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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: 1531st meeting (June 2025) (DH)

Communication from the authorities (19/03/2025) concerning the cases of Strain and Others group and Valeanu and Others v. Romania (Applications No. 57001/00, 59012/17).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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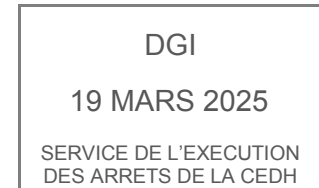
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Réunion : 1531^e réunion (juin 2025) (DH)

Communication des autorités (19/03/2025) relative aux affaires groupe Strain et autres et Valeanu et autres c. Roumanie (requêtes n° 57001/00, 59012/17) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

L/ 1196/ 19th March 2025
151 R/AG/ 195
FG 10405 R/AG/77



**Government Information Note on General Measures
in the *Văleanu and Others* Group of cases (no. 59012/17) and in the *Străin and
Others* group of cases (no. 57001/00)**

The Government respectfully ask the Committee to take note of the following information on the execution of the *Străin and others group of cases* (which includes the execution of the judgments on the merits of the case adopted in the *Văleanu and others v. Romania* group on 8 November 2022), as received from the competent national authorities:

I. By a letter of 11.03.2025, the National Authority for the Restitution of Property (ANRP) informed as follows:

During 2024, the National Commission for the Real Estate Compensation (CNCI) concluded the administrative procedures in 6,939 files, of which: 5,432 files constituted on the basis of Law no. 10/2001 (including 38 requests formulated on the basis of Law no. 284/2023, a recent normative act that supplemented Law no. 165/2013, which was adopted following the recommendations of the ECHR in order to allow the lodging of notifications by the beneficiaries of court decisions, who did not file a notification within the deadline provided by Law no. 10/2001) and 1,507 files constituted on the basis of the laws of the land fund.

At the end of 2024, 11,312 files remained unsolved by C.N.C.I. (8,884 files constituted under Law no. 10/2001 and 2,428 files constituted under the land fund laws). Of the cases that remained unsolved, about half are within the legal deadline for resolution established by Law no. 165/2013 (36 months for land fund files and 60 months for files constituted under Law no. 10/2001, from the moment of their registration with ANRP).

At the same time, ANRP provided a series of statistical data on the activity of the C.N.C.I. from its establishment until December 2024, as follows:

The total number of cases solved, based on Law no. 165/2013, between June 20, 2013 and December 31, 2024 is 64,143, of which:

- 46,677 files constituted under Law no. 10/2001;
- 17,466 files constituted on the basis of the laws of the land fund.

During this period, **compensation worth approximately 24.2 billion lei was granted**. Also, payment titles amounting to over 17.7 billion lei were issued.

The ANRP mentions that, from the information sent by the local authorities in December 2024, 37,988 notifications were unsolved at national level, of these, the Mayor's of Bucharest Office still has 36,017 notifications to solve. From the total number of unsolved notifications, there are over 3,000 other notifications at the Authority for the Administration of State Assets, ministries and state-owned companies. This information is relevant in the context in which, starting from July 2021, by amending Law no. 165/2013 by Law no. 193/2021, the valuation of the properties for which compensation is granted is made by applying the notary grid valid for the year prior to the issuance of the CNCI decision (prior to this amendment, the only applicable grid was that of 2013, the year of adoption of Law no. 165/2013).

Regarding the acceleration of the restitution process, on 23.05.2024, the Romanian Government adopted, following the proposals made by A.N.R.P., the Government decision no. 51/2024.

This normative act clarified the C.N.C.I.'s procedure of solving applications lodged on the basis of art. 431 of Law no. 165/2013, introduced by Law no. 284/2023, by persons who have not submitted notifications within the legal term based on Law no. 10/2001. The act is already in force and in the next period the Chamber of Deputies, the decision-making body, will also vote on the law approving this act.

On 20.07.2024, Law no. 223/2024 for the amendment of Law no. 165/2013 entered into force. This law, initiated by several members of the Parliament and also supported by A.N.R.P., establishes (in the case of files constituted on the basis of Law no. 10/2001) the presumption of abusive takeover of the property in the situation where the immovable property is currently or has been found in the state's patrimony. This legislative amendment had the effect of shortening the procedure for solving the files based on Law no. 10/2001 at the level of the C.N.C.I.

