

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

FIFTH SECTION

DECISION

Application no. 27114/11
Zinayida Yevgenivna KALYNOVSKA
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 15 June 2017 as a Committee composed of:

Nona Tsotsoria, *President,*
Gabriele Kucsko-Stadlmayer,
Lətif Hüseynov, *judges,*
and Liv Tigerstedt, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on the date indicated in the appended table,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The details of the application are set out in the appended table.

The applicant's complaints under Articles 6 § 1 and 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law were communicated to the Ukrainian Government ("the Government").

After unsuccessful friendly-settlement negotiations, the Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The Government acknowledged the excessive length of civil proceedings and the lack of any effective remedy in domestic law. They offered to pay the applicant the amount detailed in the appended table and invited the Court to strike the application out of the list of cases 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 payment will constitute the final resolution of the case.

The applicant informed the Court that she agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties.

It therefore 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 the Protocols thereto and finds no reasons to justify the continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list as regards the complaints concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law.

The applicant also raised other complaints under various articles of the Convention.

The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application must be rejected in accordance with Article 35 § 4 of the Convention.

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 as regards the complaints concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 6 July 2017.

Liv Tigerstedt Acting Deputy Registrar	Nona Tsotsoria President

APPENDIX

Application raising complaints under Article 6 § 1 and Article 13 of the Convention
(excessive length of civil proceedings and lack of any effective remedy in domestic law)

No.	Application no. Date of introduction	Applicant name Date of birth	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[i]
1.	27114/11 30/04/2011	**Zinayida Yevgenivna Kalynovska** 18/10/1966	30/03/2017	04/05/2017	720

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