

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

SECOND SECTION

CASE OF TATLI v. TÜRKİYE

(Application no. 35383/19)

JUDGMENT

Art 6 § 1 (civil) • Inability to challenge an administrative decision exempting a hydroelectric power plant from the requirement to commission an environmental impact assessment • Consistent application of well-established case-law by domestic courts • Limitation on applicant's right of access to a court not unforeseeable • Applicant's conduct directly contributed to case outcome • Procedural requirements as applied by the domestic courts not unreasonable or excessively formalistic • Applicant not made to bear an excessive burden on account of his own omissions • Margin of appreciation not overstepped • Very essence of right of access to court not impaired

Prepared by the Registry. Does not bind the Court.

STRASBOURG

3 February 2026

FINAL

03/05/2026

This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.



In the case of Tatlı v. Türkiye,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen*, President*,
Saadet Yüksel,
Jovan Ilievski,
Péter Paczolay,
Oddný Mjöll Arnardóttir,
Juha Lavapuro,
Hugh Mercer*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 35383/19) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Turkish national, Mr Ali Tatlı ("the applicant"), on 23 May 2019;

the decision to give notice to the Turkish Government ("the Government") of the complaint concerning Article 6 § 1 of the Convention, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 13 January 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present case concerns a project for the construction of a dam and a hydroelectric power plant on the Solaklı River, situated near the village of Köknar, Çaykara district, Trabzon. The applicant alleged a violation of Article 6 § 1 of the Convention on account of his inability to have access to a court in order to challenge an administrative decision exempting the hydroelectric power plant from the requirement to commission an environmental impact assessment (hereinafter "EIA").

THE FACTS

2. The applicant was born in 1967 and lives in Istanbul. He was represented by Ms G. Uzuner, a lawyer practising in Ankara.

3. The Government were represented by their Agent, Mr Ali Aydın, Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye.

4. The facts of the case may be summarised as follows.

5. On 2 March 2015 the applicant submitted a request to the Trabzon governor's office under the Freedom of Information Act (Law no. 4982), seeking information as to whether the project in question had undergone an

EIA procedure and the relevant administrative processes. On 13 November 2015 the Trabzon governor's office responded by stating that a decision had been made to waive the requirement for an EIA (hereinafter "the decision waiving the requirement for an EIA") in relation to the project.

6. On 28 April 2016 the applicant instituted proceedings before the Trabzon Administrative Court, seeking the annulment of the decision waiving the requirement for an EIA. In his submissions, the applicant primarily complained of the adverse environmental effects of the project, asserting that these would cause irreparable harm to the local population, biodiversity and the regional ecosystem. He further asserted that he had a direct personal interest in the matter stemming from his profound connection to the village, where he resided for several months each year and maintained strong ties to the land and local community, even though he was not a full-time resident. He also asserted that the same project had previously been the subject of two other related lawsuits before the Trabzon Administrative Court, to which he had been a party, along with other claimants. He contended that, during the course of those other proceedings, revisions had been made to the project. However, those revisions had not been duly notified to him, which had led him to seek, on his own initiative, information regarding the current state of the project.

7. On 15 July 2016 the Trabzon Administrative Court requested from the applicant information about his place of residence and ownership of any immovable properties in Çaykara as of the date of the introduction of the action. The court also ordered, taking into account the previous court proceedings concerning the project (see paragraph 6 above), an expert examination to ascertain the conformity of the decision waiving the requirement for an EIA with the law. It submitted specific questions regarding the environmental impact and envisaged risks of the project to a panel of experts comprising forestry, environmental, construction, mining and geological engineers. In their report, the experts opined that, following the significant revisions made to the initial project, its current form would not cause permanent damage to the ecological structure in the region. They also noted that the number of trees to be felled had been significantly reduced on account of the decrease in construction works and that, in the light of the measures envisaged, solid waste and wastewater generated within the scope of the project would not harm the flora and fauna of the region. They concluded that the scientific and legal conditions for a decision waiving the requirement for an EIA had been met.

8. On 10 May 2017 the Trabzon Administrative Court dismissed the action, referring to the findings of the expert witnesses and holding that the revisions made to the project had significantly minimised its adverse environmental effects. It ruled that the decision waiving the requirement for an EIA was in accordance with the law.

