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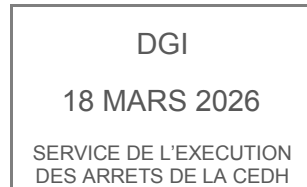
Communication from the Republic of Moldova concerning the case of Balan v. the Republic of Moldova (no. 2) (Application No. 49016/10), Ichim v. the Republic of Moldova (Application No. 50886/08) and Neamtu v. the Republic of Moldova (Application No. 63239/10) (Group Popov (no. 2))

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Réunion : 1563^e réunion (juin 2026) (DH)

Référence du point : Bilan d'action (18/03/2026)

Communication de la République de Moldova concernant l'affaire Balan c. République de Moldova (n° 2) (requête n° 49016/10), Ichim c. République de Moldova (requête n° 50886/08) et Neamtu c. République de Moldova (requête n° 63239/10) (Groupe Popov n°2) (**anglais uniquement**)



MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA GOVERNMENT AGENT

No. 06/2926

Chisinau, 18 March 2026

ACTION REPORT

for the execution of the European Court of Human Rights judgments
in the group of the cases

Popov v. the Republic of Moldova (no. 2)
(no. 19960/04)

I. CASE DESCRIPTION

1. This group of cases concern the violation of the applicants' right to a fair hearing on account of the quashing of domestic final judgments through the extension, by the domestic courts, of the defendants' time-limit for taking procedural steps (i.e. appeal, appeal on points of law, and revision procedure) without giving plausible reasons (violations of Article 6 § 1), as well as the violation of the principle of legal certainty on account of the quashing, by domestic courts, of final judgments delivered in the applicants' favour through the revision procedure used as "appeals in disguise", unlike a genuine revision (violations of Article 6 § 1). These cases also concern the violation of the applicants' property rights on account of the quashing of final judgments (violation of Article 1 of Protocol No. 1).

2. In particular, the *Ichim* case concerns the arbitrary quashing in 2008 of a court decision in the applicant's favour regarding the delimitation and use of jointly owned property, following the admission of a revision request lodged by the opposing party. The Court found that the circumstances relied on by the domestic court in admitting the revision request did not justify its admission, thereby violating Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention. In addition, the Court found violations of the same Articles due to the failure to enforce the favourable decision for approximately thirty-six months.

3. The *Balan (no. 2)* case concerns a modification made in 2010 to a final court judgment, introduced by a subsequent ruling explaining the manner of enforcing the final judgment, which reduced the amount of just satisfaction awarded in the court's principal judgment. The Court found that allowing such a reduction went beyond the ordinary interpretation or correction of clerical or judicial errors and had an effect which was incompatible with Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

4. The *Neamțu* case concerns the examination in 2010 of late cassation appeals and the resulting overturning of the final judgment in the applicant's favour regarding compensation for property confiscated during Soviet times. The Court found that, taking into consideration the date when the opposing parties had to be aware of the fully

reasoned judgment, the cassation appeals could not have been lodged within the time-limit, thereby violating Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

II. LIST OF CASES

No.	Application no.	Case	Judgment of	Final on
1.	50886/08	Ichim	05/03/2019	05/03/2019
2.	49016/10	Balan (no. 2)	29/11/2022	28/02/2023
3.	63239/10	Neamtu	24/04/2025	24/04/2025

III. INDIVIDUAL MEASURES

Payment of just satisfaction

5. The just satisfaction in the *Ichim* case was paid in full and in due time, on 12 April 2019.

6. The just satisfaction in the *Balan (no. 2)* case was paid in full and in due time, on 11 May 2023.

7. The just satisfaction in the *Neamtu* case was paid in full and in due time, on 6 June 2025.

The reopening of court proceedings

8. The applicants in *Balan (no. 2)* and *Neamtu* have not requested the reopening of the proceedings at the national level following the delivery of the Court's judgment, although Article 450 letter f) of the Code of Civil Procedure allows them to submit a review request within 6 months from the date of delivery of the Court's judgment. Hence, no further individual measures are needed in these two cases.

9. As concerns the *Ichim* case, it should be noted that in 2002 the Durlești Local Council awarded the applicant and three other families joint ownership over the land adjoining the building they were living in. On 22 February 2005, the court of first instance ordered the mayor office to make the delimitation of that land between the owners. The Chișinău Court of Appeal quashed the judgment of 22 February 2005 and ordered a new examination of the case. Following the new examination by a first instance court, on 27 April 2012 the applicant's claims were rejected. The Court of Appeal confirmed this decision on 4 December 2012.

10. In this case, on 4 September 2019, i.e. following the adoption of the Court's judgment, the applicant lodged a revision request before the Supreme Court of Justice. She requested the revision court to set aside the previous decisions issued in this case and to proceed with a fresh examination of the case in appeal proceedings. However, by its ruling of 27 November 2019, the Supreme Court of Justice declared the applicant's revision request inadmissible due to lack of jurisdiction.

11. On 12 December 2019 the applicant lodged a revision request before the Chisinau Court of Appeal, requesting *inter alia* her reinstatement within the time-limit for lodging the revision request.

