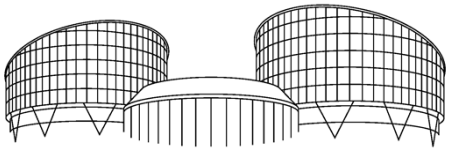

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF FARKAS v. HUNGARY

(Application no. 4968/10)

JUDGMENT

STRASBOURG

23 June 2015

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

In the case of Farkas v. Hungary,

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

Helen Keller, *President,*
András Sajó,
Robert Spano, *judges,*
and Abel Campos, *Deputy Section Registrar,*

Having deliberated in private on 2 June 2015,

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

PROCEDURE

1. The case originated in an application (no. 4968/10) against 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 Farkas ("the applicant"), on 18 January 2010.

2. The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Justice.

3. On 20 February 2014 the complaint concerning the length of the proceedings was communicated to the Government and the remainder of the application was declared inadmissible.

THE FACTS

4. The applicant initiated a payment warrant procedure for repayment of debts on 21 July 1997 which, by the protest of the debtor, developed into court proceedings.

5. The procedure was suspended on 16 April 1999 due to other pending court proceedings, which ended in July 2003.

6. Subsequently, after several hearings, the first-instance court partly found for the applicant on 21 December 2003.

7. On appeal, the Budapest Regional Court quashed the decision and remitted the case on 10 March 2005.

8. In the resumed proceedings, after the transfer of the case from one court to another for reasons of jurisdiction, the Budapest IV/XV District Court partly found for the applicant on 23 November 2007.

9. On appeal, the second-instance court found for the applicant on 25 September 2008.

10. In review proceedings, the Supreme Court upheld this decision on 14 May 2009. Its ruling was served on the applicant on 27 August 2009.

THE LAW

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

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

12. The Government contested that argument.

13. The period to be taken into consideration began on 21 July 1997. It thus lasted over eleven years and eight months for three levels of jurisdiction.

In view of such lengthy proceedings, this complaint must be declared admissible.

14. 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, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

15. 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.

16. Relying on Article 41, the applicant claimed 9,000 euros (EUR) in respect of pecuniary damage and EUR 10,000 in respect of non-pecuniary damage.

17. The Government contested these claims.

18. 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 that the applicant must have sustained some non-pecuniary damage. Ruling on the basis of equity, it awards him EUR 5,400 under that head.

19. The applicant also claimed EUR 1,500 for the costs and expenses incurred before the Court.

20. The Government contested this claim.

21. 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 are 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 the applicant, who was not represented by a lawyer, the sum of EUR 500 for all costs incurred.

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, the following amounts**,** to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
      (i) EUR 5,400 (five thousand four hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 500 (five hundred 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 23 June 2015, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Abel Campos	Helen Keller
Deputy Registrar	President