



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

FOURTH SECTION

**CASE OF ČINGA v. LITHUANIA**

*(Application no. 69419/13)*

JUDGMENT

*(Just satisfaction – striking out)*

STRASBOURG

9 October 2018

*This judgment is final but it may be subject to editorial revision.*



**In the case of Činga v. Lithuania,**

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Ganna Yudkivska, *President*,

Paulo Pinto de Albuquerque,

Faris Vehabović,

Egidijus Kūris,

Iulia Antoanella Motoc,

Carlo Ranzoni,

Péter Paczolay, *judges*,

and Marialena Tsirli, *Section Registrar*,

Having deliberated in private on 18 September 2018,

Delivers the following judgment, which was adopted on that date:

**PROCEDURE**

1. The case originated in an application (no. 69419/13) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Lithuanian national, Mr Ramūnas Činga (“the applicant”), on 24 October 2013.

2. In a judgment delivered on 31 October 2017 (“the principal judgment”), the Court held that there had been a violation of Article 1 of Protocol No. 1 to the Convention on account of the fact that the applicant had to return to the State a plot of land without proper compensation.

3. Under Article 41 of the Convention the applicant sought just satisfaction of EUR 41,722 in respect of pecuniary damage, representing the market value of the plot of land of 0.05 hectares together with the improvements he had made. He also claimed EUR 30,000 in respect of non-pecuniary damage, and EUR 9,464 for legal costs and expenses incurred before the domestic courts and the Court, as well as EUR 341 for translation expenses for the translation of the application form and the applicant’s observations to the Court.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within three months from the date on which the judgment became final, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (see *Činga v. Lithuania* (merits), no. 69419/13, §§ 107-108, 31 October 2017 and point 3 of the operative provisions).

5. By a letter of 28 June 2018 the Court received a joint friendly settlement declaration duly signed by the parties:

“1. The Government of the Republic of Lithuania, hereby expressing respect for human rights, and the applicant R. Činga conclude a friendly settlement in the case *Činga v. Lithuania* (no. 69419/13).

2. The Government of the Republic of Lithuania undertake to pay the applicant R. Činga EUR 25,000 (twenty five thousand euros) in respect of pecuniary damage, EUR 8,000 (eight thousand euros) in respect of non-pecuniary damage and EUR 4,500 (four thousand five hundred euros) in respect of legal costs and expenses. The said sums shall be free of any taxes and shall be paid within three months from the date of the notification of the decision taken by the Court to strike the application out of its list of cases. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on it, from the expiry of that period until the settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

3. In addition, the Government of the Republic of Lithuania from the State budget appropriations for damage caused by unlawful actions of the authorities undertake:

3.1. by its own means to carry out works of separation of a part of 0.05 hectares from the land plot of 0.20 hectares (unique No. 4110-0700-0461) located at Šaltinėlis st. 29, Zujūnai village, Zujūnai eldership, the Vilnius District Municipality, jointly owned by the applicant and the State, which shall become the property of the Republic of Lithuania, and those of registration in the Real Estate Register of the Republic of Lithuania, also covering any costs related to the remaining plot of land of 0.15 hectares of the applicant in this regard;

3.2. to reimburse the costs incurred by the applicant for joining the centralised system and the costs of closing the existing wastewater treatment plant facilities in accordance with the invoices submitted by the public water supplier and the waste water operator, after the applicant R. Činga fulfils the statutory obligation to join the centralised water supply and/or wastewater management infrastructure;

3.3. to reimburse the clearing and cleaning costs of the indicated plot of land in accordance with the invoices submitted by the contractor of the Vilnius District Municipality after the Vilnius District Municipality decides to build a street and to carry out repair works via the plot of land of 0.05 hectares (unique No. 4110-0700-0461), located at Šaltinėlis st. 29, Zujūnai village, Zujūnai eldership, Vilnius District Municipality.

4. The applicant R. Činga and the Government of the Republic of Lithuania declare that the conclusion of this declaration constitutes a final resolution of the case *Činga v. Lithuania* (no. 69419/13) before the European Court of Human Rights. The applicant R. Činga declares that he waives any further claims or complaints against Lithuania in respect of the facts giving rise to this application.”

## THE LAW

6. The Court takes formal note of the above agreement and considers that it is equitable within the meaning of Rule 75 § 4 of the Rules of Court.

7. In the light of the above, the Court considers that the matter has been resolved within the meaning of Article 37 § 1 (b) of the Convention and that respect for human rights as defined in the Convention and its Protocols does

not require it to continue the examination of the application under Article 37 § 1 *in fine*.

8. Accordingly, the remainder of the application should be struck out of the list.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Takes formal note* of the agreement between the parties and the arrangements made to ensure compliance with the undertakings given therein;
2. *Decides* to strike the remainder of the application out of its list of cases.

Done in English, and notified in writing on 9 October 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Marialena Tsirli  
Registrar

Ganna Yudkivska  
President