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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (23/09/2026)

Communication from Georgia concerning the case of Ltd Beqanasi v. Georgia (Application No. 28407/19)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (23/09/2026)

Communication de la Géorgie concernant l'affaire Ltd Beqanasi c. Géorgie (Requête n° 28407/19) **[anglais uniquement]**

The Government of Georgia

Action Report

LTD BEQANASI v. Georgia (no. [28407/19](#))

Judgement of 11 July 2024, Final on 11/07/2024

I. CASE DESCRIPTION

1. The case concerns a disproportionate interference with the applicant company's right to property on account of the confiscation of its tractor in 2018 in the context of administrative offence proceedings (violation of Article 1 of Protocol no. 1).
2. The European Court of Human Rights (*hereinafter* – "the Court") held that the confiscation of a tractor belonging to the applicant company, imposed as a compulsory sanction under Article 57¹ of the Code of Administrative Offences of Georgia (*hereinafter* – "the CAO") at the material time, constituted an excessive one and failed to strike the required "fair balance" between the general interest and the protection of the individual's right to property.

II. INDIVIDUAL MEASURES

3. Under the terms of the judgment, the Government of Georgia are required to return the confiscated tractor to the applicant company in the condition it was in at the time of confiscation or, should restitution prove impossible, to provide the applicant company with adequate compensation.
4. The Government indicate that, following the conclusion of administrative offence proceedings at the national level, which included the confiscation of a tractor owned by the applicant company in favour of the State, the case was subsequently transferred for enforcement to the Service Agency of the Ministry of Finance of Georgia – the authority competent at the material time – later succeeded by the National Agency of State Property.
5. In accordance with the procedure prescribed by law, the property was assessed by the designated expert institution – the Mechanical Vehicle Expert Inspection of the Ministry of Internal Affairs of Georgia – as reflected in Expert Examination Act No. 00052039, determining the value at 36,000 GEL. Following the assessment, the property was sold through an electronic auction, with the tractor subsequently transferred to the individual who placed the winning bid.

6. In view of the foregoing, the restitution of the tractor to the applicant company became impossible, requiring accurate evaluation of adequate compensation corresponding to the assessed value of the tractor at the time of confiscation. Notably, the sole document establishing the tractor's value at the time of seizure (36,000 GEL) is Expert Examination Act No. 00052039, prepared by the Ministry of Internal Affairs' Expert Inspection of Mechanical Vehicles, with no additional appraisal reports present in the case file.
7. Following the delivery of the Court's judgment, Order No. 69/ს, issued by the Deputy Minister of Justice of Georgia, formalised the Government's readiness to provide the applicant with compensation equivalent to the value established in the Expert Examination Act at the time of seizure – 36,000 GEL – within the time frame prescribed by the Court.
8. On 26 August 2024, the applicant company lodged an administrative claim against the Ministry of Justice of Georgia, seeking the annulment of the order in question and the issuance of a new individual administrative act. By a ruling of the Administrative Cases Chamber of the Tbilisi City Court dated 29 August 2024, the claim was admitted for consideration and declared admissible.
9. By a judgment of 12 January 2026, the Tbilisi City Court dismissed the applicant company's claim. In reaching that conclusion, the court considered that the Expert Examination Act prepared by the Ministry of Internal Affairs constituted relevant and reliable evidence for the purposes of determining the value of the tractor at the time of seizure. The court also observed that the applicant company had not submitted an alternative expert report or any other evidence capable of demonstrating that the tractor had a different value at the material time.
10. Accordingly, the domestic court found no legal or factual grounds for setting aside the impugned order or for directing the Ministry of Justice to determine and award compensation in an amount other than that established by Order No. 69/ს. The applicant company's claim was therefore dismissed.
11. As the applicant company did not appeal against the judgment of 12 January 2026 within the statutory time-limit, the judgment became final and enforceable under domestic law.
12. The authorities contacted the applicant company on several occasions in an effort to facilitate payment of the amount awarded. On 21 July 2026, the applicant company submitted a written statement refusing to receive the amount awarded.

13. In view of the applicant company's written refusal to receive the amount awarded, and having regard to Memorandum CM/Inf/DH(2021)15, the authorities consider that no payment is due and that their obligation in respect of just satisfaction has accordingly been discharged.¹

III. GENERAL MEASURES

(a) Amendments to the Applicable Legal Framework

14. Following the judgment of the Constitutional Court of Georgia, which declared the normative content of Article 57¹ of the CAO unconstitutional, a legislative amendment was introduced to bring the provision into full compliance with constitutional principles.²
15. As a result of the amendment adopted on 15 November 2023, the provision of Article 57¹ was revised to substitute the automatic confiscation of instruments used in administrative offences with a discretionary approach.³ The amendment provides for the courts to ascertain the specific circumstances of a case and to impose sanctions that are both individualised and proportionate.
16. This amendment effectively addressed the underlying issue at the core of the violation in the present case. The new regime of sanctioning provides the national courts with the discretion to balance between competing public and private interests, with complete regard being had to the specific circumstances of the case.

(b) Publication and Dissemination

17. The judgment was translated into Georgian and published in the *Official Gazette of Georgia* (Legislative Herald of Georgia).⁴

IV. CONCLUSION

18. The Government submit that all necessary individual and general measures have been taken at the domestic level to provide adequate redress for the consequences of the violation found by the Court and to prevent similar violations in the future.

¹ Council of Europe, Committee of Ministers, 'Monitoring of the Payment of Sums Awarded by Way of Just Satisfaction: An Update of the Overview of the Committee of Ministers' Practice' ([CM/Inf/DH\(2021\)15](#), 7 September 2021) § 57.

² Available at: <https://constcourt.ge/ka/judicial-acts?legal=10212>

³ Available at: [https://matsne.gov.ge/ka/document/view/5965407?publication=0#DOCUMENT:1](https://matsne.gov.ge/ka/document/view/5965407?publication=0#DOCUMENT:1;);

⁴ Available at: <https://matsne.gov.ge/ka/document/view/6240350?publication=0>

19. The Government therefore invite the Committee to take note of the information provided above
and to close the supervision of the execution of the judgment in the present case.