**APPLICATION/REQUÊTE N° 12952/87**

Family RUIZ-MATEOS v/SPAIN

Famille RUIZ-MATEOS c/ESPAGNE

**DECISION** of 6 November 1990 on the admissibility of the application

**DÉCISION** du 6 novembre 1990 sur la recevabilité de la requête

---

***Article 6, paragraph 1 of the Convention***

*a) Reasonable time (civil) In determining whether the length of civil proceedings is reasonable, proceedings before a Constitutional Court are taken into account when its decision is capable of affecting the outcome of the claim (reference to Deumeland judgment)*

*b) Fair hearing (civil) The question whether court proceedings satisfy the requirements of Article 6 para 1 can only be determined by examining the proceedings as a whole that is to say only once they have been concluded*

*Question of applicability of Article 6 para 1 to proceedings before a Constitutional Court concerning a preliminary question of constitutionality, and of respect for the principle of equality of arms (Complaint declared admissible)*

*c) Impartial tribunal The designation of judges by Parliament does not in itself call into question the impartiality of a court In this case, examination of the method of election and status ensuring the impartiality of the judges*

*d) A legislative measure affecting the applicant s civil rights cannot be regarded as a determination of those rights*

e) *The fact that, due to an expropriation by a legislative measure, the applicant is prevented from challenging the merits of the expropriation before the civil courts, and that he is only able to challenge the application of the law before the administrative courts, does not constitute a denial of access to court.*

***Article 14 of the Convention, in conjunction with Article 6, paragraph 1 of the Convention***: *The fact that in Spain the merits of an expropriation effected by legislation cannot be challenged by the person concerned in court and that in the case of expropriation of movable property only the measures taken to implement the expropriation law, and not the law itself, may be challenged in court is not discriminatory, since these rules apply without distinction to every private individual in the same situation.*

***Article 26 of the Convention***. *The six month period does not run from the date of an interlocutory judgment by a Constitutional Court refusing to allow the applicant to participate in proceedings relating to a preliminary question of constitutionality*

*(TRANSLATION)*

## THE FACTS

The applicants, five brothers and a sister, are Spanish nationals. The applicant Jose María Ruiz-Mateos, born in 1931, is resident in Pozuelo (Madrid); the applicant Zoilo Ruiz-Mateos, born in 1928, is resident in Jerez de la Frontera; the applicant Rafael Ruiz-Mateos, born in 1929, is resident in Jerez de la Frontera; the applicant Isidoro Ruiz-Mateos, born in 1932, is resident in Pozuelo (Madrid), the applicant Alfonso Ruiz-Mateos, born in 1935, is resident in Madrid; the applicant María-Dolores Ruiz-Mateos, born in 1937, is resident in Seville. For the proceedings before the Commission, they are represented by Mr. García Montes, a lawyer practising in Madrid.

The facts of the case, as submitted by the parties, may be summarised as follows

By a legislative decree of 23 February 1983 the Government declared the expropriation in the public interest, for the benefit of the State, of all the shares composing the capital of the companies in the RUMASA group, including the parent company RUMASA S.A., in which the applicants held all the shares. In

particular, Article 2 of the legislative decree provided for the State to take immediate possession of the expropriated property through the intermediary of the Directorate General of National Assets. The legislative decree was approved by the Chamber of Deputies on 2 March 1983. However, a group of members of the Chamber of Deputies lodged an appeal to the Constitutional Court (recurso de inconstitucionalidad) seeking a ruling that the legislative decree was unconstitutional.

In a judgment dated 2 December 1983 the Constitutional Court dismissed the appeal, the outcome being decided by the president's casting vote. Six judges subscribed to a dissenting opinion, to the effect that the expropriation procedure followed was unconstitutional.

In the meantime, on 29 June 1983, the above-mentioned legislative decree had been superseded by Law No. 7/1983, enacted by the Spanish parliament (Cortes). This law was published in the Official Journal of the State (Boletin Oficial del Estado) on 30 June 1983.

Following the appearance of an article on the Constitutional Court's judgment of 2 December 1983 in the newspaper "El País", the applicants lodged a complaint against all its members for breaching their duty of discretion, within the meaning of Article 23 para. 1 of the Institutional Act establishing the Constitutional Court. In a decision (auto) dated 28 February 1984 the Criminal Division of the Supreme Court ruled that no further action should be taken on the applicants' complaint (archivo de diligencias).

