THIRD SECTION

**CASE OF MANOLE AND “ROMANIAN FARMERS DIRECT” v. ROMANIA**

*(Application no. 46551/06)*

JUDGMENT

(Extracts)

STRASBOURG

16 June 2015

**FINAL**

16/09/2015

*This judgment has become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

In the case of Manole and “Romanian Farmers Direct” v. Romania,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Josep Casadevall, *President,* Luis López Guerra, Ján Šikuta, Kristina Pardalos, Johannes Silvis, Valeriu Griţco, Iulia Motoc, *judges,*and Stephen Phillips, *Section Registrar,*

Having deliberated in private on 26 May 2015,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1.  The case originated in an application (no. 46551/06) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Romanian national, Mr Benieamin Manole (“the first applicant”) and a group of farmers, including the first applicant, who had attempted to set up a trade union and had requested its registration in accordance with the procedure prescribed by Romanian law (“the second applicant” or “the applicant union”.

2.  The applicants were represented by Mrs G. Perin, a lawyer practising in Rome. The Romanian Government (“the Government”) were represented by their Agent, Mrs I. Cambrea, and then by Mrs C. Brumar of the Ministry of Foreign Affairs.

3.  The applicants alleged that the Romanian courts’ refusal to register the applicant union constituted an infringement of freedom of association in breach of Article 11 of the Convention.

4.  On 8 December 2011 the application was communicated to the Government.

THE FACTS

I.  THE CIRCUMSTANCES OF THE CASE

5.  Mr Benieamin Manole, the first applicant, was born in 1956 and lives in Priponesti, Galaţi county.

6.  By decision of 15 January 2006 the first applicant, a farmer, and forty-eight other persons meeting in constituent assembly decided to form a trade union entitled “Agricultural trade union *Romanian Farmers Direct*”. The first applicant was elected President of the new trade union.

7.  On 23 January 2006 the first applicant applied to the Tecuci District Court seeking the registration of the trade union which he represented, with a view to conferring legal personality on it. He enclosed with his request the statutes of the trade union and the relevant authority form presented to him by the Constituent Assembly, as notarised on 27 January 2006.

8.  According to those statutes, the applicant trade union’s main purpose was to defend the interests of its members, that is to say farmers and persons providing services for farmers, including transport facilities. The first applicant described that purpose as follows:

“The *Romanian Farmers Direct* trade union emerged from the desire to help Romanian farmers move on from subsistence farming to agriculture as practised in the European Union, where the production of rural farms is directed towards the market rather than self-sufficiency, as is currently the case in our country, [in order to] provide farmers with a decent standard of living.

Our trade union has set itself the aim of organising local centres (three or four adjacent municipalities) in all the counties of Romania with a view to providing legal information, accountancy advice and judicial assistance to individual farmers ....

We believe that it would be advantageous if as many farmers as possible could come together to think and act in unison in order to ensure the success of our agricultural activities ....”

9.  By judgment of 27 January 2006 the district court, sitting in single-judge formation (Judge N.M.), declared the request for registration of the trade union inadmissible on the grounds that only employees (*persoanele încadrate în muncă*) and civil servants could set up trade unions.

10.  On appeal on points of law lodged by the applicant trade union, represented by the first applicant, that judgment was quashed by decision of Galaţi County Court on 21 March 2006. That court held that the action had been wrongly declared inadmissible and that the district court should have examined the merits of the case.

11.  By judgment of 12 April 2006 the Tecuci District Court, sitting in the same single-judge formation, rejected the request as ill-founded on the grounds that under Law No. 54/2003 on trade unions (*Legea sindicatelor*), farmers could not set up trade unions but could only join pre-existing unions.

12.  The applicant trade union lodged an appeal on points of law, submitting, first of all, that the court which had tried the case after invalidation had been the same which had delivered the invalidated judgment of 27 January 2006, and secondly, that Article 40 of the Constitution guaranteeing trade union rights had been infringed.

