



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF BLEVE v. ITALY

(Application no. 55807/13)

JUDGMENT

STRASBOURG

18 January 2024

This judgment is final but it may be subject to editorial revision.

In the case of Bleve v. Italy,

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

Krzysztof Wojtyczek, *President*,

Lətif Hüseyinov,

Ivana Jelić, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 14 December 2023,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Italy lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 13 July 2013.

2. The applicant was represented by Mr B. De Francesco, a lawyer practising in Corsano.

3. The Italian Government (“the Government”) were given notice of the application.

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant, who obtained a garnishee order (*pignoramento presso terzi*) from the Lecce District Court against the Local Health Authority (ASL) of Lecce, the employer of his debtor, complained under Article 6 § 1 of the Convention of the non-enforcement or delayed enforcement of the domestic decisions given in his favour. He also raised complaints concerning the lack of or delayed payment of a debt by State authorities.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicant complained principally of the non-enforcement or delayed enforcement of domestic decisions given in his favour. He relied on Article 6 § 1 of the Convention.

7. The Government submitted that the application is manifestly ill-founded. They maintained that delayed enforcement of the decision of Lecce District Court was due to the applicant’s lack of cooperation with the State authorities. In particular, they argued that the ASL of Lecce notified twice the applicant of the available amounts (*disponibilità delle somme accantonate*) in respect of the decision in issue, without receiving any reply from the applicant.

8. The Court notes, on the basis of the documents in its possession, that the abovementioned declarations of the public administration concerned a consistently lower amount compared to the sum granted by the domestic decision in issue. It also observes that the applicant lodged enforcement proceedings in order to have the decision of Lecce District Court executed.

9. The Court reiterates that, according to its constant case-law, execution of a judgment must be full and exhaustive and not just partial (see *Sabin Popescu v. Romania*, no. 48102/99, §§ 68-76, 2 March 2004; *Matheus v. France*, no. 62740/00, § 58, 31 March 2005). An individual who has obtained judgment against the State at the end of legal proceedings cannot be required to then bring enforcement proceedings in order to have it executed (see *Metaxas v. Greece*, no. 8415/02, § 19, 27 May 2004; *Cocchiarella v. Italy* [GC], no. 64886/01, § 89, ECHR 2006-V; *Ventorino v. Italy*, no. 357/07, § 28, 17 May 2011). Thus, the Court dismisses the Government's objection and declares the application admissible.

10. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

11. In the leading cases of *Ventorino v. Italy*, no. 357/07, 17 May 2011, *De Trana v. Italy*, no. 64215/01, 16 October 2007, *Nicola Silvestri v. Italy*, no. 16861/02, 9 June 2009, *Antonetto v. Italy*, no. 15918/89, 20 July 2000 and *De Luca v. Italy*, no. 43870/04, 24 September 2013, the Court already found a violation of Article 6 of the Convention related to the non-enforcement or delayed enforcement of final domestic decisions, issues similar to those in the present case.

12. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the decisions in the applicant's favour.

13. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. REMAINING COMPLAINTS

14. The applicant submitted other complaints under Article 13 of the Convention and Article 1 of Protocol No. 1 concerning lack of or delayed payment of a debt by State authorities and lack of an effective remedy in that regard.

15. In view of the findings in paragraphs 11-13 above, the Court considers that there is no need to deal separately with these remaining complaints.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ventorino*, cited above, *De Trana*, cited above, *Nicola Silvestri*, also cited above), the Court considers it reasonable to award the sums indicated in the appended table.

17. The Court further notes that the respondent State has an outstanding obligation to enforce the judgment which remains enforceable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 of the Convention related to the non-enforcement or delayed enforcement of the final domestic decision admissible and *finds* that there is no need to examine separately the remaining complaints raised by the applicant;
2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the non-enforcement or delayed enforcement of domestic decisions;
3. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decision referred to in the appended table;
4. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 18 January 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Krzysztof Wojtyczek
President

BLEVE v. ITALY JUDGMENT

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(non-enforcement or delayed enforcement of domestic decisions)

| Application no. Date of introduction | Applicant's name Year of birth | Relevant domestic decision | Start date of non-enforcement period | End date of non-enforcement period Length of enforcement proceedings | Domestic court order | Amount awarded for non-pecuniary damage (in euros) ¹ | Amount awarded for costs and expenses (in euros) ² |
|--|--------------------------------------|---|--|---|--|--|--|
| 55807/13 13/07/2013 | Oronzo BLEVE 1960 | Lecce District Court (Maglie), R.G. ES 126/02, 05/09/2007 Council of State R.G. 5169/2010, 12/09/2014 | 05/09/2007 12/09/2014 | 16/10/2014 7 years and 1 month and 12 days pending More than 9 years and 11 days | Local health authority of Lecce (<i>Azienda Sanitaria locale</i>) Payment of salary arrears | 9,600 | 250 |

¹ Plus any tax that may be chargeable to the applicant.

² Plus any tax that may be chargeable to the applicant.