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Date: 27/11/2018

DH-DD(2018)1189

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1331st meeting (December 2018) (DH)

Communication from the applicant (26/11/2018) in the case of Omegatech Entreprises Ltd. v. Romania (Application No. 24612/07) (judgment S.C. Polyinvest S.R.L. v. Romania (No. 20752/07) (Sacaleanu group (73970/01))

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1331^e réunion (décembre 2018) (DH)

Communication du requérant (26/11/2018) dans l'affaire Omegatech Entreprises Ltd. c. Roumanie (requête n° 24612/07) (arrêt S.C. Polyinvest S.R.L. c. Roumanie (n° 20752/07) (groupe Sacaleanu (73970/01))
[anglais uniquement]

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

Committee of Ministers (CM)
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26 November 2018

Subject: Submission by the Applicant in case Omegatech Enterprises Ltd v. Romania
24612/07 (joined to case no. 20753/07 - S.C. Polyinvest S.R.L. v. Romania)
under the Rule 9.1 *for the 1331st meeting (December 2018) (DH)*

Rule 9.1. Communication from the Applicant in the case 24612/07 Omegatech
Enterprises Ltd v. Romania 24612/07 (joined to case no. 20753/07 - S.C.
Polyinvest S.R.L. v. Romania) under the Rule 9.1 **for the 1331st Meeting
(December 2018) (DH)**

**Status of non-payment / non-execution - URGENT FOR YOUR
SUPERVISION as per Article 46 § 2 of the Convention**

w/ ref to **Final judgement of ECHR in case no. 24612/2007
Omegatech Enterprises Ltd v. Romania
(joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania)
sent by Filtering Section no. ECHR-LE.20.2bR on 29 March 2018 IBA/
OLT/dcz**

Honoured Committee of Ministers of the Council of Europe,
dear Ministers' Deputies, dear governmental representatives,

In our Submission by the Applicant in case Omegatech Enterprises Ltd v. Romania
24612/07 (joined to case no. 20753/07 - S.C. Polyinvest S.R.L. v. Romania)
under the Rule 9.1 for the 1324th meeting (September 2018) (DH)

Communication from the Applicant in the case 24612/07 Omegatech
Enterprises Ltd v. Romania 24612/07 (joined to case no. 20753/07 - S.C.
Polyinvest S.R.L. v. Romania) under the Rule 9.1 for the 1334th Meeting
(September 2018) (DH)

w/ ref to as above

re Information concerning the individual measures in Application no. 24612/07
Omegatech Enterprises Ltd v. Romania
contained in Communication from the authorities (02/07/2018) concerning the case of S.C.
Polyinvest S.R.L. and Others v. Romania (Application No. 20752/07)
(Sacaleanu group (73970/01)) *for the 1324th Meeting (September 2018*
(DH)
published on the Council of Europe web www.coe.int/en/web/execution/submissions-romania
under S.C. Polyinvest S.R.L. v. Romania (20752/07)
DD(2016)697 Communication from the Romanian authorities 02.07.2018
DH-DD(2018)697 for 1324th Meeting (September 2018) (DH)

& re Information concerning the individual measures in Application no. 24612/07
Omegatech Enterprises Ltd v. Romania
contained in Communication from the authorities (13/11/2018) concerning the case of S.C.
Polyinvest S.R.L. and Others v. Romania (Application No. 20752/07)
(Sacaleanu group (73970/01)) *for the 1331st Meeting (December 2018*
(DH)
published on the Council of Europe web www.coe.int/en/web/execution/submissions-romania
under S.C. Polyinvest S.R.L. and Others v. Romania (20752/07) (Applicant
Omegatech Enterprises Ltd)
DD(2018)1129 Communication from the Romanian authorities - Individual
measures - 13.11.2018
DH-DD(2018)1129 for the 1331st Meeting (December 2018) (DH)

there was also a call on the Committee of Ministers to put the case Omegatech Enterprises
Ltd. v. Romania (joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania) **on
the agenda for this forthcoming 1331st CM-DH Meeting on December 2018, with
debate, in case of non-payment of the respondent state Romania.** *This Communication
was published as DH-DD(2018)890 and distributed to all delegations on 17 September
2018.*

**For this forthcoming 1331st CM-DH Meeting (December 2018) the following needs to
be brought to your urgent attention.**

In accordance with the

„Final judgement of ECHR in case no. 24612/2007
Omegatech Enterprises Ltd v. Romania

(joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania)

sent by Filtering Section no. ECHR-LE.20.2bR on 29 March 2018 IBA/OLT/dcz“

referenced transmission letter

{see enclosure 1}

accompanying the Final European Court of Human Rights Judgment titled

„Case of S.C. Polyinvest S.R.L. And Others v. Romania (Application no. 20752/07 and 2
others - see appended list)“

(that is application no. 29752/07 S.C. Polyinvest S.R.L. v. Romania, our application no. 24612/07 Omegatech Enterprises Ltd. v. Romania and application no. 49814/13 S.C. Conspad Serv S.R.L. v. Romania, as you may see from that appended list to the judgment) **dated 29 March 2018** {see enclosure 1}

-and in accordance with Rule 77 § 2 and 3 of the Rules of the Court, this constitutes delivery of the judgment (also to the respondent state Romania as a party to the case), further to the judgment having been published on the HUDOC website of the European Court of Human Rights (www.echr.coe.int) for the purposes of Articles 44 § 3 of the Convention and Rule 78 of the Rules of the Court- the attention is drawn, in this letter, to **the fact that execution of final judgments is within the competency of yourselves, the Committee of Ministers (Article 46 § 2 of the Convention)**, and we have, as per the instructions contained in said transmission letter accompanying the judgment, submitted on **20 April 2018** the payment request (the letter for payment of the Judgment) of **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (see enclosed Receivables List in enclosure 2) to be received within the time frame legally set along with bank account information to the Department for the Execution of ECHR Judgements (Directorate General I of Human Rights and Rule of Law) by email dgl_execution_just_satisfaction@coe.int also then by traditional postage mail. {see enclosure 2}

As we explained also in communication DH-DD(2018)890 we did receive an **email from the Directorate General of Human Rights and Rule of Law Council of Europe - Department for the Execution of judgments of the European Court of Human Rights** on **26 April 2018**, which as we revisit, acknowledged receipt in writing of our communication of 20 April 2018 and further this email states that our communication of 20 April 2018 [quotation opening]: „...**will be brought to the attention of the Committee of Ministers, in accordance with the Rules adopted by the Committee for the supervision of the execution of judgments and the terms of friendly settlements (Rule 9 § 1).**“ [quotation end] {see enclosure 3}

We realise that our Communication from 20 April 2018 is not published.

This lack of publication and hence, lack of communication, and hence lack of information for you, **before the 1318th (Human Rights) Meeting** of yourselves, the Ministers' Deputies, that took place on **5-7 June 2018** (DH), with reservation of all our rights, is consequential. {see enclosure 4}

Always it is of intrinsic importance to be able to take decisions in full possession of the facts and thus one is enabled also to answering the right questions.

Only on 17 September 2018 through the publication of our communication DH-DD(2018)890 once were we thus enabled to call upon you directly, as we did in our conclusion and in light of all the reported in DH-DD(2018)890, to recall the unconditional obligation of Romania under Article 46 of the European Convention of Human Rights that Romania is bound by and so is to abide by the final and binding Judgment of the European Court of Human Rights in 24612/07 Omegatech Enterprises Ltd. v. Romania (joined to

20752/07 S.C. Polyinvest S.R.L. and others v. Romania) of 29 March 2018 and pay the final and binding Arbitral Award of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva (also final and binding domestic recognition and enforcement - in USD- as of 01/07/2003).

Altogether, on the website of the Department for the Execution of Judgements of the European Court of Human Rights the „Information relating to payment awaited or information received incomplete“ status as of **2 May 2018** stated on page 10, third line [quotation opening]: *State ROM Application no. 20752/07 - Case Title/State S.C. Polyinvest S.R.L. v. Romania date of definitive Judgment 29/03/2018 Payment deadline 29/06/2018*“ [quotation end]. {see enclosure 5}

Beginning in May 2018 also and with the deadline for the payment of the final and binding Judgment of the European Court of Human Rights approaching we have addressed and alerted the Private Office and the Commissioner of Human Rights enclosing a copy of our letter for payment of the Judgment dated 20 April 2018 with its receivables list and also continued correspondence throughout June and July 2018 as you could have already seen from our communication DH-DD(2018)890 and do continue until the present day communication so as to raise awareness, also including the Office of the Director General of the Directorate General Human Rights and Rule of Law of the Council of Europe.

At the adoption of decisions in the 1318th (Human Rights) Meeting, that took place from 5 until 7 June 2018, the Judgment in our case 24612/07 (joined to 20752/07+ S.C. Polyinvest S.R.L. and Others vs. Romania), being a final and binding Judgment on 29 March 2018, was subject to classification by yourselves -as this Meeting dealt with classification of judgments that became final before 5 April 2018- and it was decided to have the execution of the judgment examined under the **enhanced procedure** but only once through the communication DH-DD(2018)890 on 17 September 2018, however facing at that stage, that the case was, furthermore, included under the Group of cases „Sacaleanu“ (please see: list of cases CM/Del/Dec(2018)1318/B1-add2 {in enclosure 4} as published on 7 June 2018, we were only then able to plea and call upon you directly, in our conclusion and in continuation to everything reported, to examine the Judgment under the **enhanced procedure** so that the case is monitored under the enhanced procedure individually as **Omegatech Enterprises v. Romania (joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania) under "individual situation of the Applicant" until final payment of the respondent state.**

It is to be recalled that, at the moment of the 1318th (Human Rights) Meeting in June 2018, there was already a clear payment request in place, transmitted and delivered (the letter for payment of the Judgment) of **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (see enclosed Receivables List) in accordance with the contents of the judgment transmission letter and the judgment dated 29.03.2018. But it was not published. {please see once more the above enclosures 1-3}

After your 1318th (Human Rights) Meeting- the information could be seen that the case was not listed on the payment supervision list **CM/Del/Dec(2018)1318/D-add of 7 June 2018** {in enclosure 4}, however, the description of this list states „cases under supervision of payment on 18 May 2018 for which payment deadline will have expired before 5 June 2018“ and the last day of the payment deadline of the European Court of Human Rights case as jointly in a single Judgment (20752/07 S.C. Polyinvest S.R.L. vs. Romania), as per the delivery of the Judgment on 29 March 2018, was **29 June 2018**.

Until today we have not received payment nor a statement from the respondent state, Romania, in accordance with the final and binding Judgment of the European Court of Human Rights and payment request (the letter for payment of the Judgment of the European Court of Human Rights), which as per the email from the Directorate of Human Rights and Rule of Law Council of Europe - Department for the Execution of judgments of the European Court of Human Rights of 26 April 2018, that the communication of 20 April 2018 was [quotation opening]: „transmitted to the Romanian authorities“ [quotation end]. {please again see the above enclosures 1-3}.

On **29 June 2018**, the legally set deadline, i.e. for the voluntary implementation period of the enforceable title and compliance of the respondent state, Romania, in our application: payment, expired; no payment was received from the respondent state by the Applicants. Please see DH-DD(2018)890 and further.

Also in our DH-DD(2018)890, we dealt with the Rule 8.2.a Communication from the respondent state, Romania, which they provided to the Committee of Ministers under the title „Information note concerning the individual measures in case Omegatech Enterprises Ltd v. Romania (no. 24612/07)“ and which was published on **06 July 2018** for the 1324th (Human Rights) Meeting (September 2018) DH, we rejected it and we still firmly reject it. Please see DH-DD(2018)890.

On **23 August 2018** (marking exactly 16 years of the final and binding Arbitral Award Sentence of the International Court of Arbitration, Paris 23/08/2002 - Place of Arbitration: Geneva - locally in the respondent state: final, binding and enforceable as of 01/07/2003), our request for sending **an urgent reminder for payment to the Romanian authorities** was sent by email to Mr. Fredrik Sundberg, a.i. Head of the Department for the Execution of Judgements of the European Court of Human Rights“. Again please see DH-DD(2018)890 and {enclosure 11}.

Through the publication of our communication DH-DD(2018)890 for the 1324th (Human Rights) Meeting of yourselves, the Ministers' Deputies, that took place on **18-20 September 2018** (DH), we could have brought it once and for all, and this time, straight to your attention and alarm that we have not received no payment in accordance with the Final and binding Judgment of the European Court of Human Rights dated 29 March 2018. The deadline set by the Court for the respondent to comply with the Final and binding Judgment of the European Court of Human Rights 29 March 2018 expired and has passed on 29 June 2018.

On the internet website of the Department for the Execution of Judgments of the European Court of Human Rights, the information relating to the previous payment status (see above) changed from „Information relating to payment awaited or information received incomplete“ status as of 2 May 2018 stated on page 10, third line [quotation opening]: *State ROM Application no. 20752/07 - Case Title/State S.C. Polyinvest S.R.L. v. Romania date of definitive Judgment 29/03/2018 Payment deadline 29/06/2018*“ [quotation end] {see enclosure 5} to „Payment outside the deadline information, information relating to payment of non-payment of default interest received“ to the status of the case as of 12 September 2018 stated on page 1, 27th line [quotation opening]: *State ROM Application no. 20752/07 - Case Title/State S.C. Polyinvest S.R.L. v. Romania Date of registration of payment 08/08/2018 Applicant's deadline for complaint 08/10/2018*“ [quotation end].
{see enclosure 6}

After your 1318th (Human Rights) Meeting- the information could be seen that the case was not listed on the payment supervision list **CM/Del/Dec(2018)1324/D-add of 20 September 2018**, with the description of this list states „cases under supervision of payment on 3 September 2018 for which payment deadline will have expired before 18 September 2018“ and the last day of the payment deadline of the European Court of Human Rights case as jointly in a single Judgment (20752/07 S.C. Polyinvest S.R.L. vs. Romania), as per the delivery of the Judgment on 29 March 2018, was **29 June 2018**. (note aside: all the other Romanian cases, which were on the list of „Classification of new Judgments Addendum 2 - enhanced procedure“ against the respondent state Romania (**CM/Del/Dec(2018)1318/B1-add2**) (underlined in pink) which were not already included in „cases under supervision of payment on 18 May 2018 for which payment deadline will have expired before 5 June 2018“ (**CM/Del/Dec(2018)1318/D-add**) have passed onto the list of „cases under supervision of payment on 3 September 2018 for which payment deadline will have expired before 18 September 2018“ (**CM/Del/Dec(2018)1324/D-add**) (underlined and marked with star in pink).
{see all this in enclosure 7}

On the internet website of the Department for the Execution of Judgments of the European Court of Human Rights, the „Payment outside the deadline information, information relating to payment of non-payment of default interest received“ to the status of the case as of 26 September 2018 still stated on page 1, 24th line [quotation opening]: *State ROM Application no. 20752/07 - Case Title/State S.C. Polyinvest S.R.L. v. Romania Date of registration of payment 08/08/2018 Applicant's deadline for complaint 08/10/2018*“ [quotation end].
{see enclosure 8}

In accordance with the instructions on the website of the Department of Execution of judgments we have submitted our communication/complaint within the deadline to submit a complaint {see enclosure 8, 6 and 5} by email to dgl_execution_just_satisfaction@coe.int and the Head of the Human Rights Directorate on **08 October 2018** at 16:21 hours together -as per the instructions on the website of the Department of Execution of judgments to „attaching any relevant document (for example, a copy of evidence that you sent your bank details)“- with the relevant proof and/or evidence of the dispatch by email to

dgl_execution_just_satisfaction@coe.int of 20 April 2018 at 16:19, the payment request (the letter for payment of the Judgment) 20/April 2018 itself with its bank details and the Receivables List in the amount of USD 4.665.912,03 as per 29.03.2018 only, is attached (3 pages) to that email to dgl_execution_just_satisfaction@coe.int of **20 April 2018 at 16:19**

{see enclosure 9};

and acknowledged by email on 08 October 2018 also the Directorate General Human Rights and Rule of Law of the Council of Europe (the Director General Mr. Christos Giakoumopoulos) and the Private Office of the Secretary General (the Adviser to the Secretary General of the Council of Europe Frédéric Dolt) sending our extensive Plea for help and support (Final judgement in Application number 24612/07 Omegatech Enterprises Ltd. v. Romania) joined to application number 20752/07 S.C. Polyinvest S.R.L. v. Romania) and its 7 attachments (in one file) by email on 08 October 2018 at 16:56 hours.

