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

THIRD SECTION

DECISION

Application no. 60197/16
Momčilo and Bogoljub STANKOVIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 12 December 2017 as a Committee composed of:

Pere Pastor Vilanova, *President,*
Branko Lubarda,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 October 2016,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicants, Mr Momčilo Stanković and Mr Bogoljub Stanković, are nationals of Serbia, who were born in 1954 and 1933 respectively and live in Petrovac na Mlavi. They were represented before the Court by Mr P. Nedinić, a lawyer practising in Petrovac na Mlavi.

2. The Government of Serbia ("the Government") were represented by their Agent, Ms. N. Plavšić.

3. The applicants complained under Article 6 § 1 of the Convention about the excessive length of civil proceedings concerning easement over a certain property.

4. On 31 August 2017 and 12 September 2017 the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Serbia in respect of the facts giving rise to this application against an undertaking by the Government to pay each of them 1,300 euros to cover any and all

non-pecuniary damage, less any amounts which may have already been paid in that regard at the domestic level, as well as 500 euros to cover any and all costs and expenses, which will be converted into the national currency at the rate applicable on the date of payment and will be payable within three months from the date of notification of the decision taken by the Court. 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.

5. The payment will constitute the final resolution of the case.

THE LAW

6. 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 11 January 2018.

Fatoş Aracı
Deputy Registrar

Pere Pastor Vilanova
President