



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

THIRD SECTION

CASE OF ARB SHPK AND OTHERS v. ALBANIA

*(Applications nos. 39860/19 and 3 others –
see appended list)*

JUDGMENT

Art 6 § 1 (civil) • Failure of the applicant in the third application to lodge a Constitutional appeal complaining about the length of proceedings, a remedy capable of being an effective • Non-exhaustion of domestic remedies • Art 13 • Effective remedy • Manifestly ill-founded

Art 6 § 1 (civil) • Unreasonable length of proceedings before the Supreme Court in respect of the first and second applications • Art 13 • Effective remedy for excessive length complaints • Manifestly ill-founded

Art 6 § 1 (civil) • Excessive delay in proceedings brought under the acceleratory/preventive and compensatory remedy for length-of-proceedings in respect of the fourth application • Art 13 • Lack of an effective remedy

Art 46 • Execution of judgment • General measures • Domestic authorities to pursue their efforts to prevent violations of the “reasonable time” requirement and to consider the practical effectiveness of the compensatory remedy

Prepared by the Registry. Does not bind the Court.

STRASBOURG

27 May 2025

FINAL

27/08/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of ARB SHPK and Others v. Albania,

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

Ioannis Ktistakis, *President*,

Lətif Hüseynov,

Darian Pavli,

Oddný Mjöll Arnardóttir,

Úna Ní Raifeartaigh,

Mateja Đurović,

Canòlic Mingorance Cairat, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the applications (nos. 39860/19, 38996/20, 6142/22 and 27370/22) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by ARB SHPK and two others (“the applicants”), on the various dates indicated in the appended table;

the decision to give notice to the Albanian Government (“the Government”) of the complaints under Article 6 § 1 and Article 13 in conjunction with Article 6 § 1 of the Convention and to declare the remainder of the applications inadmissible;

the parties’ observations;

Having deliberated in private on 29 April 2025,

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

INTRODUCTION

1. The case concerns the applicants’ complaints about the length of proceedings and the effectiveness of a remedy enacted in 2017 to address such complaints domestically (“the 2017 remedy”).

THE FACTS

2. The applicants’ details are set forth in the appended table.

3. The Government were represented by Mr O. Moçka, General State Advocate.

I. FIRST APPLICATION: ARB SHPK v. ALBANIA (No. 39860/19)

4. The applicant is a company that provides commission-based private enforcement services to parties that have an enforceable judgment or writ.

A. Main domestic proceedings: claim for damages against a local bank

5. On 27 May 2014 the applicant company brought court proceedings seeking damages from a local bank, B. bank, which had allegedly unlawfully hindered an enforcement procedure conducted by the applicant company against an enforcement debtor.

6. On 15 April 2015 and 21 April 2016 the Tirana District Court and the Tirana Court of Appeal, respectively, dismissed the claim as ill-founded. They found no evidence of any unlawful action by the bank in the course of the enforcement procedure or of any damage suffered by the applicant company.

7. On 20 May 2016 the applicant company lodged a cassation appeal with the Supreme Court. The appeal was declared inadmissible on 27 November 2024 by means of a *de plano* decision.

B. Complaint under Article 399/1 of the Code of Civil Procedure about the length of proceedings

1. Supreme Court

8. On 30 December 2020, while the main proceedings concerning the claim for damages were pending before the Supreme Court (see paragraph 7 above), the applicant company lodged a complaint with the Supreme Court under Article 399/1 of the Code of Civil Procedure (“the CCP”), asking it to find that there had been a breach of the “reasonable time” requirement.

2. Constitutional Court

9. In the absence of a ruling on its complaint of 30 December 2020, on 21 April 2021 the applicant company brought an appeal before the Constitutional Court.

10. On 1 November 2021 the Constitutional Court examined the appeal and adopted decision no. 34 (“Decision 34/2021”).

11. In that decision, the Constitutional Court found that the appeal was admissible.

12. In particular, with regard to the exhaustion of legal remedies, the Constitutional Court noted that the Supreme Court had failed to issue a ruling on the complaint within forty-five days as required under Article 399/7 of the CCP (see *Bara and Kola v. Albania*, nos. 43391/18 and 17766/19, § 37, 12 October 2021). In those specific circumstances, such failure had rendered the Supreme Court an ineffective remedy, and the applicant company could therefore be said to have exhausted effective legal remedies.

13. In respect of the merits of the complaint about the excessive length of the proceedings concerning the applicant company’s claim for damages, the

Constitutional Court found that *prima facie* the length of the proceedings appeared to be excessive.

14. The Constitutional Court also found that the applicant company's behaviour had not caused the delays in question.

15. Turning to what was at stake for the applicant company, the Constitutional Court noted that the main proceedings did not concern any personal right such as child custody, detention, restriction of a particular freedom or other priority matter; they concerned a claim for damages between companies. The delays in court proceedings did not, therefore, involve a considerable risk for the applicant company's interests ("*tejzgjatja e procedurave gjyqësore nuk paraqet një shkallë të konsiderueshme rreziku për interesin e kërkueses*").

16. The Constitutional Court further found that the case was complex.

17. As to the authorities' behaviour, the Constitutional Court pointed out that a 2016 judicial reform had excluded many judges from the judiciary, thereby causing a backlog of cases (see, for context, *Bara and Kola*, cited above, §§ 24-25). However, it found that it fell to the domestic authorities to plan the entry into force of reforms in such a way as to avoid excessive delays. In the case at hand, despite having introduced some measures to that effect, the authorities had failed to take sufficient action, since there continued to be significant delays before the Supreme Court.

18. In an overall assessment of the above elements, the Constitutional Court concluded that to some extent the length of proceedings appeared to have been excessive but that, taking into account the complexity of the case, the absence of a considerable risk for the applicant company's interests and the backlog of the Supreme Court – which, furthermore, was not yet operating with a full bench – there had been no violation of the "reasonable time" requirement. It accordingly dismissed the appeal.

3. Subsequent decisions

19. On 16 December 2021 the Supreme Court ruled that the applicant company's right to a hearing within a reasonable time had not been violated since, in view of the judicial reform, it had been objectively impossible for the domestic courts to review the case more swiftly (*ibid.*, § 15).

20. The applicant company challenged that decision before the Constitutional Court, which on 20 May 2022 dismissed the action, essentially on the same grounds as in its previous ruling (see paragraphs 13-18 above).

21. Following a fresh complaint from the applicant company, on 30 May 2024 the Supreme Court once again ruled against it. It found that the delays had not been due to any subjective reasons or to any misconduct by the judge rapporteur. It also found no reason to give the applicant company's case priority treatment.

22. The applicant company challenged the Supreme Court's decision of 30 May 2024 before the Constitutional Court, which ruled on the case on

21 November 2024, sitting as an eight-judge bench. Four judges voted in favour of finding a violation of the “reasonable time” requirement and four judges voted against it. Given the tied vote, the challenge was dismissed (see, for context, *Meli and Swinkels Family Brewers N.V. v. Albania*, nos. 41373/21 and 48801/21, §§ 12-13 and 29, 16 July 2024).

23. All eight judges appear to have agreed that the applicant company had not caused the delays.

24. They also agreed that the complexity of the case had played no role in the delay. In that connection they pointed out that a matter that was complex before the lower courts was not necessarily so before the Supreme Court, given its cassation jurisdiction.

25. The Constitutional Court assessed the authorities’ behaviour in a manner similar to that in its previous decision (see paragraph 17 above).

26. It was the question of what was at stake for the applicant company and the overall assessment of the case that divided the judges. Four judges concluded that the delay in resolving the civil proceedings was such as to render useless even a potential successful outcome for the applicant company. In their view there had been a violation of the “reasonable time” requirement.

27. The other four judges considered that, as observed by the trial and appeal courts (see paragraph 6 above), the applicant company had suffered no damage from the actions of the respondent bank. They noted that the Supreme Court, before which the civil proceedings were pending, planned to decide the case shortly. Making an overall assessment of the case, they considered that there had been no violation of the “reasonable time” requirement.

II. SECOND APPLICATION: ARB SHPK v. ALBANIA (No. 38996/20)

28. The applicant is the same company as in the first application described above.

A. Main domestic proceedings: claim for damages against a local bank

29. On 28 May 2014 the applicant company brought court proceedings seeking damages from a local bank, T. bank.

30. On 16 November 2015 and 23 March 2017 the Tirana District Court and the Tirana Court of Appeal, respectively, dismissed the claim. The nature of the claim and the reasons for its dismissal were identical to those described in the first application (see paragraphs 5 and 6 above).

