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

FOURTH SECTION

DECISION

Application no. 71483/11
Gyula HALMAI and László VÁRADI
against Hungary

The European Court of Human Rights (Fourth Section), sitting on 24 May 2016 as a Committee composed of:

Krzysztof Wojtyczek, *President,*
Egidijus Kūris,
Iulia Motoc, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 November 2011,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Gyula Halmai and Mr László Váradi, are Hungarian nationals, who were born in 1967 and 1955 and live in Miskolc and Budapest respectively. They were represented before the Court by Mr I. Jarovinszkij, a lawyer practising in Budapest.

The Hungarian Government ("the Government") were represented by Mr Z. Tallódi, Agent, Ministry of Justice.

Relying on Article 1 of Protocol No. 1 to the Convention, the applicants complained that the levying of tax at a rate of 98% on part of their severance payments had amounted to a deprivation of property which was unjustified.

On 15 October 2015 the applicants' representative informed the Court that the first applicant, Mr Gyula Halmai withdrew the application because of an out-of-court settlement reached by him and the Government in special administrative proceedings.

On 21 October 2015 and 11 April 2016 the Court received friendly settlement declarations signed by the second applicant and the Government

under which the second applicant, Mr László Váradi agreed to waive any further claims against Hungary in respect of the facts giving rise to his complaint against an undertaking by the Government to pay him EUR 26,400 (twenty-six thousand four hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Hungarian forints at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be 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

In the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application in respect of the complaint of the first applicant who expressed his intention not to pursue the matter.

Further, the Court takes note of the friendly settlement reached between the second applicant and the Government. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds, in accordance with Article 39 of the Convention, that there are no reasons to justify a continued examination of the application in respect of the second applicant's complaint.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 16 June 2016.

Fatoş Aracı
Deputy Registrar

Krzysztof Wojtyczek
President