



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

FIRST SECTION

DECISION

Application no. 38127/07
Maksim Alekseyevich VLASOV against Russia
and 2 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on
26 August 2014 as a Committee composed of:

Khanlar Hajiyeu, *President*,

Erik Møse,

Dmitry Dedov, *judges*,

and Søren C. Prebensen, *Acting Deputy Section Registrar*,

Having regard to the pilot-judgment in the case of *Burdov v. Russia (no. 2)* (no. 33509/04, ECHR 2009),

Having regard to the above applications lodged on the dates shown in the
Appendix,

Having regard to the observations submitted by the respondent
Government and the observations submitted by the applicants in reply,

Having deliberated, decides as follows:

THE FACTS

The applicants are three Russian nationals, whose names, dates of birth
and places of residence are shown in the Appendix.

The Russian Government (“the Government”) were represented by
Mr G. Matyushkin, Representative of the Russian Federation at the
European Court of Human Rights.

The facts of the cases, as submitted by the parties, may be summarised as
follows.

The first applicant was awarded a compensation for wrongful criminal
prosecution.

The second applicant was awarded monthly payments to be made by the Russian Social Insurance Fund for professional disease and a fine for the failure to make the respective payments in time.

The third applicant, being a victim of the Chernobyl nuclear disaster, was awarded various social security benefits to be paid monthly and arrears in payment of such compensations during several preceding years.

The enforcement of the judgments in favour of the applicants in the parts related to the payments of the lump sums was delayed. Details of the judgments are shown in the Appendix.

COMPLAINTS

The applicants complained that by reason of the delayed enforcement of the judgments in their favour, their rights under Article 6 of the Convention and Article 1 of Protocol No. 1 had been violated.

THE LAW

The Court will examine the complaints regarding the delayed enforcement of the judgments under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, the relevant parts of which 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.”

The Court reiterates at the outset that as from 4 May 2009, the date on which the pilot judgment in *Burdov (no. 2)* (cited above) became final, it adjourned the adversarial proceedings on all applications lodged with the Court in which the applicants complained of non-enforcement or delayed enforcement of domestic judgments ordering monetary payments by State authorities pending the adoption of domestic remedial measures. However,

such adjournment is without prejudice to the Court's power at any moment to declare inadmissible any such case (*ibid.*, § 146).

The Court also notes that the present cases were communicated to the respondent State on 6 May 2013 with a view to their settlement in line with the above-mentioned pilot judgment. The Government argued in response, however, that the complaints were inadmissible because the domestic judgments had been enforced within a reasonable time.

The applicants maintained their complaints.

The Court reiterates that an unreasonably long delay in the enforcement of a binding judgment may breach the Convention (see *Burdov v. Russia*, no. 59498/00, ECHR 2002-III). To decide if the delay was reasonable, it will first look at the time it took the authorities to execute the judgment, the complexity of the enforcement proceedings, the conduct of the applicant and the authorities, and the nature of the award (see *Raylyan v. Russia*, no. 22000/03, § 31, 15 February 2007).

In the present applications, the period of enforcement was less than a year. Having regard to this fact and the Court's case-law in similar cases, and taking into account the other circumstances of the present cases, the Court considers that this period did not fall short of the requirements of the Convention (see, for example, *Belkin and Others v. Russia* (dec.), nos. 14330/07 et al., 5 February 2009).

It follows that the complaints regarding the delayed enforcement of the judgments are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

In applications nos. 38127/07 and 40954/07 the applicants also made other complaints, relying on various Articles of the Convention.

However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

It follows that these parts of the applications are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Søren C. Prebensen
Acting Deputy Registrar

Khanlar Hajiyev
President

APPENDIX

No	Application no.	Lodged on	Applicant Date of birth Place of residence	Judgment of	Binding on	Enforced on	Period
1.	38127/07	20/06/2007	Maksim Alekseyevich VLASOV 08/08/1979 Arkhangelsk	05/02/2008 Solombalskiy District Court of Arkhangelsk	17/03/2008	08/07/2008	3 months 22 days
2.	40954/07	28/08/2007	Yelena Yevlogiyevna CHEKULAYEVA 01/08/1950 Kaliningrad	08/06/2007 Central District Court of Chita	15/08/2007	10/06/2008	9 months and 26 days
3.	16090/08	05/03/2008	Aleksandr Aleksandrovich SHOKOV 29/07/1959 Gubkin	02/08/2007 Gubkinskiy Town Court of the Belgorod Region	25/09/2007	07/07/2008	9 months and 12 days