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

FIRST SECTION

DECISION

Application no. 22830/14
Josip VUJČIĆ
against Croatia

The European Court of Human Rights (First Section), sitting on 23 June 2015 as a Committee composed of:

Mirjana Lazarova Trajkovska, *President,*
Paulo Pinto de Albuquerque,
Ksenija Turković, *judges,*
and André Wampach, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 March 2014,

Having regard to the declaration submitted by the respondent Government on 2 April 2015 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Josip Vujčić, is a Canadian and Croatian national, who was born in 1962 and lives in Zagreb.

The Croatian Government ("the Government") were represented by their Agent, Ms Š. Stažnik.

The applicant complained under Article 6 § 1 of the Convention about the length of civil proceedings.

The application had been communicated to the Government.

THE LAW

The applicant complained about the length of civil proceedings that had in the relevant period lasted nine years and eight months before two levels

of jurisdiction and which are still pending. He relied on Article 6 § 1 of the Convention.

After the failure of attempts to reach a friendly settlement, by a letter of 2 April 2015 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The relevant part of the declaration provided that the Government:

> "(a) acknowledges that in the instant case there has been a violation of the applicant's right to a fair trial within a reasonable time, guaranteed by the Article 6 § 1 of the Convention; and
>
> (b) is ready to pay to the applicant 1,485 euros to cover any and all non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be converted into Croatian kunas at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights to the account indicated by the applicant. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, 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 case."

By a letters of 17 March 2015 and 12 April 2015, the applicant indicated that he was not satisfied with the terms of the unilateral declaration because the sum offered by the Government was unacceptably low considering the length of proceedings and their importance to him.

The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the application".

It further reiterates that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles established in its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03, 18 September 2007).

The Court has established in a number of cases (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006 V; *Majewski v. Poland*, no. 52690/99, 11 October 2005; and *Wende and Kukówka v. Poland*, no. 56026/00, 10 May 2007), including those brought against Croatia (see, for example, *Horvat v. Croatia*, no. 51585/99, ECHR 2001 VIII; *Kozlica v. Croatia*, no. 29182/03, 2 November 2006; and *Pavić v. Croatia*, no. 21846/08, 28 January 2010), its practice concerning complaints about the violation of one's right to a hearing within a reasonable time.

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 in fine).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Article 6 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 16 July 2015.

André Wampach
Deputy Registrar

Mirjana Lazarova Trajkovska
President