

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

FIRST SECTION

DECISION

Application no. 26362/10
Vasilios ASIMAKOPOULOS
against Greece

The European Court of Human Rights (First Section), sitting on 28 May 2013 as a Committee composed of:

Elisabeth Steiner, *President,*
Mirjana Lazarova Trajkovska,
Ksenija Turković, *judges,*

and André Wampach, Deputy Section Registrar,

Having regard to the above application lodged on 29 March 2010,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Vasilios Asimakopoulos, is a Greek national, who was born in 1937 and lives in Athens.

The Greek Government ("the Government") were represented by their Agent, Mr F. Georgakopoulos, President of the Legal Council of the State.

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

On 19 December 2006 the applicant lodged an appeal with the State Audit Council challenging a decision of the State's General Accounting Office relative with his rights to pension.

As it transpires from the case file, the proceedings are still pending.

COMPLAINT

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings before the domestic courts.

THE LAW

On 29 October 2012 the Court received the following declaration from the Government:

> "I, Fokion P. Georgakopoulos, Agent of the Greek Government, declare that the Government of Greece offer to pay *ex gratia* to Mr Vasilios Asimakopoulos, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 4,000 euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be payable within three months from the date of notification of the decision by the Court to strike the case out of its list of cases. In the event of failure to pay this sum within the said three-month period, the Government undertake 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 case."

On 31 October 2012 the Court received the following declaration signed by the applicant:

> "I, Vasilios Asimakopoulos, note that the Government of Greece are prepared to pay me *ex gratia*, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 4 000 euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to me.
>
> This sum will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> I accept the proposal and waive any further claims against Greece in respect of the facts giving rise to this application. I declare that this constitutes a final resolution of the case."

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 application.

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

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

André Wampach Deputy Registrar	Elisabeth Steiner President