FIRST SECTION

DECISION

Application no. 32323/07  
BURLOTTI SPEDIZIONI S.P.A.  
against Italy

(see appended table)

The European Court of Human Rights (First Section), sitting on 10 March 2022 as a Committee composed of:

Alena Poláčková, *President,* Raffaele Sabato, Davor Derenčinović, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 19 July 2007,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant company’s reply to this declaration,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

The applicant company’s details are set out in the appended table.

The applicant company was represented by Mrs E. Senini, a lawyer practising in Brescia.

The applicant company’s complaint under Article 1 of Protocol No. 1 to the Convention concerning the calculation of the expropriation compensation due to it according to the criteria laid down in Article 5 *bis* of Law no. 359 of 8 August 1992 was communicated to the Italian Government (“the Government”). Complaints based on the same facts were also communicated under Article 13 of the Convention.

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 application.

The Government acknowledged that there had been a violation of the applicant company’s rights guaranteed by the provisions of the Convention relied on by the applicant company. They offered to pay the applicant company the amount 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 amount would be payable within three months from the date of notification of the Court’s decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, 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 case.

The applicant company informed the Court that it agreed to the terms of the declaration.

1. THE LAW

The Court finds that, following the applicant company’s express agreement to the terms of the declaration made by the Government, the case 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 application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 31 March 2022.

Viktoriya Maradudina Alena Poláčková  
 Acting Deputy Registrar President

APPENDIX

Application raising complaints under Article 1 of Protocol No. 1 to the Convention

(expropriation compensation calculated under Article 5 *bis* of Law no. 359 of 8 August 1992)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Application no. Date of introduction | Applicant’s name | Representative’s name and location | Other complaints under well-established case-law | Date of receipt of Government’s declaration | Date of receipt of applicant’s acceptance | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses  (in euros)[[1]](#endnote-1) |
| 32323/07  19/07/2007 | **BURLOTTI SPEDIZIONI S.P.A.** | Senini Enrica  Brescia | Art. 13 - absence of an effective domestic remedy | 01/12/2021 | 23/12/2021 | 16,851 |

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