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

FOURTH SECTION

DECISION

Application no. 45211/08
Ion BĂRĂGAN and Elena BĂRĂGAN against Romania
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 2 June 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on the date indicated in the appended table,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The details of the application are set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Romanian Government ("the Government").

The applicants also raised complaints under other provisions of the Convention.

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declaration with a view to resolving the issues raised by these complaints. They further

requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the excessive length of civil proceedings. They offered to pay the applicants the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the 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.

The Court has not received a response from the applicants which accepts the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the applications".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* (preliminary objections) ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of civil proceedings (see, for example, *Vlad and Others v. Romania,* nos. 40756/06, 41508/07 and 50806/07, 26 November 2013).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list as regards the complaint concerning the excessive length of civil proceedings.

The applicants also raised other complaints under various articles of the Convention.

The Court has examined the complaints listed in the appended table and considers that, in the light of the material in its possession and in so far as the matters complained of are within its competence, these complaints do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or the Protocols thereto.

It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration in so far as it concerns the excessive length of civil proceedings, and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike this part of the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 23 June 2016.

Hasan Bakırcı
Deputy Registrar

Vincent A. De Gaetano
President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant name Date of birth	Date of receipt of Government's declaration	Date of receipt of applicant's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per household (in euros)[i]
1.	45211/08 09/09/2008	**Household** **Ion BĂRĂGAN** 01/02/1947 **Elena BĂRĂGAN** 24/08/1949	30/05/2014	-	1,500

[i] Plus any tax that may be chargeable to the applicants.