AS TO THE ADMISSIBILITY OF

Application No. 21752/93
by Edwin KRICKL
against Austria

The European Commission of Human Rights (Second Chamber) sitting in private on 21 May 1997, the following members being present:

Mrs. G.H. THUNE, President
MM. J.-C. GEUS
G. JÖRUNDSSON
A. GÖZÜBÜYÜK
J.-C. SOYER
H. DANELIUS
F. MARTINEZ
M.A. NOWICKI
I. CABRAL BARRETO
J. MUCHA
D. SVÁBY
P. LORENZEN
K. HERNDL
E. BIELIUNAS
E.A. ALKEMA
A. ARABADJIEV

Ms. M.-T. SCHOEPFER, Secretary to the Chamber

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 24 February 1993 by Edwin KRICKL against Austria and registered on 27 April 1993 under file No. 21752/93;

Having regard to :

- the reports provided for in Rule 47 of the Rules of Procedure of the Commission;

- the observations submitted by the respondent Government on 20 March 1995 and the observations in reply submitted by the applicant on 24 April 1995;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is an Austrian citizen, born in 1920 and residing in Linz. In the proceedings before the Commission he is represented by Mr. K. Steiner, a lawyer practising in Linz.

The facts, as they have been submitted by the parties, may be summarised as follows.

A. Particular circumstances of the case

The applicant is the owner of land in Bad Ischl (Upper Austria), comprising two parcels of building land, registered in the Ahorn land register (Grundbuch) as Nos. 310/99 and 310/100. The latter parcel is situated adjacent to parcel No. 310/101 owned by the applicant's neighbour R.B.

On 22 October 1973 the Mayor of Bad Ischl granted R.B. a building permit for a house on his land in which the minimum distance from the border of the parcel was fixed at 4 metres. This condition was in accordance with the building plan (Bebauungsplan) of 1985 for that area.

When starting the construction works for his house R.B. did not comply with the above condition and the house was built at a distance of two metres from the neighbouring parcel owned by the applicant. On 6 August 1976, following a complaint by the applicant, the Mayor ordered the interruption of the construction works. On 5 July 1978 the Mayor ordered R.B. to apply for a retrospective building permit or to remove the construction.

On 22 November 1978 the Municipal Council (Gemeinderat) of Bad Ischl amended the building plan. The amendment consisted, inter alia, in the division of the two parcels of land owned by the applicant in three parcels of building land, a narrow road between the applicant's land and the land of R.B., and the fixing of a minimum distance of 0,5 metres for buildings to be erected on R.B.'s land. After having been approved by the Regional Government, the amended building plan entered into force on 25 April 1979.

On 20 November 1985 the Mayor granted a retroactive building permit to R.B. On 6 February 1987 the Municipal Council (Gemeinderat) dismissed the applicant's appeal against the building permit and on 2 June 1987 the Upper Austrian Regional Government (Landesregierung) dismissed the applicant's further appeal.

Subsequently the applicant filed a complaint against the Regional Government's decision with the Constitutional Court (Verfassungsgerichtshof). He submitted that the decision had been based on an unlawful decree, namely the building plan of 22 November 1978.

On 30 September 1989 the Constitutional Court found the amendment of the building plan of Bad Ischl, as far as parcel No. 310/101 owned by R.B. was concerned, to be incompatible with the Upper Austrian Regional Planning Act (Raumordnungsgesetz). On 5 December 1989 the Constitutional Court therefore upheld the applicant's individual complaint against the final decision of the regional authorities regarding the lawfulness of R.B.'s building permit. Proceedings were then resumed before the local and regional authorities.

On 22 June 1990 the Bad Ischl Municipality Council quashed the Mayor's decision of 20 November 1985 granting R.B. a building permit. By letter of 14 January 1991 the Mayor of Bad Ischl informed the applicant that, on 5 October 1990, R.B. had been ordered to demolish his house within eight years.

On 1 February 1991 the applicant, claiming to be a party to the proceedings regarding the demolition order, lodged an appeal against the Mayor's demolition order of 5 October 1990, challenging, inter alia, the length of the period which his neighbour had been granted for the compliance with this order.

