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

FOURTH SECTION

DECISION

Application no. 58004/17
Monica Luisa MACOVEI
against Romania

The European Court of Human Rights (Fourth Section), sitting on 23 September 2025 and 3 February 2026 as a Chamber composed of:

Lado Chanturia*, President*,
Jolien Schukking,
Faris Vehabović,
Anja Seibert-Fohr,
Ana Maria Guerra Martins,
Sebastian Răduleţu,
András Jakab*, judges*,

and Simeon Petrovski, *Deputy Section Registrar*,

Having regard to the above application lodged on 28 July 2017,

Having regard to the observations submitted by the Romanian Government ("the Government") and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

INTRODUCTION

1. The case concerns an alleged violation of Articles 6 and 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") owing to fines and confiscation orders made against the applicant for violating the rules on financing an electoral campaign.

THE FACTS

2. The applicant, Ms Monica-Luisa Macovei, is a Romanian national who was born in 1959 and lives in Bucharest. She was represented before the Court by Ms N.-T. Popescu, a lawyer practising in Bucharest.

3. The Government were represented by their Agent, Ms O.-F. Ezer, of the Ministry of Foreign Affairs.

4. The facts of the case may be summarised as follows.

A. Background to the case

5. The applicant is a well-known public figure. At the time of the events of the present case, she was a politician. She was a member of the European Parliament and a former Minister of Justice.

6. On 2 November 2014 the applicant stood as an independent candidate in the first round of the country's presidential elections alongside thirteen other candidates, but did not receive enough votes to reach the second and final round of the elections. As was required by Law no. 334/2006 on financing the activities of political parties and electoral campaigns ("Law no. 334/2006"), on 13 August 2014 she appointed a financial representative to manage the donations and financial support that she anticipated receiving for the purposes of the electoral campaign.

7. After the results of the elections were announced, as required by Law no. 334/2006, the applicant filed documents concerning the donations and financial support she had received for her campaign with the Permanent Electoral Authority (*Autoritatea Electorală Permanentă* – "the AEP"), an independent public administrative body with general powers in electoral matters which was responsible for supervising the organisation of elections in the country.

8. In accordance with the relevant domestic rules the applicant could and did receive some of the above-mentioned donations and financial support before the official start date of the electoral campaign, which for the presidential elections of 2014 was 3 October 2014. Nonetheless, she could not and did not receive any donations or financial support before the authorities had announced the official date of the elections publicly and before she had appointed a financial representative.

B. Reports and decisions of the AEP

9. On 20 January 2015, after reviewing the documents the applicant had filed with them (see paragraph 7 above), the AEP produced a report which identified four alleged violations by her of Law no. 334/2006. They can be summarised as follows:

(i) Before the official start date of the campaign, the applicant had accepted 15,514 euros (EUR) (68,391 Romanian lei – RON) in donations through her financial representatives from persons whose identity could not be established.

(ii) After the official start date of the campaign, the applicant had accepted EUR 26,455 (RON 117,390) in donations through her financial

representative which either had not been declared to the AEP or had been declared unlawfully.

(iii) After the official start date of the campaign, the applicant had accepted donations in kind from several individuals through her financial representative, consisting of electoral campaign material valued at EUR 14,015 (RON 61,667).

(iv) The applicant had used a loan of EUR 10,000 (RON 43,966) as a source to finance her campaign. She had made the loan to the campaign fund herself on 14 August 2014 and had signed the loan agreement with her financial representative. The latter was also representing her campaign fund and had signed on its behalf.

10. On 3 February 2015 the AEP produced a minor offence report (*proces verbal de contravenţie*). It stated with regard to the violations described under points (i) and (ii) above that the applicant had breached, *inter alia,* Article 7 of Law no. 334/2006. As to the violations described under points (iii) and (iv) above, the report stated that the applicant had breached Article 23 and Article 29 § 3 of Law no. 334/2006, respectively.

11. Relying on Article 41 § 1 and Article 42 § 1 of Law no. 334/2006, the minor-offence report proposed that the applicant should be fined RON 10,000 (EUR 2,273) for each of the violations described under points (i) to (iv) above. The minor-offence report also proposed the confiscation of sums equivalent to the value of each of the donations and to the loan that the applicant had received in breach of the law.

12. In two decisions of 12 February 2015 the AEP issued the above-mentioned fines and confiscation orders (see paragraph 11 above).

13. On the same date the AEP essentially informed the applicant that if she did not pay the amounts due (see paragraphs 11-12 above) it would bring enforcement proceedings (*executare silită*) against her under the rules of civil procedure.

C. The applicant's challenge before the domestic courts

1. The applicant's challenge and arguments

14. On 9 March 2015 the applicant challenged the sanctions taken against her by the AEP (see paragraphs 9-12 above) in the civil section of the Bucharest District Court, asking the court in essence to set them aside. In the alternative, she asked the court to substitute warnings for the fines and to set aside the confiscation orders because her actions had not represented a danger to society.

15. The applicant argued that the above-mentioned sanctions were unlawful.

2. The first-instance court's judgment

16. By a civil judgment of 2 October 2015 the District Court allowed the applicant's action in part and set aside the sanctions imposed on the applicant for the breaches described at points (i), (ii) and (iv) of the AEP's reports and decisions (see paragraphs 9-12 above). However, the District Court upheld the fine and confiscation order made under point (iii) of the AEP's reports and decisions.

17. The District Court found that the sanctions imposed on the applicant under points (i) and (ii) of the AEP's reports and decisions were unlawful because, *inter alia*, Article 26 § 5 and Article 27 of Law no. 334/2006 (as in force before 21 May 2015; "the old law") (see paragraph 30 below) did not apply to acts committed before the official start of the electoral campaign. In any event, Article 27 of the old law had been repealed and there was no equivalent of it in Law no. 334/2006, which had been in force since 21 May 2015 ("the new law") (see paragraph 31 below). Article 15 § 2 of the Constitution and Article 12 § 2 of Government Ordinance no. 2/2001 on the rules applicable to minor offences ("Ordinance no. 2/2001") (see paragraphs 29 and 33 below) therefore meant that the basis of the applicant's joint liability with her financial representative for the two actions in dispute, irrespective of whether they had taken place before or after the official start of the electoral campaign, had effectively been repealed by the more favourable new law, and the applicant's financial representative was now solely liable for those actions.

