

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

THIRD SECTION

DECISION

Application no. 11295/06
Fănel ENE
against Romania

The European Court of Human Rights (Third Section), sitting on 6 November 2012 as a Committee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 March 2006,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Fănel Ene, is a Romanian national, who was born in 1964 and lives in Nicolae Bălcescu, Teleorman County.

The Romanian Government ("the Government") were represented by their Agent, Ms Irina Cambrea, of the Ministry of Foreign Affairs.

The applicant complained under Article 6 of the Convention about an alleged lack of impartiality of the courts having dealt with the divorce and custody proceedings initiated by his former spouse.

The application was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

By letter dated 13 September 2012, sent by registered post, the applicant was notified that the period allowed for submission of his observations had

expired on 12 July 2012 and that no extension of time had been requested. The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant received this letter on 25 September 2012. However, no response has been received.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

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 Deputy Registrar	Alvina Gyulumyan President