



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

FIRST SECTION

CASE OF ANDERSSON AND OTHERS v. SWEDEN

(Application no. 49297/99)

JUDGMENT
(Friendly settlement)

STRASBOURG

14 October 2004

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

In the case of Andersson and Others v. Sweden,

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

Mr C.L. ROZAKIS, *President*,

Mr P. LORENZEN,

Mr G. BONELLO,

Mrs F. TULKENS,

Mrs E. STEINER,

Mrs E. FURA-SANDSTRÖM,

Mr K. HAJIYEV, *judges*,

and Mr S. NIELSEN, *Section Registrar*,

Having deliberated in private on 23 September 2004,

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

PROCEDURE

1. The case originated in an application (no. 49297/99) 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 three Swedish nationals, Mr Jerker Andersson, Mrs Barbro Andersson and Mr Lars-Göran Isaksson (“the applicants”), on 23 February 1999.

2. The Swedish Government (“the Government”) were represented by their Agent, Ms E. Jagander, Ministry for Foreign Affairs.

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

4. On 29 January 2004, having obtained the parties’ observations, the Court declared admissible the complaint mentioned above at paragraph 3.

5. On 19 July 2004 the Government submitted a declaration on a friendly settlement of the case signed by the Agent of the Government on 1 June 2004 and by Mr Jerker Andersson on behalf of the applicants on 3 June 2004.

THE FACTS

6. The applicants were born in 1939, 1935 and 1949, respectively, and live in Skattkärr and Grundsund, Sweden.

7. On 20 August 1991 the owner of real property at Skaftö applied to the Building Committee (*byggnadsnämnden*) of Lysekil for a building permit to rebuild a residential house on the property. On 3 December 1991 she replaced that application with a new, revised, application. This new

application was rejected on 16 January 1992 but the property owner appealed and, following the decision of the County Administrative Board (*länsstyrelsen*) of the County of Göteborg and Bohus of 2 July 1992 to refer the case back to the Building Committee, the Committee, by a decision of 10 September 1992, granted the requested building permit. The applicants and some other neighbours to the property in question appealed against the decision. Their appeals were rejected by a decision of the County Administrative Board on 22 October 1992 and by a judgment of the Administrative Court of Appeal (*kammarrätten*) of Göteborg on 26 April 1993. After having granted the applicants leave to appeal on 2 March 1994, the Supreme Administrative Court (*Regeringsrätten*), on 9 February 1995, quashed the decisions and the judgment in the case and referred the case back to the Building Committee. On 9 March 1995 the Building Committee again granted the property owner the requested building permit. The applicants' and some other neighbours' appeals were rejected by the County Administrative Board on 30 January 1996 and by the Administrative Court of Appeal on 14 October 1996. On 23 November 1998 the Supreme Administrative Court refused the applicants leave to appeal.

THE LAW

8. On 19 July 2004 the Court received the following declaration from the Government, signed by the Agent of the Government on 1 June 2004 and by Mr Jerker Andersson on behalf of the applicants on 3 June 2004:

“The Swedish Government (“the Government”) and the applicants 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.

a) The Government will pay, *ex gratia*, the total sum of SEK 75,000 (seventy-five thousand) [approximately 8,000 euros] to the applicants. The amount will be paid to Mr Jerker Andersson, who has been authorized by the other applicants to receive payment on their 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.

b) The applicants declare that they have no further claims on the Swedish State based on the facts of the [present] application.

c) The Government and the applicants 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.”

By a decision of 8 July 2004 the Government approved the settlement reached.

9. 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).

10. 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 14 October 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren NIELSEN
Registrar

Christos ROZAKIS
President