Further and the same day, on 08 October 2018, we have also sent our communication/complaint by traditional postage to the Department for the Execution of ECHR judgements at the DGI (Directorate General of Human Rights and Rule of Law) together -as per the instructions on the website of the Department of Execution of judgments to „attaching any relevant document (for example, a copy of evidence that you sent your bank details)“- this time so, with the relevant proof and/or evidence of the dispatch by traditional postage dispatched to the COUNCIL OF EUROPE - Department for the Execution of ECHR judgements at the DGI - Directorate of Human Rights and Rule of Law at the DGI - F-67075 STRASBOURG - Cedex of 24 April 2018 receipt stamped by Council of Europe 26 April 2018, the original signed payment request (the letter for payment of the Judgment) of 20/April 2018 itself with its bank details and the Receivables List in the amount of USD 4.665.912,03 as per 29.03.2018 only, enclosed (3 pages) to the address Council of Europe - DGI -Directorate General of Human Rights and Rule of Law - Department for the Execution of ECHR judgements - F-67075 Strasbourg, Cedex; France of **08 October 2018** receipt stamped by Council of Europe 10 October 2018 {see enclosure 10};

and acknowledged and further sent to the Secretary General of the Council of Europe and the Deputy Secretary of the Council of Europe by traditional postage also on **08 October 2018** all the documentation dispatched by traditional postage subject and by email as sent to the recipient/s. {that is, to dgl_execution_just_satisfaction@coe.int & the Head of the Human Rights Directorate titled subject „Communication/complaint dated 08 October 2018 - non-payment of judgement in application 24612/07 joined to 20752/07“ with attachment; and the following email to the Advisor Directorate General Human Rights and Rule of Law of the Council of Europe (the Director General Mr. Christos Giakoumopoulos) & the Private Office of the Secretary General (the Adviser to the Secretary General of the Council of Europe Frédéric Dolt) title subject „Plea for help and support (Final judgement in Application number 24612/07 Omegatech Enterprises Ltd. v. Romania) joined to application number 20752/07 S.C. Polyinvest S.R.L. v. Romania)“ and its 7 attachments (in one file); and the copy of the communication/complaint sent via the traditional postage on 08 October 2018 together with its relevant proof and/or evidence that the original signed payment request (the letter for payment of the Judgment) of 20/April 2018 itself with its bank details and the Receivables List in the amount of USD 4.665.912,03 as per 29.03.2018 only, was dispatched by traditional postage on 24 April 2018}.

On 23 October 2018 we received an email from DGI-Execution@coe.int with a letter attached signed by the Head of the Department a.i., Mr. Fredrik Sundberg, thanking us „for email of 8 October 2018 addressed to the Director of the Directorate of Human Rights and to the Department for the Execution of Judgments (Just satisfaction unit)“ thus confirming receipt of the email dated 08 October 2018 and further stating that „this communication has been brought to the attention of the Committee of Ministers, in accordance with Rule 9 §§ 1 and 5 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements“.

{see enclosure 11};

We realise that our Communication sent by email 08 October 2018 is not wholly published. Please see to enclosure 9 and 10.

DH-DD(2018)1000 dated 15/10/2018 for the 1331st Meeting (December) 2018 (DH) as „Communication from the applicant 08/10/2018 in the case of Omegatech Entreprises Ltd. v. Romania (Application No. 24612/07) (judgment S.C. Polyinvest S.R.L. v. Romania (No. 20752/07) (Sacaleanu group (73970/01) - Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements contains only 4 the 5 pages of the communication/ complaint sent, and these are the pages that were sent by **traditional postage** to the Department for the Execution of ECHR judgements at the DGI (Directorate General of Human Rights and Rule of Law) dispatched on 08 October 2018 -not the email of 08 October 2018. Thus, it is missing the **relevant proof and/or evidence of the dispatch** by traditional postage **dispatched** to the COUNCIL OF EUROPE - Department for the Execution of ECHR judgements at the DGI - Directorate of Human Rights and Rule of Law at the DGI - F-67075 STRASBOURG - Cedex **of 24 April 2018 (and receipt stamped by Council of Europe 26 April 2018)** of the original signed payment request (the letter for payment of the Judgment) of 20/April 2018 itself with its bank details and the Receivables List in the amount of USD 4.665.912,03 as per 29.03.2018 only.

Translated to the terms of dispatch and receipt in electronic format, the evidence of the dispatch by email to dgl_execution_just_satisfaction@coe.int of 20 April 2018 at 16:19 is referred and drawn attention hitherto here also {see enclosure 9}, as the intrinsic need for this can be drawn from the above.

So, in addition

- to neither the payment request (the letter for payment of the Judgment) 20/April 2018 itself along with bank details for the receipt within the time frame legally set of **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (Receivables List) sent by traditional postage and email to the Department for the Execution of ECHR Judgements was not published before your 1318th (Human Rights) Meeting (DH),
- nor the electronic and the traditional postage proof and/or evidence of dispatch of said payment request (the letter for payment of the Judgment) dated 20/April 2018 along with

bank details for the receipt of **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (Receivables List) is not published now in DH-DD(2018)1000.

Further, in this DH-DD(2018)1000 you will find the mobile number, emails and bank details (Bank, IBAN and BIC) blackened, we did not blacken anything in our communication/complaint sent on 08 October 2018-. Also we wrote the same email addresses, for example, in our last communication DH-DD(2018)890 and the same ones have also not been blackened and are indeed visibly published in communication DH-DD(2018)890. We would sincerely like to transparently be able to communicate with and inform the Committee of Minister and insist that the communication of 20 April 2018 and also the complete communication/complaint sent on 08 October 2018 is thus published, not last because of the fact that supervision of the execution of final judgments is within the competency of yourselves, the Committee of Ministers (Article 46 § 2 of the Convention) and the supervision of payment is also under the competency of the Committee of Ministers. As this case is about payment it is ever more so important for you to have all the details at your disposition. {If there is anything blackened in our text or in its attachment, it is clearly referenced to as where in the text and explained why such a blackening was deemed necessary and, you can also see, that in this manner, we did explain to you that one word was blackened because of and out of respect for language and maybe sensible to the readers, you -the respected Committee of Ministers of the Council of Europe, the Ministers' Deputies, governmental representatives- a word has been blackened in the email communications and explained why: see communication: DH-DD(2018)890 dated 13 September 2018 which was published on 17 September 2018.}“.

Further in that letter attached to the email of 23 October 2018 from DGI-Execution@coe.int with a letter attached signed by the Head of the Department a.i., Mr. Fredrik Sundberg {see [again enclosure 11](#)}, we are informed that the [quotation opening]: „HUDOC-EXEC database has also been updated with an indication of your complaints and references to the documents published. The HUDOC-EXEC thus clearly indicates that the payment of the sums owed under the award of the International Court of Arbitration of 23 August 2002 to Omegatech Enterprises Ltd. remains outstanding. You may access it by clicking on the name of the judgment (*S.C. Polyinvest S.R.L. and Others*) in HUDOC-EXEC.“ [quotation end]

The information on the HUDOC-EXEC now states [quotation opening]: „Payment Information: Just Satisfaction paid on 08/10/2018, deadline for the applicant to complain: 08/12/2018 [quotation end]. Please see [{enclosure 12}](#)“.

Also it is to be recalled here, as introduced above, that the case is not even to be found on your payment supervision list **CM/Del/Dec(2018)1324/D-add of 20 September 2018** [{enclosure 7}](#) while there exists such an information on HUDOC-EXEC [{enclosure 12}](#), namely [quotation opening]: „Payment Information: Just Satisfaction paid on 08/10/2018, deadline for the applicant to complain: 08/12/2018 [quotation end]. Please compare [{enclosure 12 with enclosure 7}](#)“.

Once more we need to repeat and underline that up until today, we have not received any payment of the respondent state, Romania, as per the payment request (the letter for

payment of the Judgment) 20/April 2018 itself along with bank details for the receipt within the time frame legally set of **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (Receivables List) sent by traditional postage and email to the Department for the Execution of ECHR Judgements as described above {enclosure 1, 2 and 3}.

With reference to the „Status of Execution“ under the „View“ tab in the HUDOC-EXEC database: we need to bring the following to your attention.

To enable you to contrast the information (available now in the „Status of Execution“) and with full reservation of all the rights of the Applicants and without prejudice to any of the rights of the Applicants, please consider:

[Quotation opening (original text as found on the website in black, changes in red colour, comments in blue)]:

„Status of Execution:

~~Individual measures:~~

1) Omegatech Enterprises Ltd.: In this case, the European Court made no award (**where the applicant did not make a claim for non-pecuniary damage and failed to submit a properly substantiated claim for cost and expenses**) for non-pecuniary damage and cost and expenses. [What an introduction to the case? nevertheless focus on „where“ please!]

The Committee of Ministers received communications from **the Romanian authorities** (on 2 July 2018) and from the applicant ~~company~~ (**on 20 April 2018, [see blue comment (i)]** 14 September 2018 and 8 October 2018) concerning the enforcement of the relevant domestic judgement arbitral award (**Award Sentence**) of 23 August 2002 of the International Court of Arbitration, **Paris 23/08/2002- Place of Arbitration: Geneva**) given exequatur by a judgment of 15 January 2003 of the **Romanian Hunedoara County Court; final and binding domestic recognition and enforcement -in USD-** as of 01 July 2003 of the **final and binding Arbitral Award of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva. [see blue comment (ii)]**

[blue comment (i)] re. point adding final and binding domestic recognition and enforcement -in USD- as of July 2003: if the information from the Communication of the respondent state, Romania DH-DD(2018)697, namely „given exequatur by a judgment of 15 January 2003 of the Romanian Hunedoara County Court“ is illustrated, then likewise must the information from the Communication of the Applicants DH-DD(2018)890, namely „the final and binding Arbitral Award of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva (also final and binding domestic recognition and enforcement -in USD- as of 01/07/2003)“ be included.

Only then is it visible to the Committee of Ministers that this domestic „exequatur“ judgment was -in USD- and a final and binding domestic recognition and enforcement of the Award Sentence/Arbitral Award of 23 August 2002 of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva) - as of 01 July 2003.

Important, so the Committee of Ministers can understand the final and binding date as is reflected in the ECHR judgment v. the respondent state, Romania: start of non-enforcement period: 01/07/2003.

[blue comment (ii)] re. point CM received communications lacking 20 April 2018: Here, it is proven that the communication from the Applicants 20/April 2018, that is the payment request (the letter for payment of the Judgment) with bank account information for **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (Receivables List) to be received within the time frame legally set, sent by email and traditional postage to the Department for the Execution of ECHR Judgements (Directorate General of Human Rights and Rule of Law of the Council of Europe) was not published for and received by the Committee of Ministers. And this, eventhough it was confirmed in writing by email from the Department for the Execution of ECHR Judgements (Directorate General of Human Rights and Rule of Law) on 26 April 2018, that [quotation opening]: „We acknowledge receipt of your communication of 20 April 2018, which has been included in the case-file and transmitted to the Romanian authorities and will be brought to the attention of the Committee of Ministers, in accordance with the Rules adopted by the Committee for the supervision of the execution of judgments and of the terms of friendly settlements (Rule 9 § 1).“ [quotation end]

{Why to start with the respondent state position if our communication dated 20/April 2018 came first, that is 20/April 2018 and confirmed in writing it would be brought to your attention under Rule 9.1?}

The **Romanian authorities** make no reference to payment of the judgment of the European Court of Human Rights and/or the expiry of the deadline by the European Court of Human Rights but indicate that the „debtor“, [is] a State-owned company, **which** is undergoing compulsory-winding up and that the „enforcement of court decisions“ in such context „follows specific rules in domestic law, **given the debtor’s situation**“. In their **Romanian government’s** view, the **execution of the European Court judgment is treated as an the** „individual measure indicated by the **European** Court in this case **which** raises sensitive and complex issues, which go beyond the **particular** framework of this **particular present** case“. In this respect, the authorities **refer to the general measures envisaged in the Action Plan for the implementation of the Săcăleanu group of cases**, the Government indicated that the working group set up by the government to identify the measures of legislative and/or administrative nature necessary to ensure compliance with the requirements of the Court’s **case-law in this area** and recall that they are considering the adoption of „legislative provisions allowing the payment of claims arising from the court decisions **judgments** against **certain** companies for which the State is liable, when the latter are subject to winding up or have been wound up“, in the context of the general measures adopted in the Săcăleanu group of cases.

As regards the amount owed to the applicant **company**, the **Romanian authorities** indicates that the arbitral award ordered the payment of 2,477,173.11 RON and that this amount is registered in the bankruptcy proceedings opened against the „debtor company“ **on 4 March 2004 and are still unfolding** for details, see DH-DD(2018)697).

The applicant company swiftly upon the delivery of the judgment of the European Court of Human Rights of 29 March 2018 in accordance with Rule 77 § 2 and 3 Rules of the Court (also to the respondent state, Romania, as a party to the case) further to publication of the judgment on the Court's Internet site (www.echr.coe.int) for the purposes of Article 44 § 3 of the Convention and Rule 78 of the Rules of the Court, and Article 46 § 2, has correctly submitted along with bank account information, the payment request (the letter for payment of the final and binding judgment dated 20/April 2018) for **the sum in the amount of USD 4.665.912,03 as per 29.03.2018 only**, (Receivables List) to be received from the respondent state within the time frame legally set, i.e. within the voluntary implementation period of the final and binding judgment.

~~considers that~~ In ~~the~~ judgment of the European Court's judgment of Human Rights, ~~imposed on Romania the obligation~~ is the respondent state and -in continuation to the written confirmation by email from the Department for the Execution of judgements of the European Court of Human Rights of receipt of the above communication dated 20/April 2018 and that it was transmitted to the Romanian authorities- that the Applicant was to receive payment of ~~to pay directly the outstanding domestic debt~~ the final and binding judgment of the European Court of Human Rights, within the time-limit set by the Court (i.e. by 29 June 2018). Stressing the unconditional obligation of Romania to abide by the final and binding judgment of the European Court of Human Rights, under Article 46 of the Convention on Human Rights, the applicant company requested the immediate payment of the amounts due under the relevant domestic judgment, the final and binding domestic recognition and enforcement of 01/07/2003 of the final and binding arbitral award (Award Sentence) (~~main debt~~, the sum of the Award of ICC Paris dated August 23, 2002 plus interest at the rate of 18% per annum from 31 May 1999 until the date of the actual payment as per same Award of ICC Paris dated August 23, 2002 and costs of arbitration as allocated by the Award of ICC Paris dated August 23, 2002 ~~and expenses~~, the total estimated at being 4,665,912.03 USD on 29 March 2018 -the date of the judgment of the European Court of Human Rights). As of 30 March 2018 there is a daily interest in the amount of USD 516,0574. (For details, see Receivables list in the letter for payment of judgment dated 20/April 2018 not having been published yet (?!), only available as part of the attachments in communication/complaint DH- DD(2018)1000.). Thus, under the judgment of European Court of Human Rights, the interest at the rate of 3,25% per annum on the sum of 4.713.381,31 USD dated 29 June 2018 became effective from 30 June 2018.

~~It further considers that~~ In the context of a phone conversation between Laura Ieleiu-Erel and Hona Kopic of 2 May 2018 (having had the call answered by the Romanian* legal officer handling the case in the Execution Department of Judgments of the European Court of Human Rights and after having been assured that payment would come first, she also referred to the Săcăleanu group of cases, so the need arose to bring nearer to the legal officer, and in her own national law, quoting also their) Government Regulation Ordinance No. 94/1999 on Romania's participation to the procedures before the European Court and the Committee of Ministers provides ~~d~~ the required legal framework for the Department of

~~the Execution of of Judgments of the European Court of Human Rights to strictly instruct the respondent state to pay directly the above sums, in accordance with the payment request sent on 20 April 2018 as and underlines explained that in accordance with this Regulation, the Court's judgment is an final, binding and enforceable title in their domestic law also; Romania has to abide by Article 41 and 46 of the European Convention of Human Rights and Fundamental Freedoms (for details, see DH-DD(2018)890).~~

The applicant ~~company~~ rejected and rejects the communication by the Romanian authority DH-DD(2018)697 submitted once the deadline of the European Court of Human Rights expired. It is legally not relevant and/or even contains misleading (i.e. the date of the „domestic“ bankruptcy proceedings having been opened on 30 September 1999 and/or the allegation of the impossibility to making the payment due to the domestic legislative mechanism) and/or wrong information (i.e. the amount itself) and/or its only direct scope being to postpone *sine die* the execution of the obligations arising under the judgment of the European Court of Human Rights dated 29 March 2018 (for details, see DH-DD(2018)890).

As of 8 October 2018, the ~~domestic debt~~ European Court's judgment had still not been paid to the applicant ~~company~~ (see DH-DD(2018)1000).

2) S.C. Polyinvest S.R.L. and S.C. Conspad Serv S.R.L.: The Romanian authorities paid the applicant companies the sums awarded by the European Court as just satisfaction for non-pecuniary damage and costs and expenses on [please insert date!] [see blue comment (iii)]. The authorities have not yet provided information on the enforcement of the relevant domestic judgement (an arbitral award given on 02/04/2002 by the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry in the first case and a judgement of 05/09/2011 of the Vaslui County Court in the second).

[blue comment (iii)] re. please insert payment dates: as we saw from the {enclosure 7} and {enclosure 12}, payment just satisfaction 08/08/2018 {enclosure 7} and then 08/10/2018 {enclosure 12}. In the email from Ms. Laura Ielciu-Erel (Department for the Execution of judgments of the European Court of Human Rights from 18/09/2018 it was stated that „the sums awarded to the two other applicant companies, ... which were paid by the Romanian authorities“.

General measures: See under the Săcăleanu group of cases.

Here again, the need arises to draw your attention to the fact that our Communication from 20 April 2018 concerning the final and binding judgment of 29 March 2018 {enclosure 2} was not published (!?) and it was not published in the material time for the 1318th (Human Rights) Meeting (DH) -classification of new judgments final before 5 April 2018- taking place from 5 - 7 June 2018 and has not been brought to your attention as it was confirmed to us by the Department of the Execution of judgments of the European Court of Human Rights in writing by email on 26 April 2018 {enclosure 3}.