9. On 12 June 2017 the applicant lodged an appeal with the Supreme Administrative Court, contending that the Trabzon Administrative Court had not adequately examined the merits of the case and had based its decision on an erroneous assessment by a group of experts who had failed to assess the cumulative adverse environmental effects of the project in a holistic manner.

10. On 2 November 2017 the Supreme Administrative Court set aside the Trabzon Administrative Court's decision and dismissed the case with final effect on the ground that the applicant had no standing to bring an action for annulment. It reasoned that granting standing to individuals who neither resided nor owned property in the vicinity of proposed environmental projects would subject such administrative decisions and the investors concerned to a constant threat of litigation, which would contravene the principle of administrative stability. The Supreme Administrative Court reached its conclusion following a search, conducted of its own motion, of the National Judiciary Informatics System ("the UYAP") to determine whether the applicant had resided in the project area or had had any immovable property there on the date when the action had been brought in the administrative court. It found that this was not the case. No appeal lay against that decision.

11. On 24 January 2018 the applicant lodged an individual application with the Constitutional Court, arguing that his right to access to a court had been breached as a result of the Supreme Administrative Court's decision. He stressed that, while he did not reside in the district permanently, he had strong economic and social ties with his village and spent months there every year. He further asserted ownership of immovable properties in the region, submitting title deeds which he had inherited, jointly with his siblings, following the death of his father.

12. On 12 November 2018 the Constitutional Court dismissed the applicant's complaint of lack of access to a court as manifestly ill-founded by way of a summary decision.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

13. The relevant legal framework and the domestic jurisprudence can be found in *Efgan Çetin and Others v. Türkiye* (no. 14684/18, §§ 14-17, 3 October 2023) and *Cangı and Others v. Türkiye* (no. 48173/18, §§ 22-24 and 31-32, 14 November 2023, with further references).

14. In accordance with the relevant provisions of the Regulation on Environmental Impact Assessments, published in Official Gazette no. 29186 on 25 November 2014, as in force at the material time, a decision waiving the requirement for an EIA could be given under specific circumstances, primarily for projects listed in Annex-II of the Regulation. For these Annex-II projects, which were deemed to involve a potentially more minor environmental impact, a project description file had to be prepared and submitted to the Ministry of Environment, Urbanisation and Climate Change

(hereinafter "the Ministry"). Subsequently, the Ministry conducted a screening process and evaluated the project description file to determine whether the project's potential environmental impact was significant enough to warrant a full EIA report. Should the impact have been deemed insignificant or capable of being adequately managed through specific technical and scientific measures, a decision waiving the requirement for an EIA was issued, thereby removing the obligation to prepare a more detailed EIA report.

15. Section 2 of the Administrative Procedure Act (Law no. 2577) provides that anyone whose interests have been violated as a result of an allegedly unlawful administrative decision or act may bring an action for the annulment of that decision or act.

16. Section 20 of Law no. 2577 further provides that the principle of party representation is not strictly applied in administrative court proceedings, as those courts are empowered to examine issues not raised by the parties and to collect additional information of their own motion. Administrative courts may direct the parties and other relevant authorities to submit necessary documents and present any information within a designated period. Compliance with these directions is mandatory within the given time period. This period may be extended once, provided that justified reasons are furnished.

THE LAW

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

17. The applicant complained that he had been denied access to a court on account of the manner in which the Supreme Administrative Court had concluded that he had had no *locus standi*, without giving him an opportunity to present evidence to prove his sufficient interest in challenging the decision waiving the requirement for an EIA. He alleged that there had been a violation of Article 6 § 1 of the Convention, which provides, in its relevant part, as follows:

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

A. Admissibility

1. The parties' submissions

(a) The Government

18. Firstly, the Government contended that Article 6 of the Convention was inapplicable *ratione materiae*, arguing that the dispute had not concerned the determination of the applicant's "civil rights and obligations". They

submitted that the applicant's domestic pleadings had constituted general statements of public interest (*actio popularis*), but that he had failed to demonstrate a genuine and serious dispute in respect of his individual rights. They stressed that, rather than relying on potential individual effects of the project, the applicant had mainly complained of collective damage to nature and the ecological balance of the region.

