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

FIRST SECTION

DECISION

Application no. 58404/19
Miriam GLONČÁKOVÁ
against Slovakia

The European Court of Human Rights (First Section), sitting on 30 November 2021 as a Committee composed of:

Péter Paczolay, *President,*
Alena Poláčková,
Gilberto Felici, *judges,*

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 58404/19) against Slovakia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 31 October 2019 by a Slovak national, Ms Miriam Glončáková, who was born in 1970 and lives in Martin ("the applicant") and who was represented by Ms K. Turanská, a lawyer practising in Martin;

the decision to give notice of the application to the Slovak Government ("the Government"), represented by their co-Agent, Ms M, Bálintová;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT-MATTER OF THE CASE

1. The application concerns difficulties the applicant, a self-employed surveyor, encountered with enforcement of a judgment against an entity of public law, Slovenský pozemkový fond ("the Fund").

2. The applicant concluded a framework contract under private law with the Fund, which is tasked by statute with managing agricultural real property belonging to the State and real property of unknown owners. Under this contract, she was to provide surveyor services for specific transactions. In 2018 the applicant obtained a final, binding and enforceable judgment against the Fund for the payment of a sum of money (some 18,000 euros

(EUR) plus 8,5% penalty per year for late payment) in compensation for the fact that the actual work had been assigned to somebody else. As the Fund refused to pay, the applicant applied for enforcement, but it was practically failing based on a premise that any assets of the Fund were legally owned by the State and were accordingly immune from enforcement.

3. The applicant complained to the Court about the impossibility of having her adjudicated claim enforced, in violated her rights under Article 6 § 1 (access to court) of the Convection and Article 1 of Protocol No. 1.

THE COURT'S ASSESSMENT

4. There is no dispute that the applicant's claim falls within the ambit of Article 6 of the Convention. It has been open to her to seek its enforcement under the Enforcement Act (Law no. 233/1995 Coll., as amended). Such enforcement is effected by a judicial enforcement officer, under the authority of a court.

5. The applicant's adjudicated claim further amounts to a possession for the purposes of Article 1 of Protocol No. 1 (see *DRAFT - OVA a.s. v. Slovakia*, no. 72493/10, § 91, 9 June 2015). This is not altered by the defendant's appeal on points of law, which is still ongoing, since this is an extraordinary remedy with no suspensive effect.

6. Nevertheless, the Court notes that the particular status of the defendant in relation to enforcement is governed by a legislative amendment to the Enforcement Act, which entered into force on 9 August 2012 (Law no. 230/2012 Coll.), prohibiting the seizure of real property and certain other assets of the defendant, but in principle not concerning movable items. Moreover, in December 2020 a substantial part of the applicant's claim (some EUR 9,900) was in fact satisfied by proceeds of the enforcement. Accordingly, any limitations on enforcement are not absolute and it is possible both under the law and in practice to obtain such enforcement. In this context, the Court observes that the applicant obtained her judgment subsequently to the said amendment and that, accordingly, there has been no legislative interference with the enforcement proceedings (see, for example, *Stran Greek Refineries and Stratis Andreadis v. Greece,* 9 December 1994, §§ 47-50, Series A no. 301-B) or her possessions (see, for example, *Pressos Compania Naviera S.A. and Others v. Belgium*, 20 November 1995, § 34, Series A no. 332) so as to worsen her situation.

7. To the extent that the enforcement of the remainder of the applicant's claim is still ongoing, the following two factors are noted. First, neither at the domestic level, nor before the Court, has the applicant complained of the length of the enforcement proceedings. Second, any late payment by the defendant, be it by free will or through the enforcement, is subject to late-payment interest as ordered in the applicant's judgment.

8. Accordingly, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

9. It follows that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 January 2022.

Liv Tigerstedt Deputy Registrar	Péter Paczolay President