18. The District Court also found that the fine and confiscation order made under point (iv) of the AEP's reports and decisions were unlawful because the old law had not expressly provided that a loan could not constitute a legitimate source of financing for an independent candidate's campaign, since Article 3 of the old law and Article 4 § 3 of Government Decision no. 749/2007 on the rules for the enforcement of the old law (see paragraphs 30 and 32 below) had expressly referred only to political parties and had not suggested that the rules also applied to independent candidates. Moreover, the AEP could not rely on Article 23 of the old law because that Article had not been about the sources of finance that were permitted or forbidden.

19. Nevertheless, the District Court found that the fine and confiscation order made under point (iii) of the AEP's reports and decisions were lawful. Under Article 29 § 3 of the old law, an independent candidate standing for election had an express legal obligation to pay for the production of campaign material personally. Electoral campaign material could not be donated directly to the candidate.

20. The reason for that restriction was to be found in paragraph 2 of Article 29, which required candidates to ensure that certain information was printed on all campaign material. The candidates were personally liable for any failure to print the relevant information.

21. Lastly, on the basis of Article 16 § 1 and Article 21 § 3 of Ordinance no. 2/2001, the District Court dismissed the applicant's request for the court to substitute a warning for the fine imposed on her under point (iii) of the AEP's reports and decisions for violating Article 29 § 3 of the old law and to set aside the corresponding confiscation order (see paragraphs 9-12, 14 and 19 above). The court held that it was unnecessary to replace the fine with a warning and to set aside the confiscation order because the fine was close to the minimum statutory sanction for the minor offence in question and corresponded to the level of danger to society represented by her actions.

3. The appellate court's judgment

22. The applicant and the AEP appealed against the decision of the District Court. The applicant repeated the claims and arguments that she had made in the lower court (see paragraphs 14-15 above). The AEP essentially contested the District Court's findings concerning the sanctions imposed on the applicant under points (i), (ii) and (iv) of its reports and decisions. It argued that the lower court's findings in dispute were unlawful.

23. By a civil judgment of 30 June 2016, the administrative and fiscal section of the Bucharest County Court dismissed the applicant's appeal in full and allowed the AEP's appeal in part. The judgment was final and was served on 13 February 2017.

24. The County Court essentially affirmed the District Court's decision to set aside the sanctions imposed on the applicant under points (i) and (ii) of the AEP's reports and decisions (see paragraphs 9-12 above).

25. It also upheld the fine and confiscation order made under point (iii) of the AEP's reports and decisions. The County Court repeated in essence what the District Court had said about Article 29 § 3 of the old law (see paragraphs 19-20 above).

26. Nevertheless, the County Court allowed the AEP's appeal and quashed the District Court's decision to set aside the fine and confiscation order made under point (iv) of the AEP's reports and decisions. It disagreed with the lower court's view that the old law had not expressly provided that a loan could not constitute a source of financing for an independent candidate's campaign. It held that even though Article 3 of the old law had referred expressly only to political parties, there was no reason for independent candidates to be treated differently. It observed that only the new law expressly referred to loans as one of the sources of finance that could be used for funding a campaign. Nonetheless, it held that the reason for the loans being expressly referred to in the new law was that the old Law no. 334/2006 had to be read as specifying expressly and exhaustively what sources of finance could be used for funding a campaign. This meant that, since the old law was silent as to loans, these sources of finance for funding a campaign were not permitted at the time of the events in question.

27. Lastly, the County Court found that the applicant's actions had represented a significant danger to society, because society had higher expectations of candidates running in presidential elections than it did of ordinary citizens, and candidates' conduct therefore had to be transparent and lawful. As a result, the fines imposed for the violations under points (iii) and (iv) of the AEP's reports and decisions could not be replaced by warnings and the corresponding confiscation orders could not be set aside.

D. Other information

28. On 2 July 2019 the applicant had paid the two fines and the sums under the confiscation orders, without the need for further enforcement.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

A. Domestic law and practice

1. The Constitution

29. The relevant provisions of the Constitution read as follows:

Article 15
Universality

"...

(2) The law shall be effective only for the future, except where there is a more favourable criminal or minor-offence (*contravenţionale*) law."

Article 20
International human rights treaties

"(1) The provisions of the Constitution concerning citizens' rights and freedoms shall be interpreted and applied in line with the Universal Declaration of Human Rights [and] the covenants and other treaties to which Romania is a party.

(2) Where ... there are inconsistencies between the covenants and treaties on fundamental human rights to which Romania is a party and national laws, the international obligations shall take precedence, unless the Constitution or national laws contain more favourable provisions."

2. Law no. 334/2006 on financing the activities of political parties and electoral campaigns, as in force before 21 May 2015

30. Evidence emerging from the AEP that is available in the case file shows that the purpose of Law no. 334/2006 was to align the national standards for the financing of political parties' activities and of electoral campaigns with international standards in that field, including those in Recommendation Rec(2003)4 of the Council of Europe's Committee of Ministers to member States on common rules against corruption in the

funding of political parties and electoral campaigns (see paragraph 37 below). From 21 May 2015 onwards, Law no. 334/2004 was amended several times (see paragraph 31 below). The relevant provisions of the Law, as in force before 21 May 2015, read as follows:

Article 1

"(1) The purpose of this Law is to ensure equal opportunities in political competition and transparency in the financing of the activities of political parties and of electoral campaigns.

...

(3) The financing of the activities of political parties shall be carried out only according to law."

Article 3

"(1) The sources of financing for the activities of a political party shall be:

...

(b) donations, bequests (*legate*) and other gifts (*liberalităţi*);

...

(2) Political parties may not have or use sources of financing other than those specified under paragraph 1.

... "

Article 23

"(1) Any donations and bequests received ... after the start of an electoral campaign must be declared to the [AEP] by [a] financial representative within five working days from when they were received.

(2) Any donations and bequests received ... after the electoral campaign has begun may be used for the ... campaign only after they have been declared to the [AEP]."

Article 26

"...

(3) The financial representative must record any financial transactions ...

