

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

SECOND SECTION

CASE OF LENGYEL v. HUNGARY

(Application no. 34567/08)

JUDGMENT

STRASBOURG

18 December 2012

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



In the case of Lengyel v. Hungary,

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

Peer Lorenzen, *President,*
András Sajó,
Nebojša Vučinić, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having deliberated in private on 27 November 2012,

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

PROCEDURE

1. The case originated in an application (no. 34567/08) 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 two Hungarian nationals, Mr and Mrs Róbert Lengyel ("the applicants"), on 7 July 2008

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

3. On 5 January 2011 the application was communicated 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 applicants were born in 1940 and 1943 respectively and live in Vámospércs.

5. On 22 September 1998 the applicants requested the Hajdú-Bihar County Regional Court to issue a payment order against a private company limited by shares. Due to the objection of the company against the payment order, the case continued as civil litigation.

6. The Regional Court finally found for the applicants on 17 May 2006. This judgment was upheld by the Debrecen Court of Appeal on 15 January 2008.

THE LAW

7. The applicants 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.

8. The period to be taken into account began on 22 September 1998 and ended on 15 January 2008. It has thus lasted nine years and three months before two levels of jurisdiction. In view of such lengthy proceedings, the application must be declared admissible.

9. 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 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.

10. Relying on Article 41 of the Convention, the applicants claimed 56,133,031 Hungarian forints (HUF), (approx. 198,000 euros (EUR)) in respect of aggregate pecuniary and non-pecuniary damage. The Government contested the claim. Rejecting the claim for pecuniary damage, the Court considers that the applicants must have sustained some non-pecuniary damage and awards them jointly EUR 5,800 under this head.

11. The applicants made no costs claim.

12. 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 applicants jointly, within three months, EUR 5,800 (five thousand eight 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 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 applicants' claim for just satisfaction.

Done in English, and notified in writing on 18 December 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Françoise Elens-Passos
Deputy Registrar

Peer Lorenzen
President