



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

FOURTH SECTION

CASE OF OREL v. SLOVAKIA

(Application no. 67035/01)

JUDGMENT

STRASBOURG

9 January 2007

FINAL

09/04/2007

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

In the case of Orel v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mr J. CASADEVALL,

Mr G. BONELLO,

Mr K. TRAJA,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. ŠIKUTA, *judges*,

and Mrs F. ELEN-PASSOS, *Deputy Section Registrar*,

Having deliberated in private on 5 December 2006,

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

PROCEDURE

1. The case originated in an application (no. 67035/01) 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 Slovak national, Mr Jaroslav Orel ("the applicant"), on 23 November 2000.

2. The Government of the Slovak Republic ("the Government") were represented by their Agent, Mrs A. Poláčková and by their Co-Agent, Mrs M. Pirošiková.

3. On 22 October 2004 the Court decided to communicate the complaint concerning the length of the proceedings to the Government. Applying Article 29 § 3 of the Convention, it decided to rule on the admissibility and merits of the application at the same time.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1953 and lives in Slovenská Nová Ves.

1. Proceedings concerning the applicant's employment contract (Bratislava I District Court file 18C 83/93)

5. On 16 November 1993 the applicant challenged the lawfulness of his dismissal from a job and withdrawal of a part of his pay by the employer.

6. On 3 February 1994 the Bratislava I District Court invited the applicant to pay the court fee. On 6 April 1994 the defendant foundation submitted comments on the applicant's action.

7. As the parties did not attend the hearing scheduled for 7 June 1994, the court adjourned the case until 18 October 1994. Subsequently the applicant appeared before the court and he requested that an interim measure be issued.

8. On 31 August 1994 the Bratislava I District Court discontinued the proceedings concerning the interim measure on the ground that the applicant had failed to substantiate his request.

9. On 9 September 1994 the court invited the applicant to specify the amount which he claimed. The applicant replied on 9 November 1994.

10. On 18 October 1994 the case was adjourned as the parties were absent.

11. On 21 October 1994 the court asked the defendant for information about the applicant's pay. The mail was returned to the court as being undeliverable.

12. On 1 December 1994 the case was again adjourned, due to the absence of the defendant. The post had returned the summons to the District Court. As the post had informed the court that the defendant foundation had moved, on 4 January 1995 the court asked two authorities for information about the new seat of the defendant. On 3 February 1995 the court was informed of the defendant's new address.

13. The case was adjourned on 19 January 1995 and on 16 February 1995 as a representative of the defendant foundation had not appeared. The summons had been returned to the court. The representative of the defendant appeared before the District Court on 13 April 1995. He informed the court of his and the foundation's new address. The applicant did not appear at that hearing. The court informed the representative of the defendant that a fine would be imposed on him if he failed to appear at the next hearing scheduled for 30 May 1995.

14. Hearings were held on 30 May 1995 and on 12 September 1995 in the presence of both parties. On 7 November 1995 the case had to be adjourned as the defendant was absent.

15. The applicant and a witness were unable to attend the hearing held on 30 January 1996. On the same day the defendant challenged the District Court judge dealing with the case. On 29 February 1996 the Bratislava City Court dismissed the request.

16. The defendant failed to appear before the District Court on 11 and 23 July 1996. As the mail sent by the court to both the defendant foundation and its representative could not be delivered, the court made inquiries with a view to establishing the defendant's address. The three authorities concerned submitted their replies on 16 August 1996, on 11 September 1996 and on 5 November 1996.

17. The District Court sent letters to the representative of the defendant foundation in February and in May 1997. All three letters were returned with the indication that the addressee was not at the address indicated in the letters.

18. On 15 August 1997 the central register informed the District Court that the representative of the defendant foundation had registered his permanent stay at the address where the court had tried to reach him earlier and which the Ministry of the Interior had indicated to the court on 5 November 1996.

