



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

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FIFTH SECTION

Application no. 46962/19
Nataliya Vasylivna TYMCHENKO
against Ukraine
lodged on 23 August 2019
communicated on 19 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the disappearance of the applicant's car from a vehicle pound where it had been placed by the State Bailiffs Service under the safekeeping of a third party.

Alleging that the bailiffs had failed to protect her property and that the transfer of her car to a third party – which was subsequently declared bankrupt and dissolved – had been carried out in violation of the applicable procedure, the applicant sought over 300,000 Ukrainian hryvnias (equivalent to 10,000 euros) in compensation from the State. By a final decision of 19 June 2019, the Supreme Court upheld the decisions of the lower courts dismissing the applicant's claim in full. The domestic courts held, in particular, that there had been no basis for holding the bailiffs responsible for the loss of the car and thus no grounds for awarding the applicant compensation.

Relying on Article 1 of Protocol No. 1 to the Convention, the applicant complains that her car was lost as a result of the authorities' failure to ensure its safekeeping and that the domestic courts unlawfully dismissed her compensation claim. She also complains under Article 6 of the Convention that the domestic proceedings were unfair because the courts have failed to address her pertinent and important arguments.

QUESTIONS TO THE PARTIES

1. Has there been an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention? In the affirmative, has that interference been in the public interest, and in accordance with the conditions provided for by law, and, if so, did it impose an excessive individual burden on the applicant (see *Novikov v. Russia*, no. 35989/02, §§ 43-52, 18 June 2009)?

2. Alternatively, were the authorities under a positive obligation to take measures to ensure the protection of the applicant's property after its impoundment and to provide for compensation for the damage resulting from the failure to keep such property in relatively good condition in accordance with Article 1 of Protocol No. 1? If so, did the authorities comply with that obligation (see, for example, *Fu Quan, s.r.o. v. the Czech Republic* [GC], no. 24827/14, § 160, 1 June 2023; and *Tendam v. Spain*, no. 25720/05, § 51, 13 July 2010)?

3. Did the applicant have a fair hearing in the determination of her civil rights and obligations, in accordance with Article 6 § 1 of the Convention? In particular, did the domestic courts provide sufficient reasons for their decisions (see *Pronina v. Ukraine*, no. 63566/00, § 25, 18 July 2006)?