CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

THIRD SECTION

DECISION

Application no. 31552/05
by Jan ERLANDSSON
against Sweden

The European Court of Human Rights (Third Section), sitting on 26 February 2008 as a Chamber composed of:

Josep Casadevall, *President,*
Elisabet Fura-Sandström,
Corneliu Bîrsan,
Boštjan M. Zupančič,
Alvina Gyulumyan,
Ineta Ziemele,
Luis López Guerra, *judges,*

and Santiago Quesada, *Section Registrar*,

Having regard to the above application lodged on 24 August 2005,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Jan Erlandsson, is a Swedish national who was born in 1946 and lives in Bjuv. The Swedish Government ("the Government") are represented by their Agent, Mr Bengt Sjöberg, director at the Ministry for Foreign Affairs.

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

The applicant used to work as an engineer. At some point he became unemployed and was, due to his membership of a private unemployment insurance fund, entitled to unemployment benefits for a period of three hundred days. Thereafter, he was offered participation in a public labour market policy programme called "activity guarantee" which, among other things, entailed that a public employment office (*arbetsförmedlingen*) undertook to help him find an appropriate job and that, in the meantime, he was entitled to public unemployment benefit. When an employment office came up with a job offer for the applicant, however, he turned it down, finding that it was inappropriate.

In return, pursuant to section 37 a of the statutory order on Labour Market Programmes (*no. 2000:634, Förordning om arbetsmarknadspolitiska program*), finding that the said job offer was appropriate and that the applicant had turned it down without any acceptable reasons, by decision of 25 April 2005 the County Labour Board (*Länsarbetsnämnden*) cancelled the applicant's participation in the programme.

The applicant appealed against the decision to the National Labour Market Board *(Arbetsmarknadsstyrelsen)*, which upheld it by decision of 2 June 2005.

Pursuant to section 39 of the statutory order an appeal could not be lodged against decisions by the National Labour Market Board. According to established case-law by the Supreme Administrative Court, such an appeal prohibition could be set aside if the relevant decision concerned someone's civil right. The said case law was adopted specifically to ensure compliance with the right to access to court in those cases where an appeal prohibition might otherwise be in violation of Article 6 § 1 of the Convention. The right was subsequently codified on 1 July 1986 by amendments to section 3 and 22a in the 1986 Administrative Procedure Act (*Förvaltningslagen,* SFS 1986:223).

COMPLAINT

The applicant complained under Articles 6 and 13 of the Convention that he could not bring the National Labour Market Board's decision of 2 June 2005 before the domestic courts.

THE LAW

By letter dated 24 October 2007 the Government's observations were sent to the applicant, who was requested to submit any observations together with any claims for just satisfaction in reply by 7 December 2007.

On 3 December 2007 the applicant informed the Court that he wanted to withdraw the application.

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 discontinue the application of Article 29 § 3 and 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.

Santiago Quesada
Registrar

Josep Casadevall
President