



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

FIFTH SECTION

DECISION

Application no. 24201/17
Igor Volodymyrovych PANKOV
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. 24201/17) against Ukraine lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 23 March 2017 by a Ukrainian national, Mr Igor Volodymyrovych Pankov (“the applicant”), who was born in 1968 and lives in Odesa, and was represented by Ms O.O. Bilozor, a lawyer practising in Odesa;

the decision to give notice of the application 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 application concerns the applicant’s complaints under Article 1 of Protocol No. 1 and Article 13 of the Convention about the cancellation of the registration of his vehicle, which he argued had been unlawful and disproportionate.

2. In 2009 the applicant purchased a car, already registered in Ukraine, from a private individual, becoming its third owner. He re-registered the vehicle in his name in accordance with the applicable procedure and used it until October 2010. During a check carried out that month, the authorities seized the car and its registration certificate after establishing that the vehicle

had not been cleared through customs. In May 2011 the car's registration was cancelled on the ground that it had originally been imported into Ukraine in 2006 under a temporary entry regime and had later been registered on the basis of defective or forged documents, without payment of the required customs duties.

3. Subsequently, following a claim lodged by the applicant, the courts ordered the return of the car and exempted him from the costs connected with its storage, but refused to reinstate its registration. In those proceedings, the courts found that the applicant had acquired the vehicle in good faith and that no fault on his part in respect of any customs violations had been established. The applicant also unsuccessfully attempted to have criminal proceedings initiated in connection with the actions of the customs and police officers involved in the customs inspection and previous registration of the vehicle.

4. On 18 December 2013, following a new claim by the applicant, the Odesa Circuit Administrative Court ordered the competent registration authority to register the vehicle in the applicant's name, finding, *inter alia*, that he was a *bona fide* purchaser who had neither known nor could have known about the irregularities in the vehicle's previous registration. That decision was upheld by the Odesa Administrative Court of Appeal on 18 March 2014.

5. In their observations of 7 January 2026, the Government informed the Court that on 1 August 2014 the vehicle had been re-registered in the applicant's name on the basis of the above-mentioned judgments. The registration authority, however, pursued an appeal on points of law.

6. On 15 March 2016 the Higher Administrative Court overturned the lower courts' decisions and dismissed the applicant's claim. It held, *inter alia*, that a vehicle imported into Ukraine could not be registered unless the required customs duties had been paid. If such payments had not been made or the relevant documents were defective or forged, the registration authority was required to refuse registration or cancel an existing registration, irrespective of who owned the vehicle – the importer or a subsequent purchaser. The Higher Administrative Court further observed that that conclusion was in line with the position previously adopted by the Supreme Court of Ukraine in a decision delivered in 2013 (case no. 21-104a13). The decision was made publicly available on 7 April 2016.

7. On 31 March 2016 the applicant sold the vehicle to Mr T., and the vehicle was re-registered in Mr T.'s name on the basis of that sale and purchase agreement. On 7 April 2016 Mr T. sold the vehicle to Mr L., and it was re-registered in Mr L.'s name on the basis of that further sale and purchase agreement. The applicant did not mention those facts in his initial application to the Court in March 2017; they were brought to the Court's attention for the first time by the Government in their observations.

8. On 5 August 2016 the vehicle was deregistered on the basis of the judgment of the Higher Administrative Court of 15 March 2016.

9. In his observations dated 5 March 2026, the applicant submitted that on 6 August 2016 the parties had annulled the sale and purchase agreements, and the sums paid by the purchasers – 50,000 Ukrainian hryvnias (UAH) and UAH 40,000 – had been returned to the purchasers.

10. On 10 January 2017, on an application by the applicant on the ground of divergent application of the law, the Supreme Court declined to admit the case for review, noting that the issue had already been addressed in a decision delivered in 2013. At that time, the Supreme Court had concluded that the actions of the traffic police in refusing to register vehicles imported for permanent use or in cancelling such registration upon establishing non-payment of customs duties or forgery of documents confirming such payment had been lawful, regardless of who bore the obligation to pay those duties. The Supreme Court noted that the decision of the Higher Administrative Court in the applicant's case was consistent with that conclusion.

