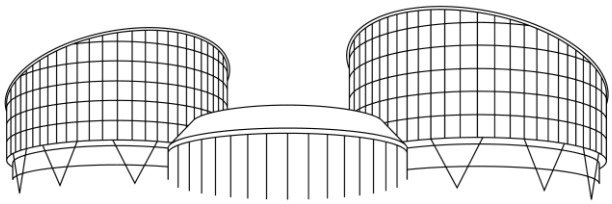

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

1959 · 50 · 2009

FOURTH SECTION

CASE OF LAWYER PARTNERS A.S. v. SLOVAKIA

(Applications nos. 54252/07, 3274/08, 3377/08, 3505/08, 3526/08, 3741/08, 3786/08, 3807/08, 3824/08, 15055/08, 29548/08, 29551/08, 29552/08, 29555/08 and 29557/08)

JUDGMENT

STRASBOURG

16 June 2009

FINAL

06/11/2009

This judgment has become final under Article 44 § 2 of the Convention.

In the case of Lawyer Partners a.s. v. Slovakia,

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

Nicolas Bratza, *President*,
Lech Garlicki,
Giovanni Bonello,
Ljiljana Mijović,
Ján Šikuta,
Päivi Hirvelä,
Mihai Poalelungi, *judges*,
and Lawrence Early, *Section Registrar*,

Having deliberated in private on 26 May 2009,

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

PROCEDURE

1. The case originated in fifteen applications (nos. 54252/07, 3274/08, 3377/08, 3505/08, 3526/08, 3741/08, 3786/08, 3807/08, 3824/08, 15055/08, 29548/08, 29551/08, 29552/08, 29555/08 and 29557/08) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a private limited company, Lawyer Partners a.s. ("the applicant company"). The dates on which the applications were lodged are set out in Appendix I.

2. The applicant company was represented by Mr J. Fridrich, a lawyer practising in Bratislava. The Government of the Slovak Republic ("the Government") were represented by their Agent, Mrs M. Pirošíková.

3. The applicant company alleged that its right of access to a court had been violated as a result of the ordinary courts' refusal to register actions submitted by it in electronic form.

4. On 3 July 2008, after having decided to give priority to the above applications (Rule 41 of the Rules of Court), the President of the Fourth Section decided to give notice of the applications to the Government. It was also decided to examine the merits of the applications at the same time as their admissibility (Article 29 § 3 of the Convention).

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant is a private limited company with its registered office in Bratislava. The applications on its behalf were lodged by Mr D. Paľko and Mr M. Morong, the Chairman and Vice-Chairman of its managing board.

A. Background to the case

6. On 15 July 2005 the applicant company concluded a contract with Slovak Radio, a public-law institution. Under that contract, taken together with two additional ones concluded on 20 September 2005 and 27 January 2006, the applicant company acquired the right, in exchange for compensation paid to Slovak Radio, to recover unpaid broadcast receiver licences in 355,917 cases, plus additional sums for default in those payments.

7. On 20 October 2008 the Bratislava I District Court confirmed the validity of the above contracts. The decision became final on 5 November 2008.

B. The applicant company's attempts to institute civil proceedings

8. The applicant company was obliged to sue those persons who had refused to pay the debt which it had acquired the right to recover. The applicant company prepared individual actions with a request for payment orders to be issued against the debtors. Given the number of persons concerned, the actions were generated by means of computer software and recorded on DVDs. The DVDs were sent to the district courts concerned, accompanied by an explanatory letter.

9. Thus the applicant company, on 31 March 2006 and 24 July 2006, lodged actions, in electronic form, with several district courts. On 19 October 2006, after officials of the Ministry of Justice had stated that courts were in a position to register such actions, the applicant company resubmitted the first group of actions to the courts concerned on DVDs. The courts refused to register the actions, indicating that they lacked the equipment to receive and process submissions made and signed electronically. Further relevant details of the applications under examination are set out in Appendix I.

10. In one case the applicant company submitted, on 14 December 2006, with the agreement of the Svidník District Court, a printed version of the 379 actions it had lodged on a DVD on 31 March 2006. The documents in

support of the claims remained available on the DVD exclusively. The file numbers indicate that the District Court registered those actions as having been lodged in 2007.

