

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

FOURTH SECTION

DECISION

Application no. 75500/12
Gabor ÉRI and Józsefné ERI
against Hungary

The European Court of Human Rights (Fourth Section), sitting on 3 November 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on the date indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The application was lodged with the Court by Mr Gábor Éri ("first applicant") and Ms Józsefné Éri ("second applicant"), both Hungarian nationals, who were born in 1961 and 1923, respectively, and lived in Budapest.

They were represented by Ms I. Kmetty, a lawyer practising in Vác.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of civil proceedings were communicated to the Hungarian Government ("the Government").

The Court received friendly-settlement declarations under which the applicants agreed to waive any further claims against Hungary in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay them, jointly, EUR 7,000 (seven thousand euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicants. This

amount will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will 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 undertake 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 payment will constitute the final resolution of the case.

On 16 September 2016 the applicants' lawyer informed the Court about the second applicant's decease.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It further notes the second applicant's decease, following to which the amount agreed in the friendly settlement is to be paid to the first applicant alone.

The Court is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 24 November 2016.

Hasan Bakırcı
Deputy Registrar

Vincent A. De Gaetano
President