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Meeting: 1514<sup>th</sup> meeting (December 2024) (DH)

Item reference: Action Report (07/11/2024)

Communication from the Republic of Moldova concerning the group of cases of OLARU v. the Republic of Moldova (Application No. 476/07)

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Communication de la République de Moldova concernant le groupe d'affaires OLARU c. République de Moldova (requête n° 476/07) (*anglais uniquement*)

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**MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA  
GOVERNMENT AGENT**

No. 06/9954

Chisinau, 7 November 2024

**ACTION REPORT**

on the execution of the European Court of Human Rights judgments  
in the group cases of *Olaru and Others v. the Republic of Moldova* (no. 476/07)  
judgment of 28 July 2009, final on 28 October 2009

**I. CASES DESCRIPTION**

1. The present group of cases concerns violations of Article 6 § 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter “the Convention”) and of Article 1 of Protocol No. 1 to the Convention on account of the State's failure to enforce final domestic judgments, as well as violations of Article 13 of the Convention on account of the lack of an effective remedy in this respect.

2. The *Olaru and Others* case, which concerns the non-enforcement of final domestic judgments awarding the applicants social housing rights or money in lieu of housing, was examined by the European Court of Human Rights (hereinafter “the European Court”) within the framework of a “pilot procedure”. Under Article 46 of the Convention, the European Court indicated that the Republic of Moldova must have introduced a remedy which secured genuinely effective redress for violations of the Convention on account of the State authorities’ prolonged failure to comply with final judicial decisions concerning social housing delivered against the State or its entities. Such a remedy, created under the supervision of the Committee of Ministers, must conform to the Convention principles and be available within six months from the date of the final judgment.

**II. INDIVIDUAL MEASURES**

**Payment of just satisfaction**

3. The just satisfaction awarded by the Court for pecuniary damage, non-pecuniary damage and costs and expenses, where applicable, has been paid in time and in full in all cases.

**Other individual measures**

4. The outstanding pecuniary damage resulting from the continuous non-enforcement of final court decisions was fully covered by the just satisfaction awarded by the European Court in the following cases: *Pomul S.R.L. and Subervin S.R.L.* (no. 14323/13 and 47663/13), *Munteanu* (no. 522/13) and *Dronic* (no. 28650/05).

5. In the case of *Pomul S.R.L. and Subervin S.R.L.*, the Court established that the national authorities failed to execute in due time the judgements of the Economic District Court delivered on 20 November 2008 and 8 December 2008, respectively, in favour of the applicant companies. Also, the Court decided to grant the applicants the amount of money owed by the debtor company, which they would have received had the above-mentioned judgments been executed in due time, plus the full amount of interest for late payment. Therefore, the Court awarded the first applicant company EUR 36.864 for pecuniary damage and EUR 1.600 for non-pecuniary damage, and the second applicant company EUR 76.160 for pecuniary damage and EUR 600 for non-pecuniary damage. Additionally, both applicants were granted EUR 186,20 for costs and expenses. Given that the applicant companies have received, under the Court's judgment, the amount of money that they have been deprived of by the non-enforcement of the national judgments favourable to them, no further individual measures are necessary in this case.

6. In the *Munteanu* case, the Court pointed out that, due to the non-execution of the judgment of the Supreme Court of Justice of 12 March 2014, the applicant was deprived by the amount of money which a private company owed to him. In this context, the Court awarded the applicant EUR 45.000 for pecuniary damage and EUR 1.000 for non-pecuniary damage. While the applicant claimed EUR 71.759,20 by way of pecuniary damage, which included the private company's debt and default interest, the Court, making its own assessment, considered that EUR 45.000 were sufficient to cover the amount indicated in the unexecuted judgment plus default interest. Thus, once with the payment of the amounts awarded by the Court, it is no longer necessary to execute the judgment of 12 November 2003. Hence, no other individual measures are required in this case.

