



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

SECOND SECTION

CASE OF HANSEN v. DENMARK

(Application no. 28971/95)

JUDGMENT

STRASBOURG

11 July 2000

In the case of Hansen v. Denmark,

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

Mr C.L. ROZAKIS, *President*,

Mr A. BAKA,

Mrs E. PALM,

Mr B. CONFORTI

Mr G. BONELLO,

Mrs M. TSATSA-NIKOLOVSKA,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 29 June 2000,

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

PROCEDURE

1. The case originated in an application (no. 28971/95) 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 Hardy Hansen (“the applicant”), on 28 April 1995. The application was registered on 25 October 1995.

2. The applicant is represented by Mr Tyge Trier and Mr Anders Hjulmand, lawyers practising in Frederiksberg and Aalborg (Denmark) respectively. The Danish Government (“the Government”) are represented by their Agent, Mrs Nina Holst-Christensen.

3. The applicant complained under Article 6 §§ 1 and 2 of the Convention about the length of a set of criminal proceedings and about the criminal liability rules as applied in these proceedings.

4. Following communication of the application to the Government by the Commission, the case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. The application was allocated to the Second Section of the Court. The Chamber that would consider the case was constituted as provided in Rule 26 § 1 of the Rules of Court. The judge elected in respect of Denmark, Mr P. Lorenzen, withdrew from the examination of the case and the Government of Denmark appointed Mrs E. Palm, the judge elected in respect of Sweden, to sit in his place. On 16 March 2000 the Court declared the application admissible in so far as it concerned the length of proceedings. The remainder was declared inadmissible.

5. On 25 May 2000 and on 9 June 2000 the applicant's representative and the Agent of the Government respectively submitted letters proposing a friendly settlement of the case.

THE FACTS

6. On 17 August 1984, the applicant, an employer (co-managing director with his father of a trucking company, Hansen & Søn I/S), was charged with a violation of certain provisions of the EU Regulation No. 543/69 read in conjunction with the Ministerial Order No. 448 of 2 June 1981 concerning road transport. By judgment of 28 July 1987 the Graasten City Court found the applicant's company guilty, in its capacity as employer, of violating certain rules concerning maximum driving and resting periods committed by its employee. The company was sentenced to pay a fine of 1,500 DKK. On appeal, during which it was agreed that the charges ought to be directed against the applicant and his father, the High Court of Western Denmark (*Vestre Landsret*) decided, on 28 January 1988, to stay the proceedings and to refer to the European Court of Justice in Luxembourg certain questions concerning the use of strict criminal liability. The European Court of Justice pronounced judgment on 10 July 1990.

7. By judgment of 18 October 1991 the High Court upheld the Graasten City Court judgment. The applicant and his father were sentenced to a fine of 750 DKK each. Following this judgment the applicant and his father requested, and were granted, leave to appeal to the Supreme Court (*Højesteret*).

8. By judgment of 4 November 1994 the Supreme Court upheld the judgment of the High Court for the reasons set out in the judgment as far as the applicant was concerned, noting that the applicant's father had died.

THE LAW

9. On 25 May 2000 the Court received the following letter signed by the applicant's representative:

“The applicant has authorised me to make a friendly settlement proposal that the Danish Government compensates the applicant with an amount of DKK 45,000 with the addition of reasonable legal expenses. The payment can be made without any admittance of a violation of Article 6 (1)”

10. On 9 June 2000 the Court received the following letter from the Government:

“.. I may inform you that the Government of Denmark is willing to accept the applicant’s proposal that is to say, that the Government compensates the applicant with DKK 45,000 with the addition of reasonable legal expenses.

The Government would like to emphasize that the Government’s proposal for a friendly settlement does not imply a recognition of the alleged violation of the convention.”

11. 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).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 11 July 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President