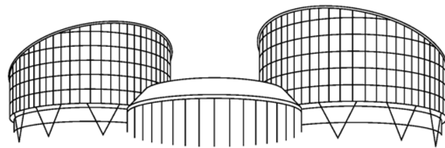

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF VĂLEANU AND OTHERS v. ROMANIA

(Applications nos. 59012/17 and 29 others)

JUDGMENT
(Merits)

Art 1 P1 • Peaceful enjoyment of possessions • Continuing ineffectiveness of restitution mechanism in respect of property confiscated or nationalised by the communist regime, despite new remedies under Law no. 165/2013, placing excessive burden on applicants • Inability to obtain restitution or any or adequate compensation
Art 46 • Execution of judgment • Respondent State required to take further general measures to address continuing structural problem in restitution mechanism • Measures to be aimed at streamlining and clarifying applicable procedures and criteria when enforcement of outstanding restitution judgments objectively impossible • Need for short, realistic and binding time-limits for completion of ongoing administrative proceedings

STRASBOURG

8 November 2022

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Văleanu and Others v. Romania,

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

Gabriele Kucsko-Stadlmayer*, President*,
Krzysztof Wojtyczek,
Faris Vehabović,
Yonko Grozev,
Armen Harutyunyan,
Pere Pastor Vilanova,
Ana Maria Guerra Martins*, judges*,
and Ilse Freiwirth, *Deputy Section Registrar,*

Having regard to:

the thirty applications (see appendix) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by Romanian nationals ("the applicants"), on the various dates indicated in the appendix;

the decision to give notice to the Romanian Government ("the Government") of the complaints concerning the ineffectiveness of the domestic restitution mechanism raised by the applicants under Article 6 of the Convention and/or Article 1 of Protocol No. 1 to the Convention;

the parties' observations;

the decision of the President of the Chamber to appoint Judge K. Wojtyczek, to sit as an *ad hoc* judge (Article 26 § 4 of the Convention and Rule 29 § 1 of the Rules of Court), considering that Ms Iulia Motoc, the judge elected in respect of Romania, withdrew from sitting in the case (Rule 28);

Having deliberated in private on 4 October 2022,

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

INTRODUCTION

1. The complaints raised in the present applications, mainly under Article 1 of Protocol No. 1 to the Convention, concern administrative and/or judicial proceedings brought by the applicants under various restitution laws enacted in Romania since 1991, with a view to obtaining restitution or compensation for their property confiscated or nationalised by the communist regime.

THE FACTS

2. A list of the applicants and the relevant details of their applications is set out in the appendix.

3. The Government were represented by their Agent, Ms O. Ezer, of the Ministry of Foreign Affairs.

I. OVERALL BACKGROUND

4. Following the establishment of the communist regime in Romania in 1947, the State proceeded to nationalise buildings and agricultural land on a large scale. After the fall of the communist regime, the State enacted a series of laws aimed at affording redress for breaches of property rights by the former regime (see paragraphs 5, 7 and 10 below).

5. Laws nos. 112/1995 and 10/2001 established the principle of restitution (issuing titles to property and granting possession) of nationalised residential property and compensation in cases where restitution was no longer possible. Law no. 18/1991 conferred on former owners and their successors in title the right to partial restitution of agricultural land. The most important amendment to that Law was made by Law no. 1/2000, which raised the ceiling for entitlement to 50 ha per person for arable land and 100 ha per person for agricultural land. If restitution was not possible, the beneficiaries were entitled to compensation.

6. The relevant authorities in charge of the initial assessment of claims lodged under the restitution legislation were the local and regional commissions for the application of the above-mentioned laws.

7. Law no. 247/2005 attempted to harmonise the administrative procedures for restitution of properties covered by the above-mentioned laws and special legislation concerning restitution of agricultural land.

8. The leading role in implementing this law was entrusted to two newly created structures: the Central Compensation Board (*Comisia centrală pentru Stabilirea Despăgubirilor*), which in 2013 became the National Commission for Property Compensation (*Comisia Naţională pentru Compensarea Imobilelor* – hereinafter "the NCPC"), mainly in charge of validating and issuing compensation decisions; and the National Agency for Property Restitution (*Autoritatea Naţională pentru Restituirea Proprietăţilor* – "the NAPR"), responsible for monitoring and coordinating at national level the application and implementation of the restitution laws.

9. On 12 October 2010 the Court adopted a pilot judgment in the case of *Maria Atanasiu and Others v. Romania* (nos. 30767/05 and 33800/06, 12 October 2010), in which it singled out the deficiencies of the restitution mechanism, indicating to the respondent State under Article 46 of the Convention that new steps needed to be taken in order to process restitution claims with more efficiency.

10. On 20 May 2013 Law no. 165/2013 (hereinafter "the Law") came into force, setting out the various procedures available to petitioners seeking settlement of their restitution claims.

11. On the basis of the parties' observations and comments regarding the new remedies set out by the Law, on 29 April 2014 the Court found in the case of *Preda and Others v. Romania* (nos. 9584/02 and 7 others, §§ 134-40, 29 April 2014) that the mechanism established by the new law offered a range

of effective remedies that needed to be exhausted by claimants whose complaints referred to one of the following situations: the existence of concurrent titles with respect to the same plot of agricultural land; the annulment of such a title without any compensation; the delivery of a final judgment confirming the right to compensation for the unlawful seizure by the State of any type of immovable property, without fixing the amount; the failure to pay such compensation awarded in a final judgment; and the prolonged failure to give a decision on a restitution claim.

12. The Court also held that the Law did not contain any provisions of a procedural or substantive nature capable of affording redress in situations in which final judgments existed validating concurrent titles with respect to the same residential property. That particular conclusion was reaffirmed in the case of *Dickmann and Gion v. Romania* (nos. 10346/03 and 10893/04, 24 October 2017).

13. The complaints set out in the present applications relate to the Court's findings in the case of *Preda and Others* (cited above) as to the general functioning of the mechanism established by the Law, and raise issues concerning the effectiveness of the remedies laid out therein. In particular, the applicants argued that the time-limits set out in the Law in relation to the authorities' obligation to enforce final decisions in their favour and/or give a decision on their restitution claims had long since expired; at the same time, those who had received their compensation decisions many years after the entry into force of the Law argued that the method of calculating compensation, using the 2013 values of property transactions, had rendered the compensation awarded derisory. Some of the applicants had had their titles annulled by the domestic courts for the benefit of third parties considered to have more entitlement to the property, but no compensation or other form of redress had been provided to them. The applicants generally claimed that the prolonged failure of the authorities to finalise the procedure concerning their claims, together with the total lack or inadequacy of compensation, including for the loss of use of the property to which they were entitled, had imposed an excessive and disproportionate burden on them.

II. THE APPLICANTS' PARTICULAR CIRCUMSTANCES

14. The facts of the case, as submitted by the parties, may be summarised as follows.

A. Non-enforcement of final judgments

15. The applicants have obtained final decisions in their favour in which the courts have either: asked the local commissions to issue title deeds (ownership titles) and/or grant possession of the property to which they were entitled (applications listed under nos. 2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 15, 17,

22, 23, 24, 26 and 30 in the appendix) or pay them appropriate compensation instead (applications listed under nos. 14, 16 and 29 in the appendix); or to provide a legal response to their restitution claims (applications listed under nos. 19, 20 and 28 in the appendix). These final decisions have not been (fully) enforced to date. The relevant details of each application are presented below.

1. *Failure of the authorities to issue title deeds and/or to grant possession*

(a) Argintaru, application no. 12854/18

16. A final judgment given by the Gorj County Court on 8 October 2012 acknowledged the applicant's entitlement to the restitution of 736.9603 ha of forest land and 166.6536 ha of alpine pasture land (*pășune gol alpin*). The relevant commissions were requested to grant her possession of the land, either at the original location or at a different location, chosen in agreement with her, and to then issue a title deed.

17. On 27 November 2014 the Târgu Jiu District Court allowed a request by the applicant lodged under Article 906 of the Civil Procedure Code (hereinafter "the CPC") and ordered the relevant local commission to pay her the amount of 300 Romanian lei (RON) for each day of non-enforcement.

18. On the basis of the above-mentioned decision and following a further request by the applicant lodged in accordance with Article 906 (see paragraph 157 below), on 29 February 2016 the Târgu Jiu District Court ordered the local commission to pay her a "final" amount of RON 115,500 as "penalties" for the non-enforcement of the outstanding judgment for the period between 7 October 2014 and 27 October 2015. That amount was paid to her in 2016.

19. A subsequent attempt by the applicant to seek similar penalties for the period between 28 October 2015 and 28 October 2016 was dismissed by a final judgment of 4 September 2017 given by the Gorj County Court, which held that as the previous judgment of 2016 had mentioned the term "final" amount (see paragraph 71 below), and considering that the High Court of Cassation and Justice ("the HCCJ") had on 6 March 2017 interpreted the purpose of Article 906 of the CPC as only allowing one request for the fixing of the final amount (see paragraph 176 below), no such further awards could be requested or made.

20. Following a legislative amendment to Article 906 of the CPC in December 2018 (see paragraph 157 *in fine* below), a further request similar to that described in paragraph 17 above was lodged by the applicant in 2019. She was awarded RON 27,300 by the Motru District Court in a final judgment of 15 July 2020 to cover the three-month period prior to the request being lodged with the court. In its reasoning, the court considered that the law allowed requests such as the applicant's every three months until enforcement

of an outstanding judgment. It is unclear whether that amount was paid to the applicant.

21. According to the most recent information submitted to the Government by the Gorj Prefecture on 11 February 2021, enforcement of the outstanding judgment was difficult as the respective plots of land appeared to be public property belonging to the State and were managed by two regional Forest Administration Departments (Mehedinţi and Baia de Aramă). The procedure to be followed was therefore not straightforward, the Prefecture stating that the mechanism for transferring property from public into private ownership of the State and then to the local commissions was highly problematic.

(b) Onu, application no. 32541/18

22. By a final judgment of 10 April 2014, the Galaţi County Court ordered the Galaţi regional commission to issue a title deed to the applicant confirming his property rights to 3 ha of land (*luciu de apă*) at Şovârca Lake.

23. The Government submitted that when attempting to enforce the outstanding judgment, the domestic authorities had identified the land, which was public property and part of a larger fishing spot set up on the River Prut. Therefore, under the law, the applicant was entitled to obtain a different equivalent plot of land, if available, or appropriate compensation.

24. Since 2021 the Galaţi regional commission has made several attempts to have the property transferred from the public property of the State into its private property, with a view to a subsequent transfer to the applicant. The Government argued that such a procedure was complex and long, involving the adoption of a preliminary Government Decision to that end. At the time the observations were submitted, there was no indication of any actual outcome of those attempts.

25. The Government also indicated that as no alternative plots of land were available, the possibility of awarding the applicant compensation had instead been discussed with him, but he had not shown any interest.

26. On 15 January 2018 the applicant lodged a request under Article 906 of the CPC (see paragraph 157 below), seeking to sanction the relevant regional commission for its failure to enforce the outstanding judgment. His request was dismissed as ill-founded by the first-instance court on 19 December 2019 on the grounds that execution of the judgment concerning the original location was impossible as the land was apparently public property and the commission had not acted in bad faith. An appeal by the applicant was dismissed by the Galaţi County Court on 9 July 2021. The latter judgment has not been made available to the Court by the parties.

(c) Todea and Others, application no. 38992/18

27. By a final judgment of 15 July 2002, the Turda District Court confirmed the applicants' entitlement to a plot of land of 3.64 ha located at a place named "Râtul Viţeilor" in Turda. The court ordered the local and regional commissions to issue a title deed and grant the applicants possession of the plot of land.

28. On 10 December 2007 an attempt by the applicants to enforce the outstanding judgment with the assistance of a bailiff failed, the relevant record noting that the plot of land was in the possession of the State-owned National Fisheries Management Company. The local commission's attempts to finalise the documentation enabling the regional commission to issue a title deed were unsuccessful as the land was public property, as confirmed by the National Agency for Fish and Aquaculture on 15 February 2016.

29. In 2019 the Agency transferred to the Turda local commission a total area of 45.3357 ha of land, including the plot of 3.64 ha. As an expert report attempting to identify the plot of land was pending, the outstanding judgment could not be enforced until that procedure was completed.

(d) Blajă, application no. 40167/18

30. By a final judgment of 25 May 2011, the Iași County Court confirmed the applicant's predecessor's entitlement to a plot of agricultural land of 1,000 sq. m in Iași. A further final judgment of 24 April 2014 given by the same court ordered the local and regional commissions to grant the applicant possession and issue a title deed for that land.

31. A final judgment of 24 June 2015 given by the same court acknowledged the applicant's entitlement to be granted possession and be issued with a title deed concerning another plot of land of 500 sq. m. The relevant commissions were requested to comply with their corresponding obligations.

32. As the land at the original location was no longer available, on 27 October 2020 the regional commission adopted a proposal by the local commission to grant the applicant equivalent land at a different location.

33. As to the damages awarded to the applicant for the delayed non-enforcement of the outstanding judgments, the information submitted to the Court reveals that, according to the judgment of 20 February 2020 by the Iași County Court, and respectively that of 2 December 2020 by the Iași District Court, at the relevant time she was entitled to a total amount of respectively RON 528,475 and RON 20,925 (in respect of non-pecuniary damage caused by the non-enforcement), based on various judgments, some of them not yet final at the relevant time, given in proceedings brought under Article 906 of the CPC (see paragraph 157 below). In her submissions, received by the Court on 11 March 2022, the applicant indicated that she had

not received all of that money, claiming to be entitled to still receive an amount of RON 408,925.

34. In her last submissions of 8 June 2022 the applicant claimed that on the one hand the courts had lowered the amount of RON 20,295 to RON 10,000, and in any event, the Iași local commission had challenged all enforcement proceedings launched by the applicant so as to obtain the amounts awarded under Article 906 of the CPC. These latter proceedings were still pending before the domestic courts.

(e) Iuga, application no. 42182/18

35. By a final judgment of 2 June 2010, the Maramureș County Court acknowledged the applicant's wife entitlement to be granted possession of a plot of 3.76 ha of forest land located in Borșa (Cornedei Mountain). Several attempts to respond to the applicant's claims were made, having regard to the fact that it was objectively impossible to enforce the outstanding judgment, since the land belonged to the town of Borșa, as acknowledged by a final judgment of 4 December 2013 given by the Maramureș County Court. Subsequently, the applicant was invited to negotiate with the local commission the possibility of accepting an alternative solution (other plots of land), but he refused to participate in such discussions.

36. The information submitted by the Maramureș County Prefecture on 26 February 2021 referred to the fact that since there was no land available within the Borșa area, the local commission had to firstly draft the necessary documentation in order to request the regional commission's approval to have a plot of land transferred from public into private property of the State, pursuant to Article 13 of the Law (see paragraph 145 below). Since there was a disagreement between the local and regional commissions regarding which authority was entitled to initiate such proceedings, advice was requested from the NAPR, pending which no further progress was made in respect of the applicant's request.

(f) Pintea, application no. 45732/18

37. By a judgment of 17 May 1995 given by the Dej District Court, which became final on 25 July 1995, the court acknowledged the applicant's predecessor's entitlement to be granted possession of a plot of forest land of 0.5675 ha located in Nima, Cluj.

38. Because the judgment remained unenforced, on 7 August 2018 the applicant brought another set of proceedings asking the court to order the relevant commissions to grant him possession of the land and issue him with a title deed. The Gherla District Court allowed his claim on 27 October 2021, referring to an expert report which confirmed that the land in question had belonged to his predecessors and was available to be given back to him. The judgment is amenable to appeal.

(g) Enescu and Others, application no. 52852/18

39. The applicants obtained acknowledgment of their property rights to 9,100 sq. m of land in Bucharest by a final judgment of 10 June 2015 given by the Bucharest County Court.