13.  By decision of 30 May 2006 the county court accepted the applicant trade union’s appeal on points of law insofar as it concerned the make-up of the first-instance trial court, and, assessing the merits of the case, rejected the trade union’s application for the registration of the trade union. In doing so the court observed that only employees holding a contract of employment and civil servants could set up trade unions, to the exclusion of farmers and other self-employed persons, who could only join pre-existing trade unions.

B.  Factual information on the applicants’ representation before the Court

14.  By a handwritten authority form dated 12 November 2006, the first applicant, acting in his own name and on behalf of the applicant trade union – in his capacity as the latter’s representative – appointed Mrs G. Perin counsel to represent them before the Court. That authority was signed by both the first applicant and Mrs G. Perin.

The authority may be translated as follows:

“I, the undersigned Manole Benieamin, born on 18 March 1956 in the municipality of ..., in my capacity as President of the farmers’ trade union ‘Romanian Farmers Direct’ and as legal representative of that trade union, appoint as counsel to defend our case before the European Court of Human Rights Ms Giulia Perin, a lawyer practising in Padua, Italy.”

II.  RELEVANT DOMESTIC AND INTERNATIONAL LAW AND PRACTICE

...

B.  Relevant international law and practice

1.  European norms

22.  The relevant provisions of the (Revised) European Social Charter, the European Union’s Charter of Fundamental Rights and derived European law are expounded in the judgments in the cases of *Sindicatul “Păstorul cel Bun”* (no . 2330/09, §§ 58-60) and *Demir and Baykara v. Turkey* ([GC], no 34503/97, §§ 45-47, ECHR 2008).

2.  International Labour Organisation (ILO) standards

(a)  ILO Freedom of Association and Protection of the Right to Organise Convention (No. 87), and supervision of its application

23.  The relevant provisions of ILO Convention No. 87 concerning the Freedom of Association and Protection of the Right to Organise, which was adopted in 1948 and ratified by Romania on 28 May 1957, are set out in the judgments in the cases of *Sindicatul “Păstorul cel Bun”* (cited above, § 56) and *Danilenkov and Others v. Russia* (no. 67336/01, § 105, ECHR 2009 (extracts)).

24.  The relevant parts of the observations of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), adopted in 2012 and published in 2013, concerning the application by Romania of Convention No. 87 concerning the Freedom of Association and Protection of the Right to Organise read as follows:

“The Committee notes, however, that certain issues previously raised are still pending after the adoption of the Social Dialogue Act .... The Committee also notes a number of additional discrepancies between the provisions of the Social Dialogue Act and the Convention in terms of scope of application (such as self-employed, apprentices, dismissed or retired workers), eligibility conditions for trade union officials, restriction of trade union activities ... etc.

In this respect, the Committee notes that the Government has recently benefitted from ILO technical assistance seeking to ensure the conformity with the Convention of a draft Emergency Ordinance which substantially amends the Social Dialogue Act. The Committee trusts that the Government will take due account of its comments in the context of this legislative review and that the new legislation will be in full conformity with the Convention. The Committee requests the Government to indicate in its next report any developments in this respect.”

25.  The relevant parts of the global report entitled “Freedom of association in practice: Lessons learned. Global Report under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work” read as follows:

“82.  The ILO supervisory bodies have consistently emphasized that all workers, without any distinction, and irrespective of their employment status, including self-employed workers, managerial employees and workers in cooperatives, should enjoy the right to establish and join trade unions of their own choosing, like all other workers. This is all the more important in the case of vulnerable categories of workers for whom the exercise of the right to organize is a way of breaking out of marginalization and poverty. ...

Agriculture and rural employment

158.  Nearly half the world’s workforce is found in rural areas, which remain the largest source of employment in Africa and most of Asia. Nevertheless, in many countries agricultural and rural workers are still denied the right to organize and bargain collectively. This is despite the fact that the need to protect the rights of those working in agriculture was recognized as early as 1921, when the ILO’s member States adopted the Right of Association (Agriculture) Convention (No. 11), according to which agricultural workers should have the same ‘rights of association and combination’ as industrial workers. This Convention has been ratified by 122 member States.

