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

FOURTH SECTION

DECISION

Application no. 29642/09
Gheorghe NECULA
against Romania

The European Court of Human Rights (Fourth Section), sitting on 23 February 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Krzysztof Wojtyczek,
Iulia Antoanella Motoc, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 3 August 2006,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Gheorghe Necula, is a Romanian national, who was born in 1955 and lives in Galați.

The Romanian Government ("the Government") were represented by their Agent, Mrs C. Brumar, from the Ministry of Foreign Affairs.

The applicant complained under Article 6 § 1 of the Convention about the unfairness of the civil proceedings instituted by him for the recalculation of his pension rights.

The applicant's complaint was communicated to the Government, who submitted their observations on the admissibility and merits. The observations were not forwarded to the applicant on account that he had not appointed a lawyer to represent him in the proceedings before the Court. No reply was received to the Registry's letter of 3 June 2014.

By two letters dated 16 October and 3 December 2014, sent by registered post, the applicant was notified that the period allowed for appointing a

lawyer had expired. The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant did not receive any of these letters as both were returned with the mention that the applicant had not been found at his address.

THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

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.

Done in English and notified in writing on 17 March 2016.

Fatoş Aracı
Deputy Registrar

Vincent A. De Gaetano
President