

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

SECOND SECTION

DECISION

Application no. 53229/17
Ljube MILEVSKI
against North Macedonia
(see appended table)

The European Court of Human Rights (Fifth Section), sitting on 20 January 2022 as a Committee composed of:

Gilberto Felici, *President*,
Jovan Ilievski,
Diana Sârcu, *judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 21 July 2017,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table. He was represented by Mr A. Varela, a lawyer practising in Skopje.

The applicant's complaint under Article 1 of Protocol No. 1 to the Convention concerning the payment of a standing heating charge for his flat was communicated to the Government of North Macedonia ("the Government").

THE LAW

After the failure of attempts to reach a friendly settlement, the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by this complaint. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the interference with the applicant's

rights under Article 1 of Protocol No. 1 to the Convention had not been in compliance with the requirements of that provision. 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 was sent the terms of the Government's unilateral declaration several weeks before the date of this decision. By a letter received on 25 November 2021, the applicant indicated that he was not satisfied with the terms of the unilateral declaration. He stated that the amount proposed by the Government was insufficient.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear case-law concerning complaints relating to the interference with the right to property (see *Strezovski and Others v. North Macedonia*, nos. 14460/16 and 7 others, 27 February 2020).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 10 February 2022.

Viktoriya Maradudina	Gilberto Felici
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 1 of Protocol No. 1 to the Convention (interference with the right of property)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
53229/17 21/07/2017	**Ljube MILEVSKI** 1953	Aleksandar Varela Skopje	30/07/2021	25/11/2021	990

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