19. On 21 November 1997 the court asked the Bratislava III District Office for a copy of the registration file of the defendant foundation. In a letter dated 28 November 1997 which arrived at the District Court on 2 December 1997 the above administrative authority informed the court that the foundation had not requested a change in registration of the address of its seat. The letter stated that the representative had informed the District Office, on 3 September 1997, that the defendant foundation was in liquidation.

20. On 21 May 1998 the District Court asked the Bratislava III District Office for the registration file of the defendant foundation. The file was submitted to it on 9 June 1998. The letter stated that the administrative authority had already sent to the court the requested documents on 28 November 1997.

21. On 22 July 1998 the court appointed a guardian to represent the defendant foundation in the proceedings as it had been impossible to establish the new address of its seat.

22. In a letter dated 10 July 1998 the representative of the defendant foundation informed the court that he would not submit the requested information and documents as he considered that the applicant's right to claim the sum in issue had lapsed. A new address of the defendant foundation was indicated in the header of the letter.

23. The case was adjourned on 7 September 1998 due to the absence of the parties. Both the applicant and his representative had excused their absence. The court imposed a fine of 1,200 Slovak korunas on the representative of the defendant foundation for his failure to appear. On 15 October 1998 the case was again adjourned because of the absence of the defendant.

24. On 17 November 1998 the Bratislava I District Court decided, in the absence of the defendant's representative, that the applicant's dismissal had been unlawful as the relevant notice had not been in conformity with the statutory requirements. It ordered the defendant to pay 608,500 Slovak korunas (SKK) to the applicant in compensation for loss of salary. It discontinued the proceedings in respect of the remainder of the applicant's action as the applicant had withdrawn the corresponding claims. The judgment was served on the representative of the defendant on

30 April 1999. The liquidator of the defendant filed an appeal on 17 May 1999 indicating that the defendant foundation had ceased to exist by 1 November 1998.

25. On 28 May 1999 the defendant was invited to eliminate shortcomings in the appeal within ten days. The letter was returned as undeliverable on 23 June 1999. A further request was delivered to the representative of the defendant on 30 July 1999. He submitted no reply. On 10 September 1999 the file was submitted to the court of appeal.

26. On 25 February 2000 the Bratislava Regional Court adjourned the case because of the defendant's absence. On 3 April 2000 the court received information, at its request, concerning the status of the defendant foundation.

27. On 5 May 2000 the Regional Court set a ten day time-limit for submission of the reasons for the defendant's appeal.

28. On 31 May 2000 the Bratislava Regional Court discontinued the appeal proceedings on the ground that the defendant had failed, despite several warnings, to submit reasons for the appeal. The decision on the applicant's action became final on 18 July 2000.

29. On 27 September 2002 the applicant requested the Bratislava I District Court that the sum which his former employer owed him should be enforced by selling his former employer's movable property.

2. Proceedings concerning a social allowance (Bratislava I District Court files S 10/00 and S Nc 2/00)

30. On 23 May 2000 the Bratislava I District Office decided to stop paying a social allowance to the applicant with effect from 1 June 2000. On 12 June 2000 the applicant appealed.

31. On 22 June 2000 the Bratislava Regional Office upheld the decision of 23 May 2000.

32. On 17 July 2000 the applicant challenged the administrative decisions before the Bratislava I District Court. He also filed a request for an interim measure to be issued.

33. On 15 December 2000 the District Court dismissed the applicant's request for an interim measure. On 30 April 2001 the Bratislava Regional Court dismissed the applicant's appeal against this decision.

34. On 20 February 2001 the Bratislava I District Court found that it lacked jurisdiction to deal with the applicant's action concerning the above administrative decisions. The case was transmitted to the Bratislava Regional Court.

35. On 18 June 2001 the Constitutional Court found that the Bratislava I District Court had violated the applicant's right to a hearing without undue delay in the proceedings concerning his action of 17 July 2000. The Constitutional Court noted that the District Court had started considering the action nearly five months after it had been lodged, and that no

procedural steps had been taken as the case fell within the jurisdiction of a different court.