40. On 6 October 2020 the Bucharest regional commission sought to have ownership of the land transferred from the local commission of the city's fifth sector (*Sectorul 5*). The transfer documentation was issued on 18 November 2020 and at the time of the submission of the observations, it was awaiting signature by the relevant local commission.

41. Following a request by the applicants under Article 906 of the CPC (see paragraph 157 below), on 16 March 2016 the Bucharest District Court ordered the local commission and the relevant mayor to pay them a daily fine of RON 1,000 until the outstanding judgment of 2015 was enforced. Consequently, on 20 December 2017 a total amount of RON 371,700 was paid to the applicants.

42. Another similar request, this time against the Bucharest regional commission, was allowed by the Bucharest District Court on 18 June 2020, with the applicants being entitled to receive a daily fine of RON 500 until the outstanding judgment was enforced. No further information concerning this was made available to the Court.

43. The applicants brought claims for the loss of use of their property for the period 8 December 2015 to 27 June 2018, based on Article 892 of the CPC, which were allowed by the first-instance court but dismissed on appeal by the Bucharest County Court on 11 July 2019. The latter judgment has not been submitted to the Court.

(h) Albuleț, application no. 2556/19 and Marcu, application no. 59503/18

44. On 11 July 2006 the Teleorman District Court allowed a claim by the applicants' predecessors and ordered the local and regional commissions to draft the necessary documentation and then issue a title deed concerning 23 ha of forest land as identified in an expert report drawn up in 2000 and appended to the judgment. Failure on their part to comply with the outstanding judgment was sanctioned with a daily fine of RON 100 (*daune cominatorii*), to be paid to the applicants. A similar finding was given by the Brașov District Court on 16 April 2019, the local commission and the Predeal Town Hall being required to pay a daily fine of RON 100 as of the date of that judgment until the 2006 outstanding judgment was enforced.

45. There is no information available to the Court as to whether any of the above-mentioned daily fines were paid in any form to the applicants.

46. The outstanding judgment is still awaiting enforcement, with several sets of court proceedings relating thereto still pending, as submitted by the Predeal Town Hall on 8 February 2021. Furthermore, it is submitted that the 23 ha of land was made up of several plots of forest land, some of which had

either been already given to third parties or belonged to the town of Predeal (forest or pasture land), the State (managed by Romsilva), or were located within the boundaries of another town (Azuga).

(i) Ifrim, application no. 1369/19

47. By a final judgment of 12 November 2008, the Podul Turcului District Court confirmed the applicant's entitlement to, *inter alia*, 0.27 ha of forest land located at a place named "Podiş".

48. Part of the outstanding judgment was enforced on 16 March 2009. Since the part of the judgment relating to the 0.27 ha had not been complied with, the applicant requested that enforcement proceedings be initiated, a request allowed by the Bacău County Court on 21 July 2017. The Bacău Prefecture challenged the execution and on 19 June 2018 the Bacău County Court found that the applicant's right to obtain enforcement of the outstanding judgment had become time-barred, in accordance with Article 405 of the former CPC (see paragraph 156 below), as far as was relevant for the examination of the case, within three years calculated as of 16 March 2009.

49. As the property claimed was on the boundary of two towns (Podu Turcului and Bogheşti), on 22 August 2017 the Podul Turcului local commission referred the enforcement to the Bogheşti local commission. On 26 February 2021 the latter local commission submitted that the referral was erroneous as it was the other commission which had authority to deal with the matter. The proceedings are still pending.

(j) Association "Composesoratul Borşa", application no. 16060/19

50. By a final judgment of 1 June 2005, the Oradea Court of Appeal confirmed the applicant association's property rights to 17,000 ha of forest land located in Borşa and ordered the local and regional commissions respectively to grant it possession of the land and issue the corresponding title deed.

51. The applicant association submitted that by lodging more than nine extraordinary appeals against the outstanding judgment, the majority of which had been dismissed, and one of which was still pending, the domestic authorities had attempted in bad faith to impede its enforcement.

52. On 27 November 2014 the applicant association brought proceedings seeking to enforce the outstanding judgment of 2005. On 16 January 2017 the Maramureş regional commission issued a title deed concerning the 17,000 ha of land, without however specifying its exact location. However, the Cluj Court of Appeal found on 27 November 2020 that despite a title deed having been issued, the applicant association had not yet been granted possession of the land to which it was entitled, and that no effective reinstatement had taken place. Moreover, several parts of the land claimed by the applicant

association appeared to have been given to third parties within restitution proceedings.

53. According to the information available to the Court, the enforcement proceedings are still pending.

54. Following a request by the applicant association, lodged on 15 February 2017 under Article 906 of the CPC (see paragraph 157 below), the Bistriţa Năsăud County Court ordered the local and regional commissions to pay the applicant association a daily fine of RON 1,000 until the outstanding judgment of 2005 was enforced. On 26 February 2018 the Sighetu Marmaţiei District Court established the final amount to be paid by the Borșa local commission as the fine for the non-enforcement of the outstanding judgment for the period between 17 September 2016 and the date of delivery of the judgment as RON 527,000. To date, the applicant association has been unable to enforce the judgment, which has constantly been the subject of extraordinary appeals, requests for suspension of enforcement and enforcement appeals.

55. The applicant association submitted that the domestic authorities had constantly sought its dissolution by the courts, allegedly because, under the law, the dissolution of such an association resulted in all its property being taken over by the local authority. In particular, by issuing tax decisions for land tax due for 2012-2017 in the amount of approximately EUR 500,000, the local authorities tried to declare the applicant association insolvent. On 27 November 2020 the Cluj Court of Appeal, as a first-instance court, annulled all the tax decisions on the grounds that, essentially, the land had never actually been given to the applicant association, which was therefore not the owner of the land, so no land tax could be due. That judgment was appealed against by the tax authorities and the appeal is pending before the HCCJ (with the first hearing set for 19 May 2022).

On 4 February 2021 the authorities issued new tax decisions (land tax and arrears) in the amount of some EUR 890,000. The applicant association claimed to have challenged those decisions.

56. Additionally, the local authorities lodged a request to dissolve the applicant association on the grounds that it had not been constituted in accordance with the law and did not pursue a lawful aim. According to the information available to the Court, on 15 July 2021 the request was dismissed by the Bistriţa Năsăud District Court. That judgment was appealed against and the proceedings are pending before the Bistriţa Năsăud County Court.

(k) Danci, application no. 20341/19

57. A final judgment of 10 October 2007 given by the Maramureș County Court acknowledged the applicant's husband's entitlement to a plot of land of 0.75 ha in Borșa, at a location named "Gura Repezii" or "Acasă", and ordered the relevant commissions to issue a title deed and grant him possession of that land.

58. The relevant plot of land was not available to be given to the applicant as third parties had already registered their own titles in respect of the same property since 2004. Such circumstances, in the local authorities' view, made it objectively impossible to enforce the outstanding judgment.

59. The Borșa local commission therefore invited the applicant on 15 March 2016 to state her position concerning the possibility of her being granted another plot of land or paid compensation in accordance with the law. The invitation was never accepted by the applicant. As she did not consent to accept an alternative solution, the authorities could not move forward in their attempts to enforce the judgment.

(l) Association "Composesorat Mutu Coasta Ursului Straja Lupeni", application no. 25811/19

60. By a final judgment of 5 May 2017, the Hunedoara County Court acknowledged that the applicant association, which had lodged its restitution claims in 2005, had property rights to a total area of 207.32 ha of pasture and forest land. The local and regional commissions were requested by the court to grant possession of the property and issue the corresponding title deeds (see also paragraph 197 below).

(m) Ovidiu Paul Ștefănescu, application no. 27761/19

61. By a final judgment of 25 June 2010, the Câmpulung District Court acknowledged the applicant's right to be granted possession of 75 ha of land, more specifically 4.9 ha of agricultural land, 3.9 ha of pasture land and 66.22 ha of forest land located in Mihăești.

62. In 2011 the applicant was granted possession of a 14.42 ha plot of forest land, but no title deed was issued.

63. In 2015 the applicant was granted possession of two plots of land of a total of 8.8 ha, comprising the agricultural and pasture land. No title deed was issued.

64. By a final judgment of 6 December 2016, the Argeș County Court confirmed the applicant's right to be granted possession of the remaining 35.80 ha of forest land at the original location, and of 16 ha of land of the same value at another location, as well as to be issued with title deeds to all 75 ha of land.

65. On 13 September 2018 the applicant lodged with the courts a request under Article 906 of the CPC (see paragraph 157 below), seeking penalties for the non-enforcement of the outstanding judgment of 2016. By a final judgment of 20 November 2018, the Câmpulung District Court dismissed the request as ill-founded. The court held that with regard to the non-enforcement, there had been no bad faith on the part of the local commission, and that the outstanding judgment had not yet been enforced because the land had to be transferred from public into private property of the State and then made available to the regional commissions so that further

steps could be taken to grant possession to the applicant and issue him with the required title deeds. The local commission had already taken the required steps and requested that the relevant authorities move forward with the necessary transfer, but without any actual results. The court also held that the procedure was very cumbersome and lengthy, and that if at one point it proved to have become unreasonably long, a new request could be lodged by the applicant.

66. On 5 December 2019 the applicant asked the courts to order the relevant authorities (the government, the relevant commissions and Romsilva) to initiate proceedings to effect the transfer of the land to which he was entitled from public into private property of the State. The proceedings are still pending before the first-instance court.

(n) Şendroiu, application no. 28615/19

67. On 5 September 2014 the Târgu Jiu District Court ordered the local authorities to issue and forward certain documents (plans and measurements of the land) to the county commission for the issuance of title deeds for two plots of land to which the applicant's property rights had been acknowledged. One plot of agricultural land measured 3.11 ha and the other, measuring 1.25 ha, was forest land. The court also ordered the local mayor to pay the applicant RON 50 for every day of delay in enforcing the judgment.

68. By a judgment of 31 March 2017, the Gorj County Court allowed a request by the applicant under Article 906 of the CPC (see paragraph 157 below) to be paid by the local mayor the amounts established in the outstanding judgment of 2014. There is no information concerning the actual payment of any such amounts.

69. Following several sets of proceedings in which the applicant disputed the total area of agricultural land, the Târgu Jiu District Court found, in a judgment of 23 January 2019, which became final on 8 July 2020, that the total area to which the applicant was entitled was 3.11 ha (which included a disputed plot of 0.6214 ha).

70. It appears from the case file that in respect of the agricultural land, the authorities issued two title deeds, one for an area of 2.90 ha (dated 7 March 2019) and another for an area of 0.21 ha (dated 11 June 2019).

71. With regard to the forest land, two records dated 18 December 2018 confirmed the granting of possession of two plots of 1 ha and 0.25 ha respectively. The procedure of issuing the corresponding title deeds was ongoing, as it was dependent on the transfer of the land from public property into private property of the State.

72. The applicant applied to the courts for the annulment of the above-mentioned titles (paragraph 70 above) and records of possession (see paragraph 71 above), essentially because the local authorities had not complied with the outstanding judgment in relation to the total area of land to which he was entitled (see also paragraph 69 *in fine*). The proceedings have

been suspended until a decision in parallel criminal proceedings concerning the manner of issuing the above-mentioned documents is rendered.

(o) Stoiculescu, application no. 33596/19

73. In a final judgment of 22 June 1998, the Olt County Court ordered the relevant local commission to grant the applicant possession of a plot of land in Scărișoara, 0.15 ha of which was *intra muros* (within its boundaries) and 0.10 ha was *extra muros* (outside its boundaries).

74. Since the outstanding judgment had not been enforced, in 2017 the applicant requested its enforcement through a bailiff. By a final judgment of 18 October 2018, the Olt County Court dismissed the applicant's request as time-barred, finding that Article 706 of the CPC (see paragraph 156 below) provided that requests concerning the enforcement of property rights had to be lodged within ten years.

75. On 21 January 2019 the local commission informed the applicant that the property claimed had belonged to third parties since the 1990s, their title deeds having been issued in 1995.

76. The Government submitted that, according to the local commission, the outstanding judgment could not be enforced due to the need to protect the interests of the third parties who had built their houses on the land. The applicant, on the other hand, was reluctant to accept any alternative solutions, such as being granted another plot, to be identified at a later stage, or compensation.

77. On 25 May 2021 the applicant was invited to attend a local commission meeting, to be held on 28 May, in order to "find a solution to enforce the outstanding judgment of 1998". The Court has not been provided with any further information concerning that meeting, or any other concrete proposal made to the applicant with the aim of enforcing the outstanding judgment.

(p) Lie, application no. 43586/19

78. The applicant's predecessors' entitlement to be issued with a title deed and be granted possession of two plots of agricultural land (unidentified), totalling 16.75 ha, was acknowledged by the Brașov County Court in final judgments of 18 March 2004 and 11 February 2019 respectively. The applicant claimed to be entitled to two sevenths of the whole inheritance.

79. The Government submitted that since the original location could not be identified, the applicant himself having been unable to indicate it, the local commission had made alternative proposals, under Article 12 of the Law (see paragraph 144 below). The applicant and partly some other heirs refused the proposals, the applicant being the only person to challenge the non-enforcement of the outstanding judgment before the courts. The local commission therefore lodged a request with the domestic courts, asking them

to have the claimants accept the proposals. This request was dismissed in 2016, the court finding that, in accordance with Article 16 of Government Order no. 401/2013 (see paragraph 146 below), the local commission could send the title deed and record of possession of a plot of land by post where the claimant refused to be present once summoned to finalise the procedure. Consequently, the local commission repeated its request to the applicant and the other heirs, inviting them to sign the record of possession, to no avail.

80. On 20 September 2019 the applicant challenged before the courts the alternative proposals made by the local commission. That request is pending before the first-instance court.

81. The Government also indicated that the applicant had lodged several requests with the domestic courts, seeking, under Article 906 of the CPC and tort law (see paragraph 160 below), compensation for the non-enforcement and/or loss of use of the property to which he was entitled. Some of his requests are still pending, while others have been allowed, the applicant having already received compensation in the amount of RON 86,267.93 (approximately EUR 19,000), which, in the Government's view, exceeded the value of the property itself.

2. *Failure of the authorities to establish an amount in respect of compensation and/or to pay such compensation*

(a) Nicolaiescu, application no. 15930/19

82. By a final decision of 10 January 1994 given by the Vâlcea County Court, the local commission was requested to grant the applicant possession of a plot of 4,700 sq. m, including the 1,820 sq. m claimed in the present application. The applicant had possession of that land until 13 February 2006, when the Pitești Court of Appeal found, in proceedings to which the applicant was not a party, that the land was owned by a third party (a private company). The applicant's right to possession of a plot of 1,820 sq. m was subsequently invalidated, and he was issued with a title deed for the remaining 2,880 sq. m.

83. The Vâlcea County Court found on 16 September 2011 that the regional and local commissions were required, on the basis of tort law principles (see paragraph 160 below), to pay the applicant the amount of EUR 5,000 in compensation in respect of non-pecuniary damage for the delay in enforcing the outstanding judgment of 1994. That amount was paid in full to the applicant.

84. As there was no more available land to be given to the applicant, on 15 October 2009 the regional commission validated a proposal by the local commission to grant him compensatory measures. That decision was not challenged before the courts.

85. On 9 March and 2 December 2015 the local commission requested further documents from the applicant (such as the initial restitution request,

documents proving entitlement, identification papers, copies of relevant judgments given in his case), which he allegedly refused to submit.

86. On 8 February 2021 the applicant's file containing the local commission's proposal to award him compensation was sent to the Vâlcea Prefecture so that it could be forwarded to the NAPR for further assessment.

(b) Mihaela Ştefănescu, application no. 16337/19

87. On 14 February 2002 the applicant lodged two requests under Law no. 10/2001 seeking reparatory measures for two properties in Ploieşti, located at Strada Ulierului 16 and Strada Paris 7 respectively.

