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MINISTERS' DEPUTIES

Resolutions

CM/ResDH(2017)289

21 September 2017

Resolution

Execution of the judgments of the European Court of Human Rights

119 cases against Italy

(Adopted by the Committee of Ministers on 21 September 2017
at the 1294th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court"),

Having regard to the final judgments transmitted by the Court to the Committee in these cases and to the violations of Articles 6, paragraph 1 of the Convention and/or 1 of Protocol No. 1 established on account of the delay in the payments of sums awarded in the framework of a compensatory remedy ("Pinto") available since 2001 to victims of excessively lengthy proceedings, and on account of the excessive length of "Pinto" proceedings;

Recalling the respondent State's obligation, under Article 46, paragraph 1, of the Convention, to abide by all final judgments in cases to which it has been a party and that this obligation entails, over and above the payment of any sums awarded by the Court, the adoption by the authorities of the respondent State, where required:

- of individual measures to put an end to violations established and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures preventing similar violations;

Having examined the information provided by the government (see documents DH-DD(2015)1123 and DH-DD(2017)750) ;

Having noted that the just satisfaction, where awarded, has been paid by the government and that, with a view to expediting them, the authorities brought to the attention of the relevant domestic courts the proceedings which had given rise to "Pinto" applications and were still ongoing when the judgments of the European Court became final;

Noting with satisfaction that, as of 1st January 2016, the "Pinto" Act provides for the possibility to have recourse to additional funds once the budgetary resources earmarked for payments of "Pinto" compensation have been exhausted, preventing excessive delays in the payment;

Having noted that the allocation of additional funds to the Ministry of Justice in 2015-2017 and the assistance provided by the Bank of Italy in handling the payments have obtained significant results, particularly in the settlement of the arrears of the "Pinto" debt;

Having noted furthermore that a significant and constant reduction in the number of "Pinto" proceedings pending before courts of appeal and in their average length has been registered since 2012;

Underlining that the examination of the outstanding questions will be pursued in the context of the *Olivieri and Others* judgment, namely the 2017 reform of the "Pinto" remedy, which has notably restricted the access to the "Pinto" remedy and excluded any possibility of compensation for proceedings that have lasted six years or less, and the ineffectiveness of this remedy in cases of excessive length of administrative proceedings;

DECLARES that it has exercised its functions under Article 46, paragraph 2, of the Convention in the cases listed below and

DECIDES to close the examination thereof.

Appendix – list of cases

Application n°	Case	Judgment of	Final on
7612/03	ABATE	14/10/2008	14/01/2009
32745/02	AMBROSINO	23/09/2008	23/12/2008
64890/01	APICELLA	29/03/2006	Grand Chamber
11978/03	ATZEI	16/03/2010	16/06/2010
4280/03	AVECONE	22/07/2008	22/10/2008
4281/03	AVECONE GIOVANNI	22/07/2008	22/10/2008
26314/03+	BACCINI AND ARTUZZI	22/06/2010	22/09/2010
4288/03	BARBATO	22/07/2008	22/10/2008
7932/04	BELPERIO AND CIARMOLI	21/12/2010	21/03/2011
39258/03	BELPERIO	14/10/2008	14/01/2009