36. On 21 March 2002 the Bratislava Regional Court quashed the administrative decisions challenged by the applicant.

37. On 26 September 2002 the Bratislava I District Office granted the advance payment of the allowance in issue to the applicant for the period from 1 June 2000 to 31 August 2002.

3. Proceedings relating to the use of a flat (Bratislava I District Court file 14C 220/95)

38. On 22 September 1993 the applicant's former wife filed an action claiming that she had the exclusive right to use a flat in which she and the applicant had lived.

39. Several procedural decisions were given in the case and the Bratislava I District Court, to which the merits of the case fell to be examined, held a number of hearings. In the course of the proceedings the applicant filed a counter-claim.

40. The applicant sought an injunction giving him the right to use the flat. The request for an injunction was dismissed by a final decision which was given by the District Court on 3 June 1999.

41. On 15 May 2002 the District Court dismissed both parties' claims. It held that the applicant and his former wife no longer lived in the flat. The applicant had waived his right to use the flat in that he had stopped living in a common household with his former wife in 1992.

42. On 15 October 2003 the Regional Court upheld the first-instance judgment which became final on 20 January 2004.

43. On 28 January 2005 the Constitutional Court rejected the applicant's complaint about inactivity of the District Court as regards his above request for an injunction. The Constitutional Court referred to the ordinary courts' findings in the proceedings concerning the use of the flat in issue. It held, *inter alia*, that the applicant had sought an injunction giving him the right to use a flat which, as it had been established, he had left in 1992 and in respect of which he had no legal title.

4. Proceedings concerning the distribution of marital property (Bratislava II District Court file 15C 298/96)

44. On 5 August 1996 the applicant claimed distribution of his and his former wife's marital property.

45. The merits of the case have been examined by the Bratislava II District Court which held a number of hearings and took extensive evidence. The proceedings are pending.

5. Proceedings concerning compensation for damage and the ensuing execution proceedings (Bratislava V District Court files 7C 183/91 and EX 197/98)

46. On 27 August 1991 the applicant claimed damages before the Bratislava I District Court. The applicant alleged that the defendant had not repaired his car properly and claimed SKK 11,000¹ in compensation. The case was transferred to the Bratislava V District Court. That court held several hearings in 1991. On 8 August 1994 the court ordered an expert to submit an opinion. The opinion was submitted on 19 October 1994.

47. The court scheduled four hearings between 20 December 1996 and 14 March 1997. On the latter date the Bratislava V District Court ordered the defendant to pay the sum claimed to the applicant with default interest. The defendant refused receipt of mail and the District Court's decision was served on him only on 20 October 1997.

48. On 22 July 1998 the applicant sought the enforcement of the sum in question.

49. On 6 August 1998 the Bratislava V District Court authorised an executions officer to enforce the sum. On 19 August 1998 the executions officer issued a notification of the execution. It was served on the applicant on 1 June 1999 and on the debtor on 26 May 1999.

50. On 24 June 1999 and on 20 July 1999 the executions officer issued two execution orders with a view to obtaining the sum owed by the defendant through the sale of his movable property and the withdrawal of a part of his income. On 8 July 1999 the executions officer, with the assistance of the police, established an inventory of the movable property of the debtor. The movables were not taken away as their value was low and since the debtor's wife had promised to pay the sum in issue. Subsequently the executions officer unsuccessfully attempted to contact the debtor and his wife.

51. In a statement of 12 October 2006 the executions officer explained that it had not been shown that the debtor owned any property or that he had any income. For that reason the judgment had not been executed.

52. The execution proceedings are pending.

II. THE RELEVANT DOMESTIC LAW AND PRACTICE

53. The relevant provisions of the Constitution as well as the practice of the Constitutional Court are described in detail in, for example, *Jakub v. Slovakia*, no. 2015/02, §§ 25-38, 28 February 2006 or *Savka v. Slovakia*, no. 77936/01, 30 May 2006).

¹ At that time SKK 11,000 was the equivalent of approximately 260 euros.