31. On 14 September 2017 the case file was transferred to the Supreme Court following a cassation appeal by the applicant company. On 11 September 2024 the Supreme Court declared the appeal inadmissible by means of a *de plano* decision.

B. Complaint under Article 399/1 of the CCP about the length of proceedings

1. Supreme Court

32. On 30 December 2020, while the main proceedings concerning the claim for damages were pending before the Supreme Court (see paragraph 31 above), the applicant company lodged a complaint with the Supreme Court under Article 399/1 of the CCP, asking it to find that there had been a breach of the “reasonable time” requirement and to expedite the proceedings.

2. Constitutional Court

33. In the absence of a ruling on its complaint of 30 December 2020, on 21 April 2021 the applicant company brought an appeal before the Constitutional Court.

34. On 1 November 2021 the Constitutional Court adopted decision no. 33 (“Decision 33/2021”), dismissing the appeal on the same grounds as for the first application (see paragraphs 11-18 above).

III. THIRD APPLICATION: LLAGAMI v. ALBANIA (No. 6142/22)

A. Proceedings concerning the applicant’s dismissal

35. On 6 March 2014 the applicant brought an action before the Tirana Administrative Court of First Instance against a State authority, seeking compensation for his alleged unlawful dismissal from his employment.

36. On 20 May 2014 that court allowed the action and awarded damages to the applicant.

37. On 7 April 2016 the Tirana Administrative Court of Appeal amended the lower judgment, reducing the damages awarded to the applicant.

38. On an unspecified date the applicant lodged a cassation appeal with the Supreme Court, which on 25 May 2023 overturned the appellate judgment and upheld the first-instance ruling.

B. Complaint under Article 399/1 of the CCP about the length of proceedings

39. On 21 June 2021, while the unlawful-dismissal proceedings were pending before the Supreme Court (see paragraph 38 above), the applicant complained under Article 399/1 of the CCP to the Supreme Court about the length of those proceedings.

40. On 16 September 2021 the Supreme Court found that there had been no violation of the applicant’s right to a hearing within a reasonable time. It attributed the delay in the unlawful-dismissal proceedings to the reform of the justice system (see, for context, *Bara and Kola*, cited above, §§ 24-29)

and stated that such delays were “objectively impossible” to avoid and proportionate to the benefits of the reform.

IV. FOURTH APPLICATION: GAZIDEDJA v. ALBANIA (No. 27370/22)

A. Main proceedings concerning the applicant’s pension

1. Administrative phase

41. In 2001 the applicant began receiving a mineworker’s pension.

42. On 19 March 2015 he lodged a request with the Social Insurance Directorate (*Drejtoria e Sigurimeve Shoqerore* – “the SID”) indicating that he fulfilled the conditions to receive an old-age pension in addition to his mineworker’s pension.

43. On 15 January 2016 the SID informed him that, according to its review of the relevant records, he had worked as a mineworker for ten and a half years – not eleven as required by law.

44. For that reason, his request for an old-age pension was rejected. For the same reason, the SID retroactively terminated his right to a mineworker’s pension and ordered him to repay the amounts received since 2001.

2. Judicial phase

45. On 26 May 2016 the applicant challenged the decision of the SID before the Tirana Administrative Court of First Instance.

46. On 25 October 2016 that court ruled in his favour.

47. On 9 November 2017 the Tirana Administrative Court of Appeal, ruling on an appeal by the SID, declared the applicant’s claim partly well-founded.

48. In connection with how long the applicant had worked as a mineworker, the Administrative Court of Appeal found that the records were contradictory. Accordingly, it concluded that the matter was not an “administrative dispute” and advised the applicant to lodge a civil claim with the civil courts in order to have that point of fact clarified.

49. As to the applicant’s obligation to repay in full the mineworker’s pension received since 2001, the Administrative Court of Appeal found that the SID was entitled to collect only three years of undue benefits, the remainder being time-barred.

50. On 26 December 2017 the applicant lodged a cassation appeal with the Supreme Court.

51. On 17 January 2022, following the Constitutional Court’s order to expedite the proceedings (see paragraph 59 below), the Supreme Court quashed the appellate judgment and remitted the case to the Tirana Administrative Court of Appeal.

52. In particular, the Supreme Court found that it was not clear how long the applicant had been a mineworker and that the Tirana Administrative Court of Appeal should have ruled on that point of fact itself rather than advising the applicant to start fresh proceedings before the civil courts.

53. As to the repayment of part of the undue mineworker's pension, it found that the application of time-limits depended on whether the applicant had been in good or bad faith in 2001 when he had first received the benefits. Accordingly, the Supreme Court instructed the appellate court to take those findings into consideration and to retry the case.

54. Those proceedings are currently pending before the Tirana Administrative Court of Appeal, as confirmed in the Government's submissions of 12 February 2025.

B. Complaint under Article 399/1 of the CCP about the length of proceedings

1. First phase: finding of a violation and acceleration of the proceedings

(a) Supreme Court

55. On 18 September 2020, while the pension proceedings were pending before the Supreme Court (see paragraph 50 above), the applicant lodged a complaint with the Supreme Court under Article 399/1 of the CCP, concerning the length of those proceedings.

(b) Constitutional Court

56. On 26 April 2021, relying on the fact that the Supreme Court had failed to give a timely decision concerning his action, the applicant complained to the Constitutional Court.

57. On 1 November 2021 the Constitutional Court ruled partly in favour of the applicant in decision no. 35 ("Decision 35/2021"), declaring that there had been a violation of his right to a hearing within a reasonable time.

58. With regard to the exhaustion of remedies, the Constitutional Court found that the Supreme Court's delay in examining the applicant's action under Article 399/1 of the CCP had rendered that remedy ineffective in the instant case and that there was nothing to be gained in waiting any longer for a decision from the Supreme Court.

59. As to the merits of the complaint about the length of proceedings, the Constitutional Court considered that the main issue before the Supreme Court was not a complex one and that the delays had not been caused by the applicant. Accordingly, it found that the main proceedings had given rise to a breach of the "reasonable time" requirement. It thus ordered the Supreme Court to examine the applicant's cassation appeal within six months.

60. As regards the applicant's claims for damages, the court found that it had no jurisdiction to award such compensation.

2. *Second phase: determination of damages*

61. On 22 April 2022 the applicant brought proceedings before the Tirana District Court against the Ministry of Justice and the Ministry of Finance, seeking to obtain damages for the delay in the main proceedings. He relied on the Constitutional Court's finding of a violation of the "reasonable time" requirement.

62. On 14 April 2024 the Tirana District Court delivered an oral ruling whereby it awarded the applicant 369,406 Albanian leks (ALL) (approximately 3,600 euros (EUR)) in respect of damage and ALL 40,000 (approximately EUR 400) in respect of costs and expenses. The court also ordered the provisional enforcement of its ruling.

63. The ruling of 14 April 2024 was delivered in writing on an unspecified date at the beginning of October 2024. Shortly thereafter, the defendants lodged ordinary appeals challenging the merits of the decision and special appeals challenging the provisional enforcement clause. In essence they argued that there were no grounds for awarding compensation to the applicant and that the lower decision was not sufficiently reasoned.

64. On 15 February 2025 the applicant confirmed that the District Court's decision had not been enforced and that the case was pending before the Court of Appeal.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW AND OTHER MATERIALS

A. Code of Civil Procedure, as amended in 2017

65. On 30 March 2017 Parliament enacted Law no. 38/2017 ("the 2017 Act"), which entered into force on 5 November 2017. The 2017 Act introduced a new remedy, codified in Articles 399/1 et seq. of the CCP, in respect of complaints about the unreasonable length of proceedings.

66. Articles 399/1 et seq. of the CCP, in so far as relevant, are set out in *Bara and Kola* (cited above, § 37). In particular, the relevant parts of Article 399/7 of the CCP read:

Article 399/7

"1. The examination of an action lodged under Article 399/6 § 3 shall be carried out in accordance with the usual procedural rules within a period of three months of the action being filed.