(4) The financial representative shall have the following responsibilities:

(a) organising a record of any income received for the electoral campaign, of the transfer of other funds resulting from income obtained outside the period of the ... campaign and of the expenses incurred for the ... campaign;

(b) reviewing the lawfulness of the financial transactions carried out during the ... campaign ...

...

(5) The financial representative and the party which has appointed him or her shall be jointly responsible for the lawfulness of the financial operations conducted during

the period of the ... campaign and for complying with the provisions of Articles 23 to 25.

..."

Article 27

"The provisions of Article 26 shall also apply in respect of independent candidates."

Article 29

"...

(2) Political parties ..., and also independent candidates, must state the following information in printed form on all electoral campaign material:

(a) the name of the independent candidate [or] ... the political party ... that has ordered the material, as the case may be;

(b) the name of the economic operator that has produced [the material].

(3) The expenses of the production of electoral campaign material shall be covered exclusively by the beneficiaries of [the material] – that is, independent candidates, political parties ..."

Article 41

"(1) Any violations of the provisions of Article 3 § 2 ..., Article 23 ..., Article 29 §§ 2 to 4 ... shall constitute minor offences (*contravenţii*) and shall be punished (*se sancţionează*) by fines of between RON 5,000 and RON 25,000.

(2) The sanctions (*sancţiunile*) may be imposed, as the case may be, on the political party, the independent candidate, the financial representative and/or the donor [found to be] in violation of the provisions specified in paragraph 1."

Article 42

"(1) In the circumstances provided under Article 41 § 1, the author [of the violation] (*contravenientul*) shall pay to the State budget the sums ... and/or equivalent value of the goods and services which were the subject of the minor offence (*contravenţiei*) ...

..."

Article 44

"The provisions of Articles 41 ... shall be supplemented by the provisions of Government Ordinance no. 2/2001 ..."

Article 48

"The provisions of the present Law shall also apply in respect of ... independent candidates ..."

3. Law no. 334/2006 on financing the activities of political parties and electoral campaigns, as in force after 20 May 2015

31. The relevant provisions of Law no. 334/2006 on financing the activities of political parties and electoral campaigns, which came into force on 21 May 2015, provided among other things that the permissible sources of financing for the activities of political parties included financial loans from natural or legal persons (Article 3 § 1(e)). The Law also repealed Article 27 of the old law (see paragraph 30 above). It also maintained the essence of the provisions of Article 29 §§ 2 and 3 of the old law and expressly prohibited making or disseminating election propaganda materials under other conditions than those provided for by law (Article 29 §§ 3 to 5).

4. Government Decision no. 749/2007 on the rules for the enforcement of Law no. 334/2006, as in force until 25 January 2016

32. The relevant provisions of the above-mentioned Government decision read as follows:

Article 4

"...

(3) Party political activities shall be financed only from the sources specified in Article 3 § 1 of Law no. 334/2006."

Article 32

"(1) The sanctions (*sancţiunile*) provided for by Article 41 § 1 of Law no. 334/2006 may be applied if irregularities are found in the financing ... of electoral campaigns.

(2) The sanctions (*sancţiunile*) shall be applied, as the case may be, to [a] political party, [an] independent candidate, [a] financial representative and/or [a] donor ...

(3) [A] political party and financial representative, or, as the case may be, [an] independent candidate and financial representative, may not both be subjected to sanctions (*sancţiuni*) for the same minor offence at the same time."

5. Government Ordinance no. 2/2001 on the general rules applying to minor offences (contravenţii)

33. Under the above-mentioned legal framework in force at the relevant time the minor offences (*contravenţiile*) were essentially unlawful actions that entailed administrative sanctions that could not be converted into prison sentences under any circumstances. This is equally valid under the legal framework in force today. The relevant provisions of Ordinance no. 2/2001, as in force at the relevant time, read as follows:

Article 12

"(1) Where an action is no longer considered a minor offence (*contravenţie*) under a [new] law, [the action in question] shall not be punished (*sancţionat*), even where it was committed before the entry into force of the new law.

(2) In circumstances where the punishment (*sancţiunea*) provided for by the new law is more lenient, that sanction (*sancţiune*) shall be applied. In circumstances where the punishment (*sancţiunea*) provided for by the new law is more stringent, the minor offence (*contravenţia*) shall be punished (*sancţionată*) in accordance with the law in force at the time when it was committed."

Article 21

"...

(3) The sanction (*sancţiunea*) shall be applied within the limits provided for by the relevant legal instrument and must be proportionate to the degree of danger to society represented by the act committed, taking into account the circumstances in which the act was committed, the manner of committing it and the means used to commit it, the aim pursued and the resulting damage, as well as the personal circumstances of the author [of the violation] (*contravenientului*) and the other information recorded in the **[**minor-offence**]** (*contravenţie*) report."

6. Relevant domestic practice

34. The Government provided the Court with copies of five judgments delivered by the domestic courts between May 2013 and September 2019 which dealt with sanctions imposed by the AEP on independent candidates, political parties or financial representatives under both the old and the new provisions of Law no. 334/2006 for violations of the rules regarding the financing of electoral campaigns or of political parties. Those judgments were of little relevance to the present case as it remained unclear whether most of them were final, and the only clearly final judgment provided by the Government was delivered some years after the events of the present case.

35. The applicant submitted a decision no. 197 of 9 April 2019 in which the Constitutional Court addressed the framework of sanctions for minor offences set out by Ordinance no. 2/2001 (see paragraph 33 above) when considering an application for a declaration of unconstitutionality lodged by a third party, which concerned Article 19 §§ 13 and 14 of Law no. 171/2010 (*on identifying and sanctioning minor offences concerning the forest management field*) and Article 41 of Ordinance no. 2/2001. The decision in question was published in the Official Gazette no. 438 of 3 June 2019, and was effective only from the time of its publication. The applicant pointed to paragraphs 31, 54 and 55 of that decision, the relevant parts of which read as follows:

"31. ... the Court observes that the main and complementary sanctions for minor offences are not restitutionary in nature, but preventive and educational (*educativ*), and represent a form of legal constraint targeting in particular the assets of the person who committed [the violation]. The sanctions for minor offences ... are applied according to

certain principles, similar to [the treatment of] criminal penalties. In this regard, the Court notes the principle of the lawfulness of sanctions for minor offences, the principle of the proportionality of sanctions for minor offences, and the principle of *non bis in idem* ... which applies to sanctions for minor offences.

