

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

SECOND SECTION

DECISION

Application no. 12144/09
Katalin LIPTAY
against Hungary

The European Court of Human Rights (Second Section), sitting on 22 May 2012 as a Committee composed of:

Dragoljub Popović, *President,*
András Sajó,
Paulo Pinto de Albuquerque, *judges,*
and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 27 February 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Ms Katalin Liptay, is a Hungarian national, who was born in 1952 and lives in Budapest. She was represented before the Court by Ms I. Rónay, a lawyer practising in Budapest. The Hungarian Government ("the Government") were represented by Mr L. Höltzl, Agent, Ministry of Public Administration and Justice.

The applicant complained under Article 6 of the Convention about the length of civil proceedings to which she was a party.

By letter dated 7 October 2011 the Government informed the Court that they offered to pay the applicant 2,400 (two thousand four hundred) euros (EUR) with a view to securing a friendly settlement in the case. They considered that the payment of the offered sum would constitute the final resolution of the case.

By letter dated 8 November 2011 the Government submitted a further declaration. They acknowledged a violation of the applicant's rights guaranteed under Article 6 § 1 of the Convention on account of the unreasonable length of the domestic proceedings in which the applicant was involved. They also undertook to pay the applicant EUR 2,400 (two thousand four hundred euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Hungarian forints at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. This amount 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 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. They further invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention.

By letter of 29 November 2011, the applicant informed the Court that she had agreed to the terms of the Government's declarations and invited the Court to proceed with the examination of the Government's request and to strike the case out of its list of cases.

THE LAW

The Court considers that the applicant's express agreement to the terms of the declarations made by the Government can be considered as an implied 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 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 pursuant to Article 39 of the Convention.

Françoise Elens-Passos
Deputy Registrar

Dragoljub Popović
President