37904/03+	BERRETTA AND CIARCIA	07/12/2010	07/03/2011
62158/00	BERTOSSI AND MARTINELLI	05/07/2007	05/10/2007
14625/03+	BIFULCO AND OTHERS	22/07/2014	22/07/2014
22768/03	BOIANO	29/07/2008	29/10/2008
32860/02+	BRIGANTI AND CANELLA	16/03/2010	16/06/2010
19877/03+	BRIGNOLI AND OTHERS	18/05/2010	04/10/2010
32769/02	BUFFOLINO	13/11/2008	13/02/2009
65082/01	CAGLIONI	08/07/2008	08/10/2008
56301/00	LORENZO CAMPANA	05/07/2007	05/10/2007
34646/03	CAPPUCCITTI	29/07/2008	29/10/2008
4285/03	CATAUDO	22/07/2008	22/10/2008
66418/01	CERUTI	05/07/2007	05/10/2007
23745/03+	CIAMBRIELLO AND OTHERS	26/10/2010	26/01/2011
7253/03+	CIAMPA AND OTHERS	22/06/2010	22/09/2010
64888/01	CIVITILLO	05/07/2007	05/10/2007
64886/01	COCCHIARELLA	29/03/2006	Grand Chamber
4012/03	CONCERIA MADERA S.R.L.	01/07/2008	01/10/2008
24593/03+	COPPOLA AND OTHERS	09/11/2010	09/02/2011
32850/02+	CORRADO AND OTHERS	16/07/2013	16/07/2013
36308/03	D'ALESSIO	14/10/2008	14/01/2009
5489/03	DE GUGLIELMO	22/07/2008	22/10/2008
4287/03	DE MARIA	22/07/2008	22/10/2008
15000/03	DE RIGGI AND TELESE	13/11/2007	13/02/2008
3666/03+	DE ROSA AND OTHERS	07/12/2010	07/03/2011
14626/03	DELLE CAVE AND CORRADO	05/06/2007	05/09/2007
32750/02	DI MARIA	13/11/2008	13/02/2009
35770/03	DI MICCO	29/07/2008	29/10/2008
32751/02	DI VICO	13/11/2008	13/02/2009
32678/03	D'IGLIO	29/07/2008	29/10/2008
699/03	FACCHIANO AND MAIO	15/11/2011	15/11/2011
32752/02	FAELLA	21/10/2008	21/01/2009
34375/02+	FALCO AND OTHERS	06/04/2010	06/07/2010
56300/00	FASCINI	05/07/2007	05/10/2007
1287/04	FILIPPELLI	02/11/2010	02/02/2011
32968/02	FIOCCA	16/07/2013	16/07/2013
28433/03+	FOLLO AND OTHERS	31/01/2012	30/04/2012
22417/03+	FORNONI AND OTHERS	26/10/2010	26/01/2011
16777/03	FROSIO	19/10/2010	19/01/2011
64894/01	FUGGI	08/07/2008	08/10/2008
56293/00	G.M.	05/07/2007	12/11/2007
19268/04	G.M.P. IMPIANTI s.r.l.	07/12/2010	07/03/2011
23563/07	GAGLIANO GIORGI	06/03/2012	24/09/2012
35772/03	GARDISAN	29/07/2008	29/10/2008
41264/02	GATTI AND NALBONE	25/09/2012	25/09/2012
10557/03	GIGLI COSTRUZIONI S.R.L.	01/04/2008	01/07/2008
26358/03+	GIOBBI AND OTHERS	19/10/2010	19/01/2011
15011/03	GIOVANNA AND GIUSEPPE RINALDI	13/11/2007	13/02/2008
35659/02	GIUSEPPE ROMANO	05/03/2013	05/06/2013
23901/03	GRAGNANO	31/07/2007	31/10/2007
62265/00	GREGORI	05/07/2007	12/11/2007

