



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

FOURTH SECTION

CASE OF CZEBE AND OTHERS v. HUNGARY

(Application no. 72114/13 and 11 others - see appended list)

JUDGMENT

STRASBOURG

21 February 2019

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

In the case of Czebe 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 31 January 2019,

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. Some applicants also raised other complaints under the provisions of the Convention.

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 principally 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. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. Some applicants submitted another complaint which also raised issues under Article 13 of the Convention, given the relevant well-established case-law of the Court (see appended table). This complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, nor is it inadmissible on any other ground. Accordingly, it must be declared admissible. Having examined all the material before it, the Court concludes that it also discloses a violation of Article 13 of the Convention in the light of its findings in *Gazsó v. Hungary* (cited above, § 21).

IV. REMAINING COMPLAINTS

12. In application no. 72114/13, the applicants also raised a complaint under Article 6 § 1 of the Convention concerning the fairness of the proceedings, in particular, the principle of “equality of arms”.

13. Given that the *Kúria* has meanwhile repeated the proceedings in question in a manner that was in full compliance with the requirements of adversarial procedure, the Court is satisfied that the applicants can no longer claim to be a victim of a violation of Article 6 § 1 of the Convention in this connection. This complaint therefore does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

It follows that this part of application no. 72114/13 must be rejected in accordance with Article 35 § 4 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. 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.”

15. 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.

16. 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 complaints concerning the excessive length of civil proceedings and the other complaint under well-established case-law of the Court, as set out in the appended table, admissible, and the remainder of the application no. 72114/13 inadmissible;
3. *Holds* that these complaints disclose a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
4. *Holds* that there has been a violation of Article 13 of the Convention as regards the other complaint raised under well-established case-law of the Court (see appended table);
5. *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 21 February 2019, 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 / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	72114/13 12/11/2013 (9 applicants)	Ágnes Tünde CZEBE 23/05/1974 Erika KIRÁLY 20/01/1981 Csaba KOVÁCS 21/04/1972 Tamás MEDVE 31/08/1981 Kinga NAGY 26/01/1973 Edit REIZER 13/08/1962 Anett SIPOS 25/01/1978 Ferenc SIPOS 09/04/1953 Katalin VAJDÁNÉ PALLAGA 24/11/1953	Karsai Dániel András Budapest	18/07/2007	30/01/2015	7 year(s) and 6 month(s) and 13 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	2,600

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

No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
2.	57417/14 07/08/2014 (4 applicants)	Bélané FEGYVERES 23/08/1958 László KÖRTVÉLYESI 27/06/1957 Ferenc SIKENTÁNCZ 20/05/1963 Ágnes Mária LASKOVICSNÉ KATONA 31/05/1966	Karsai Dániel András Budapest	18/07/2007	30/01/2015	7 year(s) and 6 month(s) and 13 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	3,400
3.	66795/14 03/10/2014	Marianna SZAPPANOS 28/12/1965	Karsai Dániel András Budapest	30/04/2008	02/07/2014	6 year(s) and 2 month(s) and 3 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	1,000
4.	17339/15 04/04/2015	RL FINANCE KFT 31/10/1993	Székely Marianna Budapest	23/04/2001	11/09/2014	13 year(s) and 4 month(s) and 20 day(s) 3 level(s) of jurisdiction		6,400

No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
5.	22973/16 12/04/2016 (59 applicants)	László GULYÁS 17/07/1957 Tibor BENEDEK 16/01/1970 György József BONDI 01/03/1975 Ferenc BOZOKI 15/11/1968 Tibor CSAKI 17/05/1954 Viktor CSEPREGI 04/04/1974 Bela Zoltan CSEVE 27/10/1957 Gabor CSOMAR 12/12/1980 Janos DALLOS 31/12/1973 Andras ELLENBACHER 24/03/1957 Csaba ELLENBACHER 01/07/1983 Tibor Antal EPERJESI 06/05/1957 Attila ERDOS 22/11/1967	Karsai Dániel András Budapest	27/12/2006	13/02/2018	11 year(s) and 1 month(s) and 18 day(s) 3 level(s) of jurisdiction		3,300