88. By a final judgment of 12 June 2014, the Prahova County Court ordered the local authority to issue a compensation decision in respect of the two above-mentioned properties, granting her possession of plots of land equivalent in value to the original property of a total area of 10,856.56 sq. m.

89. On the basis of the above-mentioned 2014 decision, and following a further request by the applicant lodged on 7 November 2016 under Article 906 of the CPC (see paragraph 157 below), on 11 December 2017 the Ploieşti District Court ordered the city of Ploieşti to pay the applicant RON 100 for each day of non-enforcement, as of the date the judgment became final. An appeal by the applicant against that judgment aiming to increase the daily fine to RON 300 was dismissed on 2 October 2018 for failure to pay the full stamp duty.

90. Following the 2017 decision, the final amount to be paid in damages for the non-enforcement, within the meaning of Article 906 § 4 of the CPC (see paragraph 157 below), was established by the Ploieşti District Court on 23 May 2019 as RON 10,000. There is no information available to the Court concerning the payment of this amount.

(c) Marcea, application no. 36372/19

91. The applicant's predecessor, E.O., together with M.C., brought proceedings under Law no. 10/2001 seeking restitution of a property located at Strada Sfântu Dumitru 4, Craiova. By a final decision of 9 February 2007, the HCCJ ordered that the claimants be awarded compensation of an estimated amount of 14,287,344,998 lei (approximately EUR 1,438,662). Consequently, on 18 November 2009 the NCPC issued a compensation decision for that amount, which was notified on 20 April 2010.

92. The predecessor's application to the Court essentially concerning the alleged deficiencies of the restitution mechanism, including in respect of the type of compensation awarded, was dismissed on 13 May 2014 on the grounds that the mechanism established by the new law offered a range of effective remedies that needed to be exhausted by the claimants (see *Rotescu and Others v. Romania* (dec.) [Committee], no. 6524/03 and 440 other applications, 13 May 2014).

93. On 14 August 2014 the applicant informed the NAPR that his predecessor had died and, in his capacity as heir, requested to be issued with a payment certificate (*titlu de plată*) for half the amount established in the compensation decision. On 21 July 2015 the request, lodged under Article 41 of the Law (see paragraph 152 below), was reiterated. The authority's reply of 5 November 2015, stating that the time-limit for lodging such a request had expired within three years of 2009, was challenged by the applicant before the courts.

94. By a final decision of 11 December 2018, the Bucharest Court of Appeal dismissed the applicant's request to be issued with a payment certificate. The court found that Article 41 of the Law (see paragraph 152 below) was not relevant to his case as at the time of its entry into force, his right to claim the payment of compensation had already lapsed (*decădere*). In any event, the court found that the authority entitled to decide the applicant's compensation claim was the NCPC, which was not a party to the proceedings, not the NAPR. The applicant had not proved that he had filed a payment claim with the NCPC.

95. By a final decision of 15 December 2017 given by the Bucharest Court of Appeal, claims similar to those described in paragraph 93 above, lodged by the heir of M.C., were allowed, with the NAPR being requested to issue a payment decision for half the total amount. The court found that by challenging the compensation mechanism before the Court (see paragraph 92 above), both E.O. and M.C. had demonstrated diligence in maintaining and defending their claims and could not be sanctioned for not having requested a payment certificate within three years of 2009 while awaiting the outcome of the proceedings before the Court.

96. In 2019 the applicant filed a request with the NAPR, seeking the issuance of a payment certificate. The authority gave a negative reply on 23 May 2019, referring to the unfavourable outcome of the proceedings terminated by the decision of 11 December 2018 (see paragraph 94 above).

97. The Government submitted that, in view of the Constitutional Court's ruling of 16 July 2020 (see paragraph 171 below), the applicant was considered to still be entitled to opt for the issuance of a payment certificate, by lodging a corresponding request with the NAPR.

3. *Failure of the authorities to issue a decision on the applicants' restitution claims based on the Law*

(a) Moisă, application no. 23253/19 and Țiplea, application no. 23256/19

98. In 2001 the applicants' predecessor filed restitution claims with the administrative authorities for two properties in Vaslui, namely a 460 sq. m plot of land and house located at Strada Traian 48, as well as quarter of a plot of land of 222 sq. m located at Strada Traian 46.

99. On 2 July 2001 the mayor dismissed the request for *restitutio in natura* in respect of the plot of land of 460 sq. m and proposed to grant compensatory measures, without calculating them. That decision was challenged before the courts. By a final judgment of 26 June 2002, the Vaslui County Court partly amended the impugned decision, finding that the applicants' predecessor was entitled to compensation which had to relate to the market value of the land, subsequently established by the court based on an expert report as ROL[1] 506,222,640.

100. On 8 June 2010 the Vaslui City Hall issued a decision acknowledging the applicants' predecessor's right to compensation for the two above-mentioned properties (see paragraph 98 above) as *restitutio in natura* was no longer possible. The file was sent to the NCPC on 12 February 2016.

101. On 10 January 2018 the applicants filed a request with the domestic courts, seeking a compensation decision from the NCPC. On 20 November 2018 the Bucharest Court of Appeal upheld the lower court's judgment and dismissed the applicants' claims as premature. The courts found that the matter had been referred to the NCPC in 2016 and that, under Article 34 § 2 of the Law (see paragraph 153 below), the time-limit within which a decision was expected from that administrative authority was sixty months from when the file was received. Nevertheless, the files were dealt with in chronological order. The court considered that the examination of the applicants' file could not be considered a priority within the meaning of Article 34 § 5 of the Law (see paragraph 153 *in fine* below) since there had been no explicit acknowledgment by any court of their entitlement to the property requested, except as regards the plot of land of 440 sq. m (see paragraph 99 above). Hence, the NCPC was required to give a decision on their entitlement and on the amount of compensation.

102. In a letter submitted to the Government on 17 February 2021, the NAPR stated that the applicants' file was pending before the NCPC, as no one had yet been assigned to examine it.

(b) Tătărău, application no. 34474/19

103. On 13 June 2001 the applicant's predecessor filed a claim with the administrative authorities, seeking restitution of property (306 sq. m of land) located at Strada Cerceluș 56, Bucharest.

104. In 2017 the applicant challenged before the courts the failure of those authorities to issue a decision in her case. On 28 November 2019 the Bucharest Court of Appeal upheld a lower court judgment from 2017, ordering the Bucharest City Hall to issue a compensation decision, in which to award the applicant compensatory measures for the property the applicant's predecessor had owned.

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[1] On 1 July 2005 10,000 ROL became 1 RON

105. According to the submissions of the Bucharest City hall of 11 February 2021, the draft compensation decision was pending before the deciding bodies.

106. The applicant submitted that no compensation decision had been issued, nor had any compensation been paid.

B. Derisory compensation

1. Văleanu, application no. 59012/17

107. Following a request for compensation in 2001 in respect of a property located in Fălticeni, on 20 November 2007 the Suceava County Court acknowledged the applicant's right to compensation and requested the relevant administrative authorities to award her the appropriate amount. Consequently, on 27 January 2015 the NCPC established that she was entitled to compensation in the amount of RON 13,301, calculated as per the 2013 notarial grid.

108. That decision was challenged by the applicant, who considered such compensation to be derisory and in breach of her right to obtain an amount reasonably proportionate to the market value of the property, as provided for by the relevant law at the time of the outstanding judgment of 2007 (see paragraph 107 above). She submitted to the case file a 2009 expert report estimating the value of the property at RON 279,200.

109. Another expert report was provided to the courts in 2016, stating that the market value of the property was RON 174,234. A final judgment given by the Bucharest Court of Appeal on 23 February 2017 dismissed the applicant's claims as ill-founded. The court found that the calculation of the compensation due had been based on the relevant domestic law, namely Article 21 § 6 of the Law (see paragraph 148 below), which had been validated several times as constitutional by the Constitutional Court, the latter holding that the legislature was entitled to cap compensation awarded for budget balancing purposes.

110. On 27 March 2017 a payment certificate was issued to the applicant, in compliance with the court's findings (see paragraph 109 above).

111. On an unspecified date, the applicant cashed in the amount of RON 13,301 (see also paragraph 194 below).

2. Strugaru, application no. 47070/18

112. In 1991 the applicant's predecessor initiated administrative proceedings, seeking restitution of her property, which had been nationalised in 1961. By a final decision of 4 December 2008, the Drobeta-Turnu Severin District Court acknowledged the applicant's entitlement to receive compensation for the 3.8 ha of land her predecessor had been deprived of during the communist regime.

113. On 19 April 2018 the Bucharest Court of Appeal overturned the lower court's judgment of 22 December 2016, and the NCPC was ordered to issue a compensation decision in favour of the applicant in the amount of RON 7,600,000, the equivalent of 3.8 ha of land in Drobeta-Turnu Severin.

114. The appellate court held that the plot of land had to be valued in compliance with Article 21 § 6 of the Law, as amended on 19 May 2017 (see paragraph 149 below), which provided that the value of property had to be assessed in relation to the location and technical specifications it had at the time of the deprivation. Accordingly, noting that at the relevant time, that is to say in 1961, the land had been *extra muros*, the appellate court assessed its value as RON 15,200 (approximately 3,380 euros).

115. The applicant submitted a valuation report indicating that the land, which was *intra muros*, was worth RON 6,329,000 (approximately EUR 1,406,400).

116. On 5 July 2018 the NCPC issued a compensation decision for RON 15,200, in compliance with the outstanding judgment of the appellate court (see paragraph 114 above). The Government submitted that the applicant was entitled to lodge a written request asking for payment of that compensation.

3. Cobzaru, application no. 21500/19

117. In 1995 the applicant's predecessors brought proceedings seeking restitution of their property. On 31 January 2017 the NCPC issued the applicant with a compensation decision for RON 249,708, established on the basis of Article 21 § 6 of the Law (see paragraph 148 below). The applicant challenged that amount, considering it too low compared to the market value of the property and thus unfair. She submitted a 2009 report which had estimated the value of the property claimed at RON 1,147,269.37.

118. On 28 January 2019 the Bucharest Court of Appeal confirmed the amount established by the NCPC, considering that the compensation had been awarded in compliance with the law applicable when the compensation decision had been issued.

C. Annulment of the applicants' titles

1. Ionescu and Others, application no. 28856/18

119. On the basis of a restitution request lodged on 2005 concerning a plot of land of 3 ha, on 12 February 2010 the applicants were issued with a title deed to 2.12 ha of land in Craiova.

120. By a final decision of 13 December 2017, the Dolj County Court allowed the claims lodged by the National Railway Company – the Craiova branch, seeking to annul the applicants' title on the grounds that the respective

land had always belonged to the State, managed by the Craiova branch of the Railway Company.

121. Consequently, on 29 March 2018 the applicants requested to be granted possession of an equivalent plot of land. Their request, registered as a "new" restitution request in 2018, is pending before the Craiova local commission and is waiting to be dealt with pursuant to the priority rules set out in the law relating to the assessment of restitution claims (essentially in chronological order, see paragraph 153 *in fine* below). Hence, the new request being considered to have been lodged in 2018, it must give priority to all other requests which had already been pending at that moment.

2. *Nicolicea and Others, application no. 25503/19*

122. By four title deeds issued in 1999, 2003 and 2004 respectively, the applicants were granted possession of four plots of land located at Strada Avram Iancu, Florești (see appendix).

123. Following a request lodged in 2004 by the applicants with the domestic courts to have their titles registered in the Land Register, on 24 October 2018 the Cluj County Court annulled the four above-mentioned titles as having been issued in relation to land which was, even at the time of issue, part of the Cluj-Napoca source water protection area and therefore public property of the Cluj District.

124. The Government submitted that, according to the information provided by the Florești local commission, the applicants had not lodged any further compensation requests following the annulment of their titles.

3. *Ciotu, application no. 34359/19*

125. Following a decision by the regional commission of 3 April 1995 pursuant to Article 8 of Law no. 18/1991, in 1996 the applicant was issued with a title deed concerning 0.15 ha of agricultural land in Suceava District, Cajvana, of which she had already been granted possession in 1991. The property had been given to her in her capacity as a former member of the Cooperative for Agricultural Production ("the CAP") and not as former owner of (any) plot of land taken by the CAP.

126. In a subsequent assessment of the legality of the 1995 decision, carried out *ex proprio motu*, in 1999 the Suceava Prefecture found that the local commission had given plots of land to 1,225 people using land that belonged to the village (pasture land) and not therefore suitable for restitution. The applicant claimed that she had never been notified of that decision and had never been able to challenge it before the courts, the decision having become final. Consequently, the village brought several sets of proceedings seeking to annul some 547 title deeds, including that of the applicant.

127. By a final decision of 19 February 2019, the Suceava County Court annulled the applicant's title issued in 1996 (see paragraph 125 above),

finding that she had been given land in breach of Law no. 18/1991, which provided that local pastures were not suitable land for the establishment of a private right to property (whether by restitution or constitution, see paragraph 147 below).

128. A letter from the Suceava Prefecture of 9 February 2021, submitted to the Court by the Government, stated that the applicant's property rights had not been established on the basis of her entitlement to restitution, but rather had been constituted, and that because even that had been done in breach of the provisions of Article 18 of Law no. 18/1991 (see paragraph 147 below), she was not entitled to either another plot of land or any compensation following the annulment of her title.

D. Lack of compensation for loss of use

Botez, application no. 31613/19

129. In 1991 the applicant's predecessor filed a restitution claim, seeking acknowledgment of his property rights to a 4 ha vineyard in Odobești.

130. On 19 July 2005 the applicant's predecessor was registered in the Land Register as owning 3.3241 ha and the corresponding land taxes have been paid ever since.

131. A final judgment of 10 February 2006 of the Galați Court of Appeal allowed his request, the local commission being asked to grant him possession of that land. A similar finding was made by the Vrancea County Court on 10 October 2013, the local and regional commissions being asked to grant possession and issue a title deed for part of the land, namely the 3.3241 ha, since compensatory measures had been proposed for the remaining 6,545 sq. m, which had been confirmed by the Galaţi Court of Appeal in 2009. The applicant submitted that her predecessor had received that compensation.

132. By a final decision of 9 June 2011, the Vrancea County Court ordered the local and regional commissions to pay the applicant's predecessor the amount of RON 23,724 in compensation (*daune-interese*) for the non-enforcement (loss of use corresponding to the period 2005-2010, as required by Articles 1082 and 1084 of the former Civil Code, see paragraph 159 below). The court found that the fact that the commissions were not at fault for not complying with the outstanding judgment was irrelevant in that particular context, since State authorities were bound to fully enforce restitution judgments, and any delay was considered unreasonable according to the Court's case-law (the court referred to, *inter alia*, *Sabin Popescu v. Romania*, no. 48102/99, 2 March 2004).

133. On 18 April 2013, for reasons similar to those mentioned above (see paragraph 132 above), the Focșani District Court found that, in accordance with tort law provisions (see paragraph 160 below), the same commissions were required to pay the applicant compensation for the non-enforcement of

the outstanding judgment, namely for loss of use for the period 2011-2012, in the amount of RON 9,463.

134. On 11 April 2017 a title deed was issued to the applicant for the 3.3455 ha of land; however, despite a record of possession issued in 2016 in respect of that land, the applicant was never able to enjoy possession, since the land was occupied by third parties who had their own concurrent titles. A request by the local commission seeking to annul the third parties' titles was dismissed by the courts on 23 February 2017 for lack of (judicial) interest.

135. The proceedings complained of in the present application were brought on 24 December 2015, the applicant's predecessor seeking, on the basis of tort law provisions (see paragraph 160 below), compensation from the relevant administrative commissions in the amount of RON 14,000 for loss of use of the land for the periods 2012-2013, 2013-2014 and 2014-2015.

