



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

FOURTH SECTION

CASE OF LÓŠKA v. SLOVAKIA

(Application no. 45126/98)

JUDGMENT
(Friendly settlement)

STRASBOURG

27 April 2004

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

In the case of Lóška v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mr M. PELLONPÄÄ,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. BORRERO BORRERO, *judges*,

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

Having deliberated in private on 30 March 2004,

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

PROCEDURE

1. The case originated in an application (no. 45126/98) against the Slovak Republic lodged with the European Commission of Human Rights ("the Commission") under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Slovakian national, Mr Pavol Lóška ("the applicant"), on 12 August 1998.

2. The Slovakian Government ("the Government") were represented by their Agent, Mr P. Vršanský, succeeded by Mr P. Kresák as from 1 April 2003.

3. The applicant complained, *inter alia*, under Article 6 § 1 of the Convention about the length of enforcement proceedings.

4. The case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention.

5. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Fourth Section.

6. On 23 September 2003, having obtained the parties' observations, the Court declared admissible the complaint about the length of the proceedings. The applicant's further complaints were declared inadmissible.

7. On 1 December 2003, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 5 January 2004 and on 6 January 2004 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

8. The applicant was born in 1937 and lives in Michalovce.

9. On 28 September 1993 and on 15 March 1994 respectively the Regional Social Security Office in Michalovce issued two decisions ordering the applicant to pay a total of 12,512 Slovakian korunas. The sum included social insurance fees which the applicant had failed to pay and an administrative fine. The decisions became final on 18 October 1993 and on 6 April 1994 respectively.

10. On 14 October 1994 the Regional Social Security Office in Michalovce brought judicial enforcement proceedings against the applicant under the relevant provisions of the Code of Civil Procedure.

11. On 18 November 1994 the Michalovce District Court ordered the enforcement of the sum due by selling the applicant's movable property. The decision was served on the applicant on 23 September 1996. On 7 October 1996 the applicant appealed.

12. On 1 August 1996, the Michalovce branch office of the Social Security Administration requested the Michalovce District Court that the sum due be enforced by an enforcement officer, that is pursuant to Act No. 233/1995. In a letter dated 7 August 1996 and delivered on 12 August 1996 a judge informed the Social Security Administration that the District Court approved of the request.

13. On 6 February 1997 the Michalovce branch office of the Social Security Administration requested an enforcement officer to enforce the applicant's debt pursuant to Act No. 233/1995. On 10 March 1997 the Michalovce District Court authorised the enforcement officer to carry out the enforcement in accordance with Act No. 233/1995.

14. On 13 and 26 June 1997 the applicant filed objections to the enforcement. On 28 September 1998 the Michalovce District Court dismissed the applicant's objections to the enforcement.

15. On 25 October 2000 the Michalovce District Court dismissed the applicant's above appeal of 7 October 1996 which it had qualified as a request for the enforcement to be discontinued. On 21 and 30 November 2000 the applicant appealed.

16. According to the documents submitted by the applicant, the sum due was enforced by partial payments deducted from his old-age pension between February 1999 and August 2001.

17. On 15 October 2001 the Košice Regional Court upheld the District Court's decision of 25 October 2000.

THE LAW

18. On 6 January 2004 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 130,000 Slovakian korunas to Mr Pavol Lóška. 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. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay, until settlement, simple interest on the amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

This declaration does not entail any acknowledgement by the Government of a violation of the European Convention on Human Rights in the present case.

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

19. On 5 January 2004 the Court received the following declaration signed by the applicant:

“I note that the Government of Slovakia are prepared to pay me the sum of 130,000 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 Slovakia 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.”

20. 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).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *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 27 April 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President