Please also see all details surrounding Săcăleanu group of cases in our communication DD-DH(2018)890 published on 17 September 2018 for the 1324th (Human Rights) Meeting (DH), where no time for debate on the case was put on the agenda of the 1324th (Human Rights) Meeting (DH) of December 2018.

As no time for debate of the case was put on the agenda of the 1324th (Human Rights) Meeting (DH) in 17-19 September 2018, we wanted to underline and bring into your knowledge also that since 14 September 2018 we have not communicated with either Ms. Laura Ielciu-Erel nor Mr. Fredrik Sundberg of the Department for the Execution of judgments of the European Court of Human Rights. All the correspondence sent are thus outlined and reported in DH-DD(2018)890 and here.

With reference to the „Case Description“ we unfortunately cannot do the same exercise as with the „Status of Execution“ as the „Status of Execution“ deals with providing facts (that are on the table) of the execution of the judgment whereas the „Case Description“ touches upon an interpretation of the judgment itself and we fully reserve our rights. We enclose for your awareness, the awareness of the Committee of Ministers of the Council of Europe, the Ministers' Deputies, the governmental representatives, the „Case details“ on the HUDOC-EXEC state [quotation opening]: „Violations: Non Execution - Violation of property rights resulting from non-execution of judgments (no separate violation of Art. 6)“ [quotation end] {see again enclosure 12} whilst at the same time, on the HUDOC-ECHR for the case „Title: Case of S.C. Polyinvest S.R.L. and Others v. Romania“ (and simultaneously reminding you that our Application no. 24612/07 Omegatech Enterprises Ltd. v. Romania was joined to application no 20752/07 S.C. Polyinvest S.R.L. v. Romania), the result when typing in „Omegatech“ into the database search, the HUDOC-ECHR website returns the result and states: [quotation opening]: „Judgment (Merits and Just Satisfaction)“ [quotation end] with [quotation opening]: „Judgment Date: 29/03/2018 - Conclusion(s): Violation of Article 6 - Right to a fair trial (Article 6 - Enforcement proceedings Article 6-1 - Access to court) Violation of Article 1 of Protocol No. 1 - Protection of property (Article 1 para. 1 of Protocol No. 1 - Peaceful enjoyment of possessions)“ [quotation end] {see: enclosure 13} so [quotation opening]: „Article(s): 6, 6-1, P-1, P-1-1-1“ [quotation end] {same enclosure 13}.

Thus, as according to Article 46 § 2 of the Convention, the execution of final judgments is within the competency of yourselves, that is the respected Committee of Ministers of 47 Member States of the Council of Europe, also in your capacity of being the decision-making body of the Council of Europe, we would like to call on you to supervise the execution of the judgment made in our Application no. 24612/07 Omegatech Enterprises Ltd. and joined to Application no. 20752/07 S.C. Polyinvest S.R.L.

Last but not least, we need to bring to your attention that we have received on 19 November 2018 by email from DGI-Execution@coe.int the Rule 8.2a Information from the Romanian authorities published as **DH-DD(2018)1129** on 16 November 2018 and which contains the Communication from the authorities of 13 November 2018 in French language for the 1331st (Human Rights) meeting (December 2018) (DH). We firmly reject this communication by the respondent State, Romania, and published as **DH-DD(2018)1129** on 16 November 2018 for the 1331st (Human Rights) meeting (December 2018) (DH). Again, as regards the information already made available through the Romanian communication published as **DH-DD(2018)697** on 06 July 2018 for the 1324th (Human Rights) meeting (September 2018) (DH); it is legally not relevant; we firmly rejected it. It contains even

more of the irrelevant and/or misleading and/or wrong information. Its only direct scope being to postpone *sine die* the execution of the obligations arising under the judgment of the European Court of Human Rights dated 29 March 2018. We specifically adopt and repeat all the information in our communication published as DH-DD(2018)890 on 17 September 2018. Further, we need to reserve all our rights and remain without prejudice to any of the rights of the Applicants.

With reservation of all our rights and without prejudice to the rights of the applicant we observe that in the Rule 8.2a Information from the Romanian authorities published as **DH-DD(2018)1129** on 16 November 2018 and which contains the Communication from the authorities of 13 November 2018 in French language for the 1331st (Human Rights) meeting (December 2018) (DH), which we firmly reject, the respondent state writes that they are in the process of thinking to submit to the Court a request for interpretation of the judgment of the European Court of Human Rights dated March 29, 2018 and we reject this and state, with reservation of all our rights and without prejudice to any of the rights of the Applicants, that the respondent state cannot and is prevented to submitting such a request as and not limited to but included, we repeat the fact (as already outlined) that execution of final judgments is within the competency of the Committee of Ministers (Article 46 § 2 of the Convention) and it is the honoured Committee of Ministers, who is firstly to examine the case on the agenda, with debate, and all the information before it also including the currently not published in whole Communication DH-DD(2018)1000 dated 15/10/2018 but in conjunction with {enclosure 9 and 10}, and the call in the conclusion of our communication DH-DD(2018)890 published on 17 September 2018 as well as all the facts provided in our communication DH-DD(2018)890 published on 17 September 2018, also the call in the conclusion and all the facts and information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, to the Committee of Ministers in this present communication, please to moreover find especially the fact that the {enclosure 1 and 2} were transmitted to the respondent state, Romania {see enclosure 1, 2 and 3}.

Fact is that the respondent state **Romania ignores not one but two international awards**, the Award Sentence of the International Court of Arbitration, Paris, France with sitting in Geneva, Switzerland no. 11582/ACS from 23rd August 2002 and now the Judgement of the European Court of Human Rights, Strasbourg, France Application no. 24612/07 Omegatech Enterprises Ltd. v. Romania joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania in Case of S.C. Polyinvest S.R.L and Others v. Romania dated 29 March 2018.

Further, with reservation of all our rights and without prejudice to the rights of the applicant, the respondent state is estopped to further ignore and/or postpone execution of the judgment of the European Court of Human Rights not limited to but included by referencing a letter sent on individual measures sent by the Department of the Execution of judgments of the European Court of Human Rights as described in the communication of the respondent State, Romania in DH-DD(2018)1129 on 16 November 2018 and which is contained in the Communication from the authorities of 13 November 2018 in French language for the 1331st (Human Rights) meeting (December 2018) (DH) and we repeat the fact (as already

outlined) execution of final judgments of the European Court of Human Rights is under and within the competency of the Committee of Ministers (Article 46 § 2 of the Convention) only.

Dear Committee of Ministers, we have not sent anything (that could have triggered such a letter sent by the Department of the Execution of judgments of the European Court of Human Rights as described in the communication DH-DD(2018)1129 on 16 November 2018 and which is contained in the Communication from the authorities of 13 November 2018 in French language for the 1331st (Human Rights) meeting (December 2018) (DH)) {letter sent by the Execution Department} and everything sent was strictly as reported to you in our communication DH-DD(2018)890 published on 17 September 2018, such as is the plea for sending an urgent reminder for payment to the respondent state, Romania [quotation opening]: „on 23 August 2018 (marking exactly 16 years of the final and binding Arbitral Award Sentence of the International Court of Arbitration, Paris 23/08/2002 - Place of Arbitration: Geneva - locally in the respondent state: final, binding and enforceable as of 01/07/2003), our request for sending **an urgent reminder for payment to the Romanian authorities** was sent by email to Mr. Fredrik Sundberg, a.i. Head of the Department for the Execution of Judgements of the European Court of Human Rights“ [quotation end]. Further, you see from this communication DH-DD(2018)890 published on 17 September 2018 [quotation opening]: „Upon reminding him by email **12 September 2018** that we are still not in receipt of his letter dated 31 August 2018, Mr. Fredrik Sundberg has sent that letter immediately yesterday. In this letter, Mr. Fredrik Sundberg, the a.i. Head of the Department for the Execution of Judgements of the European Court of Human Rights already treats our Application no. 24612/07, judgement of S.C. Polyinvest S.R.L. v. Romania, 29 March 2018 as an „individual situation“ [quotation end]. We attach this whole communication as {enclosure 14}.

Once again, fact is that the respondent state **ignores** the final and binding Award Sentence of the International Court of Arbitration, Paris, France with sitting in Geneva, Switzerland no. 11582/ACS from 23rd August 2002, the final and binding domestic recognition and enforcement -in USD- as of 01 July 2003 of the final and binding Arbitral Award of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva and now the final and binding Judgement of the European Court of Human Rights, Strasbourg, France Application no. 24612/07 Omegatech Enterprises Ltd. v. Romania joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania in Case of S.C. Polyinvest S.R.L and Others v. Romania dated 29 March 2018.

Conclusion:

In the light of all of the above, we call on the Committee of Ministers

- to put the time for debate in this 1331st (Human Rights) Meeting (DH), taking place from 4-6 December 2018, in the case Omegatech Enterprises Ltd. v. Romania (joined to application no. 20752/07 S.C. Polyinvest S.R.L. v. Romania) as was called upon you in the in the conclusion of DH-DD(2018)890 from 17 September 2018 and distributed to

all delegations of the Council of Europe on 17 September 2018 that [quotation opening] „in case of non-payment of the respondent state Romania, {and this is the case: until today, we have not received no payment from the respondent state, Romania} that the case Omegatech Enterprises Ltd. is put on the agenda for the next 1331st CM-DH Meeting on December 2018, **with debate**“ [quotation end];

- to instruct to publish and study our Communication enclosure 2 dated 20 April 2018 as per Rule 9.1;
- to make an investigation into the case which is currently examined under the Group of cases „Săcăleanu“ and examine and seek evidence/proof of the above enclosures 6 and 8 with all the above facts in mind;
- to instruct to publish our Communication enclosure 9 dated 08 October 2018 with its proof/evidence of dispatch electronically and traditional postage return receipt;
- to make an investigation into the case which is currently examined under the Group of cases „Săcăleanu“ and examine and seek evidence/proof of the above enclosure 12 with reference to the information given surrounding 08/10/2018 with all the above facts in mind and subsequently include the case on your payment supervision list of the 1331st (Human Rights) Meeting (DH) ending on 6 December 2018;
- as was called upon you in the in the conclusion of DH-DD(2018)890 from 17 September 2018 and distributed to all delegations of the Council of Europe on 17 September 2018 that [quotation opening]: „to recall the unconditional obligation of Romania under Article 46 of the European Convention of Human Rights that Romania is bound by and so is to abide by the final and binding Judgement of the European Court of Human Rights in 24612/07 Omegatech Enterprises Ltd. v. Romania (joined to 20752/07 S.C. Polyinvest S.R.L. and Others v. Romania) of 20 March 2018 and pay the final and binding Arbitral Award of the International Court of Arbitration, Paris 23/08/2002- Place of Arbitration: Geneva (also final and binding domestic recognition and enforcement -in USD- as of 01/07/2003)“ [quotation end];
- that the case which is currently examined under the Group of cases „Săcăleanu“ is continued to be monitored and examined under the enhanced procedure of the Committee of Ministers of the Council of Europe until final payment of the respondent state is received;

We also request the CM-DH Secretariat for swift distribution to all delegations.

In anticipation of your highly appreciated understanding, we thank you very much in advance.

Sincerely yours,

-drafted for the Representative of the Applicant Mr. Marijan Kepic by his daughter Ilona in press capacity, therefore reserving all our legal rights, without prejudice to any of our rights-

Marijan Kepic

Representative of the Applicant

in case no. 24612/07 Omegatech Enterprises Ltd. v. Romania

{enclosure 1}



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FILTERING SECTION

ECHR-LE20.2bR
IBA/OLT/dcz

29 March 2018

Application no. 24612/07

Omegatech Enterprises Ltd v. Romania

Joined to application no. 20752/07 – S.C. Polyinvest S.R.L. v. Romania

Dear Sir,

In accordance with Rule 77 §§ 2 and 3 of the Rules of Court, I enclose a copy of the Committee's judgment in the above applications. This notification constitutes delivery of the judgment.

The judgment is final and cannot therefore be referred to the Grand Chamber. The judgment is now available on the Court's Internet site (www.echr.coe.int). When it is placed on the Internet site the judgment is deemed to have been published for the purposes of Article 44 § 3 of the Convention and Rule 78 of the Rules of Court.

I would draw your attention to the fact that execution of final judgments is within the competency of the Committee of Ministers (Article 46 § 2 of the Convention). Any question in this respect, including, where relevant, payment of just satisfaction and possible default interest, should be addressed to the Department for the Execution of Judgments of the Court at the DGI (Directorate General of Human Rights and Rule of Law) of the Council of Europe:

- Fax number: 33 (0) 3 88 41 27 93
- Website: www.coe.int/t/dghl/monitoring/execution
- Email just satisfaction: dgl_execution_just_satisfaction@coe.int
- Address: Council of Europe, Department for the Execution of ECHR judgments, F-67075

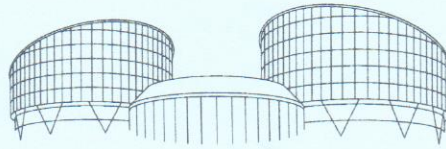
Strasbourg Cedex.

Yours faithfully,

Liv Tigerstedt

Deputy to the Registrar of the Filtering Section

Enc.: Judgment



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

CASE OF S.C. POLYINVEST S.R.L. AND OTHERS v. ROMANIA

*(Application no. 20752/07 and 2 others -
see appended list)*

JUDGMENT

STRASBOURG

29 March 2018

This judgment is final but it may be subject to editorial revision.

In the case of S.C. Polyinvest S.R.L. and Others v. Romania,
The European Court of Human Rights (Fourth Section), sitting as a
Committee composed of:

Vincent A. De Gaetano, *President*,
Georges Ravarani,
Marko Bošnjak, *judges*,
and Liv Tiggerstedt, *Acting Deputy Section Registrar*,
Having deliberated in private on 8 March 2018,
Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in applications against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.
2. The applications were communicated to the Romanian Government (“the Government”).

THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.
4. The applicants complained of the non-enforcement of domestic judgments. In application no. 24612/07 the applicant also complained of the lack of an effective remedy in domestic law.

THE LAW

I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL No. 1

6. The applicants complained principally of the non-enforcement of domestic judgments given in their favour. They relied, expressly or in

substance, on Article 6 § 1 of the Convention and on Article 1 of Protocol No. 1, which in relevant parts read as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ...”

Article 1 of Protocol No. 1

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

7. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a “trial” for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

8. In the leading case of *Foundation Hostel for Students of the Reformed Church and Stanomirescu v. Romania*, nos. 2699/03 and 43597/07, 7 January 2014, the Court already found a violation in respect of issues similar to those in the present case.

9. The Court further notes that the judgments in the present applications ordered specific actions to be taken. The Court therefore considers that the judgments in question constitute “possessions” within the meaning of Article 1 of Protocol No. 1.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the judgments in the applicants’ favour.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

III. OTHER ALLEGED VIOLATION OF THE CONVENTION

12. In application no. 24612/07 the applicant company also complained of a breach of Article 13 of the Convention, namely of the lack of an effective remedy allowing the enforcement of the final domestic judgment rendered in its favour.

13. The Court notes that this complaint is linked to the ones examined above and must therefore, likewise, be declared admissible.

14. Regard being had to its finding of a violation concerning the applicant's rights under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (see paragraphs 10-11 above), the Court does not consider it necessary to examine this complaint separately (see *Mihăescu v. Romania*, no. 5060/02, § 47, 2 November 2006).

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

16. Regard being had to the documents in its possession and its case law (see the *Foundation Hostel for Students of the Reformed Church and Stanomirescu*, cited above, §§ 90-91), the Court considers it reasonable to award the sums indicated in the appended table and to dismiss the remainder of the applicants' claim for just satisfaction, as the applicants either did to submit any claims or failed to properly substantiate their claims as required by Rule 60 of the Rules of Court. In application no. 24612/07, where the applicant did not make a claim for non-pecuniary damage and failed to submit a properly substantiated claim for cost and expenses, the Court makes no award.

17. The Court further notes that the respondent State has an outstanding obligation to enforce the judgments which remain enforceable.


18. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that the applications disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No.1 concerning the non-enforcement or delayed enforcement of domestic judgments, as indicated in the appended table;

4. *Holds* that, in application no. 24612/07, there is no need to examine separately the complaint under Article 13 of the Convention;
5. *Holds* that the respondent State is to ensure, by appropriate means, within three months, the enforcement of the pending domestic judgments referred to in the appended table;
6. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 29 March 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.


Liv Tigerstedt
Acting Deputy Registrar


Vincent A. De Gaetano
President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention and Article 1 of the Protocol No. 1
(non-enforcement or delayed enforcement of domestic decisions)

No.	Application no. Date of introduction	Applicant name	Relevant domestic judgment	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Domestic order	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros) ¹
1.	20752/07 09/05/2007	S.C. Polyinvest S.R.L. represented by Vesselin Kamenov	Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry, 02/04/2002	02/04/2002	pending More than 15 years and 9 months and 25 days	Financial order	700
2.	24612/07 04/06/2007	Omegatech Enterprises Ltd. represented by Marijan Kecip	International Court of Arbitration, 23/08/2002	01/07/2003	pending More than 14 years and 6 months and 26 days	Financial order	0
3.	49814/13 29/07/2013	S.C. Conspad Serv S.R.L.	Vaslui County Court, 05/09/2011	27/02/2012	pending More than 5 years and 11 months	Financial order	3,823

¹ Plus any tax that may be chargeable to the applicants.