12. By its ruling of 13 February 2020, the Chisinau Court of Appeal admitted the respective revision request. It quashed the decision of the Chisinau Court of Appeal of 4 December 2012, which had been at the basis of the violation of the applicant's right under the Convention, and retained the case before it for a fresh examination.

13. By its decision of 27 May 2020, the Chisinau Court of Appeal dismissed the applicant's appeal and upheld the judgment of the Buiucani Office of the Chisinau District Court of 27 April 2012. In its decision the court relied on the following elements:

- According to the domestic legislation, a property in joint ownership can be divided by quotas only when it is actually possible.
- It follows from the expert report issued by the National Center for Judicial Expertise in 2011 that it is impossible to divide the plot of land in question as requested by the applicant.
- The construction built on the plot of land by neighbour C., which hinders the division of the land, was legalised in 2012.
- The applicant brought no new evidence to show that the division would be possible as a matter of fact.
- In line with the domestic law, in case a co-owner cannot properly use its quota of the joint property on account of hindrances created by other co-owners, he/she is entitled to request compensation from those co-owners in a separate court action.

14. By its final decision of 16 October 2020, the Supreme Court of Justice dismissed the appeal on points of law lodged by the applicant against the decision of the Chisinau Court of Appeal of 27 May 2020 as inadmissible.

15. In the meantime, the applicant filed a separate court action, seeking the cessation of the joint property and the division in kind of the disputed immovable. By a court decision of 22 April 2019, the Chisinau Court (Centru Office) admitted the applicant's request, ended the joint property by shares in respect of the disputed plot of land and established the borderline, by dividing the land into shares according to the quotas belonging to each owner. Having been challenged with appeal and appeal on points of law by one of the opposing parties, that judgment was further sustained by the Chisinau Court of Appeal in its decision of 19 November 2020, and by the Supreme Court of Justice in its ruling of 30 June 2021.

16. On 21 November 2024 the applicant lodged a new lawsuit against the Public Institution "Real Estate Cadaster", seeking the court of law to oblige the latter to issue a geometrical plan with the new boundaries established by the court decision of 22 April 2019 and to assign cadastral numbers on the newly created plots of land. By a judgment issued on 22 December 2025, the Chisinau Court (Rascani Office) granted that request and obliged the Real Estate Cadaster to issue the relevant documents and to introduce the required information in the Real Estate Register, as results from the final court decision of 22 April 2019. The judgment issued by the Chisinau Court (Rascani Office) has been challenged with appeal, which is currently pending before the Chisinau Court of Appeal.

17. Considering the above, the Government are of the opinion that no further individual measures are necessary in this case. The domestic proceedings have been reopened following the Court's judgment and the case was re-examined on the merits. In a separate court action, the applicant succeeded in obtaining a favourable court judgment

leading to the cessation of the joint property and the division in kind of the disputed plot of land. In result, by a court decision which became final, the first-instance court granted the applicant's claims and divided the immovable property into several shares, depending on each owner's quota. Hence, in the Government's view, the violation found by the Court in this case has been remedied at domestic level and no other individual measures are necessary in this case.

IV. GENERAL MEASURES

Publication and dissemination

18. The judgments were translated, published on the Government Agent's official website, as well as disseminated to the relevant authorities (the Superior Council of Magistracy, the Supreme Court of Justice, and the National Institute of Justice). Moreover, the Superior Council of Magistracy also disseminated the judgments to the national courts, whereas the Supreme Court of Justice published a summary of the *Ichim* judgment on its website¹, for them to be studied and implemented by judges and other specialists concerned.

Legislative improvements

19. In view of the Court's findings in the present cases, the Government consider that the origin of the violations lies in an incorrect application of existing domestic law by the courts of law, no shortcomings as to the quality of the legal provisions concerning the quashing of a final judgment being noted by the Court. Therefore, no legislative improvements or amendments are required, and the present cases only concern the changing of judicial practices.

Unification of judicial practice

20. On 15 April 2013 the Supreme Court of Justice adopted its Explanatory Decision no. 2 concerning the practice and application of extraordinary revision procedure in civil cases. The Supreme Court explained that, under the applicable civil procedural legislation, the legal grounds for extraordinary revision of final judgments are limited and can be applied only with a view to correcting judicial miscarriages. The revision procedure can also be used for the consolidation of the domestic case-law when two or more judgments reveal an inconsistency of judicial practice. Another ground for revision results from a judgment of the European Court of Human Rights or from an application pending before it, if such a revision allows a total or partial redress for the alleged breach of an applicant's rights. According to the mentioned explanatory decision, the law and judicial practice prohibit any other grounds for revision, especially those that aim at a determination of a case in respect of new claims, at a rehearing of a case or at an appeal in disguise.

