



Complaint against Romanian COVID-19 measures inadequately substantiated, inadmissible

In its decision in the case of [Piperea v. Romania](#) (application no. 24183/21) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned Mr Piperea's complaint against measures put in place by the government of Romania under a state of alert declared on 18 May 2020, following a state of emergency declared on 16 March 2020, during the COVID-19 pandemic.

The Court observed that the measures complained of by the applicant had been introduced as part of the state of alert declared in Romania on 18 May 2020, following the state of emergency declared on 16 March 2020, for public health reasons. The situation had to be characterised as amounting to "unforeseeable exceptional circumstances". The measures impugned by the applicant in a general and unfocused manner had been imposed on the entire population in response to what the competent national authorities had determined to be a serious public health situation.

The Court noted that the applicant had complained in the abstract that the measures taken by the Romanian State to fight the spread of the SARS-CoV-2 virus had been inadequate and inappropriate. He had not provided information about his individual situation or explained in specific terms how the national authorities' alleged failures might affect him directly.

Consequently, the Court took the view that the applicant's complaints either did not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or did not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention and Protocols thereto.

Principal facts

The applicant, Gheorghe Piperea, is a Romanian national who was born in 1970 and lives in Bucharest. He is a law professor and also a practising lawyer.

By Decision no. 394/2020 of 18 May 2020 the Romanian government declared a state of alert, which it extended repeatedly until 8 March 2022, following the imposition of a state of emergency declared on 16 March 2020.

Mr Piperea, a professor of commercial law at a university, complained that distancing from students had hampered his ability to perform his teaching duties under optimal circumstances. He objected to Decision no. 293/2021 of 10 March 2021, by which the government had extended the country's state of alert as of 14 March 2021 and had laid down the measures to be taken during it to prevent and combat the effects of the COVID-19 pandemic. More broadly, he took issue with measures such as social distancing, the need for mask-wearing and the need to isolate for a certain number of days in the event of a positive SARS-CoV-2 test, the reliability of which he questioned. In his view, those measures were both inadequate and unnecessary.

A judicial review claim instituted by the applicant in the national courts on 16 March 2021 against the government's Decision no. 293/2021 of 10 March 2021 was pending when he lodged his application with the Court.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 30 March 2021.

Relying on Article 8 (right to respect for private and family life) of the Convention and Article 2 § 1 of Protocol No. 4 (freedom of movement), the applicant alleged that the declaration of a state of alert (*declaraarea stării de alertă*) issued in Romania on 18 May 2020 to combat the pandemic caused by the SARS-CoV-2 virus had given rise to a restriction on his right to freedom of movement and had amounted to a violation of his right to respect for private life because of the requirement it imposed on people leaving home in certain circumstances to fill out a document stating where they were going, why and for how long, together with other personal information.

The decision was given by a Committee of three judges, composed as follows:

Tim Eicke (the United Kingdom), *President*,
Faris Vehabović (Bosnia and Herzegovina),
Pere Pastor Vilanova (Andorra),

and also Crina Kaufman, *acting Deputy Section Registrar*.

Decision of the Court

Article 8

The Court pointed out that Article 34 of the Convention did not permit violations of the Convention to be complained of in the abstract and did not afford individual applicants a right of action exercisable purely in the public interest (*actio popularis*).

It rested with applicants to substantiate their complaints both in fact and in law by putting before the Court specific facts and necessary evidence and by explaining why they believed that the provision of the Convention on which they were relying had been breached.

The Court noted that the applicant had done nothing more than allege a restriction on his right to freedom of movement while invoking Article 2 § 1 of Protocol No. 4 to the Convention, without further substantiating his complaint.

The Court also observed that the measures complained of had arisen under particular circumstances, having been imposed as part of the state of alert declared in Romania on 18 May 2020, following the state of emergency declared on 16 March 2020, for public health reasons. The situation had to be characterised as amounting to “unforeseeable exceptional circumstances”.

The measures impugned by the applicant in a general and unfocused manner had been imposed on the entire population in response to what the competent national authorities had determined to be a serious public health situation.

Regarding the alleged violation of the applicant’s right to respect for his private life under Article 8 of the Convention, the Court noted that he had not specified whether he had actually been asked to show his papers when going anywhere, nor in what concrete way his right to respect for his private life had been impaired. He had not explained in specific terms how the measures had affected him; nor had he put forward any concrete description of his actual experience of that period.

The Court noted that the applicant had complained in the abstract that the measures taken by the Romanian State to fight the spread of the SARS-CoV-2 virus had been inadequate and inappropriate. He had not provided information about his individual situation or explained in specific terms how the national authorities’ alleged failures might affect him directly.

Consequently, the Court took the view that the applicant's complaints either did not meet the admissibility criteria set out in Articles 34 and 35 of the Convention or did not disclose any appearance of a violation of the rights and freedoms enshrined in the Convention and Protocols thereto.

The application fell to be rejected pursuant to Article 35 § 4 of the Convention.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.