{enclosure 2}



Judgement dated 29 March 2018 in the application 24612/07: Bank details

ilo Na K epic <ilokepic@gmail.com>

20 April 2018 at 16:19

To: dgl_execution_just_satisfaction@coe.int

Dear Department for the Execution of European Court of Human Rights (ECHR) judgements
at the Directorate General of Human Rights and Rule of Law,

Kindly find attached the communication for the attention of your department.

Please confirm receipt of this email and its attachment.

Thank you very much in advance.

Respectfully yours,
Marijan Kepic

DISCLAIMER: This document contains confidential information belonging to the author which is legally privileged. Any views or opinions are solely those of the author with all rights reserved and without prejudice. If you are not the intended recipient, be advised that you have received this document in error and that any use, dissemination, forwarding, printing, or copying of this document is strictly prohibited. If you have received this document in error please notify immediately.

 **Letter to Council of Europe_Department dated 20 April 2018.pdf**

84K

Council of Europe
Department for the Execution of ECHR judgements
at the DGI (Directorate General of Human Rights and Rule of Law)
F-67075 Strasbourg - Cedex
Fax: +33 (0)3 88 41 27 93
Email: dgl_execution_just_satisfaction@coe.int

Marijan Kepic
Bratov Babnik 21
SLO-1000 Ljubljana
Mob.: +386 41 686 282

E-mail: omegakepic@gmail.com
ilokepic@gmail.com

20/April 2018

Ref.: Application no. 24612/2007
Omegatech Enterprises v. Romania
Last received communication: Filtering Section
ECHR-LE20.2bR
IBA/OLT/dcz dated 29 March 2018

Dear Department for the Execution of European Court of Human Rights judgements
at the Directorate General of Human Rights and Rule of Law (DGI),

We are in receipt of the above referenced letter which enclosed the Judgement in our
application 24612/07, for which we thank you very much.

For the payment of the Judgement kindly find the bank details of the account of our
lawyers:

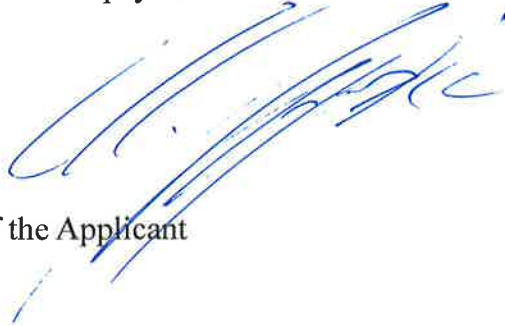
Florentz und Partner mbB
UniCredit Bank AG HypoVereinsbank München
IBAN DE77700202700657566217
BIC HYVEDEMMXXX

Also a receivables list is enclosed.

Please let us know when payment will be done.

Faithfully yours,

Marijan Kepic
Representative of the Applicant



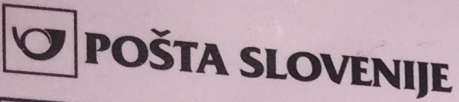
Receivables List
March 29, 2018

Omegatech Enterprises Ltd.

		Amount	Sum	
31.05.1999	Award of ICC Paris dated August 23, 2002	1.046.449,68	1.046.449,68	US\$
29.03.2018	Interest of 18% aac. Award of ICC Paris dated August 23,2002 18,00% of 1.046.449,68 US\$ from 31.05.1999 till 29.03.2018 (6878 days)	3.546.862,35	4.593.312,03	US\$
31.05.1999	Costs acc. Award of ICC Paris dated August 23, 2002	72.600,00	4.665.912,03	US\$
29.03.2018	Total		4.665.912,03	US\$

Additional Interest from the date of March 30, 2018	Interest Method				Daily Interest	
18,000 % p.a.	p.a.	30.03.2018		1.046.449,68	516,0574	US\$

DH-DD(2018)1189 : Rule 9.1 Communication from the applicant in S.C. Polyinvest S.R.L. and Others v. Romania.
 Documents distributed at the request of a Representative shall be under the sole responsibility of the said
 Representative, without prejudice to the legal or political position of the Committee of Ministers.



Sprejemna pošta
Office of posting

Datum
Date

COUNCIL OF EUROPE
Department for the Execution of ECHR judgements
at the DGI – Directorate General of Human Rights and Rule of Law
F-67075 STRASBOURG - Cedex

POVRATNICA – obvestilo o vročitvi/izplačilu/vpisu
 ADVICE of receipt/of delivery/of payment/of entry

09-20 CN 07

Vrsta pošiljke/ Nature of the

- Priporočeno pismo
Registered Letter
- Prednostno
Priority
- Poštna nakaznica
Postal money order

AR

1130 SLOVENIJA
 LJUBLJANA
 ***5,3700 EUR

24.04.2018 17:54
 0,019kg
 12887

Potrdilo
 RA 3506 1723 5 SI

CONSEIL DE L'EUROPE
 A.R.
 26 AVR. 2018

Libano
 Libano postal service
 Značka, ki vrača povratnico
 Stamp of the office returning the advice

Izpolni naslovna pošta/ To be

- Ta pošiljka je bila pravilno vročena
Delivered

Datum in podpis
Date and signature*

Ime in priimek prejemnika z velikimi tiskanimi črkami - velja samo za mednarodne pošiljke
 Name of recipient in capital letters

Prednostno
Priority

Vrniti
Return to

Ime in priimek
Name

Ulica in številka
Street and No

Kraj in država
Locality and country

MARIJAN KEPIC
BRATOV BABNIK 21
1000 LJUBLJANA
REPUBLIC OF SLOVENIA

*To obvestilo lahko podpiše naslovnik ali v skladu s predpisi naslovne države druga pooblaščenca oseba ali delavec naslovne pošte.
 *This advice may be signed by the addressee or, if the regulations of the country of destination so provide, by another authorized person or by the official of the office of destination.

Izpolni pošiljatelj/ To be filled in by the sender

{enclosure 3}



EXEC - Omegatech Enterprises Ltd., Application No. 24612/07 (S.C. Polyinvest S.R.L. and others v. Romania, Appl. no. 20752/07)

DGI-Execution <DGI-Execution@coe.int>

26 April 2018 at 10:15

To: "omegakepic@gmail.com" <omegakepic@gmail.com>, "ilokepic@gmail.com" <ilokepic@gmail.com>

Dear Mr. Kopic,

We acknowledge receipt of your communication of 20 April 2018, which has been included in the case-file and transmitted to the Romanian authorities and will be brought to the attention of the Committee of Ministers, in accordance with the Rules adopted by the Committee for the supervision of the execution of judgments and of the terms of friendly settlements (Rule 9 § 1).

We have taken note of the fact that in its judgment, the European Court indicated that Romania was to ensure, by appropriate means, within three months from the date of the judgment, the enforcement of the pending domestic judgments referred to in the table appended to the Court's judgment, that is, as far as the applicant company is concerned, the International Court of Arbitration's award of 23 August 2002. The Romanian authorities are therefore expected to provide to the Committee of Ministers information on the measures taken to comply with the above indication of the European Court and have been invited to do so.

For any further information concerning the follow-up of the case before the Committee of Ministers, you can consult the relevant documents by accessing the HUDOC-EXEC database of the Department for the Execution of Judgments. In this respect, please note that the judgment given by the European Court on the application brought by Omegatech Enterprises Ltd. (No. 24612/07) is examined by the Committee of Ministers in the framework of the group of cases Sacaleanu v. Romania (No. 73970/01).

Yours sincerely,



Directorate General of Human Rights and Rule of Law
Council of Europe - Conseil de l'Europe
Department for the Execution of judgments of the European Court of Human Rights
Service de l'Exécution des arrêts de la Cour européenne des droits de l'Homme

+ 33 (0) 3 90 21 55 54/ Fax + 33 (0) 3 88 41 27 93

<http://www.coe.int>

www.coe.int/execution

DGI-Execution@coe.int

{enclosure 4}

1318th meeting, 5-7 June 2018 (DH)

Decisions adopted

List of those present

A. General questions

- A.1 Adoption of the Order of Business
CM/Del/Dec(2018)1318/A1
- A.2 Preparation of next meeting
CM/Del/Dec(2018)1318/A2

B. Classification of new judgments

- B.1 Classification of new judgments which became final before 5 April 2018
CM/Del/Dec(2018)1318/B

C. Examination of cases proposed by the Chair for the present meeting

- H46-1 Virabyan group v. Armenia (Application No. 40094/05)
CM/Del/Dec(2018)1318/H46-1
- H46-2 Gafgaz Mammadov group v. Azerbaijan (Application No. 60259/11)
CM/Del/Dec(2018)1318/H46-2
- H46-3 H46-3 Igar Mammadov v. Azerbaijan (Application No. 15172/13)
(individual situation of the applicant)
No decision
- H46-4 Mahmudov and Agazade group v. Azerbaijan (Application No. 35877/04)
CM/Del/Dec(2018)1318/H46-4
- H46-5 United Macedonian Organisation Ilinden and Others group v. Bulgaria
(Application No. 59491/00)
CM/Del/Dec(2018)1318/H46-5
- H46-6 International Bank for Commerce and Development AD and Others v.
Bulgaria (Application No. 7031/05)
CM/Del/Dec(2018)1318/H46-6
- H46-7 D.H. and Others v. Czech Republic (Application No. 57325/00)
CM/Del/Dec(2018)1318/H46-7
- H46-8 Identoba and Others group v. Georgia (Application No. 73235/12)
CM/Del/Dec(2018)1318/H46-8
- H46-9 Martzaklis and Others v. Greece (Application No. 20378/13)
CM/Del/Dec(2018)1318/H46-9
- H46-10 Siasios and Others group v. Greece (Application No. 30303/07)
CM/Del/Dec(2018)1318/H46-10
- H46-11 László Magyar group v. Hungary (Application No. 73593/10)
CM/Del/Dec(2018)1318/H46-11
- H46-12 Talpis v. Italy (Application No. 41237/14)
CM/Del/Dec(2018)1318/H46-12
- H46-13 Apap Bologna group v. Malta (Application No. 46931/12)

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MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2018)1318

7 June 201

1318th meeting, 5-7 June 2018 (DH)**Decisions adopted**

List of those present

A. General questions

- A.1 Adoption of the Order of Business
CM/Del/Dec(2018)1318/A1
- A.2 Preparation of next meeting
CM/Del/Dec(2018)1318/A2

B. Classification of new judgments

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CM/Del/Dec(2018)1318/B

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CM/Del/Dec(2018)1318/H46-2
- H46-3 H46-3 Igar Mammadov v. Azerbaijan (Application No. 15172/13)
(individual situation of the applicant)
No decision
- H46-4 Mahmudov and Agazade group v. Azerbaijan (Application No. 35877/04)
CM/Del/Dec(2018)1318/H46-4
- H46-5 United Macedonian Organisation Ilinden and Others group v. Bulgaria
(Application No. 59491/00)
CM/Del/Dec(2018)1318/H46-5
- H46-6 International Bank for Commerce and Development AD and Others v.
Bulgaria (Application No. 7031/05)
CM/Del/Dec(2018)1318/H46-6
- H46-7 D.H. and Others v. Czech Republic (Application No. 57325/00)
CM/Del/Dec(2018)1318/H46-7
- H46-8 Identoba and Others group v. Georgia (Application No. 73235/12)
CM/Del/Dec(2018)1318/H46-8
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CM/Del/Dec(2018)1318/H46-9
- H46-10 Siasios and Others group v. Greece (Application No. 30303/07)
CM/Del/Dec(2018)1318/H46-10
- H46-11 László Magyar group v. Hungary (Application No. 73593/10)
CM/Del/Dec(2018)1318/H46-11

- H46-12 Talpis v. Italy (Application No. 41237/14)
CM/Del/Dec(2018)1318/H46-12
- H46-13 Apap Bologna group v. Malta (Application No. 46931/12)
CM/Del/Dec(2018)1318/H46-13
- H46-14 Luntre and Others group v. Republic of Moldova (Application No. 2916/02)
CM/Del/Dec(2018)1318/H46-14
- H46-15 Muşuc group, Guţu case and Brega group v. Republic of Moldova (Applications Nos. 42440/06, 20289/02, 52100/08)
CM/Del/Dec(2018)1318/H46-15
- H46-16 Kędzior group v. Poland (Application No. 45026/07)
CM/Del/Dec(2018)1318/H46-16
- H46-17 Association "21 December 1989" and Others group v. Romania (Application No. 33810/07)
CM/Del/Dec(2018)1318/H46-17
- H46-18 Bălşan v. Romania (Application No. 49645/09)
CM/Del/Dec(2018)1318/H46-18
- H46-19 Kim group v. Russian Federation (Application No. 44260/13)
CM/Del/Dec(2018)1318/H46-19
- H46-20 Klyakhin group v. Russian Federation (Application No. 46082/99)
CM/Del/Dec(2018)1318/H46-20
- H46-21 Lashmankin and Others v. Russian Federation (Application No. 57818/09)
CM/Del/Dec(2018)1318/H46-21
- H46-22 Zorica Jovanović v. Serbia (Application No. 21794/08)
CM/Del/Dec(2018)1318/H46-22
- H46-23 El-Masri v. "the former Yugoslav Republic of Macedonia" (Application No. 39630/09)
CM/Del/Dec(2018)1318/H46-23
- H46-24 Cyprus v. Turkey (Application No. 25781/94)
CM/Del/Dec(2018)1318/H46-24
- H46-25 Varnava and Others v. Turkey (Application No. 16064/90)
CM/Del/Dec(2018)1318/H46-25
- H46-26 Xenides-Arestis group v. Turkey (Application No. 46347/99)
CM/Del/Dec(2018)1318/H46-26
- H46-27 Ignatov group (Application No. 40583/15), Chanyev (Application No. 46193/13) and Korneykova (Application No. 39884/05) v. Ukraine
CM/Del/Dec(2018)1318/H46-27
- H46-28 Saiov group (Application No. 65518/01), Oleksandr Volkov (Application No. 21722/11) v. Ukraine
CM/Del/Dec(2018)1318/H46-28
- H46-29 Yuriy Nikolayevich Ivanov and Zhovner group v. Ukraine (Applications No. 40450/04, 56848/00)
CM/Del/Dec(2018)1318/H46-29
- H46-30 McKerr group v. the United Kingdom (Application No. 28883/95)
CM/Del/Dec(2018)1318/H46-30

D. Supervision of the payment of just satisfaction

CM/Del/Dec(2018)1318/D

E. Action plans

F. Adoption of final resolutions

CM/Del/Dec(2018)1318/F

**Appendix – Cases listed for detailed examination at future Human Rights
meetings by decisions of the Committee**

CM/Del/Dec(2018)1318-app

Related documents

• **Committee of Ministers; Council of Europe**

CM/Del/Dec(2018)1318-app / 07 June 2018 / English / CM-Public

Consolidated indicative list of cases for the 1324th meeting (September 2018) (DH) adopted at the 1318th meeting

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MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2018)1318/B

7 June 2018

1318th meeting, 5-7 June 2018 (DH)**Classification of new judgments****Decisions****The Deputies**

1. noted that the following judgments became final on or before 5 April 2018 and decided to examine them under the standard procedure (list of cases see CM/Del/Dec(2018)1318/B1-add1);
2. decided to examine the following judgments under the enhanced procedure (list of cases see CM/Del/Dec(2018)1318/B1-add2);
3. agreed to resume consideration of the classification of the case of *Dmitriyevskiy v. Russian Federation* at their 1324th meeting (September 2018) (DH).

Related documents

No related documents

55089/13	DORNEANU	28/11/2017	28/02/2018	Complex problem / problème complexe
59152/08	N.	28/11/2017	28/02/2018	Urgent individual measures and structural problem / mesures individuelles urgentes et problème structurel
694/14+	BĂLĂŞESCU AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
46831/14+	BOLDIJAR AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
59097/13+	CHIRIAC AND OTHERS / ET AUTRES	08/03/2018	08/03/2018	BRAGADIREANU
7065/14+	CORDUNEANU AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
7219/14	ILIAŞ AND OTHERS / ET AUTRES	08/03/2018	08/03/2018	BRAGADIREANU
47861/14+	ILIE AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
70116/13+	RACOLTEA AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
12656/14+	RĂDULESCU AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
10346/03+	DICKMANN AND / ET GION	24/10/2017	24/01/2018	STRĂIN AND OTHERS / ET AUTRES
35723/03+	BEŞLEAGĂ AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	SACALEANU
20752/07+	S.C. POLYINVEST S.R.L. AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	SACALEANU
24693/07+	ZLATIN AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	SACALEANU
64162/10	PAUL POPESCU	06/02/2018	06/02/2018	VLAD AND OTHERS / ET AUTRES
RUSSIAN FEDERATION / FEDERATION DE RUSSIE				
21194/09+	KHADZHIMURADOV AND OTHERS / ET AUTRES	10/10/2017	29/01/2018	KHASHIYEV AND / ET AKAYEVA
7130/08+	A.K. AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	KALASHNIKOV
21778/08+	FATKIN AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	KALASHNIKOV
53048/10	ISAYKIN	27/02/2018	27/02/2018	KALASHNIKOV
57927/16+	MITRYUKOV AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	KALASHNIKOV
50236/06	SHATOKHIN	27/02/2018	27/02/2018	KALASHNIKOV
50407/10+	SOLOENENKO AND OTHERS / ET AUTRES	22/02/2018	22/02/2018	KALASHNIKOV
45075/15+	ACHILOV AND OTHERS / ET AUTRES	22/02/2018	22/02/2018	KALASHNIKOV (GENERALOV)
60993/16+		08/02/2018	08/02/2018	

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MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2018)1318/D-add

7 June / juin 2018

1318th meeting, 5-7 June 2018 / 1318^e réunion, 5-7 juin 2018 (DH)

Supervision of the payment of just satisfaction / Surveillance du paiement de la satisfaction équitable

Addendum

Cases under supervision of payment on 18 May 2018 for which payment deadline will have expired before 5 June 2018. The department for the Execution of judgments of the ECtHR has received no information regarding payment or the information received in these cases is incomplete.
Affaires sous surveillance du paiement au 18 mai 2018 dont la date limite de paiement aura expiré le 5 juin 2018. Le service de l'Exécution des arrêts de la CEDH n'a pas reçu d'information concernant le paiement, ou l'information reçue dans ces affaires est incomplète.

