

Artículo de investigación

The civil legal category of property rights in Ukraine in the context of ECtHR decisions: problems of theory and practice**Цивільно-правова категорія права власності в Україні в контексті рішень ЄСПЛ: проблеми теорії та практики**

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For the moment, ECtHR is one of the most respected and effective human rights institutions, so its decisions have the potential to create a platform to optimize and improve the application of legal rules and legal relations in case of gaps in national law. The study of the civil law category of property rights in the context of ECtHR jurisprudence is a significant step towards modernizing the consciousness of modern Ukrainian society and unifying the regulation of issues related to property. The authors used the method of analysis and the synthesis method as well as the comparative legal method in this research. In conclusion, the authors highlighted that since ECtHR decisions are binding in the administration of justice in Ukraine, there are many problems regarding the correlation between the concepts of "property", "ownership", "intellectual property", etc. The Ukrainian legislator and the law enforcer need to adapt to the flexibility of these concepts to minimize the divergence of views on legal categories that play a decisive role in the exercise of the applicant's right to judicial protection.

Key Words: Civil law, property rights, ECtHR decisions, legislation, theory problems.

Анотація

На даний момент ЄСПЛ є однією з найавторитетніших та найефективніших правозахисних інституцій, тому його рішення мають можливість створювати платформу для оптимізації та удосконалення застосування правових норм та урегулювання правовідносин у разі наявності прогалин у національному законодавстві. Дослідження цивільно-правової категорії права власності в контексті судової практики ЄСПЛ є значним кроком до модернізації правосвідомості сучасного українського соціуму та уніфікації регулювання питань, пов'язаних із «власністю». Під час написання наукового дослідження авторами були використані метод аналізу та метод синтезу, порівняльно-правовий метод. У висновку автори підкреслили, що оскільки рішення ЄСПЛ є обов'язковими при здійсненні судочинства в Україні, виникає значна кількість проблем щодо співвідношення тлумачень понять «власність», «майно», «право власності», «право інтелектуальної власності» тощо. Таким чином, українському законодавцю та правозастосовнику треба пристосовуватися до гнучкості зазначених понять, аби мінімізувати.

Ключові слова: цивільне право, право власності, рішення ЄСПЛ, законодавство, проблеми теорії.

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Introduction

The nature and scope of the problem are due to the property issues, because property as an economic category accompanies human society throughout its history, except for those stages where man has not yet separated himself from nature and fulfilled his needs through simple means of possession and use. For now, the process of reforming Ukrainian legislation related to the harmonization of public law and private law principles is primarily about property relations. At the same time, civil law in Ukraine is not isolated from the civil law of foreign countries. It interacts with and in turn, influences it. Today it is difficult to do without sharing experience. Moreover, the legal systems of different countries show an increasing tendency towards convergence, a certain unification, which simplifies international relations, makes it possible to harmonize national branches of law.

The objective of the study can be regarded in the expanding the geographical scope of the mutual influence of States within which the integration of capital, property, rights to it, services actualizes problems related to the protection of property rights at the international legal level.

Moreover, the integration process to Europe intensify the activity of international judicial institutions, for example, the European Court of Human Rights (hereinafter referred to as ECtHR). Thus, the ECtHR's decisions led to the activation of adaptation processes in the Ukrainian legal system.

The procedures used to solve the problem of the study can be seen in consideration of the ECtHR's decisions. The ECtHR determine its effectiveness, identify problems and contradictions in existing law, identify new trends and prospects. It should be noted that the ECtHR's legal position played a significant role in extending the interpretation of "property rights". Given the increasing use of judicial precedent (which is the ECtHR's decisions), the Ukrainian legal system cannot ignore the requirements and standards set by the decision of international courts.

So, the adaptation and the spheres of civil law in Ukraine (concerning the category of property rights) did not succeed. Even though the institution of property rights should be considered one of the oldest institutions of civil law, the modernization caused by modern legal and social realities affected it as well.

However, the difference in understanding of the list of objects to which the right of ownership applies, causes a considerable number of conflicting situations, for example the protection of the infringed specified right.

Thus, the study of the civil law category of property rights in the context of ECtHR jurisprudence is a significant step towards modernizing the consciousness of modern Ukrainian society and unifying the regulation of issues related to property.

Theoretical framework

As was stated by Zavgorodniy (2015), in resolving specific cases, the ECtHR acts as a mediator between the general abstract rules of the Convention and the actual circumstances of their action. Thus, by formally interpreting the Convention and its Protocols, the European Court of Justice actually determines the substance of the Convention rules, while eliminating the ambiguity of the terms and provisions used in the Convention. It should also be noted that the European Court's interpretive work also contributes to the standardization of human rights beliefs, since the first decisions were taken against Ukraine, it can be stated that there is an active and consistent alignment of national law with Council of Europe standards as expressed in ECtHR case law. Such coordination is carried out both at the stage of rulemaking and at the stage of implementation of law.

