FIRST SECTION

DECISION

Application no. 1751/20
Francesco DE MARCO
against Italy

(see appended table)

The European Court of Human Rights (First Section), sitting on 8 December 2022 as a Committee composed of:

 Krzysztof Wojtyczek, *President*,
 Ivana Jelić,
 Erik Wennerström, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 21 December 2019,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

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

The applicant was represented by Mr F. Del Fante, a lawyer practising in Salsomaggiore Terme.

The applicant’s complaint under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings was communicated to the Italian Government (“the Government”).

1. THE RELEVANT DOMESTIC LAW

The relevant provisions of Law no. 89 of 24 March 2001, known as the “Pinto Act” (as amended by Law no. 208 of 28 December 2015) are as follows:

Section 2 *bis*

“1. As a general rule, the court shall award a sum of money amounting to a minimum of EUR 400 and a maximum of EUR 800 as just satisfaction for each year or fraction of a year of more than six months exceeding the reasonable time requirement. The sum awarded may be increased up to 20 % for the years following the third and up to 40 % for the years following the seventh. ...”

Section 5 *ter*

“1. An appeal (*opposizione*) shall be lodged against the decision on the claim for just satisfaction within a time-limit of 30 days from the communication or service of the decision.

2. Such appeal shall be lodged with the court to which the judge who issued the decision belongs ...

...

The court shall deliver a decision within four months after the application is lodged. An appeal shall lie to the Court of Cassation. The decision shall be enforceable immediately.”

1. THE LAW

The Government submitted that the applicant had not exhausted domestic remedies in so far as, within the Pinto proceedings, he had failed to appeal against the decree issued by the Bologna Court of Appeal (R.G. no. 573/2019), which had awarded him 4,000 euros (EUR) in compensation for the excessive length of civil proceedings.

The Court notes that the applicant did not lodge an *opposizione* against the decree under section 5 *ter* of the Pinto Act and did not appeal to the Court of Cassation.

In view of the above, the Court finds that the present application is inadmissible for non-exhaustion of domestic remedies and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention (see Musci *v. Italy* [GC], no. 64699/01, § 45, ECHR 2006-V (extracts) and *Di Sante v. Italy* (dec.), no. 56079/00, 24 June 2004).

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 12 January 2023.

 Viktoriya Maradudina Krzysztof Wojtyczek
 Acting Deputy Registrar President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention

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| --- | --- | --- | --- | --- |
| Application no.Date of introduction | Applicant’s nameYear of birth | Start of proceedings | End of proceedings | Total lengthLevels of jurisdiction |
| 1751/2021/12/2019 | **Francesco DE MARCO**1972 | 23/06/2003 | 20/04/2018 | 14 years and 9 months and 29 days2 levels of jurisdiction |