...

54. ... Minor offences are antisocial acts which the legislature has found are insufficiently serious to give rise to criminal liability (*Contravenţiile sunt fapte antisociale pe care legiuitorul le consideră de o gravitate care nu implică o răspundere penală*), but which nevertheless must attract sanctions so that the protected social values are not rendered meaningless. Minor offences are therefore without argument similar to criminal offences, but they are less serious, and therefore the sanctions provided for by the law on minor offences must also be less severe than those provided for by the criminal law. The Court observes that the law on minor offences is close to the criminal law ..., the essential difference between the two branches [of law] being that minor offences are less serious, which has significant consequences for the sanctions for the relevant acts (*cu consecinţe importante în sancţionarea faptelor*).

55. The Court observes that the complementary sanction of confiscation [which can be imposed for] a minor offence is similar to the safety measure of special confiscation (*măsura de siguranţă a confiscării speciale*) [which can be imposed] under criminal law ... Although their legal nature is different, these sanctions produce the same effect ..., namely dispossessing a person who has violated the law on minor offences or the criminal law ... of the assets [he or she] used to commit the unlawful act or [of the assets] obtained as a result of committing that act...

..."

36. The Constitutional Court eventually concluded that only section 13 of Article 19 of Law no. 171/2010 was unconstitutional. However, it rejected as inadmissible the application made by the third party for section 14 of the above-mentioned law and for Article 41 of Ordinance no. 2/2001 to be declared unconstitutional.

B. International material

37. Article 16 of Recommendation Rec(2003)4 of the Council of Europe's Committee of Ministers to member States on common rules against corruption in the funding of political parties and electoral campaigns, adopted on 8 April 2003, provided that member States should require effective, proportionate and dissuasive sanctions for breaches of the rules on the funding of political parties and electoral campaigns.

C. European Union case-law

38. The relevant parts of the judgment of the Court of Justice of the European Union ("the CJEU") *T.A.C. v. Agenția Națională de Integritate (ANI)* (C-40/21, C:2023:367) of 4 May 2023 may be found in *Păcurar v. Romania* (no. 17985/18, § 110, 24 June 2025). In its judgment the CJEU underlined its views on the nature of certain measures that could be applied

under Romanian domestic legislation which sought to ensure integrity in public office and transparency in exercising public functions and to prevent corruption, relying on European Court of Human Rights case-law. The CJEU judgment concerned measures such as the termination of a term of office because of a conflict of interest or a prohibition on holding elected public office for three years, which were applied automatically and could not be calibrated in accordance with the seriousness of the act. In finding that those measures fell outside the criminal sphere, the CJEU had due regard to, among other things, their classification in domestic law; whether they were punitive in nature, entailed the imposition of a sentence of deprivation of liberty, or targeted individuals belonging to a limited group with a special status; or whether the measures concerned a defined activity entailing the holding of elected public office.

COMPLAINTS

39. Relying on Article 6 of the Convention and on arguments essentially referring to its criminal limb, the applicant complained that the proceedings about her claim against the AEP had been conducted unfairly, given the way the County Court had upheld the fines and confiscation orders made under points (iii) and (iv) of the AEP's reports and decisions (see paragraphs 9-12 above). The court had given reasons which were arbitrary and manifestly unreasonable given that

(a) the legal basis for the sanctions was unclear and unforeseeable, and it appeared there was no basis at all for the fine and confiscation order made against her because of the loan;

(b) no connection had been established between the facts, the relevant law and the outcome of the proceedings; and

(c) the County Court had failed to apply the more lenient later law when deciding on the fine and confiscation order made against her on account of the loan.

40. The applicant complained under Article 7 of the Convention that the County Court had violated the principle that there should be no punishment not provided for by law by upholding the sanctions imposed on her under points (iii) and (iv) of the AEP's reports and decisions. This was because the relevant provisions of Law no. 334/2006 lacked clarity and foreseeability given that it did not prohibit independent candidates from accepting donations in the form of electoral campaign material or from using loans for the financing of their campaigns. In addition, the County Court had violated the principle of the retrospective application of later more lenient law, because it had not applied that principle when it made the fine and confiscation order against her for the loan.

THE LAW

A. Complaint under Article 6 of the Convention

41. The applicant complained that the proceedings about her claim against the AEP had been unfair. She relied on Article 6 of the Convention, the relevant part of which reads as follows:

> "1. In the determination of ... any criminal charge against him, everyone is entitled to a fair ... hearing ... by [a] ... tribunal ..."

1. The parties' submissions

(a) The Government

42. Referring to *Pierre-Bloch v. France* (21 October 1997, *Reports of Judgments and Decisions* 1997-VI), the Government argued that it was the Court's established practice not to apply the criminal limb of Article 6 to issues of the electoral process, including sanctions imposed on candidates for alleged violations of election rules. As in *Pierre-Bloch*, the sanctions imposed on the applicant were for violations of electoral law and not of the criminal law. The level of sanctions was also comparable to or even lower than that which could have been or had been imposed on the applicant in *Pierre-Bloch*.

43. They also argued that the Constitutional Court's decision no. 197 of 9 April 2019, which was cited by the applicant (see paragraphs 35 above and 49 below), had been delivered years after the proceedings in the applicant's case had concluded and had not discussed the minor offences that were in question in the present case. The Constitutional Court had also not dealt with the question of whether minor offences were properly criminal, but had focused on the need to avoid a situation where persons who had committed minor offences were disadvantaged because of a difference between the criminal legal framework and that of minor offences. Moreover, the Government had essentially identified the judgments in paragraph 34 above as the only examples of domestic practice having some relevance for the applicant's case that they could find.

44. The Government contended that the rules about financing electoral campaigns under Law no. 334/2006 concerned only a very specific category of people, namely individuals who decided to stand for election. The rules in question were therefore not applicable to citizens in general.

45. In addition, they suggested that the sanctions imposed on the applicant were not severe and were not punitive in nature. The domestic courts had established that the fines were close to the minimum statutory sanction for the minor offences in question and that their purpose was to ensure the transparency and integrity of the financing of electoral campaigns.

