CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

CASE OF TEKA LTD v. GREECE

(Application no. 50529/99)

JUDGMENT
(Friendly settlement)

STRASBOURG

26 June 2002

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

In the case of Teka Ltd v. Greece,

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

Mrs F. TULKENS, *President*,
Mr C.L. ROZAKIS,
Mr G. BONELLO,
Mrs N. VAJIĆ,
Mr E. LEVITS,
Mrs S. BOTOUCHAROVA,
Mrs E. STEINER, *judges*,
and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 6 September 2001 and on 30 May 2002,

Delivers the following judgment, which was adopted on the last-mentioned date:

PROCEDURE

1. The case originated in an application (no. 50529/99) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Bulgarian company registered in Sofia, Teka Ltd ("the applicant"), on 15 July 1999.

2. The applicant was represented by Mr P. Bitsaxis et Mrs E. Ioannidou, lawyers practising in Athens. The Greek Government ("the Government") were represented by the Delegate of their Agent, Mr M. Apessos, Senior Adviser at the State Legal Council, and Mrs M. Papida, Legal Secretary at the State Legal Council.

3. The applicant complained under Article 6 § 1 of the Convention about the length of a set of civil proceedings.

4. On 6 September 2001, after obtaining the parties' observations, the Court declared the application admissible.

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

6. On 8 February 2002 and on 22 February 2002 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

7. In October 1993 the applicant sold to a Greek company, Apco Control Valves, a machine for manufacturing valves, for the price of 89 000 US dollars (USD). It was agreed that part of the amount would be paid by two promissory notes issued in March 1994 in Salonica. However, Apco refused to pay the amount due.

8. On 5 July 1995 the applicant applied to the First Instance Court of Salonica, composed of one member, requesting the issuance of an order to pay. On 17 July 1995 the Court ordered Apco to pay to the applicant 53 700 USD plus interest.

9. On 8 September 1995 Apco lodged an appeal against the order to pay before the three-member First Instance Court of Salonica. On 15 September 1995 Apco also requested a stay of execution of the order to pay. The First Instance Court of Salonica, composed of one member, granted the request on 9 October 1995, pending a final decision on the appeal before the three-member First Instance Court. It based its decision on the strong chances of success of the appeal.

10. The hearing before the three-member Court of First Instance was held on 17 December 1996. The Court deliberated on 4 February 1997 and on 17 April 1997 the Court delivered an interlocutory decision whereby it invited Apco to prove its allegations according to which the machine was defective. The decision provided that two witnesses for each party should be examined within three months from the service of the decision. The President of the Court certified the interlocutory decision on 18 September 1997 and a copy of it was served by the applicant on Apco on 1 October 1997.

11. On 20 February 1998 the applicant invited the three-member Court of First Instance to hold a hearing in order for a final decision to be issued on Apco's appeal. It contended that the appeal should be dismissed for lack of evidence. The hearing took place on 22 January 1999. Apco invited the Court to adjourn the hearing for two months, so that the witnesses could be examined. On 8 April 1999 the Court decided to grant the request. The decision was served on Apco on 29 June 1999. On 19 December 2000 the First Instance Court dismissed another application of the applicant to dismiss the appeal for failure to provide evidence.

12. The procedure is still pending.

THE LAW

13. On 22 February 2002 the Court received the following declaration from the Government:

> "I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of Greece offer to pay 3,000,000 Greek Drachmas (8,804 Euros) to Teka Ltd. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment 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 that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention."

14. On 8 February 2002 the Court received the following declaration signed by the applicant's representative:

> "I note that the Government of Greece are prepared to pay the sum of 3,000,000 Greek Drachmas (8,804 Euros) covering pecuniary and non-pecuniary damage and costs to Teka Ltd with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> I accept the proposal and waive any further claims against Greece in respect of the facts of this application. I declare that this constitutes a final settlement of the case.
>
> 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 that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after 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 26 June 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Françoise TULKENS
President