Cases highlighted in grey are decisions 3954 / Les affaires grisées sont des décisions 3954

The cases in italics bold are those for which payment deadline had not expired by 18 May 2018.

Les affaires en italique gras sont celles dont la date limite de paiement n'a pas encore expiré au 18 mai 2018.

State / Etat	Application Number / Numéro de requête	Case Title / State Nom de l'affaire / Etat	Date of final judgment / Date d'arrêt définitif	Payment deadline / Date limite de paiement
ALB	33148/11	Alicka and Vasha v. Albania	07/04/2016	07/07/2016
ALB	5250/07	Bici v. Albania	03/03/2016	03/06/2016
ALB	4801/13	Brahimaj v. Albania	06/10/2016	06/01/2017
ALB	74941/14	Caka v. Albania	24/01/2017	16/05/2017
ALB	15373/15	Cela v. Albania	18/10/2016	10/02/2017
ALB	6858/11	Delljorgji v. Albania	14/09/2015	14/12/2015
ALB	49106/06	Delvina v. Albania	07/10/2013	07/01/2014
ALB	49976/13	Dino v. Albania	18/10/2016	10/02/2017
ALB	16530/06	Eltari v. Albania	10/09/2014	10/12/2014
ALB	57065/14	Gjermeni v. Albania	08/12/2016	08/03/2017
ALB	25408/06	Karagozji and Others v. Albania	08/04/2014	06/07/2014
ALB	48693/08	Lako v. Albania	17/11/2015	10/03/2016
ALB	30601/08	Luli v. Albania	15/09/2015	15/12/2015
ALB	604/07	Manushaqe Puto v. Albania	23/03/2015	23/06/2015
ALB	12878/10	Qerimi v. Albania	08/09/2016	08/12/2016
ALB	5207/10	Rista v. Albania	17/03/2016	17/06/2016
ALB	33704/09	Shehu v. Albania	06/10/2016	06/01/2017
ALB	21634/15	Sinani v. Albania	10/05/2016	02/09/2016
ALB	32913/03	Topallaj v. Albania	21/07/2016	21/10/2016
ALB	16191/13	Veizi and Deda v. Albania	28/03/2017	20/07/2017
ALB	18343/11	Vogli v. Albania	15/10/2013	07/02/2014

POL	77850/12	<i>Nawrot v. Poland</i>	05/03/2018	05/06/2018
POL	53491/10	Zaluska, Rogalska and Others v. Poland	20/06/2017	22/09/2017
PRT	46336/09	Associacao de Investidores Do Hotel Apartamento Neptuno and 217 Others v. Portugal	16/07/2013	16/10/2013
PRT	38835/12	Gentil Berger v. Portugal	16/01/2018	09/05/2018
ROM	694/14	Balasescu v. Romania	08/02/2018	08/05/2018
ROM	35723/03	Besleaga v. Romania	08/02/2018	09/05/2018
ROM	27153/07	Cacuci and S.C. Virra & Cont Pad S.R.L. v. Romania	17/04/2017	17/07/2017
ROM	3360/03	Chis v. Romania	21/02/2011	21/05/2011
ROM	59800/15	<i>Ciora v. Romania</i>	01/02/2018	22/05/2018
ROM	55303/13	Constandache v. Romania	07/09/2017	28/12/2017
ROM	23022/13	D.M.D. v. Romania	03/01/2018	03/04/2018
ROM	10346/03	Dickmann v. Romania	24/01/2018	24/04/2018
ROM	16554/06	<i>District Union of Ilfov Cooperative Society v. Romania</i>	05/03/2018	05/06/2018
ROM	52910/15	Dobai v. Romania	18/01/2018	08/05/2018
ROM	55089/13	<i>Dorneanu v. Romania</i>	28/02/2018	28/05/2018
ROM	16762/10	Horj v. Romania	01/10/2015	22/01/2016
ROM	24839/10	<i>Hulpe v. Romania</i>	27/02/2018	27/05/2018
ROM	32168/05	Ignatescu v. Romania	17/03/2015	17/06/2015
ROM	46468/12	Lita and S.C. Georgiana Import Export S.R.L. v. Romania	11/01/2018	11/04/2018
ROM	49352/14	<i>Molnar v. Romania</i>	01/02/2018	22/05/2018
ROM	59152/08	<i>N. v. Romania</i>	28/02/2018	28/05/2018
ROM	32729/12	Ora'tie Romanian Greek Catholic Archpriesthood United to Rome and Ora'tie Romanian Greek Catholic Parish United to Rome v. Romania	17/10/2017	17/01/2018
ROM	17367/15	Ovidiu Gandila v. Romania	27/04/2017	18/08/2017
ROM	36525/07	Pantea v. Romania (no. 2)	17/04/2017	17/07/2017
ROM	64162/10	Paul Popescu v. Romania	06/02/2018	06/05/2018
ROM	28976/03	Paula Constantinescu v. Romania	14/09/2015	14/12/2015
ROM	70116/13	Racolta v. Romania	08/02/2018	08/05/2018
ROM	12656/14	Radulescu v. Romania	08/02/2018	08/05/2018
ROM	13420/03	Rusen v. Romania	17/09/2013	10/01/2014
ROM	52018/10	S.C. Textinc S.A. v. Romania	06/02/2018	06/05/2018
ROM	56062/13	Safaliu v. Romania	07/12/2017	11/04/2018
ROM	57224/14	Silaghi v. Romania	01/12/2016	20/03/2017
ROM	24362/11	Stan v. Romania	14/12/2015	14/03/2016
ROM	66120/13	Stana v. Romania	27/04/2017	18/08/2017
ROM	26859/06	Timar v. Romania	28/02/2017	28/05/2017
ROM	40755/06	Vlad v. Romania	26/02/2014	26/05/2014
RUS	6033/13	A.H. and Others v. Russian Federation	03/07/2017	03/10/2017
RUS	16664/07	Abakarova v. Russian Federation	14/03/2016	14/06/2016
RUS	40001/08	Abdulkhadzhiyeva and Abdulkhadzhiyev v. Russian Federation	30/01/2017	30/04/2017
RUS	41437/10	Abdurakhmanova and Abdulgamidova v. Russian Federation	01/02/2016	01/05/2016
RUS	41859/15	Abramyan v. Russian Federation	17/01/2017	09/05/2017
RUS	47222/07	Abubakarova and Midalishova v. Russian Federation	30/04/2017	30/07/2017
RUS	45075/15	<i>Achilov and Others v. Russian Federation</i>	22/02/2018	22/05/2018
RUS	50961/08	Afanasyev and Others v. Russian Federation	07/02/2017	09/06/2017
RUS	21200/05	<i>Akhlyustin v. Russian Federation</i>	05/03/2018	05/06/2018
RUS	21586/02	Akhmadov and Others v. Russian Federation	06/07/2009	06/10/2009
RUS	14313/07	Akulin and Others v. Russian Federation	22/03/2016	22/06/2016
RUS	39708/07	<i>Aleksandr Kononov v. Russian Federation</i>	28/02/2018	28/05/2018

new judgements
 payment
 deadline
 will have
 expired
 before
 June 5,
 2018

05/06/2018
 (gelb)

ok! payment
 deadline
 20752/07*
 expires
 29/06/2018

(siehe
 Dpt for Exec
 table
 status
 02/May
 2018)

{enclosure 5}



Information relating to payment awaited or information received incomplete
Information relative au paiement attendue ou information reçue incomplète

Status as of 2 May 2018 / Situation au 2 mai 2018

Number of cases/ nombre d'affaires : 1345

Cases highlighted in grey are 39§4 decisions / Les affaires grisées sont des décisions 39§4

The cases in italics bold are those for which payment deadline has not expired.

Les affaires en italique gras sont celles dont la date limite de paiement n'a pas encore expiré.

State État	Application No. N° de requête	Case Title/State Nom de l'affaire/État	Date of definitive Judgment Date d'arrêt définitif	Payment deadline Date limite de paiement
ALB	33148/11	Alicka and Vasha v. Albania	07/04/2016	07/07/2016
ALB	5250/07	Bici v. Albania	03/03/2016	03/06/2016
ALB	4801/13	Brahimaj v. Albania	06/10/2016	06/01/2017
ALB	74941/14	Caka v. Albania	24/01/2017	16/05/2017
ALB	15373/15	Cela v. Albania	18/10/2016	10/02/2017
ALB	6858/11	Delijorgji v. Albania	14/09/2015	14/12/2015
ALB	49976/13	Dino v. Albania	18/10/2016	10/02/2017
ALB	16530/06	Eltari v. Albania	10/09/2014	10/12/2014
ALB	57065/14	Gjermeni v. Albania	08/12/2016	08/03/2017
ALB	25408/06	Karagjozi and Others v. Albania	08/04/2014	08/07/2014
ALB	48693/08	Lako v. Albania	17/11/2015	10/03/2016
ALB	30601/08	Luli v. Albania	15/09/2015	15/12/2015
ALB	604/07	Manushaqe Puto v. Albania	23/03/2015	23/06/2015
ALB	12878/10	Qerimi v. Albania	08/09/2016	08/12/2016
ALB	5207/10	Rista v. Albania	17/03/2016	17/06/2016
ALB	33704/09	Shehu v. Albania	06/10/2016	06/01/2017
ALB	21634/15	Sinani v. Albania	10/05/2016	02/09/2016
ALB	32913/03	Topallaj v. Albania	21/07/2016	21/10/2016
ALB	16191/13	Veizi and Deda v. Albania	28/03/2017	20/07/2017
ALB	18343/11	Vogli v. Albania	15/10/2013	07/02/2014
ARM	75604/11	Adyan and Others v. Armenia	12/01/2018	12/04/2018
ARM	21791/12	Aganikyan v. Armenia	05/04/2018	05/07/2018
ARM	62904/12	Fidanyan v. Armenia	11/01/2018	11/04/2018
ARM	27524/09	Movsesyan v. Armenia	16/02/2018	16/05/2018
ARM	7205/11	Papoyan v. Armenia	11/01/2018	11/04/2018
AUT	53661/15	Severe v. Austria	21/12/2017	21/03/2018
AZE	69397/11	Abbas and Others v. Azerbaijan	13/07/2017	13/10/2017
AZE	5417/13	Abbasli v. Azerbaijan	16/02/2017	16/05/2017
AZE	18849/10	Abbasova v. Azerbaijan	08/09/2015	01/01/2016
AZE	68672/11	Agalarov v. Azerbaijan	25/08/2015	17/12/2015
AZE	69456/11	Ahad Mammadli v. Azerbaijan	16/06/2016	16/09/2016
AZE	63062/11	Alamdar Hasanov v. Azerbaijan	25/08/2015	17/12/2015

State État	Application No. N° de requête	Case Title/State Nom de l'affaire/État	Date of definitive Judgment Date d'arrêt définitif	Payment deadline Date limite de paiement
ROM	12656/14	Radulescu v. Romania	08/02/2018	08/05/2018
ROM	13420/03	Rusen v. Romania	17/09/2013	10/01/2014
ROM	20752/07	S.C. Polyinvest S.R.L. v. Romania	29/03/2018	29/06/2018
ROM	52018/10	S.C. Textinc S.A. v. Romania	06/02/2018	06/05/2018
ROM	56062/13	Safaliu v. Romania	07/12/2017	11/04/2018
ROM	57224/14	Silaghi v. Romania	01/12/2016	20/03/2017
ROM	24362/11	Stan v. Romania	14/12/2015	14/03/2016
ROM	66120/13	Stana v. Romania	27/04/2017	18/08/2017
ROM	76759/14	Talpo* v. Romania	15/02/2018	08/06/2018
ROM	26856/06	Timar v. Romania	28/02/2017	28/05/2017
ROM	39606/15	Toader v. Romania	08/03/2018	29/06/2018
ROM	23408/11	Toma v. Romania	27/03/2018	27/06/2018
ROM	40756/06	Vlad v. Romania	26/02/2014	26/05/2014
ROM	24693/07	Zlatin v. Romania	29/03/2018	29/06/2018
RUS	6033/13	A.H. and Others v. Russian Federation	03/07/2017	03/10/2017
RUS	7130/08	A.K. and Others v. Russian Federation	29/03/2018	29/06/2018
RUS	16664/07	Abakarova v. Russian Federation	14/03/2016	14/06/2016
RUS	40001/08	Abdulkhadzhiyeva and Abdulkhadzhiyev v. Russian Federation	30/01/2017	30/04/2017
RUS	41437/10	Abdurakhmanova and Abdulgamidova v. Russian Federation	01/02/2016	01/05/2016
RUS	41859/15	Abramyan v. Russian Federation	17/01/2017	09/05/2017
RUS	47222/07	Abubakarova and Midalishova v. Russian Federation	30/04/2017	30/07/2017
RUS	45075/15	Achilov and Others v. Russian Federation	22/02/2018	22/05/2018
RUS	50961/08	Afanasyev and Others v. Russian Federation	07/02/2017	09/06/2017
RUS	21200/05	Akhlyustin v. Russian Federation	05/03/2018	05/06/2018
RUS	21586/02	Akhmadov and Others v. Russian Federation	06/07/2009	06/10/2009
RUS	14313/07	Akulin and Others v. Russian Federation	22/03/2016	22/06/2016
RUS	39708/07	Aleksandr Konovalov v. Russian Federation	28/02/2018	28/05/2018
RUS	20786/10	Alekseyev and Others v. Russian Federation	01/12/2016	20/03/2017
RUS	31788/06	Alentseva v. Russian Federation	24/04/2017	24/07/2017
RUS	11059/12	Aliyev and Gadzhiyeva v. Russian Federation	28/11/2016	28/02/2017
RUS	46721/15	Allanazarova v. Russian Federation	03/07/2017	03/10/2017
RUS	56220/15	Amirov v. Russian Federation	17/10/2017	17/01/2018
RUS	1386/14	Amizhayev v. Russian Federation	21/11/2017	21/02/2018
RUS	59391/12	Anna Popova v. Russian Federation	04/01/2017	04/04/2017
RUS	31475/10	Annenkov and Others v. Russian Federation	25/10/2017	25/01/2018
RUS	3459/13	Antonov and Others v. Russian Federation	20/07/2017	20/10/2017
RUS	46686/06	Antoshkin v. Russian Federation	04/04/2017	04/07/2017
RUS	13463/07	Apcov v. the Republic of Moldova and Russian Federation	13/11/2017	13/02/2018
RUS	36101/11	Aristov and Others v. Russian Federation	21/07/2016	21/10/2016
RUS	44119/13	Arkhangelskiy v. Russian Federation	08/11/2016	01/03/2017
RUS	17970/10	Arsentyev and Others v. Russian Federation	29/03/2018	29/06/2018
RUS	24948/05	Artemenko v. Russian Federation	22/11/2016	22/02/2017
RUS	60436/10	Artemyev and Others v. Russian Federation	17/11/2016	08/03/2017
RUS	20435/09	Artyushkova and Others v. Russian Federation	14/12/2017	14/03/2018
RUS	48977/09	Arutyunyan v. Russian Federation	10/04/2012	10/07/2012
RUS	79550/16	Asafov and Others v. Russian Federation	18/01/2018	08/05/2018
RUS	37923/12	Atakishiyeva and Others v. Russian Federation	30/11/2017	28/02/2018
RUS	35187/07	Avdeyev and Others v. Russian Federation	12/10/2017	12/01/2018

{enclosure 6}



Payment outside the deadline - information relating to payment or non-payment of default interest received
Paieiment hors délai - information relative au paiement ou non-paiement des intérêts moratoires reçue