To clarify the nature of the property that exists in the European community, the authors of the article examined an array of the ECtHR's decisions, namely, *Anatskiy v. Ukraine* (2005), *Anheuser-Busch Inc. v. Portugal* (2007), *Antonovskiy v. Ukraine* (2005), *Balan v. Moldova* (2008), *Beyeler v. Italy* (2000), *Bohlen v. Germany* (2015), *Broniowski v. Poland* (2005), *Dima v. Romania* (2007), *Ernst August von Hannover v. Germany* (2015), *Fedorenko v. Ukraine* (2006), *Gayduk and others v. Ukraine* (2002), *Kechko v. Ukraine* (2005), *Kopecky v. Slovakia* (2004), *Kozacioglu v. Turkey* (2009), *Kucherenko v. Ukraine* (2005), *Melnychuk v. Ukraine* (2005), *Pine Valley Development Ltd v. Ireland* (1991), *Sovtransavto-Holding v. Ukraine* (2002), *S-S., I. AB and B.T. v. Sweden* (1986), *Stebnitskiy and Komfort v. Ukraine* (2011), *Stretch v. United Kingdom* (2003), *Terem Ltd, Chechetkin and Olius v. Ukraine* (2005), *Tre Traktörer Aktiebolag v. Sweden* (1989), *Van*

Marle and others v. the Netherlands (1986), Voytenko v. Ukraine (2004).

Moreover, the issue concerning the differences in the understanding the nature of the property in Ukraine and in the European community, it should be stated that scholars as Belkin L. (2009), Blazhivska N. (2018), Zavgorodniy V. (2015), Novikov D. (2016), Rozgon O. (2016), and others have studied the ECtHR practice.

Nevertheless, there are still many unresolved issues concerning the implementation of the ECtHR's decisions about property and property rights on Ukraine. The authors of the article have the goal of identifying new problematic questions about the compliance of Ukrainian legislation with international standards and the problem of implementing the decision of the European Court of Human Rights without violating state law in the field of property issues.

Methodology

The authors used different methods of scientific research to write this article.

Thus, the main methods for writing this scientific work were the analysis method and the synthesis method. Their significance and the method of applying these methods in a scientific article will be discussed in detail below.

For example, the analysis method allowed to study many decisions of the ECtHR, among which Anatskiy v. Ukraine (2005), Anheuser-Busch Inc. v. Portugal (2007), Antonovskiy v. Ukraine (2005), Balan v. Moldova (2008), Beyeler v. Italy (2000), Bohlen v. Germany (2015), etc.

Moreover, the synthesis method allowed us to highlight the main points regarding ownership in the ECtHR decisions. For example, Art. 1 of the Protocol (1997) is of autonomous importance and is not delineated by the ownership of physical things. It is independent of the formal classification in the national system of law, so some of the other rights and interests that make up assets may be considered as "property" to protect them.

Furthermore, the comparative legal method was used by the authors to find ways to improve domestic legislation. For example, ECtHR recognizes property under certain conditions, as "existing property" or funds, including lawsuits, which the claimant may substantiate with at least "justified expectations" of the possibility of

effective use of property rights (ECtHR judgment of June, 1 June 2006 in Fedorenko v. Ukraine (2006)); legitimate profit expectations under the agreement (ECtHR judgment of 1 June 2006 in Fedorenko v. Ukraine (2006)); etc.

Results and discussion

Ownership can be considered one of the basic property rights of a person who, according to Part 1 of Art. 216 of the Civil Code of Ukraine (2003) is the right of a person to a thing (property) which he performs under the law of his own will, regardless of the will of other persons. The basis of civil society is law-conscious citizens and their voluntary associations, the existence of which is regulated not by political power, but by self-government, free expression of citizens and legal law (Kharytonov, Kharytonova, Tolmachevska, Fasi, & Tkalych, 2019).

In order to better understand the essence of this right, it is necessary to characterize the objects of the material world to which the property right applies. Yes, according to the article, such objects are things (property). Art. 179 of the Civil Code of Ukraine (2003) determines that a thing is an object of the material world in respect of which civil rights and obligations may arise. Analyzing Section 13 of the Civil Code of Ukraine (2003), we can conclude that the category of things, in particular, animals, property rights and obligations, money (cash), currency values. Thus, not all the list of civil rights objects is a thing (property), so they cannot be covered by the ownership regime.

