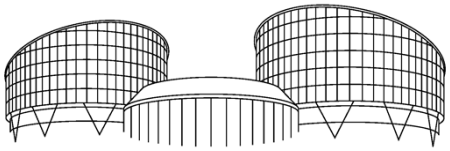

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF L.F. AND OTHERS v. ITALY

(Application no. 52854/18)

JUDGMENT

Art 8 • Positive obligations • Private life • Domestic authorities' failure to take all necessary measures to ensure the effective protection of the applicants' rights in respect of environmental pollution caused by the continuing operation of a foundry near their home in the Salerno municipality (Campania region) • Applicants, living within six kilometres of the plant, more vulnerable to illness due to pollution exposure • Despite tangible effects of post-2016 measures aimed at minimising harmful effects of the foundry's operation, in authorising its continued operation, authorities failed to consider the previous significant harmful effects on the local population from prolonged exposure to pollution • Fair balance between competing interests not struck
Art 46 • Execution of judgment • General measures • Respondent State free to choose means by which to discharge legal obligation under this provision • Applicants' Art 8 complaints could be remedied by duly addressing environmental hazards so that foundry's environmental impact became fully compatible with its location in a residential area • Possible relocation of the plant • Domestic authorities free to use any coercive powers available under domestic law or to negotiate a mutually agreed solution with the company operating the foundry

Prepared by the Registry. Does not bind the Court.

STRASBOURG

6 May 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of L.F. and Others v. Italy,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Erik Wennerström*, President*,
Alena Poláčková,
Georgios A. Serghides,
Raffaele Sabato,
Frédéric Krenc,
Alain Chablais,
Artūrs Kučs*, judges*,
and Ilse Freiwirth, *Section Registrar,*

Having regard to:

the application (no. 52854/18) 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") by 153 Italian nationals ("the applicants" – see appendix) on 3 November 2018;

the decision to give notice to the Italian Government ("the Government") of the complaints concerning Articles 2, 8 and 13 of the Convention and to declare the remainder of the application inadmissible;

the decision not to have the applicants' names disclosed;

the parties' observations;

Having deliberated in private on 25 March 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The main issue in the present case is whether the authorities failed to take protective measures to minimise or eliminate the effects of the pollution allegedly caused by the continuing operation of a foundry near the applicants' home in the municipality of Salerno, in violation of their rights under Articles 2 and 8 of the Convention.

THE FACTS

2. The applicants' personal details are set out in the appendix. They were represented by Mr A. Saccucci, a lawyer practising in Rome.

3. The Government were represented by their Agent, Mr L. D'Ascia, *Avvocato dello Stato*.

4. The facts of the case may be summarised as follows.

I. FONDERIE PISANO & C. S.P.A.

5. Fonderie Pisano ("the company") operates a secondary smelting foundry for ferrous metals with a production capacity of up to 300 tonnes per day ("the plant" or "the foundry").

6. The plant, in operation since 1960, is located in the northern area of the municipality of Salerno (Campania).

7. In the 1963 general land-use plan (*piano regolatore generale*), the area was classified as industrial, with a prohibition on residential development.

8. An urban plan approved on 16 November 2006 (*Piano Urbanistico Comunale* – "the 2006 PUC") deemed the plant "absolutely incompatible" with the surrounding urbanised context (as stated in the environmental report attached to the 2006 PUC) and classified the area as a transformation zone for residential use, subject to the relocation of production activities and the preservation of jobs.

9. Following the adoption of the 2006 PUC, despite no relocation efforts being undertaken, the area was opened for residential development.

10. According to the applicants' latest observations, received by the Court on 12 July 2024, the plant is still in operation. The Government did not dispute this.

II. THE APPLICANTS' SITUATION AND THE EPIDEMIOLOGICAL STUDY

11. The applicants live in the municipalities of Salerno, Pellezzano and Baronissi (Campania), an area located in the Irno Valley. According to the documents submitted by them and not contested by the Government, they all live within six kilometres of the plant, with the exception of the applicants listed in the appendix as nos. 23 and 67, who live considerably further away.

12. In 2016 a group of the applicants, together with other residents, set up an association, Salute e Vita, to represent their collective interests in environmental and health protection. The other applicants joined on various dates. The association has taken several administrative and judicial initiatives to address environment pollution stemming from the plant.

13. On 28 January 2017 both the company and Salute e Vita signed a memorandum of understanding to collaborate with the health authorities in biomonitoring the local population.

14. The impact of the plant's emissions on the health of the local population has been the subject of an epidemiological study (*Studio di Esposizione nella Popolazione Suscettibile* – hereinafter "SPES study" or "epidemiological study") carried out in the territory of the Campania Region by local and national health authorities (including the Southern Italy Experimental Zooprophylactic Institute, the National Institute for Cancer Research and Treatment "G. Pascale" and the National Institute of Health).

15. As stated in the preliminary report of 27 March 2018, the SPES study identified two specific clusters in the territory of the municipalities of Salerno, Pellezzano and Baronissi within a radius of three kilometres from the plant ("Irno Valley 1" and "Irno Valley 2").

16. A group of 400 residents aged between 20 and 49 (out of approximately 9,000) took part in the epidemiological study, including the applicants L.F., P.A., N.B. and C.C.

17. In 2021 the Campania Region published the final report (of April 2021) of the SPES study, which placed the Irno Valley clusters in a medium-impact area for environmental pressure. The study specified that these clusters fell within a macro-area facing critical issues owing to "the presence of industrial plants contributing significantly to the spread of heavy metals and polycyclic aromatic hydrocarbons".

18. The analysis of heavy metals in serum samples taken from volunteers in the Irno Valley clusters revealed that their average mercury levels were approximately five times higher than those of the entire population assessed. The Irno Valley clusters were also associated with higher levels of other heavy metals, including lithium, cadmium, arsenic, chromium, antimony and zinc, and with "a consistent statistical significance" of organic compounds, namely dioxins and furans, DL-PCB (dioxin-like polychlorinated biphenyls) and NDL-PCB (non-dioxin-like polychlorinated biphenyls).

19. The SPES study further specified that data obtained from exposure biomarker analyses were confirmed by effect biomarker analyses. In particular, in medium-impact areas like the Irno Valley clusters, the epidemiological study showed "an interesting increase in oestrogen signalling and thyroid hormone pathways, as well as in the endocrine resistance [pathway]". These results were found to be consistent with the elevated levels of organic compounds detected in the clusters and showed an "enrichment of gene sets involved in metabolic and cancer pathways ... as well as breast cancer, gastric cancer, small and non-small lung cancer, melanoma, cell cycle and p53 signalling".

20. The impact of the plant's emissions on the environment and the health of the local population was subsequently analysed by experts appointed by the national authorities in criminal proceedings (see paragraphs 77-87 below).

III. ADMINISTRATIVE MEASURES AND PROCEEDINGS

A. Environmental authorisations issued prior to 2012

21. In 1998 and 1999 the company was issued a provisional authorisation for air emissions (Campania Region deliberation no. 9983 of 31 December 1998) and an authorisation for the discharge of rainwater into the River Irno (Salerno Province deliberation no. 4529 of 29 April 1999). A procedure for

the issuance of a final authorisation for air emissions was initiated but subsequently suspended and never resumed. In 2008 Salerno Province issued an authorisation for the discharge of wastewater into the River Irno (deliberation no. 35 of 27 February 2008). The validity and scope of these authorisations were challenged in several sets of criminal proceedings (see paragraphs 57, 61 and 65 below).

B. Integrated environmental authorisation of 26 July 2012

22. By Decree no. 149 of 26 July 2012, the Campania Region issued an integrated environmental authorisation (*Autorizzazione Integrata Ambientale* – "the 2012 AIA"), which included a plan for periodic monitoring activities, the applicable "best available techniques" (hereinafter "BAT") for the operation of the plant and a list of the authorised air and water emissions.

23. The validity of the 2012 AIA was challenged in criminal proceedings (see paragraph 65 below).

24. The Regional Agency for Environmental Protection in Campania (*Agenzia Regionale per la Protezione Ambientale della Campania* – "ARPAC") carried out a special inspection at the request of the judicial authorities. In its report of 12 November 2015, it found numerous and serious violations in the operation of the plant, citing a "total absence of the measures required by the BAT", including those relating to the reduction of emissions, which were found to have been "released into the environment, with disturbance to residents in the immediate vicinity of the plant". ARPAC also reported poor maintenance of air emission treatment systems and a lack of action to cope with the significant excess emissions reported in the results of self-monitoring activities. ARPAC also found that the 2012 AIA was "deficient and contradictory" and that the administrative authorities had "not made use of the AIA procedure to impose a substantial improvement in environmental performance on the company".

25. On 19 February 2016 the Campania Region suspended the operation of the plant, which resumed on 9 March 2016. The company was required to put in place several measures and monitoring activities to minimise the effects of pollution on the environment and human health.

26. On 26 April 2016 a further report by ARPAC again showed breaches of the relevant environmental protection regulations, including the fact that the plant had unlawfully discharged wastewater into the River Irno, presenting hydrocarbon emissions above the legislative limits. As to air emissions, ARPAC analyses on 12 and 19 April 2016 showed carbon monoxide levels significantly above the limits set by the 2012 AIA, as well as the presence of aromatic and non-methane hydrocarbons.

27. On 13 May 2016 ARPAC confirmed the results of the above-mentioned analyses, specifying that tests carried out upstream of the outfall showed no exceedance of the legislative limits for pollution, while

tests carried out downstream and at the mouth of the river showed levels of cadmium, lead, copper, tin, zinc and heavy hydrocarbons significantly exceeding legislative limits. Tests also showed that the legislative limits for iron and suspended solids had been exceeded and that metals such as aluminium, manganese and lead had been found in higher concentrations downstream than upstream of the outfall.

28. The operation of the plant was suspended again and resumed on 13 June 2016, after the company complied with the provisional measures required by the administrative authorities.

C. First review of the 2012 AIA

29. Based on the findings of ARPAC's inspections, on 24 March 2016 the Campania Region decided that the 2012 AIA had to be reviewed. It considered, in particular, that the plant was required to undergo major modernisation, including substantial structural modifications and a reassessment of its environmental impact, given its location in a densely populated residential area. The company challenged the decision of 24 March 2016 before the Salerno Section of the Campania Regional Administrative Court (*Tribunale Amministrativo Regionale,* "the TAR") in so far as it subjected the review of the 2012 AIA to a previous environmental impact assessment (*Valutazione di impatto ambientale* – "EIA") supplemented with an impact assessment (*Valutazione di incidenza* – "IA"). Salute e Vita joined the proceedings.

30. The company also filed a request with the Campania Region for a review of the 2012 AIA based on a project to modernise the foundry. After a complex administrative procedure, during which the company filed a second modernisation project for the foundry and several supplements and observations, the Campania Region issued a negative opinion on the environmental impact of the second project (Decree no. 1 of 12 February 2018), ordered the closure of the review procedure (Decree no. 2 of 20 February 2018), revoked the 2012 AIA and ceased the plant's operation, considering the foundry inadequate to guarantee high levels of environmental protection (Decree no. 3 of 22 February 2018). The company challenged these decisions before the RAC, with Salute e Vita again joining the proceedings.

31. On 9 March 2018 the company submitted a third modernisation project for the foundry to the Campania Region. In response to a request filed by the company during pending judicial proceedings, the TAR issued an order, upheld by the *Consiglio di Stato*, suspending the effects of the Campania Region's decisions as a precautionary measure. The Campania Region consequently reopened the review procedure to assess the company's third project and continued to monitor the plant's compliance with the 2012 AIA.

32. Following new inspections carried out by ARPAC between July and October 2018, which reported that there was still a risk of environmental damage related to violations of the BAT, the Campania Region ordered the company to comply with the conditions set out in the 2012 AIA and suspended the operation of the plant (decision no. 621819 of 4 October 2018). The company challenged this decision before the TAR, which, as a preventive measure, ordered the Campania Region to identify the specific measures the company should put in place to resume operation.

33. On 17 January 2019, after the company put in place transitional organisational measures to improve the environmental performance of the plant, the Campania Region authorised it to resume operation.