On 27 February 1991 the Municipal Council rejected the appeal as being inadmissible. Referring to the constant case-law of the Administrative Court (Verwaltungsgerichtshof) on this matter it found that the applicant had no locus standi in the proceedings at issue because neighbours were not a party to proceedings for a demolition order.

By letter of 3 June 1991 the Upper Austrian Regional Government informed the Mayor that the applicant had lodged a further appeal (Vorstellung) against the demolition order of 5 October 1990. It

stated that under the law in force the applicant clearly had no locus standi in proceedings for a demolition order. However, the Regional Government had doubts whether the length of the time-limit granted to R.B. in the demolition order was in compliance with Section 87 para. 2 of the Constitutional Court Act. If the Regional Government on further consideration of the matter would arrive at the conclusion that the decision was unlawful it would consider quashing the demolition in the exercise of its supervisory function (Aufsichtsrecht).

On 30 December 1991 the Upper Austrian Regional Government dismissed the applicant's further appeal. It found that the decision given in the proceedings regarding the demolition order did not infringe the applicant's rights as he had no locus standi in these proceedings.

On 19 February 1992 the applicant lodged a complaint with the Constitutional Court (Verfassungsgerichtshof). He complained about the refusal of the authorities to accept him as a party to the proceedings regarding the demolition order and relied in this respect on Article 6 of the Convention. He further complained that the excessive time-limit granted for the compliance with the demolition order violated his property rights because he could not sell his land at an appropriate price as long as the neighbour's building had not been demolished.

On 24 June 1992 the Constitutional Court declined to entertain the applicant's complaint for lack of prospect of success and referred the case to the Administrative Court.

On 10 November 1992 the Administrative Court dismissed the applicant's complaint. It referred to its constant case-law regarding the relevant provisions of the Upper Austrian Building Regulations (Oberösterreichische Bauordnung) according to which neighbours were not to be considered as a party to proceedings for a demolition order.

Subsequently, the applicant filed a complaint (Beschwerde) with the Ombudsman's Office (Volksanwaltschaft) relating to the above events.

On 13 January 1994 the Ombudsman's Office issued a recommendation (Empfehlung) concerning the applicant's complaint. It considered that the fixing of a time-limit of eight years for complying with the demolition order and the failure of the Regional Government to quash the demolition order in the exercise of its supervisory function constituted an undesirable state of affairs in public administration (Mißstand im Bereich der öffentlichen Verwaltung). It recommended to the Regional Government to exercise its supervisory powers. The Ombudsman's Office found that neither the Constitutional Court nor the Administrative Court in their respective proceedings could have examined whether the time-limit had been appropriate. Nevertheless, the Regional Government should have quashed the demolition order ex officio in the exercise of its supervisory powers and the building authorities should have fixed a shorter time-limit.

On 11 April 1995 the Ombudsman's Office informed the applicant that the Regional Government saw no possibility to follow the Ombudsman's Office's recommendation.

B. Relevant domestic law

Section 61 of the Upper Austrian Building Regulations (Bauordnung), in the version applicable in the present case, reads as follows:

[Translation]

> "In case the building authority establishes that a building requiring a building permit is being or has been erected without

such a permit, it shall make an order requesting the owner of the construction to either retroactively request a permit within a reasonable period of time to be determined by the authority, or else to demolish the construction, again within a reasonable period of time to be determined by the authority. The possibility to apply retrospectively for a building permit shall not be granted if under the law in force a building permit cannot be granted."

[German]

"Stellt die Baubehörde fest, daß eine bewilligungspflichtige bauliche Anlage ohne Baubewilligung ausgeführt wird oder bereits ausgeführt wurde, so hat sie dem Eigentümer mit Bescheid aufzutragen, entweder nachträglich innerhalb einer angemessen festzusetzenden Frist um die Baubewilligung anzusuchen oder die bauliche Anlage innerhalb einer weiters festzusetzenden Frist zu beseitigen. Die Möglichkeit, nachträglich um die Baubewilligung anzusuchen, ist dann nicht einzuräumen, wenn nach der maßgeblichen Rechtslage eine Baubewilligung nicht erteilt werden kann."

