



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

SECOND SECTION

CASE OF GROSSE v. DENMARK

(Application no. 30285/96)

JUDGMENT

STRASBOURG

8 June 2000

In the case of Grosse v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mr A.B. BAKA,

Mr B. CONFORTI,

Mr G. BONELLO,

Mr P. LORENZEN,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 18 May 2000,

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

PROCEDURE

1. The case originated in an application (no. 30285/96) against Denmark lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Danish national, Mr Ruddy Grosse (“the applicant”), on 2 February 1995. The application was registered on 26 February 1996. The applicant is not represented in the proceedings before the Court. The Danish Government (“the Government”) are represented by their Agent, Mrs Nina Holst-Christensen.

2. The applicant complained under Article 6 § 1 of the Convention about the fairness and length of a set of criminal proceedings.

3. On 2 March 2000 the Court declared the application admissible in so far as it concerned the length of the proceedings. The remainder was declared inadmissible.

4. On 10 April 2000, after an exchange of correspondence, the Section Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 25 April 2000 and on 27 April 2000 the applicant and the Agent of the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. On 1 August 1985 the applicant was charged with having imported a used German registered car into Denmark contrary to the applicable

customs and registration regulations. On 26 March 1986 the Sønderborg City Court (*byretten*) acquitted him of the charges. On appeal the High Court of Western Denmark (*Vestre Landsret*) convicted the applicant on 22 September 1986 and sentenced him to a fine of 26,000 DKK. In addition, the applicant was ordered to pay value added tax in the amount of 6,491 DKK and the costs of the case. On 8 February 1993 the applicant was granted leave to appeal to the Supreme Court (*Højesteret*) which upheld the High Court's judgment on 24 January 1995.

THE LAW

6. On 2 May 2000 the Court received the following declaration from the Government:

“I declare that the Government of Denmark offer to pay 50,000 DKK to Mr Ruddy Grosse with a view to securing a friendly settlement of the application registered under no. 30285/96. This sum shall cover any pecuniary and non-pecuniary damage as well as costs and it will be payable immediately after the notification of the judgment delivered by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention.”

7. On 27 April 2000 the Court received the following declaration signed by the applicant:

“I note that the Government of Denmark are prepared to pay a sum totalling 50,000 DKK covering both pecuniary and non-pecuniary damage and costs to Mr Ruddy Grosse with a view to securing a friendly settlement of application no. 30285/96 pending before the Court.

I accept the proposal and waive any further claims in respect of Denmark relating to the facts of this application. I declare that the case is definitely settled.

This declaration is made in the context of a friendly settlement which the Government and the applicant have reached.

I further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention after the delivery of the Court's judgment.”

8. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

9. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 8 June 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President