11. On 15 December 2008 the applicant company informed the Court that its claims relating to the actions which the district courts had refused to register had become statute-barred.

C. Constitutional proceedings

12. In 2006, following the district courts' refusal to register the actions it had submitted on DVDs, the applicant company lodged a complaint with the Constitutional Court in respect of each individual refusal. Referring to Article 6 § 1 of the Convention and its constitutional equivalent, it alleged a violation of its right of access to a court.

13. The Constitutional Court rejected the complaints in the cases under consideration as having been lodged outside the statutory time-limit of two months. The decisions stated that the applicant company had earlier learned, in the context of its previous attempts to lodge actions electronically, that district courts lacked the necessary equipment for processing such actions and had failed to lodge a complaint with the Constitutional Court at that time. The Constitutional Court considered it irrelevant that the above-mentioned time-limit had been complied with in respect of the district courts' refusal to register actions in those cases which underlay the constitutional complaints under consideration (further details of the individual proceedings are set out in Appendix I).

D. Action taken by the Ministry of Justice

14. On 31 March 2006 several courts asked the Ministry of Justice for instructions as to how they should process the applicant company's submissions lodged in electronic form. The Ministry advised the courts to wait until the position had been analysed.

15. In a letter of 3 April 2006, the Ministry stated that as ordinary courts did not have an electronic registration facility, the conditions for receiving submissions in electronic form as laid down in Law no. 215/2002 Coll. were not met.

16. At meetings with presidents of district and regional courts held on 24 November 2006 and from 1 to 2 February 2007 the Ministry of Justice concluded that ordinary courts were duly equipped for receiving submissions bearing a secured electronic signature.

17. A press release issued by the Ministry of Justice on 16 October 2008 indicates that the Ministry had published on its website the electronic addresses of individual courts and information about the filing of submissions signed electronically.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. The Code of Civil Procedure and Regulation no. 543/2005

18. Article 42 § 1 of the Code of Civil Procedure, as amended with effect from 1 May 2002, reads:

> "Submissions to a court can be made in written form, by an oral statement which is recorded and transcribed, by means of electronic devices subject to the submission bearing a secured electronic signature in accordance with the applicable legislation, by telegraph or by fax."

19. Regulation no. 543/2005 governs, *inter alia*, the organisation of work within district courts and regional courts, including their registries. The relevant provisions read:

Section 129

> "Submissions received by the registry which contain a petition for proceedings to be brought shall be registered by means of technical and software devices approved by the Ministry of Justice and designed for processing the agenda of the courts."

Section 132

> "*Receipt of submissions made by electronic means and bearing a secured electronic signature*
>
> Submissions received by means of electronic devices and having a secured electronic signature shall be dealt with in accordance with the applicable legislation[1]. Such submissions are to be transmitted to the central office of the court to be processed in accordance with section 129."

B. The Electronic Signature Act 2002 (Law no. 215/2002 Coll.) and Regulation no. 542/2002

20. The Act on Electronic Signature 2002 governs the establishment and use of electronic signature, the rights and obligations of persons in that context and the protection of documents signed electronically (section 1).

21. At the relevant time, Regulation no. 542/2002 governed the use of electronic signature in, *inter alia*, administrative relations. It was issued by the National Security Authority and entered into force on 1 October 2002. Sections 6 to 12 set out details on the establishment and functioning of an electronic registry within public authorities which use secured electronic

1. Law no. 215/2002 Coll. on Electronic Signature, as amended, and Regulation no. 542/2002 of the National Security Authority on Use of Electronic Signature in Administrative and Business Relations.

signature, the filing, processing and handling of electronic documents, as well as their format and transfer between the dispatcher and the addressee[1].

C. The Constitutional Court Act 1993 (Law no. 38/1993 Coll., as amended)

22. Section 53(3) of the Constitutional Court Act 1993 provides that a complaint to the Constitutional Court can be lodged within a period of two months from the date on which the decision in question has become final and binding or on which a measure has been notified or on which notice of other interference has been given. As regards measures and other interferences, this period commences when the plaintiff could have become aware of them.

