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

FOURTH SECTION

DECISION

Application no. 6380/20
Florin-Ionel BEIAN
against Romania

The European Court of Human Rights (Fourth Section), sitting on 23 September 2025 as a Committee composed of:

Faris Vehabović*, President*,
Lorraine Schembri Orland,
Sebastian Răduleţu*, judges*,

and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 6380/20) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 10 January 2020 by a Romanian national, Mr Florin-Ionel Beian ("the applicant"), who was born in 1978 and lives in Târgu Mureș, and was represented by Mr A.A. Coman, a lawyer practising in Târgu Mureș;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the national courts' decision to dismiss the defamation proceedings the applicant had brought against a private person, in violation of Articles 8 and 6 of the Convention.

2. The applicant is a police officer with the Târgu Mureș police force.

3. On 15 November 2015 he and a colleague were in a police car on a road monitoring the car traffic and decided to take a break. They parked the car on the roadside, placed their police hats on the headrests of the front seats and entered a restaurant.

4. A driver, H., stopped to photograph their car. He was quickly approached, first by two private individuals who allegedly asked him to stop, and then by the officers. H. started recording the encounter on video. He told the applicant that he had wanted to photograph the car because he had been

amused by the officers' working methods. He said that he was video-recording because he felt intimidated by the attitude of the officers and of the two individuals and that he intended to report the incident to the applicant's superior. When H. drove away, the officers immediately pursued and stopped him for an alleged traffic violation committed by H. when re-joining traffic. H. denied the allegation and the applicant eventually let H. off with a warning.

5. H. recounted the story to a local journalist and gave him copies of the photographs and video-recording. The journalist reported on the story in an article published on a local news website and shared it on Facebook on 17 November 2015. The article disclosed the applicant's name, included a photograph of him taken from the back and the other visual materials provided by H., and portrayed the applicant as "vengeful", "incapable of understanding too much", a "militiaman" and a "jerk" and suggested that his conduct had been abusive and warranted punishment from his superiors. The article was viewed by a large audience and attracted mixed third-party comments, some of which were offensive to the applicant.

6. On 16 December 2015 H. brought criminal proceedings against the applicant after he had brought the matter of the applicant's conduct to the attention of the applicant's superior. The Târgu Mureș prosecutor's office closed the criminal proceedings in July 2016 on the ground that the applicant's conduct had lacked the elements of an offence.

7. On 17 January 2017 the applicant brought tort law proceedings against H., seeking pecuniary and non-pecuniary compensation because the criminal proceedings and the publication of the article had allegedly damaged his image and reputation. He claimed that H. had instigated the journalist to publish the article. Also, coworkers and third parties had mocked, criticised or offended him.

8. On 2 May 2018 the Târgu Mureș District Court allowed the applicant's action. It held that H. had overstepped the limits of his right to freedom of expression. He had intentionally filed a manifestly unfounded criminal complaint against the applicant and had inspired and supported the journalist's decision to publish an article which was offensive and defamatory. This in turn had affected the applicant's image and reputation.

9. On 25 February 2019 the Târgu Mureș County Court dismissed as ill-founded an appeal brought by H. against the District Court's judgment.

10. By a final judgment of 5 September 2019, the Târgu Mureș Court of Appeal overturned the judgments of the lower courts on an appeal on points of law lodged by H. and dismissed the applicant's action. It held that the lower courts had misinterpreted and wrongly applied the relevant legal provisions concerning liability in tort and had failed to properly take into account H.'s right to freedom of expression. Public servants acting in their official capacity were subject to wider limits of acceptable criticism than private persons and thus the margin of appreciation for assessing the allegedly unlawful character

of petitions against them was wider. H.'s criminal complaint, even though it had been dismissed, was a lawful manifestation of his right to petition and could not be considered an abuse of that right, as he had not challenged the dismissal before a court. His action of disclosing the information and the visual materials in issue to a journalist had likewise been lawful, given the applicant's status. H. could not be held responsible for the journalist's statements because the applicant had sought to engage only H.'s liability.

11. The applicant complained under Article 8 of the Convention of a violation of his right to respect for private life because the last-instance court had refused to punish in any way those who had allegedly damaged his image and reputation by using his image unlawfully and by making offensive and defamatory statements. He also complained under Article 6 of the Convention that the last-instance court proceedings had been unfair because the Court of Appeal had (i) misinterpreted the relevant legal provisions; (ii) allowed H.'s appeal on points of law, even though he had not relied on any of the express and exhaustive grounds for the appeal which were provided for by law; (iii) failed to explain its departure from the conclusions of the lower courts or to examine the applicant's claim in respect of pecuniary damage; and (iv) lacked impartiality because it had allowed the appeal on points of law even though H.'s lawyer had allegedly not complied with the court's instructions during the final hearing of the case to present arguments which were relevant to the appeal in question.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 8 of the Convention

12. The general principles concerning the obligations inherent in an effective protection of the right to respect for private life and the criteria to be applied in the context of a balancing exercise between the rights protected by Articles 8 and 10 of the Convention in circumstances involving public dissemination by journalists or private persons of images, videos and names of police officers have been summarised in *Bild GmbH & Co. KG v. Germany* (no. 9602/18, §§ 27-30, 31 October 2023) and *Toth and Crișan v. Romania* (no. 45430/19, §§ 47-56, 60, 62, 64-65 and 73, 25 February 2025).

