

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

THIRD SECTION

DECISION

Application no. 16374/03
Ioana ANGELESCU
against Romania

The European Court of Human Rights (Third Section), sitting on 29 May 2012 as a committee composed of:
Egbert Myjer, *President,*
Luis López Guerra,
Kristina Pardalos, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*
Having regard to the above application lodged on 25 April 2003,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Ioana Angelescu, is a Romanian national who was born in 1948 and lives in Munchen. Her application was lodged on 25 April 2003. The Romanian Government ("the Government") are represented by their Agent, Mrs Irina Cambrea.

A. The circumstances of the case

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

On 16 September 1998 the applicant's father restitution claim concerning nationalised immovable property was admitted. He received back a house with annexes.

On 7 March 2001 the applicant requested the eviction of G.F., the tenant occupying the applicant's house.

By the final decision of 1 October 2002 Ploiesti Court of Appeal rejected the applicant's action on the ground that the tenant had the right to remain in the applicant's house because he had lawfully concluded a tenancy agreement on the basis of the emergency ordinance no. 40/1999. This decision became final on 11 October 2002.

B. Relevant domestic law

The relevant domestic legislation is described in *Radovici and Stănescu v. Romania*, nos. 68479/01, 71351/01 and 71352/01, § 57, ECHR 2006-...XIII (extracts).

COMPLAINTS

The applicant complained under Article 1 of Protocol No. 1 to the Convention about a breach of her right to property due to the system of emergency legislation on tenancy agreements.

The applicant further complained under Article 6 of the Convention about the impartiality of the proceedings in which the applicant was involved.

THE LAW

The Government submitted that since the applicant's final decision became final on 11 October 2002 and the applicant lodged the present application on 28 April 2003, the application should be rejected as out of time.

The applicant did not lodge any observations concerning the Government's preliminary objection.

The Court notes that the applicant's eviction action has been rejected by the final decision of 1 October 2002 of Ploiesti Court of Appeal. This decision became final on 11 October 2002.

The applicant lodged the present application on 25 April 2003 which is more than six months from the date when the final decision became final.

For these reasons, the Court unanimously

Declares the application inadmissible.

Marialena Tsirli	Egbert Myjer
Deputy Registrar	President