



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

FOURTH SECTION

CASE OF LANCZ v. SLOVAKIA

(Application no. 62171/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

8 April 2003

This judgment is final but it may be subject to editorial revision.

In the case of Lancz v. Slovakia,

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

Mr M. PELLONPÄÄ, *President*,

Mrs E. PALM,

Mrs V. STRÁŽNICKÁ,

Mr M. FISCHBACH,

Mr J. CASADEVALL,

Mr R. MARUSTE,

Mr L. GARLICKI, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 18 March 2003,

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

PROCEDURE

1. The case originated in an application (no. 62171/00) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Slovakian national, Mr Milan Lancz ("the applicant"), on 29 August 2000.

2. The Slovakian Government ("the Government") were represented by Mr P. Vršanský, their Agent.

3. On 18 June 2002 the Court declared the application partly inadmissible and decided to communicate the complaint concerning the length of the proceedings to the Government. Under the provisions of Article 29 § 3 of the Convention, it decided to examine the merits of the remainder of the application at the same time as its admissibility.

4. On 18 November 2002 and on 27 January 2003, the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. The applicant was born in 1928 and lives in Bratislava.

6. On 19 September 1989 the applicant claimed compensation for a technological improvement which he had suggested to his employer.

7. On 20 February 1990 the Bratislava 1 District Court dismissed the action. On 26 April 1990 the Bratislava City Court quashed this decision and instructed the first instance court to establish the relevant facts of the

case. An expert appointed on 17 July 1991 submitted his opinion on 5 November 1991.

8. On 9 June 2000 the Bratislava 1 District Court delivered a new judgment by which it dismissed the applicant's claim. On 24 April 2001 the Bratislava Regional Court upheld the District Court's judgment.

THE LAW

9. The applicant complained that the length of the proceedings had been incompatible with the “reasonable time” principle provided in Article 6 § 1 of the Convention.

A. Admissibility

10. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. The remainder of the application must therefore be declared admissible.

B. Solution reached

11. On 27 January 2003 the Court received the following declaration from the Agent of the Government:

“I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of the Slovak Republic offer to pay 140,000 (one hundred and forty thousand) Slovakian korunas to Mr Milan Lancz. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment by the Court pursuant to the Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.”

12. On 18 November 2002 the Court received the following declaration signed by the applicant:

“I note that the Government of the Slovak Republic are prepared to pay me the sum of 140,000 (one hundred and forty thousand) Slovakian korunas covering pecuniary and non-pecuniary damage and costs with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

I accept the proposal and waive any further claims against the Slovak Republic in respect of the facts of this application. I declare that this constitutes a final settlement of the case.

This declaration is made in the context of a friendly settlement which the Government and I have reached.

I further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment.”

13. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

14. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the remainder of the application admissible;
2. *Decides* to strike the case out of the list;
3. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 8 April 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Matti PELLONPÄÄ
President