

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

FOURTH SECTION

DECISION

Application no. 2478/06
Lajos GOTHARD against Romania
and 3 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 2 June 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the parties,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicants, referred to in the annexed table, have all lodged before the domestic courts various proceedings based on the restitution legislation, adopted in Romania after the fall of the communist regime (laws 18/1991 and 10/2001).

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Government.

# THE LAW

## A. Joinder of the applications

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

## B. Complaints under Article 6 § 1 of the Convention

Relying on Article 6 of the Convention the applicants complained that restitution of their nationalised properties and/or compensation claims have not been dealt within a reasonable time by the domestic authorities.

The Court found in its judgment of *Preda and Others v. Romania* (nos. 9584/02, 33514/02, 38052/02, 25821/02, 29652/03, 3736/03, 17750/03 and 28688/04, §§ 131 and 151-154, 29 April 2014) that the length of proceedings was justified by the exceptional situation inherent to the factual and legal complexity governing the systemic problem of the restitution mechanism. Therefore the Court considered that the proceedings were in compliance with the requirements of Article 6 § 1 of the Convention in respect of their length.

Having regard to its findings in *Preda and Others v. Romania* (cited above, §§ 131 and 151-154), and in so far as the factual situations described above also form the basis of the current applications, the Court concludes that these complaints are 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,

*Decides* to join the applications;

*Declares* the applications inadmissible.

Done in English and notified in writing on 23 June 2016.

Hasan Bakırcı
Deputy Registrar

Vincent A. De Gaetano
President

# APPENDIX

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

| No. | Application no.<br>Date of introduction | Applicant name<br>Date of birth | Total length<br>Levels of jurisdiction |
|---|---|---|---|
| 1. | 2478/06<br>06/04/2007 | **Lajos GOTHARD**<br>07/06/1941 | 5 years and 3 months<br>2 levels of jurisdiction |
| 2. | 35561/08<br>17/07/2008 | **Petre ŢUŢU**<br>17/06/1939 | 6 years and 3 months<br>3 levels of jurisdiction |
| 3. | 14179/09<br>05/03/2009 | **Dumitra SANDU PALADE**<br>15/08/1942 | 6 years, 6 months and 20 days<br>2 levels of jurisdiction |
| 4. | 23091/10<br>22/03/2010 | **Maria VALLIANATOS**<br>09/02/1943 | 7 years<br>3 levels of jurisdiction |