

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

FIFTH SECTION

CASE OF BILOUS v. UKRAINE

(Application no. 28541/20)

JUDGMENT

STRASBOURG

13 November 2025

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



In the case of Bilous v. Ukraine,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Andreas Zünd*, President*,
Diana Sârcu,
Mykola Gnatovskyy*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 16 October 2025,

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

PROCEDURE

1. The case originated in an application against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 11 June 2020.

2. The Ukrainian Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL NO. 1

4. The applicant complained under Article 6 of the Convention on account of the lack of reasoning in the domestic courts' judgments and their disregard of his pertinent arguments and under Article 1 of Protocol No. 1 to the Convention about the invalidation of property title without compensation. The Court, being the master of the characterisation to be given in law to the facts of a case (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 114, 20 March 2018), considers that those complaints fall to be examined under Article 1 of Protocol No. 1 only.

5. The Court reiterates that the relevant principles concerning the proportionality of interference with property rights under Article 1 of Protocol No. 1 to the Convention have been set out in the Court's case-law (see, for example, *Kryvenkyy v. Ukraine*, no. 43768/07, § 42, 16 February 2017).

6. In the leading case *Drozdyk and Mikula v. Ukraine* (nos. 27849/15 and 33358/15, §§ 49 and 52, 24 October 2024) the Court found a violation in respect of issues similar to those in the present case.

7. 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 the present complaints. In particular, the Court concludes that the interference with the applicant's property rights imposed a disproportionate burden on him, given the absence of a domestic regulation that would allow for monetary or any other form of compensation for any damage whatsoever (ibid., § 49). In this connection, the Court reiterates that the taking of property without payment of an amount reasonably related to its value will normally constitute a disproportionate interference, and a total lack of compensation can only be considered justifiable under Article 1 of Protocol No. 1 in exceptional circumstances (ibid., § 48, with further references).

8. 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 the applicant's complaints.

9. These complaints are, therefore, admissible and disclose a breach of Article 1 of Protocol No. 1.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

10. Having regard to its above finding of a violation of the applicant's property rights and the approach applied in *Drozdyk and Mikula* (cited above, §§ 60-62), the Court considers that the applicant would be put as far as possible in a situation equivalent to the one in which he would have been, had there not been a breach of Article 1 of Protocol No. 1 to the Convention if the respondent State restored his title to the property in issue and returned it to him (including by way of reopening the domestic proceedings, if applicable). In the alternative, the respondent State should provide monetary compensation to the applicant (calculated in accordance with the domestic requirements on the valuation of property and the Court's practice), or provide him with comparable property.

11. Regard being had to the documents in its possession and to its case-law (see, in particular, *Drozdyk and Mikula,* cited above, § 62), the Court also considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant's claims for just satisfaction.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 1 of Protocol No. 1 concerning the invalidation of property title without compensation;

3. *Holds*

(a) that the respondent State shall ensure, by appropriate means and within a reasonable time, full restitution of the applicant's title to the reclaimed property (including by way of reopening the domestic proceedings, if applicable), or provision of monetary compensation (calculated in accordance with the domestic requirements on the valuation of property and the Court's practice), or of comparable property;

(b) that the respondent State is to pay the applicant, 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;

(c) 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.

4. *Dismisses* the remainder of the applicant's claims for just satisfaction.

Done in English, and notified in writing on 13 November 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Andreas Zünd
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 1 of Protocol No. 1 (invalidation of property title without compensation)

Application no. Date of introduction	Applicant's name Year of birth	Final domestic decision	Type of property and date of initial acquisition	Ground(s) for the State's decision to reclaim the property	Specific circumstances of the case	Amounts awarded for non-pecuniary damage per applicant (in euros)[1]	Amounts awarded for costs and expenses per applicant (in euros)[2]
28541/20 11/06/2020	**Zybiy Prokopovych BILOUS** 1938	Supreme Court, 18/12/2019	Two plots of land located in/near the village of Chervona Dibrova (Chernivtsi Region), allocated for agricultural purposes in 2005 and 2008	Railway exclusion zone	Although only parts of the applicant's plots of land were found to overlap with the railway exclusion zone, the applicant's title was invalidated in its entirety	1,500	250

[1] Plus any tax that may be chargeable to the applicant.

[2] Plus any tax that may be chargeable to the applicant.