FIRST SECTION

DECISION

Application no. 49304/17  
Donato MERCURI  
against Italy

(see appended table)

The European Court of Human Rights (First Section), sitting on 15 June 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 4 July 2017,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

The applicant, Mr Donato Mercuri, was born in 1963. He was represented by Mr Gabriele Valentini, a lawyer practising in Rome.

The applicant’s complaints under Articles 6 and 7 of the Convention, concerning the alleged domestic courts’ failure to grant him the benefit under the provision prescribing a more lenient penalty (see *Scoppola v. Italy (no. 2)* [GC], no. 10249/03, 17 September 2009), as well as under Article 13 of the Convention about the alleged lack of an effective remedy to complain of those violations, were communicated to the Italian Government (“the Government”), who submitted observations on the admissibility and merits. The observations were forwarded to the applicant, who submitted his own observations.

On 15 February 2023 the Registry sent a letter to the applicant requesting to indicate the date of introduction of the proceedings for the review of the enforcement order (*incidente di esecuzione*) before the domestic courts, as an essential information to further examine the application. No reply was received to this letter.

On 16 March 2023 the Registry sent a letter to the applicant through the Court’s Electronic Communication System (eComms) reiterating the above request. A new deadline was set, expiring on 30 March 2023. The applicant’s attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant received that letter on 16 March 2023. However, no response has followed.

1. THE LAW

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases.

Done in English and notified in writing on 6 July 2023.

Viktoriya Maradudina Alena Poláčková  
 Acting Deputy Registrar President