46. The Government submitted that domestic law classified the applicant's actions as minor offences and not criminal offences, and that the

domestic proceedings had been conducted in accordance with the general rules for minor offences, which were set out in Ordinance no. 2/2001.

47. They also contended that Law no. 334/2006 had made a clear distinction between the rules for minor offences and those for criminal offences. Moreover, the sanctions which could be imposed for a minor offence were not the same as or similar to those for a criminal offence. Lastly, sanctions for a minor offence could not be put on a person's criminal record and the fines could not be substituted by a prison sentence if they were not paid.

(b) The applicant

48. The applicant argued that the criminal limb of Article 6 of the Convention was engaged in her case. The acts of which she had been found responsible had been classified as minor offences under the old law, unless they were committed in circumstances amounting to a criminal offence, in which case they would be classified as criminal offences. The old law had been supplemented first by Ordinance no. 2/2001, which itself had been further supplemented by the Criminal Code.

49. The applicant also pointed to the decision no. 197 of 9 April 2019 of the Constitutional Court described in paragraph 35 above.

50. She argued further that Law no. 334/2006 was binding on all political parties in the country, including their members, and on all independent candidates standing for election. She claimed that the law was binding on a large number of people, given that according to publicly available information there were 220 registered political parties in the country.

51. Moreover, the applicant argued that the AEP was a public body with statutory powers of enforcement, and Law no. 334/2006 had a clear punitive and deterrent purpose and sought to protect a matter of general interest to society, namely the lawful financing of political parties. The fines and confiscation orders made had had a significant impact on the applicant's assets because of the considerable amount of money involved. In addition, she stated that under Ordinance 2/2001 fines could be converted into community service in certain circumstances.

52. The applicant contended that the simple fact that the national authorities had chosen to distinguish between minor and serious offences on the basis of the danger to society represented by a person's actions, could not mean that she could be deprived of the guarantees provided for by Article 6 under its criminal limb given that the sanctions that could be imposed in both contexts had had exactly the same result.

2. The Court's assessment

(a) Preliminary remark

53. The applicant framed her complaints and submissions by reference to the criminal limb of Article 6 of the Convention (see paragraphs 39-40 and 48-52 above and 89 below). The Court will therefore examine whether the disputed domestic proceedings related to a "criminal charge" against her within the meaning of Article 6.

(b) General principles

54. The Court reiterates that an assessment of whether Article 6 is engaged under its criminal limb should be based on three criteria, commonly known as the "*Engel* criteria" (see *Engel and Others v. the Netherlands*, 8 June 1976, § 82, Series A no. 22). The first criterion is the legal classification of the offence under national law, the second is the nature of the offence, and the third is the degree of severity of the penalty that the person concerned risks incurring (see, for example, *Gestur Jónsson and Ragnar Halldór Hall v. Iceland* [GC], nos. 68273/14 and 68271/14, § 75, 22 December 2020, and *Grosam v. the Czech Republic* [GC], no. 19750/13, § 113, 1 June 2023). In respect of the third criterion, the Court has also considered the nature of the penalty (see *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 75, with further references).

55. As to the autonomy of the concept of "criminal" under Article 6, the Court reiterates that the Convention is not opposed to States, in the performance of their task as guardians of the public interest, both creating or maintaining a distinction between different categories of offences for the purposes of their domestic law and drawing the dividing line, but it does not follow that the classification thus made by the States is decisive for the purposes of the Convention. If the Contracting States were able at their discretion, by classifying an offence as "regulatory" instead of criminal, to exclude the operation of the fundamental clauses of Articles 6 and 7, the application of these provisions would be subordinated to their sovereign will. A latitude extending thus far might lead to results incompatible with the object and purpose of the Convention (see *Matyjek v. Poland* (dec.), no. 38184/03, § 45, ECHR 2006-VII, with further references, and *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 76).

56. Thus, with regard to the first criterion mentioned above, the Court will enquire whether the provision(s) defining the offence charged belong(s), under the legal system of the respondent State, to criminal law. In examining, next, the nature of the offence and, lastly, the nature and degree of severity of the penalty that the person concerned risked incurring, the Court will have regard to the object and purpose of Article 6, to the ordinary meaning of the terms of that Article and to the laws of the Contracting States (ibid., § 77).

57. The second and third criteria are alternative, and not necessarily cumulative. This, however, does not exclude a cumulative approach where a separate analysis of each criterion would not make it possible to reach a clear conclusion as to the existence of a criminal charge (see, among other authorities, *Jussila v. Finland* [GC], no. 73053/01, § 31, ECHR 2006-XIV; *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 122, 6 November 2018; and *Grosam*, cited above, § 113). The fact that an offence is not punishable by imprisonment is not by itself decisive for the purposes of the applicability of the criminal limb of Article 6 of the Convention since, as the Court has pointed out on numerous occasions, the relative lack of seriousness of the penalty at stake cannot deprive an offence of its inherently criminal character (see *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 78, and *Grosam*, cited above, § 113).

(c) Application of those principles in the present case

58. The Court notes that the Convention institutions have considered in a variety of cases whether the criminal limb of Article 6 is engaged by sanctions and other measures imposed on applicants or applicant organisations exercising political and electoral rights or seeking or holding public office.

59. In the majority of those cases, the Convention institutions have held that the sanctions and others measures did not engage the criminal aspect of Article 6, in the light of the facts of the cases (see *Estrosi v. France*, no. 24359/94, Commission decision of 30 June 1995, Decisions and Reports (DR) 82-B, p. 56; *Tapie v. France*, no. 32258/96, Commission decision of 13 January 1997, DR 88-B, p. 176; and *Pierre-Bloch*, cited above – all three cases concerning the removal from elected office and/or disqualification of public officials from standing for elections for several years because of violations of the rules limiting electoral campaign expenses or because of the liquidation of their assets by the commercial courts; *Refah Partisi (the Welfare Party) and Others v. Turkey* (dec.), nos. 41340/98 and 3 others, 3 October 2000, and *Sobacı v. Turkey* (dec.), no. 26733/02, 1 June 2006 – both cases concerning the dissolution and automatic transfer of assets of political parties and a ban on party members, some of whom held elected office, founding or leading other parties; *Sidabras and Džiautas v. Lithuania* (dec.), nos. 55480/00 and 59330/00, 1 July 2003, and *Ivanovski v. the former Yugoslav Republic of Macedonia*, no. 29908/11, § 121, 21 January 2016 – both cases concerning applicants who had been prohibited from working as civil servants or even in some private or academic positions for several years following lustration proceedings; *Paksas v. Lithuania* [GC], no. 34932/04, §§ 64-69, ECHR 2011 – concerning the impeachment of the country's President and making him permanently ineligible to stand for elections to parliamentary office; *Cătăniciu v. Romania* (dec.), no. 22717/17, §§ 37-41, 6 December 2018 – concerning the reduction of parliamentary allowances for three months following a public finding of a conflict of interest in elected

