



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

FOURTH SECTION

CASE OF ROMLIN v. SWEDEN

(Application no. 48630/99)

JUDGMENT
(Friendly settlement)

STRASBOURG

15 June 2004

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

In the case of Romlin v. Sweden,

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

Sir Nicolas BRATZA, *President*,

Mr M. PELLONPÄÄ,

Mr J. CASADEVALL,

Mr S. PAVLOVSKI,

Mr J. BORREGO BORREGO,

Mrs E. FURA-SANDSTRÖM,

Ms L. MIJOVIĆ, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 25 May 2004,

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

PROCEDURE

1. The case originated in an application (no. 48630/99) against the Kingdom of Sweden lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Swedish national, Tinna Romlin ("the applicant"), on 19 April 1999.

2. The applicant was represented by Mr Jacobson, a *juris candidate* practising in Stockholm. The Swedish Government ("the Government") were represented by their Agent, Mrs I. Kalmerborn of the Ministry for Foreign Affairs.

3. The applicant alleged, in particular, that the lack of an oral hearing in her case constituted a violation of Article 6 § 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). Moreover, she complained under this provision that the competent courts had failed to carry out a proper review of her judicial appeal against the administrative decision in issue and consequently denied her a fair hearing.

4. The application was allocated to the Fourth 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.

5. By a decision of 18 November 2003 the Court declared admissible the applicant's complaint concerning the lack of an oral hearing and declared the remainder of the application inadmissible.

6. On 2 February 2004 the Registrar received from the Government a formal declaration, signed by their Agent and by counsel for the applicant, accepting a friendly settlement of the case.

THE FACTS

7. The applicant, Tinna Romlin, is a Swedish national, who was born in 1965 and lives in Sollentuna. She is represented before the Court by Mr Ulf Jacobson, a *juris candidate*, practising in Stockholm. The Government is represented by Mrs I. Kalmerborn of the Ministry for Foreign Affairs, as Agent.

The facts of the case, as submitted by the parties, may be summarised as follows.

8. The applicant suffers from rheumatoid arthritis. On 14 December 1989 she applied for a disability allowance (*handikappersättning*) under Chapter 9, Section 2 of the Social Insurance Act (*Lagen om allmän försäkring, 1962:381*) on the grounds of incapacity due to rheumatoid arthritis and asthma.

9. On 20 March 1991 the Social Insurance Office (*försäkringskassan*) of the County of Stockholm rejected the application, finding that her need for assistance and her additional costs due to her handicap did not attain the level required under the above provision. The applicant unsuccessfully appealed against this decision to the competent administrative courts, in proceedings which ended on 30 December 1994 when the Supreme Social Insurance Court (*Försäkringsöverdomstolen*) refused her leave to appeal. No oral hearing was held in those proceedings.

10. In the meantime, in August 1993 the applicant reapplied for a disability allowance. On 20 January 1994 the Social Insurance Office decided:

“As from January 1993, [the applicant’s] additional expenses because of her reduced functional capacity entitled her to a disability allowance at the level of 69 per cent of the basic amount [*basbeloppet*].”

11. The applicant, represented by a lawyer, appealed against the Office’s decision to the County Administrative Court (*länsrätten*) of the County of Stockholm, claiming that the reduction in her functional capacity caused by her handicap and her need for support had remained unaltered at any rate since August 1991 and that she should have been granted a disability allowance as from then. She invoked the existing medical reports and requested the court to obtain the opinion of experts in rheumatology and to hold an oral hearing.

12. On 4 May 1995 the County Administrative Court rejected both her requests and gave her two weeks within which to indicate the further circumstances she wished to invoke and to submit final written observations. By a judgment of 22 June 1995 it upheld the Social Insurance Office’s decision.

13. The applicant, through her lawyer, appealed against the above judgment to the Administrative Court of Appeal (*kammarrätten*) requesting it to carry out an investigation in order to establish the extent of her

disability and additional expenses for the period from August 1991 to December 1992 and to hold an oral hearing.

14. In December 1997 the Administrative Court of Appeal rejected her request for an oral hearing and gave her two weeks to complete her submissions in writing. On 5 January 1998 it refused her leave to appeal.

On 9 February 1998 the Supreme Administrative Court (*Regeringsrätten*) rejected the applicant's request for an oral hearing and gave her three weeks within which to submit additional written observations. On 25 February 1999 it refused the applicant leave to appeal.

THE LAW

15. On 2 February 2004 the Registrar received from the Agent of the Government a letter dated 28 January 2004, enclosing the following declaration signed respectively on 19 January and 26 January 2004 by her and counsel for the applicant:

“The ...Government ... and the applicant have now reached the following friendly settlement on the basis of respect for human rights, as defined in the ... Convention ..., in order to terminate the proceedings before the Court.

The Government will pay, *ex gratia*, the sum of SEK 85,000 (eighty-five thousand) = EUR 9,518 (nine thousand five hundred and eighteen) to the applicant. The amount will be paid to her counsel, Mr Ulf Jacobson, who has been authorized by the applicant to receive payment on her behalf. Execution of payment will take place when the Government has received the Court's judgment striking the case out of its list of cases.

The applicant declares that she has no further claims on the Swedish State based on the facts of the above application.

The Government and the applicant 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.

This settlement is dependent upon the formal approval of the Government at a Cabinet meeting.”

16. On 8 March 2004 the Registrar received a further letter from the Agent, dated 2 March 2004, informing that the Government had approved the settlement on 26 February 2004 and would effect the *ex gratia* payment when the case had been struck out of the Court's list of cases.

17. 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).

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 15 June 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President