



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

FIRST SECTION

CASE OF OLIMP PRODUCERS' COOPERATIVE v. ARMENIA

(Application no. 47012/15)

JUDGMENT

STRASBOURG

30 July 2020

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

In the case of Olimp Producers' Cooperative v. Armenia,

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

Krzysztof Wojtyczek, *President*,

Linos-Alexandre Sicilianos,

Armen Harutyunyan, *judges*,

and Liv Tiggerstedt, *Acting Deputy Section Registrar*,

Having deliberated in private on 9 July 2020,

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

PROCEDURE

1. The case originated in an application against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Olimp Producers' Cooperative (“the applicant company”), on 28 August 2015.

2. The Armenian Government (“the Government”) were given notice of the application.

THE FACTS

3. The applicant company's details and information relevant to the application are set out in the appended table.

4. The applicant company complained of the excessive length of the proceedings before the Administrative Court.

THE LAW

I. THE GOVERNMENT'S REQUEST FOR THE APPLICATION TO BE STRUCK OUT UNDER ARTICLE 37 OF THE CONVENTION

5. On 15 January 2019 the Government submitted a unilateral declaration with a view to resolving the issues raised by the present application in accordance with Article 37 of the Convention.

6. By a letter of 15 March 2019 the applicant company expressed its disagreement with the terms of the unilateral declaration.

7. The Court recalls that it may be appropriate in certain circumstances to strike out an application under Article 37 § 1 on the basis of a unilateral declaration by the respondent Government even where the applicant wishes the examination of the case to be continued. Whether this is appropriate in a particular case depends on whether the unilateral declaration offers a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the

case (see *Tahsin Acar v. Turkey* (preliminary issue) [GC], no. 26307/95, § 75, ECHR 2003-VI).

8. Considering the particular circumstances of the case and the compensation proposed, the Court finds that the Government have failed to provide a sufficient basis for concluding that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the case (see, *mutatis mutandis*, *Magoch v. Poland*, no. 29539/07, § 19, 2 February 2010, and *Kurs v. Ukraine* [Committee], no. 48956/06, § 8, 4 May 2017).

9. Therefore, the Court rejects the Government's request to strike the application out of its list of cases under Article 37 of the Convention and will accordingly pursue its examination of the admissibility and merits of the case.

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

10. The applicant company complained that the length of the proceedings in question had been incompatible with the "reasonable time" requirement. It relied on Article 6 § 1 of the Convention, which, in so far as relevant, reads as follows:

Article 6 § 1

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

11. 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 applicant company and the relevant authorities and what was at stake for the applicant company in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

12. In the leading case of *Fil LLC v. Armenia* (no. 18526/13, 31 January 2019), the Court already found a violation in respect of issues similar to those in the present case.

13. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. 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.

14. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. 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.”

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Fil LLC v. Armenia*, no. 18526/13, §§ 62 and 65, 31 January 2019), the Court considers it reasonable to award the sums indicated in the appended table.

17. 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. *Declares* the application admissible;
2. *Holds* that it discloses a breach of Article 6 § 1 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant company, within three months, the amount 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 amount 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 30 July 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Krzysztof Wojtyczek
President

OLIMP PRODUCERS' COOPERATIVE v. ARMENIA JUDGMENT

APPENDIX

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

Application no. Date of introduction	Applicant company's name Date of registration	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Amount awarded for non-pecuniary damage (in euros) ¹
47012/15 28/08/2015	OLIMP PRODUCERS' COOPERATIVE 23/05/1995	23/03/2010	pending	More than 10 years, 2 months and 17 days 3 levels of jurisdiction	2,400

¹ Plus any tax that may be chargeable to the applicant company.