Section 87 para. 2 of the Constitutional Court Act of 1953 provides as follows:

[Translation]

"If the Constitutional Court allows a complaint, the administrative authorities are under the obligation to re-establish in the case at issue with the use of all the powers granted to them by law and without delay a legal situation corresponding to the legal opinion expressed by the Constitutional Court."

[German]

"Wenn der Verfassungsgerichtshof einer Beschwerde stattgegeben hat, sind die Verwaltungsbehörden verpflichtet, in dem betreffenden Fall mit den ihnen zu Gebote stehenden rechtlichen Mitteln unverzüglich den der Rechtsanschauung des Verfassungsgerichtshofes entsprechenden Rechtszustand herzustellen."

Section 8 of the General Administrative Procedure Act (Allgemeines Verwaltungsverfahrensgesetz) reads as follows:

[Translation]

"Persons who make use of the service of a public authority or who are subject to acts by a public authority are participants to proceedings. However, insofar as they take part in the proceedings on the basis of a right granted to them or an interest protected by the law they are parties."

[German]

"Personen, die eine Tätigkeit einer Behörde in Anspruch nehmen oder auf die sich die Tätigkeit einer Behörde bezieht, sind Beteiligte und, insoweit sie an der Sache vermöge eines Rechtsanspruches oder eines rechtlichen Interesses beteiligt sind, Parteien."

According to the constant case-law of the Constitutional Court and the Administrative Court Section 8 of the General Administrative Procedure Act only grants procedural rights in administrative proceedings but does not grant substantive rights. Whether or not a person has, in administrative proceedings, the position of a party

depends on whether he or she can rely on provisions of administrative law which grant a subjective right (see Antoniolli-Koja, Allgemeines Verwaltungsrecht, Second Edition, Vienna 1986, p. 274 with reference to VwSlg. [Collection of Decisions of the Administrative Court] 5258A/1960, 5722A/1962, 6115A/1963, 7488A/1969, 7662A/1969, 7810A/1970, 8498A/1973; VfSlg. [Collection of Decisions of the Constitutional Court] 1650/1948, 4227/1962, 5358/1966, 6257/1970; Walter-Mayer, Grundriß des österreichischen Verwaltungsverfahrensrechts, sixth edition 1995, p. 48 with reference to Administrative Court 9 November 1982, 82/15/0112; 30 September 1992, 89/03/0224 and VfSlg. 11.934).

As regards the issuing of orders in building law proceedings, in particular concerning the permit to use a building after a building permit has been issued and the building has been erected (Benützungsbewilligung) or demolition orders, the Administrative Court, having regard to the specific Building Regulations, has constantly held that the neighbour is no party to such proceedings (see Administrative Court 23 September 1968, 1251/68; 29 February 1972, 120/72; 20 November 1972, 1410/72; 18 September 1973, 1365/73; 26 February 1974, 98/74; 12 February 1981, VwSlg. 10368/A; 15 September 1983, 83/06/0146; 29 January 1985, 83/05/0189; 12 February 1985, 85/05/0012; 28 April 1992, 91/05/0204; Dolp, Die Verwaltungsgerichtsbarkeit, second edition 1987; p. 224 ff.).

COMPLAINTS

The applicant complains under Article 6 of the Convention that he did not have a fair hearing in the proceedings for the demolition order, because the Austrian authorities and courts had refused to decide on the merits of his appeals and complaints and to accept him as a party to the proceedings on the demolition order.

The applicant complains under Article 1 of Protocol No. 1 that his right to respect for his property has been infringed. He submits that it was arbitrary to grant an unreasonably long time-limit of eight years for compliance with the demolition order. The building on his neighbour's land had been erected unlawfully and as long as the building is not removed it is impossible to sell the applicant's property at an adequate price. He also invokes Article 14 of the Convention.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 24 February 1993 and registered on 27 April 1993.

On 12 October 1994 the Commission decided to communicate the application to the respondent Government.

The Government's written observations were submitted on 20 March 1995, after an extension of the time-limit fixed for that purpose. The applicant replied on 24 April 1995.

THE LAW

1. The applicant complains under Article 6 (Art. 6) of the Convention that he did not have a fair hearing in the proceedings on the demolition order.

