

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 01/06/2018

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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1318th meeting (June 2018) (DH)

Communication from the applicant (31/05/2018) in the case of *Talpis v. Italy* (Application No. 41237/14) (Appendices in Italian are available upon request at the Secretariat).

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 : 1318^e réunion (juin 2018) (DH)

Communication du requérant (31/05/2018) dans l'affaire *Talpis c. Italie* (Requête n° 41237/14)
[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.

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Rome, 31 May 2018

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DGI

31 MAI 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Secretariat of the Committee of Ministers

Council of Europe

Avenue de l'Europe

67075 Strasbourg Cedex

France

Re: 1318th meeting (June 2018) of the Committee of Ministers concerning the case of *Talpis v. Italy*, application n. 41237/14, judgment of 2 March 2017, which became final on 18/09/2017.

To the attention of the Committee of Ministers of the Council of Europe

Dear Sirs/Madams,

in accordance with 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 adopted on 10 May 2006, we, the undersigned lawyers of the court of Rome **Concetta Carrano and Sara Menichetti**, hereby declare and attach what follows in the interest of Ms Elisaveta Talpis, who is the applicant in the present case.

As per the proxy conferred by means of power of attorney signed by Ms Elisaveta Talpis on **20 May 2014**, we have jointly represented and defended the applicant before the European Court of Human Rights throughout all stages of the proceedings:

- during the initial stage, when the case was studied;
- during the stage when the application was filed as per art. 34 of the European Convention on Human Rights;
- during the stage concerning the party's observations;

- during the final execution stage.

As it is evident also in the judgment passed by the First Chamber of the European Court of Human Rights on 2 March 2017, which became final on 18/09/2017, the applicant is defended by both of us. On **2 October and 15 November 2017** this was pointed out also to the Ministry of Economy and Finance (**doc. 1 and 2**), who was in charge of payment of the sum due for moral damages and legal costs (**doc. 3**). However, the Italian national body calculated such amount, and subsequently settled it, taking into account only the taxes (CPA – Italian Lawyers' Social Security Fund, and VAT) owed to just one lawyer (**doc. 4**).

Therefore, the Italian State failed to comply with the provisions of the conviction judgment passed by the European Court of Human Rights, and more specifically:

- it settled only 4% of contributions due to the Italian Lawyers' Fund, arbitrarily presuming that Ms Talpis was represented by just one lawyer;
- it settled only 22% of VAT due to the State, arbitrarily presuming that Ms Talpis was represented by just one lawyer;
- did not settle the 15% of general costs due *ex lege* to both lawyers;
- did not settle operating costs for a total amount of € 1,599.18, paid in advance by Sara Menichetti as dutifully documented during the observations stage.

In light of such questionable payment, we hereby ask the Committee of Ministers to perform any necessary evaluations and to take any relevant decisions accordingly.

We look forward to receiving information on the above matter.

Yours faithfully,

Concetta Carrano



Sara Menichetti

