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

FIFTH SECTION

DECISION

Application no. 20981/09
Rashko Angelov OGNYANOV
against Bulgaria

The European Court of Human Rights (Fifth Section), sitting on 16 May 2017 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Gabriele Kucsko-Stadlmayer, *judges,*
and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 28 January 2009,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Rashko Angelov Ognyanov, is a Bulgarian national, who was born in 1963 and lives in Plovdiv. He was represented before the Court by Mr S. Donkov and Mr S. Haralampiev, lawyers practising in Plovdiv.

The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Kotseva, of the Ministry of Justice.

The applicant complained under Article 6 § 1 of the Convention and Article 4 of Protocol No. 7 that he had been tried and punished twice for the same offence, first under a procedure considered at the time to be administrative under domestic law, and then under the Criminal Code.

On 20 February and 11 April 2017 the Court received friendly settlement declarations signed by the parties, under which the applicant agreed to waive any further claims against Bulgaria in respect of the facts giving rise to the present application, against an undertaking by the Government to pay

him 5,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to him. That sum, payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases, will be converted into Bulgarian levs at the rate applicable on the date of payment. 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 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 parties agreed that this payment would 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. 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 in accordance with Article 39 of the Convention.

Done in English and notified in writing on 8 June 2017.

Milan Blaško
Deputy Registrar

Erik Møse
President