136. The Focșani District Court allowed the request and awarded the applicant the amount of RON 43,312.38 for loss of use relating to the previous three years, an amount established on the basis of a financial report added to the case file. However, the Vrancea County Court allowed a subsequent appeal by the commissions and dismissed the applicant's claims on 29 November 2018. The court found that the relevant commissions were not at fault for the non-enforcement of the outstanding judgments as on the one hand, the land belonged to third parties, whose titles had been upheld by the courts (see paragraph 134 above), and on the other hand, they had attempted to propose alternative solutions to the applicant (another vineyard), proposals which had been declined.

137. On this last point, the applicant submitted that the land offered as alternative was scattered over several smaller plots and was of an inferior quality, being fallow land, so the proposal was therefore unacceptable.

138. A tort action (see paragraph 160 below) by the applicant seeking damages for loss of use of the land for the period between 2015-2018 is currently pending before the Focșani District Court.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. LEGAL FRAMEWORK

A. Overview of the main legislative provisions concerning the restitution of immovable property nationalised before 1989 or, in the absence of restitution, the compensation payable

1. *Legislation applicable before the adoption by the Court of the pilot case*

139. The main legislative provisions relevant to the present case are described in *Străin and Others v. Romania* (no. 57001/00, §§ 19-23, ECHR 2005-VII); *Păduraru v. Romania* (no. 63252/00, §§ 23-53,

ECHR 2005-XII (extracts)); *Maria Atanasiu and Others* (cited above, §§ 44-67); and *Preda and Others* (cited above, §§ 68-69).

2. Law no. 165/2013 enacted in response to the pilot case

(a) General overview

140. Following the adoption of the Court's pilot judgment (*Maria Atanasiu and Others*, cited above), Law no. 165 of 20 May 2013 ("the Law") came into force (see also paragraphs 9-10 above); the Law did not repeal the previous legislation on the restitution of immovable property nationalised before 1989, but reformed the reparation mechanism. It provided, as a general rule, for the restitution of in-kind property (*restitutio in natura*) and for a system of compensation in situations where restitution was not possible.

141. The Law established a roadmap for the adoption of a number of measures aimed at making the reparation mechanism functional, including the setting up of inventories at local and central level for the identification of available agricultural land and woodland (forestry). At the same time, specific and binding time-limits were set for each administrative stage of the examination of the restitution claim. The Law also provided for the possibility of a judicial review allowing the domestic courts to verify the legality of administrative decisions, but also to award, if necessary, the restitution or compensation claimed.

142. Since its entry into force, the Law has undergone multiple amendments (more than fourteen amending acts), concerning, in particular, the above-mentioned time-limits and the manner of establishing the amount of compensation to be awarded to claimants. Some of these amendments have been subject to review by the Constitutional Court (see relevant details below).

(b) Relevant provisions relating to various types of cases

(i) Agricultural land and woodland (forest land)

143. Article 11 of the Law provided that the relevant local and/or regional commissions were required to issue title deeds, grant possession of property or give a decision concerning all claims for restitution of immovable property lodged with them, by 1 January 2016 (later extended until 1 January 2017 and then 1 January 2018, although the latter extension was declared unconstitutional, see paragraphs 161-163 below). Failure on their part to comply with those obligations entitled claimants to forward their requests to the domestic courts.

At the same time, Article 7 of the Law provided that all administrative stages of the restitution proceedings concerning agricultural or forest land were suspended until the local commissions had finalised their land inventory.

The above-mentioned provisions were repealed by the legislator as of 29 May 2017 and have not been replaced by any other similar provisions.

144. Article 12 of the Law provides that claimants are entitled to be granted possession of agricultural land at the original location. If that location is no longer available, they are assigned equivalent land at another location, in the following order of availability: firstly, land from the reserve of the local commission; subsequently, land previously having been public property, which is currently private property of the State managed by public institutions, such as research institutes and the like, whether in that area or in a neighbouring area within the same county; finally, pasture land belonging to the village/town. Claimants are entitled to refuse all alternative proposals, except for those having involved a transfer from public into private property of the State.

145. Article 13 of the Law refers to the restitution of forest land which, in principle and in so far as possible, must be done at the original location; if not, alternative proposals for other plots of forest land must be found within the boundaries of the same village/town, even if that land has in the meantime been public property of the State. The interpretation of that particular provision was amended by the Constitutional Court in 2017 (see paragraph 164 below). Furthermore, where no alternatives are found within the local boundaries, they must be sought within the regional (county) boundaries, upon approval of the relevant regional commission.

146. Article 16 of Government Order no. 401 of 29 June 2013, which sets out the rules for implementing the Law, specifies the stages to be followed by the local commission when a claimant is granted possession of a plot of land. In particular, the claimant is informed by post, with acknowledgment of receipt, of the time and place the granting of possession is to be done. If the claimant or his or her representatives are not present for the above-mentioned summoning procedure, the granting of possession is done in the presence of witnesses, normally the neighbouring owners. The title deed and record of possession in respect of the land are sent to the claimant by post, with acknowledgment of receipt. The same provisions apply to situations where a claimant refuses to be granted possession of plots of land which are private property of the State and managed by public institutions (see paragraph 144 above).

147. Article 8 of Law no. 18/1991 (as in force at the material time) provided that property would be given to claimants who had had their land given to the CAP and, if any land remained, to those who had simply worked in the CAP, even if they had not owned any land (*reconstituire* – restitution for the first and *constituire* – constitution, establishing the right, for the latter). Article 18 provided that in the process of establishing the right of ownership, the local commission only had at its disposal plots of land which had not been claimed by or which had already been given back to those entitled to restitution.

(ii) Calculating compensation

148. Under Article 21 § 6 of the Law, the value of the property to be compensated had to be established by reference to the valuations made by the Chambers of Public Notaries in 2013 (the year of the Law's entry into force, see paragraph 140 above). These valuations contained information on the minimum values recorded on the relevant real estate market in the previous year, and were prepared and updated (normally) on a yearly basis in compliance with the relevant provisions of the Fiscal Code concerning immovable property transactions. This manner of assessing compensation was validated by the Constitutional Court several times as being in line with the legislature's entitlement to establish a compensation mechanism that would respect the balanced budget (see paragraph 166 below).

If the location or technical specifications of the claimed property could not be established with certainty based the documents submitted in the compensation file, the assessment took into account the minimum values laid out in the notary valuations for the said area and similar construction type; if the total surface of the claimed property could not be established with certainty, the evaluation took into account the above-mentioned minimum values, applied to a surface of 21 sq. m.

149. As of 29 May 2017, the valuation had to be done having regard to the location and technical specifications of the property (including land use and construction type) as relevant at the time of the deprivation/expropriation. This particular amendment was assessed and validated as equitable by the High Court of Cassation and Justice (see paragraph 172 below). As the compensation process was prolonged, and in order to ensure that the level of compensation remained reasonably related to the value of the property, the provisions were amended several times in 2020, essentially with the aim of linking the assessment of the amount to a time as close as possible to when the decision was issued. These amendments, in their successive forms, were subject to a prior and subsequent review by the Constitutional Court on 7 October 2020 (see paragraph 168 below) and 18 March 2021 (see paragraph 170 below) respectively.

150. The latter's finding that the amended provisions were unconstitutional led to a severe predicament in the payment of compensation, which was put on hold for a couple of months, until the government adopted on 9 July 2021 the latest amendment to Article 21 § 6. In its latest version, currently in force, compensation is to be calculated, in respect of all claimants, with reference to the valuations established by the relevant Chamber of Notaries in the year prior to the decision on compensation, having regard to the property's location and technical specifications as relevant at the time of the deprivation.

151. Article 24 §§ 2 and 4 cap the compensation to be awarded to third parties who bought the litigious rights at the amount established in the contract in which the person entitled to compensation sold the respective

rights, plus an additional 15% of the value of the property, as per Article 21 § 6 of the Law. If the price established in the contract cannot be determined, the compensation is capped at 15% of the amount calculated in accordance with Article 21 § 6 of the Law (see also paragraph 173 below).

152. Article 41 of the Law provides that the amount of compensation awarded and approved by the NCPC prior to the entry into force of the Law, or by the courts in judgments which had become final by that date, have to be paid in yearly instalments over a period of five years as of 1 January 2014 (see the interpretation of this Article as given by the HCCJ and the Constitutional Court in paragraphs 171 and 175 below).

(iii) Administrative and judicial assessment: time-limits

153. Articles 33 and 34 specify the time-limits for the relevant administrative authorities to issue a decision on restitution claims lodged by claimants.

In particular, Article 33 refers to claims under Law no. 10/2001 (mainly residential property), which had to be decided within between twelve and thirty-six months as of 1 January 2014, depending on the number of claims pending before them.

In turn, the NCPC had, in accordance with Article 34, a period of sixty months (thirty-six for agricultural land files) to issue a decision on files pending before it when the Law entered into force. For files sent to it after the entry into force of the Law, the period of sixty months was calculated as of the date the file was received.

The files were mainly assessed in the order in which they were registered, except, *inter alia*, where there was a final judgment acknowledging the property rights of the claimant and their extent (Article 34 § 5).

154. Article 35 § 2 states that if the relevant domestic authority fails to issue a restitution decision within the time-limits laid down in Articles 33 and 34, the person who considers him or herself entitled may complain to the court about that failure, within six months of their expiry (see also paragraph 172 below).

(iv) Annulment of concurrent titles in respect of property (land)

155. Article 47 of the Law provides that where two or more title deeds have been issued for all or part of the same plot of land, the regional commission is entitled to annul all or part of the most recently issued titles. The regional commission may order that a new title deed be issued to replace the annulled one or, as the case may be, propose the granting of compensatory measures in accordance with the Law.

B. Civil Procedure Code

156. Article 706 § 1 of the CPC in force since 15 February 2013 reproduces the exact wording of Article 405 § 1 of the former CPC and states that the right to obtain enforcement of a final judgment becomes time-barred after three years (the general period) of it becoming enforceable. If the enforcement concerns property rights, the limitation period is ten years.

157. Article 906 entitles a creditor to apply to the court for authorisation to compel the debtor (public authorities or natural or legal persons) to comply with the enforcement writ by the imposition of penalties (RON 100 to 1000 per day of delay), payable directly to the creditor by order of the judge, if more than ten days have passed since the debtor was instructed to execute the outstanding judgment. Article 906 § 4 previously stated that if the judgment was not enforced within three months from the date of the granting of penalties, the court, at the request of the creditor, would estimate in a final judgment the final amount of damages owed. Such penalties did not exclude the obligation of the debtor to pay ordinary damages, requested and established under either Article 892 of the Code or the general law of tort (Article 906 § 7).

Article 906 § 4 was amended on 21 December 2018, and now states that a creditor is entitled to lodge a request for the fixing of the final amount of damages every three months until enforcement.

158. Article 892 entitles a creditor to seek from the debtor payment of an amount equivalent to the value of the possession (*bun*) established in a writ of enforcement, in the event that the granting of that possession was no longer possible, as well as any damages caused by the non-enforcement of the writ of enforcement, before the impossibility occurred.

C. Civil Code

159. Damages for non-enforcement or for the delayed enforcement of an outstanding judgment were owed to the creditor, upon request, pursuant to Articles 1082 et seq. of the former Civil Code. The debtor was liable for their payment even if there was no bad faith on his or her part, and the damages included any potential loss of use and/or profits. These principles are reiterated (with slight amendments) in Articles 1531 to 1536 of the Civil Code currently in force.

160. The relevant provisions concerning tort actions and the general limitation period are described in *Nicolae Virgiliu Tănase v. Romania* ([GC], no. 41720/13, §§ 68-69, 25 June 2019).

II. DOMESTIC PRACTICE AND THE CONSTITUTIONAL COURT

A. Constitutional Court

1. Articles 7 and 11 of Law no. 165/2013 – time-limit

161. On 31 January 2017 the Constitutional Court found, by a majority, that the latest extension of the time-limit set out in Article 11 of the Law concerning the obligation of the local and regional commissions to finalise the administrative stage of the restitution procedure, as well as the suspension of the restitution proceedings set out in Article 7, were incompatible with the Constitution.

162. In particular, on 21 December 2016 the relevant time-limit was extended by a further year, until 1 January 2018. This amendment was in breach of the Court's findings in *Preda and Others*, in which it had considered that the initial time-limit, clearly and irrevocably set to 1 January 2016, appeared reasonable *a priori*, but that this conclusion was amenable to change if the corresponding obligations had not been complied with in that time frame. The Constitutional Court further held that the new extension of the relevant time-limit had negatively impacted on the required foreseeability of the administrative stage of the restitution proceedings and prevented claimants from efficiently bringing their respective claims before the domestic courts. Moreover, the Law did not set out any mechanism for sanctioning the local or regional commissions which had not acted diligently in finalising the administrative stage of the restitution procedure, leaving the claimants without any possibility of challenging such a failure on the part of the authorities. Moreover, the new extension, extending once again the initial time frame assumed by the authorities, could no longer be considered reasonable, also having regard to the fact that it related to an administrative and therefore preliminary stage of the restitution mechanism, the overall duration of which appeared to comply less and less with the requirements set out in the Court's relevant case-law.

163. As a consequence of these findings, the relevant parts of the impugned provisions were repealed as of 29 May 2017 (see paragraph 143 above).

2. Article 13 § 1 of Law no. 165/2013 – forest land

164. In decision no. 395 of 13 June 2017, the Constitutional Court found that Article 13 § 1 of the Law was constitutional only in so far as the transfer of forest land from public property of the State to a claimant was preceded by a transfer into private property of the State, under the conditions provided for by law, by virtue of a Government Order or local land commission order, if applicable.

165. As can be seen from the information at the Court's disposal (see, for instance, paragraph 177 below), this interpretation has posed significant difficulties in the restitution process, having regard, *inter alia*, to the complexity of the procedure of transferring forest land from the public into private property of the State, and the fact that the law does not designate any particular institution which would be entitled to initiate such a procedure. In the absence of a clearer framework, the restitution process of forest land where the original location was no longer available appears to have *de facto* come to a halt.

3. Article 21 § 6 of Law no. 165/2013 – calculation of compensation

166. In a decision given on 4 November 2014, the Constitutional Court held that by introducing a compensation mechanism using the 2013 notarial grids as the valuation criteria, the legislature had complied with the recommendations set out by the Court in its pilot judgment of *Maria Atanasiu and Others* and attempted to ensure a predictable, simplified, efficient and transparent calculation method. The Constitutional Court also referred to the relevant case-law of the Court, which accepted as adequate any compensation which was below the market value of the property, so long as it was reasonably related to its real value. In any event, the legislature had a wide margin of appreciation to impose relevant criteria for the establishing and payment of compensation for property within the restitution mechanism, while attempting to maintain a fair and proportionate balance between the general interest and that of any individual.

Similar reasoning was adopted by the Constitutional Court in several subsequent decisions given between 2015 and 2020, which dealt with the same type of complaints.

167. Article 21 § 6 was amended in 2020, firstly by Law no. 22/2020, in the sense of establishing the manner of assessing compensation with reference to the notarial grids in force at the time the compensation decision was issued. The application of the new law was suspended by Emergency Government Ordinance no. 72 of 19 May 2020, in view of the potential unfairness that such a method could create between claimants, given that the notarial grids were constantly subjected to updating. It was proposed that the compensation be assessed in two ways, taking into consideration the status of the original owners or heirs, on the one hand, and that of the buyers of litigious rights from the original owners or heirs, on the other. In particular, if the claimants were the original owners or their heirs, the assessment of the amount of compensation had to refer to the notarial grids in force at the time the compensation decision was issued. If, however, the claimants were the buyers of litigious rights from the original owners or their heirs, the assessment was still done with reference to the property values established in the notarial grids in 2013.

168. On 7 October 2020 the Constitutional Court found the provisions of Emergency Government Ordinance no. 72/2020 to be in breach of the Constitution in so far as they created unjustified discriminatory treatment between claimants depending on whether they were the buyers of litigious rights or the actual former owners or their heirs.

