

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

SECOND SECTION

DECISION

Application no. 18428/09
Attila BÉRES-DEÁK and Szilvia BÉRES-DEÁKNÉ IVÁNYI
against Hungary

The European Court of Human Rights (Second Section), sitting on 13 December 2011 as a Committee composed of:

Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 April 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicants, Mr Attila Béres-Deák and Mrs Szilvia Béres-Deákné Iványi, are Hungarian nationals who were born in 1960 and 1959 respectively and live in Gyöngyös. The Hungarian Government ("the Government") were represented by Mr L. Höltzl, Agent, Ministry of Public Administration and Justice.

The applicants complained under Article 6 § 1 of the Convention about the length of civil proceedings to which they were parties.

On 18 October and 25 November 2011 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Hungary in respect of the facts giving rise to this application against an undertaking by the Government to

pay them jointly EUR 6,400 (six thousand four hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Hungarian forints at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. This amount 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. The payment will constitute the final resolution of the case.

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 application (Article 37 § 1 *in fine* of the Convention).

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.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President