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

FIFTH SECTION

DECISION

Application no. 66228/12
Krasimir Yankov KABAKCHIEV
against Bulgaria

The European Court of Human Rights (Fifth Section), sitting on 14 June 2016 as a Committee composed of:

Erik Møse, *President*,
Yonko Grozev,
Mārtiņš Mits, *judges*,
and Milan Blaško, *Deputy Section Registrar*,

Having regard to the above application lodged on 29 September 2012,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Krasimir Yankov Kabakchiev, is a Bulgarian national, who was born in 1954 and lives in Sofia.

The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Dimova, of the Ministry of Justice.

The applicant complained under Article 6 § 1 of the Convention and under Article 1 of Protocol No. 1 to the Convention about the non-enforcement of a final domestic court decision rendered in his favour.

On 29 July 2014 and 16 November 2015 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Bulgaria in respect of the facts giving rise to this application against an undertaking by the Government to pay him 1,200 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Bulgarian levs at the rate applicable on the date of payment, and will be free of any taxes that

may be applicable. This sum 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.

Furthermore, the Government undertook to secure the enforcement of the judgment of 17 January 2011 of the Sofia Court of Appeal in the applicant's favour within three months from the date of notification of the decision taken by the Court, if payment has not been made yet.

The payment of the above-mentioned sum of 1,200 euros and the enforcement of the judgment of 17 January 2011 of the Sofia Court of Appeal 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. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 7 July 2016.

Milan Blaško
Deputy Registrar

Erik Møse
President