169. On 30 October 2020 Article 21 § 6 was amended again, by Law no. 219/2020.

170. In a decision of 18 March 2021, the Constitutional Court, referring to the provisions of Law no. 219/2020, essentially confirmed the same findings, namely that the new amendments proposing that compensation be established with reference to 2013 values in respect of the buyers of litigious rights, and with reference to property values from the year preceding that of the issuing of the compensation decision in respect of the original owners or their heirs, were discriminatory and therefore unconstitutional.

4. *Article 41 of Law no. 165/2013*

171. In a decision given on 16 July 2020, the Constitutional Court found that the interpretation given to Article 41 of the Law by the HCCJ (see paragraph 175 below) was in breach of the Constitution, because it deprived claimants entitled to compensation of the possibility of enforcing their rights, even if they had not been at fault for not having opted within the prescribed time-limit to capitalise their compensation decisions under the legal framework in force prior to the entry into force of the Law. Thus, the Constitutional Court had regard to the fact that the right to opt for one of the alternatives proposed by the law in force before the enactment of Law no. 165/2013 was illusory, as the relevant general context was of an unclear and unforeseeable nature and included a period of suspension of the right of option, circumstances which, in fact, had prompted the enactment of the new law. In its view, such circumstances of legal uncertainty should not determine the sanctioning of claimants entitled to compensation. Thereafter, such claimants were entitled to receive compensation in the form of a monetary payment only.

B. High Court of Cassation and Justice (HCCJ)

1. *Article 21 § 6 of Law no. 165/2013 – location and technical specifications of the property*

172. Following a request for a preliminary ruling settling legal matters (*hotărâre prealabilă pentru dezlegarea unor chestiuni de drept*), the HCCJ delivered judgment no. 80 of 20 December 2018. It held that even from the moment of its enactment, the purpose of Law no. 165/2013 had been to ensure that, when the property could no longer be returned in kind, the awarded compensation would be equivalent to the value it had at the time of

nationalisation. A manner of calculation that took due account of all elements which accurately defined that property as it had been when deprivation occurred was the only one to ensure that the compensation awarded was equitable, reasonable and proportionate, enabling the claimant to receive the monetary equivalent of the property which he or she could have obtained had restitution in kind been possible.

2. *Article 24 § 2 of Law no. 165/2013 – compensation awarded to buyers of litigious rights*

173. A preliminary ruling was delivered by the HCCJ in judgment no. 30 of 2 March 2020. It held that if the sale of litigious rights between the person entitled to compensation and a third party was rescinded, the right to compensation returned to that person, but the compensation had to be capped as it would have been had the buyer of litigious rights received the compensation decision. In particular, the amount had to be calculated in accordance with Article 24 § 2, which capped such compensation at the amount established in the said (rescinded) contract, plus an additional 15% of the value of the property, as per Article 21 § 6 of the Law (see also paragraphs 148-151 above).

3. *Article 35 § 2 of Law no. 165/2013 – time-limit to lodge complaints about the failure of the relevant domestic authority to issue a restitution decision*

174. On 14 October 2019 the HCCJ delivered judgment no. 45 following a request for a preliminary ruling settling legal matters, in which it established that a claimant was entitled to lodge a complaint with the courts about the failure of the relevant domestic authority to issue a restitution decision within six months from the expiry of the time-limits laid down in Articles 33 and 34 of the Law. However, even if the claimant missed that six-month time limit, the relevant authority was still required to issue the restitution decision.

4. *Article 41 of Law no. 165/2013*

175. In a similar type of ruling, delivered on 14 November 2016, the HCCJ established that the provisions of Article 41 (see paragraph 152 above) were not applicable to claimants who had received their compensation decisions from the NCPC but had failed to pursue the specific enforcement proceedings set out in the previous restitution laws (essentially, to opt between a monetary payment and/or shares in the *Proprietatea* Fund). The option had to be made within three years from the date of issuance of the title deed, but no sooner that twelve months as of the first trading session concerning the *Proprietatea* Fund shares (see, for more details about the procedure, *Maria Atanasiu and Others*, cited above, §§ 60-67).

The consequence of that interpretation was that those who had not opted to capitalise their compensation decision within the specified time-limits could no longer make use of it.

5. *Article 906 § 4 of the CPC*

176. A preliminary ruling settling legal matters in relation to the interpretation of Article 906 § 4 of the CPC was given on 6 March 2017. The HCCJ held that the creditor was only entitled to lodge a single request under that provision, in order to obtain a final amount owed by the debtor as penalties for not enforcing an outstanding judgment. If the debtor persisted in not complying with his or her obligations, the creditor was entitled to seek redress by lodging a request under Article 892 of the CPC or general tort law provisions.

C. Ongoing legislative proposals by the National Authority for Property Restitution (NAPR)

177. In view of the difficulties of finalising the restitution proceedings in situations where one or several alternative proposals for granting possession of plots of land in a different location than the original are refused by the entitled claimants, on 7 October 2021 the NAPR, in its capacity as central authority for the monitoring and coordination of the application of the restitution mechanism, forwarded a legislative initiative for public debate. The legislative draft aims to limit the ability of such claimants to refuse alternative proposals put forward by local commissions, essentially in that if no alternative is considered acceptable by the claimants, their only other option would be to receive compensation for their property.

178. In addition, while indicating that the number of restitution claims pending before the relevant local and regional commissions amounted to more than 2,700,000, the draft proposes to clarify the stages to be followed, the documents to be submitted and those involved in the procedure whereby a plot of forest land is transferred from public into private property of the State.

179. According to the information available on its website, the number of files pending before the NCPC was, on 10 January 2022, some 20,000.

III. COUNCIL OF EUROPE MATERIALS

180. On 12-14 March 2019, at their 1340th meeting, the Ministers' Deputies responsible for supervising execution of the Court's judgments examined, with reference to the *Maria Atanasiu and Others* group of cases, issues related to the implementation of the new mechanism established in Romania in 2013. The Committee of Ministers noted that, even if the domestic authorities had made sustained efforts to ensure the effective

functioning of the mechanism, in September 2018 it had become apparent that the administrative processing of claims relating to property other than agricultural land and woodland, pending before some local authorities but also at the level of the central authority (the NCPC), had not been completed within the statutory time-limit. Furthermore, such persistent delays were reducing of the value of compensation, set by the law to be assessed with reference to property transaction values on 20 May 2013.

181. On 9-11 March 2021, at their 1398th meeting, the Committee of Ministers took note of the submissions presented by the Romanian authorities on 15 January 2021, showing that by that time, more than 90% of the claims lodged nationwide in relation to agricultural land and woodland had been resolved. Some 37,732 claims for reparation lodged mainly in relation to *intra muros* property were also pending before the Bucharest City Hall. Legislative efforts had been made to align the manner of calculating compensation with more up-to-date property transaction values.

182. The Committee of Ministers welcomed the above-mentioned efforts, but found it deeply concerning that the authorities had not yet provided a comprehensive response to its urgent calls for adequate and sufficient measures to address problems relating to, essentially, the clearing of their backlog of compensation claims, despite the expiry of the relevant time-limits, as well as to the method used to assess the amount of compensation in a manner consistent with the Court's relevant case-law, also noting the legal uncertainty created by the successive legislative interventions over the past year on that core aspect of the mechanism.

THE LAW

I. JOINDER OF THE APPLICATIONS

183. Having regard to the similar subject matter of the applications, the Court finds it appropriate to order their joinder (Rule 42 § 1 of the Rules of Court).

II. LOCUS STANDI

184. The heirs of the applicants in applications nos. 32541/18, 20341/19 and 36372/19 informed the Court of those applicants' deaths and, as their close relatives, expressed the intention to continue in their stead. The Government did not object to this. Having regard to their close family ties with the heirs and their legitimate interest in pursuing the applications concerning fundamental human rights, the Court accepts that the deceased applicants' heirs may pursue the applications in their stead (see, among other authorities, *Murray v. the Netherlands* [GC], no. 10511/10, § 79, 26 April

2016). It will therefore continue to deal with the deceased applicants' complaints, at the heirs' request (see appendix).

III. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1 TO THE CONVENTION TAKEN ALONE OR IN CONJUNCTION WITH ARTICLE 6 OF THE CONVENTION

185. The applicants submitted that their inability to recover possession of their unlawfully nationalised properties or obtain compensation, despite court decisions acknowledging their property rights or their entitlement to obtain a decision on their restitution claims, had amounted to a breach of their right to peaceful enjoyment of their possessions under Article 1 of Protocol No. 1 to the Convention. Some of the applicants also complained, under Article 6 of the Convention, about the lengthy non-enforcement of their outstanding judgments.

186. The Court considers that the main legal issue raised by this case, namely the effectiveness of the restitution mechanism, essentially concerns the applicants' property rights. Its examination should exclusively address the issues raised under Article 1 of Protocol No. 1 to the Convention, it being therefore unnecessary to also address the complaints from the perspective of Article 6 § 1 of the Convention, the requirements of which, in the particular circumstances of the present case, having been absorbed by those of the preceding complaint (see, *mutatis mutandis*, *Zammit and Attard Cassar v. Malta*, no. 1046/12, § 29, 30 July 2015).

187. Article 1 of Protocol No. 1 reads as follows:

Article 1 of Protocol No. 1

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

A. Admissibility

1. Non-exhaustion

188. The Government submitted that the applicants in applications nos. 31613/19, 43586/19, 28856/18, 36372/19, 2556/19 and 59503/18 had failed to exhaust the available domestic remedies as the relevant proceedings were still pending before the domestic authorities, and that their complaints were therefore inadmissible.

189. The applicants contested these arguments and submitted that despite the avenues made available by the domestic system (the special restitution law or general law provisions), the restitution mechanism put in place by the domestic legislation was not effective.

190. Having regard to the nature of this objection, which takes issue with the effectiveness of the restitution and/or compensation mechanism lying at the very heart of the applicants' complaints in the present case, the Court considers that it is appropriate to join it to the merits (see, *mutatis mutandis*, *Pintar and Others v. Slovenia*, nos. 49969/14 and 4 others, § 79, 14 September 2021).

2. *Other admissibility issues*

(a) Victim status

Albuleţ, application no. 2556/19

191. The Government submitted that on 29 October 2015 the applicant, Ms Albuleţ, had sold (*cesiune de creanţă)* part of her property to a third party, M.I.H., namely 5,000 sq. m of her litigious rights defined by the outstanding judgment (see paragraph 44 above), sale which had been notified to the local commission on 6 November 2015. She therefore no longer had victim status in respect of those rights.

192. The applicant replied that the contract had been revoked on 18 October 2018, as notified to the local authorities the following day.

193. Having regard to the particulars of this case, as mentioned above, as well as to the HCCJ's interpretation of the relevant law (paragraph 173 above), the Court finds that Ms Albuleţ can still claim to have victim status in respect of the alleged violation of her property rights, and that the Government's objection should therefore be dismissed.

(b) Matter resolved: applications nos. 59012/17, 21500/19 and 25811/19

(i) The parties' submissions

(α) Văleanu, application no. 59012/17

194. The Government submitted that the applicant had accepted the compensation established in the decision of 2015 (see paragraph 111 above). Her case has therefore been resolved.

195. The applicant considered that the amount awarded in the compensation decision had been derisory and that the legislative amendments that had impacted on the calculation mechanism had made her bear an excessive burden.

(β) Cobzaru, application no. 21500/19

196. The Government submitted that following the appellate court's judgment of 28 January 2019 (see paragraph 118 above), the NAPR had issued two payment certificates for EUR 49,941.60 each. Both had been cashed in by the applicant.

197. The applicant considered that the long delay in the compensation proceedings had resulted in a discriminatory and disproportionate outcome, as the legislative changes which had taken place before she had finally obtained a decision had unjustifiably diminished the amount of money to which she was entitled. She pointed to the various versions of Article 21 § 6 of the Law (see paragraphs 148-150 above), arguing a lack of legal certainty and fairness in the assessment of compensation claims.

(γ) Association "Composesorat Mutu Coasta Ursului Straja Lupeni", application no. 25811/19

198. In their observations sent to the Court on 8 March 2021 and 18 June 2021 respectively, the parties submitted that possession of the property claimed (paragraph 60 above) had been granted on 2 March 2020 and title deeds issued on 14 and 17 June 2021 respectively. The applicant association's claims further indicated exclusively the request to be awarded compensation in respect of the non-pecuniary damage caused by the four-year delay in the enforcement of the outstanding judgment.

(δ) Blajă, application no. 40167/18

199. In their observations sent to the Court on 18 May 2022 and 8 June 2022 respectively, the parties submitted that possession of the property claimed (paragraphs 30-31 above) had been granted promptly after the title deeds had been issued on 15 and 28 April 2022 respectively. The applicant's claims further indicated her request to be awarded compensation for loss of use of the land, as well as in respect of the non-pecuniary damage caused by the delays in the enforcement of the outstanding judgment.

(ii) The Court's assessment

(α) Compensation paid to the applicants Văleanu and Cobzaru

200. Without taking at this stage a stance on the validity of the applicants' arguments as to the manner in which the compensation was calculated in their cases (applications nos. 59012/17 and 21500/19), the Court notes that, according to the available evidence in the case file, following the steps taken by the applicants at national level, they received some compensation for the immovable property forming the subject of their applications before it (see paragraphs 194 and 196 above).

201. That being so, the Court nevertheless observes that the essence of the applicants' complaints under Article 1 of Protocol No. 1 is precisely the

amount of compensation paid to them, which they considered derisory in relation to the value of the property to which they were entitled (see paragraphs 195 and 197 above). It thus cannot be said that the matter has been resolved and the Court therefore rejects the Government's request for this part of the application to be struck out under Article 37 § 1 (b) of the Convention (see, *mutatis mutandis*, *Šimaitienė v. Lithuania*, no. 55056/10, § 51, 21 February 2017).

(β) Outstanding judgments enforced for the benefit of the applicant association "Composesorat Mutu Coasta Ursului Straja Lupeni", in application no. 25811/19, and of the applicant Blajă in application no. 40167/18

202. The Court notes that, albeit with some delay, which must be seen in the general context of the subject matter at stake (see paragraph 209 below), the outstanding judgment given in the applicant association's favour in 2017 was enforced in 2020 and 2021 (see paragraphs 60 and 198 above); and the outstanding judgments given in the applicant Blajă and her predecessor's favour in 2011 and 2015 have been enforced in 2022 (see paragraphs 30-31 and 199 above). Having regard to the above considerations and amended claims submitted by the applicant association (see paragraph 198 above) and by the applicant Blajă, and while in respect of the latter, clarifying that its present conclusion should not impinge on the pending proceedings concerning damages awarded under Article 906 of the CPC (see paragraphs 34 and 199 above), the Court considers that the matter has been resolved in accordance with 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*.

(γ) Conclusion

203. Accordingly, the Court will pursue the examination of applications nos. 59012/17 and 21500/19. At the same time, it considers that applications nos. 25811/19 and 40167/18 should be struck out of the Court's list of cases.

(c) Conclusions as to the admissibility

204. The Court notes that the remainder of the applicants' complaints under Article 1 of Protocol No. 1 are neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. They must therefore be declared admissible.

B. Merits: the effectiveness of the restitution mechanism

1. General remarks

205. As already indicated in the introductory part of the present judgment (see paragraph 13 above), the main issue raised by the present applications relates to the current validity of the general conclusions set out in the case of *Preda and Others* (cited above) as to the general functioning of the mechanism established by Law no. 165/2013. Those conclusions were drawn by the Court immediately after the Law had come into force, thus without the benefit of hindsight as to its actual effectiveness once put into practice. Indeed, the Court stated in *Preda and Others* that owing to the recent enactment of the Law, no judicial and administrative practice regarding its application had yet been able to develop. It therefore reserved its right to review its findings in the future depending, essentially, on the domestic authorities' capacity to establish a practice under the new law in line with the Convention requirements (ibid., § 132).

