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

Item reference: Action Report (03/11/2026)

Communication from Romania concerning the cases of SC Concept LTD SRL and Manole v. Romania (Application No. 42907/02) and Teică and Others (Application No. 2337/04) (in respect of the application Ioana Petrache v. Romania (Application No. 35783/09)) (Vlad and Others group)

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

Référence du point : Bilan d'action (03/11/2026)

Communication de la Roumanie concernant les affaires SC Concept LTD SRL and Manole c. Roumanie (Requête n° 42907/02) et Teică et autres c. Roumanie (Requête n° 2337/04) (concernant la requérante Ioana Petrache c. Roumanie (Requête n° 35783/09)) (Groupe Vlad et autres) ***[anglais uniquement]***

DH-DD(2026)1482: Communication from Romania
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SERVICE DE L'EXECUTION
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3 November 2026

Action Report in the cases of
S.C. Concept LTD SRL and Manole v. Romania
(application No. 42907/02, Judgment of 22 November 2007, final on 07 July 2008)
and *Ioana Petrache v. Romania* (application No. 35783/09), *[part of Teică and Others v. Romania],* (application No. 2337/04, Judgment of 20 October 2016 final on the same day).

Preliminary considerations:

From the outset, the Government mention that the present action report comes in view of completing and updating the information contained in the Action report submitted on 3 June 2024, as well as in the Government Information Note submitted in the same cases on 23 March 2026. The present revised action report thus contains information on the individual measures in the cases of *SC Concept LTD and Manole* and *Ioana Petrache*.

Introduction:

The *Vlad and others* group of cases concerns the excessive length of civil (*Nicolau* group) and criminal proceedings (*Stoianova* and *Nedelcu* group) and the lack of effective remedy in this respect (violations of articles 6 § 1 and 13).

As to the duration of completion of domestic court proceedings in the two abovementioned cases where these procedures were pending at the time of the Court judgements:

A. According to information from the Bacău and Iași County Courts, the prolonged duration of the case files to date was caused by the registration of numerous associated files, since the closure of the bankruptcy proceedings is only possible once all associated files have been settled.

At the same time, the conduct of SC Concept LTD, and implicitly of its administrator Gheorghe Eduard Manole, has significantly influenced the proceedings in both insolvency cases, as follows:

In the case of *S.C. Concept LTD SRL and Manole v. Romania* (application no. 42907/02) regarding the insolvency procedure of the debtor S.C. CAROM S.A. (case file no. 79/110/2005*) the procedure is still pending before Bacău County Court and the next hearing is scheduled on **26.11.2026.** The debtor S.C. CAROM S.A. Onești, is a former large-scale industrial platform and the sole synthetic rubber producer in Romania, for which the Bacău County Court ordered the commencement of bankruptcy in November 2005. The procedure is a collective, competitive, and enforcement proceeding, the pace of which depends to a decisive extent on the activity of the

judicial liquidator, the conduct of creditors, and the actual possibility of capitalizing on assets, rather than exclusively on the acts of the court.

The case is still pending because the debtor of S.C. Concept LTD SRL – S.C. CAROM S.A. – holds receivable rights (*drepturi de creanta*) whose recovery depends on the finalization of insolvency case no. 5517/99/2007 (insolvency of SC Solventul SA), pending before the Iași County Court, and insolvency case no. 25002/3/2013 (insolvency Bio Energy Chemicals SA)[1], pending before the Bucharest County Court.

The judicial liquidator requested the closure of the proceedings several times, **but objections to the final reports were formulated by AJFP Bacău, AAAS, and the applicant SC Concept LTD SA**, invoking the existence of the two aforementioned cases. Consequently, the syndic judge dismissed the request to close the bankruptcy proceedings, as the condition that no more assets remain in the debtor's estate was not met, since receivable rights are assimilated to assets.

Therefore, although the closure of the proceedings was first requested through report no. 18/15.02.2016, civil sentence no. 458/30.06.2016 allowed the objections formulated by AJFP Bacău, dismissing the request to close the bankruptcy proceedings in view of the existence of the receivable rights from cases no. 5517/99/2007, pending before the Iași Tribunal, and no. 25002/3/2013, pending before the Bucharest Tribunal (a procedure that appears to be different from the one that formed the subject of the ECHR case).