In the meantime, on an unspecified date in 1983, the applicants had brought an action before the civil courts for recovery of the expropriated property (interdicto de recobrar). During these proceedings they asked the civil court to raise with the Constitutional Court the question of the compatibility of the Law of 29 June 1983 with Articles 14 (right to equality), 24 (right to effective judicial protection of one's rights) and 33 (right to private property) of the Constitution.

In a decision *(auto)* of 5 October 1984 the Madrid Court of First Instance No. 18, partially granting the applicants' request, referred to the Constitutional Court the question relating to the compatibility of Articles 1 and 2 of Law No. 7/1983 with Article 24 para. 1 of the Constitution. In the reasons for the decision the court pointed out in particular that in this case it had not been possible for the applicants to apply to the courts to confirm their right of ownership over the property of which they had been deprived as a result of expropriation carried out through legislation (*ope legis*) or to contest the necessity of seizing the property in question (necesidad de ocupación).

In a decision (providencia) dated 17 October 1984 the Constitutional Court declared the question admissible (admitida a trámite) and gave notice thereof to the Chamber of Deputies, the Senate, the Government and the Attorney General

Crown Counsel submitted observations on 5 November 1984, as did counsel for the State on 6 November 1984. In a letter dated 12 November 1984 the Speaker of the Chamber of Deputies announced that it did not intend to submit observations

On 27 January 1986 the applicant José María Ruiz-Mateos lodged an appeal (escrito de queja) with the Constitutional Court, complaining of the protraction of the proceedings before that court. In that connection he relied on Article 24 para. 2 of the Constitution and Article 6 para 1 of the European Convention on Human Rights. In a decision dated 30 January 1986 the Constitutional Court dismissed the appeal, ruling that the appellant lacked *locus standi.*

On 7 February 1986 the applicant Jose María Ruiz-Mateos lodged a second appeal with the Constitutional Court. He alleged in particular that the decision of 30 January 1986 violated Article 24 of the Constitution to his detriment and maintained that, as a party to the main proceedings, he had *locus standi* in the interlocutory proceedings opened as a result of the civil court's question to the Constitutional Court In a decision (auto) dated 21 February 1986 the Constitutional Court confirmed its decision of 30 January 1986

On 26 March 1986 the applicant José María Ruiz-Mateos challenged two of six judges who had been newly appointed to the Constitutional Court, on the ground that they were not impartial. In this connection he claimed that it was well-known that one of these judges was a friend of the Prime Minister and that the other judge had previously dealt with the case as adviser to the Minister of Justice, whose speech to parliament on the expropriation of RUMASA he had allegedly helped to write He relied on Article 219 paras 5 and 8 of the Institutional Act on the Judiciary (Ley orgánica del Poder Judicial).

In a decision dated 10 April 1986 the Constitutional Court rejected the challenge on the ground that the applicant did not have *locus standi.*

In a judgment dated 19 December 1986 the Constitutional Court declared that Articles 1 and 2 of the Law of 29 June 1983 were compatible with the Constitution. In the reasons for its judgment the court admitted that legislative expropriations involved a restriction of judicial protection of the rights of the owners of the expropriated property, as defined in Article 24 para. 1 of the Constitution, since the latter were deprived of the possibility they would have had

in the case of an administrative expropriation of contesting before the courts the necessity of seizing their possessions It was nevertheless open to them, according to the judgment, to contest the seizure of the expropriated possessions before the administrative courts and ask them to raise the question of the compatibility of such seizure with the Constitution Moreover, an appeal *de amparo* would lie against the decision of the administrative courts The Constitutional Court also emphasised that the law in question had by no means deprived the owners of the expropriated property of their right to appropriate compensation, which they could assert before the relevant administrative body (Jurado Provincial de expropriacion) and if necessary before the administrative courts (contencioso-administrativa) The dissenting opinion of two judges, who considered that the procedure followed had deprived the applicants of their right of access to the courts, was attached to the judgment

Once the question of constitutionality had been settled, the Madrid Court of First Instance No 18 rejected the actions for recovery brought by the applicants on 23 December 1986 The latter appealed to the Madrid Audiencia Provincial – the appropriate court of appeal in this case – asking that court to raise a second question as to constitutionality concerning the compatibility of the expropriation legislation with Articles 14 and 33 of the Constitution In a decision (auto) dated 9 July 1989 the Audiencia Provincial referred to the Constitutional Court the above-mentioned question as to constitutionality On 31 October 1989 the Constitutional Court declared it admissible The proceedings are still pending before that court