2. The examination of a request lodged under Article 399/6 § 1 shall take place in camera and the court shall take a decision within forty-five days of the request being lodged ...

67. Section 109(4) (transitory provisions) of the 2017 Act provides:

“For cases that are pending on the date of entry into force of Articles 399/1 to 399/12, the time-limits set out in Article 399/2 shall be extended:

- (a) in administrative hearings at first instance and on appeal, by six months;
- (b) at all levels of civil proceedings, by one year and six months.”

68. Article 472 § 1 of the CCP provides that cassation appeals to the Supreme Court (*rekurs* – also referred to as “appeals on points of law”) may be lodged on the following grounds:

- “... (a) there has been a wrongful application of the substantive or procedural law, which is fundamental for the uniformity, certainty and/or development of the case-law;
- (b) the judgment appealed against departs from the case-law of the Civil Bench or the unified case-law of the Joint Benches of the Supreme Court;
- (c) there has been a violation of procedural norms, which renders the judgment or the hearing invalid, pursuant to Article 467 of this Code. ...”

B. Administrative Courts Act

69. Under section 60 of Law no. 49/2012 on administrative courts and adjudication of administrative disputes, as amended (“the Administrative Courts Act”), the Supreme Court must examine administrative cassation appeals within ninety days of receipt.

C. Constitutional Court Act

70. Under section 81(1) of Law no. 8577 of 10 February 2000, as amended (“the Constitutional Court Act”), the decisions of the Constitutional Court are binding and enforceable. With respect to the enforcement procedure, section 81(3) of that Act provides that the Constitutional Court may set deadlines for the body in charge of enforcement or may otherwise determine enforcement methods and procedures.

D. Backlog-reduction strategy

71. On 9 May 2024 the High Judicial Council (*Këshilli i Lartë Gjyqësor* – “the KLGJ”), the body responsible for the management of the judiciary, adopted a backlog-reduction strategy.

1. Status quo of the backlog before domestic courts

72. According to a presentation of the backlog figures for various courts included in the KLGJ strategy, the Court of Appeal with general jurisdiction and the Administrative Court of Appeal have the most concerning backlogs. In particular, the backlog of the latter court increased to more than 23,000 cases in 2023.

2. *Measures envisaged to decrease the backlog*

73. The numerous measures envisaged by the KLGJ to address the situation include creating an inventory of all pending cases; analysing the nature of those cases and reasons for the delay; setting up backlog-reduction teams; improving case filtering; adopting individual plans from courts to address the backlog; filling judicial vacancies; transferring and promoting judges; increasing the number of judges; increasing the number of judicial assistants; assigning simple tasks to court officers instead of to judges; increasing the use of electronic tools in proceedings; using templates; assigning simple cases to a single judge; limiting the right to appeal in some civil and administrative matters; and setting quantitative case-processing targets for judges and monitoring their achievement.

E. Supreme Court's backlog

74. According to the information published by the Supreme Court, at 30 December 2024 it had a backlog of 18,665 cases.

F. Constitutional Court's case-law

75. On 26 September 2023 the Constitutional Court examined a complaint about the length of civil proceedings. The claimant had already obtained an initial finding of a violation under Articles 399/1 et seq. of the CCP on account of the unreasonable length of the proceedings and had been awarded compensation from the first-instance court. However, the authorities had appealed against that judgment and the case had been pending before the appellate court for an allegedly excessive length of time. In decision no. 44/2023, the Constitutional Court agreed with the claimant that the compensation proceedings under Articles 399/1 et seq. should have been swifter. The fact that they had not been had rendered them ineffective in addressing the initial violation of the claimant's right to a hearing within a reasonable time. Accordingly, the Constitutional Court found a further violation of the claimant's right to a hearing within a reasonable time. The case is currently pending before the Court (application no. 16770/24).

76. On 20 November 2023 the Constitutional Court examined a complaint about the length of civil proceedings. The complaint had previously been submitted to the Supreme Court, which had rejected it on the grounds that, among other things, the acceleratory remedy under Articles 399/1 et seq. of the CCP had been conceived to operate in ordinary times and was inappropriate for the extraordinary times that the Albanian judiciary was going through. In decision no. 61/2023 the Constitutional Court recognised the exceptional challenges faced by the national judiciary but, contrary to the Supreme Court, concluded that there had been a violation of the claimant's right to a hearing within a reasonable time. The Constitutional Court further

noted that the involvement of all stakeholders, in particular the legislature, had become necessary considering that the existing legal and institutional arrangements did not adequately address the situation of widespread delays in judicial proceedings.

II. INTERNATIONAL MATERIALS

A. Council of Europe Committee of Ministers materials

77. At its 1514th Human Rights meeting from 3 to 5 December 2024, the Council of Europe Committee of Ministers examined the status of execution of the judgment in the group of cases in *Luli and Others v. Albania* (nos. 64480/09 and 5 others, 1 April 2014) and adopted Decision CM/Del/Dec(2024)1514/H46-1. The group of cases in question concerned instances where the Court had found a violation of the Convention on account of the unreasonable length of proceedings and the absence of an effective remedy.

78. In connection with the above-mentioned meeting, the Secretariat of the Committee of Ministers prepared notes (CM/Notes/1514/H46-1) summarising and analysing the information submitted to it by the Albanian authorities.

79. The relevant part of those notes, summarising the context of the Committee's examination and the information provided by the authorities, reads (footnotes omitted):

“General measures:

A) Previous examination by the Committee of Ministers

In December 2022, the Committee called for guarantees that the extended deadline for the vetting of judges (until the end of 2024) would be met and that the functioning of the judiciary would be ensured in the meantime, as recommended by the Venice Commission. It welcomed the steady progress made in filling judicial vacancies resulting from the vetting of judges, which has allowed the Constitutional Court and the Supreme Court to become operational; it also welcomed the sustained measures to reduce the backlog of cases at the Supreme Court and the good pace of resolution of cases at the Constitutional Court. It requested the authorities, *inter alia*, to speed up the appointment of judges and to reduce the backlog of cases in the most affected courts (particularly the second-instance courts), and to assess the need for specific additional measures for backlog reduction. The Committee welcomed the fact that the general acceleratory and compensatory remedy has been recently considered by the European Court to be effective in principle but noted that it remains to be seen whether the remedy has also been effective in practice.

Finally, it asked for clarifications on the reasons for the rejection of applications for finding that the reasonable time requirement has been breached and for acceleration of proceedings, as well as for a thorough statistical overview of the use and examination of the remedies [emphasis added].

...

- Functioning of the Supreme Court: The authorities report a decrease of 18% in the pending cases (26,058 in January 2024; 31,827 in 2023 and 30,998 in 2022). The SC [Supreme Court] is currently examining appeals from 2015-2018, but priority categories of cases are examined more rapidly. In 2023, each SC judge had a workload of nearly 2084 cases; the SC reviewed on average 250 cases per year per judge. The [KLGJ] reports that in 2023, the clearance rate for civil cases was 362.53% (282% in 2022); for criminal cases, it was 265.17% (193% in 2022) and for administrative cases it was 535% (613% in 2022). They reported that in 2022 the disposition time was 2851.2 days for civil cases, 902.5 days for criminal cases, and 1584.1 days for administrative cases.”

80. As regards the situation of the Tirana Administrative Court of Appeal, the notes provide:

“According to the data provided by the authorities, the number of pending cases before the Tirana Administrative Court of Appeal increased to 23,056 cases in 2023 (2,810 in 2020; 15,157 in 2021; 21,166 in 2022). In 2022, the clearance rate was 24.4%. The [KLGJ] data allows a conclusion that the clearance rate in 2023 was 43%. Also, in 2023, the average length of proceedings was 5,326.20 days (14.6 years) (8,650 days or 23.6 years in 2022). Eight out of 13 judges were in office; and 49.5% of the court staff.”

81. As regards the 2017 remedy, the notes read (footnotes omitted):

“Since November 2017, a new acceleratory and compensatory remedy for excessive length of judicial proceedings has been functioning in Albania. The first stage of the remedy is a request to find a breach of the reasonable time requirement (by just one level of jurisdiction); if the competent court makes such finding, it can order the acceleration of the proceedings. The request is examined by the court which is superior to the one responsible for the length or by a different formation of the SC. The second stage of the remedy allows requesting compensation for the already established breach of the reasonable-time requirement; the claim for compensation should be filed with a first-instance court, which examines it within three months.

