



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

FIRST SECTION

CASE OF FARINA AND OTHERS v. ITALY

(Application no. 41642/13 and 13 others – see appended list)

JUDGMENT

STRASBOURG

16 May 2024

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

In the case of Farina and Others v. Italy,

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

Péter Paczolay, *President*,

Gilberto Felici,

Raffaele Sabato, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 18 April 2024,

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

PROCEDURE

1. The case originated in applications against Italy lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Italian Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings and of the impossibility of lodging an application under Law No. 89 of 24 March 2001, known as the “Pinto Act”, pending the main proceedings. Some applicants also raised other complaints under Article 13 of the Convention and Article 1 of Protocol No. 1 to the Convention.

RELEVANT LEGAL FRAMEWORK

5. The relevant domestic law and practice can be found in *Verrascina and Others v. Italy*, nos. 15566/13 and 5 others, §§ 6-8, 28 April 2022.

THE LAW

I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

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

7. The applicants complained principally that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. They relied on Article 6 § 1 of the Convention.

8. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

9. In the leading cases of *Cocchiarella v. Italy* [GC], no. 64886/01, ECHR 2006-V, and *Verrascina and Others v. Italy*, cited above, §§ 31-33, the Court already found a violation in respect of issues similar to those in the present case.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

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

III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

12. Some applicants complained under Article 13 of the Convention concerning the lack of an effective remedy (see appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible.

13. Having examined all the material before it, the Court concludes that it also discloses violations of the Convention in the light of its findings in *Verrascina and Others v. Italy*, cited above, §§ 23, 26, 30.

14. In relation to applications nos. 50218/15 and 50579/15, the applicants also raised another complaint under Article 1 of Protocol No. 1 to the Convention concerning the interference with the peaceful enjoyment of their possessions caused by the excessive length of the civil proceedings.

15. In view of the findings in the above paragraphs, the Court considers that there is no need to deal separately with this remaining complaint.

IV. 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, *Cocchiarella*, cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *Holds* that there has been a violation of the Convention as regards the other complaints raised under Article 13 of the Convention (see appended table);
5. *Holds* that it is not necessary to examine separately the remaining complaints under Article 1 of Protocol No. 1 to the Convention;
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table;
 - (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 16 May 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Péter Paczolay
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Case-law	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant/household (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	41642/13 19/06/2013	Antonio FARINA 1958	Pasquariello Gianpiero Caserta	15/09/2003	03/07/2012	8 years and 9 months and 19 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	12,500	250
2.	43265/13 25/06/2013	Leo GIRONI 1963	Nucci Domenico Castiglion Fiorentino	17/05/2012	26/08/2020	8 years and 3 months and 10 days 2 levels of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022		5,600	250
3.	4584/14 21/06/2013	Maurizio MARCHETTI 1965		09/04/2001	08/06/2020	19 years and 2 months 2 levels of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	20,800	-
4.	17325/14 02/04/2013	Corrado CODELLA 1935	Pasquariello Francesco Caserta	10/03/2005	28/06/2012	7 years and 3 months and 19 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	8,300	250

¹ Plus any tax that may be chargeable to the applicants.² Plus any tax that may be chargeable to the applicants.

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Case-law	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage per applicant/household (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
5.	32138/14 08/04/2014	Pietro PARISI 1946	Faiella Giuseppe Nocera Inferiore	26/02/1988	17/02/2017	28 years and 11 months and 23 days 4 levels of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	14,400	250
6.	59573/14 24/10/2014	Maria Liliana COLLU 1957	Masi Piergiorgio Pisa	23/06/1989	03/06/2015	25 years and 11 months and 12 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	24,000	250
7.	40481/15 10/08/2015	Giuseppe FORASTIERE 1957	Strazzullo Luca Naples	06/11/2008	21/07/2016	7 years and 8 months and 16 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	8,000	250
8.	50218/15 01/10/2015 (38 applicants)	Iolanda Angela BELVISI 1970 Angela BILLARDELLO 1925 Anna Maria BILLARDELLO 1978 Salvatore BILLARDELLO 1951 Antonio Vittorio BRIGNONE 1941	Romano Giovanni Rome	05/11/1996	pending	More than 27 years and 3 months and 11 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	12,600	250

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		Giuseppe BRIGNONE 1927 Giuseppe Ferruccio Omar BRIGNONE 1966 Renzo Domenico BRIGNONE 1971 Salvatore BRIGNONE 1920 Giuseppe CASANO 1971 Francesca Donatella D'AIETTI 1977 Giacomo D'AIETTI 1939 Maria Anna D'ANCONA 1965 Francesca Giuseppa DE NUNZIO 1950 Pierangelo DI MALTA 1967 Rosa DI MALTA 1935								

