

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

THIRD SECTION

DECISION

Application no. 22959/05
by Marian ION
against Romania

The European Court of Human Rights (Third Section), sitting on 11 October 2011 as a Committee composed of:

Alvina Gyulumyan, *President,*
Luis López Guerra,
Nona Tsotsoria, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 16 June 2005,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Marian Ion, is a Romanian national who was born in 1968 and lives in Niculesti. The Romanian Government ("the Government") were represented by their Agent, Mrs Irina Cambrea, Co-Agent of the Government.

The applicant complained under Article 6 of the Convention about the quashing of his final decision by means of an extraordinary appeal.

On 27 June 2011 and 28 July 2011 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Romania in respect of the facts giving rise to this application against an undertaking by the Government to pay him 3 200 euros to cover any pecuniary and non-pecuniary damage as well as

costs and expenses, which would be converted into Romanian lei at the rate applicable on the date of payment, and will be free of any taxes that may be applicable and it will be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. 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 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 (Article 37 § 1 *in fine* of the Convention).

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.

Marialena Tsirli Deputy Registrar	Alvina Gyulumyan President