FIRST SECTION

DECISION

Application no. 28800/03  
Angela RUBORTONE against Italy  
and 25 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,

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”).

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.

After unsuccessful friendly-settlement negotiations, 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 applications in accordance with Article 37 of the Convention.

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 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 cases to be continued (see, in particular, *Tahsin Acar v. Turkey* (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 (see, for example, *Cocchiarella v. Italy* [GC],no. 64886/01, ECHR 2006‑V).

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 applications (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 applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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;

*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 applications out of its list of cases in accordance with Article 37 § 1 (c) 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 / Date of demise | Representative’s name and location | Date of receipt of Government’s declaration | Date of receipt of applicant’s comments, if any | 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) |
|  | 28800/03  01/08/2003 | **Angela RUBORTONE**  01/10/1946 | Crisci Lucio  Benevento | 12/07/2018 | 14/09/2018 | 2,900 | 250 |
|  | 165/04  05/12/2003 | **Francesco SOMMARIVA**  03/03/1932  died on 25/04/2016  Heirs:  **Rosetta PIODA**  02/05/1934  **Anna Maria SOMMARIVA**  11/09/1959  **Giovanni SOMMARIVA**  12/01/1964 | Cipolla Federico  Turin | 12/07/2018 | 07/09/2018 | 1,200  jointly to the heirs  Rosetta PIODA  02/05/1934  Anna Maria SOMMARIVA  11/09/1959  Giovanni SOMMARIVA  12/01/1964 | 250 |
|  | 1932/04  03/01/2003 | **Daniele CATALLO**  29/10/1948 | Forte Bruno  Sora | 12/07/2018 | - | 1,100 | 250 |
|  | 11028/04  24/02/2004 | **Gianni De Falco S.r.l.** | Faiella Giuseppe  Nocera Inferiore | 12/07/2018 | - | 1,800 | 250 |
|  | 16510/04  26/04/2004 | **Fibos S.r.l.** | Samori’ Gianpiero  Modena | 12/07/2018 | - | 4,400 | 250 |
|  | 21174/04  05/05/2004 | **Luciana CERIELLO**  25/03/1942 | Troisi Michele  Salerne | 12/07/2018 | - | 3,500 | 250 |
|  | 23138/04  14/06/2004  (3 applicants) | **Dionisio ZOLLO**  11/09/1943  **Mario ZOLLO**  11/02/1945  **Mario LUCIANO**  05/11/1941 | Feleppa Agostino  Benevento | 12/07/2018 | - | 2,500 | 250 |
|  | 25839/04  15/07/2004 | **Benito PADUANO**  28/10/1937 | Di Gioia Giulio  Telese Terme | 12/07/2018 | - | 1,800 | 250 |
|  | 41034/04  13/01/1999 | **Marietta PROZZILLO**  29/05/1914  died on 07/04/2016  Heir:  **Santina PARLAPIANO**  21/11/1947 | De Nigris De Maria Sebastiano  Benevento | 12/07/2018 | - | 500 | 250 |
|  | 20122/05  23/01/2001 | **Lidia MAROTTA**  27/01/1965 | Di Gioia Giulio  Telese Terme | 12/07/2018 | - | 2,200 | 250 |
|  | 37674/05  10/10/2004 | **Giovanni RONCARI**  24/06/1928 | Piva Paolo  Venice | 12/07/2018 | 05/09/2018 | 3,300 | 250 |
|  | 13105/06  03/04/2006 | **Francesco JANES CARRATÙ**  02/01/1944 | Janes Carratù Achille  Naples | 12/07/2018 | 14/08/2018 | 1,300 | 250 |
|  | 21386/06  26/05/2006 | **Luigi PROIA**  03/01/1961 | Forte Bruno  Sora | 12/07/2018 | - | 2,000 | 250 |
|  | 37502/06  08/09/2006 | **Fiorella BUFFOLINO**  11/05/1971 | Di Gioia Giulio  Telese Terme | 12/07/2018 | - | 2,200 | 250 |
|  | 6322/07  01/02/2007 | **Evaristo CASTELLANI**  13/04/1937 | Zauli Carlo  Forlì | 12/07/2018 | - | 200 | 250 |
|  | 4850/09  04/12/2008  (4 applicants) | **Angioletta CUVA**  22/01/1947  **Maria Anna CUVA**  10/07/1938  **Olga CUVA**  22/02/1940  **Felicita CUVA**  20/05/1943 |  | 12/07/2018 | - | 3,300 | 250 |
|  | 5392/10  15/12/2009 | **Luciano VITALE**  28/01/1959 | Roccaforte Mario  Taranto | 12/07/2018 | - | 2,500 | 250 |
|  | 71803/10  17/11/2010 | **Luigi Rosario BRUNO**  27/10/1952 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 71804/10  17/11/2010 | **Luigi CORSANO**  29/10/1946 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 71805/10  17/11/2010 | **Maria Antonia MARTINA**  02/02/1939 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 71806/10  17/11/2010 | **Immacolata AMATO**  13/01/1948 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 71807/10  17/11/2010 | **Paolo MINNELLA**  01/02/1954 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 71808/10  17/11/2010 | **Antonio CACCIATORE**  01/01/1945 | Natale Elpidio  Parma | 12/07/2018 | 12/09/2018 | 400 | 250 |
|  | 15551/11  19/01/2011 | **Vittoria NITTO**  26/01/1962 | Renna Alessandro  Oria | 12/07/2018 | - | 3,200 | 250 |
|  | 77750/14  04/12/2014 | **Fulvio TORRE**  20/09/1938 | Sparagna Andrea  Scauri di Minturno | 12/07/2018 | 04/09/2018 | 1,500 | 250 |
|  | 77845/14  11/12/2014 | **Mariagrazia CARUSO**  21/08/1965 | Caruso Mariagrazia  Catania | 12/07/2018 | 27/08/2018 | 200 | 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)