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

FIRST SECTION

DECISION

Application no. 10640/16
Alma BUDIŠĆAK
against Croatia

The European Court of Human Rights (First Section), sitting on 23 May 2017 as a Committee composed of:

Kristina Pardalos, *President,*
Ksenija Turković,
Pauliine Koskelo, *judges,*

and Renata Degener, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 February 2016,

Having regard to the declaration submitted by the respondent Government on 7 October 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

1. The applicant, Ms Alma Budišćak, is a Croatian national, who was born in 1977 and lives in Zagreb. She was represented before the Court by Mr L. Kipa, a lawyer practising in Zagreb.

2. The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

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

4. The application was communicated to the Government.

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THE LAW

5. After the failure of attempts to reach a friendly settlement, by a letter of 7 October 2016 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

6. The declaration provided as follows:

> "(a) acknowledges that in the instant case there has been a violation of the applicant's right to a fair trial within a reasonable time, guaranteed by Article 6 § 1 of the Convention; and
>
> (b) is ready to pay to the applicant the amount of 2,700 euros to cover any and all non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be converted into Croatian kunas at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights to the account indicated by the applicant. 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."

7. By a letter of 10 November 2016, the applicant indicated that she was not satisfied with the terms of the unilateral declaration because the sum offered by the Government was unacceptably low.

8. 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".

9. 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* judgment ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

10. The Court has established clear and extensive case-law concerning complaints relating to the excessive length of civil proceedings (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98; *Kozlica v. Croatia*, no. 29182/03, 2 November 2006; and *Pavić v. Croatia*, no. 21846/08, 28 January 2010).

11. Noting the admission contained in the Government's declarations 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)).

12. Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, 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*).

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

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

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

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

Done in English and notified in writing on 15 June 2017.

Renata Degener
Deputy Registrar

Kristina Pardalos
President