206. The applicants' main contention in the present case was that the restitution mechanism, as applied by the domestic authorities, including throughout the past eight years after the implementation of the Law, had proven to be ineffective and inconsistent, and had placed an excessive burden on them. These reasons were sufficient, in their view, to trigger the Court's interest to review its previous findings in connection with the effectiveness of the mechanism (see also paragraphs 185 and 189 above).

207. At the same time, the Government's essential argument in the present case was that the Law provided effective avenues available to claimants such as the applicants, which enabled them to see their compensation claims finalised, and, if necessary, to bring their complaints as to any excessive or unjustified delays before the domestic courts, either under the special law provisions (see paragraphs 153-154 above) or general law provisions (paragraphs 157-158 and 159-160 above). Such remedies had been found to be effective by the Court in the case of *Preda and Others*, as had been the criteria for calculating compensation. There was no justification for requiring a reversal of that conclusion.

208. The above considerations, together with the factual information at the Court's disposal, which crucially reveals that to date, the applicants have been unable to see their property claims satisfied, are sufficient in the Court's view for it to consider that these complaints require *a post factum* review of the effectiveness of the restitution mechanism made available by the respondent State, eight years after its previous examination of the matter in the case of *Preda and Others*.

209. Nevertheless, the Court must stress at the very outset that it is fully aware of the factual complexity of cases relating to judicial and/or administrative proceedings for restitution of or compensation for property that passed into State ownership during the communist regime. This

complexity is due both to the time that has elapsed since the dispossession suffered by the victims and to the evolution of the political and legal solutions proposed since the fall of the communist regime and up to the present day.

210. It is in the light of these considerations, as well as of its previous relevant findings relating to the solutions proposed by the respondent State on the matter at issue in the present case, and of the observations made by the parties, that the Court will rule on the effectiveness, for the applicants' situation, of the remedies proposed by the system currently in force, introduced by the Law and its implementing regulations, as amended throughout the relevant period (see paragraph 142 above; see also, *mutatis mutandis*, *Preda and Others*, § 118).

211. That said, the Court shall certainly base its findings on the application to the circumstances of the case of the relevant general principles, as laid out in the case of *Kopecký v. Slovakia* ([GC], no. 44912/98, § 35, ECHR 2004-IX, and the references cited therein), as well as in *Maria Atanasiu and Others* (cited above, §§ 162-177, and the references cited therein). The Court reiterates that Article 1 of Protocol No. 1 cannot be interpreted as imposing any general obligation on the Contracting States to restore property which was transferred to them before they ratified the Convention. Nor does Article 1 of Protocol No. 1 impose any restrictions on the Contracting States' freedom to determine the scope of property restitution and to choose the conditions under which they agree to restore property rights of former owners On the other hand, once a Contracting State, having ratified the Convention including Protocol No. 1, enacts legislation providing for the full or partial restoration of property confiscated under a previous regime, such legislation may be regarded as generating a new property right protected by Article 1 of Protocol No. 1 for persons satisfying the requirements for entitlement. The same may apply in respect of arrangements for restitution or compensation established under pre-ratification legislation, if such legislation remained in force after the Contracting State's ratification of Protocol No. 1 (see *Kopecky* cited above, § 35). In this context, the instant case concerns only the property rights generated by Romanian restitution legislation enacted as of 1995.

212. Furthermore, the facts of the present case may well be examined in terms of a hindrance to the effective exercise of the rights protected by Article 1 of Protocol No. 1 or in terms of a failure to secure the implementation of those rights. Having regard to the particular circumstances of the present case, the Court considers it necessary to determine whether the conduct of the Romanian authorities – regardless of whether it may be characterised as interference or as a failure to act, or a combination of both – was justifiable in the light of the applicable principles set out above (see also *Broniowski v. Poland* [GC], no. 31443/96, § 146, ECHR 2004-V).

213. In doing so, the Court finds it established that the conduct complained of in the present case may be considered to have pursued a

legitimate aim in so far as the restitution laws were implemented to mitigate the consequences of mass infringements of property rights caused by the communist regime, the balancing of the rights at stake, as well as the gains and losses of the great number of people affected by the process of transforming the State's economy and legal system (see *Maria Atanasiu and Others*, cited above, § 171), and was within the wide margin of appreciation of the national authorities, which are entitled to select not only the measures to regulate ownership relations within the country, but also the appropriate time for their implementation.

214. Taking into account the factual information at its disposal and the parties' submissions, as outlined above (see paragraphs 206-207 above), the Court identifies the following potentially problematic issues: the non-enforcement of final judgments which either acknowledge the applicants' entitlement to certain property and/or compensation, or the non-enforcement of those which confirm their right to obtain a final decision on their restitution claims; the latter situation includes circumstances where even if a decision on restitution claims had already been obtained at a certain point, the titles issued relying on the said decision had been annulled by the courts on account of the State authorities' mistakes when issuing them, with the consequence that the restitution claims are to be considered as pending again before the administrative authorities; closely linked to that, the alleged lack of effective remedies capable of speeding up the enforcement process or compensating for the failure to enforce; and the amount awarded in compensation on the basis of the Law, considered by the applicants to be too low in relation to the market value of the property claimed.

215. The Court shall therefore assess the above-mentioned issues in turn, as detailed below.

2. *Non-enforcement cases*

216. In the instant case, the Court notes that, although the applicants have obtained several final court decisions (see paragraph 15 above) acknowledging their property rights and that, in the outstanding final judgment (see appendix), the relevant domestic authorities were ordered to grant them possession of the property and issue them with the corresponding title deeds restoring ownership or give a decision on their restitution claim, the judgments in question have still not been enforced.

217. Thus, the Court finds itself yet again, for the third time (after having adopted the pilot judgment in the case of *Maria Atanasiu and Others*, and subsequently the follow up case in *Preda and Others*, both already cited above), faced with cases burdened with a political, historical and factual complexity flowing from a problem that should have been resolved by all the authorities assuming full responsibility for finding a solution. This reality must guide the Court in its interpretation and application of the Convention,

which cannot be either static or blind to concrete factual circumstances (see, *mutatis mutandis*, *Maria Atanasiu and Others*, cited above, § 188).

218. The Court notes that, on the basis of the factual information made available to it and the parties' relevant submissions, several reasons could be identified for the non-enforcement of the final judgments: they were objectively impossible to enforce, most commonly on account of there being a concurrent title of a third party on the same property (see paragraphs 21, 23, 54, 40, 46, 52, 58, 75 and 82 above); there was a lack of available land to be given to the applicant concerned (see paragraphs 32, 36, 49 and 84 above), including, mostly as regards forest land, on account of the cumbersome procedure requiring the transfer of land from public into private property of the State and then to the relevant local commissions (see paragraphs 21, 24-25, 54-29, 40, 65 and 71 above); the applicants refused, justifiably or not, to accept an alternative proposal made by the local commissions (see paragraphs 34, 72, 77 and 79 above), either when such a proposal was concretely set out and in compliance with the relevant law, or even when it was not, in so far as this was allowed by the law (see paragraphs 34, 59, 76, 77 and 144 above); and lastly, the fact that the proceedings are still pending before the administrative authorities, without any decision having yet been taken (see paragraphs 102 and 105 above).

219. Indeed, the Government referred principally to the difficulties of enforcement owing to the fact that some outstanding judgments were impossible to enforce since third parties already had title deeds issued in respect of the same plots of land; or that the relevant proceedings required certain administrative steps which took longer owing to their complexity; and that in any event, the applicants could complain to the courts about the length of that non-enforcement and the prejudice resulting therefrom, many of them having already obtained compensation in respect of that damage.

On the other hand, the applicants claimed that, according to their outstanding judgments, they were entitled to obtain their property *in natura* and therefore refuse any alternative which was in any event not equivalent to what they were entitled to obtain.

220. The factual reasons given by the Government are not open to doubt; indeed, one of the main reasons why the applicants' outstanding judgments have remained unenforced is the authorities' inability to grant them possession of the property claimed, since it is already occupied and/or has been given to third parties and no other equivalent property is available or acceptable, in the applicants' view, to be offered to them in exchange.

221. Having noted that, the Court reiterates that extensive restitution legislation is hardly capable of doing full justice in the diverse circumstances of the very large number of different individuals concerned; it is in the first place for the domestic authorities, and in particular Parliament, to assess the advantages and disadvantages involved in the various legislative alternatives

available, bearing in mind that this is a policy decision (see *Maria Atanasiu and Others*, cited above, § 170).

222. In that connection, the Court notes that the choice made by the Romanian legislature in passing the Law in 2013 was the prevalence of the *restitutio in natura* principle, meaning that claimants were entitled to obtain the property claimed, and only as a subsidiary possibility and under specific conditions, could obtain compensatory measures, the first such measure being the proposal to be granted possession of another equivalent property (see paragraph 140 above; and *Preda and Others*, cited above, § 119). That policy choice was made at a point in time when the national authorities had already been made aware both at domestic level, by the relevant courts and by the Court, that the existence of concurring and valid claims in respect of the same property (land), for which titles had already been issued for third parties in highly contentious proceedings, was problematic and at odds with the principles of protection of property and of legal certainty (see, for instance, *Drăculeţ v. Romania*, no. 20294/02, §§ 49 and 50, 6 December 2007, and *Toşcuţă and Others v. Romania*, no. 36900/03, § 35, 25 November 2008; see also the examples in *Preda and Others*, cited above, § 136, regarding the situation of concurrent title deeds on the same plot of land; see also, in what concerns the circumstances of the present case, paragraphs 21, 54, 40, 44, 75, 120,123 and 126 above, which reveal that the concurrent claims to the properties to which the applicants are entitled generally predate the entry into force of the Law).

223. Once such a choice has been made by the public authorities, it is incumbent on them to act in good time, in an appropriate manner and with utmost consistency (see *Beyeler v. Italy* [GC], no. 33202/96, § 120, ECHR 2000-I). It appears, however, that even if the respondent State initially envisaged that the restitution process at the level of the local and regional commissions would be achieved by 1 January 2016 – a measure validated by the Court in the *Preda and Others* judgment (cited above, § 121) – that time-limit was subsequently extended and ultimately scrapped (see paragraph 143 above), the claimants thus having no foreseeable prospects as to when the restitution proceedings would be finalised.

224. At this juncture, the Court observes with particular interest the concrete proposals put forward by the NAPR in response to the difficulties identified at its level in connection with the above-mentioned issues (see paragraphs 177-178 above). It further notes with some concern that such legislative initiatives, emanating from the central administrative authority called upon to monitor and coordinate the application of the law in the assessment of restitution claims, and which attempt to render the restitution mechanism more effective by proposing concrete and inspiring solutions, are still ongoing, with no foreseeable prospects as to their outcome.

225. The Court will now turn to the Government's argument that the applicants have at their disposal effective remedies to obtain the enforcement

of their claims and/or alleviate the delayed enforcement of their outstanding judgments (see paragraph 219 above).

226. In that respect, it notes that some of the applicants have already obtained some compensation for loss of use of their acknowledged property and/or compensation in respect of non-pecuniary damage for the non-enforcement, either on the basis of tort law provisions or under Article 906 and/or 892 of the CPC (see paragraphs 19, 33, 41-43, 44, 54, 68 and 81 above), while, however, in other situations, their respective compensation claims have been dismissed on account of the lack of bad faith on the part of the debtor, i.e. the local authorities (see paragraphs 26 and 65 above). This opportunity made available to some of the applicants to obtain, at least in part, some of the compensation to which they are entitled on account of the authorities' lack of action, awarded by the domestic courts, can only be welcome.

227. Nevertheless, the Court also observes that in examining such claims, the domestic courts have regularly assessed the debtor's fault – more precisely, its good or bad faith – in failing to comply with the obligations they have to enforce the outstanding judgments. Admittedly, this approach is the general domestic standard in tort law proceedings, applicable also to routine non-enforcement cases; however, in the particular field of non-enforcement of outstanding judgments by the State authorities, which, moreover, deal with restitution claims, such an assessment appears to be irrelevant, in view of the general principles laid out in the Court's case-law on the matter, finding the State authority liable to promptly and diligently enforce with no further action required on the part of the creditor and thus excluding the relevance of any assessment of the good or bad faith in the non-enforcement complained of (see, for instance, *Foundation Hostel for Students of the Reformed Church and Stanomirescu v. Romania*, nos. 2699/03 and 43597/07, §§ 58-60, 7 January 2014, and, concerning restitution in particular, *Viaşu v. Romania*, no. 75951/01, §§ 71-72, 9 December 2008; and, *mutatis mutandis*, *Manushaqe Puto and Others v. Albania*, nos. 604/07 and 3 others, § 81, 31 July 2012).

228. Moreover, the Court also considers that this avenue has not yet created clear and streamlined case-law capable of sufficiently showing its effectiveness. Indeed, a non-linear interpretation of Article 906 of the CPC was examined by the HCCJ (see paragraph 176 above), which considered that its wording at the relevant time justified a single request for compensation for loss of use, following which another avenue had to be exhausted (namely that provided for by Article 892 of the CPC, see paragraph 157 above). The provision in question has subsequently been amended, allowing as of 21 December 2018 the creditor to lodge a request every three months for the fixing of a further final amount to be paid by the debtor delaying the enforcement. The effectiveness of these avenues in such circumstances may

therefore be easily called into question (see *Foundation Hostel for Students of the Reformed Church and Stanomirescu*, cited above, §§ 58-59).

229. To conclude, in view of the above considerations (see paragraphs 223, 227 and 228 above) and notwithstanding the complexity of the restitution proceedings, as already mentioned above (see paragraph 209), the Court takes the view that the fact that the applicants have not obtained the enforcement of their outstanding judgments and have no certainty as to when that might happen constitute a violation of the rights guaranteed by Article 1 of Protocol No. 1 to the Convention.

230. Similarly, these findings are also relevant in the cases of the applicants who, despite having seen their entitlement to restitution acknowledged at administrative level and the domestic courts having obliged the relevant administrative authorities to issue a decision on their restitution and/or compensation claims, are still in a situation where no final response to their claims has been issued (see paragraphs 101-102 and 105 above; see also *Maria Atanasiu and Others*, cited above, § 180).

231. Accordingly, there has been a violation of Article 1 of Protocol No. 1 to the Convention in the present case in respect of the applications listed in paragraph 15 above.

3. Cases raising issues concerning the amount of compensation awarded

232. At the outset, the Court must reiterate that Article 1 of Protocol No. 1 does not guarantee a right to full compensation in all circumstances. The State is entitled to expropriate property – including any compensatory entitlement granted by legislation – and reduce levels of compensation under legislative schemes. What Article 1 of Protocol No. 1 requires is that the amount of compensation awarded for property taken by the State be "reasonably related" to its value. A total lack of compensation can be considered justifiable under Article 1 of Protocol No. 1 only exceptionally (see, *mutatis mutandis*, *Maria Atanasiu and Others*, cited above, §§ 174-75).

233. On the basis of these principles and the purpose of the Law, setting out clear time-limits for the payment of compensation, which had to be calculated in relation to the market value of the property as established in the 2013 notarial grids, 2013 being the year in which the Law entered into force, in 2014 the Court found that the compensation mechanism provided sufficient safeguards which were clear, foreseeable and accessible, and thus in compliance with the Convention (see, *mutatis mutandis*, *Preda and Others*, cited above, §§ 120-21, 125 and 129).

234. Nevertheless, the Court has already found in the present case that the mechanism failed to provide the applicants with the appropriate safeguards as to the enforcement of the outstanding judgments given in their favour within a reasonable time (see paragraph 229 above). Furthermore, as already acknowledged by the domestic authorities, and confirmed by the Committee of Ministers, the persistent delays in the assessment of restitution claims were

reducing the value of compensation, set by the law to be assessed with reference to property transaction values on 20 May 2013 (see paragraph 180 above).

