

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

FOURTH SECTION

CASE OF ENGELBRECHTSMÜLLER v. AUSTRIA

(Application no. 21056/24)

JUDGMENT

STRASBOURG

11 December 2025

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



In the case of Engelbrechtsmüller v. Austria,

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

Anne Louise Bormann*, President*,
Sebastian Răduleţu,
András Jakab*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 20 November 2025,

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

PROCEDURE

1. The case originated in an application against Austria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 15 April 2024.

2. The applicant was represented by Mr M. Harrer, a lawyer practising in Linz.

3. The Austrian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the excessive length of civil proceedings.

THE LAW

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

6. The applicant complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement. She relied on Article 6 § 1 of the Convention.

7. 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 *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading cases of *Rambauske v. Austria,* no. 45369/07, §§ 21-23, 28 January 2010 and *Holzinger v. Austria (no. 2),* no. 28898/95, §§ 26-29, 30 January 2001, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement. The Court notes that this would have been the case even if the applicant had accelerated the proceedings by filing a request for the setting of a time-limit.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rambauske,* cited above, §§ 16 and 32), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table;
   (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 11 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Anne Louise Bormann President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Type of procedure	Amount awarded for non-pecuniary damage (in euros) [1]
21056/24 15/04/2024	**Susanne ENGELBRECHTSMÜLLER** 1968	Manfred Harrer Linz	09/11/2012	pending	More than 12 year(s) and 9 month(s) and 11 day(s) 3 levels of jurisdiction	Civil (administrative) proceedings	9,800

[1] Plus any tax that may be chargeable to the applicant.