FIRST SECTION

DECISION

Application no. 12579/04  
E.P. S.R.L. against Italy  
and 12 other applications  
(see appended table)

The European Court of Human Rights (First Section), sitting on 29 November 2018 as a Committee composed of:

Aleš Pejchal, *President,* Jovan Ilievski, Gilberto Felici, *judges,*

and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants’ replies to this declaration,

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 concerning the excessive length of civil proceedings were communicated to the Italian Government (“the Government”).

After unsuccessful friendly-settlement negotiations, the Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the applications.

The Government acknowledged the excessive length of civil 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 informed the Court that they agreed to the terms of the declaration.

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 Court finds that, following the applicants’ express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties.

It therefore takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify the continued examination of the applications.

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;

*Decides* to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 20 December 2018.

Liv Tigerstedt Aleš Pejchal  
 Acting Deputy Registrar President

APPENDIX

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Application no. Date of introduction | Applicant’s name  Date of birth | Representative’s name and location | Date of receipt of Government’s declaration | Date of receipt of applicant’s acceptance | Amount awarded for non-pecuniary damage  per applicant unless indicated “jointly”  (in euros)[[1]](#endnote-1) | Amount awarded for costs and expenses per application  (in euros)[[2]](#endnote-2) |
|  | 12579/04  26/06/1999 | **E.P. S.r.l.** | Vico Renato  Bergamo | 12/07/2018 | 12/09/2018 | 2,000 | 250 |
|  | 19281/04  15/06/2000 | **E.P. S.r.l.** | Vico Renato  Bergamo | 12/07/2018 | 12/09/2018 | 6,600 | 250 |
|  | 22838/04  23/03/2004  (3 applicants) | **Antonello ROMEI**  06/10/1959  **Angela Resy ROMEI**  04/11/1955  **Silvia FICOCIELLO**  02/01/1934 | Forgione Salvatore  Telese Terme | 12/07/2018 | 12/09/2018 | 4,100 | 250 |
|  | 37756/05  12/10/2005 | **Abele PIGNA**  16/11/1952 | Forgione Salvatore  Telese Terme | 12/07/2018 | 12/09/2018 | 1,300 | 250 |
|  | 12984/06  27/03/2006 | **Roberta SMANASSI**  09/12/1964 | Abbate Ferdinando Emilio  Orte | 12/07/2018 | 14/09/2018 | 400 | 250 |
|  | 15575/06  08/04/2006 | **Gaetano FALLACARA**  23/11/1955 | Abbate Ferdinando Emilio  Orte | 12/07/2018 | 14/09/2018 | 800 | 250 |
|  | 5310/07  31/01/2007 | **Giacomo COLANGELO**  31/10/1950 | Forgione Salvatore  Telese Terme | 12/07/2018 | 12/09/2018 | 2,000 | 250 |
|  | 19645/08  04/04/2008 | **Immacolata MARCHISANO**  31/10/1969 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 1,300 | 250 |
|  | 20438/08  04/04/2008 | **Anna Maria MIRANDA**  18/05/1956 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 1,800 | 250 |
|  | 20479/08  04/04/2008  (7 applicants) | **Emilia RAUCCI**  22/10/1955  **Marianna RAUCCI**  05/06/1954  **Antonietta RAUCCI**  23/09/1957  **Michelina RAUCCI**  28/11/1960  **Annamaria RAUCCI**  10/08/1965  **Filomena RAUCCI**  05/01/1967  **Angelina RAUCCI**  27/03/1970 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 1,500 | 250 |
|  | 39655/08  15/07/2008 | **Guglielmo GELSOMINI**  11/07/1956 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 1,000 | 250 |
|  | 65331/09  28/11/2009 | **Anna MARCHESE**  31/01/1976 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 1,000 | 250 |
|  | 65343/09  26/11/2009 | **Sebastiano VITIELLO**  06/10/1957 | Marra Maria Teresa  Naples | 12/07/2018 | 04/10/2018 | 800 | 250 |

1. .  Plus any tax that may be chargeable to the applicants. [↑](#endnote-ref-1)
2. .  Plus any tax that may be chargeable to the applicants. [↑](#endnote-ref-2)