

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

THIRD SECTION

DECISION

Application no. 71327/12
Bence GÁL
against Romania

The European Court of Human Rights (Third Section), sitting on 15 April 2014 as a Committee composed of:

Dragoljub Popović, *President,*
Luis López Guerra,
Valeriu Griţco, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 October 2012,

Having regard to the declaration submitted by the respondent Government on 16 December 2013, requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Bence Gál, is a Romanian national, who was born in 1944 and lives in Miercurea Ciuc.

The Romanian Government ("the Government") were represented by their Agent, Ms C. Brumar, from the Ministry of Foreign Affairs.

The applicant complained under Article 6 § 1 of the Convention of the length of the civil proceedings in which he was involved. The proceedings lasted for ten years and seven months for two levels of jurisdiction.

On 22 May 2013, this complaint was communicated to the Government.

THE LAW

After the failure of attempts to reach a friendly settlement, by a letter of 16 December 2013, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 § 1 (c) of the Convention.

The declaration provided as follows:

> " Le Gouvernement déclare - au moyen de la présente déclaration unilatérale - qu'il reconnaît l'existence d'une violation de l'article 6 § 1 de la Convention qui découle de la durée excessive de la procédure interne.
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> Le Gouvernement déclare être prêt à verser à la partie requérante au titre de satisfaction équitable à l'égard de la durée de la procédure la somme totale de 3 000 EUR, montant qu'il considère comme raisonnable au vu de la jurisprudence de la Cour. Cette somme qui couvrira le préjudice matériel et moral ainsi que les frais et dépens, ne sera soumise à aucun impôt. Elle sera versée en lei roumains au taux applicable à la date du paiement sur le compte bancaire indiqué par la partie requérante, dans les trois mois suivant la date de la notification de la décision de la Cour rendue conformément à l'article 37 § 1 de la Convention européenne des droits de l'Homme. A défaut de règlement dans ledit délai, le Gouvernement s'engage à verser, à compter de l'expiration de celui-ci et jusqu'au règlement effectif de la somme en question, un intérêt simple à un taux égale à celui de la facilité de prêt marginal de la Banque centrale européenne, augmenté de trois points de pourcentage.
>
> Le Gouvernement invite respectueusement la Cour à dire que la poursuite de l'examen de la requête n'est plus justifiée et à la rayer du rôle en vertu de l'article 37 § 1 c) de la Convention. "

By a letter received by the Court on 20 January 2014, the applicant indicated that he was not satisfied with the terms of the unilateral declaration on the grounds that the compensation offered by the Government did not reflect the actual value of the immovable property he had claimed before the domestic courts.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> " for any other reason established by the Court, it is no longer justified to continue the examination of the application ".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the cases of

Tahsin Acar v. Turkey, [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI and *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007.

The Court has established in a number of cases, including those brought against Romania, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII and *Abramiuc v. Romania*, no. 37411/02, §§ 103-109, 24 February 2009).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

For these reasons, the Court unanimously

Takes note of the terms of the Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Marialena Tsirli
Deputy Registrar

Dragoljub Popović
President