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Date: 28/04/2025

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Meeting: 1531st meeting (June 2025) (DH)

Communication from the applicant (17/04/2025) in the case of Banca sistema S.p.a. v. Italy (Application No. 31795/23) (Pennino group).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1531^e réunion (juin 2025) (DH)

Communication du requérant (17/04/2025) relative à l'affaire Banca sistema S.p.a. c. Italie (requête n° 31795/23) (groupe Pennino) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Rome, 4.15.2025

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Object: Comunication under Article 15 of the "Rules for the supervision of the execution of judgments and of the terms of friendly settlements" of the Committee of Ministers. **Non-execution of the ECHR judgement Banca Sistema S.p.A. v. Italia of 16th January of 2025 in the proceedings no. 31795/2023.**

Dear Sirs,

before kindly addressing the Committee of Ministers, **we asked the Italian Authorities to implement, within the given deadline of 90 days, the aforementioned ECHR judgement Banca Sistema S.p.A. v. Italia of 16th January of 2025 pronounced in the proceedings no. 31795/2023 (see attached documents nos. 1 and 2) in the part where the Court ordered Italy to ensure the enforcement of domestic outcomes against the Comune di Catania which have not been executed.**

Nevertheless, **our initiative was unsuccessful** and we have also received no response as to *whether* and *when* the Italian Government will comply with the cited ECHR outcome.

Consequently, as the Italian Government has failed to comply with the article 46 of the European Convention on Human Rights, **we therefore kindly ask the Committee of Ministers to urge Italy to implement the ECHR Banca Sistema S.p.A. v. Italy judgment in question adopting**, under Article 16 of its "Rules for

the supervision of the execution of judgments and of the terms of friendly settlements”, an interim resolution appropriate to the case.

Infact, the delay in the execution of such outcome is causing to the injured party the inadmissible persistence of the violations of the human rights infringed by Italy which led the Court to decide favorably on the application.

Moreover, **the mentioned case and the last reports of the Committee of Ministers** about the non-execution of other similar judgments **reveal a systemic problem** in relation to the Article 4 of the Rules of the Committee of Ministers: **essentially Italy refuses to respect the the decisions of the Court.**

This very serious position, that calls into question the roots of the relationship between Italy and the Convention and between Italy and ECHR, suggest that we ask for the Committee of Ministers **to adopt the enhanced procedure of supervision of the execution of the aforementioned judgement.**

Please, do not hesitate to contact me for any further information or communication.

Kind regards.

Avv. Luca Pardo



Avv. Francesco Verri

