

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

SECOND SECTION

CASE OF CSÁNICS v. HUNGARY

(Application no. 40293/06)

JUDGMENT

STRASBOURG

1 March 2011

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



In the case of Csánics v. Hungary,

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

Ireneu Cabral Barreto, *President,*
Dragoljub Popović,
András Sajó, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having deliberated in private on 8 February 2011,

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

PROCEDURE

1. The case originated in an application (no. 40293/06) 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 Sándor Csánics ("the applicant"), on 20 July 2006.

2. The applicant was represented by Mr I. Barbalics, a lawyer practising in Budapest. The Hungarian Government ("the Government") were represented by Mr L. Höltzl, Agent, Ministry of Public Administration and Justice.

3. On 9 November 2009 the President of the Second Section decided to give notice of the application to the Government. In accordance with Protocol No. 14, the application was allocated to a Committee of three Judges.

THE FACTS

THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1955 and lives in Érd.

5. On 27 November 1998 the applicant brought an action against a private company seeking compensation for injuries he had suffered in an accident on the premises of a hotel operated by the respondent. The dispute essentially concerned the amount of compensation payable.

6. In its interlocutory judgment delivered on 7 July 1999, the Budaörs District Court established the respondent's full liability for the accident. The review bench of the Supreme Court finally upheld this decision on 30 April 2002.

7. After obtaining the opinion of a medical expert, the District Court awarded the applicant compensation in the amount of 102,632 Hungarian forints (370 euros (EUR)) on 5 November 2003. Being dissatisfied with the amount awarded, the applicant appealed. Following a remittal, the Pest County Regional Court, acting as a second-instance court, significantly raised the amount of compensation on 26 April 2005.

8. On 30 January 2006 the Supreme Court dismissed the applicant's petition for review in a reasoned decision. Examining the merits of the case in detail, it held that the second-instance judgment had not been unlawful to an extent that had a bearing on the merits of the case. This decision was served on 3 March 2006.

THE LAW

9. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement of Article 6 § 1 of the Convention. The Government contested that argument, arguing in particular that the application was introduced out of time, the final domestic decision being the one given by the Pest County Regional Court on 26 April 2005, whereas the application was introduced only on 20 July 2006, i.e. more than six months later.

10. The Court observes that, for the purpose of its examination of the reasonableness of the length of proceedings, it must take into account all instances which could have had an influence on the outcome of the case (see *Rosa Marques and Others v. Portugal* (dec.), no. 48187/99, 7 June 2001). In this connection, it finds that the decision of the Supreme Court, served on the applicant on 3 March 2006, and which dealt with the merits of the applicant's claim in a reasoned decision, constituted the final domestic decision in the case (see *Béla Szabó v. Hungary*, no. 37470/06, § 16, 9 December 2008). The Government's objection must therefore be rejected. Moreover, the Court considers that the application is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

11. The period to be taken into consideration began on 27 November 1998 and ended on 30 January 2006. It thus lasted seven years and two months for three levels of jurisdiction.

12. 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). 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.

13. The applicant also complained under Article 6 § 1 about the outcome of the proceedings. In so far as this complaint may be understood to concern the assessment of the evidence and the result of the proceedings before the domestic courts, the Court reiterates that, according to Article 19 of the Convention, its duty is to ensure the observance of the engagements undertaken by the Contracting Parties to the Convention. In particular, it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention. Moreover, while Article 6 of the Convention guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence or the way it should be assessed, which are therefore primarily matters for regulation by national law and the national courts (see *García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I). In the present case, the Court is satisfied that the applicant's submissions do not disclose any appearance that the courts lacked impartiality, or that the proceedings were otherwise unfair or arbitrary. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected, pursuant to Article 35 § 4 of the Convention.

14. Relying on Article 41 of the Convention, the applicant claimed EUR 37,000 in respect of non-pecuniary damage. The Government contested the claim. The Court considers that the applicant must have sustained some non-pecuniary damage and awards him EUR 2,400 under this head.

15. The applicant also claimed EUR 1,375 for the costs and expenses incurred before the domestic courts and the Court. The Government did not express an opinion on the matter. Regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the applicant the sum of EUR 1,000 in respect of all costs incurred.

16. 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 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 Hungarian forints at the rate applicable at the date of settlement:
      (i) EUR 2,400 (two thousand four hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
      (ii) EUR 1,000 (one thousand 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 1 March 2011, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Françoise Elens-Passos	Ireneu Cabral Barreto
Deputy Registrar	President