

## SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: Zoe Bryanston-Cross  
Tel: 03.90.21.59.62

Date: 31/08/2021

**DH-DD(2021)844**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1411<sup>th</sup> meeting (September 2021) (DH)

Item reference: Action Report (31/08/2021)

Communication from Russia concerning the case of OAO NEFTYANAYA KOMPANIYA YUKOS v. Russia  
(Application No. 14902/04)

\* \* \* \* \*

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1411<sup>e</sup> réunion (septembre 2021) (DH)

Référence du point : Bilan d'action (31/08/2021)

Communication de la Russie concernant l'affaire OAO NEFTYANAYA KOMPANIYA YUKOS c. Russie  
(requête n° 14902/04) (*anglais uniquement*)

---

DGI

31 AOUT 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Prepared  
for the 1411th CMCE meeting  
(14 – 16 September 2021)

**Information**  
**with regard to execution of the judgments of the European Court**  
**of Human Rights in application no. 14902/04**  
**OAD “Neftyanaya kompaniya “YUKOS” v. Russian Federation**

**The judgment of the European Court of 20 September 2011 in case**  
**OAD “Neftyanaya kompaniya “YUKOS” v. Russian Federation (merits).**

1. In connection with this judgment, the Russian authorities took a set of general measures to eliminate and prevent violations identified by the European Court, including the following: the ECHR judgment was widely disseminated and the legal stances contained therein were studied; amendments and addenda were made to the Arbitration Procedure Code of the Russian Federation, the Tax Code of the Russian Federation, the Federal Law “On Enforcement Proceedings”; the resolution of the Plenum of the Supreme Arbitration Court of the Russian Federation was adopted with recommendations to the courts on compliance with procedural deadlines; the Methodological recommendations of the Federal Bailiff Service of Russia on the enforcement of the execution fee were published.

Detailed information on the relevant measures is presented in the action plan of the Russian authorities (document DH-DD(2013)565) and in the information document of the Department for the Execution of Judgments (document H/Exec(2015)2rev).

By the decision of 1 October 2020 the Committee of Ministers of the Council of Europe instructed the Secretariat to prepare an assessment of the Action Plan submitted by the Russian authorities. The assessment is expected.

**The additional judgment of the European Court of 31 July 2014 in case (just satisfaction).**

2. It is reminded that on 19 January 2017, the Constitutional Court of the Russian Federation (the Constitutional Court) delivered its judgment no. 1-P, whereby it held that the additional judgment of the European Court of Human Rights of 31 July 2014 on the payment of compensation to shareholders of the “YUKOS” company in the amount of EUR 1.87 billion is based on the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms in such an interpretation that leads to its contradiction with the Constitution of the Russian Federation.

The Constitutional Court's judgment held it impossible to fulfill the European Court direction to pay compensation to the company shareholders (their successors or heirs) at the expense of the budget of the Russian Federation or property. The English translation of this judgment was submitted by the Russian authorities to the CMCE (document DH-DD(2017)207).

At the same time, the Constitutional Court did not exclude the possibility of a legitimate compromise, given the fundamental importance of the European system of the protection of human rights and fundamental freedoms, to which the European Court judgments are part. In particular, it was held in paragraph 7 of the judgment that the Government of the Russian Federation is competent to initiate, out of good will, the consideration of the question of payment of the respective sums to the shareholders of OAO "YUKOS" company, who suffered from illegal actions of the company and its management, under the procedure existing in Russian and foreign law for distribution of newly revealed property of a liquidated legal entity. It was pointed out that such payment can only be conducted after settlements with the company's creditors, and discovering other property, for example, hidden on foreign accounts.

At the same time, the Constitutional Court refrained from examination of the issue of reimbursement of judicial costs and expenses.

3. Within the framework of the execution of the additional judgment of the European Court and taking into account legal stances of the Constitutional Court on the need to find a legitimate compromise, the necessary measures have been taken by the Russian authorities.

The judicial costs and expenses in the amount of EUR 300 000 were paid by payment order no. 42 of 11 December 2017.

In order to pay compensation to the shareholders of OAO "YUKOS" company who have suffered from the illegal actions of the company and its management, the competent state bodies are taking measures to search for the property of the liquidated company (including hidden in foreign accounts). However, no such property has yet been identified, and therefore it is not possible to initiate the process of paying compensation to the company's shareholders at this stage.

Work continues.