

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

FIFTH SECTION

DECISION

Application no. 26742/06
Helena ČRNIČ
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 15 May 2015 as a committee composed of:
Ann Power-Forde, *President,*
Boštjan M. Zupančič,
Angelika Nußberger, *judges,*
and Stephen Phillips, *Deputy Section Registrar,*
Having regard to the above application lodged on 9 June 2006,
Having regard to the comments submitted by the parties,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Helena Črnič, is a Slovenian national who was born in 1984 and lives in Kranj. She is represented before the Court by Ms M. Verstovšek, a lawyer practising in Celje.

The Slovenian Government ("the Government") are represented by their Agent.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

On 17 March 1998 the applicant instituted proceedings before the Kranj District Court seeking compensation for damage sustained at the hairdressers.

On 16 December 2005 the Kranj District Court delivered a judgment upholding the applicant's request in part. She appealed and lodged a request for exemption from payment of court fees.

On 13 February 2006 the first-instance court upheld her request as regards the payment of court fees in part, namely the court granted a postponement of payment until after the termination of proceedings.

On 25 October 2006 the Ljubljana Higher Court requested the first-instance court to issue a rectification of the first-instance judgment.

On 9 November 2006 the first-instance court issued a decision on rectification.

On 31 January 2007 the second-instance court upheld the applicant's appeal in part and awarded a higher sum in damages.

On 16 May 2007 the Kranj District Court sent a reminder to the applicant for the payment of court fees. The applicant sent a letter to the court requesting a decision on determination of court fees to be issued.

On 7 September 2007 the first-instance court issued a decision on court fees. She appealed.

On 1 October 2007 her appeal was rejected. She appealed again.

On 5 March 2008 the applicant lodged a supervisory appeal under the Act on the Protection of the Right to a Trial without undue Delay ("the 2006 Act").

On 10 March 2008 the president of the Kranj District Court rejected the supervisory appeal. She did not lodge a motion for a deadline.

On 7 May 2008 the Ljubljana Higher Court rejected her appeal against the decision on court fees. The decision was served on the applicant on 26 May 2008.

B. Relevant domestic law

A description of relevant domestic law can be found in the judgment *Grzinčič v. Slovenia* (no. 26867/02, 3 May 2007, §§ 35–48).

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about the excessive length of civil proceedings and under Article 13 of the Convention about the lack of an effective domestic remedy in that regard.

THE LAW

The Court notes that the time to be taken in consideration in the present case started on 17 March 1998, the day the applicant instituted proceedings before the Kranj District Court. As regards the end of the relevant period, the Court notes that the proceedings concerning court fees, even though separately decided, must be seen as a continuation of the substantive litigation (see *Robins v. the United Kingdom*, judgment of 23 September 1997, Reports of Judgments and Decisions 1997-V, § 28; *Beer v. Austria*, no. 30428/96, § 13, 6 February 2001). The period to be taken into consideration thus ended on 26 May 2008, the day the Higher Court's decision concerning the court fees was served on the applicant.

In view of the above, the Court observes that the proceedings were pending before the second-instance court when the 2006 Act became operational, and have subsequently continued for more than four months. It was therefore open to the applicant to effectively avail herself of the remedies provided under the 2006 Act, which she failed to do.

Thus, the complaint made under Article 6 must be rejected for non-exhaustion of domestic remedies and the complaint made under Article 13 as manifestly ill-founded (see *Grzinčič v. Slovenia*, no. 26867/02, § 110, 3 May 2007 and *Korenjak v. Slovenia,* no. 463/03, § 75, 15 May 2007) pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

Stephen Phillips Deputy Registrar	Ann Power-Forde President