

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

FOURTH SECTION

DECISION

Application no. 58461/13
Adolf and Elke BURGSTALLER
against Austria

The European Court of Human Rights (Fourth Section), sitting on 31 May 2016 as a Committee composed of:

Krzysztof Wojtyczek, *President,*
Iulia Motoc,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 13 September 2013,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Adolf Burgstaller and Ms Elke Burgstaller, are Austrian nationals, who were born in 1940 and 1944 respectively and live in Köstendorf. They were represented before the Court by Mr J. Postlmayr, a lawyer practising in Mattighofen.

The Austrian Government ("the Government") were represented by their Agent, Mr H. Tichy, Head of the International Law Department at the Federal Ministry for Europe, Integration and Foreign Affairs.

The applicants complained under Articles 6 and 13 of the Convention about the length of their administrative proceedings, the lack of an effective remedy for their acceleration and the lack of an oral hearing.

On 10 March and 7 April 2016 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Austria in respect of the facts giving rise to this application against an undertaking by the Government to pay them 6,000 euros to cover any and all damage as well as costs and expenses, which will be free of any taxes that may be applicable, and payable within three months from the date of notification of the decision taken by the Court. 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 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 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. 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 in accordance with Article 39 of the Convention.

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

Fatoş Aracı
Deputy Registrar

Krzysztof Wojtyczek
President