

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

# FIFTH SECTION

# DECISION

Application no. 44434/15
Fedir Fedotovych MELNYK
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 11 December 2025 as a Committee composed of:

Andreas Zünd*, President*,
Mykola Gnatovskyy,
Vahe Grigoryan*, judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 44434/15) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 26 August 2015 by a Ukrainian national, Mr Fedir Fedotovych Melnyk ("the applicant"), who was born in 1953 and lives in Cherkasy;

the decision to give notice of the complaint under Article 1 of Protocol No. 1 to the Ukrainian Government ("the Government"), represented by their Agent, Ms Alisa-Tetiana Petukhova, Acting Agent before the European Court of Human Rights, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

## SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's complaint that his pension had been reduced in violation of Article 1 of Protocol No. 1 to the Convention.

2. The applicant retired and started receiving an old-age pension on 15 August 2013. While in receipt of his pension, he was also working as a private entrepreneur.

3. On 2 March 2015 Parliament adopted a legislation (Law 213-VIII) which provided for a 15% reduction in pensions until 31 December 2015 with

respect to pensioners who were working. These legislative changes entered into force on 1 April 2015, and the applicant's pension was reduced accordingly.

4. On 22 May 2015 the applicant applied to a court to challenge the reduction in his pension.

5. On 12 June 2015 the court found against the applicant. It noted that the applicant was a working pensioner and a private entrepreneur and that his pension amounted to 3,313 Ukrainian hryvnias (UAH). For these reasons the new legislation was applicable to him and therefore his pension had been lawfully reduced.

6. The applicant appealed, but to no avail (final decision of the Higher Administrative Court dated on 13 August 2015, received by the applicant on 22 August 2015).

7. On 26 August 2015 the applicant lodged his application with the Court.

8. The applicant complained under Article 1 of Protocol No. 1 to the Convention that his pension had been reduced.

## THE COURT'S ASSESSMENT

### A. The scope of the case

9. In his original application to the Court, the applicant alleged a violation of Article 1 of Protocol No. 1 in relation to the reduction in pension operated between 1 April and 31 December 2015 on the basis of Law 213-VIII. On 17 February 2022 the applicant informed the Court that the reduction in his pension had been extended by further legislative amendments until the end of 2017 and that from 30 September 2017 onwards, his pension had been permanently reduced by 35%.

10. On 24 April 2023 the original complaint was communicated to the Government, under Rule 54 § 2 (b) of the Rules of Court, while the remainder of the application was declared inadmissible by the Vice-President of the Section, sitting in a single judge formation. The parties were informed accordingly.

11. On 19 October 2023, in his observations in reply to the Government's observations, the applicant *(i)* maintained his original complaint and *(ii)* reiterated the complaints that were substantially the same as the ones which had been declared inadmissible. The Court notes that the decision by which part of the application was declared inadmissible is final (Article 27 § 2 of the Convention and Rule 54 § 3 of the Rules of Court); the Court cannot therefore re-examine those complaints (see *Korporativna Targovska Banka AD v. Bulgaria*, nos. 46564/15 and 68140/16, § 115, 30 August 2022).

## B. Alleged violation of Article 1 of Protocol No. 1

12. The Government objected that the applicant had not suffered a significant disadvantage given that during the period from 1 April to 31 December 2015, his monthly pension had been reduced by only 15% which amounted to 4,473.63 UAH (approximately 177.30 euros (EUR)) over a period of eight months. The Government also submitted that the reduction in the applicant's pension was based on law and pursued a legitimate aim. They argued that the military escalation in the east of Ukraine at the beginning of 2015 had led to inflation, a fall in industrial production and a significant loss of financial resources. The Government had implemented a number of measures to stabilise the economic situation in the country and strike a fair balance between the demands of the general interest of the community and the requirements of the protection of the fundamental rights of individuals.

13. The Court finds that it is not necessary to address the Government's objection concerning the alleged lack of a significant disadvantage, as the application is inadmissible for the following reasons.

14. The Court considers, in reliance on its case-law (see, for example, *Lakićević and Others v. Montenegro and Serbia*, nos. 27458/06 and 3 others, § 64, 13 December 2011) that the applicant's old-age pension entitlement constituted a possession within the meaning of Article 1 of Protocol No. 1 to the Convention and that the reduction in his pension clearly amounted to an interference with the peaceful enjoyment of his possession.

15. As regards the requirement of lawfulness, the Court notes that the applicant's old-age pension was reduced on the basis of Law 213-VIII, which seems to imply that the interference was in accordance with the law.

16. The Court further notes that the reduction was apparently made as a result of economic and social policy considerations and the financial difficulties faced by the State. It observes that the applicant, who continued working as a private entrepreneur while in receipt of his pension, did not claim that the reduction in pension concerned had brought him into danger of falling below the subsistence threshold, left him devoid of any means of subsistence, or otherwise constituted an excessive burden (see *Fábián v. Hungary* [GC], no. 78117/13, §§ 78-80, 5 September 2017; and compare and contrast *Moskal, v. Poland*, no. 10373/05, § 74, and *Grobelny v. Poland*, no. 60477/12, § 67, 5 March 2020).

17. In view of the foregoing and bearing in mind the State's wide margin of appreciation in matters of economic and social policy, the Court finds that in the particular circumstances of the present case a fair balance was struck between the general interest of the community and the applicant's property rights.

18. Accordingly, the Court considers that the application is manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

*Declares* the application inadmissible.

Done in English and notified in writing on 22 January 2026.

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| Martina Keller<br>Deputy Registrar | Andreas Zünd<br>President |