Article 6 para. 1 (Art. 6-1) of the Convention, as far as relevant, provides as follows:

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law."

The Government submit that the proceedings concerning the demolition of a house built on an adjacent parcel of land were purely a matter of public law and had no direct bearing on any of the applicant's civil rights. According to the constant case-law of the Administrative Court neighbours have no valid claim as regards the demolition of an illicitly erected building and therefore cannot be a party to administrative proceedings in the course of which a decision on a demolition order is taken by the building authority. Such a right can neither be derived from Section 61 of the Upper Austria Building Regulations nor from Section 87 para. 2 of the Constitutional Court Act. The applicant therefore has no civil right within the meaning of Article 6 para. 1 (Art. 6-1) of the Convention as regards the demolition order as this provision does not grant new rights which had not been recognised previously by domestic law.

In any event, by quashing the building permit on 22 June 1990 and by issuing a demolition order on 5 October 1990 the competent building authorities have speedily complied with the Constitutional Court's decision of 5 December 1989 by which the building permit granted to the neighbour had been quashed.

This is disputed by the applicant. In his view he did have a subjective right under domestic law to request the demolition of his neighbour's building. If the Administrative Court, which denied him locus standi in the proceedings for the demolition order, would have interpreted correctly Section 8 of the General Administrative Procedure Act it should have granted him locus standi. Furthermore, the administrative authorities had not complied with the Constitutional Court's decision of 5 December 1989 because they had failed to order the immediate demolition of his neighbour's building.

The applicant submits that the case-law of the Administrative Court according to which neighbours had no locus standi in proceedings for a demolition order was problematic as it led to a situation where a neighbour who had succeeded in having the building permit granted to his neighbour quashed was nevertheless deprived of the possibility to have this decision appropriately enforced. Since under the building regulations he was entitled to claim that his neighbour respect the minimum distance from his land, he must have had the possibility to have this right enforced. From these considerations it was apparent that he should have been accepted by the authorities as a party to the proceedings regarding the demolition order.

The Commission recalls that Article 6 para. 1 (Art. 6-1) extends only to "contestations" (disputes) over (civil) "rights and obligations" which can be said, at least on arguable grounds, to be recognised under domestic law (Eur. Court HR, Oerlemans v. the Netherlands judgment of 27 November 1991, Series A no. 219, pp. 20-21, paras. 45-49). Article 6 para. 1 (Art. 6-1) is not aimed at creating new substantive rights, without a legal basis in the Contracting State, but at providing procedural protection of rights already recognised in domestic law (Eur. Court HR, W. v. United Kingdom judgment of 8 July 1987, Series A no. 121-A, p. 32, para. 73; Kraska v. Switzerland judgment of 19 April 1993, Series A no. 254-B, p. 48, para. 24; Zander v. Sweden judgment of 25 November 1993, Series A no. 279, p. 39, para. 24).

The Commission observes that Austrian law, in particular the Building Regulation at issue, did not provide for locus standi of a neighbour in proceedings regarding a demolition order. Also Section 8 of the General Administrative Procedure Act, like Article 6 (Art. 6) of the Convention itself, only transforms substantive rights in

procedural rights, but does not guarantee itself a particular substantive right. In this respect the Commission refers to the constant case-law of the Administrative Court and the findings of the Austrian courts and authorities in the present proceedings, which found that according to the Upper Austrian Building Regulations a neighbour is not entitled to make objections to any decisions taken in the course of proceedings regarding a demolition order.

In these circumstances the Commission finds that in the proceedings regarding the demolition order the applicant could not rely on a right recognised under domestic law and that Article 6 para. 1 (Art. 6-1) was consequently not applicable to these proceedings.

The applicant submits, however, that although he had succeeded in having his neighbour's building permit quashed he nevertheless was deprived of the possibility to have this decision appropriately enforced.

