



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

FIFTH SECTION

CASE OF PANIUȘCHIN v. THE REPUBLIC OF MOLDOVA

(Application no. 23668/18)

JUDGMENT

STRASBOURG

16 July 2026

This judgment is final but it may be subject to editorial revision.

In the case of Paniușchin v. the Republic of Moldova,

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

María Elósegui, *President*,

Diana Sârcu,

Sébastien Biancheri, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 23668/18) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 25 April 2018 by a Moldovan national, Mr Serghei Paniușchin (“the applicant”), who was born in 1982 and lives in Chișinău, and was represented by Ms A. Balan, a lawyer practising in Chișinău;

the decision to give notice of the application to the Moldovan Government (“the Government”), represented by their Agent at the time, Mr A. Briceac and by Ms D. Maimescu, acting Agent to the European Court of Human Rights;

the parties’ observations;

Having deliberated in private on 25 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the domestic courts’ refusal to examine the applicant’s claim, owing to his failure to pay court fees. The applicant complained of a limitation of his right of access to a court, in breach of Article 6 § 1 of the Convention.

2. On 3 May 2017 the applicant instituted court proceedings against a private individual (S.L.), seeking the repayment of a loan in the amount of 19,062 euros (EUR) and of a further EUR 22,644 in interest.

3. The applicant paid one fifth of the court fees due (in the amount of 5,000 Moldovan lei (MDL), equivalent at the material time to EUR 235) and requested the court to exempt him from paying the remainder of court fees. The applicant argued that his family had financial difficulties. He stated that the sole revenue of his family of four was his monthly salary of MDL 4,613 (EUR 217) because his wife was unemployed and had had no income in 2016. The applicant submitted the birth certificates of his minor children and payslips for 2016 and the beginning of 2017.

4. On 10 May 2017 the Chișinău District Court gave the applicant 15 days to pay the remainder of the court fees, which totalled MDL 20,000 (EUR 942), after which it would examine his case. The applicant reiterated his request to be exempted from paying the remainder of the court fees and also submitted a certificate issued by the Tax Inspectorate attesting that his

wife had had no income in 2016 and that his youngest child was only one year old. The applicant further argued that, according to the National Bureau of Statistics, for the first semester of 2016, the minimum subsistence level for a family of four was MDL 7,888 (EUR 386), which exceeded his income, and he asserted that he was unable to pay the court fees in full.

5. On 5 June 2017 the Chișinău District Court rejected the applicant's request for exemption and refused to examine his case on account of his failure to pay the court fees in full. The court noted that the applicant had not presented proof of his inability to pay the court fees, such as copies of the balance of his bank accounts or any information regarding his assets. The court also noted that the applicant was represented by a lawyer of his own choosing, which, in the court's view, implied that he was financially capable of covering the court fees.

6. The applicant appealed against that decision. In his appeal he reiterated his inability to pay the court fees in full and relied on the evidence submitted to the first-instance court (see paragraphs 3 and 4 above). He noted that the amount of fees already paid had been substantial, given his financial situation.

7. On 26 October 2017 the Chișinău Court of Appeal upheld the District Court's decision and held that the applicant had failed to prove his precarious financial situation. The decision was final.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

8. The applicant complained under Article 6 of the Convention of a restriction of his right of access to a court owing to the non-payment of the court fees in full.

9. The Government argued that the applicant had failed to exhaust available domestic remedies. Specifically, they argued that the applicant should have lodged a new claim on the same grounds or should have requested the court, under Article 86 of the Code of Civil Procedure, to postpone the payment of the court fees or to allow the fees to be paid in instalments.

10. The applicant argued that he had exhausted all available remedies and that he had had no financial capacity to pay the court fees in instalments or to pay them subsequently, noting that those mechanisms were intended to be applied only when the court fees could be paid in full within a certain period of time.

11. The Court finds that the applicant should not be expected to bring the same action again, as this would not address the applicant's complaint concerning the lack of access to a court in proceedings in which an exemption request was rejected with final effect. This avenue would also not be effective

in the absence of a change in his financial or family situation. It therefore dismisses the Government's objection.