The second request to close the proceedings was formulated by the insolvency practitioner through report no. 81/27.12.2016, in response to which SC LTD Concept SRL, AJFP Bacău, and AVAS once again submitted the same objections, which were again granted by the Bacău County Court. Two other requests to close the insolvency proceedings of the debtor SC CAROM SA were filed through reports no. 46/10.09.2021, 274/10.12.2021, and 58/19.09.2025, and these were dismissed for the same reasons, also following the objections of the same creditors.

Therefore, according to the Bacău County Court, the prolonged duration was caused by the status of SC Concept LTD as a creditor of SC CAROM SA (the bankrupt debtor) in cases no. 5517/99/2007 of the Iași Tribunal and no. 25002/3/2013 of the Bucharest Tribunal (a procedure different from the one that formed the subject of the ECHR case), as well as by its conduct during the proceedings.

At the same time, the role of the domestic court, pursuant to Article 11 paragraph 2 of *Law no. 85/2006* (applicable to this procedure), is limited to the judicial control of the activity of the judicial administrator and the liquidator, and to solving the lawsuits and requests of a judicial nature related to the insolvency procedure. Managerial duties belong to the judicial administrator or the liquidator, or exceptionally to the debtor, if the latter has not been stripped of the right to manage their assets. **Managerial decisions can thus only be controlled in terms of expediency by the creditors through their bodies.**

[1] A procedure that appears to be different from the one that was the subject of the ECHR case.

The measures ordered by the court within the afore-mentioned case were:

- separate recording and monitoring of long-standing insolvency cases (including case no. 79/110/2005), with semester updates on the stage of the procedure and the objective causes for delay, based on the reports of the syndic judge;
- ensuring the continuity of the panel throughout the duration of the procedure, except in objective situations; configuring the insolvency panels so that the syndic judge can give priority to long-standing cases;
- periodic analysis of the cases during the monthly meetings of the section's judges and within professional training regarding legal issues generated by the procedure, in order to unify practice and avoid divergent solutions that would generate new avenues of appeal and;
- verifying the judicial administrative activity related to the case (the routing of the base file and associated files, communications and summons, publication of acts in the Insolvency Proceedings Bulletin, archiving, and access to old volumes) to eliminate any technical delays.

Regarding the **case no. 5517/99/2007** pending before the Iași County Court concerning the debtor S.C. Solventul S.A., the next hearing date is **18.11.2026**, and it was granted for the settlement of disputes in which the debtor – S.C. Solventul S.A. – is a party and for the recovery of receivables from Safrom Trading SRL.

Additionally, on 10.12.2025, in associated case no. 5117/99/2007/a59, the ruling acknowledging statutory suspension was pronounced, pursuant to Article 243 paragraph 1 point 1 of the 1865 Civil Procedure Code, following the death of one of the objectors. The 1-year statutory limitation period will expire on **10.12.2026**, provided that no request for reinstatement on the docket is filed and granted.

According to the Iași County Court, the main factor that determined the prolonged duration of case 5517/99/2007 was the registration of numerous associated files, including those initiated by the claimant S.C. Concept LTD S.R.L.

In this regard, in case no. 5517/99/2007, it was observed that the litigation was significantly extended due to the procedural approach of S.C. Concept LTD and, by extension, the administrator Gheorghe Eduard Manole. Despite lacking active procedural standing and not being a shareholder of Solventul S.A., S.C. Concept LTD and Manole filed repeated requests that led to the opening of numerous associated files.

Thus, through the civil decisions rendered by the Iași Court of Appeal (civil decision no. 1021/29.10.2017, and civil decision no. 1023/29.10.2007) and by the Timișoara Court of Appeal (civil decision no. 1385/03.11.2009), **it was held that SC Concept LTD does not have the status of a shareholder in SC Solventul SA.**

This aspect was reconfirmed by the ruling from the public hearing on 18 October 2023 (maintained by civil decision no. 45 of 12 February 2024, issued by the Iași Court of Appeal in case no. 5517/99/2007/a57, **whereby the Iași County Court, Second Civil, Administrative and Fiscal Contentious Section, ruled in insolvency case no. 5517/99/2007, that SC Concept LTD does not have shareholder status in SC Solventul SA, nor does it have creditor status regarding the bankrupt debtor, as the claim has been paid.**

Regarding the measures undertaken by the court to accelerate the settlement and finalize the procedures in question within a reasonable timeframe, **short hearing dates were granted in order to settle the multiple associated files upon which the closure of the bankruptcy procedure depends**.

