



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

## FIFTH SECTION

### DECISION

Application no. 4841/17  
Taras Igorovych DOBROMIL  
against Ukraine

The European Court of Human Rights (Fifth Section), sitting on 3 September 2026 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. 4841/17) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 4 January 2017 by a Ukrainian national, Mr Taras Igorovych Dobromil (“the applicant”), who was born in 1981, lives in Kyiv and was represented by Ms L.S. Dubchak, a lawyer practising in Kyiv;

the decision to give notice of the complaints under Article 1 of Protocol No. 1 to the Convention and of the complaint under Article 6 § 1 of the Convention concerning the trial court’s alleged failure to duly address the applicant’s arguments to the Ukrainian Government (“the Government”), represented by their Agent, Ms M. Sokorenko;

the parties’ observations;

Having deliberated, decides as follows:

### SUBJECT MATTER OF THE CASE

1. The case concerns the alleged violation of the applicant’s right to a fair trial and the peaceful enjoyment of his possessions because of sanctions imposed on him in administrative-offence proceedings.

2. On 28 January 2016 the applicant, a customs broker, submitted two customs declarations in respect of consignments of imported buckwheat groats on behalf of a private company. He classified the goods under customs

code 1904908000, which carried an import duty rate of 10%. The export declarations attached to the customs declarations contained broadly the same description of the goods but referred to a different code, corresponding to a 20% duty rate.

3. The customs authorities inspected the goods and took samples for expert examination. The expert reports stated that the samples consisted of hulled, uncrushed buckwheat kernels produced from steamed grain, and that the product was not pre-cooked or otherwise prepared. At the same time, the reports stated that the samples were not inconsistent with the description of the goods given in the customs declarations.

4. On 9 February 2016 the Customs Classification Department decided that, having regard to the characteristics of the goods, they should be classified under code 1104291700 rather than code 1904908000. As a result, the applicable import duty rate was 20% instead of 10%.

5. On 10 February 2016 the customs authorities drew up two administrative-offence reports against the applicant under Article 472 of the Customs Code. They considered that the applicant had failed to provide accurate information about the goods, in particular because the customs code used in the declarations had been incorrect.

6. By two decisions of 20 May 2016, the Solomianskyi District Court of Kyiv found the applicant liable under Article 472 of the Customs Code. In each case it imposed a fine equal to the value of the goods and ordered that they be confiscated. The total amount of the fines was 539,617.80 Ukrainian hryvnias (approximately 19,080 euros (EUR)). The decisions were upheld by final decisions of the Kyiv Court of Appeal on 7 July and 5 September 2016.

7. The domestic courts held, in substance, that the applicant, as declarant, was responsible for providing accurate information, including the correct customs code. They considered that the discrepancy in classification and the applicant's failure to verify the relevant information, including by inspecting the goods or taking samples before submitting the declarations, had amounted to negligence.

8. On 18 April 2017 the confiscated goods were transferred to the State Bailiffs' Service. On 11 May 2017, during enforcement proceedings concerning the confiscation, the goods were destroyed following a decision by the relevant commission. On 8 June 2017 the enforcement proceedings were terminated.

9. As concerns the fines, the applicant did not pay them. According to the Government, there are no pending enforcement proceedings concerning recovery of the fines, and the relevant enforcement, customs-offence and court files have since been destroyed or become unavailable owing to the expiry of retention periods or administrative reorganisation.

10. Separately, the company which had imported the goods brought commercial proceedings against the applicant, seeking compensation for losses allegedly caused by his conduct during the customs clearance. The

claim was dismissed by the commercial courts, which found that the company had not proved that the applicant had been at fault or that there was a causal link between his conduct and the alleged losses.

## THE COURT’S ASSESSMENT

11. Relying on Article 6 § 1 of the Convention and Article 1 of Protocol No. 1, the applicant complained that the sanctions imposed on him in the administrative-offence proceedings had been unlawful, since he had not committed any offence. Moreover, the fines had in any event been excessive.

12. The Government submitted that the applicant had failed to exhaust domestic remedies. They argued, first, that he had not challenged the decisions of 9 February 2016 concerning the customs classification, although those decisions had formed the basis for the administrative-offence reports and for the finding that the goods had been declared under an incorrect code. Secondly, they submitted that the applicant could have brought civil or commercial proceedings against the company on whose behalf he had acted, or against other private parties, in order to recover any losses caused by allegedly inaccurate information supplied to him. Lastly, the Government submitted that the application was in any event manifestly ill-founded, since the sanctions had been lawfully imposed and had not been disproportionate. They emphasised, in particular, that the applicant had never paid the fines.

13. The applicant disagreed. He maintained that the remedies referred to by the Government were irrelevant and ineffective. He further submitted that the fines imposed on him amounted to an excessive individual burden. He argued that the court decisions finding him liable remained valid, could still be enforced, and had adversely affected his professional reputation as a customs broker.

14. The Court takes note of the Government’s objection of non-exhaustion of domestic remedies and of their argument that the application is manifestly ill-founded. However, in view of its decision below to strike the application out of its list of cases, it finds that it is not necessary to examine those objections.

15. In the present case, in two sets of proceedings, the applicant was fined and the confiscation of goods was ordered as a sanction for the administrative offences of which he had been found guilty.

