



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

FOURTH SECTION

CASE OF NAGY AND OTHERS v. HUNGARY

(Application no. 57849/14 and 4 others - see appended list)

JUDGMENT

STRASBOURG

20 December 2018

This judgment is final but it may be subject to editorial revision.

In the case of Nagy and Others v. Hungary,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Georges Ravarani, *President*,

Marko Bošnjak,

Péter Paczolay, *judges*,

and Liv Tigerstedt *Acting Deputy Section Registrar*,

Having deliberated in private on 29 November 2018,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Hungary lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. Notice of the applications was given to the Hungarian Government (“the Government”).

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the excessive length of civil proceedings.

THE LAW**I. JOINDER OF THE APPLICATIONS**

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicants complained that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. They relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading case of *Gazsó v. Hungary*, no. 48322/12, 16 July 2015, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

12. Regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the sums indicated in the appended table.

13. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;

3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 20 December 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Georges Ravarani
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention
(excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant's name Date of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	57849/14 13/08/2014	Judit Nagy 15/07/1975	Nemess Livia Budapest	08/12/2009	12/03/2014	4 year(s) and 3 month(s) and 5 day(s) 2 level(s) of jurisdiction	1,300
2.	75054/14 11/01/2015	Péter Tamás Gallai 02/03/1952		08/04/2010	26/05/2014	4 year(s) and 1 month(s) and 19 day(s) 2 level(s) of jurisdiction	1,600
3.	1547/15 30/12/2014	Zsuzsanna Kaszás 28/08/1961	Hubay Gábor Pécs	12/12/2008	14/05/2014	5 year(s) and 5 month(s) and 3 day(s) 2 level(s) of jurisdiction	2,000
4.	10383/15 17/02/2015	Márk Norbert Darabos 25/01/1975	Karsai Dániel András Budapest	04/09/2007	19/06/2014	6 year(s) and 9 month(s) and 16 day(s) 3 level(s) of jurisdiction	1,500
5.	17009/15 31/03/2015	Miklós Szilágyi 03/05/1952		06/02/2008	26/11/2014	6 year(s) and 9 month(s) and 21 day(s) 3 level(s) of jurisdiction	1,500

1. Plus any tax that may be chargeable to the applicants.