

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES



Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 07/10/2025

DH-DD(2025)1159

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: 1545th meeting (December 2025) (DH)

Item reference: Action Plan (03/10/2025)

Communication from Ukraine concerning the case of Obaranchuk v. Ukraine (Application No. 41443/16)

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 : 1545^e réunion (décembre 2025) (DH)

Référence du point : Plan d'action (03/10/2025)

Communication de l'Ukraine concernant l'affaire Obaranchuk c. Ukraine (requête n° 41443/16) (**anglais uniquement**)

Execution of Judgments of the European Court of Human Rights

Action Plan

on measures to comply with the European Court of Human Rights' judgment in the case of *Obaranchuk v. Ukraine*

(application No. 41443/16, judgment final on 03/04/2025)

DGI

03 OCT. 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

CASE SUMMARY

The case concerns infringement of the principle of legal certainty due to the administrative courts' broad interpretation of the law justifying a reopening in 2015 of the applicant's case of 2012, by considering an appeal lodged by a person who was not a party to these proceedings, and, as a result, the quashing the final decision in the applicant's favour (Article 6 § 1, Article 1 of Protocol No. 1).

INDIVIDUAL MEASURES

Just satisfaction

The Court awarded the applicant sum in the amount of EUR 1,000 in respect of non-pecuniary damage. The awarded sum in the amount of UAH 48 015,90 (EUR 1,000) was transferred to the applicant's bank account under payment order No. 419 of 18 June 2025.

Restitutio in integrum

By letters of 14 April 2025, the Government informed the applicant, Ms Obaranchuk, and her representative about the possibility provided by the legislation in force to apply for the review of the impugned proceedings in the light of the Court's finding in the applicant's case.

According to the information received from the Supreme Court by a letter of 05 June 2025 Ms Obaranchuk applied to the Grand Chamber of the Supreme Court on 20 May 2025 for an exceptional review of the impugned proceedings.

According to the updated information received from the Supreme Court, Ms Obaranchuk's application for review under exceptional circumstances of the decision of the Ternopil Regional Court of Appeal dated 23 June 2015 and the ruling of the High Specialized Court of Ukraine on Civil and Criminal Cases dated 20 January 2016 in case No. 1915/6447/2012 (proceeding No. 14-583BU25) was considered by the Grand Chamber of the Supreme Court on 9 July 2025.

By its decision of 9 July 2025, the Grand Chamber of the Supreme Court partially satisfied Ms Obaranchuk's application, quashed the contested decisions of the appellate and cassation courts, and referred the case back to the appellate court for a new trial.

The Government will keep the Committee of Ministers informed about all future developments regarding individual measures in this case.

GENERAL MEASURES

The violation of the Convention found by the Court in the case of *Obaranchuk v. Ukraine* arose from malpractice by the domestic authorities. Consequently, the violation is regarded as an isolated incident rather than a systemic issue.

At the same time, the Government would like to provide the Committee of Ministers with relevant information concerning the legislative framework and examples of domestic court practice in this category of cases.

Legislation

In the case of *Obaranchuk v. Ukraine*, domestic courts considered the applicant's case under the rules of the Code of Civil Procedure of Ukraine (the "CCP of Ukraine"), as it stood prior to the 2017 amendments.

In accordance with Article 354 of the CCP of Ukraine as currently in force, an appeal against a court decision shall be filed within thirty days from the date of its announcement. An appeal against a ruling of a court of first instance shall be filed within fifteen days from the date of its announcement.

If only the introductory and operative parts of the court decision were announced at the court hearing, or if the case (issue) was considered without notifying (summoning) the parties to the case, the specified period shall be calculated from the date of the full court decision.

A party to the case who was not served with the full decision or ruling of the court on the day of its announcement or drafting has the right to restore the missed deadline for filing an appeal:

1) against a court decision - if the appeal is filed within thirty days from the date of delivery of the full court decision;

2) against a court ruling - if the appeal is filed within fifteen days from the date of delivery of the relevant court ruling.

The deadline for filing an appeal may also be extended in the event of omission for other valid reasons, except for the cases specified in Part II of Article 358 of the CCP of Ukraine.

