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

FIRST SECTION

DECISION

Application no. 35844/14
Durim GRABOVA
against Albania

The European Court of Human Rights (First Section), sitting on 15 November 2016 as a Committee composed of:

Kristina Pardalos, *President,*
Robert Spano,
Pauliine Koskelo, *judges,*

and Renata Degener, *Deputy Section Registrar,*

Having regard to the above application lodged on 2 June 2014,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Durim Grabova, is an Albanian national, who was born in 1951 and lives in Tirana.

The Albanian Government ("the Government") were represented by their Agent, Ms A. Hicka of the State Advocate's Office.

On 13 December 2013 the Tirana Administrative District Court ordered the applicant's employer, the General Directory of Metrology *(Drejtoria e Përgjithshme e Metrologjisë)* to reinstate the applicant and pay the salary arrears until the applicant's reinstatement. The judgment became final on 6 January 2014. An execution writ was issued with the judgment of 13 December 2013.

On an unspecified date the applicant lodged a constitutional complaint with the Constitutional Court, complaining about the non-enforcement of the final judgment of 13 December 2013.

On 5 May 2014 the Constitutional Court dismissed the applicant's constitutional appeal on the ground that the length of enforcement proceedings had not been unreasonable.

On 18 March and 23 December 2014, and on 3 March 2015 the applicant was paid all salary arrears. He was paid 10,000 Albanian lek ("ALL"), ALL 1,030,320 and ALL 540,379, respectively.

On 26 January 2015 the Public Administration Department *(Departamenti i Administratës Publike)* ordered the applicant's reinstatement to his previous position.

THE LAW

A. The applicant's complaint under Article 6 § 1 of the Convention

The applicant initially complained under Article 6 § 1 of the Convention about the non-enforcement of the Tirana Administrative District Court's judgment of 13 December 2013. After the communication of the case to the Government, he admitted that the final court judgment had been enforced one and a half months after the judgment had become final. However, the authorities had failed to pay him the social and health contributions for the period during which he had remained unemployed. He also claimed compensation for pecuniary damage which, as he submitted, had resulted from the delay.

The Government confirmed the payment of salary arrears to the applicant and the applicant's reinstatement. They stated that the dispute between the parties had been resolved. The Government also requested the Court to strike the application out of the list of cases under Article 37 § 1 (b) of the Convention. As regards the remaining complaint concerning the authorities' failure to pay duly the social and health contributions, the Government submitted documents demonstrating the opposite.

Having regard to the information submitted by the parties, the Court finds that the judgment given in the applicant's favour was fully enforced.

In these circumstances, the Court finds that the matter giving rise to the applicant's Convention claims must be considered to have been resolved within the meaning of Article 37 § 1 (b) of the Convention (see *mutatis mutandis*, *E.G. v. Poland and 175 other Bug River applications* (dec.), no. 50425/99, §§ 22-24, ECHR 2008 (extracts)). Moreover, in accordance with Article 37 § 1 *in fine* of the Convention, the Court finds no special circumstances regarding respect for human rights as defined in the Convention or its Protocols, which require the examination of the application. This complaint should accordingly be struck out of the list of cases.

B. Application of Rule 43 § 4 of the Rules of Court

Rule 43 § 4 of the Rules of Court provides:

> "When an application has been struck out, the costs shall be at the discretion of the Court. ..."

The applicant claimed reimbursement of 2,000 euros ("EUR") as regards costs and expenses incurred before the domestic proceedings and the Strasbourg Court.

The Government contested the applicant's claim.

The Court reiterates that according to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum.

In the present case, based on the supporting documents submitted by the applicant, the Court awards him EUR 53 in respect of costs and expenses.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Holds

(a) that the respondent State is to pay the applicant, within three months EUR 53 (thirty three euros), plus any tax that may be chargeable, in respect of costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 8 December 2016, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Renata Degener
Deputy Registrar

Kristina Pardalos
President