No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
		Zsolt EROS 06/04/1974 Laszlo FORGO 30/08/1976 Istvan FUTYU 03/03/1956 Ferenc GANGHAMMER 10/01/1980 Andras GELENCSER 19/04/1951 Csaba GELLER 12/08/1968 Nandor Gabor GELLER 16/12/1955 Krisztian GODOLLEI 09/08/1980 Gyorgy GREGUS 16/01/1975 Janos HANYIK 22/12/1955 Gabor HIDVEGI 23/01/1968 Erno JOO 05/03/1970 Dezso KALCSO 16/10/1963						

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No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
		Janos KARANCSI 22/11/1947 Ferenc KARLE CZ 07/06/1950 Kalman KELE 23/08/1968 Zsolt KEMENCZEI 31/12/1973 Ferenc KENESSEY 13/01/1966 Csaba Antal KERLANG 12/02/1959 Gabor KIRALY 23/11/1963 Zoltan KIS 17/06/1976 Balazs KISS 14/08/1979 Laszlo Janos KISS 13/10/1960 Janos KOMLOS 17/03/1970 Karoly KOVACS 12/02/1953 Krisztian KOVACS 16/09/1974 Mihaly MESZAROS 12/08/1951						

No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
		Istvan MOLNAR 24/11/1972 Miklos MOSKOVICS 11/05/1957 Peter Pal NEMETH 28/08/1958 Zoltan NEMETH 01/04/1974 Miklos NYERGES 10/09/1968 Gyula PALLAGI 13/08/1958 Karoly PAP 28/06/1969 Pal PETKO 15/01/1978 Erno POCSI 28/02/1963 Tibor RAVASZ 18/12/1960 Tamas SANDOR 26/03/1975 Gabor Ferenc SZEGEDI 04/12/1971						

No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
		<p>Laszlo Attila SZILASSY b: 25/03/1948 demised: 27/08/2017 Pursued by heir Gabriella SZILASSY</p> <p>Antal TOTH 27/03/1961 Laszlo TOTH-ANTAL 12/10/1962 Janos TUSKAN 29/09/1962 Andras VARGA 25/06/1948 Antal ZSIGA 21/02/1952 Imre MORICZ 03/08/1962</p>						
6.	75266/16 02/12/2016	György Pál JAKAB 21/04/1957	Karsai Dániel András Budapest	27/12/2006	13/02/2018	11 year(s) and 1 month(s) and 18 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings	3,300

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No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
7.	31590/17 18/04/2017	Franco CARAFA 02/05/1955	Karsai Dániel András Budapest	06/04/2012	18/10/2016	4 year(s) and 6 month(s) and 13 day(s) 2 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	3,400
8.	40035/17 23/05/2017	RISZA Építőipari Bt.	Balla-Faredin Márk Pécs	31/12/2008	15/09/2016	7 year(s) and 8 month(s) and 16 day(s) 3 level(s) of jurisdiction		2,600
9.	42990/17 03/06/2017	Beatrix Katalin SZABÓ 30/05/1961		09/10/2006	08/11/2016	10 year(s) and 1 month(s) 2 level(s) of jurisdiction		4,600
10.	73419/17 06/10/2017	Irén WEISZNE SUTKA 09/03/1942	Lázár Dénes Budapest	07/01/2013	11/04/2017	4 year(s) and 3 month(s) and 5 day(s) 2 level(s) of jurisdiction		1,600

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No.	Application no. Date of introduction	Applicant's name Date of birth / Date of registration	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Other complaints under well-established case-law	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros) ¹
11.	7017/18 01/02/2018	Hunor Csaba ZOLTÁN 24/10/1970	Pivarnyikné Juhász Emőke Budapest	21/07/2011	03/08/2017	6 year(s) and 14 day(s) 3 level(s) of jurisdiction	Art. 13 - lack of any effective remedy in domestic law in respect of excessive length of civil proceedings -	1,000
12.	7765/18 30/06/2015	Tibor TURI 17/11/1961	Pivarnyikné Juhász Emőke Budapest	24/01/2011	06/05/2015	4 year(s) and 3 month(s) and 13 day(s) 2 level(s) of jurisdiction		1,600