

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

FIRST SECTION

DECISION

Applications nos. 3914/09, 4250/09, 4251/09, 4252/09, 4253/09, 4254/09
by Brigitta AJTNIK and Others
against Austria

The European Court of Human Rights (First Section), sitting on 31 May 2011 as a Committee composed of:

Peer Lorenzen, *President,*
Elisabeth Steiner,
Julia Laffranque, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above applications lodged on 13 January 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

PROCEDURE

The applicants, Ms Brigitta Ajtnik, Mr Walther Schmid, Mr Helmut Schmid, Mr Harold Schmid, Ms Ursula Schmid and Ms Christa Mandl, are Austrian nationals who were born in 1960, 1970, 1965, 1937, 1940 and 1948, respectively. The first applicant lives in Mooskirchen, the second to sixth applicants live in Graz. The applicants were represented before the Court by Mr H. Horn, a lawyer practising in Graz. The Austrian Government ("the Government") were represented by their Agent, Ambassador H. Tichy, Head of the International Law Department at the Federal Ministry for European and International Affairs.

The applicants complained under Article 6 § 1 of the Convention about the length of civil proceedings.

On 7 March and 9 March 2011 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Austria in respect of the facts giving rise to their applications against an undertaking by the Government to pay them an overall amount of 10,000 euros (EUR) to cover any non-pecuniary damage as well as costs and expenses, which will be free of any taxes chargeable to the applicants. This sum will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the cases.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the applications (Article 37 § 1 *in fine* of the Convention).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike the applications out of its list of cases.

André Wampach
Deputy Registrar

Peer Lorenzen
President