7. Concerning the *Dronic* case, the Court noted, in its judgment on just satisfaction issued on 22 November 2022, that the parties agreed that *restitutio in integrum* was impossible to achieve and that the damage suffered by the applicant as a result of the failure to execute the decisions of 9 December 1999 and 16 July 2002 of the Court of Appeal of the Republic of Moldova had to be compensated. In this connection, the Court noted that, had it not been for the unlawful conduct of the authorities, which had failed to comply with the final decisions of the domestic court, the applicant would now be the owner of the property in dispute (the dwelling house). For these reasons, the Court awarded the applicant EUR 65.000 for pecuniary damage. Since the national authorities have paid this amount for pecuniary damage to the applicant, comprising the value of the disputed property plus default interest, no further individual measures are necessary in this case.

### III. GENERAL MEASURES

8. All judgments were translated, published on the Government Agent's official website and disseminated to the relevant authorities (the Supreme Court of Justice, the Superior Council of Magistracy, the National Union of Bailiffs and the National Institute of Justice). The Supreme Court of Justice also published summaries thereof on its website. Furthermore, the Superior Council of Magistracy disseminated the judgments to the national courts so that all judges and specialists concerned do study and implement them.

9. In order to increase the knowledge of practitioners in the field of the Court's case-law, the Romanian translations of the Case-law Guides and the Court's thematic

factsheets have been published on the Supreme Court of Justice's website. The most relevant thematic factsheet is entitled „Relations concerning compensation by the State for damage caused by infringement of the right to a trial within a reasonable time or the right to execution of the judgment within a reasonable time”. In this way, they have easier access to the relevant case-law of the Court, including that on the application of Article 6 of the Convention, so that similar violations will not be allowed in the future.

10. In addition, on the Supreme Court's website are published the "Journal of judicial errors in the field of administrative, civil and commercial law" and numerous Information Notes. The most relevant Information Note is „Case-law on State compensation for damage caused by infringement of the right to have a case examined or a final judgment enforced within a reasonable time”.

11. In the same vein, it is noteworthy that the most relevant judgments of the Court are reflected in the Bulletin of the Supreme Court of Justice, which is an indispensable source of information for those working in the justice sector, thus promoting the need to respect human rights.

12. Also, the Supreme Court of Justice in cooperation with the National Institute of Justice organise seminars and courses for practitioners.

13. The training of judges, prosecutors and the staff assisting them is a priority and a guarantee that similar violations of the Convention will not be allowed in the future.

14. In the same context, the National Institute of Justice's Initial Training Program for candidates for the posts of judge and prosecutor includes a module on "Human rights: the universal system of protection and the system of the European Convention on Human Rights". In this course, the beneficiaries are familiarized with the Court's jurisprudential developments and are involved in moot court.

15. For judges and prosecutors in the Continuing Training Program for 2024, several seminars have been introduced on the following topics: „Peculiarities of the examination of disputes on the reparation of pecuniary and moral damage”; „Recent developments in the case-law of the Court” and „European Convention on Human Rights, application of the Court's case-law in the domestic legal order. Principles of interpretation and application of the European Convention on Human Rights in the domestic legal order". These courses are aimed at understanding the case law on the violation of the right to examination of the case within a reasonable time and the ways of compensation for damages.

16. Last but not least, the National Union of Bailiffs has formulated a set of recommendations for the improvement of the national legislation, which will be proposed to the Ministry of Justice in the process of reforming the Enforcement Code and Law no. 87/2011 concerning compensation for damage caused by infringement of the right to have a case examined or a final judgment enforced within a reasonable time.

#### **IV. CONCLUSIONS**

17. The Government contend that the individual measures implemented in the three cases enumerated in § 4 above have comprehensively addressed the violations identified by the European Court in those instances.

18. Significant emphasis has also been placed on the dissemination of the Court's judgments and the training of the relevant practitioners. The Court's findings

were discussed on different platforms to ensure that cases were examined and judgments enforced within reasonable time limits.

19. Consequently, the Government assert that the Republic of Moldova has fulfilled its obligations under Article 46 § 1 of the Convention and respectfully request that the Committee of Ministers end the supervision of these cases based on the actions already undertaken.



**Doina MAIMESCU**  
**Acting Government Agent**

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