In its 2022 *Bara and Kola* judgment, the European Court found that the remedy was effective in principle but had been ineffective in the circumstances of the case as the delayed proceedings before the SC had not been expedited and the request for their acceleration had remained unanswered for more than three years.

The authorities indicated that for the period January 2022 - November 2023, in total 127 requests for finding a breach of the reasonable-time requirement were filed with the SC (76 in 2022; 51 in 2023), out of which 95 were examined and *four were granted* [emphasis added].”

82. In its analysis of the above information the Secretariat noted:

“It is also encouraging that the Supreme Court has had very high clearance rates for 2022 and 2023, which means that its significant backlog has now started to decrease, and that it has a policy of examining priority cases more speedily and has streamlined certain practices. It is however concerning that the average length of proceedings remains very high and that this court currently examines cases from 2016-2018, which demonstrates the need for sustained efforts to speed up the clearing of its backlog.

...

As regards judicial appointments, it is encouraging that the Constitutional Court and the SC function now in full composition, that the authorities are progressing with appointments and have plans for achieving full benches for some of the most

overburdened courts. However, the occupation of only 60% of the judges' positions in the courts and the many positions for judicial administration employees remaining vacant are concerning, all the more that the [KLGJ]'s projections indicate that full staffing levels will not be achieved before 2028 or later.

The authorities should therefore be invited to deploy all necessary means for accelerating judicial appointments, including through additional budgetary funds. It also appears important to clarify whether it is envisaged to take steps for ensuring sufficient intake of the National School of Magistrates, or transitional measures (e.g., increased support by judicial administration employees), as well as for adequate distribution of judicial appointments, workload and support by judicial administration staff to the most overburdened courts.

While many challenges remain, significant and often complex measures have been implemented (e.g., a reform of the judicial map and appointment of legal advisers) or are ongoing (a strategy for the reduction of backlog, work on case-management systems, work on improving practices, etc.), which could improve the efficiency of the courts pending their full staffing with judges. To allow thorough assessment, the authorities could be encouraged to provide detailed information on these developments and their impact. They could also be encouraged to provide thorough analysis on the application and the impact of the previously adopted legislative amendments aimed at reducing the remittals in civil and criminal cases."

83. Finally, in respect of complaints (also referred to as "requests to find a breach") on the length of proceedings, the Secretariat noted:

"The overall number of requests filed and, more importantly, of the requests granted seems quite low for a period of two years, bearing in mind the very high average length of proceedings before the SC and other courts. The information on grounds for dismissal of requests is also incomplete in some respects and it is unclear whether some requests remained unanswered."

84. Having reviewed the above information, the Committee of Ministers, in the operative part of their Decision (see paragraph 77 above):

"4. welcomed the information showing that the proceedings before the Constitutional Court appear to be concluded within a reasonable time and that the significant backlog of cases pending before the Supreme Court started to decrease; noted however with concern the increasing backlog and high average length of proceedings of most of the second-instance courts and the challenges still affecting the work of some of the first-instance courts, related to high proportion of vacancies for judges and other staff;

5. welcomed, in this context, the near completion of the vetting at first instance; called upon the authorities to ensure the completion of appeal proceedings in vetting cases before the constitutional deadline of June 2026;

6. welcomed further that the Constitutional Court and the Supreme Court function in full composition and noted with interest the progress made with filling judicial vacancies; invited the authorities to deploy all means to speed up judicial appointments, including through additional budgetary funds and to clarify whether additional steps are necessary for ensuring sufficient intake of the National School of Magistrates, or any transitional measures; invited them also to ensure adequate distribution of judicial appointments, workload and support by judicial administration staff to the most overburdened courts;

7. noted also with interest the significant and complex measures implemented (such as a reform of the judicial map) or ongoing (such as strategy for reduction of the backlog and work on case-management systems), which could improve the efficiency of the courts pending their full staffing with judges;

...

9. invited the authorities to provide information on all the above aspects by 31 August 2025, including relevant statistical information and detailed information on the functioning of the domestic remedies, while taking into account the questions and aspects identified in the analysis of the Secretariat.”

B. European Commission report on Albania

85. The Commission Staff Working Document of 30 October 2024 entitled “Albania 2024 Report” (SWD(2024) 690 final), in so far as relevant, reads:

“The justice system’s efficiency needs to be improved. Efficiency continued to be negatively affected by challenges including the increased length of proceedings and a high backlog of cases, notably at the Court of Appeal and the Administrative Appeal Court. The annual intake of magistrates by the School of Magistrates is still insufficient. The codes of procedure are hampered by formalities and do not provide adequate tools to address the high backlog. Serious delays are experienced with the legal deadlines on publishing the reasoned decisions by courts. In the reporting period, the [KLGJ] established a working group on efficiency, which has put forward a draft strategic document and legislative proposals. These proposals aim to improve efficiency and are also being considered by Parliament. However, the consistency of these legal initiatives with the general principles of justice reform and European standards has yet to be fully ensured.”

THE LAW

I. JOINDER OF THE APPLICATIONS

86. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

87. The applicants complained under Article 6 § 1 of the Convention about the length of proceedings. The relevant part of that Article reads:

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time ...”

A. Admissibility

1. Parties' submissions

(a) First and second applications (nos. 39860/19 and 38996/20)

88. The Government took issue with the fact that the applicant company had lodged the applications with the Court before the domestic courts had ruled on its complaint about the length of proceedings.

89. The applicant company disputed that view.

(b) Third application (no. 6142/22)

90. The Government submitted that the applicant had failed to lodge a constitutional appeal against the decision of the Supreme Court (see paragraph 40 above) and had therefore failed to exhaust domestic remedies.

91. The applicant did not respond.

(c) Fourth application (no. 27370/22)

92. The Government submitted that the applicant had no victim status under Article 34 of the Convention, since the domestic courts had recognised the violation, expedited the proceedings and awarded him damages. At the same time they argued that the complaint was premature, since the domestic proceedings for the applicant's compensation were still ongoing (see paragraph 64 above).

93. The applicant disputed those arguments. He pointed out that the main proceedings, which had started in 2016, had not been expedited, since they were still pending before the Tirana Administrative Court of Appeal and their overall length was entering into the ninth year (see paragraphs 45 and 51 above).

94. As regards the compensation proceedings, he pointed out that on 22 April 2022 he had brought an action to obtain damages for the delays he had experienced and that, under Article 399/7 of the CCP, the District Court was required to rule on that action within three months (see paragraphs 61 and 66 above). Yet the Tirana District Court had failed to comply with that deadline (see paragraph 63 above) and almost three years after its commencement the case was pending before the Tirana Court of Appeal (see paragraph 64 above).

2. The Court's assessment

(a) Applicable principles

95. The Court reiterates that the obligation to exhaust domestic remedies requires an applicant to make normal use of remedies which are available and sufficient in respect of his or her Convention grievances. The existence of

these remedies must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness (see *Vučković and Others v. Serbia (preliminary objection)* [GC], nos. 17153/11 and 29 others, § 71, 25 March 2014). To be effective, a remedy must be capable of directly redressing the impugned state of affairs and must offer reasonable prospects of success (see *Balogh v. Hungary*, no. 47940/99, § 30, 20 July 2004; *Sejdovic v. Italy* [GC], no. 56581/00, § 46, ECHR 2006-II; *Vučković and Others*, cited above, § 74; and *Gherghina v. Romania* (dec.) [GC], no. 42219/07, § 85, 9 July 2015).

96. In addition, an applicant's status as a "victim" within the meaning of Article 34 of the Convention depends on whether the domestic authorities have acknowledged, either expressly or in substance, the alleged infringement of the Convention and, if necessary, provided appropriate and sufficient redress in relation thereto. Only where those two conditions are satisfied does the subsidiary nature of the protective mechanism of the Convention preclude examination of an application by the Court (see *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 71-72, ECHR 2006-V; *Cataldo v. Italy* (dec.), no. 45656/99, ECHR 2004-VI; and *Vidaković v. Serbia* (dec.), no. 16231/07, § 26, 24 May 2011).

