



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

AFFAIRE KATIKARIDIS ET AUTRES c. GRÈCE
CASE OF KATIKARIDIS AND OTHERS v. GREECE

(ARTICLE 50)

(72/1995/578/664)

ARRÊT/JUDGMENT

STRASBOURG

31 mars/March 1998

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KATIKARIDIS AND OTHERS JUDGMENT OF 31 MARCH 1998
(ARTICLE 50) ii

SUMMARY¹

Judgment delivered by a Chamber

Greece – application for just satisfaction by applicants found in an earlier judgment to have been victims of a violation of Article 1 of Protocol No. 1

RULE 54 § 4 OF RULES OF COURT A

Friendly settlement reached between Greece and applicants – found to be equitable.

Conclusion: case struck out of the list (unanimously).

COURT'S CASE-LAW REFERRED TO

15.11.1996, Katikaridis and Others v. Greece

1. This summary by the registry does not bind the Court.

In the case of Katikaridis and Others v. Greece¹,

The European Court of Human Rights, sitting, in accordance with Article 43 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) and the relevant provisions of Rules of Court A², as a Chamber composed of the following judges:

Mr F. GÖLCÜKLÜ, *President*,
Mr L.-E. PETTITI,
Mr C. RUSSO,
Mr N. VALTICOS,
Mrs E. PALM,
Mr I. FOIGHEL,
Mr A.B. BAKA,
Mr B. REPIK,
Mr P. KÜRIS,

and also of Mr H. PETZOLD, *Registrar*, and Mr P.J. MAHONEY, *Deputy Registrar*,

Having deliberated in private on 26 March 1998,

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

PROCÉDURE

1. The case was referred to the Court by the European Commission of Human Rights (“the Commission”) on 13 September 1995, within the three-month period laid down by Article 32 § 1 and Article 47 of the Convention. It originated in an application (no. 19385/92) against the Hellenic Republic lodged with the Commission on 24 October 1991 under Article 25 by three Greek nationals, Mr Savvas Katikaridis, Mr Nicolaos Katikaridis and Mr Stergios Tormanidis, and by Agrotikes Syneteristikes Ekdosis, AE, a limited company incorporated under Greek law.

2. In a judgment delivered on 15 November 1996 (“the principal judgment” – *Reports of Judgments and Decisions* 1996-V), the Court held that the fact that it had been impossible for the applicants to obtain full compensation for expropriation of part of their properties fronting a road (because of an irrebuttable presumption that the benefit derived from road

Notes by the Registrar

1. The case is numbered 72/1995/578/664. The first number is the case's position on the list of cases referred to the Court in the relevant year (second number). The last two numbers indicate the case's position on the list of cases referred to the Court since its creation and on the list of the corresponding originating applications to the Commission.

2. Rules of Court A apply to all cases referred to the Court before the entry into force of Protocol No. 9 (1 October 1994) and thereafter only to cases concerning States not bound by that Protocol. They correspond to the Rules that came into force on 1 January 1983, as amended several times subsequently.

improvements amounted to sufficient compensation) meant that they had had to bear an individual and excessive burden contrary to Article 1 of Protocol No. 1 (*ibid.*, p. 1689, § 51, and point 3 of the operative provisions). It also held that there had been no violation of Article 6 § 1 of the Convention with regard to the reasonableness of the length of the proceedings (*ibid.*, p. 1687, § 43, and point 2 of the operative provisions). Lastly, it awarded the applicants a specified sum for costs and expenses (*ibid.*, p. 1690, § 60, and point 4 of the operative provisions).

3. Since the question of the application of Article 50 of the Convention was not ready for decision as regards pecuniary damage, the Court reserved it and invited the Government and the applicants to submit, within six months, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, p. 1690, § 56, and point 5 of the operative provisions).

4. On 20 May 1997 the Government sought a five-month extension of time in order to reach a friendly settlement. The applicants' representative said that he did not oppose that application. The President, Mr R. Ryssdal, granted the extension in a letter of 3 June 1997, but added that if it appeared that a settlement would not be possible he wished to receive the parties' observations under Article 50 within that five-month period.

5. On 6 October 1997, the Agent of the Government sent the Registrar an official record of deliberations of the State Legal Council in which that body had recommended that the Government award the applicants "as satisfaction under Article 50 of the Convention the final unit amounts of compensation assessed by the Salonika Court of Appeal in its judgment no. 2445/1983, increased by 100%". The record had been approved by the Minister of the Economy and the Minister for Foreign Affairs.

In a letter to the President, which was received by the registry on 8 October 1997, the applicants' lawyer advised:

"We would inform you that as noted in the State Legal Council's official record no. 4144 of 16 July 1997, a friendly settlement has been reached in principle with the Government as regards Article 50 of the Convention, as the Government have accepted our proposed terms of settlement.

The record referred to above has been signed by the relevant ministers – the Minister of the Economy and the Minister for Foreign Affairs. There remains outstanding the technical process of calculation of the amount by the Government departments concerned and its payment, for which the Government should be set a time-limit."

6. In reply to those letters the Registrar wrote to the applicants and the Government on 23 October 1997 in the following terms:

"I am to inform you that the President, Mr Ryssdal, is pleased that an agreement has been reached in principle between the Government and the applicants in the case referred to above.

However, as you are aware, a case cannot be struck out of the list until an effective friendly settlement has been reached and its terms agreed between the two parties to the dispute.

The President has noted the reserves mentioned [in your letter]¹ [by the applicants' lawyer in his letter]² of 14 October 1997 and trusts that the technical details of payment will be resolved rapidly.

In that connection, he extends the time-limit for final conclusion of a friendly settlement to 30 January 1998."

7. In a letter of 4 February 1998 the applicants' lawyer informed the Court of the following:

"...

By this letter, I wish to inform the Court that subsequent to the [Registrar's] letter of 23 November 1997 the case of Katikaridis and Others v. Greece (72/1995/578/664) has been settled. The Government have deposited the agreed sum with the Bank for Official Deposits.

We thank the Court for its help and hope that Greek case-law will henceforth be consistent with Article 1 of Protocol No. 1.

..."

8. On 24 February 1998 the Agent of the Government indicated that the applicants had already received the sums agreed under the terms of the friendly settlement and invited the Court to strike the case out of the list.

9. The Delegate of the Commission was consulted and raised no objection.

10. In the meantime, Mr F. Gölcüklü had replaced Mr Ryssdal, who had died on 18 February 1998, as President of the Chamber (Rule 21§ 6) and Mr C. Russo, substitute judge, had become a full member of the Chamber (Rule 22 § 1).

AS TO THE LAW

11. Following its principal judgment of 15 November 1996 the Court has been informed that a friendly settlement has been reached between the Government and the applicants with respect to the latter's claims under Article 50 of the Convention.

Having regard to the agreed terms and to the fact that no objection has been raised by the Delegate of the Commission, the Court finds that the agreement is equitable within the meaning of Rule 54 § 4 of Rules of

1. Text of the letter to the applicants.

2. Text of the letter to the Government.

Court A. Consequently, the Court takes formal note of the agreement and considers it appropriate to strike the case out of the list pursuant to that provision.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English and in French, and notified in writing on 31 March 1998 pursuant to Rule 55 § 2, second sub-paragraph, of Rules of Court A.

Signed: Feyyaz GÖLCÜKLÜ
President

Signed: Herbert PETZOLD
Registrar