D. The Constitutional Court's practice

23. In the majority of the cases examined in the course of 2007 the Constitutional Court took the same approach as indicated in paragraph 13 above, namely that the period of two months under section 53(3) of the Constitutional Court Act 1993 had started running not later than in April 2006, when the applicant company had learned for the first time that ordinary courts were not in a position to register submissions in electronic form.

24. In a different decision delivered on 4 January 2007, the Constitutional Court declared admissible a complaint in respect of the refusal, by the Čadca District Court, to register actions lodged electronically on 24 July 2006 (proceedings no. III. ÚS 7/07). In its judgment on the merits of 20 December 2007, the Constitutional Court found a violation of Article 6 § 1 of the Convention. It held that the relevant law entitled parties to file submissions to courts in electronic form. Public authorities were obliged to establish facilities for receiving and processing such submissions. In the above case the Constitutional Court ordered the Čadca District Court to proceed with the actions lodged on DVDs by the applicant company on 24 July 2006. Prior to that, the applicant company had informed the Constitutional Court of the Čadca District Court's earlier refusal to accept a different set of actions which had been lodged on DVDs on 31 March 2006.

25. Since 2008 all chambers of the Constitutional Court have systematically approached cases of this type in the manner described in the preceding paragraph. Thus, in twenty-four other cases concerning similar complaints lodged in 2006 the Constitutional Court counted the period of

1. A complete overview of the legislation concerning electronic signature is available at the website of the National Security Authority (http://www.nbusr.sk/en/electronic-signature/legislation/index.html).

two months from the moment when the applicant company had been informed about the refusal to register each specific submission filed electronically. This approach has been applied even in cases which concerned a second refusal to register an identical submission.

26. In those cases the Constitutional Court found a violation of the applicant company's right of access to a court under Article 6 § 1, holding that the relevant law obliged courts to accept actions submitted by electronic means and that there existed no justification for their refusal to do so. It ordered the district courts concerned to accept those actions as having been lodged on the date when they had initially received them and to process any submissions signed electronically.

THE LAW

I. JOINDER OF THE APPLICATIONS

27. The Court notes that the fifteen applications under examination concern the same issue. It is therefore appropriate to join them, in application of Rule 42 § 1 of the Rules of Court.

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

28. The applicant company complained that its right of access to a court had been violated in that the district courts concerned had refused to register its actions submitted in electronic form. It relied on Article 6 § 1 of the Convention, the relevant part of which reads as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing ... by [a] ... tribunal ..."

A. Admissibility

1. The parties' submissions

(a) The Government

29. The Government first objected that it was not clear from the documents submitted whether the applicant company had complied with the six-month time-limit laid down in Article 35 § 1 of the Convention.

30. Secondly, the Government argued that the applicant company had not exhausted domestic remedies as required by Article 35 § 1 of the

Convention as it had failed to lodge its complaints under Article 127 of the Constitution in accordance with the formal requirements, as interpreted and applied by the Constitutional Court at the relevant time.

31. In particular, the applicant company had not complied with the time-limit of two months laid down in section 53(3) of the Constitutional Court Act 1993. That period had started running in April 2006, when the applicant company had received replies from several district courts that they were unable to process the submissions it had filed in electronic form on 31 March 2006. The Government relied on the Constitutional Court's argument that the applicant company's subsequent attempts to lodge actions electronically were irrelevant as it had already learned about the situation complained of in April 2006.

32. The above approach corresponded to the Constitutional Court's established practice at the relevant time. Admittedly, decision no. III. ÚS 7/07 of January 2007 ran counter to that practice. However, that decision was a mere exception and it could not affect the position as it had been delivered after the applications in the present case had been lodged. For similar reasons, the change in the practice of the Constitutional Court, from 2008 onwards (see paragraph 25 above), was irrelevant for the determination of the point in issue.

33. As to the applicant company's allegation that its civil claims had lapsed, the Government submitted that it was open to it to claim damages under Law no. 514/2003 Coll. on liability for damage resulting from the exercise of public authority.

