

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

FIRST SECTION

DECISION

Application no. 57845/21
Romans FINBERGS
against Latvia

The European Court of Human Rights (First Section), sitting on 18 September 2025 as a Committee composed of:

Davor Derenčinović*, President*,
Artūrs Kučs,
Anna Adamska-Gallant*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 57845/21) against the Republic of Latvia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 17 November 2021 by a Latvian national, Mr Romans Finbergs ("the applicant"), who was born in 1980, lives in Riga and was represented by Mr M. Abramovs, a lawyer practising in Riga;

the decision to give notice of the complaints under Article 6 of the Convention, concerning the alleged unfairness of the civil proceedings and the lack of adequate and sufficient reasoning in the decision by the Senate of the Supreme Court to reject the applicant's appeal on points of law, to the Latvian Government ("the Government"), represented by their former Agent, Ms K. Līce, and subsequently by their current Agent, Ms E.L. Vītola, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaints under Article 6 of the Convention about the fairness of civil proceedings brought by him.

2. The applicant instituted civil proceedings, seeking to remove an attachment on immovable property owned by him. The property was being used as collateral for a loan taken out by a third party.

3. Within those proceedings, a creditor lodged a counterclaim, seeking to charge the unpaid debt and interest against the applicant's mortgaged immovable property. To substantiate its counterclaim, the creditor submitted, *inter alia*, an assessment report drawn up by sworn auditors in respect of its legal and accounting documents ("the report"). The creditor requested that the court recognise that the report contained trade secrets and prohibit the parties to the proceedings from acquainting themselves with it or making copies of it.

4. On 16 September 2019 the first-instance court recognised that the report contained trade secrets and prohibited the parties from making any copies of it. However, the court refused the request to prohibit the parties from acquainting themselves with the report. Furthermore, the court upheld a request by the applicant to postpone the hearing to allow him to acquaint himself with the report. The parties were informed that the trade secrets should not be disclosed.

5. On 25 September 2019 the applicant and his lawyer acquainted themselves with the report. They also signed a form attesting that they had been notified of the prohibition on disclosing the trade secrets and on making any copies of the documents containing trade secrets.

6. On 6 March 2020 the first-instance court granted the applicant's claim and dismissed the counterclaim. The court held that the report could not be used as evidence, since the audit had been carried out on the basis of internal documents submitted by the creditor itself and the report had been drawn up for the creditor's own needs on the basis of accounting documents which could not constitute evidence capable of substantiating its assertions. The creditor lodged an appeal against that ruling.

7. On 12 November 2020 the appellate court gave a new ruling, dismissing the applicant's claim and upholding the creditor's counterclaim in part. It held that the debt (including the principal and interest) was to be recovered from immovable property belonging to the applicant. The appellate court referred to, *inter alia*, the report when granting the counterclaim, noting that it had to be assessed in the same manner as any other piece of written evidence.

8. By a final decision of 18 May 2021, the Senate of the Supreme Court refused to institute proceedings on points of law.

9. The applicant complained under Article 6 § 1 of the Convention about the fairness of the civil proceedings. In particular, he alleged that the principles of adversarial proceedings and equality of arms had been breached, that the domestic courts had not properly assessed the evidence and that the Senate of the Supreme Court had not provided adequate and sufficient reasoning in its decision to refuse to institute proceedings on points of law.

THE COURT'S ASSESSMENT

A. Alleged violation of Article 6 § 1 of the Convention as regards the fairness of proceedings

10. The Government raised a number of objections, including that the applicant's complaint did not fall within the scope of Article 6 § 1 of the Convention, that he could not claim to be a victim of the alleged violation, and that he had abused his right of application to the Court by withholding crucial information, namely the fact that he had acquainted himself with the report together with his lawyer on 25 September 2019.

11. The applicant maintained that he had not only had the right to acquaint himself with the case file but should also have had the right to make copies of the material contained in it.

12. The general principles relating to adversarial proceedings and equality of arms have been set out in *Avotiņš v. Latvia* ([GC], no. 17502/07, § 119, 23 May 2016, with further references).

13. The Court notes at the outset that it does not need to consider the Government's objections set out in paragraph 10 above since the complaint is in any event inadmissible for the following reasons.

