



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

FIRST SECTION

DECISION

Application no. 17925/20
Assunta FERRACANE
against Italy

The European Court of Human Rights (First Section), sitting on 24 September 2026 as a Committee composed of:

Erik Wennerström, *President*,

Raffaele Sabato,

Alain Chablais, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the application (no. 17925/20) 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 21 March 2020 by an Italian national, Ms Assunta Ferracane (“the applicant”), who was born in 1946, lives in Muro Lucano and was represented by Mr S. Pagliuca, a lawyer practising in Muro Lucano;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

A. Facts of the case

1. The application concerns an alleged violation of the applicant’s rights of access to a court and to a hearing within a reasonable time.

2. On 19 September 2007 the Italian national electricity company (ENEL) appealed against a decision of the Bella Justice of the Peace awarding the applicant 150 euros (EUR) in compensation in respect of non-pecuniary damage for the inconvenience caused by a nationwide electricity blackout on 28 September 2003.

3. During the appeal proceedings before the Potenza District Court, the applicant asserted that she had never instituted the original proceedings and that the signature appearing on a power of attorney attached to the first-

instance claim had been forged. Following a forgery challenge (*querela di falso*), the District Court declared, by judgment no. 1144/2015 of 18 November 2015, that the signature had been forged and that the first-instance proceedings and judgment had no legal effect.

4. The applicant subsequently applied for compensation under Law no. 89/2001 (“the Pinto Act”) on account of the excessive length of the appeal proceedings. Her claim was dismissed by the Potenza Court of Appeal in 2017, and her subsequent objection was likewise rejected. On 29 October 2019 the Court of Cassation dismissed her appeal, holding that the domestic courts had correctly considered the dispute in the principal action – that is, an award of EUR 150 in respect of non-pecuniary damage – to be negligible in accordance with Section 2, paragraph 2 *sexies*, point (g) of the Pinto Act. Contrary to the applicant’s assertions, it was found that the case concerned solely the above-mentioned compensation claim and did not extend to her alleged wrongful involvement in the proceedings initiated on the basis of the forged power of attorney, nor the associated risk of being required to repay the compensation previously awarded to her by the Justice of the Peace to her lawyer, a risk considered to be manifestly ill-founded under domestic law.

5. Relying on Article 6 § 1 of the Convention, the applicant complained of the excessive length of the civil proceedings and of a restriction on her right of access to the domestic courts owing to the application of the above-mentioned provision of the Pinto Act.

B. Relevant domestic law

6. The relevant domestic law and case-law concerning the Pinto Act is set out in *Cocchiarella v. Italy* ([GC], no. 64886/01, §§ 23-31, ECHR 2006-V). The Pinto Act was subsequently amended in 2012 (Decree-Law no. 83 of 2012, converted into Law no. 134 of 7 August 2012) and 2015 (section 1, paragraph 777, of Law no. 208 of 28 December 2015).

7. The relevant provision of the Pinto Act, following the above-mentioned amendments, states as follows:

Section 2 (Right to fair compensation)

“2 *sexies* The disadvantage resulting from the unreasonable length of proceedings is presumed not to exist, unless proved otherwise, in the following cases:

[...]

(g) the triviality of the allegation or the value of the claim is negligible, taking into account the personal circumstances of the litigant.

THE COURT'S ASSESSMENT

8. The Court reiterates that, pursuant to Article 35 § 3 (b) of the Convention, as amended by Protocol No. 15, an application may be declared inadmissible if the applicant has not suffered a significant disadvantage. In line with its usual approach the Court observes that the question whether an alleged violation reaches a minimum threshold of seriousness depends, firstly, on whether the applicant has suffered a “significant disadvantage” and, secondly, on whether respect for human rights as defined in the Convention and the Protocols thereto requires an examination of the application on the merits.

9. In answering the first question, the Court has previously held that this criterion applies where, notwithstanding a potential violation of a right from a purely legal point of view, the level of severity attained does not warrant consideration by an international court (see, *Ionescu v. Romania* (dec.), no. 36659/04, 1 June 2010; *Korolev v. Russia* (dec.), no. 25551/05, ECHR 2010; and *Gaftoniuc v. Romania* (dec.), no. 30934/05, 22 February 2011). In order to assess the seriousness of the breach, the Court relies on several factors, including the nature of the right allegedly infringed, the extent of the impact of the violation, and the potential consequences for the applicant's personal circumstances. The subject matter of the domestic proceedings and the outcome of the proceedings may also be taken into account in this assessment (see *Giusti v. Italy*, no. 13175/03, § 34, 18 October 2011).

