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

THIRD SECTION

DECISION

Application no. 36557/13
Ola HJELM
against Sweden

The European Court of Human Rights (Third Section), sitting on 3 November 2016 as a Committee composed of:

Dmitry Dedov, *President,*
Helena Jäderblom,
Branko Lubarda, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 29 May 2013,

Having regard to the observations submitted by the parties,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Ola Hjelm, is a Swedish national who was born in 1954 and lives in Lidingö. He was represented before the Court by Mr C. Crafoord and Ms A. Rogalska Hedlund, lawyers practising in Stockholm.

The Swedish Government ("the Government") were represented by their Agents, Ms H. Lindquist and Ms K. Fabian, of the Ministry for Foreign Affairs.

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

On 23 April 2010 the applicant purchased a property which had been part of a shore protection area (*strandskyddsområde*) since June 1999. The purpose of shore protection is to ensure public access to outdoor recreation facilities, including to shores and beaches, and to maintain good living conditions for plant and animal species on land and in water. The implication of the shore protection was that the applicant was unable to build on the property, unless he was granted an exemption.

A time-limited exemption from shore protection expired on 13 November 2010. The applicant's request to renew the exemption was rejected by the authorities. The Land and Environment Court of Appeal (*Mark- och miljööverdomstolen*), as last instance, refused leave to appeal on 29 January 2013.

On 26 March 2013 the applicant again requested the authorities to examine the issue of exemption from shore protection and to grant him a building permit. The first two instances rejected the request. However, on 23 June 2016, the Land and Environment Court (*mark- och miljödomstolen*) granted the applicant an exemption from shore protection. The judgment gained legal force on 15 July 2016.

COMPLAINT

The applicant complained under Article 1 of Protocol No. 1 to the Convention of the domestic authorities' refusal to grant him an exemption from shore protection.

THE LAW

On 29 July 2016 the Government informed the Court of the Environmental Court's judgment of 23 June 2016 and invited the Court to strike out the application. In reply, on 8 September 2016, the applicant submitted that he did not object to the application being struck out.

The Court notes that the applicant has been granted an exemption from shore protection, which was the only issue raised in his application to the Court.

In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does not require it to continue the examination of the application under Article 37 § 1 *in fine*.

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 24 November 2016.

Fatoş Aracı
Deputy Registrar

Dmitry Dedov
President