Pursuant to the provisions of Law no. 165/2013 and in the context of Decision no. 395/2017 of the Constitutional Court on the reconstitution of the right of ownership over forest lands, starting with 2018, A.N.R.P. and the Ministry of Environment, Water and Forests (M.M.A.P) have initiated the legal procedures for the transfer of some areas from the public property domain of the state to the private domain, in

order to be allocated to restitution in kind. Between 2018 and 2023, the A.N.R.P. drafted and transmitted to the M.M.A.P. approximately 400 Government decisions. The first Government decision on this subject was adopted by the Romanian Government, in August 2024, namely G.D. no. 965 of August 8, 2024.

On the subject of evaluating the value of a property, on February 18, 2025, the Constitutional Court of Romania (C.C.R.) informed the public of the decision taken on the same date, by which the exception of unconstitutionality was admitted with regard to the phrase "*in consideration of the technical characteristics of the building and the category of use on the date of its takeover*", contained in art. 21 para. (6) of Law no. 165/2013, which means that this provision can no longer be applied, and will be suspended starting with the date of the publication of the decision, for a period of 45 days in which the legislator must take all the necessary measures to bring the respective provision into line with the constitutional norms.

The remediation of the lack of constitutionality of the norm found to be unconstitutional must be carried out by taking into consideration all the reasons held by the C.C.R. in the decision of February 18, 2025, which will be known only after the date of publication of this decision in the Official Gazette of Romania.

ANRP informed that, at the moment there, is no clear, unequivocal legislative framework regulating the procedure for the valuation of real estate and immediately after the publication of the decision of the C.C.R. in the Official Gazette, all the arguments held by the CCR in this decision will be urgently analysed and the necessary measures will be adopted to continue the specific procedures aimed at the concrete establishment of the compensations.

II. By a letter of 10.03.2025, the Mayor's of Bucharest Office (MB) informed on the following developments:

At the level of the MB, up to date, a number of 42,623 administrative files have been registered, constituted on the basis of the notifications lodged under Law no. 10/2001.

At the same time, according to art. 43 of Law no. 165/2013, the applications submitted pursuant to art. 36 para. (5) of Law no. 18/1991, republished, with subsequent amendments and completions and of art. 34 of Law no. 1/2000, republished, with subsequent amendments and completions, which refer to land with the category of courtyards - constructions, unsolved until the date of entry into force

of this law, shall be sent to the commissions set up under the local public authorities for the application of Law no. 10/2001, in order to be resolved.

In the MB'S records, 15,664 files sent by the Mayor's office of Districts 1, 2, 3, 4, 5 and 6 pursuant to art. 43 of Law no. 165/2013 have been registered, but the transmission process has not yet been completed.

According to art. 1.1. - Chapter III of the Government Decision no. 250/2007 for the approval of the methodological norms for the unitary application of Law no. 10/2001, (*"in addition to the management bodies of each entity involved in the settlement of notifications, internal commissions will be set up and will function for the analysis of notifications, usually consisting of 3-5 members (lawyers and economists will be appointed as far as possible), who will analyse each notification and the evidentiary documents submitted and will draw up the proposal for resolution"*).

Thus, a number of about 5,548 administrative files have been submitted to the Secretariat of the Internal Commission for the settlement of the notifications formulated under Law no. 10/2001, in order to be analysed and prepared the resolution proposal, according to the legal provisions in force.

Following the analysis and drafting of the resolution proposal of the Internal Commission for the analysis of the notifications formulated under Law no. 10/2001, an approximate number of 1,966 of administrative files were submitted for approval and signature, constituted on the basis of Law no. 10/2001 which contain draft decisions of the General Mayor of Bucharest.

A number of 24,589 decisions of the General Mayor of Bucharest have been issued, so far, pursuant to Law no. 10/2001.

In addition to the information submitted by the Information Note of 15.11.2024 on measures taken/to be taken to effectively address the root causes of delays at all levels and speed up the process of restitution of nationalized properties, the MB also informed of the following measures:

- the General Mayor issued the notes no. 35/12.11.2024 on the circuit of approval, countersignature and signing of draft decisions issued pursuant to Law no. 10/2001 and Law no. 165/2013;
- The MB's Decision no. 146/25.02.2025 for appointing the Internal Commission for the analysis of the notifications based on Law no. 10/2001 was adopted.
- the MB suggested the establishment of a legal norm regarding the granting of a difficulty monthly bonus that can be granted offered to employees directly involved in the application of restitution laws, with the specification that, in the past,

there have been other similar legal norms in this regard. The Ministry of Development, Public Works and Administration was sent an address on 07.02.2025, regarding the initiation of a legislative proposal for granting a monthly difficulty bonus to the employees of the Bucharest City Hall directly involved in the application of Law no. 10/2001.

Conclusion

The Government will keep the Committee informed on the developments in the implementation of general execution measures in the issue of restitution of the nationalized proprieties under the communist regime.