



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

FIRST SECTION

DECISION

Application no. 29921/07
Tatyana Nikitichna CHERNIKOVA against Russia
and 3 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 1 July 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Julia Laffranque,

Dmitry Dedov, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above applications,

Having regard to the decision to apply the pilot-judgment procedure taken in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009),

Having regard to the declarations submitted by the Government and the applicants' acceptance of their terms,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix.

The Russian Government ("the Government") were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The applicants complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 of the Convention about the delayed enforcement of judgments of domestic courts delivered in their favour.

By letters dated 20 August 2013, 22 August 2013 and two letters dated 28 August 2013 the Government informed the Court that they proposed to make declarations with a view to resolving the issues raised by the applications. They acknowledged the violation of the applicants' rights in connection with delayed enforcement of the judgments delivered in their

favour and stated their readiness to pay to the applicants the sums set out in the appendix as just satisfaction. The payments were to cover any pecuniary and non-pecuniary damage, together with any costs and expenses incurred, and will be free of any taxes that may be chargeable. They would be effected within a period of three months from the date of notification of the decision taken by the Court. In the event of failure to pay within that 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 payments would constitute the final resolution of the cases.

In their letters the applicants informed the Court that they agreed to the terms of the Government's declarations.

THE LAW

Given that the applications at hand concern similar facts and complaints and raise identical issues under the Convention, the Court decides to join them.

The Court considers that in each case the applicant's express agreement to the terms of the declaration made by the Government shall be considered as a friendly settlement between the parties (see *Cēsnieks v. Latvia* (dec.), no. 9278/06, § 34, 6 March 2012, and *Bakal and Others v. Turkey* (dec.), no. 8243/08, 5 June 2012) as to the delayed enforcement of the judgment in favour of the applicants.

The Court therefore takes note of the friendly settlement reached between the parties in each case. 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.

As regards the question of implementation of the Government's undertakings, the Committee of Ministers remains competent to supervise this matter in accordance with Article 46 of the Convention (see the Committee's decisions of 14-15 September 2009 (CM/Del/Dec(2009)1065) and Interim Resolution CM/ResDH(2009)158 concerning the implementation of the *Burdov (no. 2)* judgment). In any event the Court's present ruling is without prejudice to any decision it might take to restore, pursuant to Article 37 § 2 of the Convention, any of the applications to the list of cases (see *E.G. v. Poland* (dec.), no. 50425/99, § 29, ECHR 2008 (extracts)).

In view of the above, it is appropriate to strike the cases out of the list in accordance with Article 39 of the Convention as to the delayed enforcement of the judgment in favour of the applicants.

As for the applicant's accessory complaint in the application no. 11330/08 referring to various Articles of the Convention, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike out of its list of cases in accordance with Article 39 of the Convention applications nos. 29921/07, 5928/08 and 9533/08 and the part of the application no. 11330/08 concerning the complaints about the delayed enforcement of the judgment in favour of the applicant;

Declares the remainder of the application no. 11330/08 inadmissible.

André Wampach
Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Unilateral remedial offer (EUR)
1.	29921/07	09/05/2007	Tatyana Nikitichna CHERNIKOVA 07/03/1953 Novovoronezh	Ilya Vladimirovich SIVOLDAYEV	1,681
2.	5928/08	19/12/2007	Adolf Albertovich MOZER 12/05/1944 Arkhangelsk	Igor Yuryevich TELYATYEV	668
3.	9533/08	26/05/2006	Lyudmila Petrovna KOZLOVA 27/11/1939 Voronezh	Ilya Vladimirovich SIVOLDAYEV	2,744
4.	11330/08	31/01/2008	Aleksandr Nikolayevich BORODIN 12/12/1956 Yekaterinburg		2,861