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

FOURTH SECTION

DECISION

Application no. 40827/21
Ștefan Zoltan BODENLOSZ
against Romania

The European Court of Human Rights (Fourth Section), sitting on 4 November 2025 as a Committee composed of:

Ana Maria Guerra Martins*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Valentin Nicolescu, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 40827/21) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 30 July 2021 by a Romanian national, Mr Ștefan Zoltan Bodenlosz ("the applicant"), who was born in 1967 and lives in Baia Sprie, and was represented by Ms I. Danciu, a lawyer practising in Baia Mare;

the decision to give notice of the complaint concerning access to a court under Article 6 § 1 of the Convention to the Romanian Government ("the Government"), represented by their Agent, Ms O.F. Ezer of the Ministry of Foreign Affairs, and to declare the remainder of the application inadmissible;

the Government's observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns an alleged breach of the applicant's right of access to a court, guaranteed by Article 6 § 1 of the Convention, in view of the fact that he, a petitioner in civil proceedings, was fined by the domestic court for abusing the exercise of his right to lodge a claim with the court.

2. On 2 October 2020 the applicant, represented by a lawyer, applied to the national courts to request that his pension be increased on the basis of

Article 86 § 2 (b) of Law no. 127/2019 concerning public pensions, which stated that as of 1 September 2020, the pension unit (*punctul de pensie*) was to be calculated on the basis of 1,775 Romanian lei (RON) per pension unit. However, his pension as of September 2020 had been calculated on the basis of RON 1,442 per unit.

3. By a decision of 27 November 2020, the Maramureș County Court ("the County Court"), as a court of first instance, dismissed the applicant's claim as manifestly ill-founded. That court found that the applicant had knowingly relied on legal provisions which had been modified before entering into force. In particular, it held that Article 86 § 2 (b) of Law no. 127/2019 had been amended on 14 August 2020 by the Government's Emergency Ordinance no. 135/2020 and the value of a pension unit set at RON 1,442. The pension authority calculated the applicant's pension on that basis, that is, on the law in force at the relevant time. In that context, the County Court considered it appropriate to impose on the applicant a judicial fine of RON 1,000 (equivalent to approximately 200 euros), the maximum amount established in the Code of Civil Procedure for a judicial sanction. In its decision, the County Court noted that the applicant had benefited from the professional legal assistance of his chosen lawyer. He had been informed, including by his lawyer, that the law he had relied on was not and had never been in force. Nonetheless, the applicant had insisted on pursuing his action and, in the domestic court's view, this had demonstrated bad faith on his part.

4. On 15 December 2020 the applicant lodged in due time the special challenge provided for by law against the imposition of the fine by the first-instance court (*cerere de reexaminare*). He argued that he had been denied the very right of access to a court. He submitted that he had exercised his procedural rights in good faith, considering that the successive legislative amendments of the relevant legal provisions had entitled him to a legitimate expectation of having his pension raised. He argued that the amendment of August 2020 of the relevant law had been repealed in September 2020, which showed that Parliament had disapproved of the measures taken by the government. He also pointed out that the repeal had subsequently been subjected to a constitutional review by the Constitutional Court, leaving a question as to which legal provisions were applicable in his case.

5. On 9 and 10 February 2021 a different judge of the County Court, called on to determine the challenge against the fine, heard the applicant and his chosen lawyer with regard to their motives in lodging the initial claim. The applicant reiterated that he was dissatisfied that Law no. 127/2019 had been modified by government's Emergency Ordinance no. 135/2020. His lawyer declared before the court that she had explained to the applicant that he could lodge an objection in respect of the unconstitutionality of the Government's Emergency Ordinance no. 135/2020 during court proceedings. In their opinion there had been legal uncertainty regarding

which law would be applicable in the applicant's situation and this needed to be clarified by a court. In that regard, they argued that the applicant had not acted in bad faith, but, on the contrary, in full good faith in a context of legal uncertainty.

6. By a final decision of 17 February 2021, the County Court, sitting in a different single-judge formation, upheld the decision to fine the applicant. That court held that even though the applicant had benefited from legal assistance and had been given explanations as to the relevant amendments to the law he had relied on, he had continued, in bad faith, to rely on a previous version of the law, which had been amended by the Government's Emergency Ordinance no. 135/2020 before ever entering into force. To knowingly rely on a provision which was not applicable and to ask the court to ignore the applicable law currently in force was to abuse the exercise of one's procedural rights. Furthermore, the domestic court held that the applicant's access to a court had not been breached, in so far as the first-instance court had examined his request on the merits and dismissed it as ill-founded.

