



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

FIRST SECTION

CASE OF ROMANO AND OTHERS v. ITALY

*(Applications nos. 25191/22 and 3 others –
see appended list)*

JUDGMENT

STRASBOURG

20 March 2025

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

In the case of Romano and Others v. Italy,

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

Georgios A. Serghides, *President*,

Frédéric Krenç,

Alain Chablais, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 27 February 2025,

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 of domestic decisions. The applicants started enforcement proceedings which were declared inadmissible by the domestic courts because the local municipalities had initiated the multi-year financial rebalancing procedure (*procedura di riequilibrio finanziario pluriennale*) provided for by Article 243-*bis* of Legislative Decree no. 267/2000, also known as “pre-insolvency” procedure (*pre-dissesto*). The applicants argued that the approval by the municipalities of the multi-year financial rebalancing plan (*piano di riequilibrio finanziario pluriennale*) provided for by Article 243-*quater* of Legislative Decree no. 267/2000 rendered the domestic decision *de facto* unenforceable. Pending proceedings before the Court, domestic authorities only fully paid the relevant sums to the applicants in application no. 25191/22. The applicants also raised other complaints under the Convention and its Protocols.

RELEVANT LEGAL FRAMEWORK

5. The domestic law and practice concerning the insolvency procedure applying to a local authority are to be found in the Court’s judgment in the case of *De Luca v. Italy*, no. 43870/04, 24 September 2013.

6. Law Decree no. 174/2012 amended Legislative Decree no. 267/2000 (*Testo unico delle leggi sull’ordinamento degli enti locali*), introducing the

multi-year financial rebalancing procedure (*procedura di riequilibrio finanziario pluriennale*), also known as “pre-insolvency” procedure (*pre-dissesto*), for municipalities and provinces that are in a situation of structural budget imbalance that may lead to their insolvency. The procedure is aimed at preventing those municipalities and provinces in financial distress to resort to the insolvency procedure provided for by Articles 244 and seq. of Legislative Decree no. 267/2000.

7. The “pre-insolvency” procedure is initiated by the local authority, which is responsible for the definition of the rebalancing plan and for the adoption of all the necessary measures. All enforcement procedures against the local authority are suspended from the date on which the decision to resort to the pre-insolvency procedure is taken, till the date on which the multi-year financial rebalancing plan is adopted by the regional control section of the Court of Audit. Once the plan is adopted, the measures are carried out under the supervision of the Court of Audit, without the involvement of an extraordinary liquidation committee.

8. The procedure is governed by Article 243-*bis* and seq. of Legislative Decree no. 267/2000, as introduced by Law Decree no. 174 of 10 October 2012 and converted into Law no. 213 of 7 December 2012 and subsequent amendments, which read as follows:

Article 243-*bis*

Multi-year financial rebalancing procedure

(1) The municipalities and provinces for which ... there are structural imbalances capable of causing financial distress ... can resort to the multi-year financial rebalancing procedure adopted with council resolution envisaged by this article.

(2) The decision to appeal to the multi-year financial rebalancing procedure is sent, within 5 days from the date of execution to the competent regional section of the Court of Audit and to the Ministry of the Interior.

(...)

(4) The enforcement procedures undertaken against the local authority are suspended from the date of the decision to resort to the multi-year financial rebalancing procedure up to the date of approval or refusal to approve the multi-year rebalancing plan referred to in article 243-*quater*, paragraphs 1 and 3.

(5) The council of the local authority, within the peremptory deadline of ninety days from the date of execution of the resolution referred to in paragraph 1, approves a multi-year financial rebalancing plan (...)

Article 243-*quater*

**Examination of the multi-year financial rebalancing plan
and monitoring of its implementation**

(1) Within ten days of the date of the resolution referred to in article 243 bis, paragraph 5, the multi-year financial rebalancing plan is sent to the competent regional control section of the Court of Audit, as well as to the Commission referred to in article 155- *bis*, which, within a period of sixty days from the date of receipt of the multi-year

rebalancing plan, carries out the necessary investigation ... At the end of the investigation, the Commission draws up a final report ... which is sent to the regional control section of the Court of Auditors.

(...)

(3) The regional control section of the Court of Audit, within a period of thirty days from the date of receipt of the multi-year rebalancing plan and the document referred to in the paragraph, decides on the approval or dismissal of the plan, assessing its congruence for the purposes of rebalancing. In the event of approval of the plan, the Court of Audit supervises its execution (...).

THE LAW

I. JOINDER OF THE APPLICATIONS

9. 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 IN RELATION TO NON-ENFORCEMENT

10. The applicants complained mainly of the non-enforcement or delayed enforcement of the favourable domestic decisions. They relied, expressly or in substance, on Article 6 § 1 of the Convention.

11. 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).

12. 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*, cited above, the Court already found a violation in respect of issues similar to those in the present case.

13. 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.

14. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION IN RELATION TO ACCESS TO COURT

15. The applicants raised another issue over the denial of access to court under Article 6 § 1 of the Convention, given the relevant well-established case-law of the Court (*De Luca*, cited above).

