



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

SECOND SECTION

CASE OF WALCH v. HUNGARY

(Application no. 13711/09)

JUDGMENT

STRASBOURG

25 March 2014

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

In the case of Walch v. Hungary,

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

Helen Keller, *President*,

András Sajó,

Egidijus Kūris, *judges*,

and Stanley Naismith, *Section Registrar*,

Having deliberated in private on 4 March 2014,

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

PROCEDURE

1. The case originated in an application (no. 13711/09) 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 László Walch (“the applicant”), on 2 March 2009.

2. The Hungarian Government (“the Government”) were represented by Mr Z. Tallódi, Agent, Ministry of Public Administration and Justice.

3. On 9 April 2013 the application was communicated to the Government.

THE FACTS**THE CIRCUMSTANCES OF THE CASE**

4. The applicant was born in 1961 and lives in Budapest.

5. In August 2006 the applicant brought an action for unlawful dismissal and damages before the Pest County Labour Court.

It appears that after a first- and a second-instance judgment, on 17 September 2013 the *Kúria* gave final judgment in respect of part of the claims and remitted the remainder to the first-instance court. In that respect the case is still pending.

THE LAW

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

7. The Government contested that argument.

8. The period to be taken into consideration began in August 2006 and has not yet ended. It has thus lasted over seven and a half years to date. In view of such lengthy proceedings, this complaint must be declared admissible.

9. 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). The Court reiterates that special diligence is necessary in employment disputes (see *Ruotolo v. Italy*, 27 February 1992, § 17, Series A no. 230-D).

10. 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).

11. 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.

12. The applicant also complained about the manner in which the courts have handled his case and about the decisions taken so far. He relied on Articles 6 § 1, 8, 13 and 14 of the Convention.

The Court notes that part of the case is still pending before the first-instance court. In that regard, the complaint is premature.

Moreover, the Court is satisfied that the applicant’s other complaints do not disclose any appearance of a violation of the Convention rights invoked.

It follows that this part of the application must be rejected, pursuant to Article 35 §§ 1, 3 (a) and 4 of the Convention.

13. Relying on Article 41 of the Convention, the applicant claimed 10,000 euros (EUR) in respect of non-pecuniary damage sustained on account of the protraction of the proceedings.

The Government contested the claim.

14. The Court considers that the applicant must have sustained some non-pecuniary damage. Ruling on the basis of equity, it awards him EUR 2,300 under that head.

15. The applicant also claimed EUR 150 for the costs and expenses incurred before the Court.

16. The Government did not express an opinion on the matter.

17. Regard being had to the documents in its possession and to its case-law, the Court considers that the sum claimed should be awarded in full.

18. The Court considers it appropriate that the default interest rate 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 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, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 2,300 (two thousand three hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 150 (one hundred and fifty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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 25 March 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stanley Naismith
Registrar

Helen Keller
President