office; and the findings in *Galan v. Italy* (dec.), no. 63772/16, §§ 63-97, 18 May 2021 on a complaint under Article 7 of the Convention concerning measures that were not equivalent to criminal penalties, consisting in disqualification from standing for election and removal from elected office following a separate criminal conviction for corruption; see also, for illustrative purposes, *Árus v. Romania* (dec.) [Committee], no. 11655/15, §§ 1 and 12-16, 30 May 2023 concerning a fine imposed on a local councillor for a minor offence under Law no. 176/2010 (on integrity in the exercise of public functions and positions, including elected ones), because of a failure to declare interests).

60. In other cases the Court has however held that a predominance of aspects that have criminal connotations could bring the sanctions and other measures (resulting from unlawful actions related to political and electoral rights or to the holding of public office) within the ambit of the criminal head of Article 6 (see *Matyjek*, cited above, § 58; *Bobek v. Poland*, no. 68761/01, § 54, 17 July 2007; and *Mościcki v. Poland*, no. 52443/07, § 29, 14 June 2011 – all three cases concerning the deprivation of public sector posts and a ban on applying for public positions for several years following lustration proceedings in Poland; and contrast *Sidabras and Džiautas*, and *Ivanovski*, both cited above – concerning lustration proceedings in other countries).

61. The Court notes further that none of the above-mentioned sanctions and other measures (resulting from unlawful actions related to political and electoral rights or to the holding of public office) arose under Law no. 334/2006. The present case is the Court's first opportunity to examine whether sanctions under that law may fall within the scope of the criminal limb of Article 6 of the Convention.

62. Lastly, it observes that prior to 26 December 2003 fines for minor offences under specific laws that could be supplemented by the general rules applicable to minor offences under Ordinance 2/2001, as in the applicant's case, could be converted to a sentence of imprisonment in certain circumstances. However, this could no longer be done after that date because of a change in domestic law (see *Anghel v. Romania*, no. 28183/03, §§ 39 and 48-53, 4 October 2007).

(i) The legal classification of the offence in domestic law

63. The Court notes that domestic law classifies the unlawful actions of which the applicant was found responsible under Articles 23 and 29 of old Law no. 334/2006 as belonging to the sphere of electoral law, in particular the financing of electoral campaigns (see *Pierre-Bloch*, cited above, § 54). Proceedings about those unlawful actions are not conducted by the public prosecutor's office and the criminal courts but by an independent administrative authority under the supervision of the civil and administrative courts and under the rules of procedure provided for in the Code of Civil Procedure (see paragraphs 7-14, 16 and 23 above; see also *Păcurar*,

cited above, § 125; and contrast *Matyjek*, cited above, §§ 49-50, *Bobek*, cited above, § 54, and *Mościcki*, cited above, § 29). The applicant pointed out that the provisions of Law no. 334/2006 could be supplemented by Ordinance no. 2/2001, which themselves could be further supplemented in certain circumstances by provisions of the Criminal Code (see paragraph 48 above). However, that does not affect the classification of the unlawful actions alleged in this case (compare *Anghel*, cited above, §§ 49-50, and *Albert v. Romania*, no. 31911/03, § 31, 16 February 2010; see also, *mutatis mutandis*, *Müller-Hartburg v. Austria*, no. 47195/06, § 43, 19 February 2013; *Cătăniciu*, cited above § 38; and *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 84).

64. The domestic judgments adopted in the applicant's case (see paragraphs 17, 19-20 and 24-25 above) show that the sanctions for minor offences and the penalties for criminal offences have some common features and are governed in part by similar principles (see paragraphs 16-21, 24-25, 29-31, 33, and 49 above), for example that of individual responsibility for one's actions. Nevertheless, in domestic law the unlawful actions of which the applicant in the present case was found responsible would not have constituted a criminal offence as regards either their legal basis or their overall consequences for the rights of the individual (see *Anghel*, cited above §§ 49-50; and compare *Galan*, cited above, § 91, *Cătăniciu*, cited above § 38, and *Păcurar*, cited above, § 125).

65. The Court therefore does not find that the alleged unlawful actions of which the applicant was found responsible were classified as "criminal" under domestic law.

66. The Court notes that the Constitutional Court decision cited by the applicant (see paragraph 35 above) confirmed that there are similarities between the sanctions for minor offences and the penalties for criminal offences. Nonetheless, that decision also underlined the differences between those sanctions and penalties. Moreover, the Constitutional Court's remarks in question were incidental to the decision and were part of a wider assessment about a claim of unconstitutionality made about a specific article of a law about minor offences in forest management which is unrelated to the applicant's case. In fact, the decision declared as inadmissible the claim that Article 41 of Ordinance no. 2/2001 would have been unconstitutional and did not examine the claim on its merits. Furthermore, the decision was delivered some years after the events of the applicant's case and it was not retrospective but was valid only *ex-nunc* once it had been published in the Official Gazette.

67. Given the context, the Court finds that the above-mentioned remarks made by the Constitutional Court do not alter its finding in paragraph 65 above given that no authority dealing with the applicant's case has found the applicant's actions to have fulfilled the constituent elements of a criminal offence (compare *Gestur Jónsson and Ragnar Halldór Hall*, cited above, §§ 84 and 92 – where the Supreme Court of Iceland found that the fines

imposed on the applicants in that case were "by nature" a penalty and therefore fell within the scope of the criminal limb of Article 6 of the Convention because they were significant and because there was no express upper limit on the fines that could have been imposed).

