



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

SECOND SECTION

**CASE OF RÉVÉSZ v. HUNGARY**

*(Application no. 5417/06)*

JUDGMENT

STRASBOURG

29 June 2010

**FINAL**

*21/07/2010*

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



**In the case of Révész v. Hungary,**

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

Françoise Tulkens, *President*,

Danutė Jočienė,

Dragoljub Popović,

András Sajó,

Nona Tsotsoria,

Kristina Pardalos,

Guido Raimondi, *judges*,

and Sally Dollé, *Section Registrar*,

Having deliberated in private on 8 June 2010,

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

## PROCEDURE

1. The case originated in an application (no. 5417/06) 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, Mr Gábor Révész (“the applicant”), on 30 January 2006.

2. The Hungarian Government (“the Government”) were represented by Mr L. Hóltzl, Agent, Ministry of Justice and Law Enforcement.

3. On 21 October 2009 the President of the Second Section decided to give notice of the application to the Government. It was also decided to rule on the admissibility and merits of the application at the same time (Article 29 § 3).

## THE FACTS

### THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1953 and lives in Budapest.

5. The applicant filed claims with the Budapest Labour Court on 25 August and 7 September 1993, respectively, alleging unlawful dismissal by, and claiming compensation from, his former employer (“proceedings A and B”).

6. On 30 November 1993 the applicant and 182 other plaintiffs including three trade unions – one of which was represented by the applicant as a member of its legal advice service – filed an action with the same court

claiming unlawful legal succession of their former employer (“proceedings C”).

### **A. Proceedings A and B**

7. Following a successful motion for bias by the applicant, the Pest County Labour Court was appointed to hear both cases on 13 December 1994. On 22 November and 20 December 1995, respectively, the Labour Court ordered the suspension of the proceedings pending the outcome of proceedings C.

8. On 12 August 2002 the applicant requested that both cases be resumed, since proceedings B had been discontinued by the appeal court (see paragraph 16 below).

9. The Labour Court gave judgments dismissing the applicant's actions on 22 January and 22 April 2004, respectively.

10. On appeal, the Pest County Regional Court delivered judgments, partly accepting the applicant's claims, on 10 June 2005. These decisions were served on the applicant on 3 August and 5 September 2005, respectively. Concerning one of them, a rectification order was issued on 7 September 2005.

### **B. Proceedings C**

11. On 2 December 1994 the Budapest Labour Court dismissed the action in respect of 123 plaintiffs including the applicant. On 25 August 1995 the Supreme Court appointed the Veszprém County Regional Court to hear the appeal. On 14 February 1996 this court quashed the first-instance decision for formal shortcomings, holding that the applicant had not been authorised to represent some co-plaintiffs.

12. On 26 February 1997 the Pest County Labour Court was appointed to hear the case.

13. On 21 April 1998 the applicant requested supplementation of the order of 2 October 1996. On 28 October 1998 the Veszprém County Regional Court dismissed the applicant's request.

14. The Labour Court held hearings on 18 January, 11 March and 20 May 1999 and delivered a judgment on 27 May 1999. On appeal, on 3 November 1999 the Pest County Regional Court quashed the judgment and remitted the case. On 18 February 2000 the applicant requested the rectification and supplementation of this decision which was done on 19 June 2000.

15. The Labour Court held further hearings on 21 December 2000 and 18 January 2001. On 26 March 2001 it delivered a judgment dismissing the action in respect of most plaintiffs including the applicant, and discontinuing the proceedings in respect of others. On appeal, the Pest

County Regional Court held hearings on 8 October and 26 November 2001. On 15 October 2001 the respondents declared that they would not claim costs from those plaintiffs who withdrew their action and appeal.

16. On 8 February 2002 the applicant informed the court that, like other plaintiffs, he withdrew his action and appeal. On 18 February 2002 the Regional Court discontinued the proceedings. This decision was served on the applicant on 6 August 2002.

## THE LAW

17. The applicant complained that the length of proceedings A and B had been incompatible with the “reasonable time” requirement of Article 6 § 1 of the Convention. The Government contested that argument, submitting in essence that the suspension of the proceedings complained of (see paragraph 7 above), a measure in place for some seven years, was inevitable in the circumstances, and its duration should be deducted from the overall length. They also argued that, in proceedings C, the applicant had contributed to the protraction of the proceedings, in particular by not duly establishing his capacity as representative (see paragraph 11 above) and by requesting belatedly the supplementation of the order of 2 October 1996 (see paragraph 13 above). This case was moreover complex in their view.

18. The Court observes that proceedings C, with regard to which the applicant's principal actions were suspended between 1995 and 2002, themselves lasted some seven years for two levels of jurisdiction. For the Court, this duration alone raises concerns, even in a complex case and account being taken of the delays caused by the applicant through his belated appeal against the order of 2 October 1996 or by the uncertainty as to his capacity as representative. Consequently, the necessity to suspend the principal cases pending proceedings C cannot as such exculpate the authorities for the entire protraction of proceedings A and B. Accordingly, the period to be taken into consideration lasted some twelve years for two levels of jurisdiction in both cases. In view of such lengthy proceedings, this complaint must be declared admissible.

19. 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).

20. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present

application (see *Frydlender*, cited above). Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or convincing argument capable of persuading it to reach a different conclusion in the present circumstances. Having regard to its case-law on the subject, the Court considers that the length of the proceedings was excessive and failed to meet the “reasonable time” requirement. There has accordingly been a breach of Article 6 § 1.

21. Relying on Article 41 of the Convention, the applicant claimed 15,000 euros (EUR) in respect of non-pecuniary damage. The Government contested the claim. Making its assessment on an equitable basis, the Court awards the applicant EUR 14,500 under this head. 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 application admissible;
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 14,500 (fourteen thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into Hungarian forints 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 above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Rejects* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 29 June 2010, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Sally Dollé  
Registrar

Françoise Tulkens  
President