FIRST SECTION

DECISION

Applications nos. 41053/19 and 41055/19  
CASA DI CURA ROMOLO HOSPITAL S.R.L.  
against Italy  
(see appended table)

The European Court of Human Rights (First Section), sitting on 19 January 2023 as a Committee composed of:

Alena Poláčková*, President*,  
 Gilberto Felici,  
 Raffaele Sabato*, 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 declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicant’s replies to these declarations,

Having deliberated, decides as follows:

1. FACTS AND PROCEDURE

The details relevant to the applicant are set out in the appended table.

The applicant’s 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”). Complaints based on the same facts were also communicated under other provisions of the Convention (see appended table).

After unsuccessful friendly-settlement negotiations, the Government submitted declarations 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 non-enforcement or delayed enforcement of domestic decisions. They further acknowledged that the domestic authorities had violated the applicant’s rights guaranteed by other provisions of the Convention. They offered to pay the applicant 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 applicant informed the Court that it agreed to the terms of the declarations.

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 finds that, following the applicant’s 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 9 February 2023.

Viktoriya Maradudina Alena Poláčková  
 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 name  Date of registration | 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 non-pecuniary damage  (in euros)[[1]](#endnote-1) | Amount awarded for costs and expenses  (in euros)[[2]](#endnote-2) |
|  | 41053/19  26/07/2019 | **CASA DI CURA ROMOLO HOSPITAL S.R.L.**  1996 | Verri Francesco  Crotone | Prot. 1 Art. 1 -  lack of or delayed  payment of a debt  by State authorities | 22/09/2022 | 26/11/2022 | 2,600 | 250 |
|  | 41055/19  26/07/2019 | **CASA DI CURA ROMOLO HOSPITAL S.R.L.**  1996 | Verri Francesco  Crotone | Prot. 1 Art. 1 -  lack of or delayed  payment of a debt  by State authorities | 22/09/2022 | 26/11/2022 | 2,600 | 250 |

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