In separate court proceedings, concerning several appeals lodged by the applicants, the Administrative Division of the Madrid Regional Court (Tribunal Superior de Justicia) recognised their right to restitution of several companies in the RUMASA group, in judgments given between December 1989 and October 1990 The Government have appealed against each of these judgments The Supreme Court has not yet pronounced judgment on these appeals

## COMPLAINTS

1 Before the Commission the applicants complain, firstly, that contrary to Article 6 para 1 of the Convention their case has not been given a fair hearing within a reasonable time

In this connection, they claim

– that the Constitutional Court, to which a question relating to the compatibility of the Law of 29 June 1983 with the Constitution had been referred by the

civil court, did not give its decision until two years after it had declared the question admissible;

- that the ideology of the members of the Constitutional Court was similar to that of the Government, which made them unfit to deal with the case. In particular, the applicants allege that it was well-known that one judge was a friend of the Prime Minister and that another had previously dealt with the case as an adviser to the Minister of Justice;

- that Crown Counsel had exerted pressure on the lawyer representing the Ruiz-Mateos family In particular, the applicants claim that Crown Counsel lodged a complaint against the applicant José-María Ruiz-Mateos and his lawyer for contempt of the Constitutional Court and the Minister of Justice, the proceedings relating to this complaint eventually being discontinued,

- that the principle of equality of arms had not been respected in their case in that they had been refused leave to take part in the proceedings relating to the preliminary question as to constitutionality, whereas counsel for the State and Crown Counsel had been able to submit their observations to the Constitutional Court.

2. The applicants also claim that, as the expropriation was ordered in a law adopted to deal with this specific case, they were denied all access to the courts to contest the public interest in the expropriation and the immediate surrender of the expropriated property, contrary to Article 6 para 1 and Article 13 of the Convention

3 In addition, the applicants complain of a violation of Article 14 of the Convention, in conjunction with Article 6 para. 1 and Article 13. In this connection they claim that, since the expropriation was ordered by means of special legislation, they were unable to use the remedies made available to all Spanish citizens by the general law on expropriation and the law on administrative appeal procedure They maintain that this differential treatment is completely unjustified and constitutes discrimination within the meaning of Article 14

....

**THE LAW**

1. The applicants allege several violations of Article 6 para. 1 of the Convention, which reads as follows·

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

The Government maintain, first of all, that in relying on Article 6 para. 1 of the Convention the applicants have abused the right of petition, since their real intention is to raise the problem of the compatibility of the RUMASA expropriation with Article 1 of Protocol No. 1, which, to date, Spain has not ratified. They accordingly consider that the application as a whole is inadmissible.

The applicants deny that they wish to complain of a violation of Article 1 of Protocol No. 1 and point out that Article 6 para. 1 is an autonomous provision which has been violated in this case in several respects.

The Commission points out that under Article 6 para 1 of the Convention everyone has certain specific rights and notes that the applicants have submitted pleadings relating to that provision It sees nothing which might suggest that in relying on Article 6 the applicants have abused the right of petition, within the meaning of Article 27 para 2 of the Convention *in fine.*

2. The applicants complain, firstly, that the length of the proceedings for the examination of the question as to constitutionality was not reasonable within the meaning of Article 6 para. 1 of the Convention. They assert, in particular, that the Madrid Court of First Instance No. 18 referred the question to the Constitutional Court on 5 October 1984, but the Constitutional Court did not give judgment until 19 December 1986, i.e. twenty-six months and two weeks later

It is not in dispute between the parties that these proceedings took place in the context of an action concerning the applicants' civil rights and obligations.

The Government assert that the case raised extremely complex factual and legal issues In addition, the numerous interlocutory proceedings initiated by the applicants and the partial renewal of the Constitutional Court's composition in February 1986 contributed to the prolongation of the proceedings complained of They point out that there had already been two judgments of the Constitutional

Court dealing with the RUMASA case and argue on that account that it was no longer a priority.

The applicants consider that the delay before the Constitutional Court gave judgment was deliberate. Moreover, the urgency of the case was undeniable: the dispute concerned ownership of more than 600 companies and affected 65,000 workers and several hundred billion pesetas. Since the facts of the case were already known to the court, which had looked into them on two previous occasions, there was absolutely no justification for the delay. Lastly, the applicants cannot be held to have delayed the proceedings by their conduct, since they did not even participate in them.