34. ARPAC inspections carried out in July and October 2019 found that the transitional measures had largely been complied with, in particular because the plant had scaled down its production levels to reduce emissions by operating at a lower capacity. Moreover, the authorised emission limits had not been exceeded (report of 14 November 2019). ARPAC specified, however, that "given the context in which the plant [was] located, it [was] reasonable to deduce that even if the emissions compl[ied] with the limits set for each parameter, their total amount [was] not marginal and contribute[d], together with other existing emissions, to creating the conditions that cause[d] the nuisances referred to in the numerous complaints (for example odours and dust)".

35. As part of the assessment of the company's third project, the Campania Region announced on its official website that it was reopening the review procedure. A copy of the new project was made available to the public for thirty days at the competent local office.

36. The Campania Region decided that the project should be subject to an IA (decision no. 35439 of 17 January 2019). The company and Salute e Vita challenged this decision before the TAR.

37. By a judgment no. 2254 of 24 December 2019, the TAR joined their applications and allowed the complaints raised by the company in part. It observed that the Campania Region's decision to review the 2012 AIA was legitimate since it was based on the report of 12 November 2015 whereby ARPAC had found the 2012 AIA inadequate to guarantee effective environmental protection. It further held, however, that in starting the review procedure, the Campania Region had unlawfully decided that any project submitted by the company for that purpose should be subject to an EIA supplemented with an IA. The TAR observed, in this regard, that under the relevant legal framework, the project should have been screened to assess whether the proposed modifications to the existing plant were likely to have a significant negative environmental impact and, only if so, should it have been subject to an EIA integrated with an IA.

38. The TAR specified that, in any event, the subject of an EIA and IA would not be the plant in its current form, but the plant as it would be as a

result of the proposed modifications. As to the possible outcomes of the environmental compatibility assessment, the TAR considered that a balance (*punto di equilibrio*) had to be struck between the competing interests of continued commercial activity and environmental protection. In particular, the administrative authorities were called upon to identify the best available solutions to mitigate the environmental impact. At the same time, the company's legitimate expectations prevented the administrative authorities from imposing the relocation of the plant. The TAR also stated that the company could not be required to comply with environmental protection constraints which had been introduced when the plant already existed.

39. As to the fact that, after the creation of the plant, the surrounding area had been opened for residential development, the TAR admitted that it was "quite surprising" ("*stupisca non poco*") that "in a modern and complex legal system [providing] several legal tools to reconcile the opposing interests of production property and to pursue the orderly and harmonious development of the territory" the urbanisation of an industrial area could have actually taken place.

40. The TAR reiterated, however, that relocation of the plant could not be imposed on the company, as the so-called "zero option" (namely the decision not to implement a project) was available only for the administrative authorities' assessment of new plants. It added that, consequently, a negative opinion on the environmental compatibility assessment could only be legitimate if it "proposed, in a clear manner, the most suitable solutions for harmonising the existing plant with the surrounding environment". On these grounds, the TAR annulled the negative opinion on the environmental impact of the second project (Decree no. 1 of 12 February 2018) and related Decrees nos. 2 of 20 February 2018 and 3 of 22 February 2018 (see paragraph 30 above).

41. With regard to the assessment of the company's third project, the TAR dismissed the company's complaints concerning the Campania Region's decision to subject the project to an IA, considering that decision legitimately based on the assessment that the foundry, with a productive capacity of up to 300 tonnes of ferrous material per day, could indeed impact the ecosystem of the protected area surrounding the River Irno.

42. With respect to the company's complaints concerning the Campania Region's decisions to order it to comply with the conditions set out in the 2012 AIA and suspend the operation of the plant, the TAR annulled these decisions (see paragraph 32 above) in so far as they did not clearly state the specific measures the company was required to put in place to resume the operation of the plant.

D. 2020 review of the 2012 AIA

43. Following the TAR's judgment no. 2254/2019 (see paragraphs 37 -42 above**)**, the Campania Region (i) gave a favourable opinion on the IA, subject to the modification of the third project to comply with certain technical requirements (decree of 16 January 2020), and (ii) requested the company to include odorous emissions in the plan for monitoring activities (decision of 25 February 2020).

44. The Campania Region considered that the company had made the necessary improvements to the project and, by Decree no. 85 of 20 April 2020, approved it and authorised the plant to continue operating for twelve years. Decree no. 85/2020 included, *inter alia*, a schedule of the modernisation works, a plan for monitoring activities (*Piano di Monitoraggio e Controllo* – "PMeC"), the applicable BAT and a list of the authorised air and water emissions. It established that specific monitoring of groundwater and soil had to take place within five and ten years, respectively, from its issuance. It also specified that upon completion of the modernisation works, the 2012 AIA would be revoked and that, in the interim, a transitional period would apply during which the plant had to operate in compliance with the PMeC.

45. Following the issuance of Decree no. 85/2020, an appeal lodged by the Campania Region against the TAR's judgment no. 2254/2019 was declared inadmissible for lack of interest (judgment no. 2669 of the *Consiglio di Stato* of 30 March 2021).

46. Salute e Vita lodged a new application against Decree no. 85/2020 before the TAR.

47. By judgment no. 157/2022, the TAR held that the association's complaints concerning alleged shortcomings in the approved modernisation project for the foundry were generic, as it had not provided sufficient evidence to challenge the technical findings made by the administrative authorities. It also dismissed the association's complaints concerning the project's compliance with urban planning regulations and the precautionary principle.

48. Salute e Vita challenged the TAR's judgment no. 157/2022 before the *Consiglio di Stato*.

49. By judgment no. 9166 of 27 October 2022, the *Consiglio di Stato* dismissed the appeal. With particular regard to the SPES study, it stated that the findings did not specifically attribute the levels of contamination in the Irno Valley and the related health risks for the local population to the operation of the plant. It was therefore not possible to draw any arguments from that study to contest the fact that the project had not been subject to an EIA. Moreover, the *Consiglio di Stato* stated that an EIA applied only to new plants, whereas the case at hand concerned interventions of minor importance and, in particular, a technical adjustment that should have led to

improvements in terms of environmental impact. The *Consiglio di Stato* rejected the association's argument that a more radical modernisation project was necessary to authorise the operation of the plant, relying on the administrative authorities' findings that such modernisation was not necessary. As to the effects of pollution stemming from the foundry, the *Consiglio di Stato* held that there was no evidence that the polluting substances clearly exceeded legislative limits and considered that ARPAC would have continued monitoring the situation. The *Consiglio di Stato* also relied on the fact that the directors of the plant "ha[d] always been acquitted of charges relating to environmental offences". It noted, however, that "the possibility of relocating the foundry [was] being considered, given that it [was] now located in a residential area, unlike when it [had been] built".

E. Operation of the plant after 2020

50. The parties disagreed as to whether the environmental shortcomings in the operation of the plant had been remedied after the issuance of Decree no. 85/2020.

51. According to the Government, in the years 2018-2021 the plant operated at a lower capacity to reduce emissions and ARPAC's inspections showed that the legal limits for industrial emissions had not been exceeded. The applicants strongly dispute this assertion. The results of ARPAC's inspections for 2019 are described earlier in this judgment (see paragraph 34 above).

52. In its report of 7 August 2020 ARPAC indicated that the company had not yet started the works necessary to implement the project approved by Decree no. 85/2020. The inspections carried out in June and July 2020 had still therefore aimed to verify compliance with the requirements and monitoring activities set for the transitional period pending completion of the modernisation works. ARPAC considered that the plant had largely complied with these measures and that emissions had not exceeded the authorised limits. ARPAC also reported that to gather new information (*a scopo conoscitivo*), it had included mercury as a parameter in the testing of emissions from a melting furnace, notwithstanding the fact that it had not been included in the PMeC or in the BAT approved by the 2012 AIA. The report specified that the results of that testing were unreliable due to accidental spillage of the sample during transport and considered that further tests were to be carried out in the future.

53. According to the Government, the inspections carried out in May 2021 showed that the emission limits had been complied with, except for those related to noise.

54. In a report dated 18 July 2022 ARPAC stated that, following numerous complaints from residents, inspections carried out on 1 July 2022 confirmed the presence of fugitive foul-smelling emissions and smoke

originating from the furnace loading area and visible from the motorway. These emissions, which had not originated from emission points subject to filtering or monitoring activities, showed that the BAT had not been complied with and that new organisational measures were necessary to improve environmental performance. ARPAC also reported that the company had failed to carry out cobalt emission monitoring activities from November 2021 to April 2022. ARPAC considered that "with respect to the numerous complaints concerning smoke emissions, as also confirmed by the inspection of 1 July 2022, the company, also having regard to the plant's age (*vetustà*) [and] current location in a densely urbanised area, characterised by a combination of industrial and residential buildings, shall operate in full compliance with the authorisations and put in place any useful procedures or technical measures to avoid environmental issues that may affect the local population".

55. On 20 July 2022 the Campania Region ordered the company to remedy the shortcomings identified in the ARPAC report of 18 July 2022 within thirty days.

56. Following the order of 20 July 2022, residents and Salute e Vita continued to report foul-smelling emissions and smoke from the plant to the national authorities, alleging that these caused burning eyes and throats among the local population.

IV. CRIMINAL PROCEEDINGS

A. Criminal proceedings no. 7997/2004

57. Following reports from the environmental protection and health unit of the Salerno *carabinieri* and the Province of Salerno, as well as criminal complaints lodged by residents, including the applicant L.F., the legal representative of the plant was charged with the abandonment of waste, discharging industrial wastewater into the River Irno without the necessary authorisation and in breach of the legislative emission limits for lead, copper and zinc, discharging wastewater onto the soil and unauthorised air emissions of gas and dust, which affected the local population.

58. On 12 November 2004 the preliminary investigations judge (*giudice per le indagini preliminari* – "the GIP") of the Salerno District Court allowed a request by the public prosecutor for the preventive seizure of the plant.

59. By a final judgment of 19 March 2007, the Salerno District Court took note of a plea-bargaining agreement in which the public prosecutor and the accused requested that the judge impose a sentence (*applicazione della pena su richiesta delle parti*) in relation to the above-mentioned charges – related to pollution from the plant still ongoing at the date of the judgment – and imposed a monetary penalty of 6,375 euros (EUR).

B. Criminal proceedings no. 5449/2007

60. On 19 April 2011 the GIP of the Salerno District Court allowed a new request by the public prosecutor for the preventive seizure of the plant.

61. On 12 September 2013 the Salerno public prosecutor indicted the managing director of the plant for, *inter alia*, unauthorised air emissions of lead and cadmium-based particulate matter, organic compounds and evil-smelling substances, which affected the local population by alarming them about health damage, staining their homes and impairing their quality of life.

62. Several residents, including the applicants M.C., L.F., Y.G., joined the proceedings.

63. By a final judgment of 18 February 2015, the Salerno District Court took note of the plea-bargaining agreement between the public prosecutor and the accused in relation to the above-mentioned charges, related to facts that had taken place until 7 May 2011 – and imposed a monetary penalty of EUR 800.

C. Criminal proceedings no. 2191/2014

64. On 5 July 2016 the GIP of the Salerno District Court allowed a new request by the public prosecutor for the preventive seizure of the plant. On 15 May 2018 that decision was revoked by the Salerno District Court, the judicial body responsible for reviewing preventive measures (*tribunale del riesame*), following an appeal by the directors of the foundry.

65. On 14 June 2018 the Salerno public prosecutor charged the directors of the plant with (i) operating the foundry since 1999 without the necessary environmental authorisations, (ii) breaching the relevant environmental protection regulations by discharging wastewater into the River Irno and producing air emissions exceeding legislative limits, and (iii) unlawfully managing and disposing of special waste. The public prosecutor also brought charges of forgery and misfeasance in public office against the ARPAC officers who had authorised the operation of the plant by means of the 2012 AIA.

66. Salute e Vita and a group of residents, including several of the applicants, joined the proceedings.

67. By judgment no. 391 of 6 November 2020, the Salerno District Court acquitted the accused of all charges except those related to the uncontrolled deposit of special waste. It considered that the foundry had valid environmental authorisations (see paragraph 21 above). In addition, it held that the urbanisation of the area following the 2006 PUC and the environmental constraints introduced after the plant's creation could not interfere with its operation, since the foundry predated those changes. Therefore, neither an EIA nor an IA had been necessary for issuing the AIA,

as such instruments were only applicable to projects concerning new plants or substantial modifications of existing ones. Based on these findings, the court also acquitted the ARPAC officers of the charges of forgery and misfeasance in public office related to the issuance of the 2012 AIA.