97. As regards the appropriate and sufficient redress, the means available to an applicant in domestic law for raising a complaint about the length of the proceedings are "effective", within the meaning of Article 13 of the Convention, if they prevent the alleged violation or its continuation, or provide adequate redress for any violation that has already occurred. Article 13 thus offers an alternative: a remedy is "effective" if it can be used either to expedite a decision by the courts dealing with the case or to provide the litigant with adequate redress for delays that have already occurred (see *Krasuski v. Poland*, no. 61444/00, § 66, ECHR 2005-V (extracts)).

(b) Application of the principles to the present case

(i) First and second applications (nos. 39860/19 and 38996/20)

98. The Court considers that the Government's non-exhaustion plea (see paragraph 88 above) has lost its relevance, because in any event the Court accepts that the last stage of domestic remedies may be reached after the application has been lodged but before its admissibility has been determined (see *Molla Sali v. Greece* [GC], no. 20452/14, § 90, 19 December 2018).

(ii) Third application (no. 6142/22)

99. The Court notes that in Decision 35/2021 (involving the fourth applicant) the Constitutional Court found a violation of the "reasonable time" requirement, ordered the main proceedings to be expedited and provided a legal basis for the aggrieved party to seek damages (see paragraphs 57, 59

and 61 above). The Court cannot speculate as to what the Constitutional Court would have decided had the present applicant lodged an appeal complaining about the length of proceedings. Neither can it conjecture about the events that would have followed that decision (notably whether the main proceedings would have been expedited and/or whether the applicant would have received compensation swiftly).

100. In view of Decision 35/2021 and of the Constitutional Court's power to issue binding directives to lower courts (see paragraph 70 above), the Court considers that a constitutional appeal would have been capable of being an effective remedy in respect of the applicant's complaints about the length of proceedings and that, since the applicant failed to lodge such an appeal, the Government's objection must be upheld.

101. Accordingly, the applicant's complaint under Article 6 § 1 about the length of proceedings must be dismissed for failure to exhaust domestic remedies, pursuant to Article 35 §§ 1 and 4 of the Convention.

(iii) Fourth application (no. 27370/22)

102. The Court considers that the Government's objections regarding the applicant's lack of victim status and failure to exhaust domestic remedies are so closely linked to the substance of the applicant's complaint that they must be joined to the merits (see, for a similar approach, *Altius Insurance LTD v. Cyprus*, no. 41151/20, § 67, 24 October 2023).

103. The Court further notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It must therefore be declared admissible.

B. Merits

1. First application: ARB SHPK v. Albania (no. 39860/19)

(a) Parties' submissions

104. The applicant company complained that the length of the proceedings relating to the determination of its claim for damages against a local bank was unreasonable.

105. It criticised in particular the Constitutional Court's finding that the non-resolution of the case did not expose the applicant company to a significant risk (see paragraph 15 above). According to the applicant company, its employees had spent significant time and resources on the enforcement procedure in question, and were entitled to an answer from the domestic courts in response to their claim that the defendant had hindered the procedure.

106. Similarly, the applicant company disputed that the proceedings were complex. It pointed out that even though the first-instance and appellate courts had not been particularly swift in dealing with the case, they had

delivered a judgment within approximately one year (see paragraph 6 above). The applicant company emphasised that the Constitutional Court had put forward no explanation as to what had led it to consider the case complex.

107. As to the backlog of the Supreme Court, the applicant company stated that the 2016 judicial reform, including the provisions on how judges were to be dismissed and replaced, had been drafted, adopted and implemented by the domestic authorities themselves. They could not, therefore, refer to that reform as a situation outside their control and thus justifying the delays in judicial proceedings. Referring to *Fisanotti v. Italy* (23 April 1998, § 22, *Reports of Judgments and Decisions* 1998-II), the applicant company concluded that it could not bear the burden of the authorities' choices in adopting and implementing reforms.

108. The Government disputed that argument and in essence endorsed the Constitutional Court's Decision 34/2021.

(b) The Court's assessment

(i) Applicable principles

109. The Court reiterates that the reasonableness of the length of proceedings is to be determined in the light of the circumstances of the case and with reference to the criteria laid down in the Court's case-law, in particular the complexity of the case, the conduct of the applicant and of the relevant authorities, and what was at stake for the applicant in the dispute (see, among many other authorities, *Comingersoll S.A. v. Portugal* [GC], no. 35382/97, § 19, ECHR 2000-IV).

110. In connection with the last-mentioned criterion, the Court has found that in view of what is at stake for the applicant, certain disputes call for special diligence from the domestic authorities. Such disputes include pension disputes (see *Bieliński v. Poland*, no. 48762/19, § 48, 21 July 2022), cases concerning civil status and capacity (see *Mikulić v. Croatia*, no. 53176/99, § 44, ECHR 2002-I), child custody cases (see *Hokkanen v. Finland*, 23 September 1994, § 72, Series A no. 299-A) and employment disputes (see *Frydlender v. France* [GC], no. 30979/96, § 45, ECHR 2000-VII).

111. However, the Court has also found violations of the right to a hearing within a reasonable time in cases that did not call for any particular priority treatment, and notably disputes involving primarily financial interests (see, most recently, *Altius Insurance LTD*, cited above, § 88, and *Gherardi Martiri v. San Marino*, no. 35511/20, § 129, 15 December 2022).

(ii) Application of the principles to the present case

112. The proceedings started on 27 May 2014 (see paragraph 5 above).

113. As regards their end point, the Court will maintain the approach that has been previously adopted in similar cases where the national courts found

no violation of the “reasonable time” requirement (see *Kozlica v. Croatia*, no. 29182/03, § 23, 2 November 2006 and the cases cited therein). More specifically, the Constitutional Court dismissed the applicant company’s constitutional appeal on 1 November 2021 and then again on 20 May 2022 and 21 November 2024 (see paragraphs 10, 20 and 22 above). In these circumstances, the Court is required to verify whether the Constitutional Court’s findings are consistent with the principles of the Convention, as interpreted in the light of the Court’s case-law. In doing so, the Court has to examine the period between 27 May 2014, when the proceedings started, and 21 November 2024, when the Constitutional Court adopted its third decision. Furthermore, the final decision of the Supreme Court dismissing the applicant company’s appeal was adopted a mere six days after the third decision of the Constitutional Court. In these circumstances, a genuine examination of the total length is warranted up until 27 November 2024, when the proceedings came to an end (see paragraph 7 above).

114. The Court agrees with the Constitutional Court’s assessment that the case disclosed a *prima facie* excessive delay (see paragraph 13 above), in particular in respect of the length of time before the Supreme Court, where the case had remained unexamined since 20 May 2016 (see paragraph 7 above).

115. The Court is not, however, persuaded that it has been shown that the proceedings were of any particular complexity (see paragraph 16 above). The main question before the first-instance and appellate courts was whether the applicant company had suffered any unlawful damage from the actions of a local bank (see paragraphs 5-6 above). The facts and arguments relevant to the dispute had already been discussed at two levels of jurisdiction, and no novel legal issue, or any divergent case-law, had been identified that would have required an extensive review by the Supreme Court (see Article 472 § 1 of the CCP, cited in paragraph 68 above, for the limited grounds on which an appeal to the Supreme Court may be lodged). The Constitutional Court itself reached a similar conclusion, albeit the third time that it examined the applicant company’s complaint about the length of proceedings (see paragraph 24 above). Ultimately, the Supreme Court dismissed the appeal by means of a *de plano* decision, finding that it contained no grounds for a cassation review (see paragraph 7 above). Accordingly, the Court does not consider that the complexity of the case played a role in the delay.

116. In the circumstances of the case, it appears that the main reason for the delay lay with the Supreme Court’s backlog. There is no indication that the Supreme Court held any hearings or undertook any other formal procedures for the examination of the case, prior to the date of its decision.

117. The Court also agrees with the Constitutional Court’s conclusion that the applicant company was not responsible for the delay (see paragraph 14 above).