19. Secondly, the Government contested the applicant's victim status. They argued that the applicant had failed to provide concrete evidence of being personally affected by the impugned decision, noting his admission of only periodic visits to the area and non-residency for the entire year. They further disputed that the immovable properties inherited from the applicant's father were located within the project's impact zone.

20. Lastly, the Government contended that the application was manifestly ill-founded. They argued that, although the administrative court of first instance had examined the applicant's complaints on their merits, the Supreme Administrative Court had subsequently set aside the relevant decision on account of the applicant's lack of standing. The Supreme Administrative Court, after examining the UYAP records of its own motion, under Article 20 of the Administrative Procedure Law (see paragraph 15 above), had determined that the applicant had neither resided in the project area nor possessed any immovable property there at the time of bringing the action. The Government emphasised that these immovables had not been registered in the applicant's name at the time the impugned decision had been taken, but in September 2022 they had subsequently been registered in his name, jointly with other family members who had not challenged the measure. Furthermore, the Turkish Constitutional Court held that the applicant's complaints concerning access to a court manifestly ill-founded. The Government asserted that there was no basis to conclude that the domestic judicial authorities' decisions had been arbitrary or had contained any manifest error.

(b) The applicant

21. The applicant challenged the Government's assertions, contending that the Trabzon Administrative Court had initially recognised his standing and had gathered evidence on the merits of his case, which had later been dismissed by the Supreme Administrative Court. He also noted that his complaints concerning the previous (unrevised) version of the same project had been examined on their merits in two other lawsuits (see paragraph 6 above), without his legal standing being challenged at any level of jurisdiction. In support of his arguments, he relied on the Constitutional Court's plenary judgment of 5 March 2020 (no. 2016/13846), which concerned an inability to challenge a decision waiving the requirement for an EIA related to a windfarm project. In that judgment, the Constitutional Court had found a breach of the right of access to a court, which had stemmed from

the domestic administrative courts' narrow interpretation of standing for individuals, requiring them to own property in the near vicinity of the project site.

22. The applicant emphasised that he had sufficiently demonstrated his connection to the project area before the domestic courts. He clarified that his village was situated within the potentially affected region. He called attention to his traditional lifestyle and his enduring ties to his ancestral land, notwithstanding the fact that he resided and worked elsewhere during parts of the year. He further emphasised that his relationship with the region was both familial and ongoing, given that he had inherited the land and spent the summer months there.

23. In support of his claims, the applicant also stressed that he held joint ownership of immovable properties in the village with his siblings. This ownership was further supported by records held by the gendarmerie, dated 30 September 2024, confirming his active use of these properties for a portion of the year. He maintained that proof of his ownership had previously been submitted to the first-instance court in other legal proceedings related to the same project (see paragraph 6 above) and thus the Supreme Administrative Court should have had access to that information. Furthermore, he argued that the latter court, in exercising its power to examine the matter of its own motion, ought to have investigated whether he had acquired the property through inheritance, rather than exclusively consulting active land registry records and proceeding on the erroneous premise that he had not owned any immovable properties. The applicant argued that he would be directly affected by the adverse environmental impact of the project and that he had a direct, current and personal interest in the annulment of the decision waiving the requirement for an EIA.

2. The Court's assessment

24. The Court reiterates that in order to be able to lodge an application in accordance with Article 34 of the Convention, an individual must be able to show that he or she was "directly affected" by the measure complained of (see *Bursa Barosu Başkanlığı and Others v. Turkey*, no. 25680/05, §§ 106-12, 19 June 2018).

25. In this connection, the Court notes that the applicant was party to the proceedings before the Trabzon Administrative Court and his standing was not challenged during those proceedings. However, the applicant's property ownership in the area was disregarded by the Supreme Administrative Court's ruling on his lack of standing, and the subsequent finding by Constitutional Court that his complaint of lack of access to a court was manifestly ill-founded ultimately led to the dismissal of his case. Consequently, he was directly affected by the domestic courts' conduct of the proceedings and their handling of evidence concerning his legal standing. The Court is therefore satisfied that the applicant has sufficiently demonstrated

that he was directly affected by the decisions of the domestic courts and finds that he may claim to be a victim in respect of his Article 6 § 1 complaint (see, for a similar conclusion, *Efgan Çetin and Others v. Türkiye*, no. 14684/18, §§ 23-27, 3 October 2023).

