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

FOURTH SECTION

DECISION

Application no. 21487/21
Evgeni IOFFE
against Georgia

The European Court of Human Rights (Fourth Section), sitting on 4 February 2025 as a Committee composed of:

Tim Eicke*, President*,
Ana Maria Guerra Martins,
András Jakab*, judges*,
and Simeon Petrovski, *Deputy Section Registrar,*

Having regard to:

the application (no. 21487/21) against Georgia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 15 April 2021 by a Georgian national, Mr Evgeni Ioffe ("the applicant"), who was born in 1945, lived in Tbilisi and was represented by Mr M. Jakhua, a lawyer practising in Tbilisi;

the decision to give notice of the complaint under Article 6 § 1 of the Convention concerning the alleged restriction of the applicant's right of access to a court to the Georgian Government ("the Government"), represented by their Agent, Mr B. Dzamashvili of the Ministry of Justice, and to declare the remainder of the application inadmissible;

the parties' observations;

the letter of 17 September 2021 from the applicant's lawyer informing the Court of the applicant's death and of his wife's wish to pursue his application;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the refusal of the Supreme Court to examine the merits of the applicant's appeal on points of law, owing to his failure to pay the relevant court fee. The applicant alleged a breach of his right of access to a court under Article 6 § 1 of the Convention.

2. On 2 July 2013 the applicant, a former shareholder of a joint-stock company, TAM (Tbilaviamsheni), along with other former shareholders, instituted civil proceedings against the Ministry for Economic Development of Georgia and the National Agency for State Property. They sought the annulment of an agreement according to which their shares had been transferred to the State in 2010. On 26 July 2017 the Tbilisi City Court delivered a judgment dismissing their claim. The judgment was upheld on appeal by the Tbilisi Court of Appeal on 6 December 2019.

3. On 17 January 2020 the applicant together with other claimants lodged an appeal on points of law. On 2 March 2020 the Supreme Court found the appeal to be procedurally deficient owing to, among other reasons, the applicant's failure to pay the court fee. The applicant was asked to pay the fee of 6,000 Georgian Lari (approximately 2,000 euros) within seven days of being served with the decision.

4. On 23 March 2020 the applicant requested a waiver of the court fee, citing his financial difficulties. On 2 April 2020 the Supreme Court refused the request, finding, in so far as the applicant was concerned, his request to be unsubstantiated. The applicant was granted another seven days to pay the court fee.

5. On 15 June 2020 the applicant again sought an exemption from the payment of the court fee. The request was again refused by the Supreme Court on 25 June 2020. The court noted that the applicant had failed to present "undeniable evidence" in support of his exemption request. It granted the applicant further seven days (after the delivery of the decision) in which to pay the fee. The applicant was informed of the court's above decision on 4 August 2020.

6. Despite the extension, the applicant failed to pay the court fee. As a consequence, by a decision of 31 August 2020, the Supreme Court left his appeal on points of law unexamined. That decision, which was final, was served on the applicant's lawyer on 16 October 2020.

7. The applicant complained that there had been a breach of his right of access to a court, within the meaning of Article 6 § 1 of the Convention, on account of the Supreme Court's refusal to examine his appeal owing to his failure to pay the court fee.

THE COURT'S ASSESSMENT

8. The Court observes that the final decision by which the applicant's request for an exemption from the court fee was dismissed was taken by the Supreme Court on 25 June 2020 and that the applicant was notified of that decision on 4 August 2020 (see paragraph 5 above). In the subsequent seven-day period, which the Supreme Court had afforded him in order to pay the applicable court fee, the applicant failed to act. He neither submitted new evidence to substantiate his financial situation, nor did he pay the court fee

(see paragraph 6 above). In view of his inactivity, the Court does not see how the applicant could have expected the subsequent proceedings (see ibid.) to afford any redress in respect of his complaint concerning the refusal to waive the court fee (see *Olczak v. Poland*, no. 30417/96, Commission decision of 8 July 1998, unreported; *Sitchinava v. Georgia* [Committee], no. 4496/11, §§ 22-23, 15 June 2023; and *Kondakovs v. Latvia* [Committee], no. 22677/11, § 25, 12 January 2016).

9. It follows that this application, lodged on 15 April 2021, was introduced more than six months after the final effective decision concerning the applicant's exemption request was notified to him. The Court, thus, concludes, that the applicant's complaint under Article 6 of the Convention must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 6 March 2025.

Simeon Petrovski	Tim Eicke
Deputy Registrar	President