Status as of 12 September 2018 / Situation au 12 septembre 2018

Number of cases/ nombre d'affaires : 99

State État	Application No. N° de requête	Case Title/State Nom de l'affaire/État	Date of registration of payment Date d'enregistrement du paiement	Applicant's deadline for complaint Date limite de réclamation pour le requérant
AZE	5548/05	Islam-Ittihad Association and Others v. Azerbaijan	12/09/2018	12/11/2018
AZE	51164/07	Sakit Zahidov v. Azerbaijan	12/09/2018	12/11/2018
BEL	37768/13	Sylla and Nollomont v. Belgium	29/08/2018	29/10/2018
FRA	30059/15	Boukrourou and Others v. France	29/08/2018	29/10/2018
ITA	37931/15	Barnea and Caldararu v. Italy	12/09/2018	12/11/2018
ITA	18622/15	Ceglie and Others v. Italy	12/09/2018	12/11/2018
ITA	20613/15	Fasiello and Others v. Italy	12/09/2018	12/11/2018
ITA	66396/14	Improta v. Italy	12/09/2018	12/11/2018
ITA	18632/15	Leanza and Others v. Italy	12/09/2018	12/11/2018
ITA	26128/04	Messana v. Italy	12/09/2018	12/11/2018
ITA	37189/05	Messana v. Italy	12/09/2018	12/11/2018
ITA	37199/05	Messana v. Italy	12/09/2018	12/11/2018
ITA	21838/10	Stefanetti and Others v. Italy	12/09/2018	12/11/2018
ITA	21759/15	Tiziana Pennino v. Italy	12/09/2018	12/11/2018
MLT	73182/12	Vella v. Malta	29/08/2018	29/10/2018
ROM	59152/08	N. v. Romania	25/07/2018	25/09/2018
ROM	36676/06	Ghincea v. Romania	08/08/2018	08/10/2018
ROM	49352/14	Molnar v. Romania	08/08/2018	08/10/2018
ROM	20752/07	S.C. Polyinvest S.R.L. v. Romania	08/08/2018	08/10/2018
ROM	76759/14	Talpos v. Romania	08/08/2018	08/10/2018
ROM	23408/11	Toma v. Romania	08/08/2018	08/10/2018
ROM	18270/14	Marina* v. Romania	05/09/2018	05/11/2018
ROM	32729/12	Ora*tie Romanian Greek Catholic Archpriesthood United to Rome and Ora*tie Romanian Greek Catholic Parish United To Rome v. Romania	12/09/2018	12/11/2018
RUS	60085/10	Bobrovskiy and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	21412/11	Chugunov and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	40869/06	Melnikov and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	12505/06	Meshkov and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	36600/11	Shilova and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	48336/13	Silayev and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	57172/08	Sofyin and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	4417/11	Stroganov v. Russian Federation	25/07/2018	25/09/2018
RUS	7061/06	Tselinskiy and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	10067/04	Vetrov and Others v. Russian Federation	25/07/2018	25/09/2018
RUS	4736/11	Yakovlev and Others v. Russian Federation	25/07/2018	25/09/2018

{enclosure 7}

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MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2018)1324/D-add

20 September / septembre 2018

1324th meeting, 18-20 September 2018 / 1324^e réunion, 18-20 septembre 2018 (DH)

Supervision of the payment of just satisfaction / Surveillance du paiement de la satisfaction équitable

Addendum

Cases under supervision of payment on 3 September 2018 for which payment deadline will have expired before 18 September 2018. The department for the Execution of judgments of the ECtHR has received no information regarding payment or the information received in these cases is incomplete.
Affaires sous surveillance du paiement au 3 septembre 2018 dont la date limite de paiement aura expiré le 18 septembre 2018. Le service de l'Exécution des arrêts de la CEDH n'a pas reçu d'information concernant le paiement, ou l'information reçue dans ces affaires est incomplète.

Cases highlighted in grey are decisions 3954 / Les affaires grisées sont des décisions 3954

The cases in italics bold are those for which payment deadline had not expired by 3 September 2018.

Les affaires en italique gras sont celles dont la date limite de paiement n'a pas encore expiré au 3 septembre 2018.

State / Etat	Application Number / Numéro de requête	Case Title / State Nom de l'affaire / Etat	Date of final judgment / Date d'arrêt définitif	Payment deadline / Date limite de paiement
ALB	5250/07	Bici v. Albania	03/03/2016	03/06/2016
ALB	4801/13	Brahimaj v. Albania	06/10/2016	06/01/2017
ALB	74941/14	Caka v. Albania	24/01/2017	16/05/2017
ALB	15373/15	Cela v. Albania	18/10/2016	10/02/2017
ALB	6858/11	Delijorgji v. Albania	14/09/2015	14/12/2015
ALB	49976/13	Dino v. Albania	18/10/2016	10/02/2017
ALB	57065/14	Gjermeni v. Albania	08/12/2016	08/03/2017
ALB	48693/08	Lako v. Albania	17/11/2015	10/03/2016
ALB	30601/08	Luli v. Albania	15/09/2015	15/12/2015
ALB	74389/13	Pihoni v. Albania	13/05/2018	13/08/2018
ALB	12878/10	Qerimi v. Albania	08/09/2016	08/12/2016
ALB	5207/10	Rista v. Albania	17/03/2016	17/06/2016
ALB	10613/16	Sharxhi and Others v. Albania	28/05/2018	28/08/2018
ALB	33704/09	Shehu v. Albania	06/10/2016	06/01/2017
ALB	21634/15	Sinani v. Albania	10/05/2016	02/09/2016
ALB	32913/03	Topallaj v. Albania	21/07/2016	21/10/2016
ALB	16191/13	Veizi and Deda v. Albania	28/03/2017	20/07/2017
ALB	18343/11	Vogli v. Albania	15/10/2013	07/02/2014
ARM	21791/12	Aganikyan v. Armenia	05/04/2018	05/07/2018
ARM	13216/05	Chiragov and Others v. Armenia	12/12/2017	12/03/2018
ARM	62904/12	Fidanyan v. Armenia	11/01/2018	11/04/2018

POL	78352/14	Sepczynski v. Poland	26/04/2018	26/07/2018
POL	39801/15	Somla v. Poland	03/04/2018	26/07/2018
POL	24021/06	Stramska v. Poland	22/05/2018	14/09/2018
POL	32051/16	Witczak v. Poland	15/05/2018	07/09/2018
PRT	33561/17	Annear v. Portugal	15/05/2018	07/09/2018
PRT	46336/09	Associacao de Investidores Do Hotel Apartamento Neptuno and 217 Others v. Portugal	16/07/2013	16/10/2013
PRT	41906/17	Popa v. Portugal	15/05/2018	07/09/2018
ROM	5192/16	Anghel v. Romania	14/06/2018	14/09/2018
ROM	4849/16	Bacrita v. Romania	08/03/2018	29/06/2018
ROM	70012/14	Beciu v. Romania	24/05/2018	14/09/2018
ROM	46831/14	Boldijar v. Romania	29/03/2018	29/06/2018
ROM	27153/07	Cacuci and S.C. Virra & Cont Pad S.R.L. v. Romania	17/04/2017	17/07/2017
ROM	59057/13	Chi* v. Romania	12/04/2018	03/08/2018
ROM	59097/13	Chiriac v. Romania	08/03/2018	08/06/2018
ROM	3360/03	Chis v. Romania	21/02/2011	21/05/2011
ROM	23572/14	Ciobotaru v. Romania	14/06/2018	14/09/2018
ROM	20348/16	Coman v. Romania	24/05/2018	14/09/2018
ROM	55909/10	Constandache v. Romania	07/09/2017	28/12/2017
ROM	7065/14	Corduneanu v. Romania	29/03/2018	29/06/2018
ROM	36183/13	Cucu v. Romania	12/04/2018	03/08/2018
ROM	10346/03	Dickmann v. Romania	24/01/2018	24/04/2018
ROM	25401/15	Dima v. Romania	24/05/2018	14/09/2018
ROM	30502/05	Farca* and Others v. Romania	05/06/2018	05/09/2018
ROM	38370/15	Ganea v. Romania	12/04/2018	03/08/2018
ROM	30008/13	Halip v. Romania	14/06/2018	14/09/2018
ROM	61339/14	Hantig v. Romania	08/03/2018	29/06/2018
ROM	16762/10	Horj v. Romania	01/10/2015	22/01/2016
ROM	32168/05	Ignatescu v. Romania	17/03/2015	17/06/2015
ROM	7219/14	Iliu* v. Romania	08/03/2018	08/06/2018
ROM	47861/14	Ilie v. Romania	29/03/2018	29/06/2018
ROM	22607/16	Ion v. Romania	24/05/2018	14/09/2018
ROM	43899/13	Iordan v. Romania	05/06/2018	05/09/2018
ROM	20262/12	Isabela Ionescu v. Romania	15/05/2018	07/09/2018
ROM	19624/15	Lacatus v. Romania	24/05/2018	14/09/2018
ROM	7448/16	Lae v. Romania	14/06/2018	14/09/2018
ROM	36701/15	Lascau v. Romania	14/06/2018	14/09/2018
ROM	46468/12	Lita and S.C. Georgiana Import Export S.R.L. v. Romania	11/01/2018	11/04/2018
ROM	18270/14	Marina* v. Romania	03/05/2018	03/08/2018
ROM	67449/14	Meianu v. Romania	03/05/2018	03/08/2018
ROM	21037/15	Moldovan v. Romania	24/05/2018	14/09/2018
ROM	70035/10	Nedescu v. Romania	16/04/2018	16/07/2018
ROM	1870/15	Onofrei v. Romania	08/03/2018	29/06/2018
ROM	32729/12	Ora*tie Romanian Greek Catholic Archpriesthood United to Rome and Ora*tie Romanian Greek Catholic Parish United to Rome v. Romania	17/10/2017	17/01/2018
ROM	17367/15	Ovidiu Gandila v. Romania	27/04/2017	18/08/2017
ROM	28976/03	Paula Constantinescu v. Romania	14/09/2015	14/12/2015
ROM	70116/13	Racolta v. Romania	08/02/2018	08/05/2018
ROM	13420/03	Rusen v. Romania	17/09/2013	10/01/2014
ROM	56062/13	Safailu v. Romania	07/12/2017	11/04/2018

payment
deadline
will have
expired
before Sept. 18,
2018

18/09/2018.

ROM	889/15	Sidea v. Romania	05/06/2018	05/09/2018
ROM	57224/14	Silaghi v. Romania	01/12/2016	20/03/2017
ROM	24362/11	Stan v. Romania	14/12/2015	14/03/2016
ROM	66120/13	Stana v. Romania	27/04/2017	18/08/2017
ROM	26990/15	Stanculeanu v. Romania	28/05/2018	28/08/2018
ROM	26856/06	Timar v. Romania	28/02/2017	28/05/2017
ROM	39606/15	Toader v. Romania	08/03/2018	29/06/2018
ROM	33064/15	Uta v. Romania	14/06/2018	14/09/2018
ROM	40756/06	Vlad v. Romania	26/02/2014	26/05/2014
ROM	24693/07	Zlatin v. Romania	29/03/2018	29/06/2018
RUS	46966/14	A.C. and Others v. Russian Federation	14/06/2018	14/09/2018
RUS	6033/13	A.H. and Others v. Russian Federation	03/07/2017	03/10/2017
RUS	7130/08	A.K. and Others v. Russian Federation	29/03/2018	29/06/2018
RUS	16664/07	Abakarova v. Russian Federation	14/03/2016	14/06/2016
RUS	40001/08	Abdulkhadzhiyeva and Abdulkhadzhiyev v. Russian Federation	30/01/2017	30/04/2017
RUS	41437/10	Abdurakhmanova and Abdulgamidova v. Russian Federation	01/02/2016	01/05/2016
RUS	47222/07	Abubakarova and Midalishova v. Russian Federation	30/04/2017	30/07/2017
RUS	45075/15	Achilov and Others v. Russian Federation	22/02/2018	22/05/2018
RUS	21200/05	Akhiyustlin v. Russian Federation	05/03/2018	05/06/2018
RUS	21586/02	Akhmadov and Others v. Russian Federation	06/07/2009	06/10/2009
RUS	2613/13	Akimenkov v. Russian Federation	06/05/2018	06/08/2018
RUS	39708/07	Aleksandr Konovalov v. Russian Federation	28/02/2018	28/05/2018
RUS	31788/06	Alentseva v. Russian Federation	24/04/2017	24/07/2017
RUS	35242/07	Aliyev v. Russian Federation	10/04/2018	10/07/2018
RUS	33975/16	Alyabyev and Others v. Russian Federation	24/05/2018	14/09/2018
RUS	56220/15	Amirov v. Russian Federation	17/10/2017	17/01/2018
RUS	1386/14	Amizhayev v. Russian Federation	21/11/2017	21/02/2018
RUS	43149/10	Andrey Smirnov v. Russian Federation	13/05/2018	13/08/2018
RUS	30395/06	Angirov and Others v. Russian Federation	17/04/2018	17/07/2018
RUS	59391/12	Anna Popova v. Russian Federation	04/01/2017	04/04/2017
RUS	3459/13	Antonov and Others v. Russian Federation	20/07/2017	20/10/2017
RUS	46686/06	Antoshkin v. Russian Federation	04/04/2017	04/07/2017
RUS	13463/07	Apov v. the Republic of Moldova and Russian Federation	13/11/2017	13/02/2018
RUS	17970/10	Arsentyev and Others v. Russian Federation	29/03/2018	29/06/2018
RUS	24948/05	Artemenko v. Russian Federation	22/11/2016	22/02/2017
RUS	20435/09	Artyushkova and Others v. Russian Federation	14/12/2017	14/03/2018
RUS	48977/09	Arutyunyan v. Russian Federation	10/04/2012	10/07/2012
RUS	79550/16	Asafov and Others v. Russian Federation	18/01/2018	08/05/2018
RUS	37923/12	Atakishiyeva and Others v. Russian Federation	30/11/2017	28/02/2018
RUS	35187/07	Avdeyev and Others v. Russian Federation	12/10/2017	12/01/2018
RUS	12239/03	Babynin v. Russian Federation	25/07/2017	25/10/2017
RUS	24904/07	Badalov and Others v. Russian Federation	06/07/2017	06/10/2017
RUS	28682/07	Badretdinov and Others v. Russian Federation	19/07/2016	19/10/2016
RUS	19841/06	Bagdonavicius and Others v. Russian Federation	06/03/2017	06/06/2017
RUS	46926/09	Bakrina v. Russian Federation	17/05/2016	17/08/2016
RUS	60993/16	Baranov and Others v. Russian Federation	08/02/2018	08/05/2018
RUS	8470/15	Baranov and Others v. Russian Federation	12/04/2018	03/08/2018
RUS	38054/05	Barkov and Others v. Russian Federation	19/07/2016	19/10/2016
RUS	51252/09	Barsukov v. Russian Federation	06/06/2017	06/09/2017

~~*~~
 alle
 enhanced
 supervision
 drauf

com 5-7
 June 2018

grüß
 durchgehlicher
 schon auf B10.

Sign In - Please click here to login and see classified information.

CM-Public

MINISTERS' DEPUTIES

Decisions

CM/Del/Dec(2018)1318/B1-add2

7 June / juin 2018

1318th meeting, 5-7 June 2018 / 1318^e réunion, 5-7 juin 2018 (DH)

Classification of new judgments / Classification des nouveaux arrêts

Addendum 2 - enhanced procedure / surveillance soutenue

analysis
for
note
side

Application / Requête	Case / Affaire	Judgment of / Arrêt du	Final on / Définitif le	Group / groupe
AZERBAIJAN / AZERBAIDJAN				
919/15	ILGAR MAMMADOV (No. 2)	16/11/2017	05/03/2018	ILGAR MAMMADOV
BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE				
68955/12+	KUNIĆ AND OTHERS / ET AUTRES	14/11/2017	14/02/2018	Complex problem / problème complexe
20514/15+	SPAHIĆ AND OTHERS / ET AUTRES	14/11/2017	14/02/2018	KUNIĆ AND OTHERS / ET AUTRES
BULGARIA / BULGARIE				
50760/09	HRISTOSKOV	15/02/2018	15/02/2018	KEHAYOV
GREECE / GRECE				
17249/10	GJIKONDI AND OTHERS / ET AUTRES	21/12/2017	21/03/2018	SAKIR
6813/12	GEORGIU AND OTHERS / ET AUTRES	15/03/2018	15/03/2018	NISIOTIS
HUNGARY / HONGRIE				
40114/12	NAGY	08/02/2018	08/02/2018	GAZSÓ
IRELAND / IRLANDE				
27291/16	HEALY	18/01/2018	18/01/2018	McFARLANE
ITALY / ITALIE				
28923/09	AZZOLINA AND OTHERS / ET AUTRES	26/10/2017	26/01/2018	CESTARO
1442/14+	BLAIR AND OTHERS / ET AUTRES	26/10/2017	26/01/2018	CESTARO
MALTA / MALTE				
73182/12	VELLA	27/02/2018	27/02/2018	APAP BOLOGNA
REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA				
40614/14	VALENTIN BAȘTOVOI	28/11/2017	28/02/2018	I.D.
POLAND / POLOGNE				
64055/13+	Henryk GOWIN	06/02/2018	Decision with undertakings / Décision avec engagement	RUTKOWSKI AND OTHERS / ET AUTRES

ROMANIA / ROUMANIE

55089/13	DORNEANU	28/11/2017	28/02/2018	Complex problem / problème complexe
59152/08	N.	28/11/2017	28/02/2018	Urgent individual measures and structural problem / mesures individuelles urgentes et problème structurel
694/14+	BĂLĂȘESCU AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
46831/14+	BOLDIJAR AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
59097/13+	CHIRIAC AND OTHERS / ET AUTRES	08/03/2018	08/03/2018	BRAGADIREANU
7065/14+	CORDUNEANU AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
7219/14	ILIAȘ AND OTHERS / ET AUTRES	08/03/2018	08/03/2018	BRAGADIREANU
47861/14+	ILIE AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	BRAGADIREANU
70116/13+	RACOLTEA AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
12656/14+	RĂDULESCU AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	BRAGADIREANU
10346/03+	DICKMANN AND / ET GION	24/10/2017	24/01/2018	STRĂIN AND OTHERS / ET AUTRES
35723/03+	BEȘLEAGĂ AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	SACALEANU
20752/07+	S.C. POLYINVEST S.R.L. AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	SACALEANU
24693/07+	ZLATIN AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	SACALEANU
64162/10	PAUL POPESCU	06/02/2018	06/02/2018	VLAD AND OTHERS / ET AUTRES