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		Giuseppina Chiara Anna DIANA 1938 Antonio GABRIELE 1957 Giuseppe GABRIELE 1951 Vincenzo Fabrizio GABRIELE 1978 Caterina Maria GARSIA 1964 Giuseppino GIGLIO 1957 Giambattista Emiliano IMPELLIZZERI 1972 Francesco LO PINTO 1946 Giuseppa LO PINTO 1921 Alberto LOMBARDI 1969 Loredana Maria Pia MACCOTTA 1971								

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		Giuseppa Raimonda MARINO 1968 Susanna Fortunella MURA 1979 Caterina Fortuna MURANA 1951 Antonietta POLICARDO 1963 Giuseppa POLICARDO 1931 Salvatore POLICARDO 1956 Anna Maria Luisa RAFFAELE 1966 Salvatore SANA 1944 Giuseppina STORNANTE 1941 Alessio VALENZA 1962 Maria Rosa VALENZA 1964								

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9.	50579/15 01/10/2015 (70 applicants)	Maria ALMANZA 1948 Gbattista LO PINTO 1951 Giuseppa Margherita Irma PANDOLFO 1949 Filippo ODDO 1955 Enrico GRECO 1973 Giuseppa Raimonda MARINO 1968 Baldassare Walter SORRENTINO 1967 Rosa Maria PONTILLO 1956 Maria CASANO 1955 Giovanni CASANO 1925 Benedetto Savio CASANO 1964	Romano Giovanni Rome	09/11/1995	pending	More than 28 years and 3 months and 7 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	8,400	250

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Case-law	Other complaints under well- established case- law	Amount awarded for non-pecuniary damage per applicant/ household (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
		Giuseppe Natale FERRANDES 1950 Anna Saveria Clementina BRIGNONE 1955 Rosa LO PINTO 1947 Giuseppe IMPELLIZZERI 1943 Salvatore Roberto GABRIELE 1953 Angela Maria CASANO 1948 Eva RAFFAELE 1922 Angela DIANA 1933 Melania Angela SORRENTINO 1972 Francesco LO PINTO 1943 Anna Rita GABRIELE 1967								

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		Salvatore D'AMICO 1949 Giovanni Emilio BRIGNONE 1946 Maria BONOMO 1956 Salvatore BRIGNONE 1920 Mariolino VALENZA 1952 Vincenzo FARINA 1937 Antonia CONSOLO 1953 Maria CANDULLO 1941 Pierangelo DI MALTA 1967 Felice SALERNO 1948 Maria RAFFAELE 1931 Marianna MADDALENA 1948								

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		Iolanda Angela BELVISI 1970 Giuseppe PAVIA 1957 Teresa GABRIELE 1941 Ivana Giuseppina D'ANCONA 1963 Rosalba CHIAIESI 1953 Rosa BERNARDO 1934 Maria Antonietta GABRIELE 1945 Rosa FERRANDES 1949 Matilde BRIGNONE 1953 Maria Anna D'ANCONA 1965 Francesca Paola Epifania GIUNTA 1939 Angela Pia GIGLIO 1970								

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		Maria Marisia GIACOMARRO 1943 Maria Gioconda RIZZO 1939 Salvatore PAVIA 1923 Vincenzo FARINA 1958 Giuseppe GABRIELE 1951 Giambattista LO PINTO 1970 Francesco Erminio GRECO 1946 Iolanda GIANNUSA 1940 Francesco RIZZO 1947 Caterina PAVIA 1939 Francesco MAGGIORE 1933 Vincenzo GABRIELE 1930								

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		Caterina Irene Maria BELVISI 1960 Salvatore POLICARDO 1956 Giuseppe SECHI 1965 Beniamino SECHI 1964 Daniela Rina GRECO 1970 Giambattista D'AIETTI 1938 Giuseppina BONOMO 1960 Giuseppina Chiara Anna DIANA 1938 <u>Household</u> Erminio D'AMICO 1961 Antonietta D'AMICO 1965								
10.	60587/15 03/12/2015	Basilio GIUFFRIDA 1957	Cerio Ennio Campobasso	23/02/2009	01/07/2020	11 years and 4 months and 9 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	12,800	250

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11.	4102/16 05/01/2016	Piergiorgio VALORI 1972	Marini Giulio Ascoli Piceno	13/05/2002	pending	More than 21 years and 9 months and 3 days 3 levels of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	19,200	250
12.	19219/16 02/04/2016	Luigia CANTALAMESSA CARBONI 1950	Marini Giulio Ascoli Piceno	03/08/2007	09/11/2016	9 years and 3 months and 7 days 2 levels of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	6,400	250
13.	23246/16 18/04/2016	Ferdinando D'AUTILIA 1955	Strazzullo Luca Naples	04/12/2008	06/02/2018	9 years and 2 months and 3 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	9,600	250
14.	30962/17 13/04/2017	Francesco Antonio PALESE 1958	De Francesco Iolanda Corsano	07/06/2006	03/03/2020	13 years and 8 months and 26 days 1 level of jurisdiction	<i>Verrascina and Others v. Italy</i> , nos. 15566/13 and 5 others, 28 April 2022	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	17,600	250