



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

FOURTH SECTION

CASE OF VOD BAUR IMPEX S.R.L. v. ROMANIA

(Application no. 17060/15)

JUDGMENT

(Just satisfaction – striking out)

Art 41 • Just satisfaction • Art 37 § 1 • Striking out applications • Absence of intention to pursue application

STRASBOURG

6 June 2023

FINAL

06/09/2023

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Vod Baur Impex S.R.L. v. Romania,

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

Yonko Grozev, *President*,

Tim Eicke,

Faris Vehabović,

Iulia Antoanella Motoc,

Gabriele Kucsko-Stadlmayer,

Pere Pastor Vilanova,

Jolien Schukking, *judges*,

and Ilse Freiwirth, *Deputy Section Registrar*,

Having deliberated in private on 16 May 2023,

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

PROCEDURE

1. The applicant company's complaint, lodged under Article 1 of Protocol No. 1, refers to the failure of the domestic authorities to grant it compensation after the partial annulment of a sale contract entered into with the City of Bucharest.

2. In a judgment delivered on 26 April 2022 ("the principal judgment"), the Court found a violation of Article 1 of Protocol No. 1 to the Convention (*Vod Baur Impex S.R.L. v. Romania*, no. 17060/15, §§ 65 to 74, 26 April 2022).

3. Under Article 41 of the Convention the applicant sought just satisfaction in respect of pecuniary damage. It made no claim in respect of non-pecuniary damage (*ibid.*, §§ 77 and 78).

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within six months from the date of the judgment becoming final, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, § 80, and point 3 of the operative provisions).

5. The judgment became final on 26 July 2022 and a letter confirming that fact and reminding about the six-month time limit for the submission of observations on just satisfaction was sent to the parties. The six-month time limit expired on 26 January 2023 but neither of the parties submitted any observations.

6. By a letter dated 3 March 2023, sent to the Government by the usual procedure and to the applicant company's representative by registered post and also to the email address provided to the Court, the parties were notified that the period allowed for submission of their observations had expired on 26 January 2023 and that no extension of time had been requested. Nevertheless, it had been decided to exceptionally grant an extension of the

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(JUST SATISFACTION – STRIKING OUT) JUDGMENT

time-limit in respect of both parties, set to expire on 3 April 2023. The applicant company's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application.

7. The Government submitted their written observations on the issue on 3 March 2023.

8. While it appears that the letter and its annexes on the eComms system were not downloaded by the applicant company's lawyer, however, according to the post tracking system, the letter sent by registered post was received by that lawyer on 13 March 2023. No reply to the Registry's letter was received.

THE LAW

9. In the light of the above, the Court considers that the applicant company may be regarded as no longer wishing to pursue its application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case (see, *mutatis mutandis*, *Atima Limited v. Ukraine* (just satisfaction – striking out), no. 56714/11, § 6, 6 April 2023; *Kirillova v. Russia* (just satisfaction), no. 50775/13, § 7, 17 April 2018; and *Ana Pavel v. Romania* (just satisfaction – striking out), no. 4503/06, § 7, 29 May 2012).

10. Accordingly, the remainder of the application should be struck out of the list.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

Decides to strike the remainder of the application out of its list of cases.

Done in English, and notified in writing on 6 June 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth
Deputy Registrar

Yonko Grozev
President