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SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS



Please quote: SP/dh

Judgment of the European Court of Human Rights
in the case of Klemeco Nord AB against Sweden

Strasbourg, 30 June 2009

Dear Madam,

I enclose herewith a copy of Resolution CM/ResDH(2009)70 adopted by the Committee of Ministers under Article 46, paragraph 2, of the European Convention on Human Rights as amended by Protocol No. 11, on 19 June 2009 following the 1059th meeting of the Ministers' Deputies (2-4 and 5 (morning) June 2009), in relation to the above case.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simon Palmer'.

Simon PALMER
Principal Administrative Officer (Human Rights)
Secretariat of the Committee of Ministers

Enc. 1

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Section 1.1

COUNCIL OF EUROPE
COMMITTEE OF MINISTERS**Resolution CM/ResDH(2009)70¹****Execution of the judgments of the European Court of Human Rights
Klemeco Nord AB and Rey and others against Sweden**

(Application No. 73841/01 and No. 17350/03, judgments of 19 December 2006 and of 20 December 2007, final on 19 March 2007 and on 20 March 2008)

The Committee of Ministers, under the terms of Article 46, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provides that the Committee supervises the execution of final judgments of the European Court of Human Rights (hereinafter "the Convention" and "the Court");

Having regard to the judgments transmitted by the Court to the Committee once they had become final;

Recalling that the violations of the Convention found by the Court in these cases concern the excessive length of civil proceedings (violations of Article 6, paragraph 1) (see details in Appendix);

Having invited the government of the respondent state to inform the Committee of the measures taken to comply with its obligation under Article 46, paragraph 1, of the Convention to abide by the judgments;

Having examined the information provided by the government in accordance with the Committee's Rules for the application of Article 46, paragraph 2, of the Convention;

Having satisfied itself that, within the time-limit set, the respondent state paid the applicants the just satisfaction provided in the judgments (see details in Appendix),

Recalling that a finding of violations by the Court requires, over and above the payment of just satisfaction awarded by the Court in its judgments, the adoption by the respondent state, where appropriate:

- of individual measures to put an end to the violations and erase their consequences so as to achieve as far as possible *restitutio in integrum*; and
- of general measures, preventing similar violations;

DECLARES, having examined the measures taken by the respondent state (see Appendix), that it has exercised its functions under Article 46, paragraph 2, of the Convention in these cases and

DECIDES to close their examination.

¹ Adopted by the Committee of Ministers on 19 June 2009 at the 1059th meeting of the Ministers' Deputies

Information about the measures to comply with the judgments in the cases of Klemeco Nord AB and Rey and others against Sweden

Introductory case summary

These cases concern the excessive length of civil proceedings. The proceedings began in 1993 and 1995 and ended in 2000 and 2002 respectively (violations of Article 6§1).

I. Payments of just satisfaction and individual measures

a) Details of just satisfaction

Name and application number	Pecuniary damage	Non-pecuniary damage	Costs and expenses	Total
Klemeco Nord AB 73841/01	-	2 000 euros	500 euros	2 500 euros
				Paid on 14/06/2007
Rey and others 17350/03	-	4 000 euros	-	4 000 euros
				Paid on 23/05/2008

b) Individual measures

No individual measure is necessary since the proceedings in question are closed and the European Court has awarded just satisfaction in respect of non-pecuniary damage suffered by the applicants on account of the excessive length of these proceedings.

II. General measures

1) The excessive length of proceedings

The judgments have been published together with a summary in Swedish on the government's website (www.manskligarattigheter.gov.se <<http://www.manskligarattigheter.gov.se>>) and on the website of the National Courts Administration (www.domstol.se <<http://www.domstol.se>>). They have been sent out to the Swedish Supreme Court, the Courts of Appeal, the two District Courts concerned, the Parliamentary Ombudsmen and the Chancellor of Justice. The length of civil proceedings does not appear to be a systematic problem in Sweden. Therefore, publication and dissemination to relevant authorities together with the direct effect given to the Convention are sufficient measures for the execution and for the prevention of other similar violations.

2) Effective remedies available to challenge the length of proceedings

The following remedies exist to challenge excessive length of proceedings:

- a) criminal and family law cases are tried, in practice, with particular swiftness given that the stake for the parties in such proceedings is high;
- b) parties in civil proceedings may appeal against decisions of district courts they consider to be at the origin of an excessive length in the proceedings and obtain the quashing of the incriminated decision by the court of appeal (Chapter 49, Section 7 of the Code of Judicial Procedure);
- c) the excessive length of criminal proceedings is taken into account at the time of the determination of the sanction and may justify the imposition of a more lenient punishment (Chapter 29, Section 5 and Chapter 30, Section 4 of the Criminal Code);
- d) the Parliamentary Ombudsmen and the Chancellor of Justice exercise control over the conduct of proceedings before the public authorities, including the courts;

e) individuals are entitled to compensation for any loss or damages caused by the excessive length of proceedings, pursuant to the 1972 Tort Liability Act. The authorities referred to several decisions of the Supreme Court and to one decision of the Chancellor of Justice, delivered between 2005 and 2007, as an illustration that compensation has been awarded to individuals to redress the damage they had suffered due to the excessively lengthy court proceedings, including civil proceedings.

III. Conclusions of the respondent state

The government considers that no individual measure is needed in these cases, apart from the payment of the just satisfaction awarded by the European Court, that the general measures set out above will prevent other similar violations and that Sweden has thus complied with its obligations under Article 46, paragraph 1 of the Convention.