26. The Court emphasises, however, that its finding at this stage is confined to the applicant's victim status for the purposes of Article 34 of the Convention. This does not predetermine the question whether, under domestic law, he fulfilled the substantive criteria for standing in the impugned proceedings. The domestic courts' approach in this regard falls to be examined under the merits in the context of proportionality and foreseeability.

27. The Court further reiterates that, for the civil limb Article 6 § 1 to apply, there must be a "dispute" ("*contestation*" in French) regarding a "right" which can be said, on at least on arguable grounds, to be recognised under domestic law, irrespective of whether it is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and, lastly, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play (see *Çöçelli and Others v. Türkiye*, no. 81415/12, § 42, 11 November 2022).

28. The Court notes that the domestic dispute concerned the lawfulness of the Ministry's decision that an EIA was not required for the hydroelectric power plant in question. In the environmental context, the Court has recognised the existence of a civil right where the domestic law recognises an individual right to environmental protection where the rights to life, to physical integrity and property are at stake (see *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, § 600, 9 April 2024, and *Efgan Çetin and Others*, cited above, § 33). It is undisputed that the applicant holds joint ownership of immovable property situated in the vicinity of the project area (see also paragraph 37 below). Consequently, the applicant instituted proceedings before the domestic courts, arguing that the potential environmental impact of this plant would infringe his right to a healthy environment. The outcome of these proceedings would have been directly decisive for the applicant, had they been decided on the merits. It therefore follows that the complaint is compatible *ratione materiae* with Article 6 § 1 of the Convention.

29. The Court further finds that the applicant's complaint as to lack of access to a court is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

30. The applicant reiterated his arguments as set out in paragraph 21 above and stressed that the initial recognition of legal standing in the domestic proceedings was a factor to be taken into account by the Court in assessing his victim status.

31. The applicant also maintained his submissions concerning his ownership of immovable properties in the region and his close connection to the project area and ongoing engagement with the local community (see paragraphs 22 and 23 above). He argued that the domestic courts' unduly strict application of procedural evidentiary requirements, which had led to his case being dismissed for lack of standing, had constituted a disproportionate interference with his right of access to a court.

(b) The Government

32. The Government maintained their objections as set out in paragraphs 19 and 20 above, contending that under well-established domestic case-law, the assessment of *locus standi* of real persons in environmental actions was primarily made on the basis of the criteria of residence and property ownership in the vicinity of the impact area. They provided examples of domestic case-law in support of this argument. The Government asserted that, therefore, whether the applicant had resided in the area or had owned property there had been a decisive factor in determining his standing. Following an examination of these factors of its own motion, the Supreme Administrative Court ruled that, at the time of its review and in the light of the evidence before it, none of these factors had been present in the case.

33. The Government further contended that, at the time the Supreme Administrative Courts had consulted the land registry records in 2017, the immovable properties in question had still been recorded in the name of the applicant's deceased father, who had passed away in 2004. Nevertheless, the applicant had had ample opportunity to bring this information to the attention of the domestic courts. He had failed in his duty of care by not stating this information in his applications lodged with the administrative courts or by responding to the Trabzon Administrative Court's explicit request for that information (see paragraph 7 above). Moreover, he had not raised the issue during the subsequent hearing. The Government asserted that the applicant had presented that information for the first time before the Constitutional Court, which, for that very reason, had declared the individual application manifestly ill-founded.

34. Regarding the Supreme Administrative Court's examination of the issue, the Government stressed that the immovable properties had not

automatically passed into the applicant's possession upon his father's death, as their registration in the land registry had not been effected in the applicant's name until September 2022. Therefore, the Supreme Administrative Court's examination, which had occurred prior to that date and had been based on official records consulted of its own motion via the UYAP, had not been impaired by an unduly restrictive approach in breach of the applicant's right of access to a court. In the Government's view, expecting the domestic courts to scrutinise all potential and future alterations to land registry records in circumstances where applicants failed to fulfil their duty of care in providing relevant information, would place an undue burden on the domestic authorities.

