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

FIFTH SECTION

DECISION

Application no. 576/15
Ernst GIERLINGER
against Austria

The European Court of Human Rights (Fifth Section), sitting on 13 June 2017 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Gabriele Kucsko-Stadlmayer, *judges,*
Anne-Marie Dougin, *Acting Deputy Section Registrar*.

Having regard to the above application lodged on 23 December 2014,

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

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Ernst Gierlinger, is an Austrian national, who was born in 1964 and lives in Neustift. He was represented before the Court by Mr H. Blum, a lawyer practising in Linz.

The Austrian Government ("the Government") were represented by their Agent, Ambassador H. Tichy, Head of the International Law Department at the Federal Ministry of European and International Affairs.

The applicant complained under Article 6 of the Convention about the length of a set of administrative proceedings.

On 6 and 22 April 2017 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Austria in respect of the facts giving rise to this application against an undertaking by the Government to pay him 5,000 euros to cover any and all damage as well as costs and expenses, which will be free of any taxes that may be applicable and payable within three months

from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook 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.

## THE LAW

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. 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 6 July 2017.

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| Anne-Marie Dougin | Erik Møse |
| Acting Deputy Registrar | President |