The Commission finds that these submissions raise a further issue to be examined under Article 6 para. 1 (Art. 6-1) of the Convention. In this respect it recalls that in the Hornsby case the European Court of Human Rights found that the right of access to court also includes the right to be sufficiently protected against the refusal of state authorities to comply with a court judgment (Eur. Court HR, Hornsby v. Greece judgment of 19 march 1997, paras. 40-41, to be published in Reports 1997-I). The relevant passage of the judgment reads as follows:

> "40. The Court reiterates that, according to its established case-law, Article 6 § 1 (Art. 6-1) secures to everyone the right to have any claim relating to his civil rights and obligations brought before a court or tribunal; in this way it embodies the `right to a court', of which the right of access, that is the right to institute proceedings before courts in civil matters, constitutes one aspect (see the Philis v. Greece (no. 1) judgment of 27 August 1991, Series A no. 209, p. 20, para. 59). However, that right would be illusory if a Contracting State's domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party. It would be inconceivable that Article 6 (Art. 6) should describe in detail procedural guarantees afforded to litigants - proceedings that are fair, public and expeditious - without protecting the implementation of judicial decisions; to construe Article 6 (Art. 6 as being concerned exclusively with access to a court and the conduct of proceedings would be likely to lead to situations incompatible with the principle of the rule of law which the Contracting States undertook to respect when they ratified the Convention (see, mutatis mutandis, the Golder v. the United Kingdom judgment of 7 May 1974, Series A no. 18, pp. 16-18, paras. 34-36). Execution of a judgment given by any court must therefore be regarded as an integral part of the `trial' for the purposes of Article 6 (Art. 6); moreover, the Court has already accepted this principle in cases concerning the length of proceedings (see, most recently, the Di Pede v. Italy and Zappia v. Italy judgments of 26 September 1996, to be published in Reports 1996-I).
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> 41. The above principles are of even greater importance in the context of administrative proceedings concerning a dispute whose outcome is decisive for a litigant's civil rights. By lodging an application for judicial review with the State's highest administrative court the litigant seeks not only annulment of the impugned decision but also and above all the removal of its effects. The effective protection of a party to such proceedings and the restoration of legality presuppose an obligation on the administrative authorities' part to comply with a judgment of that court. The Court observes in this connection that the administrative authorities form one element of a State subject

to the rule of law and their interests accordingly coincide with the need for the proper administration of justice. Where administrative authorities refuse or fail to comply, or even delay doing so, the guarantees under Article 6 (Art. 6) enjoyed by a litigant during the judicial phase of the proceedings are rendered devoid of purpose."

The Commission observes that in the Ortenberg case the Court recognised that proceedings for the granting of a building permit to a particular person also involve the determination of a civil right of the neighbour who opposes a building permit. The Court found that in such proceedings pecuniary interests of the opposing neighbour could be at stake and therefore found the civil right limb of Article 6 para. 1 (Art. 6-1) to be applicable (Eur. Court HR, Ortenberg v. Austria judgment of 25 November 1994, Series A no. 295-B, p. 48-49, paras. 28). Moreover, under Austrian law, as can also be seen from the present case, the right of a neighbour to be a party to proceedings regarding a building permit is explicitly recognised.

The Commission therefore has to examine whether the order addressed to the applicant's neighbour to demolish his house within a period of eight years is in accordance with the principles set out by the European Court of Human Rights in the above Hornsby case.

The Commission finds, however, that there are significant differences between the situation of the present applicant and Mr and Mrs Hornsby, the applicants in the case referred to above. While the granting of a license for running a language school to Mr and Mrs Hornsby, which was the subject matter of the dispute in the above case, may be considered as the only appropriate response to a decision by which the refusal of such a licence had been quashed, this is not true for the demolition of the neighbour's building in the present case.

The applicant was successful in the proceedings for the granting of a building permit to his neighbour, and such a permit had therefore been refused. The Commission cannot find, however, that this should automatically give the applicant a right to have the building immediately destroyed. Demolition would only be one possibility to give effect to the decision rendered in the building permit proceedings. Another possibility would be pecuniary compensation to the applicant for the alleged damage caused by the unlawfully erected building. Thus, the applicant could have introduced civil proceedings against his neighbour for compensation if he had actually sustained prejudice because of the illicit construction and/or official liability proceedings against the Municipality arguing that the lengthy time-limit granted for the compliance with the demolition order was unlawful, that he could not otherwise challenge this decision, and that this decision had caused him prejudice. The applicant, however, did not choose these avenues but insisted on the immediate demolition of his neighbour's building and he did so although he must have been aware that in view of Austrian law as in force he could not have obtained any decision in his favour in the proceedings regarding the demolition order.