21. Similarly relevant is the Decision of the Plenum of the Supreme Court of Justice no. 5 of 11 November 2013 concerning the procedure for hearing civil cases in order of appeal on points of law, amended by the Decision of the Plenum of the Supreme Court of

¹ <http://www.csj.md/index.php/jurisprudenta-cedo1/rezumate-hotararilor-relevante-ale-cedo/57-rezumate-hotarari-cedo-2019/1622-ichim-v-republica-moldova-articolul-6-1-articolul-1-din-protocolul-nr-1-la-conventia-neexecutarea-unei-hotarari-judecatoresti-definitive-si-anularea-sa-ulterioara-incalcare>

Justice no. 25 of 22 October 2018. Bearing in mind the Court's finding in the *Neamtu* case, the Decision of the Plenum of the Supreme Court no. 35 of 24 October 2003 concerning the judicial practice of applying certain provisions of the Law on the rehabilitation of victims of political repression, amended by the Decision of the Plenum no. 12 of 16 October 2017, is also relevant.

22. On 16 December 2016 the Supreme Court of Justice adopted an Explanatory Decision, amended by the Decision of the Supreme Court of Justice no. 10 of 26 February 2018, concerning the application by the courts of law of certain provisions of the Enforcement Code in civil cases.

23. On 14 April 2017 the Supreme Court of Justice issued the Advisory Legal Opinion no. 99, shifting to a stricter approach in the observance of the procedural time-limits for submitting reasons for appeals².

24. In order to ensure an uniform interpretation and application of legislation, in 2023 the Supreme Court of Justice initiated a new activity, i.e. the development of factsheets. The factsheet relevant for these cases is "Ways of challenging judicial acts", which can be accessed on the website of the Supreme Court of Justice³. These factsheets are periodically updated with relevant national case-law.

Professional training

25. The national authorities continue to pay increased attention to training of civil servants and judges in the field of respecting human rights, including fair trial standards provided for by Article 6 of the Convention and matters related to the right to protection of property, by steadily organising seminars, conferences and roundtables in this respect. In 2024, 20 activities were carried out, and 533 people were trained, including 109 judges, 135 prosecutors, 94 judicial assistants, 47 court clerks, 84 prosecutor consultants, 3 heads of secretariat, 18 consultants and 43 court collaborators.

26. In partnership with the Council of Europe, the National Institute of Justice has developed a distance-learning course for judges, prosecutors and lawyers entitled "Introduction to the European Convention on Human Rights and the European Court of Human Rights", which addresses, *inter alia*, the standards required by Article 6 of the Convention and Article 1 of Protocol no. 1 to the Convention.

27. The National Institute of Justice have also organised several courses for judges on topic "The European Convention on Human Rights and the implementation of the case-law of the European Court of Human Rights in the national legal order". The main objectives followed thereby are to ensure the understanding of the principles of interpreting and implementing the Convention in the national legal order, to explain the effects of the Court's judgments and to analyse the compatibility of the national legal rules in the field of protection of human rights and fundamental freedoms with the provisions included in the international treaties.

² https://jurisprudenta.csj.md/search_rec_csj.php?id=154

³ https://csj.md/images/Fi%C8%99ier_tematic_C%C4%83ile_de_atac_ale_actelor_judec%C4%83tore%C8%99ti_redactat_11.11.2024.pdf

28. Within the framework of the Council of Europe's Project "Supporting the Criminal Justice Reform in the Republic of Moldova", in June 2017 the Supreme Court of Justice and the National Institute of Justice elaborated a commentary on the judgments rendered by the European Court of Human Rights in respect of the Republic of Moldova. It aims at facilitating the understanding of the Court's judgments and decisions, and at improving the implementation of the Convention standards at national level.

29. With the consent of the Council of Europe, the Supreme Court of Justice also published on its website the Romanian version of the Court's Guide on the application of Article 1 of Protocol no. 1 to the Convention, as well as factsheets on the same topic, thus contributing to a better understating and application of the Court's case-law by all relevant specialists⁴.

30. Within the Council of Europe Project on strengthening the institutional capacities of the Supreme Court of Justice, both judges and judicial assistants of the SCJ participated in a workshop on the topic: "Strengthening legal reasoning in court decisions, in accordance with the standards of the European Court of Human Rights", held on 7-8 August 2025. The impact of such trainings directly contributes to improving the quality of the reasoning of the court's decisions, ensuring a clear and coherent argumentation of domestic court's decision, in line with the practice of the ECtHR.

31. Judicial assistants are also continuously trained in regard to the international standards in the field of human rights and fundamental freedoms and their implementation at national level, reference being made to the Court's case-law, including that concerning the Republic of Moldova.

V. CONCLUSION

The Government are of opinion that the supervision of the present judgments may be closed, due to the full implementation of both individual and general measures. This conclusion is also in line with the Final Resolution [CM/ResDH\(2025\)439](#) adopted by the Committee of Ministers on 10 December 2025 in the group of cases *Popov v. the Republic of Moldova (no. 2)*, which noted all the measures adopted in order to give effect to the judgments included in this group of cases.

Therefore, in the light of the individual and general measures described above and previously reported to the Committee of Ministers within the supervision of implementation of this group of cases, the Government invite the Committee of Ministers to close the supervision of the *Ichim, Balan (no. 2)* and *Neamtu* cases, included in this group.



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⁴ <https://csi.md/index.php/jurisprudenta-cedo1/gftcedo>