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

FIFTH SECTION

DECISION

Application no. 22280/12
Anita Milanova ATANASOVA
against Bulgaria

The European Court of Human Rights (Fifth Section), sitting on 10 October 2017 as a Committee composed of:

Nona Tsotsoria, *President,*
Síofra O'Leary,
Lətif Hüseynov, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 4 April 2012,

Having regard to the declaration submitted by the respondent Government on 11 April 2016 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Anita Milanova Atanasova, is a Bulgarian national, who was born in 1948 and lives in Gulyantsi. She was represented before the Court by Mr I. Tsenkulov, a lawyer practising in Pleven.

The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Dimova, of the Ministry of Justice.

The applicant complained under Article 6 § 1 of the Convention about the excessive length of enforcement proceedings following criminal proceedings against a third person in which the applicant was a civil party.

The application was communicated to the Government on 22 September 2014.

THE LAW

After the failure of attempts to reach a friendly settlement, the Government submitted a unilateral declaration, initially on 1 July 2015 and a modified one on 11 April 2016, with a view to resolving the issue raised by the application.

The Government acknowledged a violation of Article 6 § 1 as a result of the excessive length of enforcement proceedings in respect of the payment to the applicant of a sum of money due to her on the basis of a final judgment. The Government also offered to pay to the applicant 1,300 euros which they considered reasonable in the light of the Court's case-law. They indicated that this sum is to cover any pecuniary and non-pecuniary damage as well as cost and expenses and will be converted into Bulgarian levs at the exchange rate applicable at the time of payment, and will be free of any taxes that may be chargeable to the applicant. It 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 Convention. 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. Payment of the sum above would constitute the final resolution of the case. The Government then invited the Court to rule that the examination of the present application is no longer justified and to strike the application out of its list of cases, pursuant to Article 37 § 1 (c) of the Convention.

By a letter of 3 June 2016, the applicant indicated that she was satisfied with the terms of the unilateral declaration.

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties. It therefore 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.

Done in English and notified in writing on 2 November 2017.

Anne-Marie Dougin Acting Deputy Registrar	Nona Tsotsoria President