CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

DECISION

Application no. 29854/04
by Mirko ŠARENGAĆA
against Croatia

The European Court of Human Rights (First Section), sitting on 5 April 2007 as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,
Mr L. LOUCAIDES,
Mrs N. VAJIĆ,
Mr A. KOVLER,
Mr K. HAJIYEV,
Mr D. SPIELMANN,
Mr G. MALINVERNI, *judges*,
and Mr S. NIELSEN, *Section Registrar*,

Having regard to the above application lodged on 1 June 2004,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together.

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Mirko Šarengaća, is a Croatian national who was born in 1949 and lives in Hrvatska Kostajnica. He was represented before the Court by Ms B. Jeličić Vnučec, a lawyer practising in Zagreb. The Croatian Government ("the Government") were represented by their Agent, Mrs Š. Stažnik.

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

In 1977 the applicant brought a civil action in damages against the State in the Kostajnica Municipal Court (*Općinski sud u Kostajnici*). Following several remittals, on 7 May 1996 the proceedings were temporarily suspended (*mirovanje postupka*) due to the inactivity of the parties.

On 13 September 2002 the Hrvatska Kostajnica Municipal Court (*Općinski sud u Hrvatskoj Kostajnici*) held a hearing and concluded that the civil action had been withdrawn, since the applicant did not request that the proceedings be resumed within the statutory time-limit.

The applicant appealed.

The applicant then filed a complaint concerning the length of the proceedings with the Constitutional Court (*Ustavni sud Republike Hrvatske*).

On 28 August 2003 the Sisak County Court (*Županijski sud u Sisku*) quashed the first-instance decision of 13 September 2002 and remitted the case.

Subsequently, on 12 December 2003 the Constitutional Court declared the applicant's complaint inadmissible, because the Sisak County Court had meanwhile given its decision in his case.

It appears that the proceedings are still pending before the first-instance court.

COMPLAINTS

The applicant complained under Article 6 § 1 of the Convention about the length of the proceedings. He also complained under Article 13 of the Convention that he had no effective remedy at his disposal in respect of his length complaint.

THE LAW

On 19 May 2006 the Government informed the Court accepted the proposal for a friendly settlement whereby the Government would pay the applicant 6,000 euros in full and final settlement of the case, costs and expenses included.

By letter of 27 September 2006 the applicant's representative informed the Court that that the parties had reached a settlement and that the applicant waived any further claims against Croatia in respect of the facts of the present application.

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 (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Søren NIELSEN
Registrar

Christos ROZAKIS
President