

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

THIRD SECTION

DECISION

Application no 6842/14
Daniela ZANFIRESCU against Romania
and 5 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 18 June 2015 as a committee composed of:

Luis López Guerra, *President,*
Johannes Silvis,
Valeriu Griţco, *judges,*
and Karen Reid, *Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings were communicated to the Romanian Government ("the Government").

THE LAW

After unsuccessful friendly-settlement negotiations, the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints. They further

requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the excessive length of criminal proceedings. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, 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 would constitute the final resolution of the cases.

The Court has not received a response from the applicants which accepts the terms of the unilateral declaration.

The Court observes that Article 37 § 1 (c) enables it 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 applications".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see the principles emerging from the Court's case-law, and in particular the *Tahsin Acar v. Turkey* judgment ([GC], no. 26307/95, §§ 75-77, ECHR 2003-VI)).

The Court has established in a number of cases, including those brought against Romania, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII and *Vlad and Others v. Romania*, nos. 40756/06, 41508/07 and 50806/07, §§ 131-133 and 161, 26 November 2013).

Noting the admissions contained in the Government's declarations 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 applications (Article 37 § 1 (c)).

In the light of the above considerations, 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 applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be

restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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;

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

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

Done in English and notified in writing on 9 July 2015.

Karen Reid
Registrar

Luis López Guerra
President

APPENDIX

No.	Application no. Date of introduction	Applicant Date of birth	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount for pecuniary, non-pecuniary damages and costs and expenses[1] per applicant/household (in euros)
1.	6842/14 17/01/2014	Daniela ZANFIRESCU 08/09/1968	22/01/2015	11/03/2015	1,620
2.	6847/14 17/01/2014	Laura Ileana CIOVICĂ 01/09/1975	21/01/2015	11/03/2015	1,350
3.	7492/14 17/01/2014	Eugenia BARBU 24/01/1962	21/01/2015	13/03/2015	1,350

[1] Plus any tax that may be chargeable to the applicants.

No.	Application no. Date of introduction	Applicant Date of birth	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount for pecuniary, non-pecuniary damages and costs and expenses[1] per applicant/household (in euros)
4.	7801/14 15/01/2014	Dan Emil BOZDOGESCU 12/05/1962 Sorin CELEA 30/12/1973 Violeta-Titina POPESCU 08/05/1959 Eugen DINCĂ 02/04/1974 Lenuța CORNEANU 11/12/1959 Mihaela-Valentina IONICOIU 03/07/1968 Adriana Carmen IORDACHE 16/02/1964	22/01/2015	16/03/2015	1,012.50
No.	**Application no. Date of introduction**	**Applicant Date of birth**	**Date of receipt of Government's declaration**	**Date of receipt of applicant's comments**	**Amount for pecuniary, non-pecuniary damages and costs and expenses[2] per applicant/household (in euros)**

		Violeta CORCOVEANU 23/11/1965 Stelian VOICU 02/05/1959 Milica IONESCU 05/08/1953 Doina DOROBANȚU 13/05/1958 Doinița VĂDUVA 21/04/1962 Ioseev NEAGOE 08/07/1957 Veronica DOMNIȘORU 03/04/1969 **Household** Alexandru COJOCARU 02/08/1957 Georgeta- Rodica COJOCARU 27/02/1958			

No.	Application no. Date of introduction	Applicant Date of birth	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount for pecuniary, non-pecuniary damages and costs and expenses[1] per applicant/household (in euros)
5.	10964/14 25/01/2014	Carmen-Mariana SĂSEANU 23/02/1977	21/01/2015	25/03/2015	1,620
6.	11624/14 29/01/2014	Cristina CIUCĂ 07/04/1973	22/01/2015	26/03/2015	1,350

[1] Plus any tax that may be chargeable to the applicants.