On 17 July 1997, Ukraine ratified the European Convention on Human Rights (1950), recognizing the binding jurisdiction of the ECtHR in all matters concerning the interpretation and application of this Convention. According to the Article 1 of Protocol No. 1 (1997) to the European Convention on Human Rights (1950), the Convention operates on the concept of property, unlike the Ukrainian legislation, which prefers a clearly defined category of property rights. In connection with this, there are some problems in the interpretation of these concepts by the Ukrainian courts and in the advisability of applying Art. 1 of Protocol No. 1 within the framework of the protection of property rights.

In the decision of Beyeler v. Italy (2000) and Broniowski v. Poland (2005), the ECtHR states that the concept of "property" within Art. 1 of the Protocol (1997) is of autonomous importance and is not delineated by the ownership of

physical things. It is independent of the formal classification in the national system of law, so some of the other rights and interests that make up assets may be considered as "property" to protect them. Thus, the ECtHR created and created a considerable number of precedents that continue the tradition of the said decision, thereby creating a leveling off the "standards" of property rights established by national law.

For example, the case of *Kopeccky v. Slovakia* (2004) is notable for determining the status of "property" in terms of both the actual assets available and the assets and/or claims in respect of which the applicant may claim to have "legitimate expectations" the real occurrence and realization of the property right belonging to her. Thus, the ECtHR provides protection to the person's abstract beliefs about his or her property rights. At the same time, "legitimate expectations" by its nature must be more specific than mere hope and should be based on a legislative provision or a legal act, such as a judicial verdict. However, there is no legitimate expectation if there is a dispute as to the proper interpretation and application of national law and the applicant's claims are subsequently rejected by the national courts (Rozgon, 2016).

Thus, in most cases, the ECtHR's case-law moves towards recognizing the impossibility of enforcing national courts' decisions in favor of the applicant. The actual absence of the result of the court decision obtained by the applicant, regardless of the reasons for non-enforcement of the decision, namely the debt for such a decision, qualifies the ECtHR as property, and the delay in granting the debt constitutes a violation of property rights (Novikov, 2016). The regime of property rights within the meaning of the ECtHR also extends to those property benefits to which a person is entitled in connection with a decision to recover a sum of money or other property in his favor. This position of the ECtHR is reflected in the decisions in *Voytenko v. Ukraine* (2004), *Terem Ltd, Chechetkin and Olius v. Ukraine* (2005), *Kucherenko v. Ukraine* (2005), *Anatskiy v. Ukraine* (2005), *Antonovskiy v. Ukraine* (2005), etc.

Article 1 of Protocol 1 protects the right to an action for damages under domestic law and the legitimate expectation that a situation exists (*Pine Valley Development Ltd v. Ireland* (1991)). Thus, in the last of the cases cited, the Court noted that the right to claim compensation for damage caused by civil offenses arises immediately after the injury has been caused. Such a claim is inherently an "asset", and therefore equates to the concept of "property" in

the sense of Art. 1 of Protocol 1 (Goncharenko, 2011).

Ownership regime under Art. 1 of the Protocol (1997) also extends to the shares of companies that are considered in the national law of Ukraine within the limits of corporate rights. Thus, the decisions on the complaints of *S-S., I. AB and B.T. v. Sweden* (1986), *Sovtransavto Holding v. Ukraine* (2002) confirm that the shares are of economic value and are "property" which gives rise to economic interest and property law, which is manifested in the ownership of a share capital of the entity (Goncharenko, 2011).

The ECtHR protects (based on Article 1 of the Protocol (1997)) economic interests that are related to business activities. In this issue, there is an indicative case of *Tre Traktörer Aktiebolag v. Sweden* (1989). Thus, the ECtHR applied Art. 1 of the Protocol and noted that the loss of the restaurant (by the applicant) of the license, which allowed the sale of alcohol, had a negative impact on the situation of the restaurant and led to its closure. Thus, the applicant was deprived of its intangible assets, which resulted in a violation of his economic interest, which was manifested in the loss of business value. In that decision, the ECtHR recognized the economic interests associated with the operation of the restaurant, property covered by Art. 1 of the Protocol.

The ECtHR's position in the *Van Marle and others v. the Netherlands* (1986) decision concerning professional client base is quite atypical for Ukrainian national legislation. According to the case, changes in the law made it impossible for claimants-accountants to perform their professional activities due to the refusal to register them at the level previously established. The applicants alleged that for this reason they lost the ability to perform their professional duties, which led to the loss of clients, reduced their income and non-material component of professional practice (goodwill). Instead, the state opposed the claims, arguing its position in the absence of "property" in the dispute, and therefore opposed the recognition of restrictions on their right to peaceful possession of property. The ECtHR found that the claim invoked by the applicants "could be linked to the property right" provided for in Art. 1 of the Protocol (1997). In the course of their activities, the applicants have formed a clientele whose existence in many respects is of a private law nature, is a certain asset, and therefore is a "property". Besides, the refusal to register the applicants fundamentally affected the conditions of their professional activity, the volumes of

which decreased. Their revenue, customer base and business volume have decreased overall.