B. In the case of *Ioana Petrache v. Romania* (application no. 35783/09 – leading case Teică and others v. Romania, application no. 2337/04), regarding the bankruptcy procedure of S.C. ANTONIO COM S.R.L, the Government would like to inform the Department for the Execution of Judgements of the ECtHR that the procedure is still on-going, and the next hearing is scheduled on **10.12.2026.**

Regarding the factors that led to the prolonged duration of the proceedings, the analysis of the case file's evolution reveals that the extended duration of the procedure is driven by the nature and complexity of insolvency and bankruptcy proceedings, which involve carrying out successive and interdependent activities regarding the identification of the debtor's estate, its preservation and administration, the inventorying and valuation of assets, asset realization, the recovery of claims, the distribution of sums to creditors, and the verification of the fulfillment of all legal conditions for the closure of the proceedings.

In the present case, the file has been pending before the court since 2009. The finalisation of the procedure depended not only on activity within the main insolvency file, but also on the settlement of related litigation, clarification of the legal status of certain assets belonging to the debtor's estate, enforcement procedures for recovering claims and completion of asset recovery stages.

At the beginning, the case-file was registered with the Ialomița County Court. Following the transfer of the case to the Brașov County Court by Judgement No. 2317/17.06.2010 of the High Court of Cassation and Justice, **twenty associated files relating to the main procedure were also registered with the Brașov County Court.**

Settling these files influenced the conduct and finalisation of the bankruptcy proceedings.

Furthermore, the procedure was influenced by the necessity of preparing documentation for the land registration of certain properties belonging to the debtor's estate and taking the necessary steps to sell them. It was also influenced by distinct litigation pending before other courts, including partition procedures and other cases concerning the legal status of certain assets and claims of the company.

Another relevant factor was the continuation of enforcement measures to recover the debtor company's claims through the execution file pending with the Bailing's Office of C.D.V.

The recovery of these claims was necessary in order to supplement the asset estate and finalise the procedure. Throughout the procedure, there were also successive changes to the insolvency practitioners appointed to the case, an aspect which entailed the takeover of the documentation and the continuation of the activity by the new practitioners, which impacted the procedure's duration.

From the chronological analysis of the case file documents, it emerges that, following the delivery of the ECHR's judgment on 20 October 2016, approximately 27 control and trial hearings were granted in the main procedure[2], not including those granted in the associated **files. These hearings were not prompted by periods of procedural inactivity, but were intended to monitor and continue the operations necessary to finalise the procedure.**

Furthermore, distinct procedural incidents were formulated and resolved during the procedure. Thus, on 29.09.2021, the court dismissed the applicant's request for the suspension of the procedure. Between 2024 and 2025, the procedure mainly involved settling associated files and recovering the debtor's claims. Thus, at the hearing on 11 January 2024, the case was kept pending for the final settlement of associated file no. 1558/98/2009/a.18.

With regard to the procedural conduct of the S.C Antonio COM SRL's manager, Ms Ioana Petrache, with respect to the duration of the procedure, the Brașov County Court emphasised that this had a significant impact on its extension.

Thus, right from the onset of the procedure, numerous applications, objections, appeals, and other judicial steps were brought by the statutory director, later special administrator of the debtor, Mrs. Ioana Petrache.

These steps led to the handling of a considerable number of procedural issues and separate cases, resulting in the process being extended.

Furthermore, in addition to the applicant's challenges to the judgments ordering the commencement of proceedings against Antonio Com S.R.L. into judicial reorganisation and bankruptcy proceedings, **the applicant filed several applications for a stay of proceedings**, as well as applications for the replacement of the judicial liquidator, challenges, claims for damages, actions for a declaratory judgement, interim orders, challenges to enforcement, appeals, appeals on points of law – **proceedings likely to have led to the delay of the case** (case files no: 6313/312/2013; 6638/312/2012; 1716/312/2014; 6322/312/2012; 317/312/2014; 2170/98/2013 etc.).

Significantly, following the transfer of the case to the Brașov County Court, 20 related cases were registered, 18 of which were brought by Ms Ioana Petrache. These concerned, amongst other things, challenges to the measures and reports of the judicial liquidator, applications for the replacement of the liquidator, claims for a declaratory judgement (*actiuni in constatare*), appeals, complaints regarding delays in the resolution of the case and other legal proceedings, which the Government sets out below:

- associated case-file No. 1558/98/2009/a1, claimant Ghițulan Gică, concerning a claim for a declaratory judgement, the outcome being the annulment of the claim on the grounds that it was not stamped;

- associated case-file No. 1558/98/2009/a2, appellant Petrache Ioana, application regarding the replacement of the judicial liquidator, the decision being to set aside the application on the grounds that it was not stamped;

[2] See in this respect Letter no. 2198/62 of 26 October 2026 of the Brasov County Court.

