



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

SECOND SECTION

**CASE OF FONYÓDI v. HUNGARY**

*(Application no. 30799/04)*

JUDGMENT  
(Revision)

STRASBOURG

7 April 2009

**FINAL**

*05/05/2009*

*This judgment may be subject to editorial revision.*



**In the case of Fonyódi v. Hungary (request for revision of the judgment of 7 October 2008),**

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

Françoise Tulkens, *President*,

Ireneu Cabral Barreto,

Vladimiro Zagrebelsky,

Danutė Jočienė,

András Sajó,

Nona Tsotsoria,

Işıl Karakaş, *judges*,

and Sally Dollé, *Section Registrar*,

Having deliberated in private on 17 March 2009,

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

## PROCEDURE

1. The case originated in an application (no. 30799/04) against the Republic of Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Hungarian national, Mrs Gyuláné Fonyódi (“the applicant”), on 29 July 2004.

2. The applicant was represented by Ms D. Kiss, a lawyer practising in Budapest. The Hungarian Government (“the Government”) were represented by Mr L. Hölzl, Agent, Ministry of Justice and Law Enforcement.

3. In a judgment delivered on 7 October 2008, the Court held that there had been a violation of Article 6 § 1 of the Convention on account of the length of the civil proceedings in question. The Court also decided to award the applicant 14,400 euros (EUR) for non-pecuniary damage and dismissed the remainder of her claims for just satisfaction. In particular, the Court rejected as unsubstantiated the applicant’s claim for costs and expenses incurred before the Court.

4. On 27 November 2008 the applicant reminded the Court that on 15 April 2008 she had submitted an invoice concerning the legal fees she had incurred before the Court. She accordingly requested revision of the judgment within the meaning of Rule 80 of the Rules of Court.

5. On 6 January 2009 the Court considered the request for revision and decided to invite the Government to submit any observations they might have on that request. In a letter of 27 January 2009 the Government informed the Court that they did not intend to submit any observations.

## THE LAW

### THE REQUEST FOR REVISION

6. The applicant requested revision of the judgment of 7 October 2008, arguing that an invoice concerning the legal fees incurred before the Court – 250,000 Hungarian forints (HUF)<sup>1</sup> plus VAT at 20% – which had been properly submitted to the Court should have been taken into account when examining her costs claim.

7. The Government had no observations on this request.

8. The Court observes that the invoice in question had indeed been received from the applicant in due time but was overlooked and was not therefore taken into consideration on the adoption of the judgment. Consequently, it considers that the judgment of 7 October 2008 should be revised pursuant to Rule 80 of the Rules of Court, the relevant parts of which provide:

“A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment.

...”

9. 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 have been actually and necessarily incurred and were 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 in full the equivalent in euros of the sum claimed by the applicant in respect of the proceedings before the Court, i.e. EUR 1,000.

10. 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 applicant’s request for revision of the judgment of 7 October 2008 admissible;

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<sup>1</sup> Approximately EUR 1,000

Consequently,

2. *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 1,000 (one thousand euros) in respect of costs and expenses, to be converted into Hungarian forints at the rate applicable at the date of settlement, plus any tax that may be chargeable to the applicant;

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

Done in English, and notified in writing on 7 April 2009, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sally Dollé  
Registrar

Françoise Tulkens  
President