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

FIRST SECTION

DECISION

Application no. 55588/18
Juraj MUCKO
against Croatia
(see appended table)

The European Court of Human Rights (First Section), sitting on 19 May 2022 as a Committee composed of:

Alena Poláčková, *President,*
Raffaele Sabato,
Davor Derenčinović, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 22 November 2018,

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.

The applicant was represented by Ms N. Owens, a lawyer practising in Zagreb.

The applicant's complaint under Article 6 § 1 of the Convention concerning the domestic authorities' refusal to reimburse the applicant's costs of administrative proceedings even though the proceedings ended in his favour was communicated to the Croatian Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that there had been a violation of the applicant's right of access to a court, guaranteed by Article 6 § 1 of the

Convention. 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 indicated that he was not satisfied with the terms of the unilateral declaration on the ground that the compensation offered was inadequate.

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 and extensive case-law concerning access-to-court complaints relating to *ex post facto* refusal to reimburse successful applicants' own costs in disputes against the State arising from decisions of its organs in the exercise of public authority (see, for example, *Zustović v. Croatia*, no. 27903/15, §§ 96-111, 22 April 2021, and *Černius and Rinkevičius v. Lithuania*, nos. 73579/17 and 14620/18, §§ 65-74, 18 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)). As regards the applicant's objection to the terms of the unilateral declaration, the Court has, in the absence of further details, no reasons to consider that the compensation offered by the Government constitutes inadequate or otherwise unreasonable redress for the violation of her Convention rights (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 24, 20 March 2018, and, for a similar approach, *Korol v. Russia* (dec.) [Committee], no. 20129/18, 20 May 2021).

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 9 June 2022.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President

APPENDIX

Application raising complaint under Article 6 of the Convention

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]
55588/18 22/11/2018	**Juraj MUCKO** 1964	Owens Nataša Zagreb	14/03/2022	12/04/2022	2,700

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