235. In that regard, the Court observes that the principle underlying the Law, as enacted in response to the pilot judgment in *Maria Atanasiu and Others*, was that of the *restitutio in natura* of all property (see paragraph 140 above; and, by way of contrast, *Šimaitienė*, cited above, § 53). If that was not possible, a subsidiary solution had to be found, either by way of granting possession of an equivalent property or awarding compensation, calculated in accordance with the law (see paragraph 140 above). The legislature had thus chosen a solution which excluded the setting of a straightforward cap on compensation, as the compensation had to be calculated in line with the minimal market value of the property as established in the 2013 notarial grids, and be paid in instalments. That choice had been considered by the Court to be Convention compliant (see *Preda and Others*, cited above, § 120).

236. Nevertheless, in 2017, that is after the adoption of the *Preda and Others* judgment, the legislature added to the valuation criteria, besides that of the date of the Law's entry into force as the one relevant for the valuation, the location and technical specifications of the property as it was at the time of the deprivation (see paragraph 149 above). These criteria, coupled with the long delays taken by the authorities to finalise the restitution claims, may render the level of compensation such as to no longer be reasonably aligned with the actual value of the property in the absence of any other elements capable of offsetting, at least in part, the long period for which the applicants have been deprived of their properties (see, *mutatis mutandis*, *Guiso-Gallisay v. Italy* (just satisfaction) [GC], no. 58858/00, § 103, 22 December 2009), but first and foremost, the long period for which they have sought to obtain their properties since the restitution laws have come into force (see in particular paragraph 5 above).

237. In that connection, the Court takes note of the national legislature's decision to ensure that the level of compensation remained reasonably related – even if at a minimal level – to the market value of the property at the time the compensation decision was issued. Under the current version of the relevant provision, compensation is calculated with reference to the valuations established by the relevant Chamber of Notaries in the year prior to the decision on compensation, but still having regard to the property's location and technical specifications as relevant at the time of the deprivation.

238. Nevertheless, the new valuation system (see paragraph 149 above), partly relying on data which were pertinent more than fifty years ago, hence, at a time when the respondent State was not bound by the Convention (see paragraph 211 above), may potentially raise difficult and contentious issues in practice on account of the sometimes insufficiently relevant information as to the precise description of the property at the time of the deprivation owing

to, *inter alia*, the inherent urban developments that have taken place since, which must have impacted at least on the land use category.

239. Furthermore, the Court takes note of the HCCJ's findings that the Law aimed to award claimants the monetary equivalent of what they would have received had restitution in kind been possible (see paragraph 172 *in fine* above), considering implicitly that any other valuation method than the one taking into account the technical specifications of the property as it was at the time of deprivation would be unjust and inequitable. However, the Court cannot lose sight of the fact that had restitution in kind been possible, the claimants would have taken possession of a property which would have encompassed at least some developments having occurred over time, whether of a general nature (urban planning policy), or of a more particular nature (for instance redevelopments or refurbishments); it follows that if the awarded compensation is to remain equivalent to the value of the property in kind, it cannot disregard such developments.

240. In the light of the above, the Court shall turn to the present case and verify whether the reasonableness mentioned above (see paragraphs 236-237) was complied with, noting that the compensation awarded to the applicants had been established on the basis of the previous versions of Article 21 § 6 of the Law, as in force at the relevant time (see paragraphs 148-149 above).

241. In that connection, the Court takes note of the significant disparities between what the applicants claimed to be entitled to in compensation, on the basis of reports produced by valuation experts (see paragraphs 107 and 109 above), and what the domestic authorities actually awarded them in applying the relevant law (see paragraphs 114, 115 and 117 above).

242. More specifically, in the present case the applicants were awarded compensation in amounts many times lower than what the market value of the respective property was according to the valuation reports submitted by them.

243. Taking into account the nature of the proceedings at stake, by means of which the applicants and/or their predecessors have sought for more than twenty years (see paragraphs 107, 112 and 117 above) compensatory measures for their property, while also having due regard to the margin of appreciation of the State in these matters, the Court considers that, on the basis of the material before it, there are convincing elements which sufficiently demonstrate that the amounts awarded to them in compensation were not reasonably related to the value of the property, within the meaning of the Court's case-law (see, *mutatis mutandis*, *Vistiņš and Perepjolkins v. Latvia* (just satisfaction) [GC], no. 71243/01, §§ 35-36, ECHR 2014).

244. In the light of this finding relating to the amount of compensation, which must be seen against the underlying context of significantly long delays in the restitution process (see paragraph 243 above, and contrast *Šimaitienė*, cited above, § 54), the Court cannot but conclude that the

applicants in applications nos. 59012/17, 47070/18 and 21500/19 were made to bear an excessive individual burden, in breach of Article 1 of Protocol No. 1 to the Convention.

4. Cases concerning the annulment of the applicants' titles without compensation (applications nos. 28856/18, 25503/19 and 34359/19)

245. The Court notes at the outset that the national courts' findings which led to the applicants' titles being declared null were mainly focused on the fact that third parties (whether State authorities, companies or private individuals) had better title (*drept preferabil*), as per the applicable domestic law (see paragraphs 120, 123 and 126 above).

246. Reiterating that its task is not to call into question the State's wide margin of appreciation in implementing social and economic policies, the legislature's judgment as to what is "in the public interest" being fully respected unless that judgment is manifestly without reasonable foundation, the Court must nevertheless review under the Convention the manner in which such laws were applied in the applicants' cases and whether the decisions taken by the relevant domestic authorities complied with the principles enshrined in Article 1 of Protocol No. 1 to the Convention.

247. In examining whether a fair balance was struck between the public interest and that of the applicants, the Court reiterates in particular the importance of the principle of "good governance". The "good governance" principle should not, as a general rule, prevent the authorities from correcting occasional mistakes, even those resulting from their own negligence. On the other hand, State authorities which fail to put in place or adhere to their own procedures should not be allowed to profit from their wrongdoing or escape their obligations. The risk of any mistake made by the State authority must be borne by the State itself and any errors must not be remedied at the expense of the individuals concerned. In the context of the revocation of a title which has been granted erroneously, the "good governance" principle may not only impose on the authorities an obligation to act promptly in correcting their mistake, but may also necessitate the payment of adequate compensation or another type of appropriate reparation to its former good-faith holder (see *Vukušić v. Croatia*, no. 69735/11, § 64, 31 May 2016, and all the references cited therein, including *Toşcuţă and Others v. Romania*, no. 36900/03, § 38, 25 November 2008).

248. In particular, in the judgment of *Velikovi and Others v. Bulgaria* (nos. 43278/98 and 8 others, § 190, 15 March 2007), the Court set out certain criteria for deciding whether the principle of proportionality had been complied with in cases involving the annulment of the applicants' titles to their property. It held:

> " ... [T]he proportionality issue must be decided with reference to the following factors: (i) whether or not the case falls clearly within the scope of the legitimate aims of the Restitution Law, having regard to the factual and legal basis of the applicants'

title and the findings of the national courts in their judgments declaring it null and void (abuse of power, substantive unlawfulness or minor omissions attributable to the administration) and (ii) the hardship suffered by the applicants and the adequacy of the compensation actually obtained or the compensation which could be obtained through a normal use of the procedures and possibilities available to the applicants at the relevant time, including ... the possibilities for the applicants to secure a new home for themselves.”

The Court considers that the above criteria apply, *mutatis mutandis*, in the present case.

249. It firstly notes that the applicants’ titles were essentially annulled because they had been issued in respect of plots of land which already belonged to third parties, in breach of the mandatory rules concerning restitution of property (see paragraph 245 above). Nevertheless, it has neither been argued nor disputed that the applicants acted other than in good faith, the defects rendering the titles null being fully attributable to the issuing administrative authorities.

250. As to the second criterion, in assessing whether adequate compensation was available to the applicants, the Court must have regard to the particular circumstances of each case, including the availability of compensation and the practical realities in which the applicants found themselves (see *Velikovi and Others*, cited above, § 231), and more specifically, whether a clear and foreseeable possibility of obtaining compensation was available to them.

251. Indeed, in the case of *Preda and Others*, the Court found that the solution proposed by the legislature for circumstances such as those described in the present case was set out in Article 47 of the Law (see paragraph 155 above), and it considered that solution to be acceptable *a priori* (see *Preda and Others*, cited above, §§ 123 and 136).

252. However, despite the above-mentioned provisions, the Court notes that, on the one hand, the applicants in applications nos. 28856/18 and 25503/19 appear to have their restitution claims still pending before the administrative authorities, with no clear and foreseeable indication as to when they will see their proceedings finalised (see paragraphs 121 and 124 above; see also, *mutatis mutandis*, *Toşcuţă and Others*, cited above, 37-39). On the other hand, the applicant in application no. 34359/19 has no prospects of obtaining any compensation whatsoever, as indicated by the relevant administrative authorities in their interpretation of the applicable legal rules (see paragraph 128 above).

253. In view of the above considerations the Court concludes that the annulment of the applicants’ titles on account of the State authorities’ failure to comply with the legal provisions relevant to the procedure for issuing title deeds, without any compensation, placed an excessive individual burden on the applicants.

254. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention in respect of applications nos. 28856/18, 25503/19 and 34359/19.

5. *Case concerning the applicant's loss of use claims (application no. 31613/19)*

255. The Court observes that the applicant formulated her complaint before it by only referring to the failure of the domestic courts to acknowledge her right to be awarded compensation for the non-enforcement of the outstanding judgment given in her favour, in particular in the form of loss of use of the plot of land to which she was entitled, until that land was given to her.

256. In that connection, the Court reiterates that by virtue of the *jura novit curia* principle, it is not bound by the legal grounds adduced by the applicant under the Convention and the Protocols thereto and has the power to decide on the characterisation to be given in law to the facts of a complaint by examining it under Articles or provisions of the Convention that are different from those relied upon by the applicant. It cannot, however, base its decision on facts that are not covered by the complaint (see for instance *Radomilja and Others*, cited above, § 126).

257. In the instant case, therefore, the Court will examine the applicant's grievance regarding the alleged general ineffectiveness of the compensation mechanism, in particular concerning the compensation for the delayed enforcement of outstanding judgments ordering restitution and the lack of an effective remedy.

258. At the outset, the Court notes that domestic law makes available several avenues entitling creditors in all types of claims to obtain compensation (including for loss of use of the property claimed and/or in respect of non-pecuniary damage) for unjustifiably delayed enforcements of outstanding judgments given in their favour: Articles 906 and 892 of the CPC (see paragraphs 157-158 above) and general tort law provisions (see paragraph 160 above) appear to cover the above-mentioned category of claims for compensation.

259. The Court notes that the domestic court's justification for dismissing the applicant's compensation claims was that the authorities had not been at fault for the non-enforcement of the outstanding judgment given in her favour, since, on the one hand, the land already belonged to third parties and, on the other hand, the applicant herself refused to accept the alternative proposal made to her, namely to receive in exchange several scattered smaller plots, allegedly of an inferior value (see paragraphs 135-137 above).

260. From that perspective and against the background of the applicant's complaint that the domestic courts failed to acknowledge her right to compensation for loss of use of a property to which she had long been entitled but not yet granted possession of owing to the deficiencies of the restitution

mechanism, and having regard to its previous conclusions relating to such deficiencies (see paragraph 229 above), the Court considers that the outcome of the proceedings complained of placed a disproportionate and excessive burden on the applicant incompatible with her right to the peaceful enjoyment of possessions guaranteed by Article 1 of Protocol No. 1.

261. Consequently, there has been a violation of that provision in the present case concerning application no. 31613/19.

6. Conclusions as to the effectiveness of the mechanism

262. Having regard to its findings under paragraphs 229, 230, 243, 253 and 260 above, the Court considers that: the prolonged non-enforcement of outstanding judgments given in the applicants' favour and the lack of an effective remedy; the annulment of the applicants' titles on account of the State's failure to correctly implement the applicable law and without any compensation; as well as the failure of the authorities to ensure that the compensation awarded is reasonably related to the current value of the property, constitute sufficient elements to conclude that, despite the safeguards introduced by the Law and validated *a priori* by the Court in *Preda and Others*, the restitution mechanism continues to fall short of being comprehensively effective and convincingly consistent so as not to place an excessive burden on the applicants.

263. Accordingly, the Court dismisses the Government's preliminary objection joined to the merits (see paragraph 190 above) and finds that there has been a violation of Article 1 of Protocol No. 1 to the Convention in respect of all the applications, with the exception of applications nos. 25811/19 and 40167/18 which are to be struck out of the list (see paragraphs 198-199 and 202–203 above).

IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

264. Lastly, some of the applicants complained under Articles 6, 13 and 14 of the Convention and Article 1 of Protocol No. 12 to the Convention about either the length of the domestic proceedings, the amount of compensation or the lack of an effective remedy for their property claims.

265. The Court has carefully examined these complaints. In the light of all the material in its possession, and in so far as the matters complained of are within its competence and have not already been subject to its assessment under Article 1 of Protocol No. 1 (see paragraph 262 above), 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.

266. It follows that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

V. APPLICATION OF ARTICLE 46 OF THE CONVENTION

267. The relevant parts of Article 46 of the Convention read as follows:

> "1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
>
> 2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution ..."

268. The Court reiterates that Article 46 of the Convention, as interpreted in the light of Article 1, imposes on the respondent States a legal obligation not just to pay those concerned the sums awarded by way of just satisfaction, but also to choose, subject to supervision by the Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in their domestic legal order to put an end to the violation found by the Court and to redress as far as possible the effects (see *Scozzari and Giunta v. Italy* [GC], nos. 39221/98 and 41963/98, § 249, ECHR 2000-VIII). The Court further notes that it is primarily for the State concerned to choose, subject to supervision by the Committee of Ministers, the means to be used in its domestic legal order to discharge its obligation under Article 46 of the Convention (see *Öcalan v. Turkey* [GC], no. 46221/99, § 210, ECHR 2005-IV).

269. The violation which the Court has found in this case still affects many people (see paragraphs 178, 179 and 181 above). This matter has already been examined by the Court in a pilot case and subsequently in several follow-up cases, and the Court's conclusions in this case echo and reiterate some of its previous findings (see paragraph 262 above). In that connection, the Court takes note of the fact that since the pilot judgment, the respondent State has taken significant general steps, including legislative amendments, to remedy the structural problems related to the restitution mechanism, and that these are being assessed by the Committee of Ministers as far as supervision of the Court's pilot judgment is concerned (see also paragraphs 180-182 above).

270. The Court has nevertheless concluded in the present case that there still exists a structural problem stemming from the authorities' continued failure to either respond adequately to claimants' restitution claims, in particular by finalising the administrative procedure pending before them, or to implement, where applicable, their entitlement to compensation, calculated in a Convention compliant manner, which amounts to a practice incompatible with the Convention.

271. In view of the chronology of these types of cases, including before it, and notwithstanding the consistent efforts made so far by the domestic authorities to try and implement the mechanism in a Convention compliant manner, the Court considers that the respondent State must put in place more straightforward measures aimed at streamlining and clarifying the procedures and criteria to be applied once it has been established and confirmed either

directly by the claimant concerned, or by a court in relevant enforcement proceedings, that an outstanding judgment is objectively impossible to enforce. For purely indicative purposes, such measures, applicable to all pending cases before the administrative or judicial authorities, may include putting aside any alternative solution to the said impossibility to enforce, other than the award of financial compensation, calculated so as to ensure that it is reasonably related to the value of the property claimed (see also paragraphs 236-237 below), which should be calculated at the time of the actual payment of the full amount, or, if applicable, of the first installment of the full amount. To that avail, the respondent State should ensure that appropriate budgetary measures are taken so as to provide adequate funds in respect of those claimants who are entitled to receive compensation in value (see, *mutatis mutandis*, *Driza v. Albania*, no. 33771/02, § 126, ECHR 2007-V (extracts).

