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

FOURTH SECTION

DECISION

Application no. 45965/21
Dragoș-Șerban STAN
against Romania

The European Court of Human Rights (Fourth Section), sitting on 31 March 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. 45965/21) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 13 September 2021 by a Romanian national, Mr Dragoș-Șerban Stan ("the applicant"), who was born in 1956, lives in Bucharest and was represented by Mr V. Stoica, a lawyer practising in Bucharest;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaints that the confiscation of his assets – despite the closure of the relevant criminal investigation in so far as it concerned him – had breached his rights under Article 6 of the Convention and Article 1 of Protocol No. 1 to the Convention.

2. A criminal investigation was opened against the applicant and other individuals on suspicion of money laundering in the context of corruption. On 31 January 2018 the investigation was discontinued by the National Anti-Corruption Department in so far as it concerned the applicant, on the grounds that his actions had not been committed with the requisite intent. The prosecutor, however, decided to send the case for trial in so far as it concerned the other individuals and to maintain the seizure previously ordered in respect of the money found in the possession of the applicant and the other

individuals on the basis of evidence suggesting that it represented the proceeds of the alleged criminal activity under investigation.

3. The trial was held in the Bucharest County Court, where the applicant was summoned to appear as an interested party, his assets having been seized with a view to their subsequent confiscation.

4. The court admitted both oral and written evidence submitted by the applicant, who was present at the trial and represented by a lawyer of his choice, and responded to all his arguments. On 24 March 2020, satisfied that the seized assets were the proceeds of the money laundering activity examined by the court and having verified that the legal conditions for their confiscation had been fulfilled, the court ordered the confiscation of 1,070,557 US dollars from the applicant.

5. The applicant appealed against that judgment, complaining that the confiscation of his assets had been unlawful, as he had not been found guilty of any crime. He further argued that the Bucharest County Court had not provided adequate reasons for its decision, particularly its finding that the confiscated assets constituted the proceeds of crime. Those shortcomings, he contended, had also prevented him from preparing his defence before that court.

6. Throughout the appeal proceedings, the applicant was present in court, represented by a lawyer of his choice, and submitted both oral and written arguments.

7. On 2 December 2021 the Bucharest Court of Appeal dismissed the applicant's appeal with final effect and upheld the confiscation of his assets. The court replied extensively to the applicant's arguments, explaining that there was ample evidence – including witness statements, documents and expert reports, as listed across 16 pages of the judgment – proving that the confiscated assets constituted the proceeds of crime. The fact that the applicant had not been convicted did not prevent their confiscation, as provided under Article 112 of the Criminal Code. The court further held, upon reviewing the case file, that the confiscation had been in accordance with the law and that the applicant's procedural rights had been respected throughout the criminal proceedings.

8. Before the Court, the applicant complained, under Article 6 § 1 of the Convention, that his right of access to a court had been breached, as he had not been summoned to appear before the Bucharest County Court, nor had he been sent copies of the documents in the case file sufficiently in advance of the first preliminary hearing. He argued that this had prevented him from preparing his defence before that court, which had also breached his rights under Article 6 § 3. He further complained of a breach of his right to a fair trial, contending that the judgment delivered by the Bucharest County Court had lacked adequate reasoning.

9. The applicant further complained that the confiscation of his property, in the absence of a criminal conviction and without sufficient procedural

guarantees, had been in breach of Article 1 of Protocol No. 1 to the Convention.

THE COURT'S ASSESSMENT

A. Complaint under Article 6 § 1 of the Convention

10. The Court reiterates its well-established case-law to the effect that, in cases involving the confiscation of applicants' property within the framework of criminal proceedings against third parties, confiscation measures constitute an interference with the applicants' right to the peaceful enjoyment of their possessions. As property rights are civil rights within the meaning of Article 6 § 1 of the Convention, that provision is applicable under its civil head (see *Silickienė v. Lithuania*, no. 20496/02, §§ 45-46, 10 April 2012, and *Yildirim v. Italy* (dec.), no. 38602/02, ECHR 2003-IV).

11. The Court has previously examined the Romanian legal framework on the issues of seizure and confiscation from third parties and found it to be in compliance with the fair-trial guarantees set out in Article 6 § 1 of the Convention (see *Telbis and Viziteu v. Romania*, no. 47911/15, §§ 53-58, 26 June 2018). In this regard, the Court has held that the domestic legislation gives third parties the opportunity, if they so wish, to fully participate in the proceedings in which a seizure or confiscation measure is decided (ibid., § 54).