159. At the same time, the practical difficulties of putting into effect the rights to organize and bargain collectively in the sector cannot be minimized. The agricultural sector, and rural employment in general, have distinctive features. In general, agriculture is a sector in which small enterprises with relatively few employees predominate and self-employment is widespread. Much of the wage employment is temporary or seasonal, and farms are spread over wide geographical areas. These factors are a challenge to trade union organization. The number of agricultural trade union members is usually relatively small compared to the total number of workers in the sector. ...

160. In addition to practical difficulties facing agricultural workers who wish to organize, there is also evidence of government interference which restricts the exercise of this basic right. The most common legal obstacle in the sector remains the full or partial exclusion of agricultural workers from legislation guaranteeing the right to freedom of association and collective bargaining. ...”

(b)  ILO Right of Association (Agriculture) Convention (No. 11)

26.  The relevant provisions of ILO Convention No. 11 on the right of association (agriculture), adopted in 1923 and ratified by Romania on 28 May 1930, read as follows:

Article 1

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.”

(c)  ILO Rural Workers’ Organisations Convention (No. 141) and the relevant recommendations

27.  The relevant provisions of ILO Convention No. 141 on Rural Workers’ Organisations and their role in economic and social development, which was adopted in 1975 and has not been ratified by Romania, read as follows:

Article 2

“1.  For the purposes of this Convention, the term rural workers means any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or small owner-occupier.

2. This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not -

(a) permanently employ workers; or

(b) employ a substantial number of seasonal workers; or

(c) have any land cultivated by sharecroppers or tenants.”

Article 3

“1.  All categories of rural workers, whether they are wage earners or self-employed, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations, of their own choosing without previous authorisation.

2. The principles of freedom of association shall be fully respected; rural workers’ organisations shall be independent and voluntary in character and shall remain free from all interference, coercion or repression.

3. The acquisition of legal personality by organisations of rural workers shall not be made subject to conditions of such a character as to restrict the application of the provisions of the preceding paragraphs of this Article.

4. In exercising the rights provided for in this Article rural workers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.

5. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Article.”

28.  ILO Convention No. 141 has been ratified by 40 States, including nineteen member States of the Council of Europe (Albania, Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Malta, Republic of Moldova, the Netherlands, Poland, Spain, Sweden, Switzerland and the United Kingdom).

29.  The relevant provisions of Recommendation No. 149 concerning rural workers’ organisations and their role in economic and social development, adopted by the ILO in 1975, read as follows:

II. Role of Organisations of Rural Workers

“4. It should be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination ... in economic and social development and in the benefits resulting therefrom.

5. Such organisations should, as appropriate, be able to--

(a) represent, further and defend the interests of rural workers, for instance by undertaking negotiations and consultations at all levels on behalf of such workers collectively;

(b) represent rural workers in connection with the formulation, implementation and evaluation of programmes of rural development and at all stages and levels of national planning; ...

(f) contribute to the improvement of the conditions of work and life of rural workers, including occupational safety and health; ...

III. Means of Encouraging the Growth of Organisations of Rural Workers

6. In order to enable organisations of rural workers to play their role in economic and social development, member States should adopt and carry out a policy of active encouragement to these organisations, particularly with a view to -

(a) eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities, as well as such legislative and administrative discrimination against rural workers’ organisations and their members as may exist; ...

7. (1) The principles of freedom of association should be fully respected; rural workers’ organisations should be independent and voluntary in character and should remain free from all interference, coercion or repression. ...

A. Legislative and Administrative Measures

8. (1) Member States should ensure that national laws or regulations do not, given the special circumstances of the rural sector, inhibit the establishment and growth of rural workers’ organisations. ...”

THE LAW

I.  ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION

37.  Relying on Article 11 of the Convention, the first applicant complained about a violation of his own right and of that of the applicant trade union (the second applicant) to freedom of association. He submitted that the domestic courts’ refusal to register that trade union had not been based on any general imperative in pursuit of any of the legitimate aims listed in paragraph 2 of the aforementioned Article 11.

Article 11 of the Convention provides:

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.12 13

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

A.  Admissibility

38.  The Government objected that the application was incompatible *ratione materiae*, and was also incompatible *ratione personae* in respect of the second applicant, that is to say the trade union which had applied for registration.

