

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

THIRD SECTION

DECISION

Application no. 45469/07
by Virgil RADU
against Romania

The European Court of Human Rights (Third Section), sitting on 12 April 2011 as a Committee composed of:

Ján Šikuta, *President,*
Ineta Ziemele,
Kristina Pardalos, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 October 2007,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Virgil Radu, is a Romanian national who was born in 1951 and lives in Bucharest. The Romanian Government ("the Government") were represented by their Agent, Mr Răzvan-Horaţiu Radu, from the Ministry of Foreign Affairs.

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

By a final decision of 12 April 2007 the Bucharest Court of Appeal rejected the applicant's civil proceedings for damages against the Home Office and against a third party on the ground that he had not paid the stamp

duty. The proceedings started on 4 May 2000 and ended on 12 April 2007, lasting six years, eleven months and twenty-two days, before three courts.

COMPLAINTS

Invoking Article 6 § 1 of the Convention, the applicant complained of the length of proceedings, the lack of independence and impartiality of the courts and the unfairness of the proceedings, in so far as the courts wrongfully assessed the evidence and misinterpreted the applicable legal provisions.

THE LAW

On 13 November 2009 the Court received the following declaration from the Government:

> "I declare that the Government of Romania offer to pay 1,000 euros (one thousand euros) to Mr Virgil Radu, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover all damages, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. It will be 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 undertake to pay simple interest on them, 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."

On 3 December 2009 the Court received the following declaration signed by the applicant:

> "I, Virgil Radu, note that the Government of Romania are prepared to pay me the sum of 1,000 euros (one thousand euros) with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover all damages, will be converted into Romanian Lei at the rate applicable on the date of payment, and free of any taxes that may be applicable. It will be 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. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

> I accept the proposal and waive any further claims against Romania in respect of the facts giving rise to this application. I declare that this constitutes a final resolution of the case."

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 (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	Ján Šikuta
Deputy Registrar	President