EUROPEAN COURT OF HUMAN RIGHTS

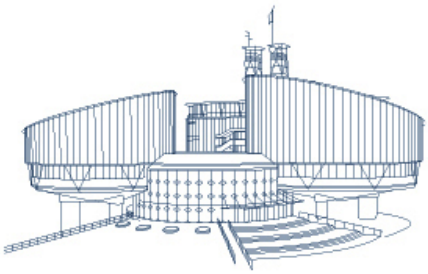
PRESS RELEASE

JOURNALIST WHO CHALLENGED NATIONAL JUDICIAL AND LEGAL SERVICE COMMISSION (CSM) DECISION AFFECTING HIS REPUTATION SHOULD HAVE APPLIED TO CIVIL RATHER THAN ADMINISTRATIVE COURTS

Curea v. Romania

ECHR 278 (2026) 05.11.2026

Press release issued by the Registrar of the Court



In its decision in the case of Curea v. Romania (application no. 10718/19), a seven-judge chamber of the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned a journalist who complained of the impossibility of bringing administrative proceedings to challenge a decision of the National Judicial and Legal Service Commission (*Consiliul Superior al Magistraturii* – CSM). The decision had been given to protect a prosecutor's professional reputation following the publication of an article by the applicant, but the applicant alleged that his own professional reputation had been damaged as a result. After his administrative application was rejected, he applied to the Court under Article 6 of the Convention (right of access to a court).

The Court pointed out that the CSM procedure for the protection of reputation concerned judges and prosecutors only and was intended to preserve their independence and impartiality, thereby ensuring public confidence in the justice system. In the case at hand, the CSM's decision had related to a prosecutor's professional conduct and had no legal effect on the applicant, a journalist, who could assert his own civil rights before the competent civil courts.

PRINCIPAL FACTS AND COMPLAINTS

The applicant is a Romanian national and a journalist by profession. In 2017 he wrote and published an article on the website of the *Evenimentul Zilei* daily newspaper, of which he was editor-in-chief, headed: "Romantic rivalry drives prosecutor A.B. of National Anti-Corruption Directorate to send lawyer to prison. A lawyer is in prison because his wife refused the advances of a National Anti-Corruption Directorate prosecutor! Zdreanta de Ploiesti has a twin brother in Constanța".

The article concerned the situation of S.C., a lawyer who had been convicted of influence-peddling in a final decision in 2016. In the article the applicant suggested that the prosecutor A.B. had used his involvement in the criminal investigation to take revenge on S.C., a close friend, because S.C.'s wife had refused his sexual advances.

Following the publication of the article, the prosecutor in question and the National Anti-Corruption Directorate each lodged applications with the CSM under Article 30 § 2 of Law no. 317/2004, seeking the protection of the prosecutor's professional reputation.

A few days later the CSM ordered a judicial inspection. The resulting report found that the applicant had overstepped the limits of freedom of expression and had breached professional ethics by publishing false accusations which had damaged the prosecutor's reputation. On the basis of the report the CSM granted a request by the prosecutor A.B. and had a press release published with a link to the report in order to protect A.B.'s reputation.

In April 2017 the applicant brought administrative proceedings before the High Court to challenge the CSM's decision, arguing that it infringed his freedom of expression and had damaged his professional reputation. The High Court rejected his application in March 2018 on the grounds that he lacked standing. It held that only judges and prosecutors had the right to challenge CSM decisions following proceedings seeking the protection of their reputation, as those decisions produced legal effects concerning them alone. It pointed out, however, that in so far as the applicant complained of an infringement of his right to a good reputation, he could assert his claims before the civil courts.

Some time later, in 2019, the prosecutor A.B. brought a civil action against several journalists, including the applicant, claiming compensation for non-pecuniary damage allegedly sustained as a result of a defamatory media campaign against him. In 2025 the applicant, according to the information he provided to the Court, was ordered to pay approximately 2,000 euros (EUR) to the prosecutor for non-pecuniary damage, as well as EUR 1,000 in costs and expenses. He was also required to have the related judgment published at his own expense in a major newspaper.

In his application to the European Court, the applicant submitted under Article 6 (right of access to a court) that the rejection of his challenge to the CSM's decision, on the grounds that he lacked standing, had deprived him of his right of access to a court in relation to whether he had acted professionally in publishing the disputed article.

OUTCOME

REASONING OF THE COURT

The Court noted that the procedure laid down in Article 30 of Law no. 317/2004 had been the only means available to the judicial authorities for determining whether the allegations made by the applicant in his article had disclosed any disciplinary misconduct or breach of ethical standards on the part of the prosecutor A.B. That review had taken the form of a disciplinary investigation, the findings of which had been published in a press release.

The CSM had found that the prosecutor A.B. had not breached any disciplinary or ethical standards and, additionally, that the applicant's allegations in the relevant article were liable to damage A.B.'s reputation. As to the protection of his reputation, the civil courts, ruling on a compensation claim subsequently brought by A.B. against the applicant and others, had confirmed in a final judgment that the prosecutor's reputation had indeed been damaged.

In those circumstances the Court found that the CSM procedure was specific to judges and prosecutors only and was intended to preserve their independence and impartiality, thereby ensuring public confidence in the justice system. The outcome of the proceedings in question had no legal effect for third parties, including the applicant, a journalist, who had not therefore had standing to challenge it.

Accordingly, the administrative courts' finding that the applicant had no standing to challenge the CSM's decision was neither arbitrary nor manifestly unreasonable. Furthermore, the applicant could assert his own civil rights before the competent civil courts.

The applicant's complaint before the Court essentially concerned the lack of a remedy enabling him to challenge and have set aside, before an administrative court, the CSM's decision as to whether the prosecutor A.B. had breached professional standards. With that in mind, the Court concluded that while the applicant could arguably claim to have a civil right to the protection of his reputation, the administrative challenge he had sought to bring did not concern the determination of that right. Accordingly, the outcome of the administrative proceedings was not directly decisive for his civil rights.

In consequence, Article 6 § 1 was not applicable to the proceedings in dispute. The lack of access to an administrative court to challenge a decision concerning the disciplinary liability of another person did not in itself affect the applicant's entitlement to have his civil rights determined by an independent and impartial tribunal established by law. The application was therefore incompatible *ratione materiae* with the provisions of the Convention.

PROCEDURE
AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 13 February 2019.

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

Lado **Chanturia** (Georgia), *President*,
Lorraine **Schembri Orland** (Malta),
Anja **Seibert-Fohr** (Germany),
Anne Louise **Bormann** (Denmark),
Sebastian **Răduleţu** (Romania),
András **Jakab** (Austria),
Corinna **Wissels** (the Netherlands),

and also Hasan **Bakırcı**, *Section Registrar*.

The decision is available only in French.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int.

FOLLOW THE COURT ON:

Contact ECHRPress to subscribe to the press-release mailing list.

Find the Court's press releases: HUDOC - Press collection

Press contacts
✉ echrpress@echr.coe.int | tel.: +33 3 90 21 42 08

Media enquiries are welcome by email or phone.

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

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.