

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

FOURTH SECTION

DECISION

Application no. 36605/03
Ilie IANCU and Ioana IANCU against Romania
and 9 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 21 September 2017 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Georges Ravarani,
Marko Bošnjak, *judges,*

and Liv Tigerstedt, *Acting Deputy 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

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

2. 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 applications nos. 33860/06, 24053/07 and 39724/07, the applicants also raised other complaints under the provisions of the Convention.

THE LAW

A. Joinder of the applications

3. 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 judgments)

4. In the present applications, the Court finds that it does not need to rule on the preliminary objections raised by the Government, because the complaints are inadmissible in any event, as presented below.

5. Having examined all the material before it, the Court considers that the respondent Government cannot be held liable for the non-enforcement or the delayed enforcement of the outstanding judgments given in the applicants' favour.

6. In particular, the Court notes that the applicants failed to make appropriate use of the available domestic legal avenues and to comply with all the procedural and substantial requirements of the domestic law, namely instituting enforcement proceedings, in the following applications: application no. 10672/06, as far as it concerns the enforcement of the judgment of 9 November 2000; application no. 28157/04, as far as it concerns the obligation to have the applicant reappointed to his former job; and applications nos. 36605/03, 38236/03 and 39724/07 in their entirety (see *Ciprova v. the Czech Republic* (dec.), no. 33273/03, 22 March 2005).

7. As regards applications nos. 26025/07 and 10672/06, the latter as far as it concerns the enforcement of the judgment of 3 March 2005, the Court considers that the authorities acted diligently and assisted the applicants in the process of enforcing the outstanding judgments. The Court notes however that the judgments in their favour remained unenforced on account of the existence of an objective impossibility thereto, in particular in view of the fact that the debtors, private parties, did not have any assets (see *Tanasenko v. Moldova* (dec.), no. 77608/01, 28 February 2006).

8. As regards application no. 28157/04, in respect of the obligation to pay to the applicant retroactive salaries, as well as applications nos. 15084/06, 24053/07, 33860/06 and 40065/07, the Court considers that the authorities acted diligently and assisted the applicants in the process of enforcing the outstanding judgments. The Court notes however that the judgments in question were enforced with delays ranging from 9 days to 11 years and 10 months. Taking into account the complexity of the enforcement proceedings and the conduct of the applicants and of the authorities, which have acted promptly and with diligence, the Court finds

that the complaints do not disclose any appearance of a violation of Article 6 § 1 of the Convention (see *Ion Popescu v. Romania* (dec.), no. 4206/11, §§ 41-44, 17 March 2015, and *Turturică and Others v. Romania* (dec.), nos. 18805/10 and 2 others, 16 June 2016).

9. 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. Other alleged violations under well-established case-law

10. In application no. 39724/07, the applicants complained of the lack of an effective remedy in domestic law in respect of their complaint of non-enforcement.

11. The Court notes that Article 13 applies only where an individual has an "arguable claim" to be the victim of a violation of a Convention right (see *Boyle and Rice v. the United Kingdom*, judgment of 27 April 1988, Series A no. 131, § 52).

12. The Court has found that the applicants' complaint under Article 6 and Article 1 of Protocol No.1 to the Convention is manifestly ill-founded. It follows that the applicants do not have an arguable claim and Article 13 is therefore not applicable to this case.

13. Consequently, this complaint is also manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

D. Remaining complaints

14. In applications nos. 33860/06 and 24053/07, the applicants also raised other complaints under various articles of the Convention.

15. The Court has examined the applications listed in the appended table and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints either do not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or do not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention or the Protocols thereto.

16. It follows that this part of the applications 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 12 October 2017.

Liv Tigerstedt
Acting Deputy Registrar

Vincent A. De Gaetano
President

APPENDIX

List of 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 judgments)

No.	Application no. Date of introduction	Applicant name Date of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Other complaints under well-established case-law
1.	36605/03 01/10/2003	**Ilie Iancu** 07/04/1932 **Ioana Iancu** 18/03/2009	Drăgăşani District Court, 05/04/1994	13/12/1994	pending More than 22 years and 7 months and 15 days	
2.	38236/03 21/10/2003	**Ilie Nicolaescu** 01/04/1932 **Maria Moşteanu** Born: 09/09/1927; deceased: 24/04/2010; Proceedings pursued by heir, Mitroiescu Simona, born on 21/04/1954.	Drăgăşani District Court, 28/03/1997	01/01/1998	pending More than 19 years and 6 months and 27 days	
3.	28157/04 04/06/2004	**Neculai Baltag** 04/10/1951	Fălticeni District Court, 11/11/1999	13/04/2001	10/03/2004 2 years and 10 months and 27 days	
4.	10672/06 03/03/2006	**Marian Adrian State** 08/07/1966 **Coca Ene**	Braşov County Court, 09/11/2000 Braşov County Court, 03/03/2005	09/11/2000 01/06/2005	pending More than 16 years and 8 months and 19 days pending More than 12 years and 1 months and 27 days	

No.	Application no. Date of introduction	Applicant name Date of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Other complaints under well-established case-law
5.	15084/06 04/04/2006	**Ion Radu** 06/03/1946	Rm. Vâlcea District Court, 31/10/2002	06/05/2003	31/10/2005 2 years and 5 months and 26 days	
6.	33860/06 04/08/2006	**Nelu Șerban** 12/02/1952	Teleorman County Court, 01/04/2005	03/06/2005	31/10/2005 4 months and 29 days	
7.	24053/07 29/05/2007	**Virginia Voinic** 23/08/1941	Calafat District Court, 09/02/1999 Calafat District Court, 09/02/1999	16/03/1999 16/03/1999	09/11/2010 11 years and 7 months and 25 days 15/12/2010 11 years and 9 months	
8.	26025/07 14/06/2007	**Mariana Victoria Tănăsescu** 29/05/1935	Bucharest District 5 Court, 21/11/2005	08/03/2006	pending More than 11 years and 4 months and 20 days	
9.	39724/07 06/09/2007	**Doina Pământ** 01/01/1948 **Reta Popescu** 09/01/1955	Oradea District Court, 21/12/2005	03/04/2007	pending More than 10 years and 3 months and 25 days	Art. 13 - Lack of any effective remedy in domestic law
10.	40065/07 05/09/2007	**Magdalena Teișanu** 07/04/1954	Suceava County Court, 19/12/2007	07/10/2008	pending More than 8 years and 9 months and 21 days	