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Meeting: 1537th meeting (September 2025) (DH)

Item reference: Action Report (17/06/2025)

Communication from Ukraine concerning the case of Laptyev v. Ukraine (Application No. 30666/13)

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Réunion : 1537^e réunion (septembre 2025) (DH)

Référence du point : Bilan d'action (17/06/2025)

Communication de l'Ukraine concernant l'affaire Laptyev c. Ukraine (requête n° 30666/13) (**anglais uniquement**)

Execution of Judgment of the European Court of Human Rights

DGI

17 JUIN 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Updated Action Report

on measures to comply with the Court's judgment in case of

Laptyev v. Ukraine

(no. 30666/13, judgment final on 13.04.2023)

CASE SUMMARY

The case concerns unlawful sanction imposed on the applicant in 2012 for allegedly concealing the real value of imported goods (violation of Article 1 of Protocol No. 1).

INDIVIDUAL MEASURES

1. Just satisfaction

As was mentioned in the Action Report of 26 October 2023¹, the awarded sum in the amount of UAH 2 750 427.29 was transferred to the applicant's bank account on 22 July 2023 under a payment order No. 1382 of 22 July 2023.

2. Restitutio in integrum

As stated in para.9 of the Court's judgement in case of *Laptyev* the Kyiv Court of Appeal ordered that the applicant pay a fine in the amount of 341,639.70 Ukrainian hryvnias which was equal to the value of the imported goods – USD 42,708.7 according to the court – and that the goods be confiscated as prescribed by the relevant Article of the Criminal Code of Ukraine. In doing so, it noted that it was the applicant's responsibility to bear the negative consequences of a pecuniary and personal nature entailed by the offence he had committed.

Nevertheless in para.10 of the Court's judgement it was indicated that according to the applicant, the decision of the Kyiv Court of Appeal has not been enforced as far as the fine is concerned.

In this regard, the Government would like to inform the following. The Shevchenkivskyi Department of the State Bailiff's Service of Kyiv received the decision of the Kyiv Court of Appeal regarding the recovery of a fine in the amount of UAH 341,639.70 from Mr Laptyev in favour of the state. However, on 15 May 2013, the state bailiff issued a decision denying the initiation of enforcement proceedings due to the non-compliance of the writ of execution with the requirements of Article 18 of the Law of Ukraine "On Enforcement Proceedings" (the "Law") (as in force at the material time). After this, the writ of execution was not resubmitted to the State Bailiff's Service. As of today, it is not possible to provide more detailed information regarding the enforcement proceedings, as the materials of the case were destroyed after the expiration of the retention period in accordance with the Procedure for Handling Documents in the State Bailiff's Service.

Furthermore, in accordance with Article 12 of the Law, the writ of execution in which the creditor is the state or a state authority may be submitted for compulsory enforcement within three months from the next day following its entry into legal force. Since this period in this case expired in July 2013, it is no longer possible to recover the fine from Mr Laptyev, and therefore he will not suffer any negative consequences in this regard.

¹ [https://hudoc.exec.coe.int/?i=DH-DD\(2023\)1288E](https://hudoc.exec.coe.int/?i=DH-DD(2023)1288E)

In para.30 of the judgment in the case of *Laptyev v. Ukraine* the Court considered that the finding of a violation of Article 1 of Protocol No. 1 constitutes in itself sufficient just satisfaction. At the same time, the Court found it appropriate to award the applicant EUR 69,290.40 in respect of pecuniary damage, plus any tax that may be chargeable.

Taking to the account that the awarded compensation was paid to the applicant on time and in full, the consequences of the violation do not persist and do not cause suffering to the applicant. The Government believe that no further individual measures are required in this case and kindly request the Committee of Ministers to close its supervision.

GENERAL MEASURES

Information on general measures taken to prevent violations of the Convention, similar to those that occurred in the case of *Laptyev*, was provided by the Action Report of 26 October 2023.

Conclusions of the Government

The Government consider that violations found by the Court in the present judgment are of an isolated nature, and the individual measures, as well as general measures such as provisions of the adopted legislation, have fully remedied the consequences of the violation of the Convention found by the Court in this case. These measures will also contribute to the prevention of violations of the provisions of the Convention similar to those in the case of *Laptyev v. Ukraine* in future.

The Government of Ukraine believe that they have shown due diligence in fulfilment of obligations arising from the judgment of the Court, and no additional individual and general measures are required. Accordingly, the Government ask the Committee of Ministers to close the supervision of this case.