10. In this connection, the Court observes that the domestic legal system has a certain margin of appreciation in establishing conditions and thresholds governing access to remedies. That approach is further reinforced by Protocol No. 15 to the Convention, which removed the requirement that the case must have been duly considered by a domestic tribunal. As indicated in paragraph 23 of the Explanatory Report to Protocol No. 15, that amendment was intended to strengthen the application of the principle of *de minimis non curat praetor*. The Court therefore notes the introduction, at domestic level, of a mechanism enabling the domestic courts to presume the non-existence of a significant disadvantage resulting from the unreasonable length of proceedings in cases where the value of the claim is negligible, taking into account the personal circumstances of the litigant, and it is prepared to accept the domestic court's assessment that a violation does not reach the requisite level of seriousness, unless respect for human rights as defined in the Convention and the Protocols thereto requires an examination of the application on the merits.

11. From this perspective, the Court observes that provisions such as Section 2, paragraph 2 *sexies*, point (g), of the Pinto Act may be understood as transposing into national law the admissibility criterion in question, in so far as it identifies situations in which the absence of a significant disadvantage resulting from the excessive length of proceedings may be presumed. The

Court emphasises that, in accordance with its case-law, such a presumption is *expressis verbis* rebuttable.

12. The Court further notes that, in accordance with its case-law, claims amounting to approximately EUR 500 have been considered insufficient to disclose a “significant disadvantage” (see, *inter alia*, *Bartolo v. Malta*, no. 40761/19, 7 September 2021; *Bazelyuk v. Ukraine* (dec.), no. 49275/08, 27 March 2012; and *Kiousi v. Greece* (dec.), no. 52036/09, 20 September 2011). This confirms that pecuniary claims amounting only to several hundreds of euros may, in the absence of particular circumstances, fall below the threshold of significance required under Article 35 § 3 (b) of the Convention. Such an assessment remains, however, context-dependent and cannot be reduced to a purely arithmetic threshold. Indeed, a violation of the Convention may concern important questions of principle and result in a significant disadvantage without affecting a pecuniary interest, for example in cases concerning labour law, civil status and capacity, pensions, or an individual’s health or life.

13. Turning to the present case, the Court highlights that the main proceedings concerned a claim for damages following a power outage, in which the first-instance court awarded the applicant EUR 150 in compensation in respect of non-pecuniary damage. Although the applicant subsequently challenged the authenticity of the power of attorney, obtaining a declaration that the signature had been forged and a finding that the first-instance proceedings had no legal effect, the present application does not concern those matters or the consequences thereof. It relates exclusively to the refusal to award compensation under the Pinto Act. In this context, the Court notes that the value of the claim in the main proceedings was negligible and that the applicant’s claim was ultimately successful. Moreover, there is no evidence that her financial circumstances were such that the refusal to award compensation for the excessive length of the proceedings would have had a significant effect on her personal life (see, *Ionescu*, § 35, and *Kiousi*, both cited above). The issues raised therefore remain confined to the domestic courts’ assessment of the significance of the main proceedings for the purposes of the national compensation scheme (compare, *Cecchetti v. San Marino* (dec.), no. 40174/08, §§ 28-33, 9 April 2013, and *Rooney v. Ireland* [Committee] (dec.), no. 6870/18, §§ 32-33, 17 March 2020).

14. The second element contained in Article 35 § 3 (b) nonetheless compels the Court to examine the case if respect for human rights so requires. This would apply where a case raises questions of a general character affecting the observance of the Convention, for instance whether there is a need to clarify the States’ obligation under the Convention or to induce the respondent State to resolve a structural deficiency. In that regard, the Court points to the plethora of judgments and decisions delivered in cases concerning the length of civil proceedings (see *Cocchiarella*, cited above).

15. Having regard to the nature of the dispute, its limited practical impact, and the absence of an established significant disadvantage, the Court concludes that the present case does not disclose any serious questions of principle or any structural issues warranting further scrutiny. An examination on the merits of the present complaint would add nothing of significance to the existing body of case-law. Consequently, respect for human rights, as defined in the Convention and the Protocols thereto, does not require an examination of this application on its merits.

16. It follows that the application must be declared inadmissible on the grounds that the applicant has not suffered a significant disadvantage within the meaning of Article 35 §§ 3 (b) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 15 October 2026.

Liv Tigerstedt
Deputy Registrar

Erik Wennerström
President