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Contact: Ireneusz Kondak  
Tel: 03.90.21.59.86

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Meeting: 1563<sup>rd</sup> meeting (June 2026) (DH)

Item reference: Action Plan (18/03/2026)

Communication from Ukraine concerning the case of Guminskyy v. Ukraine (Application No. 7210/15)

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Communication de l'Ukraine concernant l'affaire Guminskyy c. Ukraine (requête n° 7210/15) (**anglais uniquement**)

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DGI

18 MARS 2026

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

## **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 *Guminskyy v. Ukraine***

(application no. 7210/15, judgment final on 11/09/2025)

### **CASE SUMMARY**

This case concerns a violation of the principle of legal certainty on account of discrepancies in the domestic courts' interpretation of the starting date of the limitation period in civil proceedings in 2013-2014 regarding the property which was claimed by prosecutor as being unlawfully alienated by the State before being acquired by the applicant (violation of Article 6).

### **INDIVIDUAL MEASURES**

#### ***Just satisfaction***

The Court did not award any compensation, as it found no violation of Article 1 of Protocol No. 1 to the Convention. The applicant has not raised any other claims for just satisfaction; therefore, the Court considered that there was no call to make any award. The applicant was duly notified of the decision.

#### ***Restitutio in integrum***

By letters of 22 September 2025, the Government informed the applicant, Mr Guminskyy, and his 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 17 November 2025, Mr Guminskyy applied to the Grand Chamber of the Supreme Court on 13 October 2025 for an exceptional review of the impugned proceedings.

According to the updated information received from the Supreme Court, by the ruling of the Grand Chamber of the Supreme Court dated 14 November 2025, proceedings were opened under exceptional circumstances based on the applicant's request.

By a ruling of the Grand Chamber of the Supreme Court dated 10 December 2025, proceedings in the case were suspended and copies of the case file were forwarded, at the request of Mr Guminskyy, to the Rivne City Court of Rivne Region to resolve the procedural issue of restoring the lost court proceedings.

The Government will keep the Committee of ministers informed about the course of the above proceedings in their future communications.

### **GENERAL MEASURES**

The Government consider that the violation identified by the Court resulted primarily from the manner in which the domestic courts applied the relevant legal provisions, rather than from

deficiencies in the legislative framework. 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***

The issues raised in this case concern the application of limitation periods in civil proceedings and the recovery of property allegedly unlawfully transferred from state ownership. The Government would like to note that these matters are primarily regulated on the national level by the Civil Code of Ukraine and procedural legislation.

Particularly, the general rules governing limitation periods (statute of limitations) are set out in the Civil Code of Ukraine<sup>1</sup> (the “CC of Ukraine”).

Article 257 of the CC of Ukraine establishes that the general limitation period is three years.

Article 261 determines that the limitation period begins to run from the day when a person knew or could have known about the violation of their right or the person who violated it.

On 12 March 2025, a new paragraph was added to Article 261 of the CC of Ukraine<sup>2</sup>. According to this provision, the limitation period for claims for recovery of immovable property or recognition of title to immovable property transferred from state or communal ownership into private ownership, title to which is registered in the State Register of Real Rights to Immovable Property, shall commence from the date of state registration of the ownership right of the first acquirer, or from the date of transfer of the immovable property to the first acquirer in cases where, at the time of such transfer, the law did not require state registration of the transaction or state registration of the ownership right.

Article 267 of the CC of Ukraine further regulates the application of limitation periods in judicial proceedings and provides that:

A claim for the protection of a civil right or interest shall be accepted by a court for consideration irrespective of the expiry of the limitation period.

The limitation period shall be applied by the court only upon a request by a party to the dispute made before the court delivers its decision.

The expiry of the limitation period, where its application has been requested by a party to the dispute, shall constitute grounds for dismissing the claim.

If the court considers the reasons for missing the limitation period to be valid, the violated right shall be subject to protection.

These provisions apply equally to claims brought by state authorities, including prosecutors acting in the interests of the State.