118. As to what was at stake for the applicant company, the Constitutional Court considered in its first decision that the absence of a final ruling on the dispute did not expose the applicant company to any significant risk (see paragraph 15 above); a similar line of reasoning prevailed in its third decision, owing to the tied vote. The Court agrees that the proceedings in question did not call for any particular priority treatment. However, on 1 November 2021, when the Constitutional Court ruled on the matter for the first time, the case had been pending for five years and six months at one level of jurisdiction, namely the Supreme Court, without any preparatory actions having been taken by that court for the hearing of the case. Such a lengthy period of inactivity cannot be considered a reasonable time in the present circumstances (see also *Bara and Kola v. Albania*, cited above, § 72 and *Sürmeli v. Germany* [GC], no. 75529/01, § 133, ECHR 2006-VII). In this connection, the Court reiterates that parties to civil disputes that do not call for any particular priority treatment are nevertheless entitled, under Article 6 § 1 of the Convention, to a hearing within a reasonable time (see paragraph 111 above). They are not required to show, for this purpose, that any particular or additional harm has been caused by the procedural delays.

119. Another factor taken into account by the Constitutional Court in finding that there had been no violation of the “reasonable time” requirement was the fact that the domestic justice system had undergone a significant reform since 2016 (see paragraph 17 above; see also, for context, *Bara and Kola*, cited above, §§ 24-25), while acknowledging that such an argument could not, in itself, provide sufficient justification for extensive delays.

120. The Court reiterates, as it already noted in *Bara and Kola* (ibid., § 69), that delays before the Supreme Court were significant even before the 2016 reform. Moreover, States have a general obligation to organise their legal systems – even when adopting and implementing reforms – so as to ensure compliance with the requirements of Article 6 § 1, including that of a hearing within a reasonable time (compare *Fisanotti*, cited above, § 22; *Krastanov v. Bulgaria*, no. 50222/99, § 74, 30 September 2004; and *Bara and Kola*, cited above, § 70).

121. The Court does not overlook the significant challenges faced by the Albanian judiciary in the wake of the reforms undertaken in the past decade, including as a result of the vetting of judges and prosecutors and the delays by the appointing authorities in filling the vacancies thus created. It also recognises, as has the Committee of Ministers, that meaningful progress has been achieved in certain areas, in particular with the steady reduction in the large backlog of cases that were pending before the Supreme Court in 2020 and the growing clearance rate seen in the past several years. At the same time, average case-processing times still appear to be significant at the highest national court for all types of cases (see paragraph 79 above).

122. The Court further recognises, in line with the conclusions of the Constitutional Court (see paragraph 76 above), that while dealing with

significant backlogs and seeking to ensure fair treatment of all pending cases, the national courts may have limited room to deploy the acceleratory remedies provided by national law in non-priority cases. That notwithstanding, the respondent State is still required to provide an effective compensatory remedy in such circumstances. Factors of a general nature, such as those indicated in the preceding paragraph, can be taken into account by the Court, to an appropriate extent, in the determination of any excessive length of proceedings in a particular case (see *P.H. v. Ireland* (dec.) [Committee], no. 45046/16, 10 October 2017). At the same time, they are not capable, on their own, of justifying delays of a magnitude such as the one faced by the applicant company in the present case.

123. In view of the above, on 1 November 2021, when the Constitutional Court ruled for the first time on the matter at hand, the length of the proceedings was already excessive. It necessarily kept such excessive character throughout the ensuing three years and one month, from the last-mentioned date until 27 November 2024, when the Supreme Court ultimately dismissed the applicant company's cassation appeal (see *Kozlica*, cited above, § 28). The Court notes with concern that the three decisions of the Constitutional Court contributed to this state of affairs, as did the fact that the Supreme Court persisted in finding that the judicial reforms constituted an "objective reason" for the delays, not imputable to the State, despite the Court's rejection of that position in the *Bara and Kola* judgment (cited above; see paragraph 120 above). The Court further notes that, upon the adoption of the 2017 amendments introducing the new remedy on length of proceedings, the national legislature included certain transitional provisions that extended the permissible length of civil proceedings before the Supreme Court by a further one and a half year, for all cases pending at the relevant time (that is, in addition to the default two-year period for civil cases heard by the Supreme Court; see paragraph 67 above). This was presumably done by the legislature in anticipation of the challenges that the broader justice reforms might pose for the overall length of proceedings in the interim period. While a period of three and a half years before a single instance is already significant, the Court notes that the Supreme Court proceedings in the present cases exceeded that standard by a considerable margin. Therefore, if such a doctrinal position on "objective reasons" is maintained by the Supreme Court in the future, it risks calling into doubt the partial effectiveness of the national remedies, specifically in relation to the remedy to be raised before the Supreme Court itself.

124. Accordingly, having regard to the delay of eight years and six months before the Supreme Court, the Court concludes that there has been a violation of the "reasonable time" requirement under Article 6 § 1 of the Convention in respect of the first application.

2. *Second application: ARB SHPK v. Albania (no. 38996/20)*

125. The parties submitted the same arguments as for the first application (see paragraphs 104-108 above).

126. The proceedings started on 28 May 2014 (see paragraph 29 above) and, in respect of the end point of the period to be considered, the Court will adopt the same approach as for the first application (see paragraph 113 above).

127. The Court notes that the case was transferred to the Supreme Court on 14 September 2017 (see paragraph 31 above). On 1 November 2021, when the Constitutional Court ruled on the matter (see paragraph 34 above), it had been pending before the Supreme Court for four years and two months.

128. In view of the similarity of the factual background and of the Constitutional Court's decisions in respect of the first and second applications, the Court's reasoning as to the first application (see paragraphs 114-120 above) is also applicable to the second application.

129. Accordingly, having regard to the period of seven years during which the case remained pending before the Supreme Court (see paragraph 31 above), the Court concludes that there has been a violation of the "reasonable time" requirement under Article 6 § 1 of the Convention in respect of the second application.

3. *Fourth application: Gazidedja v. Albania (no. 27370/22)*

(a) **Exhaustion of domestic remedies and victim status**

130. In response to the Government's plea that the complaint is premature and that the applicant has lost his victim status, the Court must examine the effects of domestic decisions on the applicant's complaint.

131. On 18 September 2020, almost three years after the filing of his cassation appeal, the applicant brought his complaint about the length of proceedings before the Supreme Court, which under Article 399/7 § 1 of the CCP was expected to rule within forty-five days (see paragraphs 55 and 66 above). The Supreme Court failed to issue a timely ruling.

132. Given that the Constitutional Court delivered its Decision 35/2021 on 1 November 2021, it took the applicant thirteen months to complete the first phase of the remedy and obtain a ruling on whether the length of the main proceedings involving his pension had been excessive.

133. At this juncture, the mere fact that the Constitutional Court found a violation of the applicant's right to a hearing within a reasonable time is not sufficient to conclude that the applicant lost his victim status. In line with its case-law (see, *mutatis mutandis*, *Sürmeli*, cited above, § 99), the Court must ascertain whether the domestic authorities took adequate measures to prevent the continuation of the violation, following the Constitutional Court's decision, and whether they compensated the applicant after the violation had taken place.

134. The Court notes that the Constitutional Court, in its Decision 35/2021, directed the Supreme Court to examine the applicant's claim regarding his pension within six months, and that the Supreme Court complied with that order within two and a half months (see paragraphs 51 and 59 above). It follows that to a certain extent the hearing of the applicant's appeal was expedited.

135. However, since the Constitutional Court had concluded that a breach of the applicant's right to a hearing within a reasonable time had already occurred, the acceleration of the review was not sufficient to remedy the violation identified by the Constitutional Court.

136. The Constitutional Court did not hold it against the applicant that he had failed to lodge a complaint under Article 399/1 et seq. of the CCP at an earlier stage of the proceedings in order to prevent their length from becoming unreasonable. The Court will follow the same approach, considering in particular the very significant backlog of the Supreme Court and the vacancies on its bench at the relevant time.

137. Turning to the compensation aspect, the Court notes that on 22 April 2022 the applicant brought an action to obtain compensation for the delays he had experienced and that, under Article 399/7 § 2 of the CCP, the District Court was required to rule on that action within three months (see paragraphs 61 and 66 above).

138. On 14 April 2024 – that is, two years later – the Tirana District Court delivered an oral ruling awarding compensation to the applicant (see paragraph 62 above). The written version of that ruling became available only in October 2024 (see paragraph 63 above).

139. The Government provided no explanation for those delays. In this connection, the Court reiterates that special diligence is required from the State when dealing with cases in which the parties seek redress for damages sustained on account of the unreasonable length of proceedings (see, for instance, *Hajrudinović v. Slovenia*, no. 69319/12, § 50, 21 May 2015, and *Belperio and Ciarmoli v. Italy*, no. 7932/04, § 42, 21 December 2010). In principle, and save for exceptional circumstances, the duration of such proceedings, including the execution phase, should not exceed two years and six months (*Gagliano Giorgi v. Italy*, no. 23563/07, § 73, ECHR 2012 (extracts)).