35. Lastly, the Government emphasised that the gendarmerie's report mentioned in paragraph 23 above indicated that the property in question was permanently used by one of the applicant's siblings, who was not a party to the present case, and that the applicant's use was seasonal. On this basis, and in view of the applicant's failure to avail himself of the opportunities to duly raise his allegations before the domestic courts, the Government contended that the interference with the applicant's right under Article 6 had been proportionate to the aim pursued.

2. The Court's assessment

36. The Court refers to the relevant principles on access to a court as set out in *Zubac v. Croatia* ([GC], no. 40160/12, §§ 76-99, 5 April 2018) and *Efgan Çetin and Others* (cited above, §§ 37-40).

37. The Court observes at the outset that it is not contested between the parties that the applicant owns, jointly with his siblings, three immovable properties in the project area. The Government likewise did not challenge that, in the environmental context, property owners and those who live in the vicinity of projects are normally afforded legal standing under domestic law and jurisprudence (see paragraphs 21 and 32 above; compare *Cangı and Others*, *v. Türkiye*, cited above, § 37, and *Cangı and Others v. Türkiye (no. 2)*, no. 65087/19, § 31, 8 July 2025). Therefore, the question before the Court is whether the Supreme Administrative Court's conclusion that the applicant lacked *locus standi* – allegedly without allowing him to present decisive evidence to prove his interest – and the subsequent summary dismissal of his complaint by the Constitutional Court amounted to a disproportionate interference with his ability to have his dispute determined, as guaranteed by domestic law (see, *mutatis mutandis*, *Zubac*, cited above, § 74).

38. The Court, firstly, observes that the Supreme Administrative Court's decision not to examine the merits of the applicant's case was based on the absence of the *locus standi*. The Court notes that this is a prerequisite under the relevant domestic law and practice for bringing an action for the annulment of administrative acts (see paragraphs 15-16 and 21 above). It

therefore finds that the interference with the applicant's right of access to a court had a legal basis.

39. The Court further observes that, while the applicant did not specify in his applications before the Trabzon Administrative Court that he owned immovable property in the project area, that court expressly requested this information on 15 July 2016 (see paragraph 7 above). The case file contains no evidence that the applicant responded to that inquiry. Nevertheless, the Trabzon Administrative Court examined the merits of his case, ultimately dismissing the application and finding the decision waiving the requirement for an EIA to be lawful. On appeal, the applicant provided no arguments as to his legal standing, focusing exclusively on the merits of the case (see paragraph 9 above). The Supreme Administrative Court then conducted a review of its own motion of the UYAP records. Finding no evidence that the applicant resided in the area or owned property there, it set aside the first-instance court's decision, concluding that the case should have been dismissed from the outset on account of the applicant's lack of standing. In the light of these observations, the Court sees no reason to doubt that the manner in which the Supreme Administrative Court carried out its examination of the case pursued a legitimate aim, namely the observance of the rule of law and proper administration of justice.

40. It remains, therefore, to be ascertained whether, in the light of all the relevant circumstances of the case, there was a reasonable relationship of proportionality between that aim and the means employed to attain it (compare *Zubac,* cited above, §§101-06).

41. Firstly, the Court notes that the domestic courts consistently applied well-established case-law which requires a demonstrable link with an affected area, such as residence or property ownership in the vicinity, to assess natural persons' standing in environmental proceedings (compare *Cangı and Others*, cited above, § 37, and *Cannavacciuolo and Others v. Italy*, nos. 51567/14 and 3 others, § 249 *in fine*, 30 January 2025). The parties' submissions of relevant domestic case-law also confirm the established approach in this field (see paragraphs 21 and 32 above). Bearing that in mind and the fact that the applicant had legal representation throughout the domestic proceedings, the Court cannot find that the limitation on his right of access to a court was unforeseeable in the case (compare *Zubac,* cited above, §§ 110-13).

42. Secondly, the Court observes that the applicant's conduct – specifically his legal representative's failure to submit the information requested by the Trabzon Administrative Court – directly contributed to the outcome of his case. That omission, which could have been avoided at the outset, led the Supreme Administrative Court to conduct an assessment of its own motion of the UYAP records to identify the applicant's residence and property ownership. The Court therefore dismisses the applicant's argument that he would have provided such information had the Supreme Court

requested it, given that he had already failed to respond to the explicit request from the lower court (compare *Zubac,* cited above, §§114-21). As for the applicant's assertion that the Supreme Administrative Court should have been aware of his current property records through other administrative proceedings related to the same project (see paragraphs 6 and 23 above), the Court points out that the applicant's submissions to the domestic courts merely cited the case file numbers of those other proceedings without providing any information or evidence regarding his residency or property ownership in the area. It therefore finds no reason to attach any weight to this argument.