16. The Court observes at the outset that the applicant was not the owner of the confiscated goods. They had been imported by the company on whose behalf he acted as a customs broker. The applicant has not shown that he had any proprietary interest in those goods. Accordingly, the “possession” in issue in the present case is the money which the applicant was ordered to pay by way of fines, namely EUR 19,080 in total (see, for instance, *Karapetyan v. Georgia*, no. 61233/12, § 31, 15 October 2020, and *Krayeva v. Ukraine*, no. 72858/13, § 19, 13 January 2022).

17. The Court notes that it is not disputed that the applicant never paid any amount towards the fines imposed by the judgments of 20 May 2016, which were upheld by the final decisions of the Kyiv Court of Appeal on 7 July and 5 September 2016.

18. The Court observes that, under Articles 539 and 540 of the Customs Code, read together, a fine imposed for a breach of customs rules must be paid within 15 days of the service or dispatch of the decision imposing it or, if that decision has been challenged, within 15 days of the dismissal of the challenge. If the fine is not paid within that time-limit, the decision of the customs authority or court imposing the fine is to be sent to the State Bailiffs' Service for compulsory enforcement.

19. Furthermore, under section 3(1)(2) of the Law on Enforcement Proceedings, court resolutions in cases concerning administrative offences constitute enforcement documents. Under section 12(1) and (2) of that Law, read in conjunction with Article 303 of the Code of Administrative Offences, where the creditor is the State or a State body, the enforcement document may be submitted for compulsory execution within three months, calculated from the day following the date on which the relevant decision becomes final. That period is interrupted if the enforcement document is submitted for enforcement or if the court grants a deferral of enforcement or allows the relevant sum to be paid in instalments (section 12(4)). If the enforcement document is returned to the creditor because it is impossible to enforce the decision in whole or in part, the time-limit restarts from the date of its return (section 12(5)). A creditor who has missed the time-limit may apply to the court which examined the case at first instance for its restoration (section 12(6)). Under Article 433 of the Code of Civil Procedure, such a restoration may be granted only for reasons recognised by the court as valid; the application is examined in a court hearing, with notice given to the parties, and the court delivers a ruling. Such a ruling may be appealed against to the higher court (Article 353 § 1 (24) of the Code of Civil Procedure).

20. Accordingly, in the present case, the respective three-month limitation periods for seeking enforcement of the fines started running after the appellate court decisions of 7 July and 5 September 2016 and have long since expired. According to the information provided by the Government (on the basis of information from the State Bailiffs' Service), there are no pending enforcement proceedings concerning recovery of the fines. The case file contains no indication that separate enforcement proceedings for recovery of the fines were opened, that the relevant enforcement documents were submitted for recovery of the fines within the applicable time-limits, that any such time-limit was interrupted or restarted, or that any measure aimed at compelling the applicant to pay the fines was ever applied to him. In the absence of any such elements, the recovery of the fines must be regarded as time-barred pursuant to domestic law.

21. The applicant's argument that the State could still seek restoration of the missed time-limit does not alter this conclusion. Under domestic law, restoration of such a time-limit is not automatic: it requires a separate, duly substantiated application to a court and a judicial decision based on reasons recognised by that court as valid; moreover, that decision is amenable to appeal. No such application has been made in the present case by the authorities. Nor is there any concrete element in the case file suggesting that such a request is under consideration or that enforcement of the fines remains a realistic prospect so long after the domestic decisions became final and the relevant limitation periods expired. The Court therefore sees no basis for treating the mere existence of the restoration mechanism as a real and present risk that the applicant will be compelled to pay the fines. Should the authorities nevertheless seek restoration of the missed time-limit or attempt to enforce the fines out of time, the applicant would have the opportunity to contest such measures before the domestic courts (see paragraph 19 above).

22. The Court further notes that the applicant is not under any pecuniary burden in relation to the confiscation of the goods. The company which had imported them brought commercial proceedings against the applicant, seeking compensation for losses allegedly caused by his conduct during the customs clearance. That claim was dismissed by the domestic courts (see paragraph 10 above).

23. As regards the applicant's argument that the domestic decisions affected his professional reputation as a customs broker, the Court notes that he has not demonstrated the existence of any concrete pecuniary or proprietary consequence relevant for the purposes of Article 1 of Protocol No. 1.

24. In these circumstances, even assuming that the final domestic decisions against the applicant were capable of affecting his possessions when imposed, they no longer appear to entail any actual pecuniary burden or real risk of enforcement. Nor has it been shown that the confiscation of goods which did not belong to him, the dismissed commercial claim brought by the importer, or the alleged reputational consequences of the domestic decisions have left him with any continuing financial or legal burden relevant for the purposes of Article 1 of Protocol No. 1.

25. The circumstances above lead the Court to consider that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention (compare *Kirov and Others v. Bulgaria* (dec.), no. 57214/09, §§ 37-48, 9 January 2018, and *Aleksandrov v. Ukraine* (dec.) [Committee], no. 43100/16, §§ 7-19, 4 July 2024). No particular reason relating to respect for human rights as defined in the Convention and the Protocols thereto requires the Court to continue its examination of the application under Article 37 § 1 *in fine*.

26. The Court would also reiterate that after it has struck an application out of its list of cases it can at any time decide to restore it to the list if it

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considers that the circumstances justify such a course, in accordance with Article 37 § 2 of the Convention (see *Khan v. Germany* [GC], no. 38030/12, § 41, 21 September 2016).

27. Consequently, the application should be struck out of the Court's list of cases.

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases.

Done in English and notified in writing on 24 September 2026.

Martina Keller  
Deputy Registrar

Andreas Zünd  
President