13. The Court finds it unnecessary to examine whether H.'s actions and their consequences attained the requisite level of seriousness for Article 8 to come into play because the complaint is in any event inadmissible for the following reasons.

14. H.'s actions, including photographing and video-recording the applicant, were prompted by his interaction with the applicant on a public road after H. had taken the impromptu decision of photographing the manner in which the applicant had chosen to perform his professional obligation of monitoring traffic. None of the evidence suggests that the applicant was

unaware that he was being photographed and video-recorded or that H. viewed his professional conduct as unlawful and planned to bring it at least to the attention of the applicant's superior. Ultimately, H. complained about the events of 15 November 2015 and disclosed the relevant visual materials, not only to the applicant's superior, but also to the local press and the prosecutor's office.

15. The Court of Appeal held that H.'s above-mentioned actions had been lawful manifestations of his right to petition because the applicant was a public servant acting in his official capacity and was therefore exposed to wider limits of acceptable criticism than private persons.

16. The Court finds no reason to disagree with the assessment of that court. The information and visual materials disseminated by H. ultimately concerned a matter of public concern and could contribute to a debate of general interest (see *Toth and Crișan*, cited above, §§ 61 and 63). Also, the applicant belonged to a group of persons who could not claim protection of their right to respect for private life in the same way as ordinary individuals (ibid., § 71) and was therefore required to display a correspondingly greater degree of tolerance to criticism.

17. The visual materials in question appear to have been produced only because H. had felt threatened by the private individuals' and the applicant's conduct. They were obtained lawfully and did not portray the applicant in a manner which could have undermined his public standing. Nothing suggests that H. presented the authorities or the journalist with a distorted version of the events or withheld from them relevant visual materials thus affecting their ability to form an impartial opinion about the impugned interaction. Therefore, the Court sees no reason to suspect H. of ill-intentions or of seeking to gratuitously portray the applicant in a negative light.

18. The criminal investigation opened by the prosecutor's office against the applicant was promptly closed because his actions had lacked the elements of a criminal offence. H. accepted this view without challenging it in court, as the Court of Appeal pointed out. Moreover, it appears that H. had no actual hierarchical editorial control over the journalist, his choice of language, the drafting of the article or the information and supporting evidence included therein. It also does not appear that H. possessed any of the required expertise in the digital service field or any of the power necessary to control and edit the third-party comments.

19. The acts of which H. was accused by the applicant were clearly distinct from those committed by the journalist or the authors of the third-party comments. However, as the Court of Appeal underlined, the applicant did not attempt to bring at least some of the above-mentioned individuals to justice. Thus, the attribution of liability by the courts to H. alone for both the article itself and the content of the third-party comments, even in the context of civil-law proceedings such as the ones envisaged in the present case, could have had a chilling effect on freedom of expression and

could have been particularly detrimental for private individuals who were acting in good faith and trying to raise awareness about matters of general concern (see, *Toth and Crişan*, cited above, § 92).

20. The Court is unable to discern any concrete negative impact of H.'s actions on the applicant's private and professional life, given that the investigation opened against him ended promptly and that it appears that the article also prompted positive third-party comments (see paragraph 5 *in fine* above).

21. Even assuming that the applicant's allegations that colleagues and third-parties had criticised him about his conduct are true and that H.'s actions might be expected to have affected him to some extent, the Court has serious doubts that those consequences were sufficiently serious to override H.'s right of petition and ultimately the public's interest in receiving the information in dispute in the present case (see, *mutatis mutandis*, *Toth and Crişan*, cited above, § 94).

22. In the light of the above, the Court considers that the Court of Appeal conducted a thorough balancing exercise between the competing rights at stake in conformity with the criteria laid down in the Court's case-law. It cannot be said therefore that the court in question failed to comply with the positive obligations incumbent on it to protect the applicant's right to respect for his private life under Article 8 of the Convention.

23. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected in accordance with Article 35 § 4 of the Convention.

B. Alleged violation of Article 6 of the Convention

24. The Court has examined the complaints submitted by the applicant under Article 6 of the Convention (see paragraph 11 above). Having regard to all the material in its possession and to its findings in paragraphs 15-22 above and in so far as they fall within its jurisdiction, the Court finds that the complaints in question do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or the Protocols thereto.

It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 16 October 2025.

Valentin Nicolescu Acting Deputy Registrar	Faris Vehabović President