **Enrico ZACCARIA*** 1973 **Mario ZARRILLO** 1953 **Giovanni Antonio ZITO*** 1973 **Fabio Pasquale ZUCCO*** 1974 **Maurizio ZUMMO*** 1961 **Luca CAMILOTTO*** 1965 **Giovanni CUTRUPI*** 1967 **Mario SPIGA*** 1973 **Marcello COFINI*** 1963				

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	Carmelo VERSACE* 1969 **Gaetano MATRECANO*** 1960 **Domenico ZINGARO*** 1963 **Massimo IERO*** 1971 **Michele MAJORANA*** 1968				

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