

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

FOURTH SECTION

CASE OF DINU v. ROMANIA

(Application no. 56070/08)

JUDGMENT

STRASBOURG

28 September 2017

This judgment is final but it may be subject to editorial revision.



In the case of Dinu v. Romania,

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

Vincent A. De Gaetano, *President,*
Georges Ravarani,
Marko Bošnjak, *judges,*

and Liv Tigerstedt *Acting Deputy Section Registrar,*

Having deliberated in private on 7 September 2017,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 November 2008.

2. The application was communicated to the Romanian Government ("the Government").

THE FACTS

3. The applicant's details are set out in the appended table.

4. The applicant complained of the excessive length of civil proceedings and also raised other complaints under the provisions of the Convention.

THE LAW

I. THE GOVERNMENT'S REQUEST FOR THE APPLICATION TO BE STRUCK OUT UNDER ARTICLE 37 OF THE CONVENTION

5. After unsuccessful friendly-settlement negotiations, the Government requested the Court, by a letter of 13 March 2012, to strike the case out of its list and enclosed the text of a unilateral declaration with a view to resolving the issues raised by the applicant.

6. By a letter of 26 October 2012 the applicant expressed her disagreement and invited the Court to continue the examination of her case.

7. The Court notes that, under certain circumstances, it may be appropriate to strike out an application under Article 37 § 1 (c) of the Convention on the basis of a unilateral declaration by the respondent

Government, even if the applicant wishes the examination of the case to be continued. It will, however, depend on the particular circumstances whether the unilateral declaration offers a sufficient basis for finding that respect for human rights as defined in the Convention does not require the Court to continue its examination of the case (see *Tahsin Acar v. Turkey* (preliminary objection) [GC], no. 26307/95, § 75, ECHR 2003-VI, and *Angelov and Others v. Bulgaria*, no. 43586/04, § 12, 4 November 2010).

8. Having studied the terms of the Government's unilateral declaration, the Court considers, in the particular circumstances of the case and in particular because the amount of compensation proposed is substantially lower than the amount the Court would have awarded in similar cases, that the unilateral declaration does not provide a sufficient basis for concluding that respect for human rights as defined in the Convention and its Protocols does not require it to continue its examination of the case (see *Angelov and Others,* cited above, § 13).

9. This being so, the Court rejects the Government's request to strike the application out under Article 37 of the Convention and will accordingly pursue its examination of the admissibility and merits of the case.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

10. The applicant complained principally that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement. She relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

> "In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ..."

11. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

12. In the leading case of *Vlad and Others v. Romania,* nos. 40756/06, 41508/07 and 50806/07, 26 November 2013, the Court already found a violation in respect of issues similar to those in the present case.

13. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of this complaint. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

14. This complaint is therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

III. REMAINING COMPLAINTS

15. The applicant also raised other complaints under various Articles of the Convention.

16. The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

17. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

18. Regard being had to the documents in its possession and to its case-law, the Court considers it reasonable to award the sums indicated in the appended table.

19. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Rejects* the Government's unilateral declaration and their request to strike the application out of the Court's list of cases;

2. *Declares* the complaint concerning the excessive length of civil proceedings admissible, and the remainder of the application inadmissible;

3. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

4. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 28 September 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt	Vincent A. De Gaetano
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

No.	Application no. Date of introduction	Applicant name Date of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction Domestic court file number	Amount awarded for non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
1.	56070/08 11/11/2008	**Georgeta Dinu** 24/09/1954	10/10/2001	12/05/2008	6 years, 7 months and 3 days 2 levels of jurisdiction 19774/3/2007	1,800	110

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicants.