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

SECOND SECTION

DECISION

Application no. 35631/23
Lauryna SKREBYTĖ
against Lithuania

The European Court of Human Rights (Second Section), sitting on 24 March 2026 as a Committee composed of:

Péter Paczolay*, President*,
Gediminas Sagatys,
Stéphane Pisani*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 35631/23) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 17 September 2023 by a Lithuanian national, Ms Lauryna Skrebytė ("the applicant"), who was born in 1992, lives in Vilnius and was represented by Mr A. Štopas and Mr S. Virketis, lawyers practising in Vilnius;

the decision to give notice of the application to the Lithuanian Government ("the Government"), represented by their Agent, Mr R. Dzikovič, and their Co-agent, Ms N. Bruskina;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint under Article 1 of Protocol No. 1 to the Convention that, because of mistakes made by the public authorities, she had, without her knowledge or intention, become the owner of land that was partly covered by a forest of national importance, which severely restricted her ability to use it, and that she had not been given any compensation for the restrictions on her property rights.

2. On 3 November 2004 the government amended the plan of forests of national importance covering the entire country and, *inter alia*, increased the

area of land covering such forests in the Palanga municipality. Under domestic law, forests of national importance may only be owned by the State (see *Beinarovič and Others v. Lithuania*, nos. 70520/10 and 2 others, §§ 84-89 and 99-102, 12 June 2018).

3. On 15 November 2004 the Palanga municipal authorities approved the boundaries of a plot of 0.2317 hectares in Palanga (hereinafter "the plot"). The plot was registered in the Real Estate Register as "other land, area of common use". The Real Estate Register did not indicate that the plot was subject to any restrictions relating to the presence of a forest on it.

4. On 17 February 2005 the plot was registered in the Register of Forests as including an urban forest. According to Article 4 of the Law of Forests, urban forests are considered to be forests of national importance.

5. On 14 April 2006 the Klaipėda County Administration (hereinafter "the KCA") issued a decision to restore the property rights of several individuals (E.A., M.Š. and V.P.) by transferring the property of the plot to them jointly. That decision stated, *inter alia*, that the purpose of the plot was "other land, area of common use" (see paragraph 3 above) and that it was not subject to any special conditions for the use of land or forest.

6. On 15 July 2011 the successors of E.A., M.Š. and V.P. sold the plot to the applicant's father for 250,000 Lithuanian litai (approximately 72,400 euros (EUR)). On 18 January 2012 the applicants' parents transferred it to her by way of gift. The sales and purchase agreement and the deed of gift were certified by a notary. In both those documents, the purpose of the plot ("other") and the conditions for its use were described according to the data obtained from the Real Estate Register (see paragraph 3 above).

7. On 1 April 2015 the prosecutor of the Klaipėda Region instituted court proceedings seeking the annulment of, *inter alia*, the KCA decision of 14 April 2006 (see paragraph 5 above), the sales and purchase agreement between the successors of E.A., M.Š. and V.P. and the applicant's father, and the deed of gift between the applicant's parents and the applicant (see paragraph 6 above) in the part concerning 0.19 hectares of the plot, on the grounds that that part of the land was covered by a forest of national importance (see paragraphs 2 and 4 above). The prosecutor asked the court to order, *inter alia*, that the applicant should return 0.19 hectares of land covered by forest to the State, and that the State should pay her compensation of EUR 59,374. The applicant disputed the claim.

8. On 20 May 2016 the Klaipėda Regional Administrative Court discontinued the proceedings on the grounds that the claim was time-barred, and on 7 December 2016 the Supreme Administrative Court upheld that decision. The courts held that the prosecutor must have learned that the plot included a forest of national importance either in 2006 or in 2007, when he had received information to that effect from the Ministry of Environment and the Ministry of Justice, respectively, but he had failed to lodge the claim

within one month from that date, as required by the Law on the Administrative Proceedings.

9. On 19 December 2020 the presence of 0.1946 hectares of forest on the applicant's plot was registered in the Real Estate Register.

10. In 2020 the applicant asked the Palanga municipal authorities to amend the appropriate territorial planning documents in order to change the purpose of her plot and allow construction on it. Her request was denied on the grounds that the plot included a forest of national importance and changing its purpose would be contrary to, *inter alia*, the plan of forests of national importance (see paragraph 2 above). Moreover, Article 11 § 2 (4) of the Law on Forests prohibited changing the purpose of forest land located within one kilometre of the Baltic sea, and the applicant's plot was only 840 metres from the sea. The applicant lodged a complaint with the administrative courts, but on 13 October 2021 the Regional Administrative Court dismissed it, and on 1 February 2023 the Supreme Administrative Court upheld the decision of the lower court. The Supreme Administrative Court also noted that Article 11 § 1 of the Law on Forests provided an exhaustive list of circumstances in which the purpose of forest land could be changed, but none of them were present in the applicant's case.

11. In 2021 the applicant asked the National Forests Service to correct a mistake in the plan of forests of national importance and to exclude her plot from that plan because the law specified that a forest of national importance could not be private property (see paragraph 2 above). Her request was denied on the ground that the forest on the plot met the criteria of a forest of national importance. She lodged a complaint with the administrative courts, but on 24 November 2021 the Regional Administrative Court dismissed it, and on 17 May 2023 the Supreme Administrative Court upheld the decision of the lower court. In particular, the Supreme Administrative Court held that, according to its case-law (decisions of 24 November 2015 in case no. A-1007-261/2015 and of 29 September 2021 in case no. eA-1891-261/2021), mistakes which could be corrected as requested by the applicant were those of a clerical nature, whose correction would not affect the scope of the rights and obligations of the individual concerned. However, no such mistake had been made in the applicant's case.

12. The applicant complained under Article 1 of Protocol No. 1 to the Convention that she was unable to use the plot for the purpose for which she had acquired it or sell it for a price comparable to the price it had been bought for, and that she had not been given any compensation for the restrictions on her property rights.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

13. Article 6.271 § 1 of the Civil Code provides that compensation for damage caused by unlawful acts of State or municipal authorities must be

paid by the State or the municipality, regardless of whether an individual civil servant or State employee was at fault. Article 6.271 § 4 provides that the State or the municipality will incur civil liability under that Article in the event that State or municipal authorities or their employees fail to act in the manner required by law.

14. The Supreme Administrative Court has held that in order for a right to compensation for damage to arise the law does not require the public authorities' disputed decisions to be quashed or declared void (decisions of 30 March 2007 in case no. A^{10}-332/2007; of 2 November 2009 in case no. A^{556}-1241/2009; of 3 March 2011 in case no. A^{444}-669/2011; and of 16 January 2014 in case no. A-492-80/2014).

15. In a decision of 4 April 2016 in case no. A-2165-575/2016, the Supreme Administrative Court emphasised that, in cases concerning property rights, the administrative courts had to follow this Court's case-law under Article 1 of Protocol No. 1 to the Convention. In particular, it was necessary to strike a fair balance between the requirements of the general interest of society and the protection of the fundamental rights of the individual; the required balance would not be achieved if the person concerned had to bear an individual and excessive burden.

16. The Supreme Administrative Court has reiterated on multiple occasions that the risk of any mistake made by state authorities must be borne by the State and the errors must not be remedied at the expense of the individual concerned (decisions of 4 April 2016 in case no. A-2165-575/2016; of 6 March 2017 in case no. A-183-552/2017; of 8 November 2017 in case no. A-793-415/2017; of 3 January 2018 in case no. A-911-415/2017; of 8 February 2018 in case no. eA-40-492/2018; and of 20 March 2019 in case no. eA-3645-438/2019).

17. In a decision of 27 May 2020 in case no. eA-3910-662/220 the Supreme Administrative Court summarised its case-law on compensation for interference with property rights. It held, *inter alia*, that when determining the amount of compensation, it was important to assess the claimant's conduct. However, where there was no clear evidence that he or she had pursued unlawful aims or otherwise acted unlawfully, it would not be fair for the claimant to bear full responsibility for his or her losses. Furthermore, individuals had the duty to act in good faith when dealing with public authorities, and in order to determine whether the claimant had fulfilled that duty, it was relevant to determine what he or she knew or ought to have known at the material time. That did not, however, mean that individuals could be subjected to stricter requirements of knowledge than public authorities, as long as they provided those authorities with all the information that had been required from them.

THE COURT'S ASSESSMENT

18. The Government submitted that the applicant had failed to exhaust effective domestic remedies because she had not lodged a civil claim against the State under Article 6.271 of the Civil Code (see paragraph 13 above). They provided case-law examples showing that damage which may be compensated under that provision includes pecuniary damage sustained as a result of loss of or damage to property, expenses that have been incurred and lost income, and non-pecuniary damage may be awarded as well. The applicant contested the Government's argument and submitted that she had complied with the exhaustion requirement by bringing two sets of proceedings to have the restrictions on the use of her plot reduced (see paragraphs 10 and 11 above).

19. The relevant general principles concerning the requirement to exhaust effective domestic remedies have been recently reiterated in *Mansouri v. Italy* ((dec.) [GC], no. 63386/16, § 84, 29 April 2025, and the cases cited therein).

20. The Court observes that in the two sets of proceedings instituted by the applicant, the domestic authorities and courts held that, because the plot included a forest of national importance, changing its purpose was precluded by the law and the relevant planning documents. The Court emphasises that it is for the domestic authorities and courts to establish whether the applicant's land includes a forest and whether that forest is of national importance, in accordance with domestic law (see *Beinarovič and Others v. Lithuania*, nos. 70520/10 and 2 others, § 136, 12 June 2018). It has no reason to question either their findings of fact or their interpretation and application of domestic law. It follows that domestic law did not allow lifting restrictions on land covered by a forest of national importance and that proceedings aimed at lifting those restrictions were not capable of providing redress in the applicant's situation.