- associated case-file No. 1558/98/2009/a3, where the applicant's request was dismissed on the grounds that it was brought by a person without standing to bring proceedings;

- associated case-file No. 1558/98/2009/a4, the applicant challenged the court's judgement. The applicant's request was dismissed;

- associated case-file No.1558/98/2009/a5, the applicant lodged an appeal on points of law against the court's judgement. The court dismissed the appeal on points of law;

- associated case-file No. 1558/98/2009/a6, the applicant lodged an application seeking a declaration of nullity of a document. The case was subsequently referred to the Ialomița County Court;

- associated case-file No. 1558/98/2009/a7, the applicant lodged an objection against the activity report drawn up by the judicial liquidator. In this case, a decision was handed down dismissing the objection as unfounded;

- associated case-file No. 1558/98/2009/a8: the applicant lodged an appeal against the court's ruling. The court dismissed the appeal;

- associated case-file No. 1558/98/2009/a9: the applicant lodged an objection against the activity report drawn up by the judicial liquidator. In this case, the court dismissed the challenge as unfounded;

- associated case-file No. 1558/98/2009/a10: the applicant lodged a challenge against a measure taken by the judicial liquidator. The court dismissed it as unfounded;

- associated case-file No. 1558/98/2009/a11: the applicant lodged an application seeking a declaration of nullity of a document. The case was subsequently referred to the Ialomița County Court;

- associated case-file No. 1558/98/2009/a12: the applicant lodged an appeal against the judicial liquidator's decision. The court dismissed it as unfounded;

- associated case-file No. 1558/98/2009/a13, the applicant lodged an objection to the activity report drawn up by the judicial liquidator. The court dismissed it on the grounds that it had been lodged out of time;

- associated case-file No. 1558/98/2009/a14: the applicant lodged an objection against the activity report drawn up by the judicial liquidator. The court dismissed it on the grounds that it was insufficiently stamped;

- associated case-file No. 1558/98/2009/a15: the applicant lodged an objection against the measure taken by the judicial liquidator. The court dismissed the objection as unfounded;

- associated case-file No. 1558/98/2009/a16: the applicant lodged an objection against the activity report drawn up by the liquidator. The court dismissed it as unfounded;

- associated case-file No. 1558/98/2009/a17: the applicant lodged a complaint regarding the delay in resolving the case. The application was dismissed;

- associated case-file No. 1558/98/2009/a18: the applicant lodged an objection against the activity report drawn up by the judicial liquidator. The court dismissed the application on the grounds that it had been lodged out of time and ordered the second claim in the application to be struck out as lacking subject-matter;

- associated case-file No. 1558/98/2009/a19, the applicant lodged an objection against the activity report published in the Insolvency Proceedings Bulletin No. 1362/3 April 2024, which was annulled on the grounds that it was not stamped;

- associated case-file No. 1558/98/2009/a20, the applicant lodged a complaint requesting a declaration of the absolute nullity of the tax audit report dated 23 December 2003 (registered under No. 400003/05.0J.2004) drawn up by the audit authorities of the Ialomița Regional Directorate-General for Public Finance (D.G.F.P.), and for the restoration of the situation prior to the commencement of the proceedings, as well as a declaration that the tax claim was time-barred. The case was referred to the Ialomița County Court.

Furthermore, during the proceedings, the applicant, in her capacity as the company's director, raised an objection on the grounds of unconstitutionality regarding the provisions of Articles 8, 17, 19, 20 and 22 (2) of *Law No. 85/2006*, read in conjunction with Article 252(1) and (2) of *Law No. 31/1990*, which led to the suspension of proceedings in the case between 10 October 2008 and 2 October 2009.

According to the Brasov County Court, from the case-file documents and the insolvency practitioner's reports, it also emerged that applicant had refused to hand over financial and accounting documents, documents concerning the debtor's estate, and certain company assets for inventorying, valuation and recovery. These circumstances hindered the insolvency practitioner's activity and caused delays in carrying out the liquidation operations.