68. As to the charges of breaching environmental protection regulations (from 2013 to 2020), the court clarified that these did not have to be assessed based on the alleged absence of the necessary environmental authorisations, but rather only in so far as they concerned alleged violations of the conditions set out in the 2012 AIA or were illegal *per se*. With particular regard to the pollution from discharges of wastewater into the River Irno, the court considered that the authorisations issued to the plant included such activity. As to the findings of excessive polluting substances in the water and air emissions, the court emphasised that in criminal proceedings, the prosecution had to prove the illegality of conduct "beyond all reasonable doubt", meaning any technical or methodological uncertainties would favour the accused. On this basis, the court found that the defence had raised numerous doubts about the methodology used in the ARPAC reports. Specifically, the reports did not quantify aromatic and non-methane hydrocarbons, preventing conclusions from being drawn as to whether legislative limits had been exceeded. As to the presence of particulate matter in the air, the court deemed ARPAC's monitoring activities unreliable as it had not specified the technical methods used for these activities, whose results contrasted with other analyses carried out between 2016 and 2018. As to the presence of foul-smelling emissions, the court considered that, at the relevant time, odorous emissions were not regulated by quantitative legislative limits and therefore had to be assessed on the basis of witness statements. However, the numerous complaints filed by residents were not sufficiently documented by the law-enforcement officers who had intervened immediately after the events. Given the lack of incontrovertible technical data, the court acquitted the directors of the plant on the grounds that the alleged facts had never occurred (*perché il fatto non sussiste*). The court only found sufficient evidence for the uncontrolled deposit of special waste and accordingly convicted the directors of the plant on this charge.

69. Following an appeal by the public prosecutor, the Salerno Court of Appeal, by a final judgment of 11 October 2022 (no. 1386), upheld the District Court's judgment in relation to the charges of unlawful discharge of wastewater and air emissions. It stated, *inter alia*, that the offences concerning alleged excessive polluting substances in water and air emissions were time-barred. Additionally, it found that the results of ARPAC's investigations, which had formed the basis of the charges, were unreliable owing to several methodological and technical shortcomings. As to the charge of unauthorised waste management, the Salerno Court of Appeal discontinued the proceedings as time-barred.

D. Criminal proceedings no. 9906/2016

1. First request to discontinue the proceedings

70. On 15 October 2016 a new set of criminal proceedings was brought against the directors of the plant.

71. On 30 June 2017 the applicants L.L., G.B., A.P., U.D., A.R. e A.L. filed a criminal complaint against the suspects for causing death and personal injury by negligence (*omicidio colposo* and *lesioni personali colpose*). They requested that the national authorities assess the existence of a causal link between the various diseases contracted by them or their close relatives and environmental pollution from the plant.

72. Salute e Vita also joined the proceedings and filed a list of 215 individuals who had contracted diseases that they claimed were linked to exposure to environmental pollution from the plant.

73. On 23 July 2018 the Salerno public prosecutor requested that the proceedings be discontinued, citing an expert report that, after examining the medical histories of forty-one individuals – those with severe respiratory, head and neck diseases, the other diseases being considered unrelated to emission exposure – concluded that those diseases were "not incontrovertibly attributable to the inhalation of fumes and particulate matter from the plant", given that the majority of the patients were or had been smokers.

74. On 13 June 2019 the GIP of the Salerno District Court rejected the public prosecutor's request following opposition by the injured parties. It observed, *inter alia*, that the case file contained evidence of pollution from the plant in the form of particulate matter and smoke, which necessitated further investigations to assess the seriousness and toxicity of that pollution.

2. Request for the immediate production of evidence

75. On 19 September 2019 the public prosecutor filed a request for the immediate production of evidence (*incidente probatorio*).

76. By order of 29 October 2019 the GIP of the Salerno District Court allowed the request and, on 13 November 2019, appointed experts to assess the existence of a causal link between the diseases contracted by fifty individuals – including the applicant F.F. and relatives of the applicants A.C., F.C., M.C., A.D., V.F., M.M., G.M., M.P. and A.R. – and environmental pollution from the plant. The experts were tasked with (i) determining when dust deposits from the foundry began, whether they exceeded emission limits and if they were hazardous to human health; (ii) assessing whether emission exposure might have caused or aggravated the diseases, including in conjunction with smoking. They were also required to (iii) define the pollution extent and its relevant time frame; and (iv) carry out an epidemiological study to assess the health conditions of people living in the

area surrounding the plant and the existence of a causal link between any kind of disease and emissions from the plant.

(a) First expert report

77. In a first medical-legal expert report, dated 17 December 2021, the experts appointed by the GIP of the Salerno District Court found that it was "extremely difficult in retrospect to trace the genesis of neoplasms to a single, specific cause". Accordingly, they could assess the existence of a possible causal link between the diseases in question and pollution exposure "only in terms of mere possibility, concrete compatibility and reasonable certainty". In particular, they excluded such a causal link altogether in six cases; they considered that there was a mere possibility of low causal incidence in five cases (including those of the applicant F.F. and the relatives of the applicants A.C. and F.C.); a concrete compatibility of a relevant causal link in thirty-five cases (including those of the relatives of the applicants V.F., M.C., M.M., M.P. and A.R.); and a reasonable certainty in four cases related to the penetration of asbestos into the respiratory system (including those of the relatives of the applicants A.D. and G.M.).

78. During a hearing on 8 March 2022, the experts clarified that it was impossible to establish "in terms of certainty and beyond all reasonable doubt" the existence of a causal link between the environmental context and the development of neoplastic diseases, since their origin was multi-factorial. As to the four asbestos-related cases, the experts clarified that they did not have sufficient information to identify when or how the patients had been exposed to that substance.

(b) Second expert report

79. In a second expert report, dated 31 December 2021, the experts appointed by the GIP of the Salerno District Court analysed the impact of the plant's emissions since 2008. They reported that the area surrounding the plant was under "severe environmental pressure" and that residential areas were "very close to the emission sources". They also stated that the co-existence of the foundry, traffic arteries and quarries made it difficult to distinguish their individual emission contributions. However, while other sources contributed to emissions of dust and nitrogen oxides, secondary smelting foundries such as the plant produced a typical pathway of emissions including heavy metals, PCBs (polychlorinated biphenyls), dioxins, furans and PAHs (polycyclic aromatic hydrocarbons). The expert report reported that, since 2008, inspections of the plant had consistently shown numerous shortcomings concerning water discharges, waste management and air emissions, a substantial lack of information and monitoring mechanisms for channelled emissions, and poor oversight of raw materials. Technical improvements carried out over the years and more restrictive emission limits

set out in Decree no. 85/2020 had contributed to improving monitoring and the amount of available information.

80. As to the epidemiological study requested by the GIP of the Salerno District Court, the expert report analysed its findings and conducted an observational cohort study (hereinafter "the cohort study") analysing data from 2011 to 2017 on the exposure of residents to pollution from particulate matter and its link to several diseases.

81. Based on the above, the expert report concluded as follows:

> "The area under investigation has been affected by continuous pollution from particulate matter containing combustion residues, including metals, since the foundry began operating. On the basis of the documentation available after 2008, the pollution from particulate matter exceeded legal emission limits. The area concerned by the environmental pollution ... is limited to a few kilometres around the plant. In the surrounding area, there are other factors of environmental pressure (motorway traffic to the south-east and quarries to the north-east). The composition of polluting substances [varies] significantly [:] combustion and industrial processing products from the foundry, traffic-related combustion products from brakes and tyres and mostly inert particulate matter produced by the quarries. Emissions from combustion products pose a serious hazard, as demonstrated by numerous scientific studies.
>
> The analysis of biomonitoring data shows serious contamination by metals from industrial sources (including chromium and nickel) and from combustion processes in the vicinity of the plant and in the north-west quadrant. The presence of PCBs – which may contribute to body burden mainly through ingestion but also by means of inhalation – shows that the source of pollution is specific and, at the time of the SPES study, it was the plant. It is possible to exclude in this regard other sources such the motorway ... and quarries, as these are responsible for mainly inert particulate matter. It is very probable that the pollution found at the time of the SPES study was even more serious in the past.
>
> Air pollution from particulate matter ... has a causal link to increased mortality and morbidity, particularly in relation to cardiovascular, respiratory and neurological diseases and lung cancer. Current legislative limits do not protect the population against effects on health.
>
> Metals found in the blood of residents around the plant (in particular arsenic, cadmium, nickel, mercury [and] manganese) are markedly toxic to human health, particularly with regard to cardiovascular and neurological diseases and cancer. NDL-PCBs are also toxic, particularly to the liver and thyroid, and to the immune, reproductive and metabolic systems.
>
> The cohort study highlighted an excess of mortality from cardiovascular causes in both men and women within four and six kilometres of the plant. Moreover, the study showed an excess of lung cancer in women within four and six kilometres of the plant and an excess of mortality from neurological diseases in men within one to four kilometres of the plant. Again, with regard to men, an excess of mortality from heart failure was found within four kilometres of the plant. The results are reliable even ... if the analysis [is limited] to the most urbanised area. The north-western area surrounding the plant appears to be more vulnerable than the rest in relation to cardiovascular diseases.

82. On this basis, the expert report addressed the questions posed by the GIP of the Salerno District Court (see paragraph 76 above). As to (i) when

dust deposits from the foundry began, whether they exceeded emission limits and if they were hazardous to human health, it found as follows:

> "... pollution in the area surrounding the plant presumably began with the start of industrial activities and was reduced through modifications to production and preventive measures in 1997 and 2016. It concerns contamination from dust and other pollutants hazardous to human health. Exposure could take place through direct inhalation, inhalation of resuspended material or ingestion of contaminated food. Exposure to these contaminants increases the risk of contracting cardiovascular, respiratory, neurological diseases and cancer (lung cancer). The dust also contains metals toxic to the nervous and immune systems. NDL-PCBs are also toxic to human health and carcinogenic."

83. As to (ii) whether emission exposure might have caused or aggravated the diseases in question, including in conjunction with smoking, the expert report concluded as follows:

> "... exposure to the said pollutants may cause disease irrespective of exposure to smoking. In some cases, exposure to smoking may even exacerbate the toxic effects. The existence of concurrent exposure to smoking in an individual affected by a disease (cardiovascular disease or lung cancer) does not rule out environmental causality, on the contrary, the risk may even be heightened."

84. As to the request to (iii) define the pollution extent and its relevant time frame, the expert report concluded:

> "... there is no reason to believe that environmental pollution in the vicinity of the plant is temporally limited. It is very probable that it has diminished in recent years because of environmental monitoring and judicial action. However, the prolonged and chronic pollution to which the resident population has been exposed has caused diseases and an increase in the mortality rate for some causes of death."

85. As to the request to (iv) carry out an epidemiological study to assess the health conditions of people living in the area surrounding the plant and the existence of a causal link between any kind of disease and emissions from the plant, the expert report concluded:

> "... [the SPES study and the cohort study] demonstrate that contamination from toxic substances has been continuous and has resulted in damage to human health measurable in the excess of cerebrovascular, neurological diseases and cancers reported in the cohort study."

86. During a hearing on 6 April 2022, one of the experts who had signed the expert report of 31 December 2021 clarified that, on the basis of the available documentation, the impact of emissions from the plant could be established in an area within two kilometres of it, with a more significant impact in the north-western part. The SPES study had found excessive levels of several metals in individuals living in an area of two kilometres, extending up to four kilometres, particularly in the north-western part. As to the cohort study, the expert clarified that its findings were consistent with the data available in the literature concerning the existence of a causal link between several diseases and pollution from particulate matter and nitrogen dioxide,

and that while the level of pollution was likely to have been even higher before 2008, existing data proved with certainty that pollution had occurred from 2008 to 2016.

87. At the end of the hearing, the GIP of the Salerno District Court referred the case back to the public prosecutor.

3. Second request to discontinue the proceedings

88. On 8 January 2024 the Salerno public prosecutor requested that the proceedings be discontinued. As to the findings of the expert report of 17 December 2021, the public prosecutor, relying in particular on the experts' testimony on 8 March 2022 (see paragraph 78 above), considered that the existence of a causal link between the diseases in question and environmental pollution had not been established "in terms of certainty and beyond all reasonable doubt". In particular, according to the public prosecutor, the experts had found "a high degree of probability" only in relation to the four cases related to the penetration of asbestos into the respiratory system but had not been able to identify when and how the exposure had taken place.

