



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

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FIRST SECTION

Application no. 48834/20
CALABRA MACERI E SERVIZI S.P.A.
against Italy
lodged on 21 October 2020
communicated on 9 September 2026

The applicant is a company operating in the waste collection sector. In 2014 it concluded a contract with a Chinese company for the sale of 15 containers of plastic waste for export to China. In early March 2014, the containers were taken to the Gioia Tauro harbour for shipping to China.

The Customs Agency (*Agenzia delle Dogane*) held the containers pending further investigations, subsequently requesting several additional documents and ordering technical analysis of the waste. The export was ultimately authorised in March 2015. However, in the meantime the Chinese company had terminated the contract due to the delay.

The applicant lodged a claim for damages. At first instance, the Calabria Regional Administrative Court found that the Customs Agency had requested unnecessary documents and tests and upheld the applicant's complaints. However, on 29 April 2020 the Council of State quashed the first instance decision, finding that the domestic authorities had acted diligently and in compliance with their domestic and European obligations aimed at the prevention of crime.

The applicant complains under Article 1 of Protocol No. 1 about the absence of a predetermined procedural sequence for the controls. It argues that, given that its assets had been held for a long time and in the lack of a clear procedural framework, and that the customs authorities had requested superfluous documents, it had suffered an excessive burden.

QUESTIONS

1. Was the interference with the applicant company's possessions based on a sufficiently foreseeable law, within the meaning of Article 1 of Protocol No. 1?

Did it pursue a legitimate aim of general interest?

Taking into account the duration of the hold, the conduct of the customs authorities and the procedural safeguards available to the applicant company, was the interference necessary and proportionate to the aim pursued (see *Shorazova v. Malta*, no. 51853/19, § 113, 3 March 2022)?

2. Did the applicant take all reasonable measures to prevent or reduce damages, by protecting his contractual position towards the Chinese company?