Accordingly, under Part II of Article 358 of the CCP of Ukraine, regardless of the validity of the reasons for missing the deadline for appeal, the court of appeal shall refuse to open appeal proceedings if the appeal is filed more than one year after the date of the full court decision, except in the following cases:

1) the appeal is filed by a person who was not notified of the consideration of the case or was not involved in it, if the court ruled on their rights, freedoms, interests, and/or obligations;

2) the deadline for appeal was missed due to circumstances of force majeure.

The CCP of Ukraine does not provide an exhaustive list of valid reasons for restoring a missed procedural deadline; these are determined on a case-by-case basis, taking into account the circumstances of each case.

Examples of the domestic court practice

At the same time, the Supreme Court in its practice has emphasized that a court's discretion to renew the deadline for filing an appeal is not unlimited.

The Government would like to draw attention to the following judicial practice regarding the extension of time limits for filing an appeal:

1. Case No. 204/2113/14-П¹ concerned a claim to establish the acquisition of ownership rights to a house and recognition of ownership rights to the house by acquisitive prescription. On 3 April 2014, the Krasnohvardiyskiy District Court of Dnipropetrovsk ruled in favour of the claim. Disagreeing with this decision, the plaintiff's sister filed an appeal on 23 January 2017. Justifying her late appeal, almost three years after the deadline, the appellant stated that she had only become aware of the disputed decision after her mother received a copy of it as the successor in title after the plaintiff's death.

By the ruling of the Dnipropetrovsk Regional Court of Appeal dated 7 June 2017, the appeal was upheld, the decision of the court of first instance was quashed, and a new decision was issued dismissing the initial claim.

In December 2017, the plaintiff's wife filed a cassation appeal against the decision of the court of appeal. She argued that the appellant had filed the appeal after the deadline had passed, despite being aware of the first-instance decision and having no connection to the ownership of the disputed property.

During the consideration of the case, the Supreme Court concluded that, when renewing the deadline for appealing the decision of the Krasnohvardiyskiy District Court of Dnipropetrovsk dated 3 April 2014, the appellate court, in its ruling dated 27 January 2017, merely stated that, having considered the appellant's motion to renew the deadline and the case materials, the deadline for appealing the decision of the court of first instance could be renewed.

At the same time, the appellate court did not take into account that almost three years had passed since the decision of the court of first instance on 3 April 2014, and did not properly verify the validity of the grounds on which the deadline for appeal was missed. The appellant did not provide the court of appeal with any logical and understandable explanation as to why she had not been interested in the proceedings or the outcome of the case, which concerned her property rights, for such a long period of time, given her family ties with the plaintiff, his mother, who had received the decision of the court of first instance. At the same time, the appellant's registered place of residence since 17 February 2015, was the address of the disputed property, as evidenced by a mark in her passport.

The unjustified renewal of the deadline for appealing a court decision that has entered into legal force violates the requirements of Article 6 of the Convention.

Thus, in violation of the above requirements, the court of appeal reinstated the missed deadline for appeal after a significant period of time (almost three years) had elapsed, without providing any relevant grounds. This violated the principle of legal certainty (*res judicata*).

¹ <https://reyestr.court.gov.ua/Review/84545048>

Given these circumstances, the Supreme Court quashed the court's of appeal decision at the stage of opening the appeal proceedings and referred the case back to the court of appeal for a decision on opening the appeal proceedings.

2. Case No. 2-9436/2007² concerned the assertion of proprietorship over non-residential attic space. By a decision of the Prymorskyi District Court of Odesa dated 30 November 2007, the claims were upheld and the plaintiff's ownership of the attic space located in an apartment building was formally recognised. In June 2018, other owners of apartments in the aforementioned building appealed against this court's decision.

By a ruling of the Odesa Court of Appeal dated 24 July 2019, the decision of the Prymorskyi District Court of Odesa dated 30 November 2007 was quashed, and a new decision was issued dismissing the claim. The decision of the court of appeal was motivated by the fact that the disputed attic belongs to the auxiliary premises of a multi-apartment building, which is the common property of the residents of the multi-apartment building and belongs to them on the basis of joint ownership. In addition, the court of appeal pointed out that the court of first instance had failed to verify the actual number of apartments, request information on the number of privatized apartments, and confirm whether all owners of privatized apartments or tenants of non-privatized apartments were involved in the case.