89. As to the findings of the expert report of 31 December 2021, the public prosecutor considered that they had to be supplemented with the findings from criminal proceedings no. 2191/2014 against the same suspects, as defined by judgment no. 1386/2022 of the Salerno Court of Appeal (see paragraph 69 above). Therefore, having regard, *inter alia*, to "the existence of a final acquittal on environmental offences", the public prosecutor considered that the preliminary investigations had not provided sufficient evidence to reasonably predict a conviction against the suspects for the contested offences.

90. On 30 January 2024 Salute e Vita filed an opposition to the request for discontinuation, together with a technical expert report.

91. On 7 May 2024 a hearing was held before the GIP of the Salerno District Court.

92. As at the date of the applicants' latest observations, the GIP of the Salerno District Court had not yet decided on the second request to discontinue the proceedings.

RELEVANT LEGAL FRAMEWORK

I. DOMESTIC LEGAL FRAMEWORK

93. Article 844 of the Civil Code states that the owner of a plot of land cannot prevent nuisances from a neighbouring plot of land if they do not exceed a tolerable threshold.

94. Article 2043 of the Civil Code provides that any unlawful act which causes damage to another will render the perpetrator liable for damages under civil law.

95. Under Article 2050 of the Civil Code, any dangerous activity which causes damage to another will render the perpetrator liable for damages unless they prove they adopted all suitable measures to avoid the damage.

96. Under Article 2059 of the Civil Code, non-pecuniary damage will be compensated only in cases provided for by law.

97. Under Article 700 of the Code of Civil Procedure, anyone who fears that their rights may suffer imminent and irreparable damage may file an urgent application for a court order to immediately protect their rights.

98. Articles 309 and 310 of Legislative Decree no. 152 of 3 April 2006 (Legislative Decree no. 152/2006) provide for the possibility of lodging complaints and observations with the Ministry of the Environment in the event of a violation of environmental standards.

99. Article 39 of the Criminal Code places criminal offences into two categories: serious offences (*delitti*) and minor offences (*contravvenzioni*).

100. The distinction between these categories is based on the different types of penalties provided for in Article 17 of the Criminal Code. Serious offences are punishable by life imprisonment *(ergastolo),* imprisonment (*reclusione*) and fines (*multe*), while minor offences are punishable by minor-offence imprisonment (*arresto*) and minor-offence fines (*ammende*). Among other statutory differences, minor offences carry lighter penalties: minor-offence imprisonment cannot exceed three years, and minor-offence fines cannot exceed EUR 10,000. Minor offences also have shorter limitation periods.

101. Under Article 674 of the Criminal Code, a person who generates emissions of noxious fumes shall be punished with up to one month of minor-offence imprisonment or a minor-offence fine up to 206 euros.

102. Article 59 of Legislative Decree no. 152 of 11 May 1999 (Legislative Decree no. 152/1999) introduced several minor offences, including unauthorised industrial wastewater discharge in breach of legislative emission limits. Legislative Decree no. 152/2006 repealed Legislative Decree no. 152/1999 and incorporated these offences in its Article 137.

103. Article 279 of Legislative Decree no. 152/2006 established several minor offences concerning the operation of industrial plants in breach of environmental protection regulations and authorisations, as well as the production of air emissions exceeding es limits established therein.

104. By Law no. 68 of 22 May 2015, the legislature established specific serious offences (*delitti*) to protect the environment, including environmental pollution, serious ecological harm, obstruction of supervisory activities and failure to carry out decontamination.

II. INTERNATIONAL LEGAL FRAMEWORK

105. The relevant international instruments are summarised in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* ([GC], no. 53600/20, §§ 144-47 and 194-97, 9 April 2024).

THE LAW

I. ALLEGED VIOLATION OF ARTICLES 2 AND 8 OF THE CONVENTION

106. Relying on Articles 2 and 8 of the Convention, the applicants submitted that, (i) by allowing residential development in the area surrounding the foundry, (ii) by failing to adopt an adequate regulatory framework and (iii) by failing to take the requisite measures to minimise or eliminate the effects of pollution from the plant, the State had caused serious damage to the environment, endangered their lives and health and affected their personal well-being. Several of the applicants also submitted that the risk to their health stemming from the plant's emissions had manifested itself in the form of specific diseases. The applicants also complained that the authorities had neglected to inform the people concerned of the risks of living in the area surrounding the plant and to involve them in the decision-making process for authorising its operation.

107. The Court reiterates that Article 2 does not solely concern deaths resulting from the use of force by agents of the State but also, in the first sentence of its first paragraph, lays down a positive obligation on States to take appropriate steps to safeguard the lives of those within their jurisdiction. This obligation must be construed as applying in the context of any activity, whether public or not, in which the right to life may be at stake, including industrial activities, which may pose a risk to human life due to their inherently hazardous nature (see *Öneryıldız v. Turkey* [GC], no. 48939/99, § 71, ECHR 2004-XII).

108. The Court observes, however, that in most environmental cases that have concerned a single, identified, circumscribed source of pollution or activity causing it, and a more or less limited geographical area, it has found it unnecessary to consider the complaint under Article 2 separately from that under Article 8 (see *Guerra and Others*, cited above, § 62; and, more recently, *Locascia and Others v. Italy*, no. 35648/10, § 86, 19 October 2023, and *Cordella and Others v. Italy,* nos. 54414/13 and 54264/15, §§ 93-94, 24 January 2019). It sees no reason to depart from that approach in the present case.

109. Accordingly, the Court, being master of the characterisation to be given in law to the facts of the case (see *Guerra and Others*, cited above, § 44), finds it appropriate to examine the applicants' complaints from the

standpoint of the right to respect for private life enshrined in Article 8, which read as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

1. Applicability of Article 8

(a) The parties' submissions

(i) The Government

110. The Government contested the applicants' victim status, arguing that their complaints were of a general nature and constituted an *actio popularis*. They argued that the applicants had failed to establish and prove the existence and seriousness of any adverse consequences affecting their private life and health and to establish a causal link between any such consequences and environmental pollution stemming from the plant. On this basis, they argued that the applicants could not claim to be potential victims of the alleged violations either and that, in any event, their application should be declared inadmissible as manifestly ill-founded.

(ii) The applicants

111. The applicants contested the Government's submissions, arguing that they were direct victims of the alleged violation of Article 8, since, as a result of the State's failure to comply with its positive obligations under that provision, they had suffered for decades from the consequences of environmental pollution stemming from the plant, in the form of exposure to hazardous emissions, a higher risk of contracting diseases and a general deterioration in their quality of life.

112. They further claimed that, as a result of the operation of the plant, they had suffered adverse consequences for their private life, as demonstrated by the findings of ARPAC's investigations, the criminal proceedings and the administrative decisions. As to the specific consequences for their lives and health, they relied on the findings of the SPES study and the expert reports of 17 and 31 December 2021. These studies had demonstrated not only the existence of a direct link between pollution exposure and an increased level of morbidity and diseases, but also that the risk to health stemming from the plant's emissions had manifested itself in the form of specific diseases affecting several of them and their close relatives (see paragraph 77 above).

(b) The Court's assessment

113. The Court notes at the outset that, in the present case, the Government did not dispute that the applicants had lived for decades in an area affected by emissions from the plant (compare and contrast *Locascia and Others*, cited above, § 88). It observes, however, that the degree of nuisance caused by the foundry and the effects of the pollution on the applicants were disputed by the parties. While the applicants insisted that the pollution had seriously affected their private life, the Government asserted that the applicants had not suffered any harm sufficiently serious to raise an issue under Article 8 of the Convention.

114. On the basis of their submissions, the Court considers that, despite the fact that the Government relied on Article 34 of the Convention and argued that the application was manifestly ill-founded, their objection should actually be seen as being directed against the applicability of Article 8 and will consequently be examined under that head.

115. The Court reiterates that, in order to fall within the scope of Article 8 of the Convention, complaints relating to environmental nuisances have to show, firstly, that there was an actual interference with the applicant's private sphere, and, secondly, that a minimum level of severity was attained; in other words, whether the alleged pollution was serious enough to affect adversely, to a sufficient extent, the family and private lives of the applicants and their enjoyment of their homes (see *Fadeyeva v. Russia*, no. 55723/00, § 70, ECHR 2005-IV (with further references), and *Çiçek and Others v. Turkey* (dec.), no. 44837/07, §§ 29-30, 4 February 2020). The assessment of that minimum level is relative and depends on all the circumstances of the case, such as the intensity and duration of the nuisance and its physical or mental effects on the individual's health or quality of life (see *Dubetska and Others v. Ukraine*, no. 30499/03, § 105, 10 February 2011, with further references). While there is no doubt that industrial pollution may negatively affect public health in general and worsen the quality of an individual's life, it is often impossible to quantify its effects in each individual case. As regards health impairment, for instance, it is hard to distinguish the effect of environmental hazards from the influence of other relevant factors, such as age, profession or personal lifestyle. "Quality of life", in turn, is a subjective characteristic which hardly lends itself to a precise definition (see *Kotov and Others v. Russia*, nos. 6142/18 and 12 others, § 101, 11 October 2022, and *Dubetska and Others*, cited above, § 106).

116. Taking into consideration the evidentiary difficulties usually presented by cases concerning the environment, the Court has had particular, though not exclusive, regard to the findings of the domestic courts and other competent authorities in establishing the factual circumstances of the case, analysing domestic legal provisions determining unsafe levels of pollution and environmental studies commissioned by the authorities (ibid., § 107). It has also held that it cannot rely blindly on the decisions of the domestic

authorities, especially when they are obviously inconsistent or contradict each other. In such a situation, it has to assess the evidence in its entirety. Further sources of evidence for consideration in addition to the applicant's personal accounts of events, will include, for example, his or her medical certificates and relevant reports, statements or studies made by private entities (see *Kotov and Others*, § 102, and *Dubetska and Others*, § 107, both cited above).

117. The Court also reiterates that, in assessing evidence, the general principle has been to apply the standard of proof "beyond reasonable doubt". Such proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact. It should also be noted that it has been the Court's practice to allow flexibility in this respect, taking into consideration the nature of the substantive right at stake and any evidentiary difficulties involved. In certain instances, only the respondent Government have access to information capable of corroborating or refuting the applicant's allegations; consequently, a rigorous application of the principle *affirmanti, non neganti, incumbit probatio* is impossible (see *Fadeyeva*, cited above, § 79).

118. Turning to the facts of the present case, the Court observes that a group of the applicants complained that their health had deteriorated as a result of living near the plant. The only medical documents submitted in support of that claim were reports which did not establish any causal link between environmental pollution and their illnesses. The Court therefore considers that, owing to the lack of medical evidence, it cannot be said that the pollution from the plant necessarily caused damage to the applicants' health. It will therefore assess whether living in the vicinity of the plant made the applicants more vulnerable to various illnesses or affected their well-being in such a way as to adversely affect their private life (see, for similar reasoning, *Locascia and Others*, cited above, §§ 130-31).

119. The applicants claimed that they had been exposed to prolonged and severe pollution in breach of the applicable safety standards. The Court notes that a number of official documents confirm that, since 2004 (the year in which the first set of criminal proceedings were brought against the directors of the plant), the foundry had produced unlawful emissions affecting the local population, and had been operating with inadequate monitoring mechanisms and in breach of the BAT (see, for example, the outcome of criminal proceedings nos. 7997/2004 and 5449/2007, paragraphs 59 and 63 above; the ARPAC reports for the years 2015-2018 and 2022, paragraphs 24-28, 32 and 54 above; and the expert report of 31 December 2021, paragraphs 79-85 above).

