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

FIFTH SECTION

DECISION

Application no. 6356/16
Vitaliy Vasylyovych SIRYK
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 19 December 2024 as a Committee composed of:

Diana Sârcu*, President*,
Kateřina Šimáčková,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 15 January 2016,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Vitaliy Vasylyovych Siryk, was born in 1985.

The applicant's complaints under Article 1 of Protocol No. 1 to the Convention, regarding an alleged breach of customs rules while transporting a car across the Ukrainian border and the resulting penalties – confiscation of the car and a fine – were communicated to the Ukrainian Government ("the Government"), which submitted observations on their admissibility and merits.

As part of the procedural requirements, the applicant was asked to designate representative before the Court by 31 July 2023. The applicant downloaded the letter from the Court's Electronic Communication Service (eComms). However, no response followed.

By letter dated 31 October 2023, sent via eComms, the applicant was notified that the period allowed for the designation of the representative had expired and that no extension of time had been requested. His attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike an application out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. This letter was not downloaded by the applicant.

On 25 March 2024 the Court, in a letter sent to the applicant by post, asked him to confirm by 22 April 2024 his intention to maintain application and, if so, to submit duly filled authority form.

On 18 April 2024 the applicant informed the Court that he wished to maintain his application but did not provide the authority form.

By letter dated 21 May 2024, sent by post, he was again asked to appoint a representative before the Court by 18 June 2024. No response followed.

THE LAW

The Court reiterates that, according to its practice, failure to comply with the requirement of proper legal representation, as defined in Rule 36 §§ 2 and 4, may result in the discontinuation of the proceedings (compare, *inter alia, Grimaylo v. Ukraine* (dec.), no. 69364/01, 7 February 2006, and *R.W. v. the Netherlands* (dec.), no. 37281/05, 14 September 2010).

The Court notes that the applicant was repeatedly asked to designate a representative in the proceedings before it. However, he did not comply with the Court's request and did not reply to its last letter. His failure to comply with the Court's instruction and to reply to the Court's last letter may be seen as an indication that he no longer wishes to pursue his application within the meaning of Article 37 § 1 (a) of the Convention. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court, unanimously,

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

Done in English and notified in writing on 23 January 2025.

Viktoriya Maradudina Acting Deputy Registrar	Diana Sârcu President