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Meeting: 1531<sup>st</sup> meeting (June 2025) (DH)

Item reference: Action Report (28/05/2025)

Communication from Romania concerning the case of S.C. ANTARES TRANSPORT S.A. and S.C. TRANSROBY S.R.L. v. Romania (Application No. 27227/08)

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Réunion : 1531<sup>e</sup> réunion (juin 2025) (DH)

Référence du point : Bilan d'action (28/05/2025)

Communication de la Roumanie concernant l'affaire S.C. ANTARES TRANSPORT S.A. et S.C. TRANSROBY S.R.L. c. Roumanie (requête n° 27227/08) (**anglais uniquement**)

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DGI

28 MAI 2025

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

## Action Report in the case of

***S.C. Antares Transport S.A. and S.C. Transroby S.R.L. v. Romania***

**(app. no. 27227/08, judgment of 15 December 2015, final on 15 March 2016)**

### **Analysis of the violation found – Violation of Article 1 Protocol 1**

**Source of violation:** The case concerns the administrative decision taken by Vâlcea County Council in 2006 to withdraw, without compensation, six licenses to operate public transport services on a group of routes. The issue sprang from a modification of the program of public transport for the period 2005-2008, which led the two applicant companies to lose the transport license they jointly held.

The Court found that the licences in question had not been withdrawn due to the companies' fault, but due to an administrative decision. Since the withdrawal of the licenses occurred without any compensation being paid, the Court concluded that Article 1 of Protocol No.1 of the Convention had been violated.

### **Execution measures**

#### **(i) Individual Measures**

##### *a. Just satisfaction*

On 30 May 2017, the ECtHR adopted its judgment on just satisfaction, by which it dismissed the claims made by the two applicant companies. The Court reasoned that the applicant companies could not demonstrate a link between their claim and the financial damages they had suffered as a result of the licenses withdrawal. **Therefore, no just satisfaction was required to be paid in the case of *S.C. Antares Transport S.A. and S.C. Transroby S.R.L. v. Romania*.**

##### *b. Reopening of the proceedings*

Following the Court's decision, the ECtHR judgment was translated and published in the Official Gazette, Part. I no. 462 of 22 June 2016. According to Article 511 (3) of the Romanian Code of Civil procedure, an action for review of the final court decision can be lodged by the applicants within 3 months after the publication of the ECtHR judgment

in the Official Gazette. It does not appear from the information available that the applicant companies have requested the reopening of the domestic procedure. **In this context, the Government consider that no other individual measure is required in this case.**

## (ii) General measures

The case concerns an individual situation, in which the violation arises from a specific administrative act and the conduct of the domestic courts, not from a legal deficiency regarding the granting of transport licenses or the administrative litigation system, as referred to in para. 46 of the judgment. As such, as stated in the 2016 Action Plan, the judgment was disseminated to the Vâlcea County Council and the Romanian Road Authority (Autoritatea Rutieră Română).

These measures were aimed at raising awareness of the principles set by the European Court regarding the general legal framework that governs administrative litigation, namely Law 554/2004. The admissibility conditions for administrative litigation provided in Law 554/2004 include the existence of an administrative act or a refusal to issue one, the violation of a right or legitimate interest, the fulfilment of the prior administrative complaint procedure, compliance with the legal time limits, and the proper standing of the parties. The applicability of this law is supported by **domestic judicial practice** in cases similar to *S.C. Antares Transport S.A. and S.C. Transroby S.R.L. v. Romania* from the Government.

Examples of judicial practice in the context of the *S.C. Antares Transport S.A. and S.C. Transroby S.R.L. v. Romania* judgment were requested and sent by the Courts of Appeal. The following information was received:

The Craiova Court of Appeal identified jurisprudence similar to the aforementioned case, **concluding that compensation was awarded at the request of the injured person, following the declaration of an administrative act as unlawful.** The Craiova Court of Appeal mentioned the following cases concerning the issuing of illegal administrative acts (transport licenses) by the Romanian Road Authority (ARR) and the Authority for the Digitalization of Romania (ADR), for which the defendants had to pay material damages to the appellant, S.C. V. S.R.L.:

- Sentence No. 191/2021 of 22 June 2021 of the Craiova Court of Appeal (administrative and fiscal litigation section);
- Sentence No. 290/2024 of 19 June 2024 of the Craiova Court of Appeal (administrative and fiscal litigation section);

- Decision No. 1182 of 2 March 2023 of the High Court of Cassation and Justice (administrative and fiscal litigation section).

The Suceava Court of Appeal also identified jurisprudence in response to the aforementioned case, citing Sentence No. 149 of 6 March 2025 of the Suceava Tribunal (administrative and fiscal litigation section). In this case, the Court found that in the authorization issued by the Water Management Service (SGA), the data presented by the technical documentation substantiating the authorization did not correspond to the situation at stake. However, the Court held that such a circumstance represents a serious and repeated deviation from the provisions of the water management authorization on the part of the applicant in that case, since it existed both at the time the authorization was issued and subsequently throughout its entire period of operation, without the appellant (Mr. X) having shown any intention to comply with the provisions of the authorization. Therefore, the Court dismissed the request as unfounded, for the appellant did not demonstrate his intention to conform to the SGA requirements.

On account of these examples, the Government consider that **the judicial practice examples presented above illustrate that Romanian courts have provided compensation to claimants who have suffered damage following the annulment of an administrative decision, in circumstances similar to those found in the ECtHR ruling on *S.C. Antares Transport S.A. and S.C. Transroby S.R.L. v. Romania* and in accordance with the ECtHR's findings in this case.**

*Accordingly, the Government consider that the issue raised in the present case is of an isolated nature, stemming from the adoption of a specific administrative act, rather than from any deficiency in the existing legal framework governing the issuance and withdrawal of transport licences.*

The Government therefore considers that the Court's judgment has already been adequately taken into consideration by the national courts and that no additional measures are required to ensure non-repetition of the violation found.

### **Conclusion**

The Government find that Romania has fulfilled its obligations under Article 46 (1) of the Convention and invite the Committee of Ministers to close its supervision of the execution of this case.