120. The Court notes, on the other hand, that in criminal proceedings no. 2191/2014 (see paragraphs 67-69 above) the directors of the plant were acquitted of charges of unlawful emissions of polluting substances for the years 2013-2020 on the grounds that the alleged facts had never occurred (criminal proceedings no. 2191/2014; see paragraphs 68-69 above). The

Court observes that this outcome was the result of the application of a criminal standard of proof and is not conclusive with respect to the different purpose of establishing the existence of an interference with Article 8 rights. Moreover, a decisive factor in the criminal court's reasoning was that the results of ARPAC's investigations into the polluting emissions were unreliable, since they were affected by several methodological and technical shortcomings which played in the accused's favour. The Court considers that the shortcomings in ARPAC's investigations into emission levels will not necessarily operate to the detriment of the applicants' ability to prove the existence of an interference with their Article 8 rights and that evidence in that regard may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact.

121. The Court notes that the SPES study (see paragraph 18 above) found higher levels of several heavy metals in the serum samples taken from volunteers in the Irno Valley clusters, including mercury levels approximately five times higher than those of the entire population assessed. These findings were confirmed by the results of effect biomarker analyses, which measured statistically significant effects on volunteers' bodies consistent with exposure to different types of polluting substances and linked to several disease pathways (see paragraphs 18 and 19 above). While the Court observes that, according to judgment no. 9166/2022 of the *Consiglio di Stato*, the SPES study did not specifically attribute the above-mentioned contamination and related health risks for the local population to the plant (see paragraph 49 above), it cannot be ignored that the Irno Valley clusters were specifically targeted to assess the foundry's impact on people living in the surrounding area. This was stated in the memorandum of understanding of 28 January 2017 (see paragraph 13 above) and was confirmed in the preliminary report of the study, which defined clusters within a radius of three kilometres from the plant (see paragraph 15 above), and then in the conclusions of the SPES study (at page 116), in which the foundry was the only industrial plant in the Irno Valley specifically referred to. In the absence of any alternative explanations by the national authorities regarding the results of the biomonitoring of the population living in the vicinity of the plant, the Court considers that it may be inferred from the SPES study that the effects of the population's exposure to environmental pollution shown therein derived, at least to a certain extent, from the foundry's operation. In reaching this conclusion, the Court also refers to the report of 31 December 2021, drafted by experts appointed by the judicial authority, the results of which were not contested by the Government. This report clarified that, while there were other factors of environmental pressure in the vicinity of the plant, such as traffic and quarries, it was possible to distinguish the composition of polluting substances specifically relating to the combustion and industrial processing activities of the foundry (see paragraphs 79, 81, 86 above). The

Court therefore considers that the operation of the plant amounted to an actual interference with the applicants' private sphere.

122. In deciding whether the damage (or risk of damage) suffered by the applicants in the present case was such as to attract the guarantees of Article 8, the Court also has regard to the fact that, as early as 2006, the municipal authorities had reported that the plant was "absolutely incompatible" with the urban context in which it was placed and considered its relocation as a condition for transformation of the area for residential use. The Court finds that, notwithstanding the fact that the company could legitimately expect to continue its production activities on the same site where it had been operating since 1960, and despite the fact that the applicants had settled in the area voluntarily and were aware that the plant had been in operation for decades, they may not have been able to make an informed choice at the time and may legitimately have relied on the expectation that relocation would indeed be carried out as planned in the 2006 PUC. The Court notes, in this connection, that the Government did not dispute that the applicants' settlement in the area was lawful under the relevant urban regulations, nor did they argue that the national authorities in any way discouraged such settlement. It therefore cannot be claimed that the applicants themselves created the situation complained of or were somehow responsible for it (see, *mutatis mutandis*, *Jugheli and Others v. Georgia*, no. 38342/05, § 72, 13 July 2017).

123. As to the level of severity attained, the Court observes that the expert report of 31 December 2021 considered that the substances found in the bodies of residents in the vicinity of the plant were particularly toxic to human health (see paragraph 81 above) and that the cohort study revealed that the mortality risk associated with several diseases linked to environmental pollution was higher in an area spanning a radius of four to six kilometres from the plant than in the non-exposed population (see paragraphs 81 and 85 above).

124. On the basis of the above, the Court considers that the strong combination of indirect evidence and presumptions makes it possible to conclude that pollution exposure made the applicants living within six kilometres of the plant more vulnerable to various illnesses. Moreover, there can be no doubt that it adversely affected their quality of life. The Court therefore accepts that the interference with their private life reached a level of severity sufficient to bring them within the scope of Article 8 of the Convention.

125. As to the applicants living significantly more than six kilometres from the plant (listed in the appendix as nos. 23 and 67), the Court observes that they did not submit sufficient evidence proving that the interference with their private life reached a level sufficient to bring them within the scope of Article 8.

126. The Court therefore accepts the Government's objection in respect of these applicants and rejects it in respect of the others. Any mention of "the applicants" in the remainder of this judgment is to be understood as referring to the remaining applicants.

127. Accordingly, as regards the applicants listed as nos. 23 and 67, this complaint is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

2. Non-exhaustion of domestic remedies and compliance with the six-month rule

(a) The parties' submissions

(i) The Government

128. The Government submitted that the applicants had not exhausted domestic remedies.

129. Firstly, relying on Articles 844, 2043, 2050 and 2059 of the Civil Code (see paragraphs 93-96 above), they argued that it had been possible for the applicants to bring an action against the foundry, requesting the civil courts to order the cessation of the harmful emissions and to award damages. They further argued that the applicants could have also made an urgent application under Article 700 of the Code of Civil Procedure (see paragraph 97 above) or brought a class action against the public authorities under Legislative Decree no. 198 of 20 December 2009.

130. The Government also submitted that the applicants could have lodged a criminal complaint (*inter alia*, for environmental pollution or environmental disaster under Articles 452-*bis* or 452-*quater* of the Criminal Code, respectively) and then joined the proceedings as civil parties.

131. The Government also claimed that, under Articles 309 and 310 of Legislative Decree no. 152/2006 (see paragraph 98 above), the applicants could have submitted their complaints to the Ministry of the Environment.

132. Furthermore, the Government argued that individuals and bodies representing their collective interests could bring an action before the administrative courts to challenge administrative acts relating to the exercise of industrial activity. They contended that this was a universally accessible and effective remedy, allowing individuals to influence administrative acts to protect their right to health and to live in a healthy environment.

133. The Government maintained that, if applicants had considered that there was no effective remedy, they should have lodged their application within six months from the date of the facts or measures complained of. Instead, they had lived for decades in the areas affected by emissions from the foundry before lodging their application with the Court.

(ii) The applicants

134. The applicants contended that the civil remedies and the class action suggested by the Government were not capable of addressing the substance of the relevant Convention complaints and of providing appropriate relief. Moreover, they had no real prospect of success, as demonstrated by the fact that, in their observations to the Court, the Government had not provided any examples of relevant domestic case-law ordering measures to limit polluting emissions and imposing environmental reclamation.

135. As to criminal remedies, the applicants submitted that they had filed several complaints with the national authorities, all of which had proved ineffective in preventing the plant from operating in breach of the relevant environmental protection regulations. Moreover, joining the criminal proceedings as civil parties could theoretically have resulted in compensation, but would not have protected their health and private life from the detrimental effects of environment pollution.

136. With regard to administrative remedies, the applicants pointed out that they had unsuccessfully challenged, through the intermediary of the association Salute e Vita (see paragraph 12 above), the legitimacy of the administrative acts relating to the operation of the plant. They had therefore made normal use of the remedies accessible to them, which had been aimed at challenging the same facts complained of before the Court.

137. As to Articles 309 and 310 of Legislative Decree no. 152/2006, the applicants submitted that, under those provisions, the national authorities were only obliged to respond to a request for precautionary, preventive or containment measures against environmental damage, it being understood that they remained free to accept or deny the request. They also argued that the Government had not provided any examples of relevant domestic case-law resulting in the issuance of environmental and health protection measures.

138. As to compliance with the six-month rule, the applicants argued that the violations complained of constituted a continuing situation that had not yet ended. In their view, therefore, the six-month period had not yet started to run.

(b) The Court's assessment

139. The Court notes that the general principles on the exhaustion of domestic remedies have been reiterated in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014) and *Communauté genevoise d'action syndicale (CGAS) v. Switzerland* ([GC], no. 21881/20, §§ 138-44, 27 November 2023).

140. It further notes that in terms of the burden of proof, it is up to the Government claiming non-exhaustion to satisfy the Court that the remedy was an effective one, available in theory and in practice at the relevant time.

Once this burden has been satisfied, it falls to the applicant to establish that the remedy advanced by the Government was in fact exhausted or was for some reason inadequate and ineffective in the particular circumstances of the case, or that there existed special circumstances absolving him or her from this requirement (see *Vučković and Others*, § 77 , and *Communauté genevoise d'action syndicale (CGAS)*, § 143, both cited above).

141. It is also well established that Article 35 § 1 must be applied with some degree of flexibility and without excessive formalism. The rule of exhaustion of domestic remedies is neither absolute nor capable of being applied automatically; in reviewing whether the rule has been observed, it is essential to have regard to the particular circumstances of the individual case (ibid, § 140).

142. The Government submitted that an action before the administrative courts to challenge administrative acts relating to the exercise of industrial activity constituted an effective remedy also available to bodies representing collective interests. While the applicants did not make use of this remedy individually, the Court considers that this does not necessarily mean that they failed to exhaust domestic remedies. What matters in this context is that the complaint or complaints about an alleged violation of the Convention which the applicants intend to bring before the Court must have been previously submitted to the domestic authorities. The Court observes that Salute e Vita, the association of which the applicants were members and which they had set up for the specific purpose of defending their interests, challenged the administrative acts allowing the plant to continue operating before the administrative courts (compare *Thibaut v. France* (dec.), no. 41892/19 and 41893/19, §§ 26-30, 14 June 2022; and *Gorraiz Lizarraga and Others v. Spain*, no. 62543/00, § 38, ECHR 2004-III). It complained, in particular, that industrial activities were incompatible with the plant's location in a densely populated residential area and that the administrative authorities had not taken sufficient measures to minimise or eliminate the effects of the pollution from the plant. Both the TAR and the *Consiglio di Stato* recognised the association's *locus standi* to defend the interests of the residents it represented against the operation of the plant. Final decisions dismissing its complaints were taken by the *Consiglio di Stato* on 30 March 2021 and 27 October 2022 (see paragraph 49 above), after the applicants had lodged their application but before its admissibility had been determined.

143. The Court therefore accepts the applicants' argument that they exhausted one of the administrative remedies suggested by the Government through the intermediary of the association which they had set up to defend their interests (see paragraph 12 above). In reaching this conclusion, it reiterates that, in today's civil society, associations play an important role, particularly in the field of environmental protection, and that recourse to collective structures such as associations is sometimes the only means available to individuals to defend their causes effectively. This is particularly

the case in the environmental field, where individuals may find themselves confronted with complex issues which they are powerless to resolve on their own (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 602).

144. According to the Government, the applicants could have also sought protection against environmental pollution before the criminal courts. The Court reiterates that in the event of there being a number of remedies an individual can pursue, that person is entitled to choose, for the purpose of fulfilling the requirement of exhaustion of domestic remedies, a remedy which addresses his or her essential grievance. In other words, when one remedy has been pursued, the use of another remedy which has essentially the same objective is not required (*Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 177, 25 June 2019). In addition it observes that both Salute e Vita and several individual applicants have lodged complaints and joined criminal proceedings concerning the effects of the operation of the foundry on the environment and residents' health. While, according to the parties' latest observations, some of these proceedings are still pending (see paragraph 92 above), others ended before the applicants filed their application (see paragraphs 59 and 63 above) or before its admissibility is being determined (see paragraph 69 above).

145. In these circumstances, the Court cannot criticise the applicants for not waiting until all the sets of criminal proceedings had ended before submitting to it their complaints of a violation of Article 8 of the Convention.

146. It follows that the Government's preliminary objections as to the non-exhaustion of domestic remedies and compliance with the six-month rule must be rejected.

3. Other grounds for inadmissibility

147. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicants

148. The applicants submitted that the State had failed to put in place an adequate legislative framework to prevent serious environmental pollution from the foundry.