(b) The applicant company

34. The applicant company maintained that it had lodged its applications with the Court within six months as required by Article 35 § 1 of the Convention. That period had started running on the date of delivery to its representative of the Constitutional Court's decisions in the proceedings complained of.

35. The Constitutional Court's decisions to dismiss the complaints in the proceedings complained of as having been submitted out of time were erroneous. In particular, both the Constitution and the Convention guaranteed the right to have one's civil rights or obligations determined by a court. The applicant company's complaints to the Constitutional Court concerned specific actions against a number of persons which the ordinary courts concerned had refused to register and process. Those complaints had been submitted within the statutory time-limit of two months following the notification by ordinary courts that they would not accept those actions. The fact that in twenty-four other cases with a similar factual and legal background the Constitutional Court had admitted the applicant company's complaints as complying with formal requirements confirmed that position.

36. There existed no justification for a different approach by the Constitutional Court to the applicant company's complaints, all of which had been submitted in 2006. Such a contradictory approach was incompatible with the principle of legal certainty as interpreted by the Constitutional Court itself. The applicant company pointed out that one of the constitutional judges who had rejected its complaints in the proceedings in issue was registered among the debtors who had failed to pay the broadcast licence.

37. Finally, the applicant company was unable to claim compensation under Law no. 514/2003 Coll. as indicated by the Government. In particular, such a claim could be successful only if the Constitutional Court's decisions in issue had been quashed as being unlawful. However, the decisions relevant to the present case could not be reviewed or quashed.

2. The Court's assessment

38. On the basis of the documents before it, the Court is satisfied that the present applications were lodged within the period of six months from the service on the applicant company's representative of the corresponding decisions of the Constitutional Court (see Appendix I). The relevant requirement laid down in Article 35 § 1 of the Convention has therefore been met.

39. As regards the objection relating to non-exhaustion of domestic remedies, the Court reiterates that in order to exhaust domestic remedies as required by Article 35 § 1 of the Convention, applicants should use the remedies available in compliance with the formal requirements and time-limits laid down in domestic law, as interpreted and applied by domestic courts (see *Akdivar and Others v. Turkey*, 16 September 1996, § 65, *Reports of Judgments and Decisions* 1996-IV). The rules on time-limits are undoubtedly designed to ensure the proper administration of justice and legal certainty. Those concerned must expect those rules to be applied. However, as the Court has held in a different context, the rules in question, or the application of them, should not prevent litigants from making use of an available remedy. Since the issue concerns the principle of legal certainty, it raises not only a problem of the interpretation of a legal provision in the usual way, but also that of an unreasonable construction of a procedural requirement which may prevent a claim from being examined on the merits (see, *mutatis mutandis*, *Melnyk v. Ukraine*, no. 23436/03, § 23, 28 March 2006, with further references).

40. In the present case the applicant company lodged some forty complaints with the Constitutional Court; these complaints were all lodged in 2006 and concerned the same issue, namely the ordinary courts' refusal to register actions lodged by electronic means. When considering the applicant company's compliance with the two-month time-limit laid down in section 53(3) of the Constitutional Court Act 1993, the Constitutional

Court applied that provision in two different manners (see paragraphs 23-25 above).

41. Before the Constitutional Court, the applicant company was not entitled to, and did not, complain of an infringement of its rights *in abstracto* on the ground that the domestic courts lacked the equipment for processing electronic submissions. It actually complained that the refusal by individual district courts to register and process its specific actions was in breach of its right of access to a court. The Court therefore finds relevant the applicant company's argument that it could reasonably be expected that the time-limit laid down in section 53(3) of the Constitutional Court Act 1993 would be counted from the date of notification of the district courts' refusal to register its specific submissions.

42. The Constitutional Court itself took such an approach in the majority of cases brought by the applicant company. The Court has been provided with no explanation as to the difference in the application of the relevant statutory requirement in cases with a similar factual and legal background which were all brought within a relatively short time span.

43. It is also relevant that the applicant company, on 19 October 2006, resubmitted to several courts its actions which had been originally lodged on 31 March 2006. It did so on the ground that officials of the Ministry of Justice had stated in the meantime that the courts were in a position to register such actions. However, the ordinary courts again refused to register the actions, indicating that they lacked the equipment to receive and process submissions made and signed electronically. The applicant company then lodged a complaint with the Constitutional Court within the statutory time-limit of two months.