THE COURT'S ASSESSMENT

11. The Government submitted that the application was inadmissible on several grounds. They argued firstly that it had been lodged outside the six-month time-limit, since the final domestic decision had been the judgment of the Higher Administrative Court of 15 March 2016 and the applicant's subsequent application to the Supreme Court had not been an effective remedy in the circumstances of his case. Secondly, they submitted that the applicant had abused the right of individual application by failing to disclose the re-registration and subsequent sale of the vehicle, facts which were directly relevant to his complaint that he had been unable to use it. Thirdly, they argued that, since he had sold the vehicle before lodging the application, the applicant could no longer claim to be a victim of the alleged violation. They contended that his subsequent explanation concerning the alleged termination of the sale agreements and repayment of the purchase sums in cash had been unsupported by reliable evidence. Lastly, they submitted that the applicant had not exhausted domestic remedies, in particular because he could have brought a claim for damages under Article 1174 of the Civil Code or a civil claim seeking recognition of his ownership of the vehicle.

12. The applicant disagreed. He submitted that the six-month period had started to run from the Supreme Court's decision of 10 January 2017, since the application for review had been a remedy available under domestic law in cases concerning divergent application of the same legal provisions by a court of cassation. He submitted that the vehicle had been sold and resold, but that those transactions had subsequently been terminated by mutual agreement, that the purchase sums had been returned to the purchasers, and that the vehicle had come back into his possession. He explained that he had not mentioned the sale and resale in his application form because, following the alleged termination of the sale agreements, he had not considered those

facts significant for the Court's examination of the case. In his view, despite the intervening sale transactions, he remained directly affected by the deregistration of the vehicle, since it had prevented him from using it for its intended purpose. Lastly, he argued that he had exhausted all domestic remedies which could be regarded as effective.

13. The Court does not consider it necessary to address all the inadmissibility objections raised by the Government, as the application is in any event inadmissible for the reasons elaborated below.

14. The Court notes that when lodging his application with the Court in March 2017, the applicant did not mention that the vehicle had been re-registered in his name in 2014, that he had sold the vehicle to Mr T. on 31 March 2016, and that it had subsequently been resold to Mr L. on 7 April 2016. Those facts were within the applicant's knowledge from the outset; he admitted to those transactions only after the Government had disclosed them in their 2026 observations.

15. The Court reiterates that an application may be rejected as an abuse of the right of individual application under Article 35 § 3 (a) of the Convention where it is knowingly based on untrue facts or where incomplete and therefore misleading information is submitted to the Court. This is particularly so where the omitted information concerns the core of the case and no sufficient explanation has been provided for the failure to disclose that information (see *Hüttner v. Germany* (dec.), no. 23130/04, 19 June 2006; *Kowal v. Poland* (dec.), no. 2912/11, § 32, 18 September 2012; and *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014).

16. The Court observes that the application concerns the allegation that the State unlawfully interfered with the applicant's property rights by cancelling the vehicle's registration, rendering him unable to use it. The fact that the vehicle had in fact been re-registered in his name from 2014 to 2016, and that he subsequently alienated the property by selling it prior to the final deregistration in August 2016 is of fundamental importance. The omission of the 2014 re-registration portrayed the applicant's situation as one of continuous deprivation of the effective use of the vehicle. Moreover, the subsequent sale and resale of the vehicle were central to the assessment of the applicant's victim status, the causal link between the impugned measure, and the alleged damage and any possible award of just satisfaction. Therefore, by omitting that information, the applicant presented an incomplete and misleading picture of the circumstances relating to the very core of the case.

