

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

SECOND SECTION

DECISION

Application no. 41734/06
Gábor LANTOS and Others
against Hungary

The European Court of Human Rights (Second Section), sitting on 9 April 2013 as a Committee composed of:

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

Having regard to the above application lodged on 25 September 2006,

Having regard to the declaration submitted by the respondent Government on 8 November 2011 requesting the Court to strike the application out of the list of cases and the applicants' reply to that declaration,

Having deliberated, decides as follows:

THE FACTS

The applicants, Mr and Mrs Gábor Lantos, Mr György Kutas and Ms Magdolna Kutas, are Hungarian nationals who were born in 1949, 1954, 1941 and 1946 respectively and live in Budapest. The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Public Administration and Justice.

The applicants complained about the length of civil proceedings to which they were parties. They relied on Article 6 § 1 of the Convention. On 22 August 2011 the President of the Second Section decided to give notice of the application to the Government.

After unsuccessful friendly-settlement negotiations, by letter dated 8 November 2011, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "The Government note that the efforts with a view to securing a friendly settlement of the case have been unsuccessful.
>
> In this situation the Government hereby wish to express by way of unilateral declaration its acknowledgement of the reasonable length of the domestic proceedings in which the applicants were involved.
>
> Consequently, the Government are prepared to pay the following amounts to the applicants:
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> — 3,200 (three thousand two hundred) euros to Mr Gábor Lantos and Mrs Gáborné Lantos, jointly,
>
> — 3,200 (three thousand two hundred) euros to Mr György Kutas and Ms Magdolna Kutas, jointly.
>
> These sums, which are to cover any pecuniary and non-pecuniary damage as well as costs and expenses (inclusive of value-added taxes paid on lawyer's fees), will be converted into the national currency at the rate applicable on the date of payment, and will be free of any further taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 of the European Convention on Human Rights. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on them, 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 payment will constitute the final resolution of the case.
>
> The Government therefore invite the Court to strike the present case out of the list of cases. They suggest that the present declaration might be accepted by the Court as «any other reason» justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention."

In a letter of 6 December 2011 the applicants expressed the view that the sum mentioned in the Government's declaration was unacceptably low.

THE LAW

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

"for any other reason established by the Court, it is no longer justified to continue the examination of the application".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey*, [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI); *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.) no. 28953/03).

The Court has established in a number of cases, including those brought against Hungary, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Váraljai v. Hungary*, no. 31172/07, § 8, 15 June 2010, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Majewski v. Poland*, no. 52690/99, 11 October 2005; and *Wende and Kukówka v. Poland*, no. 56026/00, 10 May 2007).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

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

For these reasons, the Court unanimously

Takes note of the terms of the respondent Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Françoise Elens-Passos
Acting Deputy Registrar

Peer Lorenzen
President