44. In these circumstances, the Court cannot accept the Government's objection that the applicant company had lodged its constitutional complaints belatedly and had thus failed to exhaust domestic remedies.

45. As regards the Government's objection that it was open to the applicant company to claim damages under Law no. 514/2003 Coll. on liability for damage resulting from the exercise of public authority, the Court reiterates that where there is a choice of remedies, the exhaustion requirement must be applied to reflect the practical realities of the applicant's position, so as to ensure the effective protection of the rights and freedoms guaranteed by the Convention. Moreover, an applicant who has used a remedy which is apparently effective and sufficient cannot be required also to have tried others that were also available but probably no more likely to be successful (see *Adamski v. Poland* (dec.), no. 6973/04, 27 January 2009, with further references).

46. The Court considers that the applicant company's choice to seek redress before the Constitutional Court was reasonable. The Constitutional Court, as the supreme authority charged with the protection of human rights and fundamental freedoms in Slovakia, had jurisdiction to examine the

alleged breach of the right forming the subject of the applicant company's complaints before the Court and to provide redress to the company if appropriate (see also paragraph 26 above). Its judgments on the merits of twenty-five other cases brought by the applicant company concerning the same issue are in line with this conclusion (see paragraphs 24-25 above). Accordingly, the applicant company was not required to have recourse to the other remedy referred to by the Government.

47. For the above reasons, the Government's objections to the admissibility of the applications must be rejected.

48. The Court further considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established. It must therefore be declared admissible.

B. Merits

49. The applicant company argued that the Code of Civil Procedure entitled parties to proceedings to freely choose any of the means mentioned in Article 42 § 1 for making a submission to a court. Given the extremely high number of individual proceedings which it intended to institute, namely more than 70,000, filing the actions in electronic form was the only practical possibility of doing so. Each action was accompanied by a number of annexes and supporting documents. If printed, the documents recorded on the DVDs would have filled 43,800,000 pages.

50. With reference to several findings of the Constitutional Court concluding that the applicant company's right of access to a court had been violated, the Government admitted that the applicant company's complaint in the cases under consideration raised serious questions of fact and law and was not manifestly ill-founded. It was relevant, however, that the domestic law permitted the filing of actions by other means than electronically. For example, the applicant company had submitted its actions on paper to the Svidník District Court on 14 December 2006.

51. The Court reiterates that the Convention is intended to guarantee rights that are not theoretical or illusory, but practical and effective. This is particularly relevant with regard to Article 6 § 1 of the Convention, in view of the prominent place held in a democratic society by the right to a fair trial. It must also be borne in mind that hindrance can contravene the Convention just like a legal impediment (see *Andrejeva v. Latvia* [GC], no. 55707/00, § 98, ECHR 2009, with further references).

52. The right of access to a court is an inherent aspect of the safeguards enshrined in Article 6. It secures to everyone the right to have a claim

relating to his civil rights and obligations brought before a court. Where the individual's access is limited either by operation of law or in fact, the Court will examine whether the limitation imposed impaired the essence of the right and, in particular, whether it pursued a legitimate aim and there was a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (for recapitulation of the relevant case-law see, for example, *Ashingdane v. the United Kingdom*, 28 May 1985, § 57, Series A no. 93, and *Markovic and Others v. Italy* [GC], no. 1398/03, §§ 98-99, ECHR 2006-XIV).

53. In the present case the applicant company lodged or intended to lodge a large number of actions. They concerned several tens of thousands of persons. If printed, the actions together with documents supporting them would fill more than forty million pages. In these circumstances, the applicant company's choice as to the means of filing the documents cannot be considered an abuse of process or otherwise inappropriate.

54. In 2006 the ordinary courts refused to register the applicant company's actions recorded on DVDs. However, the Code of Civil Procedure had plainly provided for electronic filing. The applicant company cannot be reproached for having availed itself of that facility. Indeed, that mode of lodging its actions was entirely in keeping with the volume of cases which it wished to pursue through the courts. Although the domestic courts pleaded their lack of technical equipment to process the applicant company's actions, the Court notes that the possibility of electronic filing had been incorporated in domestic law since 2002 (see paragraphs 18-21 above).

