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

SECOND SECTION

DECISION

Application no. 2804/17
Micho CHALI
against North Macedonia
(see appended table)

The European Court of Human Rights (Second Section), sitting on 3 February 2022 as a Committee composed of:

Gilberto Felici, *President,*
Jovan Ilievski,
Diana Sârcu, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 29 December 2016,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. He was represented by Mr D. Karev, a lawyer practising in Tetovo.

The applicant's complaint under Article 1 of Protocol No. 12 to the Convention concerning alleged discrimination on the grounds of his age and health was communicated to the Government of North Macedonia ("the Government").

THE LAW

After the failure of attempts to reach a friendly settlement, the Government submitted a unilateral declaration with a view to resolving the issues raised in the present application.

The Government acknowledged that the impugned proceedings did not fulfil the requirements of the applicant's right protected under Article 1 of Protocol No. 12 to the Convention. They offered to pay the applicant the

amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the national currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned 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 applicant was sent the terms of the Government's unilateral declaration. In reply the applicant indicated that he was not satisfied with its terms. He stated that the proposed amount was not adequate and sufficient to compensate for the alleged violation and that this justified the need for the Court to continue the examination of the case.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear case-law concerning complaints relating to discrimination on the grounds of age (see, *mutatis mutandis*, *Carvalho Pinto de Sousa Morais v. Portugal*, no. 17484/15, § 56, 25 July 2017) and health (see *Kiyutin v. Russia*, no. 2700/10, § 74, ECHR 2011).

Noting the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 24 February 2022.

Viktoriya Maradudina	Gilberto Felici
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 1 of Protocol No. 12 to the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
2804/17 29/12/2016	**Micho CHALI** 1954	Darko Karev Tetovo	27/03/2020	16/09/2020	2,250

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