THE LAW

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

54. The applicant complained that the length of the proceedings in the above cases had been incompatible with the “reasonable time” requirement, provided in Article 6 § 1 of the Convention, which in its relevant part reads as follows:

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

A. Admissibility

1. Proceedings concerning the applicant’s employment contract (Bratislava I District Court file 18C 83/93)

55. The period to be taken into consideration began on 16 November 1993 and ended on 31 May 2000. It thus lasted 6 years, 6 months and 15 days for two levels of jurisdiction. The Court notes that the applicant submitted no particular complaint as regards his request for enforcement of the sum in issue filed on 27 September 2002.

56. The Government argued that the length of the proceedings was mainly due to the conduct of the parties. There had been no substantial delays in the proceedings imputable to the courts.

57. The applicant maintained that the length of the proceedings was excessive. In the applicant’s view, he had not contributed to the length of the proceedings, and the District Court had not availed itself effectively of the means available with a view to preventing the defendant from protracting the proceedings.

58. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII). Special diligence is necessary in employment disputes (*Ruotolo v. Italy*, judgment of 27 February 1992, Series A no. 230-D, p. 39, § 17).

59. It does not appear from the documents submitted that the determination of the applicant’s claim involved any particularly complex issues.

60. The applicant by his conduct did not contribute significantly to the length of the proceedings notwithstanding that he failed to appear at four hearings.

61. The Court accepts that the proceedings were protracted as a result of the conduct of the representative of the defendant foundation who failed to appear at a number of hearings, challenged the first-instance judge, and also failed to duly co-operate with the court of appeal. The District Court spent considerable time on attempting to establish the address of the defendant foundation or that of its representative.

62. As regards the conduct of the domestic courts, there are no significant periods of inactivity in the proceedings. The District Court scheduled hearings in the case at regular intervals and it made numerous inquiries with the competent authorities with a view to establishing the address of the defendant foundation after the summons had been returned to it. After the attempts to establish the defendant's address had failed, the District Court appointed a guardian to represent it on 22 July 1998. At that time the representative of the defendant foundation indicated his new address to the District Court, but he failed to appear at a hearing. The District Court therefore imposed a procedural fine on him on 7 September 1998. The District Court then determined the merits of the case on 17 November 1998.

63. The Court has noted that the District Court asked an administrative authority for the registration file concerning the defendant foundation on 21 May 1998 notwithstanding that that authority had apparently already submitted the relevant documents to it on 2 December 1997. This resulted in a delay of approximately six months. Despite that delay, the Court considers that the overall length of the proceedings is mainly imputable to the conduct of the defendant's representative and not to the domestic courts involved.

64. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

2. Proceedings concerning a social allowance (Bratislava I District Court files S 10/00 and S Nc 2/00)

65. The Government, with reference to the Constitutional Court's finding, admitted that the complaint was not manifestly ill-founded.

66. The period to be taken into consideration began on 23 May 2000 and ended on 26 September 2002. It thus lasted 2 years, 4 months and 4 days. During this period the case was dealt with by administrative authorities at two levels, by two ordinary courts as well as by the Constitutional Court.

67. Despite the finding of the Constitutional Court of 18 June 2001, the Court considers that the period under consideration did not exceed the reasonable time requirement laid down in Article 6 § 1 of the Convention in the particular circumstances of the case.

68. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

3. *Proceedings relating to the use of a flat (Bratislava I District Court file 14C 220/95) and proceedings concerning the distribution of marital property (Bratislava II District Court file 15C 298/96)*

69. The Government recalled that the final decision in the proceedings relating to the use of a flat had been given on 15 October 2003, and that the proceedings concerning the distribution of marital property are still pending. They objected that the applicant should have sought redress in respect of these two sets of proceedings by means of a complaint to the Constitutional Court enacted with effect from 1 January 2002.

70. The applicant disagreed. He argued that the first-instance decision in the proceedings concerning the use of a flat had been given on 15 May 2002 and that the Constitutional Court was unlikely to examine a complaint about the overall length of the proceedings filed after that date. In any event, and also as regards the proceedings concerning the distribution of marital property which were still pending, a complaint under Article 127 did not have all the attributes of an effective remedy which applicants should exhaust pursuant to Article 127 of the Constitution.

71. The Court has earlier established that a complaint under Article 127 of the Constitution is a remedy which, to the extent that it was available to them in the particular circumstances of the case, applicants should use prior to filing an application under Article 34 of the Convention (see *Andrášik and Others v. Slovakia*, app. nos. 57984/00, 60237/00, 60242/00, 60679/00, 60680/00, 68563/01, 60226/00, ECHR 2002-IX). The Registry of the Court informed the applicant of the existence of that remedy on 1 October 2002. It also drew the applicant's attention to the decision in the case of *Andrášik and Others* in a letter of 21 March 2003.

72. More recently, the Court concluded that, where courts at different levels of jurisdiction dealt with the same case, applicants should formulate their complaint under Article 127 of the Constitution in a manner giving the Constitutional Court the opportunity to examine the overall length of the proceedings (see *Šidlová v. Slovakia*, no. 50224/99, § 53, with further references, 26 September 2006 or the *Savka v. Slovakia* decision referred to above). The Court has reached this conclusion despite the fact that, as the applicant in the present case objected, the relevant practice of the Constitutional Court has not been uniform.

73. The final decision in the proceedings concerning the use of a flat was given on 15 October 2003 and the proceedings concerning the distribution of marital property are still pending. The Court therefore accepts the Government's objection that in respect of these two sets of proceedings the applicant should have sought redress pursuant to Article 127 of the Constitution as in force since 1 January 2002.

74. It follows that this part of the application must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

4. Proceedings relating to the claim for damages and the ensuing execution proceedings (Bratislava V District Court files 7C 183/91 and EX 197/98)

75. The Government argued that the proceedings concerning the applicant's claim for damages had ended with the District Court's decision of 14 March 1997 which had become final on 4 November 1997. As the application was introduced on 23 November 2000, the complaint about those proceedings had been filed outside the six month time-limit laid down in Article 35 § 1 of the Convention. As regards the execution proceedings which are still pending, the applicant should have sought redress by means of a complaint under 127 of the Constitution enacted with effect from 1 January 2002.

76. The applicant argued that the length of both the proceedings on his claim for damages and of the ensuing execution proceedings should be considered as a whole and that he could not obtain redress in this respect before the Constitutional Court.

77. Referring to its own approach in this area, the Court recalls that a length of proceedings complaint under Article 127 of the Constitution can only be considered "effective" for Convention purposes if it is capable of leading in each individual case to an examination of the overall length of the proceedings (see *Obluk v. Slovakia*, no. 69484/01, § 59, 20 June 2006). Article 6 § 1 of the Convention requires that all stages of legal proceedings for the "determination of ... civil rights and obligations", not excluding stages subsequent to judgment on the merits, be resolved within a reasonable time (see the *Robins v. the United Kingdom* judgment of 23 September 1997, *Reports of Judgments and Decisions* 1997-V, p. 1809 § 28). Execution of a judgment given by any court must therefore be regarded as an integral part of the "trial" for the purposes of Article 6 (see *Hornsby v. Greece*, judgment of 19 March 1997, *Reports* 1997-II, § 40).

78. The decision on the merits of the applicant's claim for damages became final in 1997 when no effective remedy existed in Slovakia in respect of complaints about delays in proceedings. The applicant's request for execution of the judgment was subsequently dealt with in a separate set of proceedings. The Government have not argued, and it does not appear from the information before the Court that the Constitutional Court was likely to examine, as the Court does, the length of both the proceedings on the merits and of the execution proceedings upon a complaint which the applicant could file pursuant to Article 127 of the Constitution after 1 January 2002. The Government's objections can therefore not be upheld.

