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

Item reference: Action Report (28/10/2026)

Communication from the Republic of Moldova concerning the case of Theo National Construct S.R.L. v. the Republic of Moldova (Application No. 72783/11)

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Communication de la République de Moldova concernant l'affaire Theo National Construct S.R.L.
c. République de Moldova (Requête n° 72783/11) **[anglais uniquement]**



DGI

28 OCT. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA

GOVERNMENT AGENT

No. 06/12077

Chişinău, 28 October 2026

ACTION REPORT
for the execution of the judgment
in the case of *Theo National Construct v. the Republic of Moldova*
(application [no.72783/11](#)),
judgment of 11 October 2022, final as of 11 January 2023

I. CASE DESCRIPTION

1. The present case concerns the exclusion of the applicant company, incorporated in Romania, from the list of partners of Moldovan company (Q.) as a consequence of arbitrary and manifestly unreasonable courts' decisions and unlawful actions of the State Registration Chamber during 2010 to 2011.

2. In its judgment, the European Court for Human Rights (hereinafter "the Court") noted that the applicant company had not been aware of the plaintiff's supplementary claim to exclude it from the list of partners, the claim itself had been time-barred and the domestic case file contained signs of tampering and other inconsistencies, which were not addressed by the Supreme Court of Justice. Moreover, the applicant company had raised all those issues in its appeal on points of law, but the Supreme Court of Justice had not responded to the serious allegations, not even mentioning them in its judgment.

3. The Court concluded that the proceedings in which the court decisions that led to the applicant company's loss of its possessions had been adopted had been conducted in an arbitrary and unreasonable manner. Thus, the Court found a violation of Article 1 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "the Convention"), resulting from the State's failure to enable the applicant company to assert its rights effectively and have them enforced.

4. In its subsequent judgment on just satisfaction of 30 April 2026, final as of 30 July 2026, the Court noted that, after the delivery of its principal judgment, the relevant domestic proceedings were reopened following the Government Agent's request for revision. By its final decision of 5 March 2024, the Supreme Court of Justice quashed the judgment of the Chişinău Court of Appeal of 2 February 2011 and dismissed as time-barred the action challenging the validity of the valuation report of 25 April 2007. The Court dismissed the claim for pecuniary damage, as the applicant company had failed to substantiate with appropriate documentation any potential financial loss causally linked to the violation found. It awarded the applicant company EUR 6,000 in respect of non-pecuniary damage and EUR 8,000 in respect of costs and expenses.

II. INDIVIDUAL MEASURES

Payment of just satisfaction

5. The sum of EUR 14,000 awarded by the Court to the applicant company in its judgment on just satisfaction for non-pecuniary damage and costs and expenses was paid in full and on time, *i.e.* on 29 September 2026.

Other individual measures

6. In its judgment on just satisfaction, the Court noted that, following the reopening of the domestic proceedings, the Supreme Court of Justice had quashed the judgment underlying the applicant company's exclusion from company Q. and dismissed the action as time-barred.

7. The Court also noted that the parties had not provided information on the outcome of company Q.'s insolvency proceedings or on the legal effect of the Supreme Court of Justice's decision of 5 March 2024 on the applicant company's status in company Q. (see § 29 of the judgment on just satisfaction). In this connection, the Government inform that, by its judgment of 15 April 2025, the Centru District Court of the Chişinău Municipality, approved company Q.'s final report and liquidation balance sheet, terminated the insolvency proceedings and ordered its removal from the State Register of Legal Entities. According to the Public Services Agency, the company, registered as Ecodrum Construct S.R.L., was removed from the Register on 12 May 2025. Consequently, reinstatement of the applicant company as a partner is no longer possible.

8. The Court dismissed the applicant company's claims for pecuniary damage, finding that it had failed to substantiate with appropriate documentation any potential financial loss causally linked to the violation found (see §§ 30–33 of the judgment on just satisfaction).

9. These elements allow the Government to conclude that, besides the payment of the just satisfaction awarded by the Court, no other individual measures are necessary in this case.

III. GENERAL MEASURES

Publication and dissemination

10. The judgment was translated and published on the Government Agent's official website¹. The relevant authorities (the Superior Council of Magistracy, the Supreme Court of Justice and the National Institute of Justice) have been notified and advised on the Court's findings in this case. The Supreme Court of Justice also published a summary thereof on its website². Moreover, the Superior Council of Magistracy (hereafter "the SCM") disseminated the judgment to the national courts in order to be studied and implemented by judges and other relevant specialists.

11. The Supreme Court of Justice periodically publishes in its Bulletins summaries of the Court's most important judgments, information concerning national case-law, other theoretical

¹ <https://agent.gov.md/impotriva-moldovei/impotriva-moldovei-impotriva-moldovei/hotariri-jurisprudenta-curtii-europene/theo-national-construct-s-r-l-v-republica-moldova-fond/>

² <https://www.csj.md/index.php/jurisprudenta-cedo1/rezumat-hotararilor-relevante-ale-cedo/63-rezumat-hotarari-cedo-2022/2089-theo>

and practical publications, which aim at ensuring a correct interpretation and application of the law.

