



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

FIRST SECTION

CASE OF MENTIS v. GREECE

(Application no. 61351/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

20 February 2003

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

In the case of Mentis v. Greece,

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

M^{rs} F. TULKENS, *President*,

Mr C.L. ROZAKIS,

Mr P. LORENZEN,

M^{rs} N. VAJIĆ,

Mr E. LEVITS,

Mr V. ZAGREBELSKY,

M^{rs} E. STEINER, *judges*,

and Mr S. NIELSEN, *Deputy Section Registrar*,

Having deliberated in private on 9 July 2002 and on 30 January 2003,

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

PROCEDURE

1. The case originated in an application (no. 61351/00) 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 Greek national, Mr Georgios Mentis (“the applicant”), on 13 September 2000.

2. The applicant was represented by Mr H. Tselios and Mr K. Sakellariadis, both lawyers practising in Athens. The Greek Government (“the Government”) were represented by their Agent, Mr E. Volanis, President of the Legal Council of the State.

3. The applicant complained, *inter alia*, under Article 6 § 1 of the Convention about the length of a set of administrative proceedings.

4. The application was allocated to the Second Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1 of the Rules of Court.

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 (Rule 52 § 1).

6. On 9 July 2002, after obtaining the parties' observations, the Court declared the application admissible in so far as the complaint relating to the length of the proceedings is concerned. Further complaints of the applicant were declared inadmissible on 20 September 2001.

7. On 6 November 2002 and on 21 November 2002 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

8. The applicant was born in 1942 and lives in Athens.

9. Between 1 February 1961 and 31 May 1981 the applicant paid contributions to the Fund of Typographers and Graphic-Arts Employees for 4,246 working days. Between 1 May 1979 and 30 July 1981 he paid contributions to the Social Security Fund for Technical Staff working in the Athens Press for twenty months and six days. Between 1 August 1981 and 9 May 1988 he paid contributions to the same fund for six years, eight months and three days. Then the applicant requested to be put on retirement under sections 18 § 2 and 10 § 1 of Law no. 1186/81. According to that law, persons who had contributed for at least five years to the Social Security Fund for Technical Staff working in the Athens Press were entitled to a pension if they were made redundant out of no fault of their own or because of the introduction of new technology. Those who had contributed for five to ten years would receive a monthly pension of GRD 10,000. A higher amount was fixed for those who had contributed for more than ten years.

10. On 5 August 1988 the Director of the Social Security Fund for Technical Staff working in the Athens Press decided that the applicant was entitled to the pension provided for those who had worked for five to ten years.

11. On 24 September 1988 the applicant appealed against this decision considering that, under the relevant legislation, the Fund should have also taken into consideration the working days in respect of which he had paid contributions to the Fund of Typographers and Graphic-Arts Employees. His appeal was rejected by the Board of the Social Security Fund for Technical Staff working in the Athens Press sometime in 1988.

12. On 12 November 1988 the applicant challenged this decision before the First Instance Administrative Court of Athens. On 15 December 1989 the court considered that sections 18 § 2 and 10 § 1 of Law no. 1186/81 were provisions of an exceptional nature. As a result, there was no room for applying the legislation concerning the taking into consideration of working days in respect of which contributions had been paid to other funds.

13. On 18 July 1990 the applicant appealed against this decision.

14. On 30 June 1992 the Administrative Court of Appeal of Athens allowed the applicant's appeal.

15. On 8 June 1993 the Social Security Fund appealed in cassation.

16. On 5 May 1997 the Council of State quashed the decision brought before it and referred the case back to the Court of Appeal.

17. On 10 December 1999 the Administrative Court of Appeal of Athens rejected the applicant's appeal. This judgment was notified to the applicant on 19 May 2000.

THE LAW

18. On 21 November 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 6,000 EUR (six thousand euros) to Mr Georgios Mentis. 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 the 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.”

19. On 6 November 2002 the Court received the following declaration signed by the applicant's representatives:

“I note that the Government of Greece are prepared to pay the sum of 6,000 EUR (six thousand euros) covering pecuniary and non-pecuniary damage and costs to Mr Georgios Mentis 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.”

20. 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).

21. 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 February 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN
Deputy Registrar

Françoise TULKENS
President