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Meeting: 1310th meeting (March 2018) (DH)

Item reference: Action report (01/03/2018)

Communication from Slovenia concerning the case of Kolar v. Slovenia (Application No. 33868/08)

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Réunion : 1310^e réunion (mars 2018) (DH)

Référence du point : Bilan d'action

Communication de la Slovénie concernant l'affaire Kolar c. Slovénie (requête n° 33868/08)
(anglais uniquement)



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01 MARS 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Number: 5111-18/2017

Date: 1 March 2018

Ms Geneviève Mayer

Head of the Department

Department for the Execution of the Judgements of the European Court of Human Rights

COUNCIL OF EUROPE

Subject: Action Report for the case Kolar v. Slovenia (application no. 33868/08, judgment of 28 September 2017, final on 28 September 2017)

Dear Ms Mayer,

Attached please find Action Report for the case Kolar v. Slovenia. We hope you will be able to proceed with closure of this case.

Yours sincerely,

Tina Brecelj
State Secretary



Attach.: Action Report for the case Kolar v. Slovenia

Ljubljana, 1 March 2018

ACTION REPORT

Kolar v. Slovenia

Application no. 33868/08

Judgment of 28 September 2017, final on 28 September 2017

I CASE DESCRIPTION

1. This case concerns a violation of the applicant's right to a fair trial on account of excessive length of administrative proceedings lasting from November 2000 until January 2008 (a violation of Article 6 § 1).
2. This case also concerns a lack of an effective remedy for the applicant's complaint in respect of excessive length of proceedings (a violation of Article 13).

II INDIVIDUAL MEASURES

3. The measures have been taken to ensure that the violations are brought to an end and the applicant was redressed for the negative consequences of the violations sustained.

A. Measures aimed at bringing violations to an end

4. The Slovenian authorities would like to recall that the European Court noted that the impugned administrative proceedings ended on 10 January 2008, when the decision of the Constitutional Court was served on the applicant (§22 of the judgment).
5. In view of the above, the authorities therefore consider that the violations have been brought to an end.

B. The applicant's redress

6. It is recalled that the applicant claimed just satisfaction in respect of both non-pecuniary and pecuniary damage.
7. The European Court considered that the applicant had not demonstrated the existence of a causal link between the pecuniary damage alleged by him and the violations found in the present case; it therefore rejected this claim. On the other hand, having regard to its practice and case-law on the matter, the European Court awarded the applicant just satisfaction EUR 2.400 in respect of non-pecuniary damage.

8. The authorities therefore consider that applicant has been redressed for the damage sustained by way of the just satisfaction awarded by the European Court.

III GENERAL MEASURES

9. The authorities would like to recall that the measures aimed at preventing excessive length of administrative proceedings and introducing an effective remedy in this respect have been taken within the framework of the *Lukenda* group of cases, *Klinar* subgroup (see Resolution CM/ResDH(2016)354).
10. The authorities furthermore note that the impugned facts in the present cases took place before the measures have been taken within the framework of the *Lukenda* group of cases. In view of this, the authorities consider that no further general measures are necessary.
11. To this end, the European's Court judgment was communicated to the Supreme Court and the Ministry of Justice.
12. The Slovenian translation of the judgment has been published on the website of the State Attorney's Office (<http://www2.gov.si/dp-rs/escp.nsf>). It has been therefore made available to judges and legal professionals alike and can be easily accessed. This translation has also been submitted and is available at the HUDOC web page of the European Court (<https://hudoc.echr.coe.int/eng>).
13. A summary of the judgment has furthermore been published in monthly journal for judges "Sodnikov Informator", No. 10/2017, of 5 October 2017. The Sodnikov informator is also available on the website of the Supreme Court of the Republic of Slovenia (http://www.sodisce.si/sodna_uprava/sodnikov_informator/). This journal is aimed at judges of the domestic courts and will ensure that the European Court's findings are made known to them.

IV JUST SATISFACTION

14. The just satisfaction (EUR 2.400) awarded in this case was disbursed on 22 December 2017. It has therefore been paid within the time-limit set by the European Court.

V CONCLUSIONS

15. The Slovenian authorities consider that the individual measures taken ensured that the violations at hand have ceased and that the applicant has been provided redress for its negative consequences.
16. The Slovenian authorities furthermore recall hold that the general measures have been taken within the context of the *Lukenda* group of cases (see Resolution CM/ResDH(2016)354).