

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

THIRD SECTION

DECISION

Application no. 17134/04
by Veronica POPESCU
against Romania

The European Court of Human Rights (Third Section), sitting on 11 January 2011 as a Committee composed of:

Elisabet Fura, *President,*
Boštjan M. Zupančič,
Ineta Ziemele, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 12 March 2004,

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

Having deliberated, decides as follows:

PROCEDURE

The application was lodged by Mrs Veronica Popescu, a Romanian national who was born in 1951 and lives in Targu-Jiu. She was represented before the Court by Mr I. E. Popescu. The Romanian Government ("the Government") were represented by their Agent, Mr R.-H. Radu.

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant complained under Article 6 § 1 of the Convention about the excessive length of the civil proceedings she brought against a private person on 20 October 1999 requesting the judicial separation of an inheritance. At the time of the communication of the application to the

Government on 21 October 2008, the proceedings had been pending before the domestic courts for nine years.

The applicant also complained under Article 1 of Protocol No. 1 to the Convention about the breach of her right to peacefully enjoy her property.

On 19 November 2008 and 10 February 2009 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Romania in respect of the facts giving rise to this application against an undertaking by the Government to pay her 1 000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into New Romanian Lei at the rate applicable on the date of payment, free of any taxes that may be applicable and payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. 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. The payment will 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 other reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

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.

Marialena Tsirli	Elisabet Fura
Deputy Registrar	President