21. To comply with the exhaustion rule in Article 35 § 1 of the Convention, applicants who have at their disposal a domestic remedy plainly more suited to their situation must attempt it, even if they have already resorted to a less effective one (see *Zlatanov v. Bulgaria* (dec.), no. 53050/21, § 174, 30 January 2024, and the cases cited therein). The Court must therefore assess, firstly, whether the compensatory remedy under Article 6.271 of the Civil Code is effective in theory and in practice and, secondly, whether it would add any essential elements that were unavailable through the use of the remedies pursued by the applicant (see *Dumpe v. Latvia* (dec.), no. 71506/13, § 61, 16 October 2018).

22. The Court has previously found a civil claim against the State under Article 6.271 of the Civil Code to be an effective remedy in several different scenarios (see, for example, *Mozeris and "Eugenijos ir Leonido Pimonovų Alzheimerio ligos paramos fondas" v. Lithuania* (dec.), no. 66803/17, §§ 56-61, 2 April 2019, concerning the length of the process for the restitution

of land rights, and *Kužmarskienė v. Lithuania* (dec.), no. 54467/12, §§ 74-78, 11 July 2017, concerning a refusal by a public institution to employ the applicant).

23. In the present case, the crux of the applicant's complaint was that she had become the owner of a forest of national importance because of unlawful actions by various domestic authorities. She submitted that the authorities had issued various territorial planning documents which had omitted information about the presence of a forest on the plot, and that they had failed to ensure consistency between different public registers. She also contended that she had sustained pecuniary loss: as there was a forest on her plot, its market value had significantly decreased.

24. In this connection, the Court notes that the Supreme Administrative Court's case-law concerning the protection of property rights is based on the same principles as those established in the case-law of this Court. In particular, the Supreme Administrative Court has held on numerous occasions that the risk of any mistake made by the authorities must be borne by the State and any errors must not be remedied at the expense of the individual concerned (see paragraph 16 above). Individuals who act in good faith cannot be subjected to stricter requirements of knowledge than public authorities (see paragraph 17 above). Furthermore, in order for a right to compensation to arise there is no requirement for a disputed decision of a public authority to have been quashed (see paragraph 14 above).

25. Accordingly, the Court is satisfied that Article 6.271 of the Civil Code provides for a possibility, which is effective in theory and in practice, of obtaining monetary compensation for pecuniary and non-pecuniary damage caused by restrictions on property rights resulting from authorities' mistakes or omissions.

26. The applicant did not question the effectiveness of the remedy available under Article 6.271 of the Civil Code in general. Instead, she submitted that the Government had not provided any examples of it being used in circumstances similar to the present case. Indeed, the examples of domestic case-law on which the Government relied in their observations concerned situations where the individuals' property rights had been annulled, their property had been returned to the State, and they had been paid compensation for the loss of that property. By contrast, the applicant's ownership of the plot had not been annulled (see paragraphs 7 and 8 above). In this connection, the Court takes note of the Government's submission that the applicant's situation, where she remained the owner of a forest of national importance because the prosecutor had missed the time-limit to lodge a claim with the courts, was an atypical one. The applicant did not dispute this. Given the circumstances, the Court is not convinced that the lack of domestic case-law concerning the specific factual circumstances suffices to show that the remedy provided under Article 6.271 of the Civil Code – which was neither new nor special – was not effective.

27. It further notes that the applicant did not allege that it might not have been possible for her to raise her arguments (see paragraph 23 above) in administrative proceedings under Article 6.271. While in the two sets of proceedings that she had instituted (see paragraphs 10 and 11 above) the alleged unlawfulness of the authorities' actions was found to be immaterial when considering the possibility of changing the purpose of forest land, the available case-law of the Supreme Administrative Court shows that those arguments could be relevant for the purpose of determining whether the applicant is entitled to compensation under Article 6.271. That remedy is therefore capable of adding an essential element that was unavailable through the avenues pursued by the applicant.

28. Lastly, the Court reiterates that the existence of mere doubts as to the prospects of success of a particular remedy which is not obviously futile is not a valid reason for failing to pursue that avenue of redress. Moreover, where legal systems provide constitutional protection of fundamental human rights and freedoms, it is in principle incumbent on the aggrieved individual to test the extent of that protection and allow the domestic courts to develop those rights by way of interpretation (see, *mutatis mutandis*, *Mansouri*, cited above, § 99, and the cases cited therein). The arguments which the applicant raised in her submissions before the Court (see paragraph 23 above) have never been examined by the domestic courts. For the Court to assess those issues before the domestic courts have been given an opportunity to do so would be incompatible with its role, which is fundamentally subsidiary in nature (ibid., § 91).

29. It follows that the application must be declared inadmissible on account of non-exhaustion of effective domestic remedies, in line with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 30 April 2026.

Dorothee von Arnim Deputy Registrar	Péter Paczolay President