

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

FIFTH SECTION

DECISION

Application no. 3272/07
Zvonimir MARKOVIČ and others
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 10 July 2012 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 27 December 2006,

Having regard to the comments submitted by the parties,

Having deliberated, decides as follows:

THE FACTS

A list of the applicants is set out in the appendix.

The applicants are represented before the Court by Ms J. Gričnik, a lawyer practising in Žalec.

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 2 November 1993 the applicants instituted a set of civil proceedings against the companies L. Š and V.Š. at the Celje Court for Associated

Labour, seeking compensation for the use of their innovations. The proceedings were terminated at different dates with respect to different applicants. In the part concerning the applicants Mr Zvonimir Markovič and Mr Ivan Basle, the proceedings were terminated with the judgment of 30 March 2007, which is less than three months after the implementation of the 2006 Act on the Protection of the Right to a Trial without Undue Delay ("the 2006 Act").

In the part concerning the applicants Mr Zoran Veber, Mr Ciril Gorišek and Mr Dragan Simovič the civil proceedings were terminated with the court settlement of 11 May 2007.

B. Relevant domestic law [and practice]

For relevant domestic law see the judgment *Maksimovič v. Slovenia*, no. 28662/05, 22 June 2010, and *Nezirović v. Slovenia* (dec.), no. 16400/06 25 November 2008.

COMPLAINTS

All the applicants complained under Article 6 § 1 of the Convention that their right to a fair trial had been infringed by the excessive length of the civil proceedings.

In substance, they also complained under Article 13 of the Convention of the lack of an effective domestic remedy in respect of the excessive length of the proceedings.

THE LAW

After the Government had been given notice of the application, they informed the Court that they had made a settlement proposal to Mr Zvonimir Markovič and Mr Ivan Basle. The applicants subsequently informed the Court that they had reached a settlement with the State Attorney's Office and that they wished to withdraw their application introduced before the Court.

The Court takes note that following the settlement reached between the parties the matter has been resolved at the domestic level and that the applicants wish to withdraw their application. It is satisfied that respect for human rights as defined in the Convention or its Protocols does not require the examination of the application to be continued (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the application in the part concerning Mr Zvonimir Markovič and Mr Ivan Basle out of the list in accordance with Article 37 § 1 (a) of the Convention.

The Government also informed the Court that Mr Ciril Gorišek had died. Subsequently the applicant's representative was invited to inform the Court whether any of the late applicant's heirs wished to pursue the proceedings before the Court. No reply was received to the Registry's letter.

By letter dated 10 April 2012, sent by registered post, the applicant's representative was again invited to submit the information requested by the Registry. The applicant's representative received this letter on 7 September 2009. However, no response has been received.

Having regard to the foregoing, the Court considers that it is no longer justified to continue with the examination of the application as regards the applicant Mr Gorišek and that it should be in this part struck out of the list of cases in accordance with Article 37 § 1 (c). Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of this part of the application.

As regards the applicants Mr Zoran Veber and Mr Dragan Simovič the Court notes that in their case the civil proceedings terminated on 11 May 2007 and they had about five months at their disposal to make at least a constructive attempt to exhaust the new remedies available under the 2006 Act (see *Nezirovič v. Slovenia* (dec.), no. 16400/06, §§ 27- 41, 25 November 2008).

The Court therefore finds that the complaint regarding Article 6 of the Convention must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

As to the complaint under Article 13 the Court has already found that the 2006 Act does afford the applicant an effective remedy in respect of her complaint about the length of proceedings (see *Nezirovič* cited above). That finding is also valid in the context of her complaint under Article 13 of the Convention.

It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible in the part concerning the applicants Mr Zoran Veber and Mr Dragan Simovič.

Decides to strike the application out of its list of cases in the part concerning the applicants Mr Zvonimir Markovič, Mr Ivan Basle and Mr Ciril Gorišek.

Stephen Phillips
Deputy Registrar

Ann Power-Forde
President

APPENDIX

N º .	Firstname LASTNAME	Birth date	Birth year	Nationality	Place of residence
1.	Zvonimir MARKOVIČ	30/05/1950	1950	Slovenian	Celje
2.	Dragan SIMOVIC	20/04/1951	1951	Slovenian	Lesično
3.	Ciril GORISEK	12/03/1929	1929	Slovenian	Ljubljana
4.	Zoran VEBER	11/06/1950	1950	Slovenian	Celje
5.	Ivan BASLE	16/03/1950	1950	Slovenian	Prebold