12. The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

13. The applicant submitted that the domestic courts had refused to partially exempt him from paying the court fees without due consideration of his financial situation. He relied on his financial and family situation (his wife's unemployment, his two minor children, including the recent birth of one of them, and the fact that the family lived below the minimum subsistence level). He also argued that the imposed court fees had been almost five times higher than his family's monthly income. He further submitted that the courts' dismissal of the evidence he had provided and their interpretation that he should have substantiated his request with information concerning his assets and bank accounts had been excessive in the light of his limited resources at the time. The applicant also argued that his request had concerned an exemption only from paying a part of the court fees and that he had already paid a part of them, which had already been significant, given his situation.

14. The Government disagreed, arguing that the applicant had failed to properly substantiate his precarious financial situation and thus his inability to pay the court fees. The Government further argued that the right of access to a court was not absolute, and therefore the applicant's complaint concerning a restriction of his right of access to a court had to be considered unfounded. Lastly, the Government argued that the requirement for the applicant to pay the court fees had amounted to a proportionate restriction of his right of access to a court.

15. The general principles concerning access to a tribunal within the meaning of Article 6 § 1 of the Convention, and more specifically the requirement to pay court fees, have been summarised in *Kreuz v. Poland* (no. 28249/95, §§ 52-7, ECHR 2001-VI) and *Malahov v. Moldova* (no. 32268/02, §§ 25-30, 7 June 2007). A summary of applicable domestic law provisions is available in *Malahov* (cited above, § 16).

16. The Court has consistently held that the existence of court fees in and of themselves do not automatically violate the right of access to a court. Refusals to exempt a person from paying court fees must be based on relevant and sufficient grounds, ensuring that the fundamental nature of the right of access to a court is preserved. However, excessive fees or unjustified refusals to exempt a person from paying court fees may, in view of his or her situation, amount to a violation if they impose a disproportionate burden, effectively blocking his or her access to the courts and impairing the very essence of the right of access.

17. Therefore, the Court needs to examine whether, in rejecting the applicant's request for partial exemption from paying the court fees, the domestic courts took into account all the particular circumstances of the

applicant's ability to pay them (see *Clionov v. Moldova*, no. 13229/04, § 40, 9 October 2007).

18. When bringing his civil action, the applicant provided evidence concerning his financial and family situation, such as the family's monthly revenue, the composition of his family and the three dependants (see paragraphs 3 and 4 above). Despite the reasons put forward by the applicant and the evidence provided, the domestic courts rejected his exemption request, without disputing the information provided by him, but arguing that he had still failed to substantiate his financial situation with information about his bank accounts and assets. Moreover, the fact that the applicant was represented by a lawyer was interpreted to his disadvantage because the courts assumed that if the applicant could afford a lawyer, then he should have been able to afford to pay the court fees in full (see paragraph 5 above). The courts did not provide any assessment of the applicant's argument that his family was living below the minimum subsistence level.

19. It is not the Court's task to examine the applicant's ability to cover the court fees in the present case, it being first for the national courts to determine questions of that nature. However, in these circumstances, the Court cannot but conclude that the domestic courts placed an excessive burden of proof on the applicant to substantiate his financial situation. Moreover, the fact that the applicant was represented by a lawyer of his own choosing did not prove the applicant's financial capacity to cover the court fees and, in any event, the exercise of procedural rights should not be used to make negative inferences in respect of the applicant.

20. In the light of these considerations, the Court concludes that the domestic courts' refusal to grant a partial waiver of court fees, in the absence of an individualised assessment of the applicant's financial situation on the basis of the evidence provided, impaired the very essence of the applicant's right of access to a court.

21. There has accordingly been a violation of Article 6 § 1 of the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. The applicant claimed 3,600 euros (EUR) in respect of non-pecuniary damage. No claims in respect of pecuniary damage or in respect of costs and expenses were made.

23. The Government considered that the sum claimed was exaggerated and unsubstantiated.

24. Given the nature of the violation found in the present case and making its assessment on an equitable basis as required by Article 41 of the Convention, the Court awards the applicant EUR 3,600 in respect of non-pecuniary damage, plus any tax that may be chargeable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant EUR 3,600 (three thousand six hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, within three months, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 16 July 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

María Elósegui
President