149. The applicants further submitted that the national authorities had opened the area surrounding the foundry for residential development in 2006 and had failed to take protective measures to minimise or eliminate the effects of prolonged exposure to pollution affecting the environment and endangering their health. As to the period 2008-2018, they claimed that the

exceedance of emission limits had been demonstrated by the results of ARPAC's investigations. As to the period after 2019, they disputed the reliability of ARPAC's findings. In this regard, they submitted an expert opinion dated 5 July 2022 analysing the results of ARPAC's inspections carried out during 2020. According to that report, ARPAC had verified compliance of the plant's emissions by measuring them against the legislative levels set for industrial zones. The applicants argued that measuring the plant's emissions against the legislative levels set for industrial zones had been completely inadequate given that the plant was located in a densely populated area classified as residential since 2006. The applicants also claimed that ARPAC's findings had ultimately been based on the operation of the plant at reduced production levels during a transitional period. Given that toxic emissions above the legislative limits had been found when the plant had worked at full capacity, it could not be ruled out that the legislative emission limits would be exceeded once the plant resumed its operations at maximum capacity.

150. The applicants further complained that the respondent State had also failed to discharge its obligation to inform the people concerned of the risks of living in the area surrounding the foundry and to allow them to contribute to the decision-making process for authorising its operation.

(b) The Government

151. The Government argued that, in environmental matters, the positive obligations under Article 8 of the Convention imposed a duty of care and not a duty to achieve a result. They stated that, in the present case, the numerous sets of criminal and administrative proceedings instituted to verify compliance with environmental protection regulations, along with the investigative activities carried out by the administrative authorities, demonstrated that they had taken appropriate measures to safeguard the environment and the health of the local population.

152. Moreover, they submitted that in 2018-2021 the plant had operated at a lower capacity to reduce noise and emissions, and that ARPAC's investigations carried out from 2019 to 2021 had found that the legal limits for industrial emissions had not been exceeded. They added that, having regard to the cumulative effects of the plant's emissions and other negative externalities produced by traffic and pollution in the area, complaints from residents had been "physiological, given that the plant [was] located in an urbanised and densely populated area, with all that this entail[ed] in terms of lower levels of air quality".

2. The Court's assessment

(a) General principles

153. The Court reiterates that the principles applicable to an assessment of the State's responsibility under Article 8 of the Convention in environmental cases are broadly similar, regardless of whether the case is analysed in terms of a direct interference or a positive duty to regulate private activities. In both contexts, regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole and, in any case, the State enjoys a certain margin of appreciation (see *López Ostra v. Spain*, 9 December 1994, § 51, Series A no. 303-C; *Guerra and Others*, cited above, § 58; and *Cordella and Others*, cited above, § 158).

154. In the context of dangerous activities in particular, States have an obligation to set in place regulations geared to the special features of the activity in question, particularly with regard to the level of risk potentially involved. They must govern the licensing, setting up, operation, security and supervision of the activity and must make it compulsory for all those concerned to take practical measures to ensure the effective protection of citizens whose lives might be endangered by the inherent risks (see, *mutatis mutandis*, *Öneryıldız v. Turkey* [GC], no. 48939/99, § 90, ECHR 2004-XII; *Di Sarno and Others*, no. 30765/08, § 106, 10 January 2012; *Cordella and Others*, cited above, § 159; and *Locascia and Others*, cited above, § 124).

155. As to the procedural obligations under Article 8, in environmental cases the Court has frequently reviewed the domestic decision-making process, taking into account that the procedural safeguards available to the individual will be especially material in determining whether the respondent State has remained within its margin of appreciation (see, for instance, *Flamenbaum and Others v. France*, nos. 3675/04 and 23264/04, § 137, 13 December 2012). In this context, the Court attaches particular importance, *inter alia*, to the involvement of appropriate investigations and studies in the decision-making process, the access to information by the public to enable them to assess the risks to which they are exposed and the opportunity of individuals to protect their interests in the environmental decision-making process (see *Verein KlimaSeniorinnen Schweiz and Others*, cited above, § 539).

(b) Application of the above principles to the instant case

156. The Court notes that the situation complained of arose when the industrial area where the plant had been located since 1960 was designated for residential use. It also notes that, at the time the 2006 PUC was issued, the company could legitimately expect to continue its industrial activities, whereas the national authorities were already aware that transforming the area for residential use might pose environmental issues with respect to those pre-

existing activities. The 2006 PUC proposed relocating the plant as a condition for implementing the new land use designation (see paragraph 8 above). The Court is struck by the fact that, despite this initial condition, no relocation occurred, and the area was still opened for residential development (see paragraph 9 above). The Court takes note of the domestic courts' view that the urbanisation of the area was indeed "quite surprising" (see paragraph 39 above).

157. Against this factual background, the Court considers that the complaints raised by the applicants should not be analysed from the standpoint of the alleged absence of an adequate legal framework, but from that of the protective measures the authorities put in place in the specific circumstances of the case.

158. The Court reiterates that it is not its task to determine exactly what should have been done in the present case to address and possibly reduce the pollution stemming from the plant in its new urbanised context. However, it is certainly within its jurisdiction to assess whether the Government approached the problem with due diligence and gave consideration to all the competing interests. In this regard, the Court reiterates that the onus is on the State to justify, using detailed and rigorous data, a situation in which certain individuals bear a heavy burden on behalf of the rest of the community. Looking at the present case from this perspective, the Court notes the following points (see *Fadeyeva*, § 128; *Cordella and Others*, § 161; and *Locascia and Others*, § 140, all cited above).

159. The documents submitted by the parties show that, from 2008 to 2016, the foundry caused serious environmental pollution without any clear information being provided to the people concerned, including the applicants, of the potential risks to which they were exposed by continuing to live a few kilometres from the plant. The expert report of 31 December 2021 reported that the area surrounding the plant was under "severe environmental pressure" and that residential areas were located "very close to the emission sources". According to the expert report, while the level of pollution was likely to have been even higher before 2008, existing data proved with certainty that pollution had occurred from 2008 to 2016 and, in particular, that emissions of particulate matter had exceeded the maximum permissible limits established by national law. The expert report also found that, since 2008, inspections of the plant had consistently shown numerous shortcomings concerning water discharges, waste management and air emissions, a substantial lack of information and monitoring mechanisms for channelled emissions, and poor oversight of raw materials. These findings are consistent with the outcome of the criminal and administrative proceedings. Criminal proceedings nos. 7997/2004 and 5449/2007 ended with plea-bargaining agreements in relation to charges that, from 2004 to 2011, the foundry had produced unlawful emissions affecting the local population. It was also found to have operated with inadequate monitoring mechanisms and in breach of

the BAT. The Court observes that, under the domestic legal framework in force at the time, environmental crimes were minor offences that carried lighter penalties and were subject to shorter limitation periods (see paragraphs 99-103 above). Without undertaking an assessment *in abstracto* of such a framework, the Court finds that, against the background of the modest monetary penalties imposed on the directors of the plant, doubts emerge as to the effectiveness of that legal framework in preventing environmental crimes, at least until the enactment of Law no. 68 in May 2015.

160. The Court further observes that investigations carried out by ARPAC after the issuance of the 2012 AIA repeatedly found serious shortcomings in the operation of the plant and even concluded that the authorisation itself was "deficient and contradictory" and that the administrative authorities had "not made use of the AIA procedure to impose a substantial improvement in environmental performance on the company" (see paragraph 24 above). Based on these findings, the administrative courts considered that the Campania Region had legitimately decided on 24 March 2016 that the 2012 AIA should be reviewed to improve the plant's environmental performance and reduce its polluting emissions (see paragraph 37 above).

161. With regard to access to information on the possible harmful effects of pollution exposure, the Court observes that the national authorities started biomonitoring of the population living in the vicinity of the plant in 2017 (paragraph 16) but did not make the relevant results available to the public until 2021, that is, ten and fourteen years respectively after the area had been opened for residential development and at a time when it was already densely populated (see paragraphs 15, 54 and 151 above).

162. In the light of the foregoing, the Court finds that, after allowing residential development of the area surrounding the foundry, the national authorities did not take all the measures necessary to ensure the effective protection of the right to respect for private life of the people concerned, at least for the period from 2008 to 2016.

163. As to the period from 24 March 2016, when the Campania Region decided to review the 2012 AIA and determined that the plant required major modernisation, including substantial structural modifications, the Court remarks that the authorities devised and planned a number of measures aimed at minimising the harmful effects of the foundry's operation on the environment and the health of the local population. It should be noted, for instance, that as part of the review procedure, the Campania Region assessed several projects submitted by the company, rejecting one as inadequate to guarantee high levels of environmental protection, and imposing modifications and supplements to a third one, which was finally approved by Decree no. 85/2020 (see paragraph 44 above). Moreover, the administrative authorities regularly monitored the operation of the plant and imposed various measures to remedy the shortcomings found during the inspections, including

suspending the operation of the plant and identifying the specific measures to be put in place by the company to align with the BAT.

164. The Court observes that the results of these measures were tangible, as shown by the fact that ARPAC's inspections carried out in the years 2019-2021 found that the authorised emission limits had not been exceeded. Moreover, the expert report of 31 December 2021 considered that the technical improvements carried out over the years and the more restrictive emission limits set out in Decree no. 85/2020 had contributed to improving monitoring and the amount of available information. It also considered it very probable that the pollution had diminished as a result of environmental monitoring and judicial action (see paragraphs 79 and 84 above). The Court further observes that, during that period, the applicants had a chance to participate in the decision-making process for the review of the 2012 AIA by taking part in the administrative procedure and by challenging the relevant decisions before the administrative courts.

165. Notwithstanding these efforts, the Court observes with concern that, in authorising the plant to continue operating and in setting new environmental requirements and monitoring activities for the company to comply with, the national authorities did not attach any weight to the fact that local population had already been exposed to significant harmful effects resulting from prolonged exposure to pollution. The Court notes that the results of the SPES study and the cohort study revealed that people living in the vicinity of the plant presented higher levels of heavy metals and organic compounds in their bodies, as well as higher morbidity rates for cardiovascular, respiratory and neurological diseases (see paragraphs 18-19 and 81 above). In this regard, the Court notes with particular concern that biomonitoring data revealed that the average mercury levels in the serum of volunteers from the Irno Valley clusters were approximately five times higher than those of the entire population assessed. Yet, according to the ARPAC report of 7 August 2020, neither the PMeC nor the BAT described in the 2012 AIA required that the plant's emissions be tested against that parameter (see paragraph 52 above).

166. The Court also notes that, while the applicants relied on the results of the SPES study in the proceedings against Decree no. 85/2020 before the administrative courts, judgment no. 9166/2022 of the *Consiglio di Stato* considered that these results did not specifically attribute the Irno Valley contamination levels and the related health risks for the local population to the operation of the plant and were therefore irrelevant to the case. The Court has already observed that the Irno Valley clusters were specifically targeted to assess the foundry's impact on people living in the surrounding area and that, in the absence of any alternative explanation by the national authorities, it may be inferred that the effects of the population's exposure to environmental pollution shown therein derived, at least to a certain extent, from the foundry's operation (see paragraph 121 above). The Court further

observes that an increased vulnerability to illness as a result of pollution exposure was a relevant factor that the national authorities should have taken into account when weighing up the consequences of the operation of the plant against the applicants' health and quality of life. The Court is therefore not convinced that, in this regard, the Government gave adequate consideration to all the competing interests in approaching the problem of the plant's polluting emissions.

167. Furthermore, the Court observes that, after the issuance of Decree no. 85/2020, the applicants continued to report foul-smelling emissions and smoke from the plant to the local authorities, and that these nuisances were confirmed in a report of 18 July 2022, in which ARPAC reported the presence of emissions originating from the production process which had completely bypassed filtering and monitoring activities. While technical measures were immediately ordered to remedy these specific issues, the Court notes with concern that, in that same report, the existence of environmental issues affecting the local population was not necessarily linked to specific technical shortcomings but was treated more as a potentially ordinary occurrence, having regard to the plant's age and current location in a densely populated area (see paragraph 54 above). In their latest observations to the Court, the Government also expressed the view that complaints from residents had been "physiological, given that the plant [was] located in an urbanised and densely populated area, with all that this entail[ed] in terms of lower levels of air quality".

168. The Court observes that the fact that ARPAC referred to the plant's age as a factor impacting on its environmental performance is at odds with the main purpose of the decision of 24 March 2016 to require the foundry to undergo major modernisation, including substantial structural modifications. Decree no. 85/2020 indeed reviewed the 2012 AIA on the basis of a project which was supposed to remedy the shortcomings identified in the previous authorisation regime and to minimise the plant's environmental impact. In this regard, the Court is also struck by the fact that judgment no. 9166/2022 of the *Consiglio di Stato* considered that the approved project concerned only "interventions of minor importance and, in particular, a technical adjustment that should have led to improvements in terms of environmental impact".

