



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

FIRST SECTION

DECISION

Application no. 30389/24
Carmine FARINA
against Italy
(see appended table)

The European Court of Human Rights (First Section), sitting on 17 September 2026 as a Committee composed of:

Frédéric Krenc, *President*,

Davor Derenčinović,

Alain Chablais, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 14 October 2024,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicant was represented by Mr M. Pagliuca, a lawyer practising in Avellino.

The applicant’s complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention concerning the non-enforcement of domestic decisions were communicated to the Italian Government (“the Government”).

Following the communication of the applicant’s complaints to the Government, the latter submitted that the applicant had first notified the final judgments listed in the appended table to the debtor municipality on 4 September 2023, requesting payment of the sums due.

THE LAW

In their observations, the Government asked that the application should be declared inadmissible as manifestly ill-founded, arguing that the applicant's claims had become time-barred as a result of the expiry of the ten-year limitation period prescribed by Article 2953 of the Italian Civil Code, which applies to rights confirmed by a final judgment where the law would otherwise prescribe a shorter limitation period. The Government submitted that the applicant had remained inactive between 2012, the year in which the majority of the final judgments in question were delivered (a full list of which is set out in the appended table), and 4 September 2023, when he had first notified the debtor municipality of those judgments and had requested payment of the sums due. The Government further argued that the sums awarded under one of the final judgments listed in the appended table (Justice of the Peace of Naples, R.G. no. 16184/12, 22 June 2012) had already been paid on 6 October 2017, and that no amounts were due to the applicant in respect of another judgment (Justice of the Peace of Naples, R.G. no. 14197/12, 20 June 2012), as the applicant had not represented the parties to those proceedings.

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the applicant's complaints about the non-enforcement of the final judgments are inadmissible.

The Court notes at the outset that the Government's objection that no sums were owed to the applicant under the decision of the Justice of the Peace of Naples, R.G. no. 14197/12, of 20 June 2012 finds no support in the case file and must therefore be dismissed.

As regards the decision of the Justice of the Peace of Naples, R.G. no. 16184/12, of 22 June 2012, the Court observes that, according to the Government's observations, the respondent State has already settled the amounts due by payment of 6 October 2017. The applicant did not comment on the Government's objection. The Court observes that the application was lodged on 14 October 2024, that is, outside the four-month time-limit laid down in Article 35 § 1 of the Convention. It follows that the application must be rejected as inadmissible pursuant to Article 35 §§ 1 and 4 of the Convention.

As regards the Government's objection that the applicant's claims become time-barred as a result of the expiry of the ten-year limitation period prescribed by Article 2953 of the Civil Code, the Court notes at the outset that a person who has obtained a judgment against the State may not be expected to bring separate enforcement proceedings (see *Metaxas v. Greece*, no. 8415/02, § 19, 27 May 2004). The burden to ensure compliance with a judgment against the State lies with the State authorities, starting from the date on which the judgment becomes binding and enforceable (see *Burdov v. Russia* (no. 2), no. 33509/04, § 69, ECHR 2009).

At the same time, the Court has accepted that a successful litigant may be required to take certain procedural steps in order to recover a judgment debt (see *Bozza v. Italy*, no. 17739/09, § 45, 14 September 2017, with further references, and *Shvedov v. Russia*, no. 69306/01, § 32, 20 October 2005). This may include duly notifying the competent State authority of the judgment to enable it to take all necessary measures to ensure compliance (see *Akashev v. Russia*, no. 30616/05, § 21, 12 June 2008).

Turning to the present case, the Court observes that the final judgments marked by an asterisk in the appended table were issued between May 2012 and January 2013. According to the Government's observations, which have not been disputed by the applicant, the latter only notified the debtor municipality of the judgment debts on 4 September 2023, that is, after the expiry of the ten-year limitation period provided for in Article 2953 of the Civil Code. The applicant did not offer any explanation capable of justifying why he had remained passive for such a lengthy period without taking any reasonable steps to secure the execution of the judgments in his favour.

The Court considers that the time-limit prescribed by law for seeking the enforcement of a judicial decision constitutes a legitimate restriction which, in itself, does not infringe the right to have a judgment enforced within a reasonable time (see, *inter alia*, *Gadzhikhanov and Saukov v. Russia*, nos. 10511/08 and 5866/09, §§ 27-30, 31 January 2012, and *Caito and Others* (dec.) [Committee], nos. 30788/18 and 2 others, 21 May 2024, with further references). Furthermore, the ten-year period provided for by Article 2953 of the Civil Code does not appear to be unreasonable or impossible to comply with. It affords the holder of an enforceable title sufficient time to pursue its enforcement while serving the legitimate aim of legal certainty.

In the absence of any explanation by the applicant for his inactivity over such a prolonged period, the defendant State cannot be held responsible under the Convention for the non-enforcement of the judgments marked by an asterisk in the appended table.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

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Done in English and notified in writing on 8 October 2026.

Viktoriya Maradudina
Acting Deputy Registrar

Frédéric Krenç
President

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APPENDIX

Application raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention
(non-enforcement or delayed enforcement of domestic decisions)

Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Domestic court order
30389/24 14/10/2024	Carmine FARINA 1973	Justice of the Peace of Naples, R.G. 16183/12, 25/05/12* Justice of the Peace of Naples, R.G. 14197/2012, 20/06/2012* Justice of the Peace of Naples, R.G. 16192/12, 20/06/2012* Justice of the Peace of Naples, R.G. 16184/12, 22/06/2012 Justice of the Peace of Naples, R.G. 22779/12, 27/06/2012* Justice of the Peace of Naples, R.G. 18738/12, 17/07/2012* Justice of the Peace of Naples, R.G. 14851/12, 31/07/2012* Justice of the Peace of Naples, R.G. 16939/12, 21/11/2012* Justice of the Peace of Naples, R.G. 18733/12, 21/11/2012* Justice of the Peace of Naples, R.G. 53336/12, 30/11/2012* Justice of the Peace of Naples, R.G. 16182/12, 08/01/2013*	Municipality of Naples Payment of legal representation fees (<i>avvocato antistatario</i>)