



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

FIFTH SECTION

DECISION

Application no. 60797/13
AVÎNT S.A. and DANREM-TRANS S.R.L.
against the Republic of Moldova

The European Court of Human Rights (Fifth Section), sitting on 10 September 2026 as a Committee composed of:

Gilberto Felici, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 60797/13) 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 18 September 2013 by two Moldovan companies, Avînt S.A. (hereinafter called “A.”) and Danrem-Trans S.R.L. (hereinafter called “D.”), which were registered in 1993 and 2010 respectively in Chişinău and were represented by Mr S. Balaban, lawyer practising in Chişinău;

the decision to give notice of the complaint under Article 6 § 1 of the Convention concerning equality of arms to the Moldovan Government (“the Government”), represented by their acting Agent at the time, Ms D. Maimescu;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the reversing of the lower courts’ judgment by the Supreme Court of Justice without properly informing the applicant companies of the other party’s submissions and without allowing them to comment on those submissions. The applicant companies relied on Article 6 § 1 of the Convention.

2. At the time of the events A. was in the process of liquidation. D. was one of its creditors. A. had borrowed money from D. and pledged a part of its

property as a guarantee, notably several buildings forming a complex (“the disputed complex”).

3. On 9 November 2010 a third company lodged court proceedings against A., claiming ownership of the disputed complex. This claim was rejected by the first- and second-instance courts. The third company lodged an appeal on points of law with the Supreme Court of Justice, which was not forwarded to the applicant companies. Accordingly, they were unable to comment on that appeal.

4. In a final judgment of 3 April 2013 taken in the absence of the parties, the Supreme Court of Justice reversed the lower courts’ judgments and found in favour of the third company.

5. After communication of the present application to the respondent State, A. asked for the reopening of the judgment of 3 April 2013. On 22 February 2023 the Supreme Court of Justice accepted that request and annulled the judgment of 3 April 2013. In doing so, it expressly found that A.’s rights guaranteed under Article 6 § 1 of the Convention had been breached. The court also awarded the entire sum which A. had claimed as compensation for the non-pecuniary damage caused (2,500 euros (EUR)). The court finally left the re-opened case for its own examination of the appeal in cassation. The parties were subsequently invited to make any submissions they wished before the court, which they did between June and August 2023.

6. By a final judgment of 28 June 2024, the Supreme Court of Justice examined anew the appeal in cassation lodged by the third company and accepted it, finding against the applicant companies.

THE COURT’S ASSESSMENT

7. Relying on Article 6 § 1 of the Convention, the applicant companies complained that they had been unable to properly argue their case before the Supreme Court of Justice since they had been unaware of the appeal lodged by the opposing party and unable to comment on it.

8. The Government argued that following the annulment of the judgment of 3 April 2013 by the decision of the Supreme Court of Justice of 22 February 2023, the matter raised by the present application had been resolved.

9. The applicant companies maintained that their situation had not been improved following the decision of 22 February 2023 and notably that of 28 June 2024. In the re-opened proceedings, their arguments had not been properly assessed, the court having adopted an unreasoned decision and deprived the applicant companies of their property.

10. The Court reiterates that, under Article 37 § 1 (b) of the Convention, it may “... at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ... the matter has been resolved ...”. In order to ascertain whether that provision

applies to the present case, the Court must answer two questions in turn: first, whether the circumstances complained of directly by the applicant still remain and, secondly, whether the effects of a possible violation of the Convention on account of those circumstances have also been redressed (see *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, § 97, ECHR 2007-I).

11. In the present case, it is noted that following the decision of 22 February 2023, the circumstances complained of in the original application (namely, the applicant companies' inability to comment on the other side's submissions to the Supreme Court of Justice) no longer persisted, since the parties had been invited to make any submissions they wished to the same court before it examined anew the appeal in cassation.

12. As for the other question, the Court finds that by fully restoring the applicant companies in their procedural right to thoroughly present their case, notably by commenting on the other party's submissions, the effects of a possible violation of the Convention on account of the inability to make such comments have also been redressed. While only A. has claimed compensation for the non-pecuniary damage caused to it, the Court notes that it was open to D. to make a similar claim (see *Sisojeva and Others*, cited above, §§ 98-102). Moreover, the Court reiterates that it is not required, for the purposes of Article 37 § 1 (b) of the Convention, that the national authorities acknowledge a violation of the Convention or that the applicant, in addition to having obtained a resolution of the matter, is also granted compensation (see *H.P. v. Denmark* (dec.), no. 55607/09, § 78, 13 December 2016).

13. Having regard to all of the above, the Court finds that both conditions for the application of Article 37 § 1 (b) of the Convention are met. The matter giving rise to this complaint can therefore now be considered to be "resolved" within the meaning of Article 37 § 1 (b). Finally, no particular reason relating to respect for human rights as defined in the Convention requires the Court to continue its examination of the application under Article 37 § 1 *in fine*.

14. As for the alleged breach of the applicant companies' rights in the re-opened proceedings, such as an alleged lack of reasoning in the judgment of 28 June 2024, this constitutes a new complaint which has not been the subject of the initial application and was not communicated to the respondent Government. The Court will therefore not examine it.

15. Accordingly, 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 1 October 2026.

Martina Keller
Deputy Registrar

Gilberto Felici
President