



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

THIRD SECTION

**CASE OF KLAVDIANOS v. GREECE**

(Application no. 38841/97)

JUDGMENT  
(Striking out)

STRASBOURG

17 October 2000

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**In the case of Klavdianos v. Greece,**

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

Mr J.-P. COSTA, *President*,

Mr C. ROZAKIS

Mr W. FUHRMANN,

Mr L. LOUCAIDES,

Mr P. KÜRIS,

Mrs F. TULKENS,

Sir NICOLAS BRATZA, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 26 September 2000,

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

**PROCEDURE**

1. The case originated in an application (no. 38841/97) against Greece 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 Greek national, Georgios Klavdianos (“the applicant”), on 25 November 1997. The application was registered on 2 December 1997.

2. The applicant complained that the seizure of his house in order to secure the payment of a debt owed by a company from which he had resigned before its dissolution, constituted degrading treatment and violated his right to property, in breach of Article 3 of the Convention and Article 1 of Protocol No. 1. The applicant also complained that he was discriminated against in the enjoyment of his rights on grounds of nationality, in breach of Article 14 of the Convention. The applicant further complained that despite his resignation he was compelled to remain in office against his will, in breach of Article 4 § 2 of the Convention. The applicant lastly complained that his case was not heard within a reasonable time, in breach of Article 6 § 1 of the Convention.

3. 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. On 22 June 1999, having obtained the parties’ observations, the Court decided to invite the parties to a hearing on the admissibility and merits of the case. This hearing was held on 21 September 1999. The Government were represented by Mr Mihaïl Apossos, senior legal adviser at the Legal Council of State, delegate of the Government agent, and Mr Konstantinos Georgiadis, legal assistant at the Legal Council of State, adviser. The applicant was represented by Mr Alivizatos, mentioned above, and Mr N. Stavropoulos,

Lecturer at Mansfield College, Oxford, and member of the Athens Bar, as well as by Ms Eleousa Kiousopoulou, an Athens barrister, as advisers.

4. On 21 September 1999 the Court declared the application admissible in so far as it concerned the length of the proceedings. The remainder was declared inadmissible.

5. After an exchange of letters between the parties with a view to reaching a friendly settlement of the case, on 25 June 2000 and on 24 July 2000 the applicant's representative and the Agent of the Government respectively submitted declarations accepting a settlement.

## THE FACTS

6. In May 1986, the applicant resigned from the Board of Directors of a Greek company. In June 1986, the company was declared bankrupt and dissolved. An order to seize the applicant's house was issued with a view to securing the payment of the company's tax obligations. In September 1986, he unsuccessfully challenged the order before the administrative courts on the ground, *inter alia*, that he had resigned before the dissolution of the company and hence, according to the relevant law, could not be held personally responsible for it. However, on appeal, the order of seizure was declared invalid. In July 1988, the State appealed against this decision to the Supreme Administrative Court which, in May 1997, interpreted the relevant law to the applicant's disadvantage. It held that managing directors having resigned before the dissolution of a company remained liable until their successors had taken office. The case was referred back to the first instance court. The case is still pending, as is the liquidation of the company's assets.

## THE LAW

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

"... I inform you that applicant is ready to accept the respondent's proposal for a friendly settlement of the case with the payment of the sum of drachmas 2 500 000."

8. On 24 July 2000 the Court received the following declaration from the Government:

"I declare that, by virtue of a friendly settlement of application No. 38841/97 lodged by Georgios Klavdianos, the Government of Greece is to pay the applicant 2 500 000 drachmas without a tax record, upon notification of the judgment of the Court according to Article 39 of the European Convention of Human Rights.

The above amounts to a final settlement of the case.

The Government also undertakes not to request, after the delivery of the judgment, that the case be referred to the Grand Chamber according to Article 43 § 1 of the Convention.”

9. 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).

10. 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 Government’s undertaking not to refer the case to the Grand Chamber.

Done in English, and notified in writing on 17 October 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ  
Registrar

J.-P. COSTA  
President