1.  Objection as to compatibility ratione materiae

39.  The Government considered that Article 11 of the Convention was inapplicable to the present case on the grounds that neither the first applicant nor the other persons wishing to join the applicant trade union had held employee status. They pointed out that in its relevant well-established case-law the Court had confirmed the applicability of the part of Article 11 of the Convention relating to trade union freedom exclusively in cases in which the applicants had, in fact, been employees. The Government quoted the examples of the *Case of National Union of Belgian Police v. Belgium* (27 October 1975, Series A no. 19), *Case of Swedish Engine Drivers’ Union v. Sweden* (6 February 1976, Series A no. 20), *Wilson, National Union of Journalists and Others v. the United Kingdom* (nos. 30668/96, 30671/96 and 30678/96, ECHR 2002‑V) and *Sindicatul “Păstorul cel Bun”* (cited above).

40.  The applicants contested the Government’s interpretation, which they considered restrictive, of the concept of “trade union” set out in Article 11 of the Convention. They affirmed that that article, including its aspect relating to trade unions freedom, concerned “everyone”, and not just persons with employee status. That meant that Article 11 was also applicable to farmers. The applicants submitted that to exclude farmers from the scope of Article 11 of the Convention would be to deprive a large number of persons of the possibility of collectively defending, by means of trade unions, their professional interests, which they summarised.

41.  The Court notes that the Government’s objection necessitates an examination of the concepts of “everyone” and “trade unions”, which appear in the first sentence of Article 11 of the Convention. The Court therefore considers it appropriate to join it to the merits (see, *mutatis mutandis, Demir and Baykara,* cited above, § 58).

2.  Objection as to compatibility ratione personae in respect of the applicant trade union

42.  The Government considered that the application was incompatible *ratione personae* in respect of the applicant trade union. They submitted that the latter had not applied validly to the Court. In that regard, citing the decision in the case of *Alliance des Belges de la Communauté Européenne v. Belgium* ((dec.), no. 8612/79, 10 May 1979), the Government stated that in the present case the forty-eight persons wishing to join the first applicant in setting up a trade union had not personally authorised him to apply to the Court. Accordingly, the Court should confine itself to examining the application lodged by the first applicant in his own name.

43.  In reply, the first applicant submitted that he had been authorised by the constituent general assembly of the applicant trade union to request that the authorities confer legal personality on that trade union. He explained, in that regard, that the authority form had been signed by the secretary of the sitting of the constituent assembly and certified by a notary. That being the case, the applicant trade union, which represented the interests of forty-nine persons, indisputably held victim status.

44.  The Court reiterates that an association which has been dissolved or refused registration is entitled to lodge an application, through its representatives, complaining about the dissolution or refusal (*Sindicatul “Păstorul cel Bun”,* cited above, § 70, and *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, § 57, ECHR 2001‑IX).

45.  In the present case, it notes that the applicant trade union was refused registration and that, following that refusal, it applied to the Court through the intermediary of its President and designated representative in the person of the first applicant, pursuant to the authority conferred on him (see paragraph 7 *in fine* and paragraph 14 above).

46.  The Government’s objection must therefore be rejected.

3.  Conclusion as regards the admissibility of the application

47.  The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B.  Merits

1.  The parties’ submissions

48.  According to the applicants, under Romanian law a trade union is the only type of organisation empowered to negotiate and to submit workers’ demands, *inter alia* under the right of collective petition. On the other hand, ordinary associations are not afforded the same rights.

49. The applicants submitted that the legislative provisions in force at the material time, which had laid down that salaried and self-employed farm workers were entitled to join, but not to found, trade unions, had been inconsistent and liable to obstruct their right of association, while giving the impression of respecting that right. In that regard, they explained that it would have been difficult to join a trade union set up by other occupational categories capable of defending the specific interest of farmers. The Government had not mentioned any legitimate aim in restricting their trade union freedom in that way.