79. The period to be taken into consideration started on 18 March 1992 when the former Czech and Slovak Federal Republic, to which Slovakia is one of the successors, ratified the Convention and recognised the right of individual application. The final decision on the merits was given on 14 March 1997, that is after nearly 5 years during which the case had been pending before a single instance. The applicant requested that the judgment be executed on 22 July 1998, and the execution proceedings have not yet ended. The overall period to be taken into consideration has therefore exceeded 13 years.

80. The Court considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

B. Merits

81. The Government admitted that there had been unjustified delays in the proceedings on the applicant's claim for damages.

82. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

83. The Court notes that the execution proceedings have been protracted mainly due to the fact that the executions officer had been unable to establish any property or income of the debtor. Notwithstanding that fact, having examined all the material submitted to it and having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings related to the applicant's claim for damages including the ensuing execution proceedings was excessive and failed to meet the "reasonable time" requirement.

There has accordingly been a breach of Article 6 § 1 in this respect.

II. OTHER COMPLAINTS OF THE APPLICANT

A. Alleged violation of Article 8 of the Convention in the proceedings concerning the use of a flat

84. Under Article 8 of the Convention the applicant complained that he had been prevented from using the flat in which he had lived with his former wife and that his request for an interim measure to be issued in this respect had not been granted.

85. The Court notes that in the proceedings in issue the court of appeal upheld the first-instance judgment on 15 October 2003. The applicant did not complain about a violation of Article 8 of the Convention in those proceedings to the Constitutional Court. In this respect he has not, therefore, complied with the requirement as to the exhaustion of domestic remedies.

86. The Court has also examined the applicant's complaint relating to the dismissal of his request for an interim measure to be issued but finds, to the extent that it has been substantiated and falls within its competence, that it discloses no appearance of a violation of the Convention.

87. It follows that this part of the application must be rejected under Article 35 §§ 1, 3 and 4 of the Convention partly for non-exhaustion of domestic remedies and partly as being manifestly ill-founded.

B. Alleged violation of Article 1 of Protocol No. 1 and of Articles 8 and 14 of the Convention in the proceedings concerning the payment of an allowance

88. Under Article 1 of Protocol No. 1 and under Articles 8 and 14 of the Convention the applicant complained that the Bratislava I District Office had stopped paying a social allowance to him.

89. In the proceedings complained of the Bratislava Regional Court, on 21 March 2002, quashed the administrative authorities' decisions to stop paying the allowance in issue to the applicant. On 26 September 2002 the Bratislava I District Office decided to pay the allowance to the applicant for the period during which its payment had been stopped. In these circumstances, the applicant can no longer claim to be a victim, within the meaning of Article 34 of the Convention, of the alleged violation of his rights under the Convention and Protocol No. 1.

90. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

91. 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

92. The applicant claimed 73,000 euros (EUR) in respect of pecuniary damage and EUR 70,000 in respect of non-pecuniary damage.

93. The Government contested these claims.

94. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. On the other hand it considers, having regard to all the circumstances including the amount at stake in the proceedings concerning the applicant's claim for damages, that the applicant should be awarded EUR 4,000 in respect of non-pecuniary damage.

B. Costs and expenses

95. The applicant also claimed EUR 530 for the costs and expenses incurred before the Court.

96. The Government contested the claim

97. According to the Court's case-law, an applicant is entitled to reimbursement of his costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and were reasonable as to quantum. In the present case, regard being had to the information in its possession, the Court considers it reasonable to award the applicant the sum claimed, namely EUR 530 under this head.

C. Default interest

98. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the complaint concerning the excessive length of the proceedings relating to the applicant's claim for damages including the ensuing execution proceedings admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with

Article 44 § 2 of the Convention, EUR 4,000 (four thousand euros) in respect of non-pecuniary damage and EUR 530 (five hundred and thirty euros) in respect of costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;

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

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

Done in English, and notified in writing on 9 January 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Françoise ELEN-PASSOS
Deputy Registrar

Nicolas BRATZA
President