272. Furthermore, having regard to the average amount of time of more than twenty years that has elapsed since the mechanism was put into motion by claimants under the restitution laws, it is particularly important that appropriate arrangements be made in order to ensure that the restitution process is conducted without any further unnecessary delays in order to provide genuine effective relief for violations of their property rights, as mentioned above. In that connection, the Court cannot emphasise enough the importance of setting short but realistic and binding time-limits for the completion of the administrative proceedings still pending before the relevant authorities, where claimants have not yet obtained a response to their restitution claims.

273. Therefore, in view of the extent of the recurrent problem at issue, and in the light of the identified weaknesses and shortcomings of the overall restitution mechanism (see paragraph 262 above), the Court finds it crucial that the respondent State continue its consistent efforts and adopt further appropriate measures, with a view to bringing its legislation and practice into line with the Court's findings in the present case and with its relevant case-law, so as to achieve complete compliance with Article 1 of Protocol No. 1 to the Convention and Article 46 of the Convention.

VI. APPLICATION OF ARTICLE 41 OF THE CONVENTION

274. 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."

A. Damage

275. All the applicants requested that the outstanding judgments given in their favour be enforced and that the property to which they were entitled be given back to them. Some of the applicants submitted expert valuation reports concerning the property claimed and/or the corresponding loss of use to which they argued they were entitled.

276. The Government made comments in reply. Their valuation was based on the criteria established by the Law, in particular the 2013 notarial grids, where these provided relevant and reliable information allowing for an estimation of the property's value.

277. The Court reiterates that it has found a violation of Article 1 of Protocol No. 1 to the Convention on account of the failure to essentially finalise within a reasonable time the restitution proceedings initiated by the applicants, whether by enforcing the final judgments given in their favour or by simply giving a decision on their claims, which are therefore still pending before the relevant authorities, even though their entitlement to compensation has already been established in administrative decisions. In view of the nature of the violations found, the Court considers that the applicants have suffered pecuniary and non-pecuniary damage.

278. The Court however considers that the question of compensation for pecuniary damage is not ready for decision. That question must accordingly be reserved and the subsequent procedure fixed, having due regard to any agreement which might be reached between the Government and the respective applicants (Rule 75 §§ 1 and 4 of the Rules of Court).

279. In view of the partly ineffective nature of the current system of restitution, as outlined above (see paragraph 262 above) and having regard, in particular, to the length of the relevant restitution proceedings, some twenty years on average, the Court considers it reasonable to award the applicants an amount in respect of non-pecuniary damage, as indicated in the appendix.

B. Costs and expenses

280. Some of the applicants either did not submit any claims for costs and expenses or failed to substantiate them. Accordingly, the Court finds no reason to award them any sum on that account (see appended table).

281. As concerns the claims submitted by the remaining applicants, regard being had to the documents in its possession and its case-law, including that referring to contingency fee agreements (see, for instance, *Saghatelyan v. Armenia*, no. 7984/06, §§ 61-62, 20 October 2015), which are lawful under national law, the Court considers it reasonable to award the sums indicated in the appendix covering costs under all heads (see, for instance, *Ana Ionescu and Others*, cited above, §§ 44-45).

C. Default interest

282. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Decides* to strike applications nos. 40167/18 and 25811/19 out of its list of cases;

3. *Declares* the complaints under Article 1 of Protocol No. 1 to the Convention concerning the non-enforcement of the outstanding judgments given in the applicants' favour and concerning the effectiveness of the restitution mechanism admissible, and the remainder of the applications inadmissible;

4. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;

5. *Holds* that, as regards pecuniary damage resulting from the violations found, the question of just satisfaction is not ready for decision and accordingly,
   (a) *reserves* this question;
   (b) *invites* the Government and the applicants to submit, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, their written observations on this question and, in particular, to notify the Court of any agreement that they may reach;
   (c) *reserves* the further procedure and delegates to the President of the Chamber the power to fix the same if need be;

6. *Holds*
   (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts indicated in the appendix, plus any tax that may be chargeable to them, in respect of non-pecuniary damage and costs and expenses;

(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;

7. *Dismisses* the remainder of the applicants' claims for just satisfaction in respect of non-pecuniary damage and costs and expenses.

Done in English, and notified in writing on 8 November 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Ilse Freiwirth Deputy Registrar	Gabriele Kucsko-Stadlmayer President

APPENDIX
List of cases

No.	Application no. and date of introduction	Case name	Applicant Year of Birth Place of Residence Nationality	Represented by	Identification of property	Amounts awarded / application for A) non-pecuniary damage B) costs and expenses in euros (EUR)
1.	59012/17 07/08/2017	Văleanu v. Romania	Coca-Cornelia VĂLEANU 1960 Fălticeni Romanian	Nistor Claudiu FILIPOIU	Compensation for property located at Strada 2 Grăniceri 57, Fălticeni; established by the CC on 27 January 2015 as RON 13,301, based on the 2013 notarial grid	A) 10,000 B) -
2.	12854/18 02/03/2018	Argintaru v. Romania	Ligia ARGINTARU 1961 Târgu Jiu Romanian		736.9603 ha forest land and 166.6536 ha alpine pasture land	A) 8,000 B) -
3.	28856/18 12/06/2018	Ionescu and Others v. Romania	Octavian-Constantin IONESCU 1951 Craiova Romanian Anca FIFOR	Radu MARINESCU	2.12 ha of land located in Craiova	A) - B) -

			1968 Craiova Romanian Sevastiţa ILIESCU 1937 Craiova Romanian			
4.	32541/18 04/07/2018	Onu v. Romania	Andone ONU b:1938, d: 2019 Pursued by heirs Petrica PREDA 1964 Bucharest Romanian Eva ONU 1941 Chiraftei, Galaţi Romanian Mariana ONU 1961 Chiraftei, Galaţi Romanian		3 ha of land at Şovârca Lake, Galaţi	A) 10,000 B) -

			Daniel-Alen ONU 1971 Galaţi Romanian			
5.	38992/18 10/08/2018	Todea v. Romania	Romulus-Nicolae TODEA 1952 Turda Romanian Remus-Horea TODEA 1956 Gherla Romanian Dragoş-Voicu TODEA 1956 Cluj-Napoca Romanian	Voichița Naiana MOLDOVAN	3.64 ha of land in Turda, location named “Râtul Viţeilor”, as per final judgment of 15 July 2002	A) 10,000 jointly B) -
6.	40167/18 14/08/2018	Blajă v. Romania	Eugenia BLAJĂ 1951 Iași Romanian	Adrian DOROFTEI		A) - B) -
7.	42182/18 20/08/2018	Iuga v. Romania	Gavrilă IUGA 1937 Săliștea de Sus Romanian	Andrei-Ștefan MITREA	3.76 ha of forest land located in Borșa (Cornedei Mountain)	A) 10,000 B) -

8.	45732/18 18/09/2018	Pintea v. Romania	Emil-Horea PINTEA 1968 Gherla Romanian	Gabriel-Alexandru TĂMAŞ	0.5675 ha of forest land, located in Nima village, Cluj	A) 10,000 B) -
9.	47070/18 22/09/2018	Strugaru v. Romania	Rodica STRUGARU 1943 Timisoara Romanian	Alexandru Cătălin PUȘA	compensation for 3.8 ha of land in Drobeta-Turnu Severin (formerly located *extra muros* of Şimian village)	A) 10,000 B) -
10.	52852/18 02/11/2018	Enescu and Others v. Romania	Elena ENESCU 1949 Bucharest Romanian Teodor Alexandru COLEA 1960 Bucharest Romanian Ana COLEA 1953 Bucharest Romanian Mihaela-Roxana COLEA 1979 Bucharest	Bogdan Florin ENESCU	9,100 sq. m of land at Prelungirea Ghencea 78, Bucharest	A) 10,000 jointly B) 500

			Romanian Elena-Magdalena BODRÎNGĂ 1976 Bucharest Romanian			
11.	59503/18 08/12/2018	Marcu v. Romania	Tudor MARCU 1939 Bucharest Romanian	Mircea-Ioan HOTNOG	23 ha of forest land, as identified in an expert report appended to the outstanding judgment of 29 June 2007, Teleorman County Court (see also application no. 2556/19 under 13. below)	A) 10,000 B) -
12.	1369/19 18/12/2018	Ifrim v. Romania	Carolina IFRIM 1937 Boghești Romanian	Matei BRATU	0.27 ha of forest land located at a place named “Podiş” (Podul Turcului or Boghești)	A) 1,000 B) -
13.	2556/19 28/12/2018	Albuleț v. Romania	Elena ALBULEȚ 1957 Predeal Romanian	Mircea-Ioan HOTNOG	23 ha of forest land, as identified in an expert report appended to the outstanding judgment of 29 June 2007, Teleorman County Court (see also application no. 59503/18 under 11. above)	A) 10,000 B) -
14.	15930/19 07/05/2019	Nicolaiescu v. Romania	Nicolae NICOLAIESCU 1948 Targu-Mures Romanian		1,820 sq. m of land in a location named “Prigorici”, Păușești-Măglași, or compensation	A) 2,940 B) -
15.	16060/19 07/03/2019	Association ‘Composesorat Borşa’ v. Romania	Asociaţia Composesorală Borșa 2000	Nicoleta-Tatiana POPESCU	17,000 ha of forest land located in Borşa, Maramureş	A) 10,000 B) 18,700[1]

[1] EUR 5,000, namely the amount awarded in respect of the lawyer’s fee, to be paid into the bank account designated by the applicants’ representative.

			Borșa Romanian			
16.	16337/19 14/03/2019	Mihaela Ștefănescu v. Romania	Mihaela ȘTEFĂNESCU 1949 Bucharest Romanian	Mihaiela Eugenia MARZAVAN	Compensatory measures for land of a total area of 10,854 sq. m in Ploiești	A) 5,000 B) -
17.	20341/19 27/03/2019	Danci v. Romania	Marie DANCI b:1936; d: 2021 Pursued by heir: Ioana IVAŞCO 1965 Borșa Romanian	Gheorghe- Zamfir AMZĂRESCU- NIȚĂ	0.75 ha of land in Borșa, location named “Gura Repezii” or “Acasă”	A) - B) -
18.	21500/19 05/04/2019	Cobzaru v. Romania	Celestina-Maria COBZARU 1975 Bucharest Romanian		Property at Strada Craioviţa 57, Craiova, in respect of which compensation was proposed by the Craiova mayor in 2012 and validated by the NCPC on 31 January 2017; the amount proposed by the latter, RON 249,708, was confirmed by the Bucharest Court of Appeal on 28 January 2019 Payment certificates issued on 11 March 2019 and 13 April 2020 were cashed in by the applicant	A) - B) -
19.	23253/19	Moisă v. Romania	Daniel MOISĂ 1968	Manuela SMĂU	Proceedings concerning compensation for 460 sq. m of land and property located at	A) 10,000, amount to be paid jointly with

	25/04/2019		Vaslui Romanian		Strada Traian 48, Vaslui, as well as for quarter of a plot of land of 222 sq. m located at Strada Traian 46, Vaslui	applicant Ţiplea, application no. 23256/19, point 20 below B) 1,013
20.	23256/19 25/04/2019	Ţiplea v. Romania	Iuliana ŢIPLEA 1965 Vaslui Romanian	Manuela SMĂU	See under 19. above, application no. 23253/19	A) See under 19. above, application no. 23253/19 B) 675
21.	25503/19 24/04/2019	Nicolicea and Others v. Romania	Mariana NICOLICEA 1950 Florești Romanian Victoria IUGA 1936 Cluj-Napoca Romanian Maria GRIGORESCU 1938 Bucharest Romanian Floarea OLTEAN 1950 Florești Romanian	Liliana Ioana CHIRILĂ	Four plots of land located at Strada Avram Iancu 58, Florești, Cluj District, identified as follows: - no. 1, of 2773 sq. m, belonging to the fourth, fifth, sixth and seventh applicants (title issued on 13/01/2004) -no. 2, of 2773 sq. m, belonging to the first applicant (title issued on 12/06/2003) - no. 3, of 2880 sq. m, belonging to the second and third applicants (title issued on 09/06/1999) - no. 45, of 5028 sq. m, belonging to the eighth, ninth, tenth and eleventh applicants (title issued on 04/08/2003)	A) - B) -

			Aurelia GAL 1943 Florești Romanian Viorica ZAGON 1945 Florești Romanian Lucreția BOARTI 1935 Florești Romanian Petru IRIMIEȘ 1945 Cluj-Napoca Romanian Petru-Nicolaie IRIMIEȘ 1970 Florești Romanian Gheorghe-Marius			

			VIDICAN 1974 Chisineu-Cris Romanian Maria-Cristina LUCA-VIDICAN 1977 Bucharest Romanian			
22.	25811/19 16/04/2019	Association ‘Composesorat Mutu Coasta Ursului Straja Lupeni’ v. Romania	Asociația Composesorală Mutu Coasta Ursului Straja Lupeni 2001 Vulcan Romanian	Ionela-Mariana VEG	Several plots of pasture and forest land, amounting to 207.32 ha, located in Lupeni, Hunedoara, as confirmed by the outstanding judgment of 5 May 2017 Titles issued on 14 and 17 June 2021 respectively	A) - B) -
23.	27761/19 10/05/2019	Ovidiu-Paul Ştefănescu v. Romania	Ovidiu-Paul ŞTEFĂNESCU 1933 Bucharest Romanian	Mihai Vladimir HOLBAN	75 ha: 4.9 ha of agricultural land, 3.9 ha of pasture land and 66.22 ha of forest land located in Mihăești, Argeș	A) 5,000 B) 400
24.	28615/19 15/05/2019	Șendroiu v. Romania	Ion-Alin ȘENDROIU 1966 Cârbești Romanian		3.11 ha, including a plot of 0.6214 ha of agricultural land and 1.25 ha of forest land located in Cârbești village, Gorj	A) 10,000 B) 2,500

25.	31613/19 04/06/2019	Botez v. Romania	Cristina-Maria BOTEZ 1949 Bucharest Romanian	Ana-Corina SACRIERU	Loss of use of a 3.3455 ha vineyard in Odobești	A) 10,000 B) -
26.	33596/19 13/06/2019	Stoiculescu v. Romania	Laurențiu STOICULESCU 1953 Scărișoara Romanian	Andrei GRIGORIU	0.15 ha *intra muros* and 0.10 ha *extra muros* of Scărișoara	A) 7,000 B) 1,500 + 5%[2] of the amount of the pecuniary damage ultimately awarded, as contingency (success) fee
27.	34359/19 13/06/2019	Ciotu v. Romania	Eudochia CIOTU 1962 Cajvana Romanian	Emanuel PAPUC	0.15 ha of land located in Cajvana, Suceava County	A) 10,000 B) -
28.	34474/19 21/06/2019	Tătărău v. Romania	Gabriela TĂTĂRĂU 1951 Munich German		307 sq. m of land located at Strada Cerceluș 56, Bucharest	A) 10,000 B) 1,000
29.	36372/19 18/06/2019	Marcea v. Romania	Ion MARCEA b:1952, d: 2020 Pursued by heirs Elena-Mihaela STOIAN 1977	Răzvan Paul CĂLINESCU	Compensation decision issued by the NCPC on 18 November 2009 in the amount of RON 1.428.734,50, the applicant’s predecessor being entitled to half of that amount	A) 10,000 B) 8,450

[2] To be paid into the bank account designated by the applicant’s representative.

			Craiova Romanian Mihai MARCEA 1979 Craiova Romanian			
30.	43586/19 09/08/2019	Lie v. Romania	Vasile LIE 1950 Bucharest Romanian	Maricel ZAMORA	Two sevenths of 16.75 ha of agricultural land (9.79 ha and 6.96 ha) located in Mărgineni, Brașov County	A) 10,000 B) 702