



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

FIFTH SECTION

**CASE OF BALCAN AND ROMAȘCU v. THE REPUBLIC OF
MOLDOVA**

(Applications nos. 61276/15 and 60448/17)

JUDGMENT

STRASBOURG

16 January 2025

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

In the case of Balcan and Romașcu v. the Republic of Moldova,

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

Kateřina Šimáčková, *President*,

Diana Sârcu,

Mykola Gnatovskyy, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 5 December 2024,

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

PROCEDURE

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

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

THE FACTS

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

4. The applicants complained of the non-enforcement or delayed enforcement of domestic decisions and of the lack of any effective remedy in domestic law.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL NO. 1

6. The applicants complained of the non-enforcement or delayed enforcement of domestic decisions given in their favour and of the lack of any effective remedy in domestic law. They relied, expressly or in substance, on Article 6 § 1 and Article 13 of the Convention and on Article 1 of Protocol No. 1.

7. The Government submitted that the applicants had lost their victim status as a result of the domestic courts' rulings in the proceedings initiated by them under Law No. 87.

8. The Court reiterates that a decision or measure favourable to the applicant is not, in principle, sufficient to deprive him of his status as a "victim" for the purposes of Article 34 of the Convention unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for the breach of the Convention (see *Rooman v. Belgium* [GC], no. 18052/11, § 129, 31 January 2019).

9. In the instant cases it is true that the domestic courts held that there had been a violation of the applicants' rights to have the final judgments enforced within a reasonable time. However, they did not afford sufficient redress to the applicants in the form of pecuniary and non-pecuniary damage. In such circumstances, the Court considers that the applicants continue to be victims of the violations complained of and therefore it dismisses the Government's objections about them losing their victim status, and as the complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds, it declares them admissible.

10. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

11. In the leading cases of *Cristea v. the Republic of Moldova*, no. 35098/12, 12 February 2019, and *Botezatu v. the Republic of Moldova*, no. 17899/08, 14 April 2015, the Court already found a violation in respect of issues similar to those in the present case.

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

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

14. The Court further considers that in the light of its finding above, in the circumstances of the present case it is not necessary to examine the applicants' complaint under Article 13 of the Convention separately (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no 47848/08, § 156, ECHR 2014).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Regard being had to the documents in its possession and to its case-law (see, in particular, *Cristea*, and *Botezatu*, both cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

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

Done in English, and notified in writing on 16 January 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Kateřina Šimáčková
President

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APPENDIX

List of applications raising complaints under Article 6 § 1 and Article 13 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of domestic decisions and lack of any effective remedy in domestic law)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the domestic court Writ of execution Date of decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Compensation proceedings Name of the domestic court Date of decision Award (in euros)	Amount awarded for pecuniary damage per applicant (in euros) ¹	Amount awarded for non-pecuniary damage per applicant (in euros) ²	Amount awarded for costs and expenses per application (in euros) ³
1.	61276/15 02/12/2015	Ion BALCAN 1976	Osoian Lilian, Chișinău	Chișinău Court of Appeal, allocation of social housing, 12/05/2008	12/05/2008	07/06/2016 8 year(s) and 27 day(s)	Proceedings under Law no. 87, Supreme Court of Justice, Decision of 01/06/2022: Non-pecuniary damage – 2,880 EUR for the period of non-enforcement between 12/05/2008-07/06/2016 Pecuniary damage (rent expenses) – 5,020 EUR for the period of non-enforcement between 12/05/2008-10/08/2013	6,800 for the period of non-enforcement between 11/08/2013 - 07/06/2016 (rent expenses)	0	250
2.	60448/17 08/08/2017	Gheorghe ROMAȘCU 1968	Bîzgu Anatolie, Chișinău	Chișinău Court of Appeal,	07/12/2013	28/02/2019 5 year(s) and 2 month(s)	Proceedings under Law no. 87, Supreme Court of	0	1,350	250

¹ Plus any tax that may be chargeable.

² Plus any tax that may be chargeable to the applicants.

³ Plus any tax that may be chargeable to the applicants.

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No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Name of the domestic court Writ of execution Date of decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Compensation proceedings Name of the domestic court Date of decision Award (in euros)	Amount awarded for pecuniary damage per applicant (in euros) ¹	Amount awarded for non-pecuniary damage per applicant (in euros) ²	Amount awarded for costs and expenses per application (in euros) ³
				allocation of social housing, 11/12/2006		and 22 day(s)	Justice, Decision of 21/06/2017: Non-pecuniary damage - 250 EUR for the period of non-enforcement between 07/12/2013-07/07/2016 Pecuniary damage – 2,750 EUR for the period of non-enforcement between 7/12/2013-07/07/2016			