50.  Moreover, the applicants argued that it was necessary to allow trade unions to be set up in such an important economic sector as farming. They submitted the following facts in support of that submission: in Romania there were 1.1 million owners of agricultural land included in the register of farm holdings and some 4.5 million farm workers occupied on such holdings; individual farmers owned some 90 % farmland in Romania; the Government’s agricultural and tax policies had a direct impact on the farmers’ working and living conditions, and consequently it was vital to ensure that the famers’ views could be expressed through the intermediary of their own dedicated trade union organisations.

51.  The applicants added that despite all the foregoing factors, individual farmers were denied the right to set up trade unions: farmers were thereby prevented from combating what the applicants referred to as “an absurd agricultural policy, an abusive tax system and inapplicable legislation”, which they submitted were scourges capable of destroying the farmers’ work and ruining their and their children’s future.

52.  The Government submitted that the right to set up a trade union was not absolute, and that although farmers could not set up trade unions they could nonetheless join them.

53.  They stated that the aim of the right of association was to enable democracy to be exercised in the employment relationship, particularly as regards employers: accordingly, the fact of restricting that right *vis-à-vis* persons who, like self-employed farmers, did not have a contract of employment did not amount to a violation of Article 11 of the Convention.

54.  Furthermore, the Government submitted that the interference with the applicant party’s right of association had been prescribed by law, in section 2 of Law No. 54/2003, whose accessibility and foreseeability was undisputed.

55.  That interference had pursued a legitimate aim, that is to say to ensure compliance with the law, and had also been necessary in a democratic society.

56.  Finally, the Government considered that the domestic courts had conducted an in-depth assessment of the case, implementing the relevant legislation and providing the applicants with relevant and sufficient reasons for refusing to register the applicant trade union. They concluded that a fair balance had been struck in the present case between the individual interest of being granted the right laid down in Article 11 of the Convention and the State’s obligation to ensure compliance with the law.

2.  The Court’s assessment

a)  Principles emerging from case-law

57.  The Court reiterates that under its case-law, trade union freedom is not an independent right but a specific aspect of freedom of association as recognised by Article 11 of the Convention (see *Syndicat national de la police belge*, cited above, § 38). The essential object of Article 11 is to protect the individual against arbitrary interference by public authorities with the exercise of the rights protected, and it may also imply positive obligations on the State to secure the effective enjoyment of such rights (see *Demir and Baykara*, cited above,§§ 109 and 110).

58.  Through its case-law, the Court has built up a non-exhaustive list of the constituent elements of trade union freedom, including the right to form or join a trade union (see *Sindicatul “Păstorul cel Bun”*, cited above, § 135).

59.  Although the Convention does not precisely define the concept of “trade union” beyond a general indication that it is an association formed for the purpose of defending the interests of its members, most of the cases considered by the Court have concerned employees and, more broadly, persons in an “employment relationship” (see *Sindicatul “Păstorul cel Bun”*, cited above, § 142).

60.  Nevertheless, in view of the sensitive character of the social and political issues involved in achieving a proper balance between the respective interests of labour and management, and given the wide degree of divergence between the domestic systems in this field, the Contracting States enjoy a wide margin of appreciation as to how the freedom of trade unions to protect the occupational interests of their members may be secured (see *Sørensen and Rasmussen v. Denmark* [GC], nos. 52562/99 and 52620/99, § 58, ECHR 2006‑I).

61.  Finally, the Court reiterates that it applies the part of Article 11 of the Convention relating to trade union freedom in the light of the relevant international instruments, in particular the ILO conventions (see *Associated Society of Locomotive Engineers and Firemen (ASLEF) v. the United Kingdom*, no. 11002/05, § 38, 27 February 2007).

b)  Application of those principles to the present case

62.  The Court reiterates that Article 11 § 2 of the Convention does not exclude any occupational group from the right of association secured under that article (see *Sindicatul “Păstorul cel Bun”*, cited above, § 145). In the present case, insofar as the applicants were refused the right to be registered as a trade union-type association, the Court considers that there was an interference by the respondent State with the exercise of the rights guaranteed by Article 11 of the Convention.