169. As to the plant's location in a densely populated area, the Court takes note of the applicants' argument (not contested by the Government) that the monitoring activities carried out following the issuance of Decree no. 85/2020 referred to the legislative limits for industrial zones and not to the lower levels established by national law for residential areas.

170. Having regard to all these factors taken together, the Court is not convinced that, even after the issuance of Decree no. 85/2020, a fair balance was struck between, on the one hand, the applicants' interest in not suffering serious environmental harm which could affect their private life and, on the other, the interest of society as a whole.

171. In the light of the foregoing, the Court finds that, and in spite of the margin of appreciation left to the respondent State, the authorities failed in their positive obligation to take all the necessary measures to ensure the effective protection of the applicants' right to respect for their private life.

172. There has therefore been a violation of Article 8 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

173. Relying on Article 13 of the Convention, the applicants complained that they had had no effective domestic remedies in respect of the aforementioned complaints, given that the several sets of criminal and administrative proceedings in which they had taken part had been unable to put an end to the violations complained of. Article 13 reads as follows:

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

174. The Court refers to its findings concerning the existence of appropriate and effective remedies for the applicants' complaints concerning the effects of the foundry's operation on the environment and health (see paragraphs 30-146 above). It follows from those findings that the applicants had the possibility of demanding that the foundry be operated in such a way as to minimise the effects of the pollution from the plant. The Court reiterates that effectiveness of a remedy within the meaning of Article 13 does not depend on the certainty of a favourable outcome for the applicant (see *Kotov and Others*, cited above, § 92, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 96, 10 January 2012).

175. In the light of the above, the Court considers that the complaint under Article 13 of the Convention is manifestly ill-founded.

176. It is therefore inadmissible under Article 35 § 3 (a) of the Convention and must be rejected pursuant to Article 35 § 4 thereof.

III. APPLICATION OF ARTICLE 46 OF THE CONVENTION

177. Article 46 of the Convention provides, in so far as relevant, as follows:

> "1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
>
> 2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution ..."

178. Under this provision, the applicants requested the Court to indicate general measures to redress the situation. Specifically, they asked that the national authorities be required to monitor the operation of the plant at full capacity and make its operation conditional on positive results from an

environmental and health impact assessment. They also requested that a plan be put in place to reduce emissions and decontaminate the areas surrounding the foundry.

179. Referring to the number of residents affected by pollution from the plant, they requested the Court to adopt a pilot judgment under Rule 61 of the Rules of the Court.

180. A judgment in which the Court finds a breach of the Convention imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, general measures to be adopted in its domestic legal order to put an end to the violation found by the Court and to redress as far as possible its effects. It is primarily for the State concerned to choose, subject to supervision by the Committee of Ministers, the means to be used in its domestic legal order to discharge its obligation under Article 46 of the Convention. However, with a view to helping the respondent State to fulfil that obligation, the Court may exceptionally indicate the type of general measures that might be taken in order to put an end to the situation it has found to exist (see *Broniowski v. Poland* [GC], no. 31443/96, § 194, ECHR 2004-V; *Varga and Others v. Hungary*, nos. 14097/12 and 5 others, §§ 101-102, 10 March 2015; and *Sukachov v. Ukraine*, no. 14057/17, § 144, 30 January 2020).

181. In the light of those principles, having regard to all the circumstances of the case, the Court finds it unnecessary to indicate the detailed measures referred to by the applicants to the Government and to apply the pilot judgment procedure (compare, *mutatis mutandis*, with *Cordella and Others*, cited above, § 180).

182. The respondent State remains free, subject to monitoring by the Committee of Ministers, to choose the means by which it will discharge its obligation to put the applicants, as far as possible, in the position they would have been in had the requirements of the Convention not been disregarded, provided that such means are compatible with the conclusions set out in the Court's judgment.

183. In this context, the Court notes that the applicants' Article 8 complaints could be remedied not only by duly addressing the environmental hazards so that the environmental impact of the foundry becomes fully compatible with its location in a residential area, but also by relocating the plant, as originally planned in the 2006 PUC. In this regard, the Court observes that, in judgment no. 9166/2022, the *Consiglio di Stato* stated that this possibility was still under consideration by the national authorities (see paragraph 49 above). The Court further notes that, in order to achieve those objectives, the national authorities remain free to use any coercive powers available under domestic law or to negotiate a mutually agreed solution with the company.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

184. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

185. The applicants claimed 20,000 euros (EUR) each in respect of non-pecuniary damage.

186. The Government objected.

187. In the circumstances of the present case, the Court considers that the violation of the Convention it has found constitutes sufficient just satisfaction for any non-pecuniary damage (compare, *Locascia and Others*, § 167; *Cordella and Others*, § 187, both cited above).

B. Costs and expenses

188. The applicants first asked that any award under this head be paid directly into the bank account of their legal representative.

189. They claimed EUR 1,700 for the costs and expenses incurred before the domestic courts and EUR 27,475.20 for those incurred before the Court, as detailed in a fee note containing a breakdown of the hours spent by their lawyer on the case. This included a total of forty-nine hours for work by leading counsel and sixty-three hours for co-counsel, at hourly rates of EUR 175 and EUR 125, respectively. The lawyer indicated that he had agreed with the applicants to be paid in instalments, based on the above-mentioned hourly rate, contingent upon a successful outcome before the Court, and that they had already made an advance payment equal to EUR 3,762,73 towards those fees.

190. The Government argued that "all the sums claimed are not substantiated by any supporting document" and "in any case, the sum of EUR 27.475,20 is clearly excessive as the quantum."

191. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court allows the claim for costs and expenses incurred in the domestic proceedings for EUR 1,700. It also considers it reasonable to award the sum of EUR 7,000 for the proceedings before the Court, plus any tax that may be chargeable to the applicants. These amounts shall be paid directly into the bank account of the applicants' representative.

FOR THESE REASONS, THE COURT,

1. *Declares*, unanimously, the application in respect of the applicants listed as nos. 23 and 67 in the appendix inadmissible;

2. *Declares*, by a majority, the remaining applicants' complaints concerning Article 8 of the Convention admissible and the remainder of the application inadmissible;

3. *Holds*, unanimously, that there has been a violation of Article 8 of the Convention;

4. *Holds*, by six votes to one, that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants;

5. *Holds*, unanimously,
   (a) that the respondent State is to pay to the applicants, jointly, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention:
      (i) EUR 1,700 (one thousand seven hundred euros), plus any tax that may be chargeable to them, in respect of costs and expenses incurred before the domestic courts, to be paid directly into the bank account of the applicants' legal representative;
      (ii) EUR 7,000 (seven thousand euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses incurred before the Court, to be paid directly into the bank account of the applicants' legal representative;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

6. *Dismisses*, by six votes to one, the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 6 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Registrar	Erik Wennerström President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the partly dissenting opinion of Judge Serghides is annexed to this judgment.

PARTLY DISSENTING OPINION OF JUDGE SERGHIDES

1. The present case concerns the authorities' failure to take protective measures to minimise or eliminate the effects of the pollution allegedly caused by the continuing operation of a foundry near the applicants' homes in the municipality of Salerno, in violation of their rights under Articles 2, 8 and 13 of the Convention. In particular, relying on Articles 2 and 8 of the Convention, the applicants submitted that: (i) by allowing residential development in the area surrounding the foundry, (ii) by failing to adopt an adequate regulatory framework, and (iii) by failing to take the requisite measures to minimise or eliminate the effects of pollution from the plant, the State had caused serious damage to the environment, endangered their lives and health, and affected their personal well-being. Several of the applicants also submitted that the risks to their health stemming from the plant's emissions had manifested themselves in the form of specific diseases. Furthermore, the applicants complained that the authorities had neglected to inform them of the risks of living in the area surrounding the plant, or to involve them in the decision-making process for authorising its operation.

2. In paragraphs 108-109 of the judgment, the following is stated:

> "108. The Court observes ... that in most environmental cases that have concerned a single, identified, circumscribed source of pollution or activity causing it, and a more or less limited geographical area, it has found it unnecessary to consider the complaint under Article 2 separately from that under Article 8 (see *Guerra and Others*, cited above, § 62; and, more recently, *Locascia and Others v. Italy*, no. 35648/10, § 86, 19 October 2023, and *Cordella and Others v. Italy*, nos. 54414/13 and 54264/15, §§ 93-94, 24 January 2019). It sees no reason to depart from that approach in the present case.
>
> 109. Accordingly, the Court, being master of the characterisation to be given in law to the facts of the case (see *Guerra and Others*, cited above, § 44), finds it appropriate to examine the applicants' complaints from the standpoint of the right to respect for private life enshrined in Article 8 ..."

3. The judgment found the complaint under Article 13 inadmissible (see paragraphs 173-176) and I agree with this finding.

4. I agree with point 1 of the operative provisions of the judgment that the application in respect of the applicants listed as nos. 23 and 67 in the appendix is inadmissible, as these two applicants were living significantly more than six kilometres from the plant (see paragraph 125 of the judgment).

5. I disagree with the judgment in not examining the complaint under Article 2 of the Convention (see paragraph 109 of the judgment, quoted above). In particular, in paragraph 108 of the judgment (quoted above) the Court found it unnecessary to consider the complaint under Article 2 separately from that under Article 8 because the present environmental case concerned a single, identified, circumscribed source of pollution or activity causing it, and a more or less limited geographical area, probably meaning that the source of the Article 2 and Article 8 complaints was the same.

6. In my humble view, however, it is one thing to interpret a Convention provision in harmony with another – an interpretation which is an aspect or a dimension of the principle of effectiveness – and quite another to find it unnecessary to examine a complaint under one Article of the Convention simply because the Court has addressed another or a similar complaint under a different provision, as the Court did in the present case. This is especially problematic when the unexamined complaint concerns Article 2, which guarantees the most fundamental right under the Convention: the right to life. Without this right, no other rights can be exercised or enjoyed. I believe that no Convention right can serve as a substitute for another, nor can one right absorb or override another to the point of rendering it meaningless or extinguished. Such an approach would contradict not only the text of the Convention provisions but also the intention of the Convention's drafters, whose aim was to ensure that all the rights enshrined therein would coexist and be fully effective. Indeed, each right has its own distinct value, content and purpose within the human rights framework, and the principle of effectiveness requires that every provision be interpreted in a manner that gives practical and tangible effect to its guarantees. Reducing one right to a mere accessory of another undermines the holistic protection that the Convention is designed to provide.

The content of a right is not like a bottle into which anything can be poured at will. A right under the Convention is not a vessel, half filled, passively waiting to be filled by the content of another right or by whatever meaning is convenient or expedient in a given case. Each right has a specific core content, a defined scope, and a legal and moral essence that must be respected. To treat a right as a formless container is to risk distorting its purpose and undermining the integrity of the Convention system. Interpretation must be principled and faithful to the original character and nature of each right. The Court has a duty to ensure that rights are not blurred, diluted, or repurposed in a way that erodes their individual significance or leads to the disappearance of distinct protections under the guise of efficiency or judicial economy.

7. Having said the above, one may wonder: does it really matter whether the present environmental case concerned "a single, identified, circumscribed source of pollution or activity causing it, and a more or less limited geographical area" (see paragraph 108 of the judgment)? The fact that alleged violations of different Articles of the Convention stem from a common factual source cannot, in itself, justify examining the complaints exclusively under a single provision. Nor can it serve as a valid response to the argument I have made above.

