



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

FIRST SECTION

DECISION

Application no. 6848/05
by OOO INFORM-X
against Russia

The European Court of Human Rights (First Section), sitting on 9 March 2006 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,

Mrs F. TULKENS,

Mr P. LORENZEN,

Mrs N. VAJIĆ,

Mrs S. BOTOUCHAROVA,

Mr A. KOVLER,

Mr K. HAJIYEV, *judges*,

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

Having regard to the above application lodged on 7 February 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant is a Russian limited liability company “Inform-X” (OOO “Информ-Х”) having its registered office in Moscow. The company is represented before the Court by its director-general, Mr A. Boychenko. The respondent Government are represented by Mr P. Laptev, Representative of the Russian Federation at the European Court of Human Rights.

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

On 10 March 2004 the Moscow Commercial Court allowed the applicant company's civil action against the Ministry of Finance of the Saratov Region and awarded it 3,463.93 Russian roubles (RUR, approximately 98 euros). The judgment became final on 10 April 2004.

On 23 April 2004 the Commercial Court of Moscow issued a writ of execution.

On 24 May 2004 the applicant company submitted the writ of execution to the Central Bank of the Russian Federation.

By a letter of 24 May 2004, the Central Bank informed the applicant company that there were no available funds on the debtor's account and that the writ of execution was placed on the waiting list.

On 28 May 2004 the amount due was credited to the applicant company's account.

COMPLAINTS

The applicant complained under Article 6 of the Convention and Article 1 of Protocol No. 1 about non-enforcement of the judgment of the Commercial Court of Moscow of 10 March 2004.

THE LAW

On 25 April 2005 the application was communicated to the respondent Government.

On 24 August 2005 the Government's observations on the admissibility and merits of the application were received and the applicant company was invited to submit its written observations in reply by 28 October 2005.

On 22 September 2005 the English version of the Government's observations was forwarded to the applicant company. The time-limit for the submission of the applicant company's observations remained unaffected.

As the applicant company's observations on the admissibility and merits had not been received by the indicated time-limit, on 19 December 2005 the applicant company was advised by registered mail that the failure to submit its observations might result in the strike-out of the application.

To date the applicant company has not replied.

The Court recalls Article 37 of the Convention which, in the relevant part, reads as follows:

"1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

- (a) the applicant does not intend to pursue his application; or
- (b) the matter has been resolved...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the Protocols thereto so requires...”

The applicant company was advised that it was to submit written observations on the admissibility and merits of the case. It was subsequently reminded thereof. The applicant company has not replied to date. The Court further notes that the matter has been resolved at the domestic level and that the applicant company appears to have no intention to pursue the application (Article 37 § 1 (a) and (b) of the Convention). Furthermore, it finds no public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention and to strike the application out of its list of cases.

Santiago QUESADA
Deputy Registrar

Christos ROZAKIS
President