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<sup>1</sup> <https://zakon.rada.gov.ua/laws/show/435-15#Text>

<sup>2</sup> <https://zakon.rada.gov.ua/laws/show/4292-20#n6>

In addition, several provisions regulate the protection of property rights and recovery of property from unlawful possession:

Article 387 provides that the owner has the right to recover property from unlawful possession (vindication claim).

Article 388 governs the recovery of property from a bona fide purchaser. It establishes specific conditions under which property may be reclaimed from a person who acquired it in good faith for consideration.

Article 216 regulates the legal consequences of declaring a transaction invalid, including restitution between the parties.

The powers of prosecutors to bring civil claims in the interests of the State are governed by the Law of Ukraine “On the Prosecutor’s Office”<sup>3</sup>. Under Article 23 of this Law, prosecutors may represent the interests of the State in court in exceptional cases.

Procedural aspects of civil litigation are governed by the Civil Procedure Code of Ukraine<sup>4</sup> (the “Code”). The Code establishes:

the procedural rights of parties to present arguments and evidence (Articles 12 and 13, principles of adversarial proceedings and equality of arms);

the obligation of courts to examine the arguments raised by the parties and provide reasoning for their decisions;

rules concerning the binding effect (preclusive effect) of court findings established in other proceedings (Article 82).

These procedural guarantees are intended to ensure that parties have a genuine opportunity to present their arguments, including arguments related to the expiry of limitation periods.

The management and disposal of state property are regulated, *inter alia*, by the Law of Ukraine “On the Management of State Property Objects”<sup>5</sup>, as well as by legislation governing the powers of the State Property Fund of Ukraine<sup>6</sup>. These acts establish the requirement that transactions involving the disposal of certain state-owned assets must be approved by the competent state authorities, including the State Property Fund.

As described above, the relevant provisions of the CC of Ukraine clearly regulate the rules governing limitation periods, including the starting point for their calculation (Article 261) and the legal consequences of their expiry (Article 267).

Similarly, the Code establishes procedural guarantees ensuring that parties are able to present their arguments and that courts are required to examine those arguments and provide adequate reasoning in their decisions.

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<sup>3</sup> <https://zakon.rada.gov.ua/laws/show/1697-18#Text>

<sup>4</sup> <https://zakon.rada.gov.ua/laws/show/1618-15#Text>

<sup>5</sup> <https://zakon.rada.gov.ua/laws/show/185-16#Text>

<sup>6</sup> <https://zakon.rada.gov.ua/laws/show/4107-17#Text>

In the present case, the Court found that the violation of Article 6 of the Convention stemmed from the domestic courts' reliance on findings made in separate proceedings involving another party, which effectively deprived the applicant of the opportunity to have his arguments concerning the limitation period examined in his own case. The Court considered that such an approach was incompatible with the principle of legal certainty.

The Government therefore consider that the existing legislative framework is sufficient, and that the issues identified in the Court's judgment relate primarily to judicial practice and the interpretation of procedural rules.

### ***Examples of the domestic court practice***

*With regard to domestic case-law in which valid reasons for the lapse of time were recognised, the limitation period for claims seeking the recovery of property from unlawful possession by another party was reinstated*

1. Case No. 354/599/15-П<sup>7</sup>, filed by the Deputy Prosecutor of the Ivano-Frankivsk Region in the interests of the State, represented by the State Agency of Forest Resources of Ukraine, against the Polyanytska Village Council of Yaremche City Council, and individuals, concerned the annulment of a state act on private ownership of a land plot and the recovery of the disputed land from unlawful possession into State ownership (represented by the State Enterprise "Vorokhtyanske Forestry").

The prosecutor requested that the limitation period for bringing the claim be reinstated due to its lapse for valid reasons. The court of first instance held that the land plot belonged to forest lands and had been removed from State possession unlawfully, and therefore should be recovered from the final acquirer into State ownership in accordance with Articles 387 and 388 of the CC of Ukraine. Considering the need to protect State interests and the valid reasons for the lapse of the limitation period cited by the prosecutor, the court reinstated the time limit.

The court found that the interference with the final acquirer's property rights was proportionate, justified by the general interest in ensuring proper land use and environmental protection, and did not impose an excessive burden, as the acquirer retained the possibility to seek compensation under Article 661 of the CC of Ukraine. The appellate court upheld the decision, and the Supreme Court dismissed the cassation appeal, confirming that the reasons for the prosecutor's delay were valid and that all procedural and substantive legal requirements had been met.