28/05/2018

28/05/2018

08/05/2018

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08/05/2018

08/05/2018

24/04/2018

08/05/2018

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06/05/2018

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

21194/09+	KHADZHIMURADOV AND OTHERS / ET AUTRES	10/10/2017	29/01/2018	KHASHIYEV AND / ET AKAYEVA
7130/08+	A.K. AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	KALASHNIKOV
21778/08+	FATKIN AND OTHERS / ET AUTRES	29/03/2018	29/03/2018	KALASHNIKOV
53048/10	ISAYKIN	27/02/2018	27/02/2018	KALASHNIKOV
57927/16+	MITRYUKOV AND OTHERS / ET AUTRES	08/02/2018	08/02/2018	KALASHNIKOV
50236/06	SHATOKHIN	27/02/2018	27/02/2018	KALASHNIKOV
50407/10+	SOLOMENKO AND OTHERS / ET AUTRES	22/02/2018	22/02/2018	KALASHNIKOV
45075/15+	ACHILOV AND OTHERS / ET AUTRES	22/02/2018	22/02/2018	KALASHNIKOV (GENERALOV)
60993/16+		08/02/2018	08/02/2018	

before
05/06/
2018

⇒ 29/06/2018

DEADLINE EXP
28/05/2018
28/05/2018
08/05/2018
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08/05/2018
08/05/2018
24/04/2018
08/05/2018
?
*
06/05/2018
before
05/06/
2018
⇒ 29/06/2018
deadline will have expired before 18 September 2018

{enclosure 8}



Payment outside the deadline - information relating to payment or non-payment of default interest received
Paieiment hors délai - information relative au paiement ou non-paiement des intérêts moratoires reçue

Status as of 26 September 2018 / Situation au 26 septembre 2018

Number of cases/ nombre d'affaires : 111

State État	Application No. N° de requête	Case Title/State Nom de l'affaire/État	Date of registration of payment Date d'enregistrement du paiement	Applicant's deadline for complaint Date limite de réclamation pour le requérant
AZE	5548/05	Islam-Ittihad Association and Others v. Azerbaijan	12/09/2018	12/11/2018
AZE	51164/07	Sakit Zahidov v. Azerbaijan	12/09/2018	12/11/2018
BEL	37768/13	Sylla and Nollomont v. Belgium	29/08/2018	29/10/2018
FRA	30059/15	Boukrourou and Others v. France	29/08/2018	29/10/2018
ITA	37931/15	Barnea and Caldararu v. Italy	12/09/2018	12/11/2018
ITA	18622/15	Ceglie and Others v. Italy	12/09/2018	12/11/2018
ITA	20613/15	Fasiello and Others v. Italy	12/09/2018	12/11/2018
ITA	66396/14	Improta v. Italy	12/09/2018	12/11/2018
ITA	18632/15	Leanza and Others v. Italy	12/09/2018	12/11/2018
ITA	26128/04	Messana v. Italy	12/09/2018	12/11/2018
ITA	37189/05	Messana v. Italy	12/09/2018	12/11/2018
ITA	37199/05	Messana v. Italy	12/09/2018	12/11/2018
ITA	21838/10	Stefanetti and Others v. Italy	12/09/2018	12/11/2018
ITA	21759/15	Tiziana Pennino v. Italy	12/09/2018	12/11/2018
ITA	63190/16	Beccarini and Ridolfi v. Italy	19/09/2018	19/11/2018
ITA	46463/11	Cavenaghi v. Italy	19/09/2018	19/11/2018
ITA	45821/14	Ceccarelli v. Italy	19/09/2018	19/11/2018
ITA	35488/13	Scervino v. Italy	19/09/2018	19/11/2018
ITA	43267/15	Tonarelli v. Italy	19/09/2018	19/11/2018
ITA	16050/14	Verrengia and Others v. Italy	19/09/2018	19/11/2018
MLT	73182/12	Vella v. Malta	29/08/2018	29/10/2018
ROM	36676/06	Ghincea v. Romania	08/08/2018	08/10/2018
ROM	49352/14	Molnar v. Romania	08/08/2018	08/10/2018
ROM	20752/07	S.C. Polyinvest S.R.L. v. Romania	08/08/2018	08/10/2018
ROM	76759/14	Talpos v. Romania	08/08/2018	08/10/2018
ROM	23408/11	Toma v. Romania	08/08/2018	08/10/2018
ROM	18270/14	Marina* v. Romania	05/09/2018	05/11/2018
ROM	32729/12	Ora*tie Romanian Greek Catholic Archpriesthood United to Rome and Ora*tie Romanian Greek Catholic Parish United To Rome v. Romania	12/09/2018	12/11/2018
RUS	6662/16	Karasev and Others v. Russian Federation	01/08/2018	01/10/2018
RUS	37179/12	Khanoyan and Khamkhoyev v. Russian Federation	01/08/2018	01/10/2018
RUS	39099/05	Khaziyevy and Others v. Russian Federation	01/08/2018	01/10/2018
RUS	72005/13	Kiba and Others v. Russian Federation	01/08/2018	01/10/2018
RUS	52018/09	Kornus v. Russian Federation	01/08/2018	01/10/2018
RUS	63156/10	Kovrigin and Matskevich v. Russian Federation	01/08/2018	01/10/2018

{enclosure 9}



Communication/complaint dated 08 October 2018 - non-payment of judgement in application 24612/07 joined to 20752/07

Marijan Kepic <omegakepic@gmail.com>

8. Oktober 2018 um 16:21

Antwort an: omeakepic@gmail.com

An: dgl_execution_just_satisfaction@coe.int, christophe.poirel@coe.int

Cc: ilo Na K epic <ilokepic@gmail.com>

Council of Europe

- Department for the Execution of ECHR judgements
at the DGI (Directorate General of Human Rights and Rule of Law)
F-67075 Strasbourg Cedex
by Email to: dgl_execution_just_satisfaction@coe.int

- Directorate General of Human Rights and Rule of Law

- Private Office of the Secretary General

Email: omeakepic@yahoo.com
ilokepic@gmail.com

08/October 2018

Ref.: Application no. 24612/2007
Omegatech Enterprises Ltd. v. Romania
Last received communication: Filtering Section
ECHR-LE20.2bR
IBA/OLT/dcz dated 29 March 2018

Communication/complaint dated 08 October 2018

Judgement in Application no. 24612/2007
Omegatech Enterprises Ltd. v. Romania
Joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania

Dear Sirs/Madams,

as described on your website (<https://www.coe.int/en/web/execution/payment-information>) kindly find the requested **communication/complaint within the deadline** of two months from the date of the publication of the lists (in our case being: 08/08/2018), thus 08/10/2018.

It is further described on your website that a complaint must be sent to the above address „if there is a problem“: **Until today, 08/10/2018 we have not received payment from the respondent state, being the sum of USD 4.665.912,03 as only per the deadline of the Judgement of 29 March 2018 only.**

For the payment of the Judgement we have correctly notified you on 20/04/2018 (find a copy of evidence attached) the bank details and the receivables list of the above receivables amount in accordance with the instructions found in the subject referenced, thus followed correctly, also as described on your website „the procedure ... to obtain a swift payment is described in the transmission letter of the judgement of the Court“ dated 29 March 2018.

This communication/complaint being notified and submitted today 08/10/2018, we **do not** -again as described on your website- „once this deadline has passed the applicant is [being] considered as having **accepted payment of the sums on the State's terms and conditions**“.

Thank you very much for your attention and urgent action to update the status of the case.

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

With best regards,
Marijan Kepić

Representative of the Applicant

--

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Evidence of bank details and receivables list sent 20 04 2018.pdf

240K



Judgement dated 29 March 2018 in the application 24612/07: Bank details

ilo Na K epic <ilokepic@gmail.com>

20 April 2018 at 16:19

To: dgl_execution_just_satisfaction@coe.int

Dear Department for the Execution of European Court of Human Rights (ECHR) judgements
at the Directorate General of Human Rights and Rule of Law,

Kindly find attached the communication for the attention of your department.

Please confirm receipt of this email and its attachment.

Thank you very much in advance.

Respectfully yours,
Marijan Kepic

DISCLAIMER: This document contains confidential information belonging to the author which is legally privileged. Any views or opinions are solely those of the author with all rights reserved and without prejudice. If you are not the intended recipient, be advised that you have received this document in error and that any use, dissemination, forwarding, printing, or copying of this document is strictly prohibited. If you have received this document in error please notify immediately.

 **Letter to Council of Europe_Department dated 20 April 2018.pdf**

84K

Council of Europe
Department for the Execution of ECHR judgements
at the DGI (Directorate General of Human Rights and Rule of Law)
F-67075 Strasbourg - Cedex
Fax: +33 (0)3 88 41 27 93
Email: dgl_execution_just_satisfaction@coe.int

Marijan Kepic
Bratov Babnik 21
SLO-1000 Ljubljana
Mob.: +386 41 686 282

E-mail: omegakepic@gmail.com
ilokepic@gmail.com

20/April 2018

Ref.: Application no. 24612/2007
Omegatech Enterprises v. Romania
Last received communication: Filtering Section
ECHR-LE20.2bR
IBA/OLT/dcz dated 29 March 2018

Dear Department for the Execution of European Court of Human Rights judgements
at the Directorate General of Human Rights and Rule of Law (DGI),

We are in receipt of the above referenced letter which enclosed the Judgement in our
application 24612/07, for which we thank you very much.

For the payment of the Judgement kindly find the bank details of the account of our
lawyers:

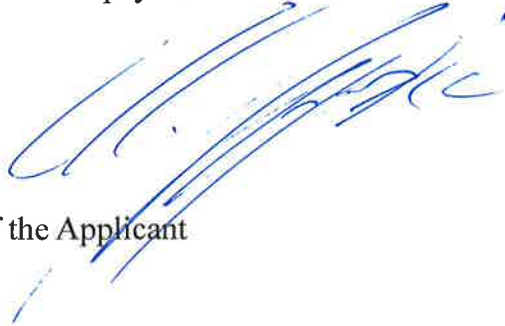
Florentz und Partner mbB
UniCredit Bank AG HypoVereinsbank München
IBAN DE77700202700657566217
BIC HYVEDEMMXXX

Also a receivables list is enclosed.

Please let us know when payment will be done.

Faithfully yours,

Marijan Kepic
Representative of the Applicant



Receivables List
March 29, 2018

Omegatech Enterprises Ltd.

		Amount	Sum	
31.05.1999	Award of ICC Paris dated August 23, 2002	1.046.449,68	1.046.449,68	US\$
29.03.2018	Interest of 18% aac. Award of ICC Paris dated August 23,2002 18,00% of 1.046.449,68 US\$ from 31.05.1999 till 29.03.2018 (6878 days)	3.546.862,35	4.593.312,03	US\$
31.05.1999	Costs acc. Award of ICC Paris dated August 23, 2002	72.600,00	4.665.912,03	US\$
29.03.2018	Total		4.665.912,03	US\$

Additional Interest from the date of March 30, 2018	Interest Method				Daily Interest	
18,000 % p.a.	p.a.	30.03.2018		1.046.449,68	516,0574	US\$

{enclosure 10}

Council of Europe

- Department for the Execution of ECHR judgements
at the DGI (Directorate General of Human Rights and Rule of Law)
F-67075 Strasbourg Cedex
by Email to: dgi_execution_just_satisfaction@coe.int

- Directorate General of Human Rights and Rule of Law

- Private Office of the Secretary General

Marijan Kepic
Bratov Babnik 21
SLO-1000 Ljubljana
Mob.: +386 41 686 282

Email: omegakepic@gmail.com
ilokepic@gmail.com

08/October 2018

Ref.: Application no. 24612/2007
Omegatech Enterprises Ltd. v. Romania
Last received communication: Filtering Section
ECHR-LE20.2bR
IBA/OLT/dcz dated 29 March 2018

Communication/complaint dated 08 October 2018

Judgement in Application no. 24612/2007
Omegatech Enterprises Ltd. v. Romania
Joined to application no. 20752/07 - S.C. Polyinvest S.R.L. v. Romania

Dear Sirs/Madams,

as described on your website (<https://www.coe.int/en/web/execution/payment-information>) kindly find the requested **communication/complaint within the deadline** of two months from the date of the publication of the lists (in our case being: 08/08/2018), thus 08/10/2018.

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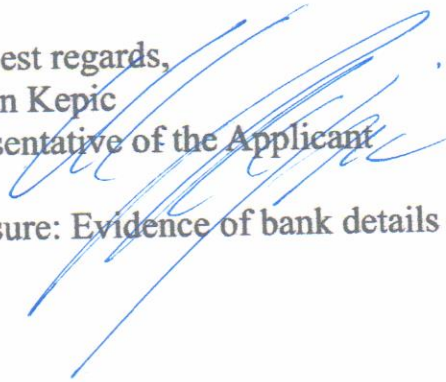
For the payment of the Judgement we have correctly notified you on 20/04/2018 (find a copy of evidence attached) the bank details and the receivables list of the

above receivables amount in accordance with the instructions found in the subject referenced, thus followed correctly, also as described on your website „the procedure ... to obtain a swift payment is described in the transmission letter of the judgement of the Court“ dated 29 March 2018.

This communication/complaint being notified and submitted today 08/10/2018, we **do not** -again as described on your website- „once this deadline has passed the applicant is [being] considered as having **accepted payment of the sums on the State's terms and conditions**“.

Thank you very much for your attention and urgent action to update the status of the case.

With best regards,
Marijan Kepic
Representative of the Applicant



Enclosure: Evidence of bank details and receivables list sent

Council of Europe
Department for the Execution of ECHR judgements
at the DGI (Directorate General of Human Rights and Rule of Law)
F-67075 Strasbourg - Cedex
Fax: +33 (0)3 88 41 27 93
Email: dgl_execution_just_satisfaction@coe.int

Marijan Kepic
Bratov Babnik 21
SLO-1000 Ljubljana
Mob.: +386 41 686 282

E-mail: omegakepic@gmail.com
ilokepic@gmail.com

20/April 2018

Ref.: Application no. 24612/2007
Omegatech Enterprises v. Romania
Last received communication: Filtering Section
ECHR-LE20.2bR
IBA/OLT/dcz dated 29 March 2018

Dear Department for the Execution of European Court of Human Rights judgements
at the Directorate General of Human Rights and Rule of Law (DGI),

We are in receipt of the above referenced letter which enclosed the Judgement in our
application 24612/07, for which we thank you very much.

For the payment of the Judgement kindly find the bank details of the account of our
lawyers:

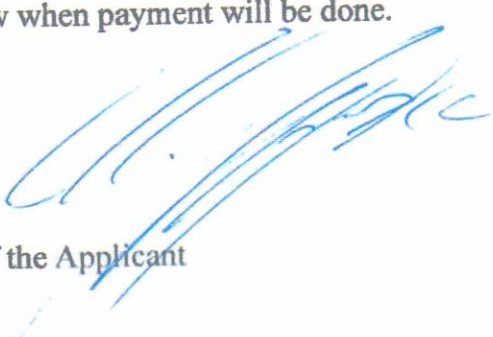
Florentz und Partner mbB
UniCredit Bank AG HypoVereinsbank München
IBAN DE77700202700657566217
BIC HYVEDEMMXXX

Also a receivables list is enclosed.

Please let us know when payment will be done.

Faithfully yours,

Marijan Kepic
Representative of the Applicant

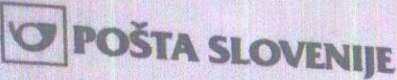


Receivables List
March 29, 2018

		Amount	Sum	
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29.03.2018	Interest of 18% aac. Award of ICC Paris dated August 23,2002 18,00% of 1.046.449,68 US\$ from 31.05.1999 till 29.03.2018 (6878 days)	3.546.862,35	4.593.312,03	US\$
31.05.1999	Costs acc. Award of ICC Paris dated August 23, 2002	72.600,00	4.665.912,03	US\$
29.03.2018	Total		4.665.912,03	US\$

Additional Interest from the date of March 30, 2018	Interest Method			Daily Interest
18,000 % p.a.	p.a.	30.03.2018	1.046.449,68	516,0574 US\$

DH-DD(2018)1189 : Rule 9.1 Communication from the applicant in S.C. Polynvest S.R.L. and Others v. Romania.
 Documents distributed at the request of a Representative shall be under the sole responsibility of the said
 Representative, without prejudice to the legal or political position of the Committee of Ministers.



