



Judgments of 26 April 2022

The European Court of Human Rights has today given notification in writing of three Chamber judgments¹:

two judgments are summarised below;

a separate press release has been issued for another judgment in the case of *M.A.M. v. Switzerland* (application no. 29836/20);

The judgments summarised below are available only in English.

Mediengruppe Österreich GmbH v. Austria (application no. 37713/18)

The applicant, Mediengruppe Österreich GmbH, is a company based Vienna. It is the publisher of the daily newspaper *Österreich*.

The case concerns a court order for *Österreich* not to publish particular information about an individual indirectly connected to the campaign of the Freedom Party of Austria candidate in the run-up to the 2016 presidential election. The newspaper published a photo of the brother of the candidate's office manager in a "right-wing scene" and revealed that he was a "convicted neo-Nazi". The conviction dated from 20 years before and was spent.

Court proceedings ensued. In a final decision the Supreme Court prohibited the applicant company from "publishing pictures of [the office manager's brother] without his consent, if at the same time he [was] called a convicted neo-Nazi in the accompanying report ...".

Relying on Article 10 (freedom of expression) of the European Convention on Human Rights, the applicant company complains about the domestic-court decisions.

No violation of Article 10

Vod Baur Impex S.R.L. v. Romania (no. 17060/15)

The applicant, Vod Baur Impex S.R.L., is a Romanian company based in Bucharest.

In 2006 the applicant company bought from the City of Bucharest commercial premises which included the ground floor and the basement of a multi-storey building. Following civil proceedings brought by the association of landlords representing the owners of the private apartments in the building, the courts annulled the contract of sale in respect of the basement, finding that it had always belonged to the association of landlords, not the City of Bucharest. The case concerns the ensuing proceedings brought by the applicant company against the City of Bucharest for compensation.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's 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. Under Article 28 of the Convention, judgments delivered by a Committee are final.

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

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicant company complains that it was deprived of its property, which it had acquired in good faith, without compensation.

Violation of Article 1 of Protocol No. 1

Just satisfaction: the question is not ready for decision and has been set aside

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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.