Furthermore, the authorities, after the Constitutional Court has given its decision on 5 December 1989, have reacted without delay as they quashed the building permit and ordered the demolition of the building.

Taking these circumstances into account, the Commission cannot find that there is any appearance of a violation of the applicant's rights under Article 6 para. 1 (Art. 6-1) of the Convention in the proceedings regarding the building permit or the demolition order.

It follows that this part of the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

2. The applicant complains under Article 1 of Protocol No. 1 (P1-1) that the lengthy time-limit granted to his neighbour for compliance with the demolition order violated his right to respect for his property rights. He submits that it was arbitrary to grant an unreasonably long time-limit of eight years for compliance with the demolition order. The building on his neighbour's land had been erected unlawfully and as long as the building is not removed it is impossible to sell his property at an adequate price. He also invokes Article 14 (Art. 14) of the Convention.

The Commission finds that this complaint falls to be considered under Article 1 of Protocol No. 1 (P1-1), which reads as follows:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

The Government submit that the proceedings at issue neither deprived the applicant of his property rights nor contained any restriction on the use of his land. The amended building plan which allowed for a more densely structured built-up area would have led to an increase in the value of the applicant's property, as similarly structured development areas are generally selling at a much higher rate. It was however this very amendment of the building plan which was later quashed by the Constitutional Court at the applicant's request. In any event, the applicant's allegation that he was unable to sell his property at a reasonable price has not been further substantiated in any way.

This is disputed by the applicant. He submits that it must be considered as obvious that the market value of his land was diminished because the neighbour's building was erected in violation of the minimum distance. Because of the diminished market value of his land he could not freely dispose of it. There was no question of an increase of the value of his property as no owner wished that the neighbour lived too close to himself.

The Commission recalls that Article 1 of Protocol No. 1 (P1-1) comprises three distinct rules. The first rule, set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of peaceful enjoyment of property. The second rule, contained in the second sentence of the same paragraph, covers deprivation of possessions and makes it subject to certain conditions. The third rule, stated in the second paragraph, recognises that Contracting States are entitled, amongst other things, to control the use of property in accordance with the general interest. The three rules are not "distinct" in the sense of being unconnected: the second and third rules are concerned with particular instances of interference with the right to peaceful enjoyment of property and should therefore be construed in the light of the general principles enunciated in the first rule (e.g. Eur. Court HR, Allan Jacobsson v. Sweden judgment of 23 October 1989, Series A no. 163, para. 53).

The Commission observes that the applicant was not prevented by law from disposing of his land as he wished to do as he could build on it or sell it. The Commission therefore finds that the situation complained of did not amount to a deprivation of the applicant's possessions within the meaning of the second sentence of the first

paragraph of Article 1 (Art. 1-1-2). Nor did it constitute a control of the use of the applicant's property which would have to be examined under the second paragraph of Article 1 (Art. 1-2).

It remains to ascertain whether the situation complained of amounts to an interference with the rights guaranteed to the applicant in the first sentence of the first paragraph of Article 1 (Art. 1-1-1).

The applicant argues that his right to dispose of his land was in fact limited because of the authorities' failure to have the building on his neighbour's land demolished. In this respect the Commission observes that the neighbour had the right to build on his land and that the unlawfulness of the neighbour's building lay in the fact that the building he had erected was situated two metres too close to the applicant's land. The Commission finds however, that the applicant has not sufficiently substantiated that this fact led to a loss of value of his land or that he could not be compensated for such loss if any.

Moreover, if the applicant's only interest was to achieve a higher price for his land it does not appear unreasonable that the value of his land could have been increased by having it divided in more parcels, as provided for in the amendment of the building plan, since this may have led to more parcels which were building land.

Accordingly, there is no appearance of a violation of the applicant's right to peaceful enjoyment of his possessions as guaranteed by Article 1 of Protocol No. 1 (P1-1).

It follows that also this part of the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

M.-T. SCHOEPFER
Secretary
to the Second Chamber

G.H. THUNE
President
of the Second Chamber