2. The Government would also like to draw attention to case No. 354/637/15-П<sup>8</sup>, concerning a dispute with similar factual and legal grounds, in which the courts similarly upheld the conclusion that the prosecutor did not miss the limitation period.

*With regard to domestic case-law in which claims were dismissed on the grounds that the limitation period had expired*

1. Case No. 372/4155/18<sup>9</sup>, filed by the Prosecutor of the Boryspil Local Prosecutor's Office of Kyiv Region in the interests of the State, represented by the Obukhiv City Council, Kyiv

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<sup>7</sup> <https://reyestr.court.gov.ua/Review/132431292>

<sup>8</sup> <https://reyestr.court.gov.ua/Review/133947160>

<sup>9</sup> <https://reyestr.court.gov.ua/Review/128594886>

Regional and Kyiv City Forest Management, and the State Enterprise “Kyiv Forestry,” concerned the annulment of administrative acts and the recovery of land plots from unlawful possession.

The first-instance court dismissed the claim, finding that the prosecutor’s arguments were not supported by sufficient, admissible evidence, while the respondents’ objections were grounded in law and written documentation, including a valid court decision. The court also held that recovery of the disputed land from bona fide acquirers would constitute disproportionate interference with their property rights under Article 1 of Protocol No. 1 to the Convention, as it did not serve a “public interest”.

The Kyiv Court of Appeal partially overturned the decision and granted the claim in favour of the State. Subsequently, the Supreme Court partly upheld the cassation appeals of some individuals and remitted the matter to the appellate court for further consideration regarding the limitation period.

On review, the appellate court confirmed that, with respect to certain individuals, the limitation period had expired because the State became aware of the violations in February 2015, while the claim was filed only in December 2018. Accordingly, the courts correctly applied the relevant provisions of the CC of Ukraine regarding limitation periods and dismissed the claim in part, leaving the first-instance decision unchanged.

2. Case No. 910/5740/21<sup>10</sup>, filed by the Ministry of Defence of Ukraine and the State Enterprise “Ukrviiskbud” against individual entrepreneurs and a limited liability company, concerned the recognition of ownership and recovery of immovable property.

The appellate commercial court held that the claims were barred by the expiration of the statutory limitation period, which justified the dismissal of the claim for recovery of property from unlawful possession under part 4 of the Article 267 of the CC of Ukraine. The first-instance court had granted the claim in part, but the appellate court overturned that decision in relation to the recovery of property.

The Supreme Court examined the parties’ arguments regarding the alleged incorrect application of the law governing limitation periods and confirmed that the appellants were aware of the unlawful alienation of the property as early as 2003, in the context of bankruptcy proceedings involving “Ukrviiskbud” that were closed in 2007. Consequently, the claim filed in April 2021 was substantially delayed beyond the statutory limitation period. The Supreme Court upheld the appellate court’s application of Article 267 CC of Ukraine, noting that it provides an appropriate and effective means of protecting rights in such disputes.

*With regard to domestic case-law in which higher courts have quashed decisions of lower courts due to their failure to comply with limitation periods in cases brought in the interests of the State for the recovery of property from unlawful possession*

1. Case No. 372/1988/15-П<sup>11</sup> concerned a claim brought by the prosecutor in the interests of the State, represented by the Cabinet of Ministers of Ukraine, seeking, *inter alia*, invalidation of legal acts and recovery of land plots from unlawful possession. The case was examined by the courts on several occasions.

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<sup>10</sup> <https://reyestr.court.gov.ua/Review/120858354>

<sup>11</sup> <https://reyestr.court.gov.ua/Review/121003092>

The first-instance court dismissed the claim, finding the claims unsubstantiated and holding that there was no need to apply the limitation period. The appellate court partly overturned that decision and allowed the claim in part, ordering the recovery of certain land plots in favour of the State.