It is noteworthy in the *Kozacioglu v. Turkey* (2009) case, since it found that the failure to take into account the architectural or historical characteristics of a cultural monument in determining compensation for its expropriation (nationalization) was also a violation of Art. 1 of the Protocol (1997) and resulting in the oppression of the applicant's rights (Falkowskyi, 2016).

The specificity of the interpretation of property is also evident in *Stretch v. United Kingdom* (2003). In the circumstances of the case, the applicant entered into a land lease agreement with the local authority for 22 years, with the possibility of extending the lease term for another 21 years. The courts of the United Kingdom have invalidated the contract extension clause.

However, the ECtHR (to protect the applicant's rights) found a violation of Art. 1 of the Protocol (1997), on the ground that the applicant (when concluding the contract) had counted on extending it for another 21 years, therefore servicing the land and constructing on it a subplot for a certain profit. The ECtHR considers that, in the circumstances of the present case, the applicant may be regarded as having at least a legitimate expectation that the condition for extension may be exercised, under Art. 1 of Protocol No. 1, as a supplement to the property rights granted to him under the lease agreement (Belkin, 2009).

Despite the widespread use of the concept of "property", the ECtHR also imposes certain restrictions. In particular, it is stated that the protection is exercised in respect of the rights to the existing property, or at least the confirmed perspective of its existence, that is, the right to acquire ownership of the provision of Art. 1 of the Protocol shall not apply. This situation may occur in the absence of a will or voluntary sale of the property. The right to inherit property is not a property right until it becomes contested (Miroshnichenko, 2013).

Issues of "property" within the framework of the ECtHR are also raised in relation to intellectual property rights. Thus, according to the position of the Ukrainian legislator, property rights and intellectual property rights are not identical categories because they have their own specific features of objects, subjects, content and legal protection.

According to Part 1 of Art. 418 of the Civil Code of Ukraine (2003) the right of intellectual property is the right of a person to the result of intellectual, creative activity or other objects of intellectual property right, defined by this Code and other law. Besides, Part 1 of Art. 419 of the Civil Code of Ukraine (2003) stipulates that intellectual property rights and the ownership of the property are independent of each other. Thus, national courts cannot use the provisions relating to property rights in cases of infringement of intellectual property rights. Contrary to this statement is the practice of the ECtHR, which extends the Art. 1 of the Protocol (1997) within the concept of "ownership" of intellectual property rights in the sense provided for by national law.

Thus, several decisions have been made on the intellectual property rights that the ECtHR protects, based on the article cited above, including copyright – *Dima v. Romania* (2007), signs for goods, works, and services – *Anheuser-Busch Inc. v. Portugal* (2007), intellectual property – *Melnichuk v. Ukraine* (2005). This also means that the ECtHR, by analogy with other disputes within the protection of intellectual property rights, such as new plant varieties, animal breeds, trade secrets, topographies of integrated circuits, related rights, etc., will apply, by analogy, Art. 1 of the Protocol (1997), that is, to classify these objects in the category of "property". Besides, since Art. 1 will extend its protection to derivative entities of intellectual property rights, in particular, and those who have obtained such rights under a compulsory (compulsory) license, subject to the payment of a rightsholder. This is certainly indicative of the ECtHR's ability to handle a wide range of intellectual property disputes within property rights.

Of interest is the ECtHR position outlined in the *Anheuser-Busch Inc solution. v. Portugal* (2007), which has resolved the trademark dispute. Thus, the ECtHR applies Art. 1 of the Protocol to the application for registration of trademarks, stating that the applications are just as protected by "property" as the trademark itself. By this decision, the ECtHR's ownership regime extends not only to the intellectual property objects themselves but also to the objects that accompany their emergence and consolidation.

