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Meeting: 1545<sup>th</sup> meeting (December 2025) (DH)

Item reference: Action Report (07/11/2025)

Communication from Romania concerning the case of STRAIN AND OTHERS v. Romania (Application No. 57001/00)

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Réunion : 1545<sup>e</sup> réunion (décembre 2025) (DH)

Référence du point : Bilan d'action (07/11/2025)

Communication de la Roumanie concernant l'affaire STRAIN ET AUTRES c. Roumanie (requête n° 57001/00) (**anglais uniquement**)

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**L/4727/ 7<sup>th</sup> November 2025**

**151R/AG/220**

***Action Report***  
***on individual measures in the case of STRĂIN AND OTHERS v. ROMANIA (Application no. 57001/00)***

**I. Description of the case**

The violations found in this case originate in structural deficiencies in the mechanisms set up in Romania as of 1990 to afford restitution of or compensation for properties nationalised during the communist period (violations of Article 1 of Protocol No. 1 and Article 6 § 1).

In this case, the Court found a violation of Article 1 of Protocol No. 1 to the Convention on account of the deprivation of property nationalised under the communist regime, in the context of the ineffectiveness of the mechanism established to provide restitution or compensation when the property had been sold by the State to third parties after 22 December 1989. The Court also found a violation of Article 6 § 1 of the Convention on account of the excessive length of judicial proceedings.

**II. Individual measures**

*Payment of just satisfaction awarded*

Under Article 41 of the Convention, the Court held:

- (a) that the respondent State is to return the immovable property belonging to the applicants within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention;
- (b) that failing such restitution the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, plus any tax that may be chargeable:
  - (i) EUR 80,000 (eighty thousand euros) in respect of pecuniary damage;
  - (ii) EUR 5,000 (five thousand euros) in respect of non-pecuniary damage;
  - (iii) EUR 1,600 (one thousand six hundred euros) in respect of costs and expenses;

As shown by the information on <https://hudoc.exec.coe.int/>, the just satisfaction payment has been made, the payment information being published on 13/09/2013 and the deadline for the applicant to complain has passed.

Since restitution in kind of the original property was not possible in this case, the applicants received the just satisfaction awarded by the Court, including the amounts awarded for pecuniary damage. The payment of just satisfaction was already acknowledged by the Committee of Ministers, as it results including from the Notes accompanying the Decision (CM/Del/Dec(2024)1501/H46-27) adopted at the 1501st meeting, 11-13 June 2024 (DH).

Having regard to the above, the Government consider that no other individual measures are to be taken in the present case and that Romania complied with the obligations imposed under Article 46, paragraph of the Convention.

### **III. General measures**

In respect of the general measures, the situation giving rise to a violation of Article 1 of Protocol No. 1 to the Convention in the case of *Străin and Others* was examined more extensively by the Court in the pilot judgment *Maria Atanasiu and Others v. Romania* (No. 30767/05).

In response to this later judgment, the authorities adopted Law no. 165/2013, which represents a significant reform of the restitution mechanism, under the supervision of the Committee of Ministers.

The safeguards introduced by this Law were validated a priori by the Court in *Preda and Others* (No. 9584/02), while the outstanding issues there identified continued to be supervised in the group of cases *Străin and Others* and in the *Maria Atanasiu and Others* case.

The Court re-examined the effectiveness of the restitution mechanism in *Văleanu and Others v. Romania* (No. 59012/17), where it indicated general measures under Article 46.

In order to complete the process of restitution, in kind or by equivalent, of properties abusively seized during the communist regime in Romania, and in doing so looking to amend the existing legislation by addressing the shortcomings found by the Court in the *Văleanu and Others v. Romania* judgments, the Government adopted the Emergency Ordinance No. 38/2025 amending and supplementing Law No. 165/2013.

Considering the significant progress registered since the findings of the Court in the *Străin and Others* judgment, and having also regard to the fact that the legislative framework in place at the time of the facts in the said judgment is fundamentally different at present, the question of the remaining measures required to respond to the shortcomings found by the Court in the judgment *Străin and Others* would more appropriately be examined within the framework of the pilot judgment *Maria Atanasiu and Others v. Romania* (No. 30767/05) and *Văleanu and Others v. Romania* (No. 59012/17), also in the light of the Court's findings in this case.

At the same time, we consider that the closure of the case *Străin and Others* would in no way prejudice the adoption and implementation of general measures related to the mechanism of reparation for properties nationalised under the communist regime.

### **IV. Conclusions**

Having regard to the above, the Government invites the Committee of Ministers to close the examination of this case.