4283/03	IACOPINO	22/07/2008	22/10/2008
29413/03+	IANNELLI AND OTHERS	19/10/2010	19/01/2011
32768/02	IANNOTTA GIOVANNI	21/10/2008	21/01/2009
4282/03	IZZO ROSA	22/07/2008	22/10/2008
32775/02	LA FRAZIA	13/11/2008	13/02/2009
4289/03	LAUDANNA	18/09/2008	18/12/2008
34871/02	LEFEVRE	02/03/2010	02/06/2010
16412/03+	LIMATA AND OTHERS	10/12/2013	10/12/2013
5486/03+	LIMATA AND OTHERS	18/05/2010	18/08/2010
62157/00	LOCATELLI	05/07/2007	05/10/2007
62471/00	LUCIANA FORGIONE	08/07/2008	08/10/2008
28090/03+	MAFFEI AND DE NIGRIS	26/11/2013	26/11/2013
684/03+	MAIO AND OTHERS	22/05/2012	22/05/2012
32851/02	MARCON	27/07/2010	27/10/2010
66419/01	MARTINELLI AND DOTTI	05/07/2007	05/10/2007
23744/03+	MASSARO AND OTHERS	12/10/2010	12/01/2011
28987/04	MICCICHE AND GUERRERA	08/12/2009	10/05/2010
5487/03	MIELE RAFFAELE AND MARIO	22/07/2008	22/10/2008
40205/02	MONGELLI AND OTHERS	19/05/2015	19/05/2015
32770/02	MORONE	13/11/2008	13/02/2009
64705/01	MOSTACCIUOLO GIUSEPPE No. 1	29/03/2006	Grand Chamber
65102/01	MOSTACCIUOLO GIUSEPPE No. 2	29/03/2006	Grand Chamber
64699/01	MUSCI	29/03/2006	29/03/2006
25872/02	NATALE	16/03/2010	16/06/2010
34573/03	NERVEGNA	29/07/2008	29/10/2008
26334/03+	PALA MOBILI SNC AND OTHERS	27/07/2010	27/10/2010
5485/03	PANNELLA	22/07/2008	22/10/2008
5496/03	PARENTE	22/07/2008	22/10/2008
39814/02	PARRELLA FLAVIANO	22/07/2008	22/10/2008
64889/01	PARRELLA CONCETTA	05/07/2007	05/10/2007
48117/99	PEDICINI AND OTHERS	25/09/2012	25/09/2012
50951/99	PEDICINI AND OTHERS	24/04/2012	24/04/2012
70573/01	PISACANE AND OTHERS	27/05/2008	27/08/2008
62154/00	PRATI	05/07/2007	05/10/2007
65075/01	GIUSEPPINA AND ORESTINA PROCACCINI	29/03/2006	Grand Chamber
4286/03	REALE	22/07/2008	22/10/2008
26311/03+	REINA AND OTHERS	28/09/2010	28/12/2010
62361/00	RICCARDI PIZZATI	29/03/2006	29/03/2006
7615/03	ROMANO MARIA	29/07/2008	29/10/2008
676/03+	ROSSI AND IULIANO AND OTHERS	22/06/2010	22/09/2010
32776/02	RUBORTONE	13/11/2008	13/02/2009
1635/03+	SALVATORE AND OTHERS	03/06/2014	03/06/2014
14983/03	SANGERMANO AND DE FALCO	13/11/2007	13/02/2008
4279/03	SANZARI AND SALVATORE	22/07/2008	22/10/2008
36813/97	SCORDINO No. 1	29/03/2006	Grand Chamber
679/03	SERINO	19/02/2008	19/05/2008
680/03	SERINO LUIGI No. 2	27/01/2009	27/04/2009
22644/03	SIMALDONE	31/03/2009	30/06/2009
52578/99	SPADARO	20/09/2007	20/12/2007

52980/99	STORNAIULO AND OTHERS	08/08/2006	08/11/2006
32747/02	TANGREDI	11/12/2007	11/03/2008
6604/03+	TANGREDI AND IULIANO	09/11/2010	09/02/2011
4428/04+	TOSCANA RESTAURA S.A.S. AND AZIENDA AGRICOLA S. CUMANO S.R.L.	22/06/2010	22/09/2010
31434/03	VALENTINO GIOVANNI	29/07/2008	29/10/2008
34904/03	VALLONE	29/07/2008	29/10/2008
5488/03	VILLANACCI	22/07/2008	22/10/2008
20198/03+	VIOLANDA TRUOCCHIO	04/10/2011	04/10/2011
43674/02	VOLTA AND OTHERS	16/03/2010	16/06/2010
72746/01	ZUCCALÀ	19/01/2010	19/04/2010

Related documents

Meetings

1294DH meeting of the Ministers' Deputies (19-21 September 2017) - Meetings 2017 / 19 September 2017 / English 