43. At this juncture, the Court reiterates its subsidiary role in the supervisory mechanism established by the Convention and stresses that it is not its role to indicate any policy choices on rules of access to a court or the possible arrangements States may opt for in imposing such restrictions. It cannot therefore assume the role of dictating the manner of application of domestic courts' power to examine issues of their own motion, which clearly falls within the margin of appreciation of the Contracting States (see *Zubac,* § 79). In view of the applicant's failure to raise his property ownership status before the domestic courts with the requisite diligence, and noting he was legally represented throughout the domestic proceedings, the Court sees no reason to determine whether the Supreme Administrative Court should have consulted other records or investigated potential inheritance-related technicalities to ascertain the most up to date version of the land registry information in the applicant's case (see also *Zubac*, cited above, § 121).

44. The Court observes that the applicant raised his claim of inherited property ownership for the first time and submitted relevant documents in his individual application to the Constitutional Court (see paragraph 11 above). The Constitutional Court did not dismiss the applicant's complaint regarding his inability to access a court for lack of a legitimate interest; rather, it declared the complaint inadmissible as manifestly ill-founded. The Court reiterates that, when assessing the application of Article 6 § 1 to superior courts, the entirety of the domestic proceedings and the role of the superior courts must be given due consideration. In this connection, the conditions for the admissibility of an appeal before those courts may be stricter than those for an ordinary appeal (see *Zubac,* cited above, § 82). Considering the overall conduct of the proceedings in the lower-level courts (see paragraphs 39-43 above) and given that the applicant had already been granted a hearing by a first-instance court and a subsequent examination by a court of appeal with full jurisdiction, the Court finds that the Constitutional Court's summary dismissal of the complaint cannot, by itself, be regarded as a denial of access to a court.

45. The Court reiterates that the observance of procedural rules is a valuable and important aspect of the administration of justice. Such rules, which enable parties to secure the determination of a dispute, serve to limit

discretion, ensure equality of arms, prevent arbitrariness, secure the effective determination of a dispute and guarantee legal certainty. However, the Court has consistently held that the right of access to a court can be impaired where the rules of procedure, rather than serving the aims of legal certainty and the proper administration of justice, act as a barrier that prevents a litigant from having their case determined on the merits by the competent court (see *Zubac*, cited above, §§ 96-99). In this context, the Court reiterates that the applicant had sufficient opportunity to substantiate his allegations before the lower courts and notes that no apparent issue of unfairness arose during the domestic proceedings. Therefore it cannot be concluded that the procedural requirements as applied by the domestic courts were unreasonable or excessively formalistic or that the applicant was made to bear an excessive burden on account of his own omissions.

46. Finally, the Court notes that the applicant himself acknowledged that he did not have a permanent residence in the district where the hydroelectric power plant was to be constructed. His claims before the domestic courts were essentially based on his alleged continuing familial, economic and cultural connections to the local community and the land situated within the project area. However, the Court observes that the only evidence submitted in this regard – a gendarmerie report dated 20 September 2024 referring to the applicant's seasonal use of one of the jointly owned properties – was obtained well after the examination of his case at the domestic level. While the Court takes note of these arguments, at the material time, the applicant failed to demonstrate that he owned, lived in or even made seasonal use of any property in the vicinity of the project that would have been affected by it.

47. Having regard to the foregoing considerations, the Court concludes that it has not been established that the domestic courts' decisions amounted to a disproportionate hindrance which, in the particular circumstances of the present case, impaired the very essence of the applicant's right of access to a court or overstepped the national authorities' margin of appreciation. Accordingly, the Court finds that there has been no violation of Article 6 § 1 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join to the merits the Government's preliminary objections on admissibility and dismisses them;

2. *Declares* the application admissible;

3. *Holds* that there has been no violation of Article 6 of the Convention.

Done in English, and notified in writing on 3 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar	Arnfinn Bårdsen President