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

# FOURTH SECTION

# DECISION

Application no. 14017/22
Petru-Ioan LUPŞAC and Mihaela-Cristina LUPŞAC
against Romania

The European Court of Human Rights (Fourth Section), sitting on 28 April 2026 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. 14017/22) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 9 March 2022 by two Romanian nationals, Mr Petru-Ioan Lupșac ("the first applicant") and Ms Mihaela-Cristina Lupșac ("the second applicant"), who were born in 1974 and 1980 respectively, live in Oțelu-Roșu and were represented by Mr M. Bratiş, a lawyer practising in Timișoara;

Having deliberated, decides as follows:

## SUBJECT MATTER OF THE CASE

1. The case concerns the confiscation of assets belonging to the applicants, which were deemed by a court in civil proceedings to be unexplained, on the basis of the Romanian legal framework on integrity in public office. It raises issues under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention.

2. On 15 February 2013 the National Integrity Agency (*Agenția Națională de Integritate*, "the ANI") noted that the first applicant, in his capacity as a public servant (director of a local tax office), had not complied with the legal requirement to fill in declarations of assets pursuant to Law no. 115/1996 on the declaration of assets and the verification of assets of dignitaries, members of the judiciary, people holding management positions and public servants

("Law no. 115/1996"). As a result, on the basis of Article 12 §§ 1 and 2 of Law no. 176/2010 on integrity in public office ("Law no. 176/2010"), the ANI started a procedure to verify the first applicant's assets, some of them jointly owned with his wife, the second applicant.

3. At the end of the verification procedure, during which both applicants presented their arguments and submitted documents through a lawyer of their own choice, the ANI concluded that there had been a significant difference totalling the equivalent of 489,629 euros (EUR) between the applicants' income and expenses in the years 2006 to 2012. The case was sent to the Commission for the Verification of Assets attached to the Timișoara Court of Appeal ("the Commission"), in view of the opening of verification proceedings under Article 18 of Law no. 176/2010.

4. After hearing the applicants, in the presence of their lawyer, and the witnesses they proposed, and after examining the written evidence submitted (including expert accounting reports), the Commission considered that the applicants had not supported with evidence their allegations that most of their assets had been accumulated from profit obtained from agricultural activities, purchasing and selling cars, and the reimbursement of loans from private persons. However, it considered that EUR 55,000 of the amount put forward by the ANI had been explained, and it deducted that amount from the total. The Commission notified the Timișoara Court of Appeal of its conclusions under Article $10^4$ § 1 (a) of Law no. 115/1996 so that a decision could be taken regarding whether to confiscate the amount that had not been explained.

5. After reviewing all evidence adduced and hearing the parties' arguments, the Timișoara Court of Appeal found that the applicants had failed to explain the source of the equivalent of EUR 45,000 and ordered the confiscation of that amount, pursuant to Article 18 of Law no. 115/1996. The court considered that there was sufficient evidence that the source of that amount had not been explained by the applicants, while the source of their remaining assets had been considered justified by documents and witness statements. The court replied to all arguments raised by the applicants and explained that the verification by the administrative bodies (the ANI and the Commission) had been in accordance with the law and the Constitutional Court's case-law.

6. An appeal on points of law lodged by the ANI against the above-mentioned judgment was partially allowed, with final effect, by the High Court of Cassation and Justice on 2 June 2021 (of which the applicant was notified on 17 September 2021). The court examined the entire file and found that there was sufficient evidence that the applicants had failed to explain the source of an additional amount and ordered the confiscation of the equivalent of EUR 79,000. The appeal on points of law lodged by the applicants was rejected by the court, who considered that the proceedings had been in accordance with the law, and that the applicants – who were represented by a lawyer of their choice throughout the entire proceedings –

had been informed of the verification carried out by the ANI and had had ample opportunity to present their arguments before the administrative bodies and the lower court, which had thoroughly examined them.

7. Relying on Article 6 § 1 of the Convention, the applicants complained of the unfairness of the confiscation proceedings in that they had been forced to bear an excessive burden of proof, in breach of the constitutional principle that property was presumed to have been acquired in a licit manner. Relying on Article 6 §§ 1 and 3 (d) of the Convention the applicants also complained of the incorrect interpretation of the evidence and that evidence they had proposed had been unjustly rejected by the courts. The applicants further complained under Article 1 of Protocol No. 1 to the Convention of a disproportionate interference with their property rights owing to the confiscation.

## THE COURT'S ASSESSMENT

### A. Complaint under Article 6 § 1 of the Convention

8. Being the master of the characterisation to be given in law to the facts of the case (see, for example, *Radomilja and Others v. Croatia* [GC], no. 37685/10, §§ 114 and 126, 20 March 2018) and bearing in mind the similarity of the complaints raised by the applicants under Article 6 §§ 1 and 3 (d) of the Convention, the Court finds it appropriate to examine them solely under Article 6 § 1 of the Convention.

