FIRST SECTION

DECISION

Application no. 11223/13
SOCIETA’ FAMARC ZABBAN S.P.A.
against Italy
and 6 other applications

(see appended table)

The European Court of Human Rights (First Section), sitting on 10 November 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 applications lodged on the various dates indicated in the appended table,

Having regard to the formal declarations accepting a friendly settlement of the cases,

Having deliberated, decides as follows:

1. 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 non-enforcement or delayed enforcement of domestic decisions were communicated to the Italian Government (“the Government”). In some applications complaints based on the same set of facts were also communicated to the Government (see appended table below).

The Court received the friendly-settlement declarations, signed by the parties, under which the applicants agreed to waive any further claims against Italy in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will 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 undertake 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 Government also undertake to ensure the enforcement of the domestic decisions under consideration in the cases concerned (see appended table) within the same three-month period, and to pay any costs of the domestic enforcement proceedings.

The payment and the enforcement of the domestic decisions in the cases concerned will constitute the final resolution of the cases.

1. 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 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 a 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 1 December 2022.

 Viktoriya Maradudina Krzysztof Wojtyczek
 Acting Deputy Registrar President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention

(non-enforcement or delayed enforcement of domestic decisions)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| No. | Application no.Date of introduction | Applicant’s nameYear of registration | Representative’s name and location | Other complaints underwell-established case-law | Relevantdomesticdecision | Domesticcourt order | Date of receipt of Government’s declaration | Date of receipt of Applicant’s declaration | Amount awarded for non-pecuniary damageper applicant(in euros)[[1]](#endnote-1)  | Amount awarded for costs and expenses per application(in euros)[[2]](#endnote-2)  |
|  | 11223/1326/01/2013 |  **SOCIETA’ FAMARC ZABBAN S.P.A.**1938  | Comini StefaniaFlorence |  | Salerno DistrictCourt injunction orderno. 574/10, 25/01/2010Salerno District Courtinjunction orderno. 2420/10, 18/03/2010Salerno DistrictCourt injunction orderno. 3844/10, 27/05/2010 | Local health authorityof Salerno *(Azienda**Sanitaria Locale*).Payment of sums asreimbursement for servicesprovided by the applicantcompany. | 21/09/2022 | 15/06/2022 | 12,500 | 250 |
|  | 18863/2028/04/2020 |  **FARMACIA PARRILLA S.R.L.**2019  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Crotone District CourtR.G. 2119/2016, 28/12/2016 | Local health authorityof Crotone *(Azienda**Sanitaria Provinciale*).Payment of sums asreimbursement for servicesprovided by the applicantcompany. | 21/09/2022 |  13/06/2022 | 9,600 | 250 |
|  | 25739/2019/06/2020 |  **CAI SERVICE S.P.A.**1988  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Crotone District CourtR.G. 2250/2014,27/01/2015 | Local health authorityof Reggio Calabria*(Azienda**Sanitaria Provinciale)*.Payment of sums asreimbursement for servicesprovided by the applicantcompany. | 21/09/2022 | 13/06/2022 | 9,600 | 250 |
|  | 29987/2007/07/2020 |  **LABORATORIO ANALISI CLINICHE ALTOMARI S.R.L.**1992  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Crotone District CourtR.G. 2143/2016,21/02/2019Crotone District CourtR.G. 963/2019, 19/06/2019 | Local health authorityof Crotone *(Azienda**Sanitaria Provinciale*).Payment of sums asreimbursement for services provided by the applicantcompany. | 21/09/2022 | 16/09/2022 | 6,200 | 250 |
|  | 40888/2007/09/2020 |  **PASTEUR S.R.L. UNIPERSONALE**1983  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Crotone District CourtR.G. 391/2015, 22/10/2015Crotone District CourtR.G. 721/2015, 21/09/2017 | Local health authorityof Crotone *(Azienda**Sanitaria Provinciale*).Payment of sums asreimbursementfor services provided bythe applicant company. | 21/09/2022 | 13/09/2022 | 12,500 | 250 |
|  | 40890/2007/09/2020 |  **BIOLAB S.A.S. DI PUGLIESE FABRIZIO & C.**1983  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Cosenza District Court,Injunction orderR.G. 673/2012, 07/05/2012 | Local health authorityof Cosenza (*Azienda**Sanitaria Provinciale).*Payment of sums asreimbursement for servicesprovided by the applicantcompany. | 21/09/2022 | 13/09/2022 | 9,600 | 250 |
|  | 41116/2007/09/2020 | **POLISPECIALISTICA BIOS S.R.L.**1982  | Verri FrancescoCrotone | Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities  | Crotone District CourtR.G. 1905/2015,17/07/2015Crotone District CourtR.G.1282/2015,18/08/2015Crotone District CourtR.G.1654/2017,28/11/2017Crotone District CourtR.G. 2358/2016,11/12/2017Crotone District CourtR.G. 2357/2019,29/05/2020 | Local health authorityof Crotone *(Azienda**Sanitaria Provinciale*).Payment of sums asreimbursement for servicesprovided by the applicantcompany. | 21/09/2022 | 13/09/2022 | 12,500 | 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)