In July 2020, Alfa-Bank Joint Stock Company (the "Alfa-Bank JSC") filed a cassation appeal, requesting that the decision of the Odesa Court of Appeal dated 24 July 2019 be quashed and to refer the case back to the court of appeal for a new trial, citing violations of procedural law and incorrect application of substantive law by the court of appeal. The cassation appeal was based on the fact that Alfa-Bank JSC had not been involved in the case, but the appellate decision affected the bank's rights and interests, as the disputed attic was subject to a mortgage.

When considering the cassation appeal, the Supreme Court noted that the mere fact of filing an appeal after a 10-year period by an individual not involved in the case, in the absence of proper justification for the missed deadline for appeal, given the date of the contested decision (2007), cannot be considered an indisputable ground for opening appeal proceedings without renewing the procedural deadline for appeal.

Furthermore, the Supreme Court noted that the appellate court, when deciding on the opening of appellate proceedings in the case, mistakenly referred to the provisions of the CCP of Ukraine in the version effective until 15 December 2017 ignored paragraph 13 of the Transitional Provisions of the CCP of Ukraine, and came to the erroneous conclusion that the appeal had been filed within the time limit for appeal and that the application for renewal of the time limit for appealing the court decision was superfluous.

The applicants had missed the deadline for appeal by more than a year, but the appellate court did not address the issue of restoring the procedural deadline.

Considering the above, the Supreme Court concluded that the appellate court's decision to open appeal proceedings and its ruling on the merits were neither lawful nor justified. Consequently, the Supreme Court quashed the appellate court's decisions and referred the case back to the court of appeal for a new hearing from the stage of the opening of appeal proceedings.

² <https://reyestr.court.gov.ua/Review/93336505>

3. Case No. 2608/6303/12³ concerned the recognition of ownership rights to immovable property. On 27 April 2012, the Sviatoshynskyi District Court of Kyiv partially upheld the claim and recognised Voyazh PP as the owner of the property.

By its ruling dated 15 November 2024, the Kyiv Court of Appeal granted the Kyiv City Council an extension to the deadline for appealing the aforementioned decision of the court of first instance. The court of appeal found that the Kyiv City Council's reasons for missing the deadline were valid, as the Council was not a party to the case and filed its appeal promptly upon receiving a copy of the decision on 29 October 2024.

On 11 February 2025, the Kyiv Court of Appeal upheld the Kyiv City Council's appeal, overturned the first-instance court's decision, and issued a new decision dismissing Voyazh PP's claim. In doing so, the appellate court reasoned that the decision of the court of first instance directly affected the rights and legitimate interests of the Kyiv City Council as the owner of the land on which the disputed property was located.

Considering the cassation appeal of Voyazh PP, the Supreme Court, referring in particular to the Court's *Obaranchuk v. Ukraine* judgment, concluded that the court of appeal had prematurely renewed the Kyiv City Council's deadline for appeal without providing proper and sufficient justification. Consequently, the appeal proceedings were unjustifiably opened after a significant period of time had elapsed, violating the principle of legal certainty.

4. In case No. 521/2816/15-П⁴, the Supreme Court noted that, when interpreting national legislation in light of the established Court's case law, the court of appeal must justify its decision to renew the deadline for appeal by providing valid reasons. Simply indicating that there are valid reasons for renewing the deadline is not sufficient justification.

Essentially, this case concerned the resolution of a dispute over consumer rights protection and the reimbursement of the cost of airline tickets. On 2 December 2015, the Malynovskyi District Court of Odesa ruled in favour of the plaintiff.

On 7 April 2016, the Odesa Regional Court of Appeal ruled that Polskie Linie Lotnicze LOT S.A. could extend the deadline for appealing the first instance court's decision. The court stated that "the reason for extending the procedural deadline is justified and should be granted." On 17 June 2016, the Odesa Regional Court of Appeal quashed the decision of Malynovskyi District Court of Odesa and ruled against the initial claims.

In July 2016, the plaintiff filed a cassation appeal, requesting that the contested decision be overturned and that the first-instance court's decision be upheld. The appeal argued that the appellate court had extended the deadline without sufficient legal grounds, as the representative of Polskie Linie Lotnicze LOT S.A. was present at the court hearing and during the announcement of the first-instance decision. Therefore, the reasons for missing the appeal deadline were invalid.

