

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

FIFTH SECTION

DECISION

Application no. 55940/09
Vasyl Mykolayovych KUZYOMKO
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 13 March 2012 as a Committee composed of:

Mark Villiger, *President,*
Ganna Yudkivska,
André Potocki, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 October 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Vasyl Mykolayovych Kuzyomko, is a Ukrainian national who was born in 1959 and lives in Zhytomyr. The Ukrainian Government ("the Government") were represented by their Agent, Ms V. Lutkovska, of the Ministry of Justice.

The applicant complained that the length of the proceedings in his domestic dispute over a pension had been incompatible with the "reasonable time" requirement and that he had no effective domestic remedy in that regard. He relied on Articles 6 § 1 and 13 of the Convention in that respect.

The Court received friendly settlement declarations signed by the parties and dated 22 September and 2 November 2011 under which the applicant agreed to waive any further claims against Ukraine in respect of the facts

giving rise to this application against an undertaking by the Government to pay him 1,200 (one thousand two hundred) euros to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant which would be converted into the national currency of the respondent State at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. 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.

Stephen Phillips Deputy Registrar	Mark Villiger President