140. Most importantly, the decision awarding compensation to the applicant has been pending before the Court of Appeal since October 2024, and the applicant's claim that it has not been executed to date has not been disputed by the Government (see paragraphs 63-64 above).

141. Lastly, the Court cannot disregard the fact that the pension proceedings are still pending before the Tirana Administrative Court of Appeal, more than three years after the remittal of the case by the Supreme Court (see paragraph 54 above).

142. The Court concludes that the applicant may still claim to be a victim of an alleged violation of the “reasonable time” requirement under Article 6 § 1 of the Convention, since the domestic authorities have neither prevented the continuation of the alleged violation, nor granted compensation to him by way of an enforceable judgment. The Government’s objection in this connection is therefore dismissed.

143. Furthermore, the proceedings under the 2017 remedy, aimed at acknowledging and redressing the alleged excessive length of the proceedings, started on 18 September 2020 and are still pending (see paragraphs 55 and 64 above). They have not been concluded within the domestic law’s deadlines or within the period of two and a half years normally required under the Court’s case-law. It follows that the applicant’s complaint under Article 6 § 1 of the Convention is not premature and that the Government’s non-exhaustion plea must be dismissed.

(b) Compliance with the “reasonable time” requirement

144. The Court refers, once again, to the relevant principles set out, for example, in *Comingersoll S.A.* (cited above, § 19).

145. The proceedings started on 26 May 2016 (see paragraph 45 above). As to their end point, the Court notes that it has determined that the applicant maintains victim status, despite the decision in his favour by the Constitutional Court, and that the main proceedings are still ongoing before the Administrative Court of Appeal. The date of the adoption of the present judgment will therefore be taken as the end point.

146. On 1 November 2021, when the Constitutional Court ruled on the matter (see paragraph 57 above), the proceedings had lasted approximately five years and five months at three levels of jurisdiction.

147. The proceedings were initially quite swift, since the trial and appellate courts ruled on the matter within five and ten months, respectively (see paragraphs 46-47 above). However, following the applicant’s cassation appeal of 26 December 2017, the case remained unexamined before the Supreme Court for a long period of time. On 1 November 2021 the case had been pending for almost four years before the Supreme Court.

148. As noted by the Constitutional Court, with which the Court agrees, the proceedings did not raise any complex issue of fact or law. They concerned mainly the question of how long the applicant had worked and contributed to the pension scheme and the way in which time-limits applied to repayment claims by the SID (see paragraph 59 above).

149. Neither did the applicant’s behaviour cause any delays.

150. As to what was at stake, the Court considers that the case in question was of great importance to the applicant, since it related to his mineworker’s and old-age pensions (compare *Bieliński*, cited above, § 48).

151. In view of the above, the Court agrees with the Constitutional Court's conclusion that on 1 November 2021 the length of the proceedings in the present case was already unreasonable.

152. On 17 January 2022 the Supreme Court quashed the decision of the Tirana Administrative Court of Appeal (see paragraphs 51 et seq. above). Moreover, the defects of the impugned decision could not be corrected by the Supreme Court, which remitted the case for retrial.

153. In addition, for the last three years the case has been pending before the Tirana Administrative Court of Appeal, without any discernible progress having been made in its review.

154. The overall length of the proceedings is therefore, to date, approximately eight years and eleven months. Accordingly, there has been a violation of the "reasonable time" requirement under Article 6 § 1 of the Convention in respect of the fourth application.

III. ALLEGED VIOLATION OF ARTICLE 13 IN CONJUNCTION WITH ARTICLE 6 § 1 OF THE CONVENTION

155. The applicants complained under Article 13 in conjunction with Article 6 § 1 of the Convention that they had no effective remedy for their complaints about the length of proceedings. Article 13 of the Convention reads:

Article 13

"Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority ..."

A. Parties' submissions

156. The Government asked the Court to declare the complaints manifestly ill-founded because, in their view, the applicants had been afforded an effective remedy.

157. The applicants in the first, second and fourth applications (respectively nos. 39860/19, 38996/20 and 27370/22) reiterated their arguments outlined above (see paragraphs 104-108 above) and disputed the Government's view. The applicant in the third application (no. 6142/22) did not respond.

B. The Court's assessment

1. Applicable principles

158. Article 13 of the Convention guarantees the availability at national level of a remedy to enforce the substance of Convention rights and freedoms in whatever form they may happen to be secured in the domestic legal order. The effect of Article 13 is thus to require the provision of a domestic remedy

to deal with the substance of an “arguable complaint” under the Convention and to grant appropriate relief (see *Kudła v. Poland* [GC], no. 30210/96, § 157, ECHR 2000-XI, and *McFarlane v. Ireland* [GC], no. 31333/06, § 108, 10 September 2010).

159. The scope of a Contracting Party’s obligations under Article 13 varies depending on the nature of the complaint. However, the remedy required by Article 13 must be “effective” in practice as well as in law (see, for example, *İlhan v. Turkey* [GC], no. 22277/93, § 97, ECHR 2000-VII). The term “effective” means that the remedy must be adequate and accessible (see *Paulino Tomás v. Portugal* (dec.), no. 58698/00, ECHR 2003-VIII).

160. As regards the type of remedies required for complaints about the length of proceedings under Article 13 in conjunction with Article 6 § 1 of the Convention, the Court refers once again to the effectiveness principles outlined above (see paragraph 97 above).

2. *Application of the principles to the present case*

(a) **First application: ARB SHPK v. Albania (no. 39860/19)**

161. As noted by the Constitutional Court (see paragraph 12 above), the Supreme Court failed to issue a timely decision on the applicant company’s action of 30 December 2020 complaining that the length of the main proceedings had been unreasonable. The Supreme Court’s failure in that regard weakens the Government’s assertion that the applicant company had been afforded an effective remedy.

162. However, on 1 November 2021 – that is, eleven months after the applicant company brought its action – the Constitutional Court examined the complaint and adopted Decision 34/2021 containing its own ruling on the matter (see paragraphs 8 and 10 above).

163. In Decision 34/2021 the Constitutional Court concluded that there had been no violation of the “reasonable time” requirement. The same position was maintained in the two subsequent decisions of the Constitutional Court.

164. The Court reiterates that the question of whether the applicant in a given case did benefit from a hearing within a reasonable time, in the determination of civil rights and obligations or a criminal charge, is a separate legal issue from that of whether there was available to the applicant under domestic law an effective remedy to ventilate a complaint on that ground (see *Kudła*, cited above, § 147).

165. In line with that distinction, the question of whether the applicant company received a hearing within a reasonable time has been assessed by the Court above solely under Article 6 § 1 of the Convention (see paragraphs 114 et seq. above).

166. The question to be answered at this stage of the analysis under Article 13 in conjunction with Article 6 § 1 is limited to whether the applicant company had the possibility under domestic law to complain about the length of proceedings. In this connection, the Court notes that the Constitutional Court, in all three decisions, examined the applicant company's complaint about the length of proceedings, taking into consideration factors including the reasons for the delay, the behaviour of the authorities and of the applicant, the complexity of the case and what was at stake in the proceedings. In view of the above, and despite the Court's finding of a violation of Article 6 § 1 of the Convention (see paragraph 124 above), the Court concludes that in the instant case the applicant company was afforded an effective remedy for its allegations about the excessive length of proceedings.

167. Accordingly, the complaint under Article 13 in conjunction with Article 6 § 1 of the Convention in respect of the first application is inadmissible under Article 35 § 3 (a) of the Convention as manifestly ill-founded and must therefore be rejected pursuant to Article 35 § 4.

(b) Second application: ARB SHPK v. Albania (no. 38996/20)

168. The Court notes that in so far as relevant the circumstances of the second application are very similar to those of the first application (see paragraphs 32-34 and 8-10 above).

169. The Court's reasoning in that regard (see paragraphs 161-166 above) is therefore also applicable to the second application.

170. Accordingly, the complaint under Article 13 in conjunction with Article 6 § 1 of the Convention in respect of the second application is also inadmissible under Article 35 § 3 (a) of the Convention as manifestly ill-founded and must therefore also be rejected pursuant to Article 35 § 4.