The Commission considers that the proceedings for the examination of the preliminary question as to constitutionality represented only one stage in the action for the recovery of their expropriated property brought by the applicants before the civil court. It points out in this connection that the Court, in its Deumeland judgment (Eur. Court H.R., judgment of 29 May 1986, Series A no. 100, p. 26, para. 77), held that proceedings before a Constitutional Court should be taken into the reckoning for the purpose of assessing whether the length of civil proceedings has been reasonable. In this case the question whether the length of the proceedings before the Spanish Constitutional Court might be taken into account in assessing whether the applicants' case was heard within a reasonable time cannot be answered at the admissibility stage.

After conducting a preliminary examination of the facts and the submissions of the parties regarding this complaint, the Commission considers that it raises complex factual and legal issues which require an examination of the merits.

3. The applicants further complain that the proceedings for the examination of the question as to constitutionality were not fair, as required by Article 6 para. 1 of the Convention. In particular, they were refused leave to participate, whereas counsel for the State, who was also a party to the civil action before the Madrid Court of First Instance No. 18, was able to submit observations to the Constitutional Court. They consider that this constitutes a violation of the principle of equality of arms, an essential aspect of the concept of a fair hearing. Moreover, the attitude of Crown Counsel during the proceedings at issue increased their inequitable character.

The Government maintain that this complaint is out of time, because the decision of the Constitutional Court refusing the applicants leave to participate in the proceedings was dated 21 February 1986, whereas the application was submitted to the Commission on 5 May 1987, i.e. more than six months later.

However, the Commission reiterates that, according to case-law, the question whether court proceedings satisfy the requirements of Article 6 para. 1 can only be answered by examining the proceedings as a whole, that is to say only once they have been concluded (No. 7945/77, Dec. 4.7.78, D.R. 14 p. 228). It follows that the six month time-limit laid down in Article 26 of the Convention does not begin to run from the date of an interlocutory decision by the Constitutional Court. Consequently, this part of the application cannot be rejected as out of time.

The respondent Government also allege that Article 6 para. 1 of the Convention is not applicable to proceedings before constitutional courts as such. They maintain that in Spanish law proceedings relating to preliminary questions as to constitutionality, as governed by Institutional Act No. 2/1979, do not concern a "contestation" (dispute) within the meaning of the French text of Article 6 of the Convention, but rather the "doubt" of a judge or court as to the constitutionality of a legal rule laid down by the legislative. Consequently, the Constitutional Court does not determine a dispute between two parties over individual rights but the objective compatibility in the abstract between a particular law and the Constitution.

The applicants, for their part, draw the Commission's attention to the very unusual nature of Law No. 7/1983 on the expropriation of RUMASA, which is a piece of special legislation applicable only to the property of the applicants, the only persons to be affected by it. Thus the question at issue was the practical one of whether the applicants' civil rights could be asserted in adversarial proceedings before the Spanish courts.

The Commission has examined the arguments advanced by the parties on the question of the applicability of Article 6 para. 1 of the Convention to the constitutional proceedings as such. It considers that in this case that question raises complex legal issues which it cannot settle at the admissibility stage. It therefore decides to join to the examination of the merits the question of the applicability of Article 6 para. 1 of the Convention to the proceedings complained of.

The Commission has conducted a preliminary examination of the facts and the submissions of the parties on the question of the fairness of the proceedings at issue. It considers that this complaint also raises complex factual and legal issues which require an examination of the merits.

4 The applicants further complain that the Constitutional Court did not satisfy the requirements of impartiality and independence stipulated in Article 6 para. 1 of the Convention. In support of their argument they refer to the partial renewal

of its composition in February 1986, in the course of which judges whom they describe as ideologically and personally close to the Government were elected.

The Government maintain that this complaint is out of time because the applicants' challenge in respect of two judges was declared inadmissible on 10 April 1986, whereas the application was not submitted to the Commission until 5 May 1987, i.e. more than six months later.

The Commission refers to its reasoning regarding the previous complaint, in which it pointed out that in this case the six month limit laid down in Article 26 of the Convention does not begin to run from the date of interlocutory decisions by the Constitutional Court. Consequently, this part of the application cannot be rejected as out of time.

With regard to the merits, the Government assert that four of the members of the Constitutional Court are elected by a majority of at least three-fifths of the members of the Chamber of Deputies, four by a majority of at least three-fifths of the members of the Senate, two by the Government and two by the General Council of the Judiciary. Only the most eminent jurists are eligible. They are totally independent and subject to strict rules governing activities incompatible with their service at the court. Their term of office, which lasts for nine years, is not renewable. The election held in February 1986, which was conducted in accordance with the applicable legal provisions, was prompted by the end of the term of office of four judges and the resignation of two others.