12. The Supreme Court of Justice also published on its website, with the consent of the Council of Europe, the Romanian translation of the Guide on Article 1 of Protocol No. 1 to the Convention³.

Legislative amendments

13. In 2018, the Parliament of the Republic of Moldova republished and amended the Code of Civil Procedure no. 225 of 30 May 2003. These amendments prescribe the role of the Integrated Case Management System (hereinafter "ICMS") in the functioning of the courts. The ICMS facilitates more efficient case file management by allocating cases and implementing electronic record-keeping. The system also enables automated recording of all activities performed by users, thereby enhancing administrative efficiency within the courts.

14. According to Article 100 § 1¹ of the Code of Civil Procedure, the court actions and procedural documents of the court shall be communicated to public authorities, private legal entities and lawyers through the ICMS, to which they are connected via the electronic address indicated in the court action, the lawyer's mandate, or other documents proving the use of electronic mail. Procedural documents sent via the ICMS shall be deemed to have been notified.

15. Similarly, the national legislator established, in Article 105 § 1¹ of the Code of Civil Procedure, that the summons or notice shall be sent to public authorities, private legal entities and lawyers through the ICMS or by any means of communication ensuring the transmission and confirmation of receipt of such documents. At the request of natural persons, the summons or notices may be sent to them by any means of communication that guarantees the transmission and acknowledgement of receipt of such documents or by e-mail under the ICMS.

16. Taking into account the Decision of Superior Council of Magistracy no. 142/4 from 4 February 2014, summonses are prepared by the registrar using the appropriate menu in the ICMS, where the model summonses are provided. Fields such as date, time, and room of the court hearing, court address, and case number are automatically filled in. The parties and participants in the proceedings that have to be summoned can be selected from the list of parties and participants in the proceedings registered in the ICMS by the staff of the Directorate/Section/Service of Procedural Records and Documentation.

Digitalisation of judicial proceedings

17. The digitization of justice is a priority of the Ministry of Justice and is an objective set out in both the *Strategy on Ensuring the Independence and Integrity of the Justice Sector for 2022-2025* and the *National Development Strategy "Moldova 2030"*. In order to strengthen the independence of the judiciary and to ensure transparency in the functioning of the courts, *Law no. 514/1995 on judicial organisation* was completed with the principles of random distribution of case files for examination. In this context, on 5 February 2013 the Superior Council of Magistracy adopted Decision no. 110/5 on the approval of the Regulation on the random distribution of files for examination in the courts, according to which, in the courts, case files are distributed for examination according to the random principle, which ensures the

³ <https://www.csj.md/index.php/jurisprudenta-cedo1/gftcedo/2007-ghid>

transparency, objectivity, and impartiality of this process. This distribution is facilitated through the Integrated Case Management System⁴.

18. The random distribution of case files is mandatory for all courts and is carried out in accordance with the provisions of Article 6¹ of Law on judicial organisation, Article 344 of the Code of Criminal Procedure, and Article 168 of the Code of Civil Procedure. For the application of the principle of randomization, case files are registered in the ICMS by an individual appointed for this purpose by the President of the Court. This registration occurs in the sequence in which the case files are received at the court and is subsequently mirrored in the random distribution via the ICMS, categorized under civil, criminal, or contravention cases. The time limit for registering files in the ICMS must not exceed 24 hours, and the involvement of unauthorized individuals in the registration and random distribution processes is strictly prohibited. At the moment of registering files, the person responsible for registering cases shall extract from the ICMS the confirmation of registration of the case, indicating the registration number and the date of registration. The confirmation of registration shall be attached to the case file.

19. Civil and criminal procedural legislation also provides for the audio recording of court hearings. SCM decision no. 338/13 of 12 April 2013⁵, as amended, approved the Regulation governing the recording, storage and archiving of hearings.

20. The Regulation provides for recording through “SRS Femida” or digital recorders. Court clerks must record hearings in full and may neither modify nor delete existing recordings. They must report technical failures to the presiding judge.

21. During hearings, court clerks record the proceedings and prepare a summary of procedural events and participants’ statements. They subsequently use the recording to verify the accuracy of the minutes. The Regulation also provides for transferring recordings onto CD for transmission with the case file to the court registry. Participants may request a copy of the recording in writing or orally, subject to the applicable rules.

22. The Government consider that electronic case management, random case allocation and audio recording support the integrity and transparency of judicial proceedings. In particular, the recording requirements and access to recordings provide safeguards against inaccuracies in court records and allow participants to verify the conduct of proceedings.

Strengthening judicial self-governance and integrity

23. Law no. 26/2022⁶ introduced the assessment of the ethical and financial integrity of candidates for membership of judicial and prosecutorial self-governing bodies. According to the Pre-Vetting Commission’s End-of-Mandate Report, published on 10 February 2026⁷, 26 of the 69 candidates assessed passed the evaluation, while 43 did not, following appeals and reassessments. These figures cover candidates for both judicial and prosecutorial self-governing bodies. The Commission completed its mandate in November 2025.