Upon cassation review, the Supreme Court found that the appellate court had prematurely concluded that the limitation period had not been missed, as it had focused solely on the moment when the Cabinet of Ministers became aware of the alleged violation. The Supreme Court emphasised that the limitation period could start running from the moment when the prosecutor became aware or should have become aware of the violation.

In this respect, the Supreme Court quashed the appellate court's decision in the relevant part and remitted the case for a new appellate examination.

2. Case No. 369/13599/14-П<sup>12</sup> concerned a claim brought by the prosecutor in the interests of the State, represented by the Cabinet of Ministers of Ukraine and the National University of Life and Environmental Sciences of Ukraine, seeking, *inter alia*, invalidation of a state act on land ownership, annulment of land sale agreements, recovery of land plots from unlawful possession, and recognition of ownership and usage rights.

The first-instance court dismissed the claim, holding it unsubstantiated and citing that the alleged violation had been known to the prosecutor as early as July 2006, which, in the court's view, triggered the limitation period. The appellate court partially amended the decision, removing references to the alleged expiry of the limitation period as grounds for dismissal.

Upon cassation review, the Supreme Court quashed the appellate court's decision and remitted the case for a new examination. The Supreme Court emphasised that determining whether the limitation period had expired required assessment of factual circumstances and evidence, which could not be established for the first time at the cassation stage. The Court further stressed that decisions rendered without examining the *bona fides* of the acquirer and without proper reasoning regarding Court's case-law on state interference with property rights could not be regarded as compliant with the requirements of a fair trial under Article 6 of the Convention.

The above examples of domestic case-law concerning compliance with limitation periods demonstrate that national courts, when examining such cases, assess all relevant circumstances and determine the starting point of the limitation period. In this context, they also consider the proportionality of interference with property rights.

National courts take into account not only the practice of the Supreme Court, but also the case-law of the Court, including *Stabbings and Others v. the United Kingdom*, *Shchokin v. Ukraine*, *Sporrong and Lönnrot v. Sweden*, *Serkov v. Ukraine*, and *Tregubenko v. Ukraine*, which have established key principles regarding state interference with an individual's right to peaceful enjoyment of property.

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 *Guminsky v. Ukraine*.

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<sup>12</sup> <https://reyestr.court.gov.ua/Review/123469144>

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 *Guminsky v. Ukraine* judgment was translated into Ukrainian and published in the official Government print outlet *Official Herald of Ukraine [Ofitsiyni Visnyk Ukrainy]*, No. 11 of 04 February 2026. It was also put on the official websites of the Ministry of Justice of Ukraine<sup>13</sup> and the Verkhovna Rada of Ukraine<sup>14</sup>, as well as on the HUDOC database<sup>15</sup>. In addition, the translation of the judgment was published on the legal portal *Liga Zakon*<sup>16</sup>.

The summary of the Court's judgment in Ukrainian was published in the *Government's Courier [Uriadovyi Kurier]*, No. 196 of 25 September 2025, and was made available on the official websites of the Ministry of Justice of Ukraine<sup>17</sup> and the Supreme Court<sup>18</sup>.

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 13 October 2025).

On 22 September 2025, explanatory notes regarding the Court's findings in the aforementioned judgment, together with a summary thereof, were sent to the Supreme Court, the Rivne City Court of Rivne Oblast, the Rivne Court of Appeal, 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 08 October 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 *Guminsky 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.

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<sup>13</sup> <https://minjust.gov.ua/m/rishennya-schodo-suti-za-alfavitom>

<sup>14</sup> [https://zakon.rada.gov.ua/laws/show/974\\_028-25#Text](https://zakon.rada.gov.ua/laws/show/974_028-25#Text)

<sup>15</sup> <https://hudoc.echr.coe.int/ukr?i=001-247423>

<sup>16</sup> <https://ips.ligazakon.net/document/SOO02104>

<sup>17</sup> <https://minjust.gov.ua/m/stisli-vikladi-rishen-za-alfavitom>

<sup>18</sup> [https://court.gov.ua/storage/portal/supreme/zakonodavstvo/Guminskiy\\_Ukraine.pdf](https://court.gov.ua/storage/portal/supreme/zakonodavstvo/Guminskiy_Ukraine.pdf)

## **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.