



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

FIRST SECTION

**CASE OF RUMMO MOLINO & PASTIFICIO S.P.A. v. ITALY**

*(Application no. 7133/09)*

JUDGMENT

STRASBOURG

18 January 2024

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



**In the case of Rummo Molino & Pastificio S.p.a. 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 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 24 January 2009.

2. The applicant company was represented by Mr G. Romano, a lawyer practising in Benevento.

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

## THE FACTS

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

5. The applicant company complained of the non-enforcement of a domestic decision. It also raised other complaints under the provisions of the Convention.

## THE LAW

### I. THE GOVERNMENT’S REQUEST TO STRIKE OUT THE APPLICATION UNDER ARTICLE 37 § 1 OF THE CONVENTION

6. The Government submitted a unilateral declaration proposing to pay a lump sum covering any and all damage as well as the legal costs and expenses sustained by the applicant company and invited the Court to strike the case out of its list of cases.

7. The applicant company disagreed with the terms of the declaration, arguing that the amount of compensation was insufficient, and that the Government had not undertaken to enforce the domestic judgment.

8. Having studied the terms of the Government’s unilateral declaration, the Court considers that the amount of compensation proposed does not constitute adequate and sufficient redress for the alleged violations of the applicant’s rights under the Convention, given that it is substantially lower

than the amount the applicant company ought to receive by virtue of the domestic judgment at issue (see *Bursa Barosu Başkanlığı and Others v. Turkey*, no. 25680/05, § 133, 19 June 2018). In addition, the judgment in question has not yet been fully enforced. The Court thus considers that the proposed declaration does not provide a sufficient basis for concluding that respect for human rights as defined in the Convention and the Protocols thereto does not require the Court to continue its examination of the case (Article 37 § 1 *in fine*). That being so, the Court rejects the Government's request to strike the application out and will accordingly pursue its examination of the admissibility and merits of the case (see *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, § 75, ECHR 2003-VI).

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

9. The applicant company complained principally of the non-enforcement of a domestic decision given in its favour. It relied on Article 6 § 1 of the Convention.

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

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 decision in the applicant company's favour.

13. 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

14. The applicant company also complained under Article 1 of Protocol No. 1 about the non-enforcement of the same final domestic judgment, which

also raised issues under the Convention, given the relevant well-established case-law of the Court (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. Having examined all the material before it, the Court concludes that it also discloses a violation of the Convention in the light of its findings in the above cited case of *Ventorino*.

#### IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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 sum indicated in the appended table.

16. 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. *Rejects* the Government's request to strike the application out of the list on the basis of the unilateral declaration;
2. *Declares* the application admissible;
3. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the non-enforcement of the domestic decision in the applicant company's favour;
4. *Holds* that there has been a violation of Article 1 Protocol No. 1 as regards the other complaint raised under the well-established case-law of the Court (see appended table);
5. *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;
6. *Holds*
  - (a) that the respondent State is to pay the applicant company, 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 amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

RUMMO MOLINO & PASTIFICIO S.P.A. v. ITALY JUDGMENT

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

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 registration	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	Case-law	Other complaints under well-established case-law	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
7133/09 24/01/2009	<b>RUMMO MOLINO &amp; PASTIFICIO S.P.A. 1935</b>	Romano Giovanni Benevento	Naples District Court, R.G. 4965/1987, 17/11/2000	17/11/2000	pending More than 22 year(s) and 10 month(s) and 19 day(s)	<i>C.E.B. Consorzio Edilizia Benevento</i>  Payment of compensation for the occupation and expropriation of the applicant company's land	<i>Arnaboldi v. Italy</i> , no. 43422/07, 14 March 2019	Prot. 1 Art. 1 - lack of or delayed payment of a debt by State authorities	9,600	250

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<sup>1</sup> Plus any tax that may be chargeable to the applicant.

<sup>2</sup> Plus any tax that may be chargeable to the applicant.