

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

THIRD SECTION

DECISION

Application no. 7339/08
by Costica RAD
against Romania

The European Court of Human Rights (Third Section), sitting on 12 April 2011 as a Committee composed of:

Ján Šikuta, *President,*
Ineta Ziemele,
Kristina Pardalos, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 5 September 2007,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Costică Rad, is a Romanian national who was born in 1949 and lives in Baia Mare. He was represented before the Court by Ms A. M. Traiszta, a lawyer practising in Baia Mare. The Romanian Government ("the Government") were represented by their Agent, Mr Răzvan-Horaţiu Radu, from the Ministry of Foreign Affairs.

On 13 February 2002 the applicant brought proceedings against the Călineşti Local Council and a third party seeking the annulment of the legal documents concerning the nationalisation of the property and its further division into several plots. By a final decision of 14 May 2008 the Court of

Cassation rejected the applicant's action. The proceedings lasted over six years, before six courts.

COMPLAINTS

Invoking Article 6 § 1 of the Convention the applicant complained of the length and the unfairness of the proceedings, in so far as the courts wrongfully assessed the evidence and misinterpreted the applicable legal provisions.

He also complained under Article 1 of Protocol No. 1, regarding the alleged violation of his property rights with respect to the immovable property.

THE LAW

On 5 January 2010 the Court received the following declaration from the Government:

> "I declare that the Government of Romania offer to pay 1,250 euros (one thousand two hundred and fifty euros) to Mr Costică Rad, represented by Ms. Apollonia Maria Traiszta, lawyer, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover any pecuniary and non-pecuniary damage, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken 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."

On 24 November 2009 the Court received the following declaration signed by the applicant:

> "I, Apollonia Maria Traizsta, lawyer, note that the Government of Romania are prepared to pay the sum of 1,250 euros (one thousand two hundred and fifty euros) to Mr. Costică Rad with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover ay pecuniary and non-pecuniary damage as well as costs and expenses, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken 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 Romania in respect of the facts giving rise to this application. He declares that this constitutes a 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.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President