68. Nevertheless, the first of the *Engel* criteria, specifically the fact that the domestic law did not classify as "criminal" the unlawful actions of which the applicant was found responsible, is of relative weight and is only a starting-point (ibid., § 85).

(ii) The nature of the offence

69. As regards the second criterion, which is a factor of greater weight (ibid., § 86, with further references), the Court observes that the provisions of Law no. 334/2006 could in certain circumstances lead to sanctions being imposed against political parties, independent candidates, financial representatives, and donors to political parties or to independent candidates (see paragraphs 30-32 above). The category of donors could be viewed as encompassing large sections of the population were they to be involved in the financing of political parties or of independent candidates (compare *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 86).

70. The Court observes, however, that the fines and confiscation orders in the present case were imposed on the applicant for violations of rules relating to a specific defined activity that would, generally speaking, take place only every few years, namely the financing of an electoral campaign for holding an elected public office such as that of President, and which would concern only a very specific category of people or organisations of a particular status, namely independent candidates or political parties and their financial representatives who were not merely considering participating in an electoral campaign of this kind but who did participate in it (compare *Cătăniciu*, cited above § 39; *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 87; and *Păcurar*, cited above, § 127; and contrast *Matyjek*, cited above, § 53; *Anghel*, cited above § 51; and *Nicoleta Gheorghe v. Romania*, no. 23470/05, § 25, 3 April 2012). From the reasons the domestic courts gave for their judgments and from the wording of Article 26 § 5 of the old law (see paragraphs 17-19, 25-26 and 30 above) it can be inferred that the provisions in question only applied in the circumstances discussed above. The Court reiterates in this connection that where legal provisions apply only to a group with a special status, there are serious doubts as to the criminal nature of the actions in question (see *Cătăniciu*, cited above, § 39). Those doubts are even more serious when those provisions may be applied only to a specifically defined activity such as that described above.

71. The Court also notes that Law no. 334/2006, including Article 23 and Article 29 § 3 which the domestic courts found the applicant had breached, were aimed at aligning domestic standards on the financing of political parties and electoral campaigns with international standards,

including those recommended by the Committee of Ministers (see paragraph 30 above). The law was designed to ensure equal opportunities in political competition and transparency in the financing of political parties and of electoral campaigns. At the same time, the law was aimed at maintaining public trust in election candidates. As the domestic courts have pointed out (see paragraph 27 above), this was underscored by the rules about sanctions in the Law. Article 44 of the old law read in conjunction with Article 21 § 3 of Ordinance no. 2/2001 required the administrative authorities to have particular regard to the degree of danger and damage to society resulting from the commission of the unlawful act (see paragraphs 30 and 33 above).

72. Albeit the above-mentioned aims constitute general interests of society that may also be protected by the Criminal Code, this is insufficient of itself to bring breaches such as the applicant's (see paragraph 70 above) within the scope of the criminal limb of Article 6 of the Convention (compare *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 88 and 91; *Dilek Genç v. Türkiye*, nos. 74601/14 and 78295/14, §§ 37-40, 21 January 2025; and *Păcurar*, cited above, §§ 127-28). This holds true even where, as indicated in paragraphs 63-64 above, parts of the provisions applicable or related to a case contain some concepts or features that may point to the criminal nature of the alleged transgression, but lack others, such as the possibility of committing an offence of attempting the unlawful act or of having an accomplice to it (compare *Albert*, cited above, §§ 31-32; *Müller-Hartburg*, cited above, §§ 43-45; *Dilek Genç*, cited above, §§ 37-40; and *Păcurar*, cited above, § 128).

73. The Court also notes that the actions imputed to the applicant and the sanctions imposed on her related solely to electoral misconduct (see paragraph 63 above). The provisions of Law no. 334/2006 dealing with those actions and the measures taken belonged to the sphere of electoral law and in the applicant's case were used separately from any potentially relevant provisions of the criminal law (see paragraphs 63-64 above) in order to ensure the proper conduct of elections and to preserve the public's trust in their fairness (see, *mutatis mutandis*, *Păcurar*, cited above, § 128). The sanctions against the applicant therefore fell within a framework of measures whose purpose fell outside the scope of the criminal limb of Article 6 (see, *mutatis mutandis*, *Ravier v. France*, no. 32324/22, § 27, 19 June 2025).

74. Given this situation, the Court does not find the unlawful acts referred to in Article 23 and Article 29 § 3 of Law no. 334/2006 to have been criminal in nature. It is therefore necessary to examine the matter under the third criterion, namely the nature and degree of severity of the sanctions that the applicant risked incurring (see *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 91, and *Grosam*, cited above, § 118-19).

(iii) The nature and degree of severity of the penalty

75. The Court observes that under Articles 41 and 44 of the old law, read jointly with the provisions of Ordinance no. 2/2001 in the version in force at the material time and as interpreted by the domestic courts, the sanctions imposed in the applicant's case for each of the unlawful acts for which she was found liable included a warning or a fine ranging from RON 5,000 (EUR 1,141) to RON 25,000 (EUR 5,695). Each sanction was accompanied by an additional confiscation order which required her to pay to the State budget the sums (or the value of the goods and services) involved in the unlawful acts of which she had been found responsible (see paragraphs 21, 27, 30 and 32 above). None of these sanctions, which included the confiscation orders, could be applied in combination with or converted to imprisonment (see paragraph 62 above; see also *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 94, with further references, and *Grosam*, cited above, § 119).

76. The applicant was fined EUR 4,546, representing the combined value of the individual fines of EUR 2,273 that were imposed on her for each of the two minor offences of which she had been found liable. In addition, she was required to pay EUR 24,015 into the State budget, representing the combined value of the sums and of the equivalent value of the goods and services (respectively EUR 14,015 and EUR 10,000) involved in the two minor offences she had been found liable for (see paragraphs 9-12, 25-26 and 30 above; and compare *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 92, and *Grosam*, cited above, § 119).

77. The Court notes that the amount of each individual fine imposed on the applicant (EUR 2,273) was less than half the maximum statutory limit in each case (EUR 5,695). The amounts of the fines individually were therefore closer to the minimum statutory limit in each case (EUR 1,141) (conversely *Albert*, cited above, § 33).

