

## **CASE OF PYRANTIEN v. LITHUANIA – Application no. 45092/07 (2013)**

In the Chamber's judgment in the **CASE OF PYRANTIEN v. LITHUANIA** the European Court of Human Rights held, unanimously, that there had been:

**- a violation of article 1 of Protocol No. 1 to the Convention (Protection of property)**

### **I. Principal Facts**

The applicant, Kotrina Pyrantien, is a Lithuanian national. The case concerned Ms Pyrantien's complaint about the level of compensation she had received when the Lithuanian authorities had repossessed a plot of land she had owned.

In 1996 Ms Pyrantien acquired the 0.5 hectare plot of land from the State. However, a number of years later the sale was quashed by the Lithuanian courts because it was found that the State did not have the right to sell the property. A valuation of the property in 2005 found that it was worth 112,500 LT (approximately 32,580 euros). Yet in October 2006 the Lithuanian courts held that Ms Pyrantien would only receive LTL 1,466 in compensation (approximately EUR 430), as this was the value of the investment vouchers she had used to buy the land in 1996.

Her appeal of this level of compensation was dismissed by the Lithuanian Court of Appeal in February 2007.

### **II. Complaints and procedure**

Relying on article 1 of Protocol No. 1 (protection of property), Ms Pyrantien complained that as a legitimate owner who had acquired the property in good faith, she had not been properly compensated for the deprivation of her land as the Lithuanian courts had not taken into account the plot's market value in 2005 but had instead relied on its nominal value in 1996.

### **III. Decision of the Court**

According to the Court any interference by a public authority with the peaceful enjoyment of possession should be lawful, must be in the public interest and must pursue a legitimate aim by means reasonably proportionate to the aim sought to be realised. It also reiterates that an interference with the peaceful enjoyment of possessions must strike a "fair balance" between the demands of the public interest and the requirements of the protection of the individual's fundamental rights.

The Court stated that the decision of the courts to annul the land purchase agreement was prescribed by law, as it was based on provisions of the Restitution Law of the Civil Code, and that it pursued a legitimate aim, that is, in the public interest, as it was in order to satisfy the restitution claims of persons from whom that property had been expropriated. However, the Court reiterates that any interference with property must, in

addition to being lawful and having a legitimate aim, also satisfy the requirement of proportionality.

The Court holds that the compensation awarded to the applicant did not reflect the real value of the property or the fact that it had been acquired in good faith. The disproportion between the land's market value and the compensation awarded is too significant for the Court to find that a "fair balance" was struck between the public interest and the applicant's fundamental rights.

Taking account the foregoing considerations, the Court concludes that the conditions under which the applicant had her title to the plot of land removed imposed an individual and excessive burden on her and that the authorities have failed to strike a fair balance between the demands of the public interest on the one hand and the applicant's right to the peaceful enjoyment of her possessions on the other.

There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention.

#### **I.V Just satisfaction**

The Court held that the question of the application of Article 41 (just satisfaction) was not ready for decision and reserved it for examination at a later date.