9. The Court further reiterates its well-established case-law that in cases such as the present one, Article 6 § 1 of the Convention is applicable under its civil head (*Gogitidze and Others v. Georgia*, no. 36862/05, § 121, 12 May 2015; and *Păcurar v. Romania*, no. 17985/18, § 140, 24 June 2025).

10. The Court has previously examined the applicable Romanian legal framework (see *Păcurar*, cited above, §§ 72-87) and procedures for the confiscation of unexplained assets provided by that legal framework, and found them to be in compliance with the fair-trial guarantees set out in Article 6 § 1 of the Convention (ibid., §§ 146-57). In this regard, the Court has held that proceedings for the verification of assets are carried out on the basis of the general rules of civil procedure and the domestic legislation gives those whose assets are being verified ample opportunity to participate in the proceedings from the outset (ibid., §§ 155-56).

11. In the present case, the applicants (who were represented by a lawyer of their choice) had ample opportunity to present their arguments on points of fact and law before the administrative bodies and the courts at two levels of jurisdiction. They received thoroughly reasoned replies to all their allegations and requests, in the absence of any arbitrariness and in compliance with the applicable law (see paragraphs 3-6 above). The courts duly examined and responded to the applicants' arguments in the light of the available

evidence and concluded that certain assets had not been explained by them (see paragraphs 5-6 above).

12. In the light of the above, the Court concludes that the applicants' right to a fair trial was not breached in the present case. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

## B. Complaint under Article 1 of Protocol No. 1 to the Convention

13. The Court points out that it has already examined similar complaints and found the impugned confiscation measure to be in compliance with the provisions of Article 1 of Protocol No. 1 to the Convention (see *Păcurar*, cited above, §§ 168-201).

14. In the present case, it also finds that the impugned measure was prescribed by law (Article 18 of Law no. 115/1996, see paragraph 5 above) and effected in accordance with the general interest of intensifying the fight against corruption and preserving integrity in public office. Moreover, the measure had its basis in a legal framework adopted in order to comply with the requirements of the rule of law put forward by the European Commission in the context of Romania's accession to the European Union (see *Păcurar,* cited above, §§ 179 and 182).

15. As regards the proportionality of the measure at stake, the Court refers to its findings in *Păcurar* (cited above, §§ 183-201) which likewise apply to the present case.

16. Accordingly, it notes that on the basis of Laws nos. 115/1996 and 176/2010 – which pursued the aims indicated above – the first applicant, as a public servant, was under an obligation to declare his assets and explain their source. The applicable legal framework and the domestic courts' consistent and unified interpretation of that framework indicate that failing to do so would cast doubt on the licit source of the assets in question (see *Păcurar*, cited above, § 101) and trigger the need to apply sanctions in order to preserve the scope of the law (see paragraph 2 above).

17. The Court further notes that the proceedings for the verification of the source of the applicants' assets followed the clear, foreseeable and generally applicable rules of civil procedure (see *Păcurar*, cited above, §§ 155 and 179) and respected the fair trial guarantees (see paragraph 12 above). The measure in question was applied on the basis of a thorough examination of the evidence submitted to the courts by both applicants and the ANI, in proceedings in which the applicants' full participation was ensured before two levels of jurisdiction (see paragraphs 5-6 above). The applicants' personal circumstances were fully taken into account by the courts, which accepted evidence submitted by them and also by their witnesses, including accounting expert reports. The confiscation measure was applied only after several steps of verification, and after the courts had formed the opinion that

there were significant differences between the applicants' income and their assets. On this point, the Court notes that some of the arguments and evidence produced by the applicants to explain the origin of some of their assets were accepted by the Commission and the courts, and led to certain amounts being deducted from the total sum to be confiscated (see paragraphs 4 and 5 above).

18. In view of the above, the Court considers that the impugned proceedings in the present case provided the applicants with sufficient safeguards so as to ensure the proportionality of the measure, and it cannot be concluded that the measure was applied automatically, that the applicants had no opportunity to argue their case or that the domestic courts' findings were tainted with manifest arbitrariness (see, *mutatis mutandis*, *Telbis and Viziteu v. Romania*, no. 47911/15, § 81, 26 June 2018).

19. In the light of the foregoing, having regard to the Romanian authorities' wide margin of appreciation in their pursuit of the policy designed to combat corruption in the public service, the Court concludes that the proceedings for the confiscation of the applicants' assets in question, which were based on a procedure which was moreover in line with the relevant international standards (see paragraph 14 above), did not upset the requisite fair balance between the protection of the right of property and the requirements of the general interest (see *Păcurar,* cited above, § 200).

20. It follows that this complaint must be rejected as manifestly ill-founded, 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 21 May 2026.

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| Valentin Nicolescu<br>Acting Deputy Registrar | Ana Maria Guerra Martins<br>President |