55. It is true that domestic law has provided for other means of filing documents with courts. The Court finds, however, that in the above circumstances the refusal complained of imposed a disproportionate limitation on the applicant company's right to present its cases to a court in an effective manner. In more than twenty other cases the Constitutional Court reached the same conclusion and the Government have not contested this. Furthermore, no relevant reason has been cited by the Government or established by the Court which could serve as justification for such hindrance.

56. The foregoing considerations are sufficient to enable the Court to conclude that in the present cases the applicant company's right of access to a court has not been respected.

There has accordingly been a violation of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

57. 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."

A. Damage

58. The applicant company claimed 506,928,253.43 euros (EUR) in respect of pecuniary damage. It also claimed EUR 4,681,069.49 in respect of non-pecuniary damage, that is, approximately EUR 332 in respect of each individual action submitted to the domestic courts (for further details see Appendix II).

59. The Government argued that there was no causal link between the alleged breach of the Convention and the pecuniary damage claimed. They considered the claim in respect of non-pecuniary damage to be excessive.

60. The Court notes that in the present case an award of just satisfaction can only be based on the fact that the applicant company did not have the benefit of its right of access to a court as guaranteed by Article 6 § 1 of the Convention. While the Court cannot speculate as to the outcome of the proceedings had the position been otherwise, it does not find it unreasonable to regard the applicant company as having suffered a loss of real opportunities (see also *Yanakiev v. Bulgaria*, no. 40476/98, § 88, 10 August 2006, with further references). Ruling on an equitable basis, the Court awards the applicant company EUR 10,000, plus any tax that may be chargeable, for all heads of damage taken together.

61. The Court further reiterates that a judgment in which it finds a violation of the Convention or its Protocols imposes on the respondent State a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in its domestic legal order to put an end to the violation found by the Court and make all feasible reparation for its consequences in such a way as to restore as far as possible the situation existing before the breach (see *Lungoci v. Romania*, no. 62710/00, § 55, 26 January 2006, with further references).

62. In the case of a violation of Article 6 of the Convention, the applicant should as far as possible be put in the position that he or she would have been in had the requirements of this provision not been disregarded. The most appropriate form of redress in cases like the present ones, where an applicant has not had access to a tribunal because of an unjustified refusal to register its actions, would be to register the original

submissions as if they had been filed on the date when the applicant company had submitted them to the courts concerned for the first time and to deal with them in keeping with all the requirements of a fair trial (see, *mutatis mutandis*, *Yanakiev*, cited above, §§ 89 and 90). The Court has noted in this connection that the same approach was taken by the Constitutional Court in the cases in which it found a violation of the applicant company's right of access to a court and that the Slovak courts now have at their disposal the necessary equipment for processing submissions filed by means of electronic devices.

B. Costs and expenses

63. The applicant company also claimed EUR 924,685.94 for the costs and expenses incurred before the domestic courts and EUR 96,047.20 for those incurred before the Court (for further details see Appendix II).

64. The Government contested the claim in respect of the domestic proceedings. In their view the sum claimed in respect of the Convention proceedings was excessive.

65. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and were reasonable as to quantum. In the present case, regard being had to the information in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 8,000 covering costs under all heads.

C. Default interest

66. 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 there has been a violation of Article 6 § 1 of the Convention;

4. *Holds*

(a) that the respondent State is to pay the applicant company, within three months from the date on which the judgment becomes final in

accordance with Article 44 § 2 of the Convention, the following amounts:

(i) EUR 10,000 (ten thousand euros), plus any tax that may be chargeable, in respect of pecuniary and non-pecuniary damage;

(ii) EUR 8,000 (eight thousand euros), plus any tax that may be chargeable to the applicant company, in respect of costs and expenses;

(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;

5. *Dismisses* the remainder of the applicant company's claim for just satisfaction.