12. Turning to the present case, the applicant was summoned to appear before the Bucharest County Court and was admitted as an interested party in criminal proceedings against individuals with whom he had been investigated for money laundering offences (see paragraph 3 above; compare also *Silickienė*, cited above, § 48, where the applicant was not a party to the criminal proceedings at all). Moreover, the Court notes that the documents in the case file indicate that the applicant was represented by a lawyer of his choice and had ample opportunity to present his arguments on points of fact and law before the domestic courts, both in writing and orally at hearings (see paragraphs 4 and 6 above). The domestic courts, at two levels of jurisdiction, duly examined and responded to the applicant's arguments in the light of the supporting evidence available in the case file and concluded that the seized and confiscated assets formed part of the proceeds of the offences under examination (see paragraphs 4-7 above). The domestic courts' decisions were thoroughly reasoned without any sign of arbitrariness.

13. In the light of the above, the Court considers that the Romanian authorities afforded the applicant a reasonable and sufficient opportunity to adequately protect his interests. 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 6 § 3 of the Convention

14. The applicant also complained under Article 6 § 3 of the Convention that he had been prevented from preparing his defence.

15. The Court has already determined that Article 6 is not applicable under its criminal head to the present case (see paragraph 10 above); accordingly, provisions which concern the rights of persons charged with criminal offences cannot be relied on by the applicant in the present case (see *Yildirim*, cited above).

16. This complaint is therefore incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4 of the Convention.

C. Complaint under Article 1 of Protocol No. 1 to the Convention

17. The Court firstly reiterates that it has already examined similar complaints and found no violation of the provisions of Article 1 of Protocol No. 1 to the Convention (see *Telbis and Viziteu*, cited above, §§ 72-82).

18. In the present case, the confiscation of the applicant's assets constituted control of the use of property within the meaning of the second paragraph of Article 1 of Protocol No. 1 (ibid., §§ 69 and 72). The Court notes that that measure was prescribed by law, since it was ordered under Article 112 of the Criminal Code (see paragraph 7 above; compare also *Telbis and Viziteu*, cited above, § 73). Furthermore, the Court considers that the measure in question, namely the confiscation of property obtained through criminal activity, was in line with the general interest of the community (see *Veits v. Estonia*, no. 12951/11, § 73, 15 January 2015).

19. The Court therefore needs to examine whether a fair balance was struck between the legitimate aim and the applicant's fundamental rights, and whether there were sufficient procedural guarantees in place.

20. In this connection, the Court firstly notes that the proceedings in which the confiscation measure was decided clearly formed part of a policy aimed at the prevention of crime, in relation to which the States enjoy a wide margin of appreciation with regard to both the existence of a problem affecting the public interest which requires measures of control and the appropriate way to apply such measures (see *Arcuri and Others v. Italy* (dec.), no. 52024/99, ECHR 2001-VII).

21. The Court considers that its findings in respect of Article 6 § 1 (see paragraphs 11-13 above) are also relevant in the context of Article 1 of Protocol No. 1 as regards the question whether the domestic proceedings afforded the applicant a reasonable opportunity to put his case to the authorities in order to effectively challenge the measure in question (see *Telbis and Viziteu,* cited above, § 78). On this point, the Court attaches

importance to the fact that he was summoned to appear in the proceedings, and that he was able to present his arguments in person and through a legal representative of his choice. In addition, the domestic courts dealt with the applicant's arguments, provided sufficient reasoning in rejecting them, and concluded that the property in question had been obtained through criminal activity.

22. The Court therefore finds that there is nothing in the conduct of the proceedings to suggest either that the applicant was denied a reasonable opportunity to put forward his case or that the domestic courts' findings were tainted with arbitrariness. The confiscation measure was applied by the domestic courts on the basis of ample evidence that the assets in question had illicit origins, coupled with the applicant's inability to prove the contrary (see paragraphs 4 and 7 above; see also, *mutatis mutandis*, *Telbis and Viziteu*, cited above, § 79).

23. Having regard to all the above considerations, and in particular the way in which the domestic courts fairly assessed the case, the Court finds that the proceedings cannot be considered to have been arbitrary. Having regard to the wide margin of appreciation enjoyed by States in the pursuit of a policy designed to combat crime, and to the fact that the domestic courts afforded the applicant a reasonable opportunity to present his case through adversarial proceedings, the Court concludes that the interference with the applicant's right to the peaceful enjoyment of his possessions was not disproportionate to the legitimate aim pursued (see, *mutatis mutandis*, *Telbis and Viziteu*, cited above, § 81, and *Bongiorno and Others v. Italy,* no. 4514/07, §§ 44-51, 5 January 2010).

24. 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 7 May 2026.

Valentin Nicolescu Acting Deputy Registrar	Ana Maria Guerra Martins President