(c) Third application: Llagami v. Albania (no. 6142/22)

171. The Court refers once again to its conclusion that a constitutional appeal was capable, in theory, of being an effective remedy in respect of the applicant's complaint about the length of proceedings (see paragraph 100 above).

172. It follows that it was open to the applicant to lodge a constitutional appeal complaining about the length of proceedings.

173. Accordingly, the complaint under Article 13 in conjunction with Article 6 § 1 of the Convention in respect of the third application is inadmissible under Article 35 § 3 (a) of the Convention as manifestly ill-founded and must therefore be rejected pursuant to Article 35 § 4.

(d) Fourth application: Gazidedja v. Albania (no. 27370/22)

174. The Court notes that the above cases (see, in particular, paragraphs 161-166 above) concerned the outcome of the applicants'

complaints about the length of proceedings. Contrary to those cases, rather than the substantive outcome of the proceedings, the issue in the present application was the way in which the applicant's complaint was dealt with by the domestic courts, which was notably characterised by an excessive delay in finalising the compensation proceedings under the 2017 remedy (see paragraph 143 above). The Court has already found that, owing to such delay and despite the favourable outcome of his constitutional complaint, the applicant retained victim status.

175. For that reason, in the specific circumstances of the present case, the complaint is admissible and discloses a violation of Article 13 in conjunction with Article 6 § 1 of the Convention.

IV. COMPLAINTS LODGED AFTER THE NOTIFICATION OF THE CASE TO THE RESPONDENT GOVERNMENT

176. In its latest submissions of 12 March 2025 before the Court, ARB SHPK submitted a number of new complaints.

177. Under Article 6 § 1 of the Convention it alleged that the Constitutional Court's decision of 21 November 2024 (see paragraph 22 above) lacked reasons and was incompatible with domestic law and the Court's case-law. It further argued that the Supreme Court, in adopting the decision of 30 May 2024 (see paragraph 21 above), had failed to act as a "tribunal established by law" within the meaning of that Article.

178. Under Article 1 of Protocol No. 1 to the Convention the applicant company complained that the delays in the civil proceedings and the procedural breaches had had a negative impact on its trademark and trade name.

179. Having regard to the facts of the case, the parties' submissions and its findings, the Court considers that it has examined the main legal questions raised in the present case and that there is no need to give a separate ruling on the admissibility and merits of these additional complaints (see, for example, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

180. 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

181. The applicant company and the fourth applicant claimed the amounts described in the appended table in respect of pecuniary and non-pecuniary damage.

182. The Government contested those amounts as unreasonable.

183. The Court does not discern any causal link between the violations found and the pecuniary damage alleged; it therefore rejects these claims.

184. However, it awards the applicant company and the fourth applicant the amounts described in the appended table in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

185. The applicant company and the fourth applicant also claimed the amounts set out in the appended table for the costs and expenses incurred before the domestic courts and the Court.

186. The Government contested those amounts as unreasonable.

187. 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 considers it reasonable to award the sums described in the appended table covering costs under all heads, plus any tax that may be chargeable to the applicant company and the fourth applicant.

VI. APPLICATION OF ARTICLE 46 OF THE CONVENTION

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

“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.”

189. The Court reiterates that by virtue of Article 46 the High Contracting Parties have undertaken to abide by the final judgments of the Court in any case to which they are parties, execution being supervised by the Committee of Ministers. It follows, *inter alia*, that a judgment in which the Court finds a breach imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction under Article 41, but also to select, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress so far as possible the effects. Subject to monitoring by the Committee

of Ministers, the respondent State remains free to choose the means by which it will discharge its legal obligation under Article 46 of the Convention, provided that such means are compatible with the conclusions set out in the Court's judgment (see, among other authorities, *Scozzari and Giunta v. Italy* [GC], nos. 39221/98 and 41963/98, § 249, ECHR 2000-VIII; *Broniowski v. Poland* [GC], no. 31443/96, § 192, ECHR 2004-V; and *Stanev v. Bulgaria* [GC], no. 36760/06, § 254, ECHR 2012, all with further references).

190. However, with a view to helping the respondent State to fulfil its obligations under Article 46, the Court may seek to indicate the type of individual and/or general measures that might be taken in order to put an end to the situation incompatible with the Convention that it has found to exist (see *Broniowski*, cited above, § 194; *Scoppola v. Italy (no. 2)* [GC], no. 10249/03, § 148, 17 September 2009; and *Stanev*, cited above, § 255).

191. In this connection, the Court encourages the domestic authorities to pursue their efforts to prevent future violations of the “reasonable time” requirement under Article 6 § 1 of the Convention. The Court notes, in particular, that since 2020 there has been meaningful progress in the reduction of the large backlog of cases pending before the Supreme Court. At the same time, the present backlog before the single Court of Appeal with general jurisdiction and the Administrative Court of Appeal, both of which are operating with fewer judges than the prescribed norm owing to delays in filling the relevant vacancies, is concerning and average case-disposition times before those courts are high (see paragraphs 72 and 80 above). The Court further notes that both the Committee of Ministers and the Constitutional Court have urged the Albanian authorities, and the legislature in particular, to take the measures needed to fill judicial vacancies speedily and to provide the judiciary with the necessary human and other resources for dealing with the current challenges within a reasonable time (see paragraphs 76 and 84 above). Note is also taken in this regard of the KLGJ's recently approved backlog-reduction strategy (see paragraph 73 above).

192. The Court further notes with concern that Albania's current two-pronged system of remedies for excessive length of proceedings requires litigants to bring a separate action for compensation before the first-instance courts after a breach of the “reasonable time” requirement has been determined by a higher court. This arrangement has the potential not only to extend the overall length of proceedings in individual cases, but also to add to the case-processing burden of an already overstretched justice system (see paragraph 74 above). The number of cases in which compensation has been awarded in this context appears to remain very limited. The Court urges the national authorities to consider the practical effectiveness of the compensatory remedy under Articles 399/1 et seq. of the CCP.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Joins* to the merits the Government's preliminary objections concerning the failure to exhaust domestic remedies and the loss of victim status in respect of application no. 27370/22 and *dismisses* them;
3. *Declares* the complaint under Article 6 § 1 of the Convention concerning the length of proceedings admissible in respect of applications nos. 39860/19, 38996/20 and 27370/22 and inadmissible in respect of application no. 6142/22;
4. *Declares* the complaints under Article 13 in conjunction with Article 6 § 1 of the Convention relating to the length of proceedings admissible in respect of application no. 27370/22 and inadmissible in respect of the remaining applications;
5. *Holds* that there has been a violation of Article 6 § 1 of the Convention in respect of applications nos. 39860/19, 38996/20 and 27370/22;
6. *Holds* that there has been a violation of Article 13 in conjunction with Article 6 § 1 of the Convention in respect of application no. 27370/22;
7. *Holds* that it is not necessary to examine the admissibility and merits of the remaining complaints raised by the applicant company;
8. *Holds*
 - (a) that the respondent State is to pay the relevant applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts set out in the appended table, plus any tax that may be chargeable, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the amounts awarded at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
9. *Dismisses* the remainder of the applicants' claims for just satisfaction.

ARB SHPK AND OTHERS v. ALBANIA JUDGMENT

Done in English, and notified in writing on 27 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Ioannis Ktistakis
President

APPENDIX

No.	Application no. and date of introduction	Applicant's name, year of birth or registration, location and nationality	Representative's name and location	Amounts claimed for pecuniary and non- pecuniary damage (in euros)	Amounts claimed for costs and expenses (in euros)	Amounts awarded for non- pecuniary damage (in euros)	Amounts awarded for costs and expenses (in euros)
1.	39860/19 15/07/2019	ARB SHPK 2011 Tirana Albanian	Ledi Bianku Strasbourg	5,000-10,000	3,000	3,300	1,500
2.	38996/20 20/12/2019			5,000-10,000	3,000	2,400	1,500
3.	6142/22 19/01/2022	Kujtim Llagami 1962 Tirana Albanian	Elis Bilali Tirana	Not applicable			
4.	27370/22 26/05/2022	Selman Gazidedja 1954 Tirana Albanian	Kadri Skerja Tirana	29,957 13,470	2,736	1,800	2,000