

SUMMARY

## **ECtHR 17 February 2022, app. no. 46586/14 (D'Amico v. Italy), Pension**

### ***Ms Immacolata Filomena D'Amico – v – Italian Government, Italian case***

#### **Summary**

No sufficiently compelling reason justifying retrospective application of a law determining the substance of pensions disputes in pending proceedings. The ECJ's press release is available [here](#).

#### **Ruling**

The Court, unanimously:

Dismisses the Government's objection that the applicant did not suffer a significant disadvantage;

Joins to the merits the Government's objection that the application is manifestly ill-founded and dismisses it;

Declares the application admissible;

Holds that there has been a violation of Article 6 § 1 of the Convention;

Holds

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts at the rate applicable at the date of settlement:

(i) EUR 9,700 (nine thousand seven hundred euros), plus any tax that may be chargeable, in respect of pecuniary damage;

(ii) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-

pecuniary damage;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

Dismisses the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 17 February 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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**Creator:** European Court of Human Rights (ECtHR)

**Verdict at:** 2022-02-17

**Case number:** 46586/14