

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

THIRD SECTION

DECISION

Application no. 24965/04
by Alexandru Ioan BULAI
against Romania

The European Court of Human Rights (Third Section), sitting on 12 April 2011 as a Committee composed of:

Egbert Myjer, *President,*
Luis López Guerra,
Mihai Poalelungi, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 March 2004,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Alexandru Ioan Bulai, is a Romanian national who was born in 1934 and lives in Bacau. The Romanian Government ("the Government") were represented by their Agent, Mr Răzvan-Horaţiu Radu, from the Ministry of Foreign Affairs.

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

On 20 November 2001, the applicant lodged an action before the first instance court of Galaţi, seeking the annulment of the property deed of a third party over a piece of land for which he was claiming the right to restitution under law no. 18/1991. After three successive cassations, his

action is still pending before the first instance court, after more than nine years.

COMPLAINTS

Invoking Article 6 § 1 of the Convention, the applicant complained of the length and the unfairness of the proceedings. The applicant also complained under Article 1 of Protocol No. 1 to the Convention regarding his alleged property rights.

THE LAW

On 21 February 2011 the Court received the following declaration from the Government:

> "I, Răzvan-Horaţiu Radu, Agent of the Government before the European Court of Human Rights, declare that the Government of Romania offer to pay *ex gratia* the sum of 2,800 euros (two thousand eight hundred euros) to Mr Alexandru Ioan Bulai, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover all damages, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. 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 European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on them, 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 25 January 2011 the Court received the following declaration signed by the applicant:

> "I, Alexandru Ioan Bulai, note that the Government of Romania are prepared to pay me *ex gratia* the sum of 2,800 euros (two thousand eight hundred euros) with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover all damages regarding the complaint under Article 6 of the Convention, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. 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 European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on them, 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 aspects regarding the restitution of land were set by friendly settlement with the local authorities (see the minutes of the conciliatory meeting no. 2247/12.04.2005, modified by the addendum no. 7877/17.11.2010, which have not been enforced yet but which make the object of the friendly settlement)."

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.

Marialena Tsirli	Egbert Myjer
Deputy Registrar	President