The Supreme Court concluded that the appellate court had violated Article 6 of the Convention by renewing the deadline for appealing the decision of the court of first instance without providing a valid reason for missing the deadline, and without proper justification for doing so in the absence of such a reason in the motion submitted by Polskie Linie Lotnicze LOT S.A.

³ <https://reyestr.court.gov.ua/Review/128626857>

⁴ <https://reyestr.court.gov.ua/Review/93564591>

Accordingly, the Supreme Court quashed the decisions of the Odesa Regional Court of Appeal dated 7 April and 17 June 2016 and referred the case back to the court of appeal to decide on the opening of appeal proceedings.

5. Case No. 2-2452/11⁵ concerned the collection of debt under a loan agreement. The claims of JSC CB PrivatBank were partially satisfied by a decision of the Zhovtnevyi District Court of Dnipropetrovsk dated 10 July 2012.

In September 2023, one of the defendants appealed against the decision of the court of first instance. On 12 October 2023, the Dnipro Court of Appeal partially upheld the appeal and overturned the court of first instance's decision regarding the recovery of debt from the appellant.

In November 2023, JSC CB PrivatBank submitted a cassation appeal to the Supreme Court against the decision of the court of appeal. The Supreme Court, taking into account that the deadline for appeal had been missed by more than ten years and that the court of appeal had not provided any legal assessment of the appellant's arguments regarding the grounds for renewing the deadline for appeal, overturned the ruling of the Dnipro Court of Appeal of 19 September 2023, and the decision of the same court of 12 October 2023. The case was referred back to the court of appeal for a new hearing from the stage of deciding on the opening of appeal proceedings.

In addition to the Supreme Court case law cited above, the Government would also like to refer to other decisions in which the Supreme Court highlighted the groundlessness of the appellate court's renewal of the deadline for appeal, quashed the relevant decisions, and referred the cases back to the appellate courts to decide on the opening of proceedings, namely:

- decision of the Civil Cassation Court within the Supreme Court dated 6 November 2024, in case No. 462/5552/13-П⁶;

- decision of the Civil Cassation Court within the Supreme Court dated 6 November 2024, in case No. 1313/665/2012⁷;

- decision of the Civil Cassation Court within the Supreme Court dated 27 November 2024, in case No. 294/1656/20⁸;

- decision of the Civil Cassation Court within the Supreme Court dated 30 April 2025, in case No. 2-562/2003⁹;

- decision of the Civil Cassation Court within the Supreme Court dated 23 July 2025, in case No. 495/12830/23¹⁰;

- decision of the Civil Cassation Court within the Supreme Court dated 6 June 2024, in case No. 758/5067/21¹¹;

- decision of the Civil Cassation Court within the Supreme Court dated 10 September 2025, in case No. 643/6711/16-П¹²;

⁵ <https://reyestr.court.gov.ua/Review/118296819>

⁶ <https://reyestr.court.gov.ua/Review/123141050>

⁷ <https://reyestr.court.gov.ua/Review/122935813>

⁸ <https://reyestr.court.gov.ua/Review/123410607>

⁹ <https://reyestr.court.gov.ua/Review/127021959>

¹⁰ <https://reyestr.court.gov.ua/Review/129113587>

¹¹ <https://reyestr.court.gov.ua/Review/119709843>

¹² <https://reyestr.court.gov.ua/Review/130158186>

- decision of the Civil Cassation Court within the Supreme Court dated 28 May 2025, in case No. 642/2785/23¹³;

- decision of the Civil Cassation Court within the Supreme Court dated 17 January 2025, in case No. 2-143/06¹⁴;

- decision of the Civil Cassation Court within the Supreme Court dated 13 September 2023, in case No. 127/24380/16-П¹⁵.

Thus, existing case law demonstrates that if it is confirmed in cassation proceedings that the appellate court failed to provide adequate and sufficient grounds and justifications for restoring the relevant procedural deadline to the appellant after a significant period of time, the Supreme Court, taking into account the established violation of procedural law and in accordance with Article 411 of the CCP of Ukraine, shall overturn the relevant decisions and refer the case for a new trial to the court of appeal from the stage of opening the appeal proceedings. This approach is fully consistent with ensuring the finality of the court decision and compliance with the principle of *res judicata*.

