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

SECOND SECTION

DECISION

Application no. 45027/05
Hamdi Nüzhet ÇANÇAR
against Turkey

The European Court of Human Rights (Second Section), sitting on 28 June 2016 as a Committee composed of:

Paul Lemmens, *President,*
Ksenija Turković,
Jon Fridrik Kjølbro, *judges,*

and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 December 2005,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Mr Hamdi Nüzhet Çançar, is a Turkish national, who was born in 1960 and lives in İzmir. He was represented before the Court by Mr M. Bayat, a lawyer practising in Ankara.

2. The Turkish Government ("the Government") were represented by their Agent.

A. The circumstances of the case

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

4. The applicant operated a pharmacy with a licence issued by the Ministry of Health on 3 July 2001.

5. Following a number of allegations filed with the authorities claiming that the applicant's pharmacy had not been operated in compliance with the

professional regulations and that its activities had been in contravention with the requirements of the work licence, on 30 May 2002 the Ministry of Health revoked the applicant's work licence.

6. On 1 July 2002, the pharmacy ceased its operation.

7. On 19 July 2002 the applicant filed an action with the Ankara Administrative Court requesting the annulment of the administrative decision of 30 May 2002 revoking his work licence.

8. Having regard to the findings in the investigation report drawn up by an inspector attached to the Ministry of Health, by a judgment of 20 March 2003 the Ankara Administrative Court held that the administrative decision revoking the applicant's licence was lawful.

9. The applicant lodged an appeal against the Ankara Administrative Court's judgment. On 12 February 2004 the Chief Public Prosecutor at the Supreme Administrative Court delivered his written opinion in which, without raising any new issue, he invited the court to uphold the decision. This opinion was not notified to the applicant. On 27 April 2004 the Supreme Administrative Court upheld the Ankara Administrative Court's judgment.

10. On 23 March 2005 the applicant's rectification request was rejected.

11. The Supreme Administrative Court's decision was served on the applicant on 15 June 2005.

B. Relevant domestic law

12. A description of the relevant domestic law may be found in *Kılıç and others v. Turkey* (dec.), (no. 33162/10, §§ 10-13, 3 December 2013).

COMPLAINT

13. The applicant complained under Article 6 § 1 of the Convention that non-communication of the Chief Public Prosecutor's written opinion to him during the appeal proceedings before the Supreme Administrative Court had violated his right to an adversarial and fair hearing.

THE LAW

14. The applicant argued that the non-communication of the Chief Public Prosecutor's written opinion in the appeal proceedings before the Supreme Administrative Court had violated his right to a fair hearing. In this respect he relied on Article 6 § 1 of the Convention which, in so far as relevant, reads as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law."

15. The Court notes that it has already examined the same issue in the case of *Kılıç and others v. Turkey* ((dec.), (no. 33162/10, §§ 19-32, 3 December 2013) and considered that the applicants had not suffered a significant disadvantage. Accordingly, it has declared this complaint inadmissible in accordance with Article 35 § 3 (b) of the Convention.

16. Having in particular regard to the content of the written opinion of the Chief Public Prosecutor at the Supreme Administrative Court (see paragraph 9 above), the Court finds no particular circumstances in the present application which would require it to depart from its findings in the aforementioned case.

17. In the light of the foregoing, the application is inadmissible and must be rejected pursuant to Article 35 §§ 3 (b) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 July 2016.

Hasan Bakırcı	Paul Lemmens
Deputy Registrar	President