



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

THIRD SECTION

CASE OF SIEGL v. AUSTRIA

(Application no. 36075/97)

JUDGMENT
(Friendly settlement)

STRASBOURG

20 June 2002

This judgment is final but it may be subject to editorial revision.

In the case of Siegl v. Austria,

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

Mr G. RESS, *President*,

Mr L. CAFLISCH,

Mr P. KÜRIS,

Mr R. TÜRMESEN,

Mr J. HEDIGAN,

Mrs H.S. GREVE,

Mrs E. STEINER, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 30 May 2002;

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

PROCEDURE

1. The case originated in an application (no. 36075/97) against the Republic of Austria 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 an Austrian national, Josef Siegl (“the applicant”), on 18 December 1996.

2. The applicant was represented by Mr E. Proksch, a lawyer practising in Vienna. The Austrian Government (“the Government”) were represented by their Agent, Ambassador H. Winkler, Head of the International Law Department at the Federal Ministry of Foreign Affairs.

3. The applicant complained under Article 6 § 1 of the Convention and under Article 1 of Protocol No. 1 about the length of land consolidation proceedings.

4. On 1 November 1998 the case was transferred to the Court by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 8 February 2000 the Court communicated the above complaint to the Government and declared the remainder of the application inadmissible. On 13 March 2001, having obtained the parties' observations, the Court declared the application admissible in so far as it had been communicated to the Government.

5. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was assigned to the newly composed Third Section.

6. On 19 February 2002, after an exchange of correspondence, the 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 8 March and on 18 April 2002 the applicant and the

Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

7. The applicant lives in Zausenberg in Lower Austria.

8. In 1983 agricultural land consolidation proceedings, involving the property of the applicant's mother, were instituted by the Lower Austria District Agricultural Authority. On 9 September 1983 the authority ordered the provisional transfer of compensatory parcels.

9. On 7 October 1987 the District Agricultural Authority issued the consolidation scheme, against which the applicant's mother appealed.

10. On 5 June 1991 the Supreme Land Reform Board partly allowed the appeal lodged by the applicant's mother and awarded her compensation. This decision was quashed by the Administrative Court on 19 September 1994.

11. On 20 February 1995 the applicant filed a declaration that he wanted to pursue the proceedings as his mother's legal successor.

12. After a new decision by the Supreme Land Reform Board, reassessing the compensation issue had been quashed by the Administrative Court on 29 October 1996 it gave a further decision on 7 May 1997 granting a higher amount of compensation.

13. On 18 February 1999 the Administrative Court upheld this decision.

THE LAW

14. On 8 March and 18 April 2002, respectively, the Court received the following declaration from the applicant's representative and from the Government:

“With reference to Article 38 § 1 (b) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the parties in the proceedings concerning application no. 36075/97, lodged by Mr Josef Siegl, declare with a view to a friendly settlement reached with the assistance of the European Court of Human Rights, as follows:

1. The Government of the Republic of Austria will pay the applicant a sum of altogether 13,800 euros (EUR) as compensation in respect of any possible claims relating to the present application. This sum includes EUR 1,800 in respect of costs and expenses incurred in the domestic proceedings and in the Convention proceedings.

This sum will be payable to the applicant's representative, Mr Erich Proksch in Vienna, within three month from the date of delivery of the judgment given by the Court pursuant to Article 39 of the Convention.

2. The applicant declares his application settled.

3. The applicant waives any further claims against the Republic of Austria relating to the facts underlying the present application.

4. The parties 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.”

15. 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).

16. 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 20 June 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Georg RESS
President