



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

SECOND SECTION

CASE OF PETERSEN v. DENMARK

(Application no. 24989/94)

JUDGMENT
(Striking out)

STRASBOURG

16 November 2000

In the case of Petersen v. Denmark,

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

Mr A.B. BAKA, *President*,

Mrs E. PALM

Mr G. BONELLO,

Mr M. FISCHBACH,

Mrs M. TSATSA-NIKOLOVSKA,

Mr E. LEVITS,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 26 October 2000,

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

PROCEDURE

1. The case originated in an application (no. 24989/94) 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 Flemming Petersen (“the applicant”), on 7 June 1994.

2. The applicant was represented by Mr L.A. Rehof, an associate professor of law at the University of Copenhagen. The Danish Government (“the Government”) were represented by their Agent, Mr H. Klingenberg, Ministry of Foreign Affairs.

3. The applicant complained that he had been a victim of a violation of Article 6 of the Convention in that he had not had a fair hearing by an independent tribunal for the determination of a dispute concerning a parking fee.

4. On 14 September 1998, after obtaining the parties’ observations, the Commission declared the application admissible. On 29 September 1998 the Commission was informed that the applicant had died.

5. The case was transferred to the Court on 1 November 1998 by virtue of Article 5 § 3 of Protocol No. 11 to the Convention. Subsequently, the President of the Court assigned the case to the Second Section. The Chamber that would consider the case was constituted as provided for 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.

6. On 23 May 2000 and on 26 September 2000 the Agent of the Government and the applicant's representative respectively submitted formal declarations proposing a friendly settlement of the case.

THE FACTS

7. On 15 February 1993 the applicant was ordered by the Chief of Police to pay a parking fee in the amount of 400 Danish kroner (DKK). As the applicant refused to pay the Central Register for Parking Fees (*Centralregisteret for Parkeringsafgifter*) submitted the case to the Bailiff's Court in order to recover a total of 700 DKK for the parking fee and the costs involved. The case was heard in court on 1 and 11 November 1993 and judgment in favour of the claims made by the authorities was pronounced on 14 December 1993. At all stages the Bailiff's Court was presided over by a deputy judge (*dommerfuldmægtig*).

The applicant's application for leave to appeal to the High Court of Eastern Denmark (*Østre Landret*), in which he complained, *inter alia*, that the Bailiff's Court was not an independent tribunal, was refused on 8 April 1994.

THE LAW

8. On 23 May 2000 the Court received the following declaration from the Government:

"... I may inform you that the Government of Denmark is interested in settling this case by means of a friendly settlement. The Government is willing to pay the applicant's heirs 17,000 DKK as a global sum.

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.

..."

9. On 26 September 2000 the Court received the following declaration signed by the applicant's representative:

"With reference to your letter of 29 May 2000 regarding the above case and to the enclosed copy of the respondent Government's letter setting out their position, I can hereby inform you that I have related the proposal to the [applicant's heirs] and I have informed them that the proposal has been characterized as 'a reasonable basis for a settlement'.

On this background, I am happy to inform you that the [applicant's heirs] have accepted the proposal for a friendly settlement."

10. 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).

11. 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 16 November 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

András BAKA
President