The Government also contest the applicants' allegations about the subjective partiality of two members of the Constitutional Court, which they claim to be without foundation. They deny in particular that one of the judges had dealt with the RUMASA case as adviser to the Minister of Justice, since he did not belong to the Minister's private staff.

The applicants emphasise the "ideological" partiality in the Government's favour of the members of the Constitutional Court elected in February 1986. They point out that at that time the Spanish Socialist Party (PSOE) had an absolute majority in both the Chamber of Deputies and the Senate, which majority was reflected in the choice of the members of the General Council of the Judiciary.

With regard to subjective impartiality, the applicants repeat their allegations concerning the friendship between one of the judges and the Minister of Justice, whose speech to parliament on the expropriation was allegedly prepared with the former's assistance. Another judge, a friend of the Prime Minister, had allegedly stood for election on Socialist Party lists.

Without prejudging the applicability of Article 6 para. 1 of the Convention to the proceedings at issue, a question which has been joined to the examination of the merits, the Commission considers that it is no part of its function to exercise general scrutiny over the system for electing members of the Spanish Constitutional Court. It notes that some of the members of the Constitutional Court – those not affected by renewal – had been elected by different parliamentary majorities, i.e. before the general elections of 28 October 1982. In any case, the fact that the two houses of parliament participated in the process of nominating members of the Constitutional Court does not in itself cast doubt on the impartiality of the court (cf. Nos. 8603/79, 8722/79, 8723/79 and 8729/79, Dec. 18.12.80, D.R. 22 pp. 147, 222).

The Commission also notes that judges are elected for a specific term of office, cannot be removed from office and are subject to strict rules governing activities incompatible with their service at the court. In discharging their responsibilities they are not answerable to any authority and exercise the powers conferred on them by the Constitution and by law without any interference from the executive or legislative.

With regard to the applicants' allegations concerning the subjective partiality of two members of the Constitutional Court, the Commission observes that there is no evidence in the application that the judges in question acted partially. The mere existence of friendship with members of the Government or the fact that one of them had stood for election in the past as a member of one of the lists of the party in power cannot cast doubt on their impartiality in the exercise of their functions. As for the possibility that one of these judges helped to draft the speech to parliament of the Minister of Justice, the Commission observes that the Government explicitly deny the truth of this allegation and that the applicants have merely supplied a press cutting. This evidence is not sufficiently cogent to rebut the presumption of impartiality which should work to the advantage of the judge in question.

The applicants were, admittedly, prevented from challenging the judges concerned. Nevertheless, the Commission considers that this circumstance goes to the complaint about the fairness of the proceedings and could be examined, if appropriate, in that connection.

It follows that the complaint concerning the partiality of the Constitutional Court is manifestly ill-founded and must be rejected, in pursuance of Article 27 para. 2 of the Convention.

5. The applicants also allege that because the expropriation was effected by means of special legislation they were deprived of access to the courts to contest the public interest in, and the necessity of, the expropriation. They rely on Article 6 para 1 of the Convention.

The Government maintain that this complaint is incompatible *ratione personae* with the provisions of the Convention and that the applicants are asking the Commission to scrutinise in the abstract a law adopted by the Spanish parliament.

Furthermore, they could have appealed, first to the administrative courts and then to the Constitutional Court against the measures actually taken to implement the expropriation legislation. More than a hundred actions have been brought before the administrative courts, some still pending, concerning the application in each specific case of the legislation at issue. In a number of these cases the courts found in favour of the appellants.

The applicants emphasise that their criticisms are directed against the expropriation by legislative means which prevented them from contesting before the courts the necessity of seizing their property. As the Constitutional Court has already looked into this question in its judgment of 19 December 1986, which is binding on all, there is no other remedy in domestic law

The applicants rebut the allegation that they want to submit an abstract question to the courts, since the impugned legislation concerns only property belonging to them

With regard to the merits, the applicants assert that questions relating to their rights of ownership cannot be examined by the ordinary courts because they are answered directly by the expropriation law. As for the Constitutional Court, it has no power to look into the merits of individual cases, nor can it examine civil law issues. Moreover, litigants cannot plead the right of ownership set forth in Article 33 of the Constitution directly before the Constitutional Court. Only the amount of compensation can be discussed before the ordinary courts, i.e. there is only a partial right of access to the courts.

