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

THIRD SECTION

DECISION

Application no. 20050/15
Jan PAVLIŠ
against Slovakia

The European Court of Human Rights (Third Section), sitting on 8 November 2016 as a Committee composed of:

Helen Keller, *President,*
Pere Pastor Vilanova,
Alena Poláčková, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 14 April 2015,

Having regard to the declaration submitted by the respondent Government on 13 May 2013 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ján Pavliš, is a Slovak national, who was born in 1964 and lives in Košice.

The Government of the Slovak Republic ("the Government") were represented by their Agent, Ms M. Pirošíková.

The applicant complained under Article 6 § 1 of the Convention about the length of his civil proceedings regarding the action for recovery of goods which had been initiated before the Košice II District Court on 15 February 2011. The proceedings have been held before one level of jurisdiction and are still pending.

In relation to the impugned proceedings, on 21 October 2014 the Constitutional Court found that there had been no violation of the applicant's right to a hearing within a reasonable time.

The application was communicated to the Government.

THE LAW

After the failure of attempts to reach a friendly settlement and the applicant's lack of response to the Court's correspondence in that respect, by a letter of 13 May 2016 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 acknowledge the unreasonable duration of the domestic proceedings in which the applicant was involved.
>
> I, Marica Pirošíková, the Agent of the Government of the Slovak Republic before the European Court of Human Rights, declare that the Government offer to pay to Mr Ján Pavliš the sum of EUR 1,800 (one thousand eight hundred euros), plus any tax that may be chargeable to the applicant.
>
> The Government would suggest that the above information 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 the event of the Court's decision pursuant to Article 37 § 1 of the Convention, the Government undertake to pay to the applicant the declared sum within the three months from the date of notification of the decision. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from 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. This payment will constitute the final settlement of the case."

By a letter of 18 May 2016, the Court invited the applicant to submit any comments on the Government's terms of the unilateral declaration, but the applicant failed to respond.

The Court reiterates 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 reiterates 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 applicant wishes the examination of the case to be continued.

To this end, the Court has examined the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Sp. z o.o. v. Poland* (dec.),

no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03, 18 September 2007).

The Court has established in a number of cases, including those brought against Slovakia, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-227, ECHR 2006-V; *Rapoš v. Slovakia*, no. 25763/02, §§ 32-34, 20 May 2008; *Bič v. Slovakia*, no. 23865/03, §§ 39-41, 4 November 2008 or *Komár v. Slovakia*, no. 25951/06, §§ 30-33, 26 October 2010).

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*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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 37 § 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.

Done in English and notified in writing on 1 December 2016.

Fatoş Aracı
Deputy Registrar

Helen Keller
President