Furthermore, the court found that the applicant, in her capacity as the company's director, had failed to comply with the valuer's requests for access to carry out an inspection of certain properties belonging to the debtor and had not permitted the removal of certain movable assets in her custody for the purpose of recovering their value. Moreover, steps were taken to prevent or delay the recovery of the company's assets, including an application for an interim injunction to halt the sale of certain assets belonging to the debtor's estate.

Even at this stage of the procedure, on 11 September 2026, Mrs Ioana Petrache filed an objection to activity report no. 3035/7 September 2026 of the judicial liquidator. Due to this objection, the proposal for the closure of the bankruptcy procedure cannot be discussed until this objection is settled.

In light of these facts, the Government observes that the applicant also contributed significantly to the length of the procedure. **Her contribution is one of the factors that influenced the duration of the case, alongside the objective complexity of the procedure and the particularities of the estate subject to liquidation.**

Regarding the measures taken by the national courts to accelerate and finalise the procedure within a reasonable timeframe, a review and analysis of the case file indicates that the syndicate judge, the judicial administrator and subsequently the judicial liquidator have consistently exercised all due diligence to identify the debtor's assets, recover accounting documents, determine assets and liabilities, take an inventory of goods and assess their value, recover assets and claims.

To this end, numerous letters were drafted and sent to the tax authorities (including ANAF and the local tax and revenue directorates), the Trade Register Office, the Slobozia Cadastre and

Land Registry Office, the Chamber of Notaries Public and other institutions competent to provide data concerning the company's estate.

Due to the debtor's administrator's failure to hand over the required documents, the judicial liquidator filed a criminal complaint on 23 May 2006 with the Prosecutor's Office attached to the Ialomița County Court, in accordance with the provisions of Article 145 of Law no. 64/1995 and subsequently Article 147 of Law no. 85/2006.

At the same time, judicial and enforcement procedures were initiated to enforce immovable properties where access by the judicial liquidator and the appraiser was hindered. These procedures were enforced by Civil Judgments no. 160/F/06.03.2007 and no. 365/F/16.04.2007 of the Ialomița County Court. Furthermore, eviction proceedings were initiated in file no. 2979/98/2011 of the Ialomița County Court by way of an interim injunction (presidential order).

Finally, at hearing on 10 September 2026, the judicial liquidator requested a new hearing to submit the final report through activity report no. 3035/7 September 2026. According to the letter issued by the Bailiff's Office C.D.V. no. 1746/27.05.2026, Mrs Ioana Petrache holds no attachable movable or immovable property. There are no funds available in the garnished bank accounts and the income earned is below the national minimum net wage. This makes it impossible to recover any sum of money within the enforcement proceedings.

Regarding the current status of the case file, the procedure is at an advanced stage of completion.

On 11 September 2026, Mrs Ioana Petrache filed a new objection against activity report no. 3035/7 September 2026, which was drawn up by the judicial liquidator. Under these conditions, the proposal to close the bankruptcy procedure of the debtor company ANTONIO COM S.R.L. cannot be discussed prior to the final settlement of the objection formulated against the activity report.

The review hearing, scheduled for 10 December 2026, aims to continue the procedure and submit the final report by the judicial liquidator, undertaking the final steps necessary for closing the bankruptcy procedure.

In conclusion, the analysis of the evolution of file no. 1558/98/2009 shows that the procedure's duration was mainly due to the bankruptcy's exceptional complexity, the need to recover assets and solve the debtor's claims, associated and related litigation, enforcement procedures, and litigation pending in other courts. Other objective circumstances that arose during the procedure also contributed to its duration (as presented above).

At the same time, the numerous procedural steps initiated by Mrs Ioana Petrache generated additional jurisdictional activity and contributed to the extension of the procedure. However, these steps were not the sole factor in determining its duration, as mentioned by the domestic court.

III. General measures

In response to the decision adopted by the Committee of Ministers at its 1507th meeting (17–19 September), the Romanian authorities drew the attention of the competent authorities to

the Committee of Ministers' decisions concerning these two above-mentioned cases, and re-disseminated the cases in question to the competent courts.

IV. Conclusion

In view of the information provided above, the Government is of the opinion that no further individual measures are required in the cases of *SC Concept LTD SRL and Manole v. Romania* and *Ioana Petrache v. Romania* and kindly ask the Committee to close its supervision in these two cases with regard to the individual measures.