

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

FIRST SECTION

DECISION

Application no. 14848/10
by Christos KARAGIANNIS
against Greece

The European Court of Human Rights (First Section), sitting on 6 December 2011 as a Committee composed of:

Anatoly Kovler, *President,*
Linos-Alexandre Sicilianos,
Erik Møse, *judges,*

and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 March 2010,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Christos Karagiannis, is a Greek national who was born in 1971 and lives in Thessaloniki. He was represented before the Court by Mr T. Karagiannis, a lawyer practising in Thessaloniki. The Greek Government ("the Government") were represented by their Agent, Mr F. Georgakopoulos, President of the Legal Council of the State.

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

On 22 November 2001 the applicant lodged an action with the First Instance Administrative Court of Thessaloniki against the National School of Judges (a Legal Entity of Public Law) claiming that a higher

remuneration should have been awarded to him when he was student during 1998-1999.

On 11 March 2003 his claim was partially accepted (judgment no. 1013/2003).

On 26 June 2003 the adverse party lodged an appeal.

On 31 March 2004 the Thessaloniki Administrative Court of Appeal rejected the appeal and upheld the First Instance court's decision (judgment no. 599/2004).

On 9 December 2004 the adverse party lodged an appeal on points of law with the Supreme Administrative Court.

As it transpires from the case file, these proceedings are still pending.

COMPLAINTS

1. The applicant complained under Articles 6 § 1 and 13 of the Convention about the length of the proceedings before domestic courts and the lack of an effective remedy in this respect.

2. He also complained under Article 1 of Protocol No. 1 that his right to property was violated because he was not awarded the total amount of money he was allegedly entitled to.

THE LAW

On 2 September 2011 the Court received the following declaration signed by the applicant's representative:

> "I, Theodoros Karagiannis, a lawyer practising in Thessaloniki, note that the Government of Greece are prepared to pay *ex gratia* to Mr Christos Karagiannis, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 5,500 euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> Having consulted my client, I would inform you that he accepts the proposal and waives any further claims against Greece in respect of the facts giving rise to this application. He declares that this constitutes a final resolution of the case."

On 8 September 2011 the Court received the following declaration from the Government:

> "I, Fokion P. Georgakopoulos, Agent of the Greek Government, declare that the Government of Greece offer to pay, *ex gratia* to Mr Christos Karagiannis, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 5,500 euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from 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 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 (Article 37 § 1 *in fine* of the Convention).

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.

André Wampach
Deputy Registrar

Anatoly Kovler
President