78. Even though the actual sanctions imposed are relevant to the Court's determination of the case, they cannot diminish the importance of what was initially at stake. This criterion is therefore to be determined by reference to the maximum potential sanctions for which the relevant law provided (see *Müller-Hartburg*, cited above, § 46, with further references, and *Grosam*, cited above, §§ 119-20).

79. Law no. 334/2006 provided for an upper limit of the fines that could be imposed for the unlawful actions of which the applicant was found responsible (see paragraph 75 above). As was also argued by the Government (see paragraph 47 above), unlike criminal fines in the strict sense, the fines in question would not go on the applicant's criminal record and could not be converted to a sentence of imprisonment in the event of non-payment (see paragraphs 62 and 75 above; and compare *Gestur Jónsson and Ragnar Halldór Hall*, cited above, §§ 92-96, with further references, and *Grosam*, cited above, §§ 119-20). On this point the present case differs from *Anghel*

(cited above, § 52), where the sanctions imposed on the applicant were fines or tax surcharges along with imprisonment in the event of non-payment.

80. The Court accepts that the size of the potential fines (see paragraph 77 above) is such that they may have a dissuasive effect, as recommended also by the Committee of Ministers (see paragraph 37 above).

81. Nevertheless, although substantial (compare *Albert*, cited above, § 33), their size does not suffice in the Court's opinion, given also the finding in paragraph 73 above, to deem the severity and nature of these sanctions as "criminal" within the autonomous meaning of Article 6 (see *Müller-Hartburg*, cited above, § 47, where the size of the potential fine – approximately EUR 36,000 – though punitive, was not so severe as to bring the matter within the "criminal" sphere; see, similarly, *Ramos Nunes de Carvalho e Sá*, cited above, §§ 25, 71, 126 and 217, where the maximum penalty was 90 day-fines and the fine imposed on the applicant was 20 day-fines, which corresponded approximately to EUR 43,750, *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 96, where the potential fine lacked an upper statutory limit and the fine imposed on each of the applicants was EUR 6,200, and *Grosam*, cited above, § 120, where the maximum fine that the applicant risked incurring was EUR 30,981; compare also and contrast with the scale of the fines at issue in *Mamidakis v. Greece*, no. 35533/04, § 7, 11 January 2007, where the maximum penalty was ranging from double to ten times the taxes levied on the subject-matter of the offence and the fine imposed on the applicant was over EUR 3,000,000; *Grande Stevens and Others v. Italy*, nos. 18640/10 and 4 others, § 25, 4 March 2014, where the maximum penalty was EUR 5,000,000 and the fines imposed on the applicants ranged from a few hundred thousand to millions of euros; and *Produkcija Plus Storitveno podjetje d.o.o. v. Slovenia*, no. 47072/15, §§ 10 and 45, 23 October 2018, where the maximum penalty was EUR 500,000 and the fine imposed on the applicant company was EUR 105,000, where the Court held that the sanctions applied were criminal in nature).

82. As to the confiscation orders made against the applicant in addition to the fines (see paragraphs 75-76 above), the Court notes that the payable amounts in question were neither determined according to a fixed scale nor set in advance. Nonetheless, they were merely "ancillary" or "additional" to the fines and therefore derive their nature from the sanctions to which they were attached. The Court reiterates that confiscation orders (see paragraphs 11-12 and 30 above) which do not stem from a criminal conviction or sentencing proceedings and thus do not qualify as a penalty, but rather represent a measure of control of the use of property within the meaning of Article 1 of Protocol No. 1 to the Convention, cannot amount to "the determination of a criminal charge" within the meaning of Article 6 (see *Păcurar*, cited above, § 128).

83. The above considerations are sufficient for the Court to conclude that the nature and degree of severity of the sanctions that the applicant risked

incurring, or those imposed on her, did not engage the criminal limb of Article 6. The Court finds nothing in the applicant's submissions that could change this finding.

(iv) Conclusion

84. Having regard to the above considerations (see paragraphs 65-67, 74 and 83 above), the Court takes the view that the proceedings in which the applicant was involved did not display a predominance of aspects that have criminal connotations and therefore did not involve the determination of a "criminal charge" within the meaning of Article 6 of the Convention. Accordingly, this latter provision was not engaged under its criminal limb.

85. It follows that the applicant's complaint is incompatible *ratione materiae* with the provisions of the Convention and must be declared inadmissible in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

B. Complaint under Article 7 of the Convention

86. The applicant complained that the proceedings about her claim against the AEP violated her rights under Article 7 of the Convention, which reads as follows:

> "1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
>
> 2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations."

1. The parties' submissions

(a) The Government

87. The Government argued that Article 7 was not engaged by the applicant's case, because she had not been accused of a "criminal offence" within the meaning of the Convention. They essentially repeated the arguments raised under Article 6 of the Convention (see paragraphs 43-47 above).

88. They also asserted that since the applicant's case concerned a very specific and sensitive issue to which the criminal limb of Article 6 had not been applied before – namely the fair conduct of electoral proceedings – the Court could only hold that the sanctions imposed on her had not attained the level of severity required to engage the criminal limb of Article 6 and for Article 7.

(b) The applicant

89. The applicant referred to the arguments raised under Article 6 (see paragraphs 48-52 above) and argued that the AEP had accused her of a "criminal offence" within the meaning of Article 7 of the Convention.

2. The Court's assessment

90. The Court has already held that the proceedings in question did not involve the determination of a "criminal charge" within the meaning of Article 6 of the Convention and that that provision was not engaged under its criminal limb by those proceedings (see paragraph 84 above). In these circumstances, and for reasons of consistency in the interpretation of the Convention taken as a whole, the Court does not find that the fines and confiscation orders complained about under Article 7 are to be considered a "penalty" within the meaning of this provision (see *Gestur Jónsson and Ragnar Halldór Hall*, cited above, § 112, with further references), which accordingly does not apply.

91. Against this background, the Court finds that this part of the application is also incompatible *ratione materiae* with the provisions of the Convention. Accordingly, this complaint must be declared inadmissible in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, by a majority,

Declares the application inadmissible.

Done in English and notified in writing on 26 February 2026.

Simeon Petrovski
Deputy Registrar

Lado Chanturia
President