



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

FOURTH SECTION

DECISION

Application no. 28236/19
Vitor Manuel CARRETO RIBEIRO
against Portugal

The European Court of Human Rights (Fourth Section), sitting on 23 November 2023 as a Committee composed of:

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 14 May 2019,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Portuguese Government ("the Government").

THE LAW

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the complaint about the excessive length of the proceedings is inadmissible.

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of proceedings (see *Valada Matos das Neves v. Portugal*, no. 73798/13, 29 October 2015). More specifically, on the question of excessive delay in civil proceedings, the Court has consistently held that, while an unreasonable delay in enforcing a binding judgment may be contrary to the Convention, the reasonableness of such a delay is to be determined in the light of the circumstances of the case and

having regard in particular to the applicant's own behaviour and that of the competent authorities, among other factors (see *Comingersoll S.A. v. Portugal* [GC], no. 35382/97, ECHR 2000-IV; *Raylyan v. Russia*, no. 22000/03, § 31, 15 February 2007; and *Bieliński v. Poland*, no. 48762/19, §§ 42-44, 21 July 2022). Accordingly, the applicants' behaviour constitutes an objective fact which cannot be attributed to the respondent State, and which must be considered for the purpose of determining whether or not the reasonable time referred to in Article 6 § 1 has been exceeded (see *Poiss v. Austria*, 23 April 1987, § 57, Series A no. 117; *Wiesinger v. Austria*, 30 October 1991, § 57, Series A no. 213).

Applying those principles to the present case, the Court finds that the applicant's conduct contributed to a large extent to the length of the proceedings. On the one hand, as it appears from the Government's account of the facts, which has not been challenged by the applicant, some of the delays in the proceedings can be attributed to the applicant's lack of procedural initiative, his inertia and the lack of due diligence he displayed in the few procedural requests he made, often making mistakes and causing further delays, which is all the more surprising given that the applicant is a lawyer. By contrast, the Court does not find any significant period of inactivity, for which the authorities could be held responsible. The authorities' diligence was demonstrated by the numerous procedural initiatives they took throughout the proceedings. The Court also notes that its assessment of the facts is supported by the fact that the civil proceedings were ultimately discontinued on account of the applicant's lack of procedural initiative.

In view of the above, the Court finds that the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 14 December 2023.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President

CARRETO RIBEIRO v. PORTUGAL DECISION

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Domestic court File number
28236/19 14/05/2019	Vitor Manuel CARRETO RIBEIRO 1956	19/12/2007	23/05/2018	10 years and 5 months and 5 days 1 level of jurisdiction	Judicial Court of Cartaxo Proc. 1245.07.8TBJA