

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

FIFTH SECTION

DECISION

Application no. 2805/07
by Mihael ŠORL
against Slovenia

The European Court of Human Rights (Fifth Section), sitting on 6 December 2011 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 18 December 2005,

Having regard to the settlement reached between the applicant and the Government,

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Mihael Šorl, is a Slovenian national, who was born in 1965 and lives in Ljubljana. He was represented before the Court by Ms A. Šorl, his mother, who is working as a comercialist in his company in Ljubljana. The Slovenian Government ("the Government") were represented by their Agent.

The applicant was a party to civil proceedings, which were terminated 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"). The applicant complained under Article 6 § 1 of the Convention about the excessive length of the proceedings. The applicant also complained under Article 6 § 1 that the proceedings were unfair. He alleged in particular that

though the first-instance court had already ruled in his favour, the second-instance court remitted the case to the first-instance court for re-examination, and that his appeal to the second-instance court was not allowed as being lodged out of time. In substance, he also complained under Article 1 of Protocol No. 1 to the Convention that the company which owed him a sum of money went bankrupt due to the length of proceedings and that he therefore never managed to recover the debt.

After the Government had been given notice of the application in the part concerning the applicant's complaint about the length of the proceedings under Article 6 § 1 of the Convention, they informed the Court that they had made a settlement proposal to the applicant. The applicant subsequently informed the Court that he had reached a settlement agreement with the State Attorney's Office.

THE LAW

The Court takes note that following the settlement reached between the parties in the part concerning the complaint about the undue length of the proceedings under Article 6 § 1 the Convention, the matter has been resolved at the domestic level. It is satisfied that respect for human rights as defined in the Convention or its Protocols does not require the examination of this part of the application to be continued (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is therefore appropriate to strike the case out of the list in accordance with Article 37 § 1 (b) of the Convention in the part concerning the complaint about the length of the proceedings under Article 6 § 1 of the Convention.

As regards the applicant's remaining complaints under Article 6 § 1 of the Convention Article 1 of Protocol No. 1, the Court, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols. It follows that these complaints are inadmissible under Article 35 § 3 (a) as manifestly ill-founded and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in the part concerning the applicant's complaint under Article 6 § 1 of the Convention,

Declares inadmissible the remainder of the application.

Stephen Phillips Deputy Registrar	Ann Power-Forde President