In view of the above-mentioned, the Government would like to draw attention to the fact that the provisions of the current legislation, together with their practical application, which is confirmed by the specified examples of judicial practice, will contribute to the prevention of violations of the provisions of the Convention, similar to those in the case of *Obaranchuk v. Ukraine*.

The Government also believe that no additional specific general measures are necessary in this regard, apart from publication and dissemination of the judgment among judicial authorities, which has been properly carried out.

Publication and dissemination

The *Obaranchuk v. Ukraine* judgment was translated into Ukrainian and published in the official Government print outlet *Official Herald of Ukraine [Ofitsiyni Visnyk Ukrainy]*, No. 71 of 12 September 2025. It was also made available on the official websites of the Ministry of Justice of Ukraine¹⁶ and the Verkhovna Rada of Ukraine¹⁷, as well as in the HUDOC database¹⁸. In addition, the translation of the judgment was published on the legal portal *Liga Zakon*¹⁹.

The summary of the Court's judgment in Ukrainian was published in the *Government's Courier [Uriadovyi Kurier]*, No. 82 of 22 April 2025, and was made available on the official websites of the Ministry of Justice of Ukraine²⁰ and the Supreme Court²¹.

¹³ <https://reyestr.court.gov.ua/Review/127744389>

¹⁴ <https://reyestr.court.gov.ua/Review/124629968>

¹⁵ <https://reyestr.court.gov.ua/Review/113527210>

¹⁶ <https://minjust.gov.ua/m/rishennya-schodo-suti-za-alfavitom>

¹⁷ https://zakon.rada.gov.ua/laws/show/974_002-25#Text

¹⁸ <https://hudoc.echr.coe.int/?i=001-243415>

¹⁹ <https://ips.ligazakon.net/document/SOO02048>

²⁰ <https://minjust.gov.ua/m/stisli-vikladi-rishen-za-alfavitom>

²¹ https://court.gov.ua/storage/portal/supreme/zakonodavstvo/Obaranchyk_Ukraine.pdf

Moreover, the Court's conclusions in the judgment were included in the quarterly submission to the Cabinet of Ministers of Ukraine on the execution of the Court's judgments (as of 10 July 2025).

On 14 April 2025, explanatory notes on the Court's conclusions in the aforementioned judgment, together with its summary, were sent to the Supreme Court, the Eighth Administrative Court of Appeal, the Kharkiv Court of Appeal, the Ternopil Court of Appeal, the Kharkiv District Administrative Court, the Kharkiv District Court of the Kharkiv Region, the Ternopil City and District Court of the Ternopil Region, the Ternopil District Administrative Court, the Kharkiv District State Administration of the Kharkiv Region, and the National School of Judges of Ukraine.

According to information received from the National School of Judges of Ukraine (the "NSJ") by a letter dated 24 September 2025, the NSJ updates its training programmes for judges in line with the most recent case law of the Court. In cooperation with international technical assistance projects, a training course for judges has been developed, entitled "*The Application of the Convention for the Protection of Human Rights and Fundamental Freedoms and the Case Law of the European Court of Human Rights in the Administration of Justice.*"

On the NSJ website, in the "Activities" section, under "Scientific and Methodological Activities", in the subsection "NSJ Manuals", there is a collection of materials for participants of the above-mentioned training course for judges. These materials, among other things, address issues related to the application of Article 6 of the Convention.

Due to the significance of the issues raised in the *Obaranchuk v. Ukraine* judgment, it was incorporated into training and professional development programmes for judges. Thus, the NSJ provides professional and advanced training for judges on the application of the guarantees of the Convention and the Court's case law in the administration of justice.

CONCLUSIONS OF THE RESPONDENT GOVERNMENT

Despite Russia's aggression, Ukraine continues to ensure the stability of institutions guaranteeing, in particular, the rule of law and human rights.

The Government would like to emphasise that current legislation and national courts' practice will prevent similar violations of the Convention in the future. Therefore, the Government consider that all necessary general measures have been taken, and will keep the Committee of Ministers informed on the outcomes of the new trial in the applicant's case.