8. As regards my disagreement with the Court's decision not to examine the complaint under Article 2, which is indeed a very serious complaint, I wish to restate that I have previously opposed the Court's practice of examining only one complaint – while leaving the others unaddressed – in a

number of separate opinions: (i) partly dissenting opinions in *Adamčo v. Slovakia (no. 2)*, nos. 55792/20, 35253/21 and 41955/22, 12 December 2024, §§ 2-8; *Italgomme Pneumatici S.r.l. and Others v. Italy*, no. 36617/18 and 12 others, 6 February 2025, §§ 6-7; *Grande Oriente d'Italia v. Italy*, no. 29550/17, 19 December 2024, § 3; *M.I. v. Switzerland*, no. 56390/21, 12 November 2024, §§ 6-7; *Zarema Musayeva and Others v. Russia*, no. 4573/22, 28 May 2024, §§ 7-8; *Mandev and Others v. Bulgaria*, nos. 57002/11 and 4 others, 21 May 2024, §§ 4-8; *Thanza v. Albania*, no. 41047/19, 4 July 2023; *Gashi and Gina v. Albania*, no. 29943/18, 4 April 2023, §§ 2-3; and *Podchasov v. Russia*, no. 33696/19, 13 February 2024, §§ 4-5; and (ii) partly concurring and partly dissenting opinions in *A.M.A. v. the Netherlands*, no. 23048/19, 24 October 2023, §§ 13-18, and *Stanevi v. Bulgaria*, no. 56352/14, 30 May 2023, §§ 4-15.

There has been some academic support for my view; see for a recent example Alan Greene, "Allegation-picking and the European Court of Human Rights: A pervasive Court practice in plain sight" (Strasbourg Observers, published on 25 February 2025)[1].

9. Therefore, based on the above, I would examine the Article 2 complaint and I would find a violation of Article 2 regarding all 151 applicants living within six kilometres of the plant. The expert report prepared on a request from the Salerno District Court, part of which is mentioned in paragraph 8 of the judgment, would be helpful in the examination of the Article 2 complaint and in finding a violation of that Article.

10. I agree that there has been a violation of Article 8 of the Convention, but, nevertheless, I voted against point 2 of the operative provisions. This is so because point 2 does not separate the finding that the Article 8 complaint is admissible from the declaration that the remainder of the application is inadmissible. The "remainder of the application" includes not only the Article 13 complaint but also the Article 2 complaint, given that there is no separate operative provision addressing it. As I said above, I disagree with the judgment in not examining separately the Article 2 complaint and in ultimately finding it inadmissible, if it indeed does so, tacitly or indirectly under point 2 of the operative provisions.

11. I am in agreement with point 5 concerning costs and expenses in the proceedings before the domestic court and before the Court.

12. An additional point I disagree with is point 4, which holds that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants. Each of the applicants claimed 20,000 euros (EUR) for non-pecuniary damage (see paragraph 176 of the judgment). However, in paragraph 187 the Court considered that, in the circumstances of the present case, the violation of the Convention that it

[1] https://strasbourgobservers.com/2025/02/25/allegation-picking-and-the-european-court-of-human-rights-a-pervasive-court-practice-hiding-in-plain-sight/

had found constituted sufficient just satisfaction for any non-pecuniary damage sustained by the applicants. That was also reflected in point 4 of the operative provisions. I am unable to accept that the suffering and anxiety of the applicants from the continuous and serious pollution and risks they suffered should not warrant a monetary award for non-pecuniary damage.

I have addressed in depth the practice of not awarding a sum in respect of non-pecuniary damage, along with its underlying justification, in a number of separate opinions. In these, I have thoroughly explained what I consider to be the logical fallacy inherent in the ritualistic formula used to deny victims of a Convention violation any monetary award for non-pecuniary damage. I therefore refer to those earlier opinions for a fuller exposition of my reasoning (see, *inter alia*, paragraphs 22-38 of my partly concurring, partly dissenting opinion in *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, 26 September 2023, and the joint partly dissenting opinion I authored with Judge Felici in *Grzęda v. Poland* [GC], no. 43572/18, 15 March 2022). Fortunately, I recently discovered that I am not the only judge of the Court who has been unable to adhere to such a formula (see Rick Lawson, "Something worth dissenting from – Leafing Through the Dissenting Opinions of Judge Bonello", in Sir Nicolas Bratza and Michael O'Boyle (eds), *A Free Trade of Ideas – the separate opinions of Judge Vanni Bonello* (Wolf Legal Publishers, 2006), 9, at pp. 15-20; and Mario Schiavone (ed.), *When Judges Dissent – Separate Opinions of Judge Giovanni Bonello at the European Court of Human Rights* (Institute of Maltese Journalists, 2008), at pp. 15-17, 21-23).

13. Lastly, I disagree with point 6 of the operative part, dismissing the remainder of the applicants' claim for just satisfaction, on the basis that the award for non-pecuniary damage should have been made to the applicants in relation both to their complaint under Article 8 and to their complaint under Article 2.

APPENDIX

List of applicants:
Application no. 52854/18 (anonymity has been granted)

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	L.F.	1973	Italian	Salerno
2.	G.A.	1955	Italian	Pellezzano
3.	A.A.	1947	Italian	Salerno
4.	D.A.	1971	Italian	Salerno
5.	P.A.	1975	Italian	Salerno
6.	A.A.	1955	Italian	Salerno
7.	A.A.	1971	Italian	Salerno
8.	C.A.	1983	Italian	Salerno
9.	G.A.	1982	Italian	Salerno
10.	N.B.	1981	Italian	Salerno
11.	C.B.	1978	Italian	Salerno
12.	L.B.	1988	Italian	Baronissi
13.	T.B.	1975	Italian	Baronissi
14.	C.B.	1968	Italian	Salerno
15.	G.B.	1971	Italian	Pellezzano
16.	C.B.	1950	Italian	Salerno
17.	F.B.	1976	Italian	Salerno
18.	M.B.	1956	Italian	Salerno
19.	R.B.	1943	Italian	Salerno
20.	R.B.	1986	Italian	Salerno
21.	D.B.	1975	Italian	Salerno
22.	M.C.	1976	Italian	Salerno
23.	G.C.	1966	Italian	Salerno
24.	G.C.	1940	Italian	Salerno
25.	V.C.	1970	Italian	Pellezzano
26.	A.C.	1943	Italian	Salerno
27.	A.C.	1966	Italian	Pellezzano
28.	C.C.	1968	Italian	Salerno
29.	G.C.	1979	Italian	Salerno
30.	R.C.	1984	Italian	Salerno
31.	A.C.	1952	Italian	Salerno
32.	C.C.	1950	Italian	Salerno
33.	F.C.	1945	Italian	Pellezzano
34.	C.C.	1976	Italian	Salerno
35.	A.C.	1977	Italian	Salerno
36.	D.C.	1947	Italian	Pellezzano
37.	G.C.	1978	Italian	Pellezzano
38.	N.C.	1991	Italian	Baronissi

39.	G.C.	1967	Italian	Salerno
40.	P.C.	1946	Italian	Salerno
41.	S.C.	1977	Italian	Salerno
42.	S.C.	1977	Italian	Salerno
43.	M.C.	1954	Italian	Pellezzano
44.	R.C.	1965	Italian	Pellezzano
45.	M.D.	1971	Italian	Salerno
46.	G.D.	1969	Italian	Pellezzano
47.	A.D.	1953	Italian	Pellezzano
48.	A.D.L.	1964	Italian	Salerno
49.	F.D.S.	1971	Italian	Salerno
50.	G.D.V.	1949	Italian	Salerno
51.	P.D.	1971	Italian	Baronissi
52.	A.D.G.	1970	Italian	Salerno
53.	R.D.C.	1983	Italian	Pellezzano
54.	U.D.C.	1945	Italian	Pellezzano
55.	A.D.F.	1975	Italian	Salerno
56.	A.D.G.	1959	Italian	Baronissi
57.	L.D.G.	1997	Italian	Salerno
58.	A.D.L.	1979	Italian	Salerno
59.	R.D.L.	1942	Italian	Salerno
60.	C.D.	1964	Italian	Salerno
61.	M.E.	1973	Italian	Pellezzano
62.	P.E.	1948	Italian	Pellezzano
63.	M.E.	1959	Italian	Salerno
64.	A.F.	1996	Italian	Salerno
65.	C.F.	1978	Italian	Baronissi
66.	R.F.	1977	Italian	Baronissi
67.	V.F.	1963	Italian	Salerno
68.	A.F.	1971	Italian	Salerno
69.	A.F.	1969	Italian	Salerno
70.	F.F.	1970	Italian	Salerno
71.	G.F.	1966	Italian	Salerno
72.	L.F.	1960	Italian	Baronissi
73.	M.F.	1965	Italian	Salerno
74.	A.G.	1981	Italian	Pellezzano
75.	G.G.	1989	Italian	Baronissi
76.	L.G.	1969	Italian	Salerno
77.	V.G.	1981	Italian	Pellezzano
78.	Y.G.	1973	Italian	Pellezzano
79.	A.G.	1942	Italian	Pellezzano
80.	R.G.C.	1984	Italian	Salerno
81.	E.G.	1979	Italian	Salerno
82.	F.G.	1969	Italian	Salerno

83.	F.G.	1975	Italian	Salerno
84.	G.G.	1979	Italian	Salerno
85.	M.G.	1981	Italian	Salerno
86.	C.I.	1952	Italian	Salerno
87.	F.I.	1957	Italian	Pellezzano
88.	M.I.	1970	Italian	Pellezzano
89.	O.I.	1947	Italian	Salerno
90.	A.I.	1971	Italian	Salerno
91.	A.L.	1961	Italian	Salerno
92.	F.L.	1945	Italian	Salerno
93.	A.L.	1975	Italian	Baronissi
94.	E.L.	1965	Italian	Pellezzano
95.	G.L.	1967	Italian	Salerno
96.	M.L.	1970	Italian	Salerno
97.	C.L.	1964	Italian	Salerno
98.	F.L.	1977	Italian	Salerno
99.	L.L.	1948	Italian	Pellezzano
100.	S.L.	1965	Italian	Baronissi
101.	F.M.	1964	Italian	Salerno
102.	M.M.	1972	Italian	Salerno
103.	A.M.	1975	Italian	Salerno
104.	D.M.	1988	Italian	Salerno
105.	M.M.	1986	Italian	Salerno
106.	G.M.	1940	Italian	Salerno
107.	M.M.	1957	Italian	Pellezzano
108.	L.M.	1954	Italian	Pellezzano
109.	R.M.	1956	Italian	Pellezzano
110.	M.M.	1946	Italian	Salerno
111.	A.M.	1955	Italian	Pellezzano
112.	G.M.	1947	Italian	Pellezzano
113.	B.N.	1972	Italian	Salerno
114.	M.N.	1957	Italian	Salerno
115.	M.N.	1982	Italian	Salerno
116.	I.N.	1976	Italian	Salerno
117.	A.N.	1939	Italian	Salerno
118.	P.P.	1977	Italian	Salerno
119.	M.P.	1973	Italian	Salerno
120.	F.P.	1982	Italian	Salerno
121.	E.P.	1966	Italian	Baronissi
122.	G.P.	1946	Italian	Salerno
123.	A.P.	1981	Italian	Salerno
124.	A.P.	1960	Italian	Salerno
125.	B.P.	1952	Italian	Salerno
126.	G.P.	1975	Italian	Salerno

127.	M.P.	1958	Italian	Baronissi
128.	C.P.	1972	Italian	Pellezzano (fraz. Cologna)
129.	S.Q.	1974	Italian	Salerno
130.	A.R.	1959	Italian	Salerno
131.	M.R.	1974	Italian	Salerno
132.	A.R.	1953	Italian	Pellezzano
133.	M.R.	1947	Italian	Pellezzano
134.	R.R.	1968	Italian	Salerno
135.	P.R.	1960	Italian	Salerno
136.	C.R.	1978	Italian	Salerno
137.	C.R.	1947	Italian	Salerno
138.	M.R.	1976	Italian	Salerno
139.	C.R.	1980	Italian	Baronissi
140.	M.S.	1965	Italian	Salerno
141.	C.S.	1978	Italian	Salerno
142.	S.S.	1975	Italian	Pellezzano
143.	S.S.	1960	Italian	Salerno
144.	F.S.	1972	Italian	Baronissi
145.	G.S.	1948	Italian	Salerno
146.	F.S.	1957	Italian	Salerno
147.	C.S.	1965	Italian	Salerno
148.	D.T.	1985	Italian	Pellezzano
149.	L.V.	1969	Italian	Salerno
150.	C.V.	1963	Italian	Salerno
151.	F.V.	1975	Italian	Salerno
152.	M.Z.	1993	Italian	Salerno
153.	R.Z.	1949	Italian	Salerno