In the cases of *Bohlen v. Germany* (2005) and *Ernst August von Hannover v. Germany* (2015), ECtHR allowed Art. 1 of the Protocol (1997) within the limits of protection of property interests of an individual in the case of using the

- Balan v. Moldova. (2008). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Balan%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-84720%22%5D%7D>
- Belkin, M.L. (2009). Protection of property rights of private law entities in public law disputes in the context of decisions of the European Court of Human Rights. *Lawyer*, 7 (106), 22 – 26.
- Beyeler v. Italy. (2000). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-58832%22%5D%7D>
- Blazhivska, N.S. (2018). ECtHR practice of protecting the physical interests of an individual when using an image, name, or other attributes that individualize it. *Uzhgorod National University Scientific Bulletin: Law Series*, 53 (1), 76 – 80.
- Bohlen v. Germany. (2015). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Bohlen%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-152647%22%5D%7D>
- Broniowski v. Poland. (2005). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22231443/96%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-70326%22%5D%7D>
- Civil Code of Ukraine. (2003). Verkhovna Rada (Ukrainian Parliament). Retrieved from <http://zakon4.rada.gov.ua/laws/show/435-15>
- Dima v. Romania. (2007). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-78042%22%5D%7D>
- Ernst August von Hannover v. Germany. (2015). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Ernst%20August%20von%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-152679%22%5D%7D>
- European Convention on Human Rights. (1950). European Court of Human Rights. Retrieved from https://www.echr.coe.int/Documents/Convention_ENG.pdf
- European Court of Human Rights. (2019). Retrieved from
- <https://www.echr.coe.int/Pages/home.aspx?p=home>
- Falkowskyi, A. (2016). Protection of property rights to cultural property in the case law of the European Court of Human Rights. *Carpathian Legal Bulletin*, 6 (15), 195 – 198.
- Fedorenko v. Ukraine. (2006). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Fedorenko%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-75599%22%5D%7D>
- Gayduk and others v. Ukraine. (2002). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22245526/99%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-23407%22%5D%7D>
- Goncharenko, O. (2011). The concept of "property" in the case law of the European Court of Human Rights. *Entrepreneurship, Economy and Law*, 12, 41–45.
- Kechko v. Ukraine. (2005). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22263134/00%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-70863%22%5D%7D>
- Kharytonov, E., Kharytonova, O., Tolmachevska, Y., Fasii, B., & Tkalych, M. (2019). Information Security and Means of Its Legal Support. *Amazonia Investiga*, 8(19), 255-265. Retrieved from <https://www.amazoniainvestiga.info/index.php/amazonia/article/view/227>.
- Kopecky v. Slovakia. (2004). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Kopecky%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-66758%22%5D%7D>
- Kozacioglu v. Turkey. (2009). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%222334%20%2003%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-91413%22%5D%7D>
- Kucherenko v. Ukraine. (2005). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Kucherenko%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-71677%22%5D%7D>

- Melnichuk v. Ukraine. (2005). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Melnichuk%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-70089%22%5D%7D>
- Miroshnichenko, O. A. (2013). Ownership in the understanding of the European Court of Human Rights (general characteristic). *Law Forum*, 2, 371–374.
- Novikov, D. V. (2016). Guarantees of the protection of property rights in the case law of the European Court of Human Rights. *European perspectives*, 2, 92–98.
- Pine Valley Development Ltd v. Ireland. (1991). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22pine%20valley%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-57711%22%5D%7D>
- Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms. (1997). Verkhovna Rada (Ukrainian Parliament). Retrieved from https://zakon.rada.gov.ua/laws/show/994_535.
- Rozgon, O. (2016). Interpretation of property rights under the Convention on the Protection of Human Rights and Fundamental Freedoms. *Entrepreneurship, Economy and Law*, 10, 168 – 171.
- Sovtransavto-Holding v. Ukraine. (2002). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22sovtransavto%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-60634%22%5D%7D>
- S-S., I. AB and B.T. v. Sweden. (1986). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22S%20&%20T%20company%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-1275%22%5D%7D>
- Stebnitskiy and Komfort v. Ukraine. (2011). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Stebnitskiy%20and%20Komfort%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-103239%22%5D%7D>
- Stretch v. United Kingdom. (2003). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Stretch%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-61173%22%5D%7D>
- Terem Ltd, Chechetkin and Olius v. Ukraine. (2005). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Terem%20Ltd%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-70638%22%5D%7D>
- Tre Traktörer Aktiebolag v. Sweden. (1989). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Aktiebolag%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-57586%22%5D%7D>
- Van Marle and others v. the Netherlands. (1986). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Van%20Marle%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-57590%22%5D%7D>
- Voytenko v. Ukraine. (2004). European Court of Human Rights. Retrieved from <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Voytenko%22%5D%2C%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22DECISIONS%22%5D%2C%22itemid%22:%5B%22001-61855%22%5D%7D>
- Zavgorodniy, V.A (2015). Functions of judgments of the European Court of Human Rights. *Scientific Bulletin of Dnipropetrovsk State University of Internal Affairs*, 4, 105–116.