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

# FIRST SECTION

# DECISION

Application no. 42073/22
Elena KOVÁČOVÁ
against Slovakia

The European Court of Human Rights (First Section), sitting on 4 April 2024 as a Committee composed of:

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 24 August 2022,

Having regard to the friendly-settlement agreement reached between the parties,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Ms Elena Kováčová, is a Slovak national, who was born in 1953 and resides in Bratislava. She was represented by Mr M. Mandzák, a lawyer practising in Bratislava.

The applicant, a Supreme Court judge, complained under Articles 6 § 1 and Article 13 of the Convention and Article 1 of Protocol No. 1 of being unable to obtain enforcement of a final, binding and enforceable judgment ordering the State, in the person of the Supreme Court, to pay her an amount of money in compensation for non-pecuniary damage having to do with what was found to be discrimination in the applicant's remuneration vis-à-vis judges of the Special Court (see *Fruni v. Slovakia*, no. 8014/07, §§ 11, 72, 80 and 89, 21 June 2011). The application was communicated to the Government of the Slovak Republic.

On 15 March 2024 the Court received a copy of an agreement, signed by the parties on the same day, with the following stipulations:

> "1. The Slovak Republic shall pay the applicant ... within one month from the conclusion of this Agreement the amount of EUR 227,888 ([this] amount [consists of] ... [the principal amount of] EUR 100,000[,] ... [compensation in respect of the

applicant's] legal costs in the amount of EUR 4,566 [as awarded to her] and the amount of EUR 123,322 [for] default interests ... for the period from 9 February 2011 [until] 15 March 2024, awarded to the applicant...)

In the event of [a] failure to pay this sum within the said period, the Slovak Republic undertake[s] to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central bank during the default period plus three percentage points. The said amount shall be payable to the applicant's bank account...

2. The applicant is to pay the costs of the enforcement proceedings ... file no. 327 EX 261/21...

3. In case that the applicant's claims specified in point 1 of this Agreement are satisfied before the decision taken by the Court to strike the application out of the list of cases under Article 39 of the [Convention], the applicant shall notify the Court that she is [no longer] interested in pursuing [it]. If the [applicant's claims are] not fully satisfied within the time limit [under point 1 of this Agreement, she] shall be entitled to request [restoration] of [the] application to [the Court's] list of cases pursuant to Article 37 § 2 of the Convention.

4. The applicant declares that she has no further financial claims against the Slovak Republic and shall waive any further claims she may have against the Slovak Republic (including the State authorities of the Slovak Republic) in relation to the facts forming the basis of [the present application], as well as the facts forming the basis of the proceedings ... file nos. 25C/1/2010 and 4C/20/2014, including any additional claims, costs of the proceedings, costs associated with the assertion of the claims, as well as claims and entitlements that may arise in the future. The waiver of claims under this point shall take effect on the date of payment of the full amount of EUR 227,888 to the applicant within the time limit set out in point 1 of this Agreement.

5. Both parties undertake that they will not request [referral] of the case to the Grand Chamber ... pursuant to Article 43 § 1 of the Convention.

6. Both parties acknowledge and declare that this Agreement will constitute the final settlement of the case."

# THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 25 April 2024.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Péter Paczolay<br>President |