17. The Court is not persuaded by the applicant's explanation, provided in his reply to the Government's observations, that he had not considered those facts significant because the sale agreements had allegedly been annulled on 6 August 2016 and the purchase sums returned (see paragraph 12 above).

18. The Court accepts that not every omission or incomplete statement in an application form amounts to an abuse of the right of individual application.

In the present case, however, the omitted facts were not technical details or peripheral circumstances. They concerned the very object of the complaint: the applicant's relationship to the vehicle which he claimed to own and to be unable to use. The applicant did not merely omit a subsequent legal argument; he failed to disclose that the vehicle had been re-registered in his name, that he had then disposed of it, and that it had been re-registered in the names of two successive purchasers.

19. The Court considers that the applicant must have been aware of the relevance of those facts. They were within his personal knowledge, resulted from transactions in which he had directly participated, and were plainly material to any assessment of victim status, causation, damage and just satisfaction. This is all the more so because the applicant's claim before the Court concerned the alleged interference with his property rights in respect of that same vehicle.

20. Furthermore, the applicant's explanation that the sale agreements were later terminated does not make the initial omission understandable. If the applicant considered that the termination agreements restored his position in relation to the vehicle, that full sequence of events – the sale, resale, alleged termination, alleged return of purchase sums and alleged return of the vehicle – was precisely what should have been disclosed to the Court. The applicant could not reasonably treat formal transactions which had changed the registered ownership of the vehicle as immaterial merely because he considered that they had subsequently been reversed.

21. Furthermore, the circumstances surrounding the alleged annulment of the agreements cast serious doubt on the credibility of the applicant's explanation. The alleged annulment of both the initial sale to Mr T. and the subsequent resale from T. to L. conveniently took place on the same day, namely the day after the final deregistration of the vehicle by the competent authority. The submitted agreements are identical in formatting and were presented as simple printed documents allegedly signed by the parties. The Court also notes that Article 654 of the Civil Code, as in force at the relevant time, provided that the termination of a contract had to be executed in the same form as the original agreement, unless otherwise provided for by the contract, law or applicable business custom. The original sale agreements had been formally executed at a Ministry of Internal Affairs service centre. By contrast, the documentation related to the alleged annulment of the sale agreements contains no certification by an administrator of a Ministry service centre, no notarisation, no registration mark and no other official endorsement. The applicant did not explain the reason that, even though the original sale agreements had produced formal registration consequences, the alleged reversal of those transactions was not supported by any comparable formal or official material. Nor did he provide reliable independent evidence substantiating the alleged return of the purchase sums or the return of the vehicle to him.

22. Moreover, the Court observes that, even assuming the sale agreements were genuinely annulled as alleged, the applicant has not provided any convincing explanation as to why he voluntarily chose to reverse these transactions. The final deregistration of the vehicle on 5 August 2016 occurred while it was legally owned by a third party, Mr L., and registered in his name. The applicant was under no apparent legal obligation to reverse his previous sale to Mr T. or to assume the consequences of the vehicle's deregistration. By voluntarily reversing the sales, the applicant introduced a new private-law element into the causal chain between the State measure and his alleged loss. That further undermines his assertion that the sale and resale were insignificant. On the contrary, it demonstrates their critical relevance to the assessment of his victim status and the causal link between the impugned measure and the alleged damage.

23. The Court therefore considers that the applicant's explanation does not dispel the conclusion that he knowingly presented the Court with an incomplete and misleading factual account. The omission cannot be regarded as a mere clerical error, an immaterial omission or a misunderstanding. It concerned facts which the applicant knew, which resulted from his own actions, and which were plainly capable of affecting the Court's examination of the very substance of his complaint.

24. In these circumstances, the Court considers that the applicant's conduct was incompatible with the purpose of the right of individual application, as provided for in Article 34 of the Convention.

25. It follows that the application must be rejected as a whole as an abuse of the right of application pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

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

Martina Keller
Deputy Registrar

Andreas Zünd
President