The Commission reiterates that everyone has the right to have any claim relating to his civil rights and obligations brought before a court or tribunal (Eur. Court H.R., Golder judgment of 21 February 1975, Series A no 18, p. 18, para 36). In interpreting the concept of civil rights and obligations, the Convention institutions cannot create substantive rights which have no basis in the domestic law of the State concerned (No. 9310/81, Baggs v United Kingdom, Dec. 16.10.85, D R 44 p 13)

The Commission notes that the applicants' complaint essentially concerns the fact that they are unable to contest the provisions of Law No. 7/1983 before the ordinary Spanish courts. However, in Spain, as in a number of other member States of the Council of Europe, private individuals have no right to appeal to the courts against laws in the formal sense of the term, i.e. provisions enacted by the legislative. Moreover, and above all, a legislative measure enacted by the parliament of a High Contracting Party does not constitute a determination of civil rights and obligations, within the meaning of Article 6 para 1 of the Convention (No. 8531/79, Dec. 10.3.81, D.R. 23 pp. 203, 208).

It follows that the above provision cannot secure to the applicants a right to contest before the civil courts the validity of Law No 7/1983 enacted by the Spanish parliament.

Admittedly, the applicants allege that they attempted in vain before the administrative courts to contest the validity of the expropriation of their shares. In that connection, the Commission observes that although Article 6 para 1 of the Convention sets forth the right of access to a court, it by no means guarantees the successful outcome of any resulting action (cf. No 9310/81, Dec 16 7 86, D.R. 47 p. 5).

This complaint must accordingly be rejected as manifestly ill-founded within the meaning of Article 27 para. 2 of the Convention.

6. Lastly, the applicants complain that they have been victims of discrimination with regard to their right of access to the courts, in that those persons expropriated otherwise than by a specific act of parliament in Spain can contest before the courts the necessity of the expropriation. They rely on Article 14 of the Convention, in conjunction with Article 6 para. 1.

Article 14 reads as follows.

> "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status "

The Spanish Government consider that in this respect the applicants have not exhausted domestic remedies.

In addition, they assert that the situation of the RUMASA group was placing in jeopardy the stability of the Spanish economy The national authorities were

therefore obliged to intervene in order to avoid the consequences of the group's collapse The choice of one expropriation procedure rather than another was justified by the urgency of the problem and pursued a legitimate interest, namely the prevention of manoeuvres designed to render the expropriation measure meaningless by the former owners of the numerous companies in the group

The applicants consider that they have exhausted domestic remedies

They assert that the existence of a real danger to the national economy was never proved by any thorough audit In any case, the existence of an emergency could not justify limitation of their right of access to the courts

The Commission does not consider it necessary to state an opinion as to whether in this case domestic remedies have been exhausted, as required by Article 26 of the Convention, since this complaint must be rejected for another reason

The Commission considers that as no Spanish citizen has the right to contest laws before the ordinary courts the applicants cannot have suffered discrimination in this respect It further observes that under Article 12 of the general law on expropriation the expropriation of movable property requires in each case the prior adoption of a law stating why it is in the public interest In Spanish law, therefore, the shareholders of expropriated companies do not have any greater opportunity than the applicants to contest the appropriateness of the expropriation Consequently, the applicants, who applied to the courts on many occasions to contest the measures for the implementation of Law No 7/1983, find themselves in the same situation as any other citizen who suffers the expropriation of his movable property, since in any case only the measures taken to implement the law can be referred to the courts, not the provisions of the expropriation law itself In this case, therefore, there is no appearance of a violation of Article 14 of the Convention, taken in conjunction with Article 6 para 1

It follows that this complaint is manifestly ill-founded and must be rejected in pursuance of Article 27 para 2 of the Convention

For these reasons, the Commission,

by a majority,

DECLARES ADMISSIBLE, without prejudging the merits of the case, the complaint relating to the excessive length of the proceedings for the recovery

of the expropriated possessions and the complaint concerning the unfairness of the proceedings for the examination of the question as to constitutionality;

unanimously,

DECLARES INADMISSIBLE the complaint relating to the Constitutional Court's lack of impartiality;

unanimously,

DECLARES INADMISSIBLE the complaint concerning the denial of access to the courts;

by a majority,

DECLARES INADMISSIBLE the complaint relating to discrimination in the matter of access to the courts.