



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

THIRD SECTION

CASE OF VALIN v. SWEDEN

(Application no. 61390/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

22 February 2007

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

In the case of Valin v. Sweden,

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

Mr B.M. ZUPANČIČ, *President*,
Mr C. BÎRSAN,
Mrs E. FURA-SANDSTRÖM,
Mr E. MYJER,
Mr DAVID THÓR BJÖRGVINSSON,
Mrs I. ZIEMELE,
Mrs I. BERRO-LEFÈVRE, *judges*,

and Mr S. QUESADA, *Section Registrar*,

Having deliberated in private on 1 February 2007,

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

PROCEDURE

1. The case originated in an application (no. 61390/00) 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, Mr Ragnar Valin (“the applicant”), on 20 June 2000.

2. The applicant was represented by Mr J. Thörnhammar, a lawyer practising in Stockholm. The Swedish Government (“the Government”) were represented by their Agents, originally by Ms E. Jagander and subsequently by Ms I. Kalmerborn, of the Ministry for Foreign Affairs.

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

4. On 6 September 2005, after obtaining the parties' observations, the Court (Second Section) declared the application admissible.

5. On 30 June 2006, 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 December 2006 the Government submitted a declaration on a friendly settlement of the case signed by the Agent of the Government on 22 November 2006 and by the applicant's representative on 4 December 2006.

6. On 19 January 2007, the case was transferred to the Third Section.

THE FACTS

7. The applicant was born in 1949 and lives in Leksand.

8. On 3 May 1993 the Tax Authority (*skattemyndigheten*) of the County of Dalarna decided to carry out a tax audit of KB Forward, a construction company owned by the applicant and his two brothers. As a result, value-added tax (*mervärdeskatt*) of more than 7 million Swedish *kronor* (SEK), including tax surcharges, was levied on the company.

9. Unable to pay this sum, the company was declared bankrupt on 16 December 1993, at its own request.

10. On 18 March 1994 the public prosecutor opened, on the basis of the findings of the tax audit, a preliminary investigation against the applicant.

11. On 3 May 1999 the public prosecutor indicted the applicant for an aggravated bookkeeping offence (*grovt bokföringsbrott*) or, in the alternative, for having grossly impeded tax supervision (*försvårande av skattekontroll, grovt brott*).

12. By a decision of 25 January 2000, the District Court rejected the applicant's request that the criminal case be dismissed on formal grounds. On 6 April 2000 the Svea Court of Appeal (*Svea hovrätt*) upheld the District Court's decision and on 18 May 2000 the Supreme Court (*Högsta domstolen*) refused leave to appeal.

13. By a judgment of 28 March 2001, the District Court acquitted the applicant, whilst acknowledging that the proceedings had been excessively long. On 18 April 2001, no appeal having been lodged, the District Court's judgment acquired legal force.

14. On 20 April 2001 the applicant submitted a claim for pecuniary compensation to the Chancellor of Justice (*Justitiekanslern*), in which he maintained that the slow handling of his case had constituted a wrongful act or omission within the meaning of the Tort Liability Act (*Skadeståndslagen*, 1972:207) and that, thus, the Swedish State was liable to pay compensation.

15. By a decision of 30 October 2003, the Chancellor of Justice rejected the applicant's claim, disagreeing with the District Court's view on the length of the proceedings.

THE LAW

16. On 8 December 2006 the Court received the following declaration from the Government, signed by the Agent of the Government on 22 November 2006 and by the applicant's representative on 4 December 2006:

“The Swedish Government (“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.

a) The Government will pay, *ex gratia*, the sum of EUR 15,000 (fifteen thousand) to the applicant, to be converted into Swedish kronor at the rate applicable on the date of payment. The amount will be paid to his counsel, Mr Jan Thörnhammar, who has been authorised by the applicant to receive payment on his 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 applicant declares that he has no further claims on the Swedish State based on the facts of the [present] application.

c) 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.”

By a decision of 18 January 2007, the Government approved the settlement reached.

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).

18. 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 22 February 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Santiago QUESADA
Registrar

Boštjan M. ZUPANČIČ
President