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

FIRST SECTION

DECISION

Application no. 20144/17
Salvatore SCAVUZZO and Adriana POLIZZI
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 2 February 2023 as a Committee composed of:

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 3 March 2017,

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 Ms A. Fundarò, a lawyer practising in Palermo.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Italian Government ("the Government"). Complaints based on the same facts were also communicated under other provisions of the Convention.

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make 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 excessive length of civil proceedings. They further acknowledged the non-enforcement of the "Pinto" domestic decision in the case concerned. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the application 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 "Pinto" domestic decision under consideration (see appended table for further details) within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decision in the case concerned 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 excessive length of civil proceedings and to the non-enforcement or delayed enforcement of "Pinto" domestic decisions (see, for example, *Cocchiarella v. Italy* [GC], no. 64886/01, ECHR 2006-V, and *Gaglione and Others v. Italy*, nos. 45867/07 and 69 others, 21 December 2010).

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)).

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 (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.

For these reasons, the Court, unanimously,

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

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

Done in English and notified in writing on 2 March 2023.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Other complaints under well-established case-law	Date of receipt of Government's declaration	Date of receipt of applicants' comments	Amount awarded for non-pecuniary damage per household (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
20144/17 03/03/2017	Household **Salvatore SCAVUZZO** 1964 **Adriana POLIZZI** 1966	Fundarò Antonina Palerme	Art. 6 (1) – non-enforcement or delayed enforcement of "Pinto" domestic decisions - Judgment of Caltanissetta Court of Appeal of 12/06/2014 (R.G. 1340/2012); start date of the enforcement proceedings on 12/06/2014 and still pending	15/11/2022	16/12/2022	1,200	800

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