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

FOURTH SECTION

DECISION

Application no. 43638/10
Elisabeta ŞERBĂNESCU
against Romania

The European Court of Human Rights (Fourth Section), sitting on 1 December 2016 as a Committee composed of:

Vincent A. De Gaetano, *President,*
Egidijus Kūris,
Gabriele Kucsko-Stadlmayer, *judges,*
and Hasan Bakırcı, *Deputy Section Registrar,*

Having regard to the above application lodged on the date indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Elisabeta Şerbănescu, is a Romanian national, who was born in 1950 and lives in Craiova. Her application was lodged on 15 July 2010. She was represented before the Court by Mr D. Nae, a lawyer practising in Craiova. The Romanian Government ("the Government") are represented by their Agent, Mrs Catrinel Brumar, of the Ministry of Foreign Affairs.

A. The circumstances of the case

2. The applicant's husband, Mr S.D., died on 17 January 2007. In the context of clarifying the estate of S.D., she initiated proceedings against SC SSIF Oltenia Grup Invest SA, a state-owned company, requesting the court to impose on the plaintiff the obligation to issue a copy of the brokerage agreement concluded between the plaintiff and S.D. She also

requested a document indicating the history of transactions operated by her deceased husband, through SC SSIF Oltenia Grup Invest SA.

3. By decision of 27 June 2008 the Dolj County Court decided in the applicant's favour; it also granted her the requested court fees. The decision was upheld by the High Court for Cassation and Justice on 19 November 2009.

B. Relevant domestic law

4. The relevant domestic legal provisions and procedures concerning the enforcement of final judgments against State authorities are described in the leading case of *Foundation Hostel for Students of the Reformed Church and Stanomirescu v. Romania* (nos. 2699/03 and 43597/07, §§ 36-40, 7 January 2014).

COMPLAINT

5. The applicant complained under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention, about the non-enforcement of the decision of 27 June 2008 of the Dolj County Court.

THE LAW

6. The applicant alleged that the decision of 27 June 2008 of the Dolj County Court has not been enforced. She relied on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention, which, in so far as relevant, read as follows:

Article 6 § 1

"In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

Article 1 of Protocol No. 1

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

7. The Government claimed that the final decision was enforced. They indicated that the plaintiff had sent the applicant the requested documents on 11 May 2010 and that they paid the court fees on 12 May 2010.

8. Claiming that she has never received the documents, the applicant initiated the enforcement procedure against SC Oltenia Grup Invest SA which, in response, sent her the requested documents once again on 30 September 2010.

9. In light of the above, the Court notes that the applicant has lost the victim status, in so far as the outstanding judgment has been fully enforced, either on 11 May 2010 or on 30 September 2010, which in both cases constitutes enforcement within a reasonable delay (see, among many other authorities, *Halilovic v. Bosnia and Herzegovina* (dec.), no. 21206/07, § 19, 17 January 2012).

10. It follows that the applicant's complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 20 December 2016.

Hasan Bakırcı
Deputy Registrar

Vincent A. De Gaetano
President

APPENDIX

Application 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)

Application no. Date of introduction	Applicant name Date of birth	Representative name and location	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings
43638/10 15/07/2010	**Elisabeta ŞERBĂNESCU** 27/04/1950	**Nae Dumitru** Craiova	Dolj County Court, Domestic case file no: 18082/63/2007, 27/06/2008	19/11/2009	30/09/2010 10 months and 12 days