Done in English, and notified in writing on 16 June 2009, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Lawrence Early
Registrar

Nicolas Bratza
President

APPENDIX I

Application no.	Date lodged	District Court	Date of action	District Court's reply	Constitutional Court's decision		
					No.	Date of adoption	Date of service
54252/07	05/12/2007	Veľký Krtíš	19/10/2006	31/10/2006	III. ÚS 142/07	17/05/2007	11/06/2007
		Rimavská Sobota	19/10/2006	28/11/2006	III. ÚS 143/07	17/05/2007	11/06/2007
3274/08	17/01/2008	Dolný Kubín	19/10/2006	10/11/2006	III. ÚS 130/07	15/05/2007	30/07/2007
3377/08	17/01/2008	Humenné	19/10/2006	24/10/2006	II. ÚS 139/07	06/06/2007	27/08/2007
3505/08	17/01/2008	Levice	19/10/2006	24/10/2006	II. ÚS 138/07	06/06/2007	27/08/2007
3526/08	17/01/2008	Trenčín	19/10/2006	23/10/2006	III. ÚS 129/07	15/05/2007	30/07/2007
3741/08	17/01/2008	Nové Zámky	19/10/2006	30/10/2006	III. ÚS 131/07	15/05/2007	30/07/2007
3786/08	17/01/2008	Nové Zámky	24/07/2006	30/10/2006	III. ÚS 253/07	27/09/2007	29/10/2007
3807/08	17/01/2008	Bardejov	19/10/2006	13/11/2006	II. ÚS 132/07	06/06/2007	27/07/2007
3824/08	17/01/2008	Lučenec	19/10/2006	23/10/2006	II. ÚS 133/07	06/06/2007	27/07/2007
15055/08	25/02/2008	Kežmarok	24/07/2006	08/09/2006	III. ÚS 252/07	27/09/2007	31/10/2007
29548/08	10/06/2008	Rimavská Sobota	24/07/2006	01/08/2006	III. ÚS 320/07	03/12/2007	20/02/2008
29551/08	10/06/2008	Trnava	19/10/2006	20/10/2006	I. ÚS 39/08	07/02/2008	28/03/2008
29552/08	10/06/2008	Humenné	24/07/2006	12/10/2006	III. ÚS 323/07	03/12/2007	18/02/2008
29555/08	10/06/2008	Považ. Bystrica	19/10/2006	27/10/2006	III. ÚS 322/07	03/12/2007	20/02/2008
29557/08	10/06/2008	Svidník	24/07/2006	22/09/2006	III. ÚS 321/07	03/12/2007	21/02/2008

APPENDIX II

CLAIMS FOR JUST SATISFACTION (ARTICLE 41 OF THE CONVENTION)

Application no.	Pecuniary damage (EUR)	Non-pecuniary damage (EUR)	Costs and expenses (EUR)	
			Domestic proceedings	Convention proceedings
54252/07 (DC V. Krtíš)	19,255,405.30	155,015.60	30,778.06	6,002.95
54252/07 (DC Rim. Sobota)	78,030,943.04	659,895.11	129,936.39	6,002.95
3274/08	20,936,573.72	220,739.56	43,686.24	6,002.95
3377/08	32,613,332.67	289,782.91	57,246.36	6,002.95
3505/08	43,794,235.54	355,838.81	70,219.73	6,002.95
3526/08	54,701,275.97	513,177.99	101,121.15	6,002.95
3741/08	49,770,796.99	398,658.97	78,629.61	6,002.95
3786/08	18,811,070.84	236,672.64	46,815.50	6,002.95
3807/08	17,989,964.91	160,057.73	31,764.36	6,002.95
3824/08	60,172,870.94	474,009.16	93,428.39	6,002.95
15055/08	6,465,958.97	79,001.53	15,848.89	6,002.95
29548/08	23,034,356.70	300,073.03	59,267.33	6,002.95
29551/08	45,424,787.56	447,454.03	88,212.96	6,002.95
29552/08	12,461,352.65	129,788.22	25,823.40	6,002.95
29555/08	19,632,796.26	206,798.11	40,948.14	6,002.95
29557/08	3,832,531.37	54,106.09	10,959.43	6,002.95
Total	**506,928,253.43**	**4,681,069.49**	**924,685.94**	**96,047.20**