

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

FOURTH SECTION

DECISION

Application no. 79720/12
Gheorghe CONDREA against Romania
and 2 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 18 May 2017 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Iulia Motoc,
Marko Bošnjak, *judges,*
and Karen Reid, *Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and the relevant details of the applications are set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of the Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions were communicated to the Romanian Government ("the Government"). In application no. 39902/15, the applicant also raised other complaints under the provisions of the Convention.

THE LAW

A. Joinder of the applications

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

B. Complaints under Article 6 § 1 of the Convention and Article 1 of the Protocol No. 1 (non-enforcement or delayed enforcement of domestic decisions)

In the present applications, having examined all the material before it, the Court considers that for the reasons stated below, the respondent Government cannot be held liable for the non-enforcement or the delayed enforcement of the outstanding judgments given in the applicants' favour.

In particular, the Court notes that: in applications nos. 79720/12 and 39902/15, the applicants have lost their victim status, in so far as the outstanding judgments had been duly enforced and within a reasonable delay (see, among many other authorities, *Halilovic v. Bosnia and Herzegovina* (dec.), no. 21206/07, § 19, 17 January 2012); that in application no. 32946/14, the outstanding judgment can no longer be enforced with regard to the obligation to enforce the decision no. 1/1995 of the City Council due to an objective impossibility (see *Ciobanu and Others v. Romania* (dec.), nos. 898/06, 39374/07, 1161/08 and 36461/08, § 27, 6 September 2011); the obligation incumbent on the State authorities to issue a planning town certificate and a building permit was not enforced as the applicants failed to submit the updated relevant documentation, as required by law, thus contributing essentially to the non-enforcement (see, *mutatis mutandis*, *Kosmidis and Kosmidou v. Greece*, no. 32141/04 § 27, 8 November 2007); and finally, the applicants have lost their victim status in relation to the obligation to be reimbursed the incurred court fees, in so far as this part of the outstanding judgment has been duly enforced and within a reasonable delay (see, among many other authorities, *Halilovic*, cited above, § 19).

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

C. Remaining complaints

In application no. 39902/15, the applicant also raised a complaint under Article 13 of the Convention.

The Court has examined this complaint and considers that, in the light of all the material in its possession and in so far as the matter complained of is within its competence, it either does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or does not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

It follows that this part of the application no. 39902/15 must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 8 June 2017.

Karen Reid
Registrar

Vincent A. De Gaetano
President

APPENDIX

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 Date of birth/Date of registration	Representative name and location	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Obligation to be enforced
1.	79720/12 10/12/2012	**Gheorghe Condrea** 04/10/1957	Dumitra Veronica Mușat Bucharest	Bucharest County Court, 23/04/2010	23/04/2010	21/01/2011 8 months and 30 days	Obligation imposed on the employer to take all the necessary steps in order to classify the applicant's job in a special labour category.
2.	32946/14 29/12/2010	**Victor Cornoiu-Jitărașu** 21/11/1949 **Verginia Cornoiu-Jitărașu** 09/01/1948	Victor Cornoiu-Jitărașu Bucharest	Bucharest Court of Appeal, 08/04/1999 Bucharest Court of Appeal, 16/12/2002	08/04/1999 16/12/2002	03/05/1999 26 days 15/04/2003 4 months	Obligation to enforce the decision no. 1/1995 of the City Council, namely that the Council establishes a right of way (easement) to the benefit of the applicants; subsequent to the pronouncement of the outstanding judgment, namely on 3 May 1999, the servient estate became the property of third private parties, who cannot be held responsible to enforce the outstanding judgment; this obligation became thus objectively impossible to be enforced by the State; Obligation incumbent on the State authorities to issue a planning town certificate and a building permit; Obligation to reimburse the incurred court fees, in the applicants' favor.
3.	39902/15 04/08/2015	**S.C. Romwind S.R.L.** 10/11/2006	Marian Turbatu Constanța	Constanța County Court, 06/06/2008	20/10/2008	06/11/2008 18 days	Obligation to issue a planning town certificate.