

Newspaper article on debts owed by ex-tennis pro and multi-millionaire Țiriac

In today's **Chamber** judgment¹ in the case of [Țiriac v. Romania](#) (application no. 51107/16) the European Court of Human Rights held, unanimously, that there had been:

no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights

The case concerned an allegedly defamatory press article about Mr Țiriac, and the court proceedings that followed.

The Court found in particular that as the article had been a mixture of value judgment and supported factual statements, had had no discernible negative effect on the applicant's life, and as it had not been written in bad faith, that the domestic courts' finding in favour of the journalist and the publication had been in accordance with the Convention.

Principal facts

The applicant, Ioan Țiriac, is a Romanian national who was born in 1939 and lives in Monte Carlo (Monaco). He is a former tennis player and president of the Romanian Olympic Committee and is thought to be one of the richest people in Romania.

In 2010 a journalist in the national newspaper *Financiarul* published an article entitled "Fifteen multimillionaires and their debts of a quarter of a billion lei to the State – The recipe for business success is guaranteed when the businesses are funded by public funds or taxes are not paid". The article concerned the debt owed to the State by the 15 wealthiest people in Romania and included Mr Țiriac's photo. According to the article, only two people listed owed more than Mr Țiriac.

The article stated that his 900 million euros (EUR) fortune was "not sufficient to cover the holes [left] in the State [budget] by his partnership ... in the company [M.E.C.B.] S.R.L., which owes 5,586,833 lei to the State ... Another debt of the companies in which Ioan Țiriac is involved is of 312,637 lei through [U.C.S.R.] S.A. The millionaire has [additional] debts also through the company [P.A.M.] S.A.", and suggested that the tax office was "counting the debts of the closed companies [while] the millionaires [were] counting the money in their personal offshore accounts". It added that if it were not "enough that they no longer [paid] their debts to the State, a large majority of the businessmen [were] directly connected to public procurement deals ..."

Mr Țiriac brought proceedings against the journalist and against the holding company of the newspaper. He asserted that the article had been defamatory in respect of him and the companies he was involved, and claimed 130,000 euros in respect of non-pecuniary damage because the article had breached his rights to personal image, honour and dignity. He argued, furthermore, that the journalist had failed to provide clear and accurate information to the reader. He pointed to numerous alleged falsehoods in the article, refuting many of the claims of financial chicanery on his part.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

The case was dismissed by the Bucharest County Court with reference to the Court's case-law concerning journalistic freedom of expression. It stated that the journalist had acted in good faith and that the article had been a combination of statements of fact and value judgments. The applicant appealed.

In 2015 the Bucharest Court of Appeal dismissed the appeal, holding that the article, which was related to *Financiarul's* annual ranking of wealthy Romanians, had concerned a matter of public interest, that is to say the debts the wealthy might have to the State. It made reference to the Court's case-law concerning the balance to be struck between an individual's right to privacy and a journalist's right to freedom of expression.

The applicant lodged an appeal on points of law, which was dismissed, with the High Court of Cassation and Justice holding that the lower court had correctly interpreted and applied the relevant national and international norms.

Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private and family life), the applicant complained of the domestic courts' assessment of the facts, of their denial to him of the possibility of obtaining compensation, and of their failure to protect his rights.

The application was lodged with the European Court of Human Rights on 24 August 2016.

Judgment was given by a Chamber of seven judges, composed as follows:

Yonko **Grozev** (Bulgaria), *President*,
Tim **Eicke** (the United Kingdom),
Faris **Vehabović** (Bosnia and Herzegovina),
Iulia Antoanella **Motoc** (Romania),
Armen **Harutyunyan** (Armenia),
Pere **Pastor Vilanova** (Andorra),
Jolien **Schukking** (the Netherlands),

and also Andrea **Tamietti**, *Section Registrar*.

Decision of the Court

As the article concerned the business activities and practices of some of the wealthiest Romanians and their effect on the system of public tax collection, it is satisfied that it was of public interest. The Court agreed with the domestic courts that the article had not touched on the applicant's private life, but rather his professional activities, and had not been exclusively about him. The courts had not examined his "prior conduct", and as a result that did form part of the Court's assessment.

The Court noted the national courts' findings that the article had not been offensive and that the content had been a combination of value judgments and statements of fact which, given the overall content and message of the article, had been factually supported. The Court adjudged that there had not been bad faith on the part of the reporter or any discernible repercussions for the applicant's life.

In the light of the above the Court considered that the national courts had balanced the competing rights at stake in conformity with the criteria laid down in the Court's case-law. There had been no violation of Article 8 of the Convention.

The judgment is available only in English.

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Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

Neil Connolly (tel : + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Jane Swift (tel : + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.