24. The pre-vetting process contributed to the renewal of the SCM. According to the SCM’s activity report for 2025⁸, the Council operated with twelve members, six judges and six non-judicial members. Its responsibilities cover judicial appointments, career decisions,

⁴ https://www.legis.md/cautare/getResults?doc_id=5307&lang=ro

⁵ https://www.legis.md/cautare/getResults?doc_id=142792&lang=ro#

⁶ https://www.legis.md/cautare/getResults?doc_id=130320&lang=ro

⁷ https://vetting.md/prevetting/?p=4933&utm_source&lang=ro

⁸ <https://www.csm.md/files/Hotaririle/2026/08/125-8-Raport.pdf?utm>

discipline and judicial administration. The report identifies judicial independence, integrity and transparency among its institutional priorities.

External evaluation of judges

25. Laws nos. 65/2023⁹ and 252/2023¹⁰ provide for the external assessment of the ethical and financial integrity of the judges and candidates falling within their scope. Under Article 11 § 2 (a) of Law no. 65/2023, the ethical assessment includes arbitrary conduct or acts committed or adopted during the preceding ten years, contrary to mandatory legal provisions, where the European Court of Human Rights had already found a similar decision incompatible with the Convention before the act in question was adopted. The Commission submits reasoned evaluation reports to the SCM, whose decisions are subject to judicial review.

26. According to its annual report for 2025¹¹, the Judicial Evaluation Commission examined 69 evaluation cases under Laws nos. 26/2022, 65/2023 and 252/2023, mentioned above. Twenty ended following withdrawal or resignation. In the remaining 49 cases, the Commission proposed that 30 pass the evaluation and 19 fail it. In five cases under Laws nos. 65/2023 and 252/2023, it found that the ethical integrity criteria were not met, citing disciplinary misconduct, arbitrary acts contrary to the Court's standards or breaches of conflict-of-interest rules. Under those two laws, the SCM examines the Commission's reports and decides whether the subjects have passed the evaluation.

Disciplinary accountability

27. Law no. 178/2014 on the disciplinary liability of judges¹² provides for the examination of alleged judicial misconduct by the Judicial Inspection, the Disciplinary Board and the SCM, with judicial review of the SCM's decisions.

28. According to the SCM's activity report for 2025 mentioned-above, the Disciplinary Board adopted decisions imposing warnings, reprimands and dismissal sanctions. The misconduct concerned included breaches of mandatory legal provisions and unjustified failures to fulfil judicial duties affecting participants' rights.

29. The SCM also overturned decisions terminating disciplinary proceedings, found misconduct and imposed sanctions. In particular, by decisions nos. 404/31 of 22 July 2025 and 420/33 of 5 August 2025, it imposed warnings for disciplinary breaches concerning fundamental rights.

30. The Government consider that these measures illustrate the functioning of the disciplinary mechanism and its review safeguards, which are intended to prevent judicial misconduct and protect Convention rights.

Professional training

⁹ https://www.legis.md/cautare/getResults?doc_id=140455&lang=ro

¹⁰ https://www.legis.md/cautare/getResults?doc_id=156078&lang=ro#

¹¹ https://cdn.prod.website-files.com/65dc9c889b671cd4987c7b51/69cbc33207bc92c96e02a6d8_Raport%20Anual%202025_ROM_30.03.2026.signed.pdf

¹² https://www.legis.md/cautare/getResults?doc_id=144930&lang=ro#

31. The national authorities continue to provide training for judges and court staff on human rights, including on the protection of property.

32. The continuing training programme for court staff includes a module on “Drafting techniques for court documents”. It covers the requirements for procedural documents prepared by court clerks, with particular attention to the accuracy and completeness of court hearing minutes.

33. The National Institute of Justice also provides training on “CEPEJ Tools – ICMS Performance Indicators”, covering the use of the ICMS to monitor court activity and manage cases and resources.

34. On 18 March 2026, the National Institute of Justice and the French National School for the Judiciary signed a memorandum on cooperation in initial and continuing training¹³. The cooperation covers joint programmes, exchanges and the development of training methods, with emphasis on legal analysis, argumentation and the preparation of reasoned judgments.

35. The Government consider that these activities contribute to improving the preparation of procedural documents and the quality of judicial reasoning, with a view to preventing shortcomings similar to those identified in the present case.

IV. CONCLUSION

36. The Government consider that no further individual measures are necessary in the present case, whereas the general measures described above are sufficient to conclude that the Republic of Moldova has complied with its obligations under Article 46 § 1 of the Convention. Therefore, the Government respectfully invite the Committee of Ministers to end the supervision of this case.

Digitally signed by Martinov-Guceac Mihaela
Date: 2026.10.28 09:51:26 EET
Reason: MoldSign Signature
Location: Moldova

MOLDOVA EUROPEANĂ

Mihaela MARTÎNOV
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¹³ <https://www.justice.gov.md/ro/content/formare-la-standarde-europene-pentru-judecatori-si-procurori-inj-si-scoala-nationala?utm>