

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

THIRD SECTION

DECISION

Applications nos. 6359/03 and 179/10
Marin TILEA against Romania and
Remus TUDOR against Romania

The European Court of Human Rights (Third Section), sitting on 26 March 2013 as a Committee composed of:

Alvina Gyulumyan, *President,*
Kristina Pardalos,
Johannes Silvis, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged on 5 February 2003 and 6 October 2009 respectively,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are all Romanian nationals. Their names and additional identification data are to be found in the appended table.

The Romanian Government ("the Government") were represented by their Agent, Ms Catrinel Brumar, from the Ministry of Foreign Affairs.

Both applications concern the alleged infringement of the applicants' right of access to court on account of having their actions dismissed due to the failure to pay stamp duty and because their requests for concessions on stamp duty were either dismissed by the courts or not even considered. They relied on Article 6 § 1 of the Convention.

On the dates tabulated below the Court received friendly settlement declarations signed by the parties under which the applicants agreed to waive any further claims against Romania in respect of the facts giving rise to these applications against an undertaking by the Government to pay them the sums indicated in the appended table to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which would be converted into Romanian lei at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. They 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 these sums within the said three-month period, the Government undertook 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 cases.

THE LAW

Given their similar factual and legal background, the Court decides that the applications should be joined.

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 applications.

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Marialena Tsirli	Alvina Gyulumyan
Deputy Registrar	President

APPENDIX

No.	Application no. Case title	Introduction date	Applicant's name, date of birth, place of residence, name of representative (if any)	Date of the Government's declaration	Date of the applicant's declaration	Sum agreed upon as friendly settlement (Euros)
1.	6359/03 TILEA v. Romania	5 February 2003	Marin TILEA 11 October 1928 – 8 June 2012, Application pursued in the applicant's name by the legal heirs Dana-Elena TILEA 22 April 1957 and Bogdan-Lorin TILEA 17 June 1983, Pitești, Argeș County.	5 February 2013	18 December 2012	**3,600 (jointly)**
2.	179/10 TUDOR (VIII) v. Romania	6 October 2009	Remus TUDOR 14 September 1966, Giurgiu Penitentiary, Giurgiu County. Represented by Irina Maria CIONTU, lawyer practising in Bucharest.	5 February 2013	18 December 2012	**3,600**