

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

FIFTH SECTION

DECISION

Application no. 18807/14
Sandro SCHNEIDER
against Germany

The European Court of Human Rights (Fifth Section), sitting on 18 October 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*

and Anne-Marie Dougin, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 February 2014,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Sandro Schneider, is a German national, who was born in 1979 and was detained in Volkstedt when lodging his application. He was represented before the Court by Mr V. Römer, a lawyer practising in Aschersleben.

The German Government ("the Government") were represented by one of their Agents, Mrs K. Behr, of the Federal Ministry of Justice and Consumer Protection.

Referring to this Court's judgment in the case of *Neziraj v. Germany* (no. 30804/07, 8 November 2012), the applicant complained under Article 6 §§ 1 and 3 (c) of the Convention about the decision of the Magdeburg Regional Court, on 30 January 2013, to dismiss his appeal against his conviction by the District Court without an examination of the merits because he had not attended the hearing, even though his counsel had been present, mandated and ready to defend him.

On 5 and 9 September 2016 the Court received friendly settlement declarations signed by the Government and the applicant respectively. Under these declarations, the applicant agreed to waive any further claims against Germany in respect of the facts giving rise to this application against an undertaking by the Government to pay him two thousand seven hundred euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant. This sum will be 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. 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 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 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 10 November 2016.

Anne-Marie Dougin	Erik Møse
Acting Deputy Registrar	President