Sprejemna pošta
Office of posting

Datum
Date

COUNCIL OF EUROPE
Department for the Execution of ECHR judgements
at the DGI – Directorate General of Human Rights and Rule of Law
F-67075 STRASBOURG - Cedex

POVRATNICA – obvestilo o vročitvi/izpolnitvi
ADVICE of receipt/of delivery/of payment/of entry

CONSEIL DE L'EUROPE
A.R.
26 AVR. 2018

Vrsta pošiljke/ Nature of the

- Priporočeno pismo
Registered Letter
- Prednostno
Priority
- Poštna nakaznica
Postal money order

AR **1130 SLOVENIJA**
LJUBLJANA
24.04.2018 17:54 *****5,3700 EUR**
0,019kg
12887
****Potrdilo**** **RA 3506 1723 5 SI**

Izpolni naslovna pošta/ To be

- Ta pošiljka je bila pravično
Vročena
Delivered

Datum in podpis
Date and signature*



Ime in priimek prejemnika z velikimi tiskanimi črkami - velja samo za mednarodne pošiljke
Name of recipient in capital letters

Prednostno
Priority

Vrni
Return to

Ime in priimek
Name

Ulica in številka
Street and No

Kraj in država
Locality and country

MARIJAN KEPIC
BRATOV BABNIK 21
1000 LJUBLJANA
REPUBLIC OF SLOVENIA

*To obvestilo lahko podpiše naslovnik ali v skladu s predpisi naslovne države druga pooblaščen oseba ali delavec naslovne pošte.
*This advice may be signed by the addressee or, if the regulations of the country of destination so provide, by another authorized person or by the official of the office of destination.

POŠTA SLOVENIJE

POVRATNICA – obvestilo o vročitvi/izplačilu/vpisu
ADVICE of receipt/of delivery/of payment/of entry

(P-20) CN 07

Sprejemna pošta Office of posting		Datum Date	
Council of Europe The Secretary General Mr. Thorbjørn Jagland & Deputy Secretary General Mrs. Gabriella Battaini-Dragoni Private Office of the Secretary General and the Deputy Secretary General F-67075 Strasbourg Cedex France			
<input type="checkbox"/> Priporočeno pismo Registered Letter	AR	1106 LJUBLJANA SLOVENIJA	
<input type="checkbox"/> Prednostno Priority	08.10.2018 23:10	**11,2700 EUR	
Številka pošiljke/ No of item	0,511kg		
<input type="checkbox"/> Poštna nakaznica Postal money order	11600		
	Potrdilo	RA 3972 5026 2 SI	
			
Izpolni naslednje podatke/ To be completed		Ime in priimek prejemnika v velikimi tiskanimi črkami - velja samo za mednarodne pošiljke Name of recipient in capital letters	
<input type="checkbox"/> Ta pošiljka je bila pravočasno/ The Delivered			
Datum in podpis Date and signature*			

A.R.

Službeno
On postal service
Zig pošte, ki vrača povratnico
Stamp of the office returning the advice

CONSEIL DE L'EUROPE
10 OCT. 2018


Ime in priimek Name	Marijan Kepic
Ulica in številka Street and No	Bratov Babnik 21
Kraj in država Locality and country	1000 Ljubljana Republic of Slovenia

*To obvestilo lahko podpisate naslovnik ali v skladu s predpisi naslovne države druga pooblaščenca oseba ali delavec naslovne pošte.
 *This advice may be signed by the addressee or, if the regulations of the country of destination so provide, by another authorized person or by the official of the office of destination

POŠTA SLOVENIJE

POVRATNICA – obvestilo o vročitvi/izplačilu/vpisu
ADVICE of receipt/of delivery/of payment/of entry

(P-20) CN 07

Sprejemna pošta Office of posting		Datum Date	
Council of Europe DGI - Directorate General of Human Rights and Rule of Law Department for the Execution of ECHR judgements F-67075 Strasbourg Cedex, France			
<input type="checkbox"/> Priporočeno pismo Registered Letter	AR	1106 LJUBLJANA SLOVENIJA	
<input type="checkbox"/> Prednostno Priority	08.10.2018 23:11	**7,1300 EUR	
Številka pošiljke/ No of item	0,043kg		
<input type="checkbox"/> Poštna nakaznica Postal money order	11600		
	Potrdilo	RA 3972 5027 6 SI	
			
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<input type="checkbox"/> Ta pošiljka je bila pravočasno/ The Delivered			
Datum in podpis Date and signature*			

A.R.

Službeno
On postal service
Zig pošte, ki vrača povratnico
Stamp of the office returning the advice

CONSEIL DE L'EUROPE
10 OCT. 2018

Ime in priimek Name	Marijan Kepic
Ulica in številka Street and No	Bratov Babnik 21
Kraj in država Locality and country	1000 Ljubljana Republic of Slovenia

*To obvestilo lahko podpisate naslovnik ali v skladu s predpisi naslovne države druga pooblaščenca oseba ali delavec naslovne pošte.
 *This advice may be signed by the addressee or, if the regulations of the country of destination so provide, by another authorized person or by the official of the office of destination

{enclosure 11}



Marijan Kepic <omegakepic@gmail.com>

EXEC - Omegatech Entreprises Ltd. v. Romania (Application No. 24612/07)

1 Nachricht

DGI-Execution <DGI-Execution@coe.int>
An: "omegakepic@gmail.com" <omegakepic@gmail.com>
Cc: "ilokepic@gmail.com" <ilokepic@gmail.com>

23. Oktober 2018 um 14:42

Dear Mr Kepic ,

Please find attached a letter concerning the case Omegatech Entreprises Ltd. v. Romania (Application No. 24612/07, judgment of S.C. Polyinvest S.R.L v. Romania).

Best regards,



Directorate General of Human Rights and Rule of Law
Council of Europe - Conseil de l'Europe
Department for the Execution of judgments of the European Court of Human Rights
Service de l'Exécution des arrêts de la Cour européenne des droits de l'Homme

+ 33 (0) 3 90 21 55 54/ Fax + 33 (0) 3 88 41 27 93

<http://www.coe.int>

www.coe.int/execution

DGI-Execution@coe.int

 **ROM-Omegatech-Enterprises-Ltd(Polyinvest S.R.L.)-Env-Let-Acc-Rec-20181023.pdf**
787K



**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS
THE HEAD OF DEPARTMENT a.i.

Ref ► DGI/FS/LIE

Mr Marjan Kepic

By e-mail :

omegakepic@gmail.com

ilokepic@gmail.com

Strasbourg, 23 October 2018

**Subject: Case of *Omegatech Enterprises Ltd. v. Romania* (Application No. 24612/07,
judgment of *S.C. Polyinvest S.R.L. v. Romania*, 29 March 2018)**

Dear Mr Kepic,

Thank you for e-mail of 8 October 2018 addressed to the Director of the Directorate for Human Rights and to the Department for the Execution of Judgments (Just satisfaction unit).

This communication has been brought to the attention of the Committee of Ministers, in accordance with Rule 9 §§ 1 and 5 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

In response, I would like to reiterate that the information published on the Department's website and on the HUDOC-EXEC database under "Payment information" only refers to the just satisfaction awarded by the European Court in clear and quantified form (in this judgment, the sums awarded to S.C. Polyinvest S.A. and S.C. Conspad Serv S.R.L. for non-pecuniary damage and costs and expenses). Sums due under domestic judgments, the enforcement of which has been ordered by the European Court, are not included.

When the sums awarded by the Court in clear and quantified form have been paid, the case is removed from the list of cases under supervision of payment. This fact has no bearing on the examination of the issue of enforcement of relevant domestic judgments, which is dealt with separately by the Committee of Ministers.

The HUDOC-EXEC database has also been updated with an indication of your complaints and references to the documents published. The HUDOC-EXEC thus clearly indicates that the payment of the sums owed under the award of the International Court of Arbitration of 23 August 2002 to Omegatech Enterprises Ltd. remains outstanding. You may access it by clicking on the name of the judgment (*S.C. Polyinvest S.R.L. and Others*) in HUDOC-EXEC.

Yours sincerely,



Fredrik Sundberg

{enclosure 12}

Title S.C. POLYINVEST S.R.L. AND OTHERS v. Romania
Document Cases
Type
App 20752/07
Number
State Romania
Language English
Publication 04/04/2018
Date
Judgment 29/03/2018
Date
Final 29/03/2018
Judgment
Date
CM Meeting 1318
Number
Supervision Enhanced Procedure
Violations Non Execution
Violation of property rights resulting from non-execution of judgments (no separate violation of Art. 6)
AP Status Action Plan/Report Not Required
Leading 73970/01 - SACALEANU v. Romania
Cases
Type Repetitive
Payment Just Satisfaction paid on 08/10/2018, deadline for the applicant
Information to complain: 08/12/2018
Cite as S.C. POLYINVEST S.R.L. AND OTHERS v. Romania |
Application N°: 20752/07 | Date(s) of Judgment: 29/03/2018 |
Judgment(s) became final: 29/03/2018 | Latest Decision: see
Status of Execution

{enclosure 13}

Originating Body Court (Fourth Section Committee)
 Document Type Judgment (Merits and Just Satisfaction)
 Language(s) English
 Title CASE OF S.C. POLYINVEST S.R.L. AND OTHERS v. ROMANIA
 App. No(s). 20752/07
 24612/07
 49814/13
 Importance Level 3
 Represented by KAMENOV V.
 Respondent by KEPIC M.
 Respondent State(s) Romania
 Judgment Date 29/03/2018
 Conclusion(s) Violation of Article 6 - Right to a fair trial (Article 6 - Enforcement proceedings
 Article 6-1 - Access to court)
 Violation of Article 1 of Protocol No. 1 - Protection of property (Article 1 para.
 Protocol No. 1 - Peaceful enjoyment of possessions)
 Article(s) 6
 6-1
 P1-1
 P1-1-1
 Separate Opinion(s) No
 Keywords (Art. 6) Right to a fair trial
 (Art. 6) Enforcement proceedings
 (Art. 6-1) Access to court
 (P1-1) Protection of property
 (P1-1-1) Peaceful enjoyment of possessions
 ECLI ECLI:CE:ECHR:2018:0329JUD002075207

{enclosure 14}



Omegatech - Polyinvest v. Romania

Marijan Kepic <omegakepic@gmail.com>
Antwort an: omeakepic@gmail.com
An: SUNDBERG Fredrik <fredrik.sundberg@coe.int>
Cc: ilo Na K epic <ilokepic@gmail.com>

23. August 2018 um 14:22

Ljubljana, August 23,
2018

TO Mr. Fredrik Sundberg
The Head of Department for the Execution of
Judgments of the European Court of Human Rights
Council of Europe
F – 67075 Strasbourg/Cedex

REF Final judgment of ECHR in case 24612/07 Omegatech Enterprises
Ltd. v. Romania dated March 29, 2018 (joined case no. 20752/07,
S.C. Polyinvest S.R.L. v. Romania)

Dear Mr. Fredrik Sundberg,

I am reverting to our Tuesdays phone conversation, for which I like to firstly thank you very much.
Date of the phone conversation being August 21, 2018 and being in the presence and participation
of Ms. Laura Ielciu and my daughter Ilona too.

**Herewith we are asking you to send to the Government Agent of the Respondent State to
their urgent attention your urgent reminder for payment of their obligations of the
enforceable and final ECHR judgement incumbent on Romania latest until August 30, 2018.**

I attach a copy of the payment request sent to the Department for the Execution of European Court
of Human Rights Judgments enclosing the receivables list as per March 29, 2018.

In expectation of your message and copy of the payment reminder, I thank you so much in
advance.

With my best regards also to Ms. Geneviève Mayer.

Marijan Kepic
Omegatech Enterprises Ltd.
Mobile : + 386-41-686282
E.mail: omegakepic@gmail.com

Without prejudice and with reservation of all rights.

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error please notify immediately.

DH-DD(2018)1189 : Rule 9.1 Communication from the applicant in S.C. Polyinvest S.R.L. and Others v. Romania.
Documents distributed at the request of a Representative shall be under the sole responsibility of the said
Representative, without prejudice to the legal or political position of the Committee of Ministers.



3125_001.pdf
128K



Please FW your reply from Friday 31/08/2018: Omegatech - Polyinvest v. Romania

ilo Na K epic <ilokepic@gmail.com>

4 September 2018 at 12:46

To: "Fredrik COE Exec Head (a.i.)" <fredrik.sundberg@coe.int>

Cc: Marijan Kepic <omegakepic@gmail.com>

Dear Mr. Sundberg,

my Dad explained to me that you've let him know that you've sent a reply on Friday, August 31st and also asked whether he had not received it. I have checked his email inbox too and found nothing, could you be so kind and forward your reply please.

Thanking you so much in advance.

Respectfully yours,
Ilona

----- Forwarded message -----

From: **Marijan Kepic** <omegakepic@gmail.com>

Date: 23 August 2018 at 14:22

Subject: Omegatech - Polyinvest v. Romania

To: SUNDBERG Fredrik <fredrik.sundberg@coe.int>

Cc: ilo Na K epic <ilokepic@gmail.com>

Ljubljana, August 23,
2018

TO Mr. Fredrik Sundberg
The Head of Department for the Execution of
Judgments of the European Court of Human Rights
Council of Europe
F – 67075 Strasbourg/Cedex

REF Final judgment of ECHR in case 24612/07 Omegatech Enterprises
Ltd. v. Romania dated March 29, 2018 (joined case no. 20752/07,
S.C. Polyinvest S.R.L. v. Romania)

Dear Mr. Fredrik Sundberg,

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Marijan Kepic
Omegatech Enterprises Ltd.
Mobile : + 386-41-686282
E.mail: omegakepic@gmail.com

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128K



Fwd: Please FW your reply from URGENT: Friday 31/08/2018: Omegatech - Polyinvest v. Romania

Marijan Kepic <omegakepic@gmail.com>

12. September 2018 um 12:08

Antwort an: omeakepic@gmail.com

An: SUNDBERG Fredrik <fredrik.sundberg@coe.int>

Cc: ilo Na K epic <ilokepic@gmail.com>

Dear Mr. Fredrik Sundberg,

please send your reply that you let me know by iMessage on Monday, 27 August 2018 and later on Monday, 3 September 2018 also by iMessage that you have sent me a letter on Friday, 31 August 2018.

Thank you very much in advance.

Sincerely yours,
Marijan Kepic

----- Weitergeleitete Nachricht -----

Von: **ilo Na K epic** <ilokepic@gmail.com>

Datum: Di. 4. Sep. 2018 um 12:46

Betreff: Please FW your reply from Friday 31/08/2018: Omegatech - Polyinvest v. Romania

An: Fredrik COE Exec Head (a.i.) <fredrik.sundberg@coe.int>

Cc: Marijan Kepic <omegakepic@gmail.com>

Dear Mr. Sundberg,

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Thanking you so much in advance.

Respectfully yours,
Ilona

----- Forwarded message -----

From: **Marijan Kepic** <omegakepic@gmail.com>

Date: 23 August 2018 at 14:22

Subject: Omegatech - Polyinvest v. Romania

To: SUNDBERG Fredrik <fredrik.sundberg@coe.int>

Cc: ilo Na K epic <ilokepic@gmail.com>

Ljubljana, August 23,
2018

TO Mr. Fredrik Sundberg
The Head of Department for the Execution of
Judgments of the European Court of Human Rights
Council of Europe
F – 67075 Strasbourg/Cedex

Dear Mr. Fredrik Sundberg,

I am reverting to our Tuesdays phone conversation, for which I like to firstly thank you very much. Date of the phone conversation being August 21, 2018 and being in the presence and participation of Ms. Laura Ielciu and my daughter Ilona too.

Herewith we are asking you to send to the Government Agent of the Respondent State to their urgent attention your urgent reminder for payment of their obligations of the enforceable and final ECHR judgement incumbent on Romania latest until August 30, 2018.

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With my best regards also to Ms. Geneviève Mayer.


Marijan Kepic
Omegatech Enterprises Ltd.
Mobile : + 386-41-686282
E.mail: omegakepic@gmail.com

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Marijan Kepic <omegakepic@gmail.com>

Letter Omegatech

SUNDBERG Fredrik <Fredrik.SUNDBERG@coe.int>
An: "omegakepic@gmail.com" <omegakepic@gmail.com>

12. September 2018 um 16:32

Further to your message this morning, please find enclosed a new copy of the letter sent on 31 August to you.
Best regards, Fredrik Sundberg

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453K



**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS
DEPARTMENT FOR THE EXECUTION OF JUDGMENTS
OF THE EUROPEAN COURT OF HUMAN RIGHTS
THE HEAD OF DEPARTMENT a.i.

Ref ► DGI/FS/LIE

Mr Marjan Kepic

By e-mail :

omegakepic@gmail.com

ilokepic@gmail.com

Strasbourg, 31 August 2018

**Subject: Case of *Omegatech Enterprises Ltd. v. Romania* (Application No. 24612/07,
judgment of *S.C. Polyinvest S.R.L. v. Romania*, 29 March 2018)**

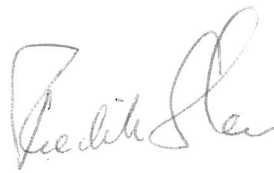
Dear Mr Kepic,

Following our previous exchanges, please be informed that the Department for the Execution of Judgments has written to the Agent of the Romanian Government regarding the non-enforcement so far of the arbitral award in the applicant company's favour at issue in the case cited in reference, notwithstanding the Court's clear order that enforcement should have been ensured before 29 June 2018.

The Department stressed in this context the unconditional nature of the obligation undertaken by Romania to abide by the judgments of the European Court and the need for the Romanian authorities to rapidly resolve the applicant company's individual situation, as ordered by the Court.

The Department will keep you informed of all new developments in this case.

Yours sincerely,



Fredrik Sundberg