CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIFTH SECTION

DECISION

Application no. 42701/04
by Pavel BULÍN
against the Czech Republic

The European Court of Human Rights (Fifth Section), sitting on 27 March 2007 as a Chamber composed of:

Mr P. LORENZEN, *President*,
Mr K. JUNGWIERT,
Mr V. BUTKEVYCH,
Mrs M. TSATSA-NIKOLOVSKA,
Mr J. BORREGO BORREGO,
Mrs R. JAEGER,
Mr M. VILLIGER, *judges*,
and Mrs C. WESTERDIEK, *Section Registrar*,

Having regard to the above application lodged on 23 November 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Pavel Bulín, is a Czech national who was born in 1945 and lives in Ústí Nad Labem. The Czech Government ("the Government") were represented by their Agent, Mr V.A. Schorm, from the Ministry of Justice.

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

On 26 November 1997 the applicant, then working as a company lawyer for a Czech joint stock company, received a notice of dismissal in which he was informed that he had become redundant.

On 23 April 1998 he brought proceedings against the company before the Ústí nad Labem District Court (*okresní soud*), seeking to have his dismissal declared null and void.

In a judgment of 4 June 2003 the District Court declared the applicant's dismissal null and void.

The proceedings terminated by a judgment of the Ústí nad Labem Regional Court (*krajský soud*) of 6 May 2004, upholding the District Court's judgment of 4 June 2003. The proceedings were finally closed on 1 July 2004.

COMPLAINT

The applicant complained under Article 6 of the Convention of the excessive length of the proceedings.

THE LAW

Article 37 of the Convention, as far as relevant, reads as follows:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
>
> (a) the applicant does not intend to pursue his application;"

Rule 43 § 1 of the Rules of Court, as far as relevant, reads as follows:

> "The Court may at any stage of the proceedings decide to strike an application out of its list of cases in accordance with Article 37 of the Convention."

In a letter of 10 January 2007 the applicant informed the Court that the Ministry of Justice had granted his claim for moral damages under Act no. 82/1998 as amended and had awarded him CZK 67,500 (EUR 2,397) which had been paid on his bank account on 5 January 2007.

The applicant expressed his view that in these circumstances, the proceedings could be closed.

In the light of the declaration submitted by the applicant, the Court concludes that he does not intend to pursue his application. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, that would require it to continue the proceedings.

Accordingly, the application of Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Claudia WESTERDIEK
Registrar

Peer LORENZEN
President