14. In this respect, the Court observes that the applicant had an opportunity to express his opinion about the first-instance court's decision to recognise that the report contained trade secrets at the same court hearing at which the creditor's request to do so was reviewed (see paragraph 4 above).

15. Moreover, even though it is true that the applicant was not allowed to make copies of the report, he did have full access to it and acquainted himself with it together with his lawyer (see paragraph 5 above). Thus, he was able to contest the information included in that report during the proceedings. It is further clear that in the proceedings the applicant had the same procedural rights and guarantees as the creditor.

16. Against that background, the Court sees no reason to find that the principles of adversarial proceedings and equality of arms were not observed in the proceedings in question.

17. As regards the applicant's allegation that the appellate court had based its judgment on the report and had not properly assessed evidence submitted by the applicant, the Court reiterates that, while Article 6 guarantees the right to a fair hearing, it does not lay down rules on the admissibility of evidence or the way in which evidence should be assessed, these being primarily matters for regulation by national law and the national courts. In principle, issues such as the weight attached by the national courts to particular items of evidence or to findings or assessments submitted to them for consideration are not for the Court to review. The Court should not act as a fourth-instance body and will therefore not question under Article 6 § 1 the national courts' assessment, unless their findings can be regarded as arbitrary or manifestly

unreasonable (see, among many other authorities, *De Tommaso v. Italy* [GC], no. 43395/09, § 170, 23 February 2017, with further references).

18. In the present case, the proceedings were conducted in accordance with the requirements of a fair hearing. The applicant had an opportunity to comment on all the documents in the case file, and, as noted in paragraph 15 above, he was able to challenge the information included in the report. Moreover, the Court observes that the appellate court noted that the report should be assessed in the same manner as any other piece of written evidence (see paragraph 7 above). The factual and legal reasons for the impugned decision were set out at length by the appellate court and the applicant was able to submit the arguments he considered relevant to the case (see *García Ruiz v. Spain* [GC], no. 30544/96, § 29, ECHR 1999-I).

19. Accordingly, the applicant's complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Alleged violation of Article 6 § 1 of the Convention as regards the reasoning given by the Senate of the Supreme Court

20. The Government argued that this complaint was manifestly ill-founded.

21. The general principles concerning the duty for a court to give reasons have been summarised in *García Ruiz* (cited above, § 26). That duty cannot be understood as requiring a detailed answer to every argument. The Court also points out that the extent to which this duty to give reasons applies may vary according to the nature of the decision and must be determined in the light of the circumstances of the case (see *Talmane v. Latvia*, no. 47938/07, § 28, 13 October 2016). Thus, it is acceptable under Article 6 § 1 of the Convention for national superior courts to dismiss a complaint by mere reference to the relevant legal provisions governing such complaints if the matter raises no fundamentally important legal issue (see *Baydar v. the Netherlands*, no. 55385/14, § 46, 24 April 2018, with further references).

22. In the present case the Senate of the Supreme Court (acting collegially, as a panel of three judges) noted that the appeal on points of law met the formal requirements of the Civil Procedure Law. However, having assessed the arguments put forward by the applicant, the third party and the creditor in the appeal on points of law and the counterclaim, it found that there was no reason to believe that the outcome of the case in the judgment under appeal was incorrect, or that the case was of fundamental importance for ensuring uniformity of case-law or further development of the law. Additionally, the Senate found no breach of procedural law.

23. The Court notes that the refusal to initiate proceedings on points of law contained references to the relevant provisions of the Civil Procedure Law. The Court further notes that it is not the role of the Senate of the

Supreme Court to reassess the factual circumstances of a case or examine evidence (see, *mutatis mutandis*, *Talmane*, cited above, § 32). Taking this into account, the Court finds that the decision by the Senate of the Supreme Court to refuse to institute proceedings on points of law contained the necessary references to the legal basis for the refusal and was sufficiently reasoned.

24. Having regard to the entirety of the domestic proceedings and the role of the Senate of the Supreme Court in those proceedings, the Court observes that it cannot be concluded that the reasoning of the Senate in the decision to refuse to initiate proceedings on points of law was arbitrary or manifestly unreasonable.

25. In view of the foregoing, the Court considers that the applicant's complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 October 2025.

Liv Tigerstedt Deputy Registrar	Davor Derenčinović President