



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

FIRST SECTION

CASE OF NACCA AND OTHERS v. ITALY

(Applications nos. 54996/22 and 3 others –see appended list)

JUDGMENT

STRASBOURG

18 January 2024

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

In the case of Nacca and Others v. Italy,

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

Krzysztof Wojtyczek, *President*,

Lətif Hüseynov,

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 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 non-enforcement or delayed enforcement of domestic decisions issued in their favour for the professional services they had performed for the Consortium of the Basin of the Provinces of Caserta and Naples (*Consorzio unico di bacino delle province di Caserta e di Napoli*) and the Telesina Valley Land Reclamation Consortium (*Consorzio di bonifica della Valle Telesina*) (see appended table). The applicants also raised other complaints under the Convention.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. 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

6. The applicants complained principally of the non-enforcement or delayed enforcement of domestic decisions given in their favour. They relied, expressly or in substance, on Article 6 § 1 of the Convention.

7. 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).

8. 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 in respect of non-enforcement or delayed enforcement of domestic court decisions, issues similar to those in the present case.

9. 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 applicants’ favour.

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

III. REMAINING COMPLAINTS

11. The applicants submitted other complaints under Article 13 of the Convention and Article 1 of Protocol No. 1 concerning the lack or delayed payment of a debt by State authorities and the lack of an effective remedy in domestic law.

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

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

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

14. The Court further notes that the respondent State has an outstanding obligation to enforce the judgments which remain enforceable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints under Article 6 § 1 of the Convention related to the non-enforcement or delayed enforcement of the final domestic decisions in the applicants' favour admissible and *finds* that it is not necessary to examine separately the applicants' remaining complaints;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the non-enforcement or delayed enforcement of domestic decisions;
4. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decisions referred to in the appended table;
5. *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 18 January 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Krzysztof Wojtyczek
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 Year of birth	Representative's name and location	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 per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	54996/22 21/11/2022	Antonio NACCA 1973	Pasquariello Gianpiero Caserta	Santa Maria Capua Vetere District Court, R.G. 2523/2016, 02/12/2019	02/12/2019	pending More than 3 year(s) and 10 month(s) and 4 day(s)	Consorzio unico di bacino delle province di Caserta e di Napoli Payment of legal fees (<i>avvocato antistatario</i>)	5,600	250
2.	54998/22 21/11/2022	Rosanna PAPA 1971	Pasquariello Gianpiero Caserta	Santa Maria Capua Vetere District Court, R.G. 7735/2013, 18/07/2013 Santa Maria Capua Vetere District Court, R.G. 7732/2013, 18/07/2013 Santa Maria Capua Vetere District Court, R.G. 7727/2013, 13/09/2013	18/07/2013 18/07/2013 13/09/2013	pending More than 10 year(s) and 2 month(s) and 18 day(s) pending More than 10 year(s) and 2 month(s) and 18 day(s) pending More than 10 year(s) and 23 day(s)	Consorzio unico di bacino delle province di Caserta e di Napoli Payment of legal fees (<i>avvocato antistatario</i>)	8,090	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	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 per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
				Santa Maria Capua Vetere District Court, R.G. 7731/2013, 13/09/2013	13/09/2013	pending More than 10 year(s) and 23 day(s)			
				Santa Maria Capua Vetere District Court, R.G. 7733/2013, 16/09/2013	16/09/2013	pending More than 10 year(s) and 20 day(s)			
				Santa Maria Capua Vetere District Court, R.G. 7734/2013, 24/10/2013	24/10/2013	pending More than 9 year(s) and 11 month(s) and 12 day(s)			
				Santa Maria Capua Vetere District Court, R.G. 7725/2013, 29/07/2013	09/12/2013	pending More than 9 year(s) and 9 month(s) and 27 day(s)			
				Santa Maria Capua Vetere District Court, R.G. 7729/2013, 29/07/2013	09/12/2013	pending More than 9 year(s) and 9 month(s) and 27 day(s)			
				Santa Maria Capua Vetere District Court, R.G. 7771/2013, 23/09/2013	23/12/2013	pending More than 9 year(s) and 9 month(s) and 13 day(s)			

NACCA AND OTHERS v. ITALY JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	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 per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
				Santa Maria Capua Vetere District Court, R.G. 7730/2013, 17/09/2013	10/01/2014	pending More than 9 year(s) and 8 month(s) and 26 day(s)			
3.	8093/23 08/02/2023	Domenico MATURO 1957	Ferrara Alessandro Benevento	Benevento District Court, R.G. 32/05, 03/03/2005	28/02/2014	pending More than 9 year(s) and 7 month(s) and 8 day(s)	Consorzio di bonifica della Valle Telesina Payment for professional services	9,600	250
4.	8103/23 08/02/2023	Luigi TRAVAGLIONE 1955	Ferrara Alessandro Benevento	Benevento District Court, R.G. 7520/06, 26/05/2013	26/05/2013	pending More than 10 year(s) and 4 month(s) and 10 day(s)	Consorzio di bonifica della Valle Telesina Payment for professional services	9,600	250