16. The Government did not submit any observations in this regard.

17. The Court already found a violation on the impossibility for the applicant to bring enforcement proceedings against a municipality which was declared insolvent according to the parameters set in Legislative Decree no. 267/2000 (see *De Luca*, cited above). Taking into account the legal framework mentioned above and for the reasons below, the Court sees no reason to reach a different conclusion in the present case.

18. The Court notes that, within the meaning of Article 243-bis of Legislative Decree no. 267/2000, no enforcement proceedings could be initiated or continued against the municipalities once the decision to resort to the “pre-insolvency” procedure had been taken.

19. The Court notes that the prohibition against initiating or continuing enforcement proceedings against the municipality remains in force until the approval of the multi-year financial rebalancing plan, thus until a future date which is dependent on the activity of an independent administrative body. Hence, since the time-limits set by Legislative Decree no. 267/2000 are not binding on the authorities, the swiftness of the proceedings before the latter remain entirely outside of the applicants’ control or influence (see *De Luca*, cited above), as happened in the present case.

20. For these reasons, 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 there has been a breach of Article 6 § 1 of the Convention in relation to the applicants’ right of access to court (see, *mutatis mutandis*, *De Luca*, cited above).

IV. REMAINING COMPLAINTS

21. In light of the foregoing, the Court also considers that it is not necessary to examine separately the applicants’ complaints under Article 13 of the Convention, raised in application no. 7016/23, and under 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 that regard.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. Regard being had to the documents in its possession and to its case-law (see, in particular, *Ventorino*, *De Trana*, *Nicola Silvestri*, *Antonetto*,

and *De Luca*, all cited above), the Court considers it reasonable to award the sums indicated in the appended table.

23. The Court further notes that the respondent State has an outstanding obligation to enforce the judgments which remain enforceable in applications nos. 7016/23, 27961/23 and 780/24.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints under Article 6 § 1 of the Convention about the non-enforcement or delayed enforcement of domestic decisions and restrictions on the applicants' right of access to a court admissible and *finds* that it is not necessary to examine separately the remaining complaints raised by the applicants;
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 and the limitation on the applicants' right of access to a court;
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 20 March 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Georgios A. Serghides
President

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APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(non-enforcement or delayed enforcement of domestic decisions and limitation on the applicant's right of access to court)

No.	Application no. Date of introduction	Applicant's name Year of birth: Year of birth/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	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
1.	25191/22 29/04/2022	Giovanni ROMANO 1953 Annantonia ROMANO 1967	Romano Giovanni Benevento	Tribunal of Benevento, R.G. 4978/2015, 16/09/2015	16/09/2015	06/12/2022 7 year(s) and 2 month(s) and 21 day(s)	Municipality of Naples, payment of lawyer fees (<i>avvocato antistatario</i>).	1,916	250
2.	7016/23 27/01/2023	Giovanni ROMANO 1953 Carlo SOMMA 1954	Romano Giovanni Benevento	Justice of Peace of Avellino R.G. 2979/21, 10/11/2021	10/11/2021	pending More than 3 year(s) and 25 day(s)	Municipality of Avellino, payment of lawyer fees (<i>avvocato antistatario</i>).	350	250
3.	27961/23 30/06/2023	COOPERATIVA SOCIALE LA MONGOLFIERA 1986	Ferraro Massimo Benevento	Tribunal of Naples, R.G. 17687/2013, 20/09/2013	14/01/2014	pending More than 10 year(s) and 10 month(s) and 21 day(s)	Municipality of Naples. Payment of professional services.	9,600	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: Year of birth/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	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
4.	780/24 13/12/2023	BANCA SISTEMA S.P.A. 1999	Verri Francesco Crotone	Tribunal of Trani, R.G. 5597/2020, 09/12/2020	09/12/2020	pending More than 3 year(s) and 11 month(s) and 26 day(s)	Municipality of Andria. Payment due on the basis of credit acquisition.	6,200	
				Tribunal of Trani, R.G. 5336/2020, 19/01/2021	19/01/2021	pending More than 3 year(s) and 10 month(s) and 16 day(s)			
				Tribunal of Trani, R.G. 4830/2020, 29/10/2020	28/01/2021	pending More than 3 year(s) and 10 month(s) and 7 day(s)			
				Tribunal of Trani, R.G. 2318/2021, 06/05/2021	15/06/2021	pending More than 3 year(s) and 5 month(s) and 20 day(s)			
				Tribunal of Trani, R.G. 2322/2021, 06/05/2021	23/08/2021	pending More than 3 year(s) and 3 month(s) and 12 day(s)			
				Tribunal of Trani, R.G. 2338/2021, 17/09/2021	15/04/2022	pending More than 2 year(s) and 7 month(s) and 20 day(s)			

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No.	Application no. Date of introduction	Applicant's name Year of birth: Year of birth/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	Amount awarded for non-pecuniary damage per applicant (in euros) ¹	Amount awarded for costs and expenses per application (in euros) ²
				Tribunal of Trani, R.G. 6064/2022, 27/12/2022	27/02/2023	pending More than 1 year(s) and 9 month(s) and 8 day(s)			
				Tribunal of Trani, R.G 4337/2021, 07/04/2023	07/04/2023	pending More than 1 year(s) and 7 month(s) and 28 day(s)			