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Meeting: 1419th meeting (December 2021) (DH)

Item reference: Action Report (01/10/2021)

Communication from Slovakia concerning the case of FRAMIPEK S.R.O. and AGRORACIO SENICA, A.S. v. Slovak Republic (Application No. 51894/14), Puskasova v. Slovak Republic (Application No. 5011/20) and Sarnik v. Slovak Republic (Application No. 46269/20)

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Réunion : 1419^e réunion (décembre 2021) (DH)

Référence du point : Bilan d'action (01/10/2021)

Communication de la République slovaque concernant l'affaire FRAMIPEK S.R.O. et AGRORACIO SENICA, A.S. c. la République slovaque (requête n° 51894/14), Puskasova c. la République slovaque (requête n° 5011/20) et Sarnik c. la République slovaque (requête n° 46269/20) (**anglais uniquement**)

DGI

01 OCT. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

ACTION REPORT – INDIVIDUAL MEASURES

**Application No. (Applications nos. 51894/14 and 52073/14)
FRAMIPEK S.R.O. AND AGRO RACIO SENICA, A.S. v. Slovakia
Judgment of 28/01/2020, final on 28/01/2020**

**Application No. 46269/20 Šárník v. Slovakia
Judgment of 10/06/2021, final of 10/06/2021**

**Application No. 5011/20 Puškášová v. Slovakia
Judgment of 20/05/2021, final on 20/05/2021**

I. Introductory cases summary

The first case concerns the applicants' complaint concerning length of the proceedings on their third-party claim for damages attached to the criminal proceedings according to Article 6 § 1 of the Convention. Beforehand, they raised a complaint under Article 127 of the Constitution before the Constitutional Court, however, the Constitutional Court (files nos. II. ÚS 660/2013 and II. ÚS 661/2013) rejected both complaints, noting that an aggrieved party claiming damages in the criminal proceedings only benefited from the right to a hearing within a reasonable time under Article 6 of the Convention after charges had been brought against a specific person.

In its judgment the Court stated that the applicability of the reasonable time requirement under Article 6 § 1 of the Convention to the civil party claims for damages attached to the criminal proceedings in Slovakia was established in its previous case-law (see case *Javor and Javorová v. Slovakia*, no. 42360/10, 15 September 2015). Pointing out that Article 6 guarantees apply to third-party claims attached to the criminal proceedings from the moment they are made, regardless of whether criminal charges were brought against a specific person, the Court declared the applications admissible. As to the merits of the case it concluded that the length of the criminal proceedings under review did not comply with the "reasonable time" requirement. The Article 6 § 1 of the Convention was thus violated. It also stated violation of Article 13 of the Convention.

In the case of Šárník the applicant was charged with having caused bodily harm in a road traffic accident. Before the Court, he complained that the overall length of the proceedings had been incompatible with the "reasonable time" requirement under Article 6 § 1 of the Convention. In its judgment the Court stated that the criminal proceedings in question started on 30 March 2016, when the applicant was charged, and ended on 3 November 2020 when the judgment of the trial court was upheld on appeal. The Court stated that nothing in the case file suggested that the case was of any particular complexity or that the applicant was responsible for any of the delays. Therefore, the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

In the case of Puškášová the applicant was charged with a criminal offence of favouring a creditor. Before the Court she complained that the length of the criminal proceedings in her case had been incompatible with the "reasonable time" requirement under Article 6 § 1 of the Convention. The Court stated that even assuming that the applicant was partially responsible for the delays, it did not find the impugned length of the proceedings to be in line with the "reasonable time" requirement.

II. Payment of just satisfaction and individual measures

Case	Application No.	Date of judgment	Just satisfaction (EUR)	Paid on
FRAMIPEK S.R.O. v. Slovakia	51894/14	28/01/2020	43 100	28/04/2020
AGRORACIO SENICA, A.S. v. Slovakia	52073/14	28/01/2020	6 640	28/04/2020
Šárnik v. Slovakia	46269/20	28/01/2020	2 600 (non-pecuniary damage)	29/07/2021
Puškášová v. Slovakia	5011/20	28/01/2020	5 450 (5 200 non-pecuniary damage, 250 costs and expenses)	29/07/2021

As the criminal proceedings in all cases have already been terminated, no other individual measures are needed.

III. General measures

The issue concerning the length of the criminal proceedings continue to be examined by the Committee of Ministers in the Javor and Javorová group. The authorities will provide information on the general measures adopted in the framework of execution of this particular group of cases.

IV. Conclusion

As to the cluster of individual measures concerning these cases, the Government consider that the Slovak Republic has complied with their obligations under Article 46 § 1 of the Convention and propose to close these cases. The general measures continue to be assessed.

In Bratislava, 1 October 2021

Miroslava Bálintová
Co-Agent of the Slovak Republic
before the European Court of Human Rights