7. On 20 January 2021 the applicant lodged an appeal against the decision of 27 November 2020 of the County Court. His appeal was dismissed as inadmissible by a final decision of 13 September 2021 of the Cluj Court of Appeal. That court held that the applicant had not appealed against the merits of the decision of the first-instance court, but only against the imposition of a fine. Regarding the latter, the Court of Appeal noted that the appeal was inadmissible, as the law provided for a special challenge against the imposition of fines (*cerere de reexaminare*), which followed a different procedure.

8. Relying on Article 6 § 1 of the Convention, the applicant complained that his right of access to a court had been breached. He alleged that the imposition of a fine in the maximum amount of RON 1,000 for introducing a claim before the courts asking for the application of a more favourable provision regarding his pension rights, while not producing any prejudice to the adverse party, had been unjustified, excessive, and disproportionate.

THE COURT'S ASSESSMENT

9. The applicant complained that the imposition of a judicial fine on him for lodging an unsuccessful claim with the domestic courts breached his right of access to a court guaranteed by Article 6 § 1 of the Convention.

10. The Court does not find it necessary to examine the Government's objection concerning the applicability of Article 6, as the complaint is, in any event, inadmissible for the reasons set out below. The Court will proceed on the assumption that Article 6 is applicable to the facts of the case.

11. The general principles concerning the right of access to a court were summarised most recently in *Grzęda v. Poland* ([GC], no. 43572/18, §§ 42-43, 15 March 2022). The Court also reiterates that its task is not to

review the relevant law and practice in abstract, but to determine whether the manner in which the law and practice were applied, or the way in which they affected an applicant, gave rise to a violation of the Convention (see *Zavodnik v. Slovenia*, no. 53723/13, § 74, 21 May 2015). In doing so, the Court must ascertain whether, given the facts of the case, a fair balance was struck between, on the one hand, the interests of the effective administration of justice and, on the other hand, those of the applicant (ibid., § 75).

12. In the present case, the Court notes that the imposition of a fine for lodging a manifestly ill-founded claim in bad faith was clearly set out in domestic law and was therefore foreseeable for the applicant. In addition, the imposition of such fine was not mandatory, since domestic law allowed for judicial discretion in that connection. The Court also observes that domestic law set an upper limit on the sum that could be imposed as a fine, namely RON 1,000 (contrast *Sace Elektrik Ticaret ve Sanayi A.Ş. v. Turkey*, no. 20577/05, § 32, 22 October 2013).

13. The Court reiterates that the imposition of a fine in order to prevent a build-up of cases before the courts and to ensure the proper administration of justice is not, as such, in conflict with the right of access to a court (see *Toyaksi and Others v. Turkey* (dec.), nos. 43569/08, 5801/09, 19732/09 and 20119/09, § 1 and the case-law cited therein, 20 October 2010).

14. In this context, the Court observes that the fine imposed on the applicant merely constituted a sanction for having occupied the domestic courts in a vexatious manner. It was imposed on the applicant after his claim regarding his pension rights had been examined on the merits by the County Court. The fact that the fine was imposed at the first-instance stage of proceedings did not therefore impinge on the applicant's right of access to a court (see, *mutatis mutandis*, *Şat and Horuş v.Turkey* (dec.), nos. 30504/10 and 33134/10, § 40, 16 June 2020).

15. In the same vein, it is also noted that the applicant did not prove that he was unable to have his case heard on account of that fine or that it had "a chilling effect" on him. The applicant's right of access to a court was not impaired in any way, as he had the opportunity to have his case examined thoroughly at two levels of jurisdiction. Furthermore, there is nothing in the case file to prove that the amount of the fine imposed on the applicant constituted a substantial economic burden on him.

16. Moreover, the Court observes that the imposition of the fine was done at the end of adversarial proceedings. The Court takes note of the applicant's participation in the proceedings regarding the imposition of the fine and its subsequent review by the County Court. The applicant and his chosen lawyer were heard and the applicant had the opportunity to present his arguments (see paragraphs 4-5 above); the domestic court, after examining them, gave a detailed explanation that does not appear arbitrary or unreasonable in the context of the case (see paragraph 6 above).

17. In the light of the foregoing considerations and the specific circumstances of the case, the Court concludes that the imposition of a fine on the applicant for his unsuccessful claim lodged with the domestic courts does not constitute a violation of the right of access to a court (see *Toyaksi and Others*, cited above, § 1 and *Şat and Horuş*, cited above, § 42).

18. In view of the above, the Court finds that the complaint concerning the right of access to a court is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 November 2025.

Valentin Nicolescu Acting Deputy Registrar	Ana Maria Guerra Martins President