



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

FOURTH SECTION

CASE OF STATE AND OTHERS v. ROMANIA

*(Application no. 36127/19 and 7 others –
see appended list)*

JUDGMENT

STRASBOURG

30 March 2023

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

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In the case of State and Others v. Romania,

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

Tim Eicke, *President*,

Branko Lubarda,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 9 March 2023,

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

PROCEDURE

1. The case originated in applications against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Romanian Government (“the Government”) were given notice of the applications.

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the non-enforcement or delayed enforcement of domestic decisions.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL NO. 1

6. The applicants complained of the non-enforcement or delayed enforcement of domestic decisions given in their favour. They relied, expressly or in substance, on Article 6 § 1 of the Convention and on Article 1 of Protocol No. 1.

7. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a “hearing” for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or

delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

8. In the leading case of *Foundation Hostel for Students of the Reformed Church and Stanomirescu v. Romania*, nos. 2699/03 and 43597/07, 7 January 2014, the Court already found a violation in respect of issues similar to those in the present case, where the State was the debtor.

9. The Court further notes that the domestic decisions in the present applications ordered payment of various amounts of money to the applicants or ordered other specific actions to be taken by various public authorities (see the appended table for details of the court orders). The Court therefore considers that the decisions in question constitute “possessions” within the meaning of Article 1 of Protocol No. 1.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the decisions in the applicants’ favour.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

III. OTHER ALLEGED VIOLATION OF THE CONVENTION

12. In application no. 36127/19 the applicant also complained under Article 13 of the Convention about absence of an effective remedy allowing to complain about a delay in the enforcement of the final domestic judgment.

13. The Court notes that this complaint is linked to the ones examined above and must therefore, likewise, be declared admissible.

14. Regard being had to its finding of a violation of Article 6 § 1 of the Convention and of Article 1 of Protocol No. 1 (see paragraphs 10 and 11 above), the Court does not consider it necessary to examine this complaint separately (see *Mihăescu v. Romania*, no. 5060/02, § 47, 2 November 2006).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

16. Regard being had to the documents in its possession and to its case-law (see, in particular, *Foundation Hostel for Students of the Reformed Church and Stanomirescu*, cited above), the Court considers it reasonable to award the sums indicated in the appended table.

17. The Court further notes that the final domestic judgments in applications nos. 50088/20 and 52089/21 were enforced in full. However, the respondent State has an outstanding obligation to enforce the judgments referred to in the appended table which remain fully or partially unenforced.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No.1 concerning the non-enforcement or delayed enforcement of the domestic decisions, as indicated in the appended table;
4. *Holds* that there is no need to examine separately the complaint under Article 13 of the Convention;
5. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the full enforcement of the pending domestic decisions referred to in the appended table, save for judgment in applications nos. 50088/20 and 52089/21 which had been enforced in full;
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 30 March 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Tim Eicke
President

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APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1
(non-enforcement or delayed enforcement of domestic decisions)

No.	Application no. Date of introduction	Applicant's name Year of birth/registration	Representative's name and location	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic order	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	36127/19 26/06/2019	Alina-Maria STATE 1979		Deva District Court, 04/06/2013	17/10/2013	pending More than 9 year(s) and 2 month(s) and 18 day(s)	Financial order against the Authority for the Management of State Assets (" <i>Autoritatea pentru Administrarea Activelor Statului</i> ") to pay the applicant the amount of 290,209 RON plus interest; File no. 9879/221/2012	6,000
2.	43662/19 02/08/2019	Roman PÎNZARI 1978	Constandache Viorel Galați	Galați District Court, 06/02/2012	30/01/2013	pending More than 9 year(s) and 11 month(s) and 5 day(s)	Order against the Galați County Police Inspectorate to return to the applicant 4,081.7 kilograms of garlic or to pay him the money obtained from their sale; File no. 16823/233/2010	6,000
3.	7873/20 28/01/2020	Carmen-Rodica GRUSEA 1974		Rupea District Court, 03/06/2016	03/06/2016	pending More than 6 year(s) and 7 month(s) and 1 day(s)	Financial order against the "Comana de Jos" local commission responsible for the application of the restitution laws to pay the applicant the amount of 813,000 RON; File no. 149/293/2016	6,000
4.	18349/20 10/04/2020	Margareta BÎZU 1954	Nicolau Andrei Bucharest	Ilfov County Court, 11/05/2017	16/01/2019	pending More than 3 year(s) and 11 month(s) and 21 day(s)	Financial order against the Ilfov County Prefect to pay the applicant the amount of 54,800 RON; File no. 2520/93/2015	3,500

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

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No.	Application no. Date of introduction	Applicant's name Year of birth/registration	Representative's name and location	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic order	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ¹
5.	39624/20 26/08/2020 (5 applicants)	Adriana CAPLAN 1973 Mărgărit-Răzvan AUSTRIANU 1971 Aurelia HRISTACHE 1960 Remus-Ion LOBODAN 1977 Pompiliu ȘTEFĂNESCU 1962		Argeș County Court, 21/09/2007 Argeș County Court, 12/12/2007	21/09/2007 12/12/2007	pending More than 15 year(s) and 3 month(s) and 20 day(s) pending More than 15 year(s) and 29 day(s)	Financial orders against the Prosecutor's Offices attached to the Pitești Court of Appeal and Argeș County Court to pay the applicants salary adjustments; Files nos. 1100/109/2007 and 2893/109/2007	6,000
6.	50088/20 30/10/2020	FILL I COM S.R.L. 1992	Popescu Nicoleta-Tatiana Bucharest	Constanța County Court, 08/06/2012	28/11/2012	10/06/2021 8 year(s) and 6 month(s) and 14 day(s)	Financial order File no. 10023/118/2011	6,000
7.	1927/21 28/12/2020	COMCM S.A. 1991	Veriotti Maria Constanța	Bucharest County Court, 03/07/2013	25/06/2014	pending More than 8 year(s) and 6 month(s) and 13 day(s)	Financial order against the Authority for the Management of State Assets ("Autoritatea pentru Administrarea Activelor Statului") to pay the applicant the amount of 14,151,370.67 RON; File no. 30995/3/2011	6,000
8.	52089/21 30/09/2021	ERDAN IMPORT EXPORT S.R.L. 1992	Popescu Nicoleta-Tatiana Bucharest	Constanța County Court, 08/06/2012	28/11/2012	10/06/2021 8 year(s) and 6 month(s) and 14 day(s)	Financial order; File no. 10023/118/2011	6,000