63.  The Court notes that the parties agreed that the impugned interference had been based on the provisions of section 2 of Law No. 54/2003 on Trade Unions, which had been in force at the material time. Under those provisions, only employees and civil servants were entitled to form trade union organisations, thus excluding self-employed farmers.

64.  It follows that the impugned interference was prescribed by law, whose accessibility and foreseeability the applicants do not dispute.

65.  The Court further considers that the interference pursued a legitimate aim under Article 11 § 2 of the Convention, that is to say the protection of the economic and social order by maintaining the legal difference between trade unions and other types of association.

66.  It remains to be seen whether the impugned interference was necessary in a democratic society.

67.  Pursuant to its case-law, the Court cannot consider this issue without taking into account the relevant international instruments, and in particular the ILO conventions. In that context, as the Court has already pointed out, it is not necessary for the respondent State to have ratified the entire collection of instruments that are applicable in respect of the precise subject matter of the case concerned. It is sufficient for the Court that the relevant international instruments denote a continuous evolution in the norms and principles applied in international law and show, in a precise area, that there is common ground in modern societies (see *Demir and Baykara*, cited above, §§ 85-86).

68.  The Court accordingly observes that the main international legal instruments in this sphere are ILO Convention No. 87 concerning the Freedom of Association and Protection of the Right to Organise, ILO Convention No. 141 on Rural Workers’ Organisations, and ILO Convention No. 11 on the right of association (agriculture) (see paragraphs 26-27 above). It also notes that Romania ratified the last-named convention in 1930. According to Article 1 thereof, ILO Member States which have ratified that Convention undertake to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture.

69.  In the instant case the Court observes that at the material time self-employed farmers enjoyed the same rights of association as any other self-employed person working in industry or in any other economic sector .... Indeed, as Galaţi County Court pointed out in its decision of 30 May 2006, like other self-employed workers the first applicant and the other individuals who formed the applicant trade union, as farmers working on a self-employed basis, could only join and not form trade unions.

70.  Given the sensitivity of the social and political issues related to rural employment and the wide divergence between national systems in that area, the Court deduces that the Contracting States benefit from a wide margin of appreciation as regards the manner of ensuring freedom of association for self-employed farmers. Furthermore, it reiterates that under the current legislation, that is to say Law No. 62/2011 on social dialogue, which repealed and replaced Law No. 54/2003, as applicable to the present case, employed farmers and members of cooperatives are entitled to form and join trade unions ....

71.  The Court further observes that the implementation of the relevant ILO conventions, being an open-ended process, is monitored by specific ILO bodies. It takes note of the observations of the ILO on the Application of Conventions and Recommendations (CEACR) adopted in 2012 and published in 2013, concerning the application by Romania of Convention No. 87 concerning the Freedom of Association and Protection of the Right to Organise. The Court discerns no sufficient reasons to deduce from those general observations that the exclusion of self-employed farmers from the right to form trade unions amounts to a breach of Article 11 of the Convention.

72.  On the other hand, it observes that the legislation in force at the material time, like that currently in force, in no way restricted the applicants’ right to set up trade associations. Moreover, the Court has no facts at its disposal to convince it that any association which the applicants might form on the basis of Government Regulation No. 26/2000 would lack the essential prerogatives for defending its members’ collective interests before the public authorities.

73.  The Court infers that domestic legislation grants agricultural trade organisations the requisite rights for defending their members’ interests before the public authorities without any need to establish such organisations in the form of trade unions, which are now reserved for employees and members of cooperatives, in agriculture just as in all the other economic sectors.

74.  In conclusion, the Court considers that the County Court’s refusal to register the applicant trade union did not exceed the margin of appreciation available to the national authorities in this sphere, and that it was therefore not disproportionate.

75.  Consequently, the Court holds that the Government’s preliminary objection should be rejected and finds that there has been no violation of Article 11 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1.  *Joins to the merits* the objectionas to incompatibility *ratione materiae* and rejects it;

2.  *Declares* the application admissible;

3.  *Holds* that there has been no violation of Article 11 of the Convention.

Done in French, and notified in writing on 16 June 2015, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Stephen Phillips Josep Casadevall  
 Registrar President