

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

SECOND SECTION

DECISION

Application no. 30244/18
Toni JOVANOVSKI and Silvana JOVANOVSKA
against North Macedonia
(see appended table)

The European Court of Human Rights (Second Section), sitting on 3 February 2022 as a Committee composed of:

Gilberto Felici, *President,*
Jovan Ilievski,
Diana Sârcu, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 20 June 2018,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table. They were represented by Ms P. Zefikj, a lawyer practising in Skopje.

The applicants' complaint of unlawful video-surveillance and storage of their personal data under Article 8 of the Convention was communicated to the Government of North Macedonia ("the Government").

THE LAW

A. Article 8 of the Convention

After the failure of attempts to reach a friendly settlement, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by this complaint. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the interference with the applicants'rights under Article 8 to the Convention had not been in compliance with the requirements of that provision. They offered to pay the applicants the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in the part concerning the complaint under Article 8 of the Convention in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned 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 applicants were sent the terms of the Government's unilateral declaration. By a letter received on 18 November 2021, the applicants indicated that they were not satisfied with the terms of the unilateral declaration in that the amount proposed by the Government was too low.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application."

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the right to respect for private life (see, *mutatis mutandis, Söderman v. Sweden* [GC], no. 5786/08, ECHR 2013, *Bărbulescu v. Romania* [GC], no. 61496/08, 5 September 2017, and *López Ribalda and Others v. Spain* [GC], nos. 1874/13 and 8567/13, 17 October 2019).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of this part of the application (Article 37 § 1 (c)). In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the complaint under this head (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored

to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the application out of the list of cases in the part concerning the complaints under Article 8 of the Convention.

B. Other alleged violations of the Convention

The applicants also complained under Article 6 § 1 of the Convention (right to a fair trial). Having regard to the facts of the case, the Government's unilateral declaration, and its decision to strike out the complaint under Article 8 of the Convention, the Court considers that the main legal question raised in the present applications has been resolved. It concludes, therefore, that there is no need to give a separate ruling on the applicants' remaining complaints (see *Szopa and Others v. Poland* (dec.), nos. 63624/09 and three others, § 16, 18 December 2018).

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in the part concerning the complaints under Article 8 of the Convention in accordance with Article 37 § 1 (c) of the Convention;

Holds that there is no need to examine separately the remaining complaints.

Done in English and notified in writing on 24 February 2022.

Viktoriya Maradudina	Gilberto Felici
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 8 of the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for non-pecuniary damage and costs and expenses per household (in euros)[1]
30244/18 20/06/2018	Household **Toni JOVANOVSKI** 1971 **Silvana JOVANOVSKA** 1973	Pavlina Zefikj Skopje	16/11/2021	18/11/2021	1,980

[1] Plus any tax that may be chargeable to the applicant