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Meeting: 1537th meeting (September 2025) (DH)

Item reference: Action Report (13/06/2025)

Communication from Romania concerning the case of BERECKZI v. Romania (Application No. 25830/08)

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Réunion : 1537^e réunion (septembre 2025) (DH)

Référence du point : Bilan d'action (13/06/2025)

Communication de la Roumanie concernant l'affaire BERECKZI c. Roumanie (requête n° 25830/08) (**anglais uniquement**)

13 JUIN 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDHL / 2299 / 13th June 2025
2691 R/AG/50**Action Report**
Bereczki v. Romania

(Application no. 25830/08, judgment of 26/04/2016, final on 26/07/2016)

I. Introductory summary of the case

This case concerns a violation of the right to an impartial tribunal, given that the domestic law did not provide sufficient guarantees regarding the impartiality of the magistrates of the departmental court in the exercise of their functions when they are called upon to rule in disputes involving the expert appraisal office operating within their jurisdiction (violation of Article 6). The Court also noted the particular context of the case, in particular the fact that the applicant's requests for the case to be transferred were all rejected with very brief reasons from the High Court of Cassation and Justice.

II. Individual measures

As to the individual measures, the Government submit that the sums granted by the Court have been transferred in the applicants' bank accounts in the time frame established by the Court. In the action plan the Government has submitted on 31st of January 2017, the Government mentioned that the applicant could request the publication of the judgement in the Official Journal and file a review application, but, according to the information available to the Governmental Agent, neither was requested by the applicant.

Consequently, the Government estimates that no further individual measures are necessary in the instant case file.

III. General measures

The Government note that the general measures for executing the case of *Bereczki* have been presented in the Action Plan submitted on 31st of January 2017.

At the same time, as the Government has mentioned in the Action Plan submitted in 2017, the violations found by the European Court in its judgment stem from the manner in which the legislation as a whole was applied. As such, the Government regards the *Bereczki* affair as an isolated case, a conclusion further illustrated by the fact that, so far, no similar repetitive cases have been adjudicated by the ECtHR.

At the same time, the Government note that legislative measures have been taken since the ruling, amongst which there is a complete overhaul of the Civil Procedure Code, which have helped bring the domestic legal system in line with the Convention requirements under article 6.

The Government points out that, on the 15th of July 2010, the Law no. 134/2010 changed the Civil Procedure Code, which represented an important step in the legislative evolution and alignment with the Romanian Constitutional Court's and European Court of Human Rights'

decisions. Throughout the years the law went through a significant amount of changes, but the Government wants to point out that through **the adoption of the Law no. 310/2018 the Romanian State wanted to clarify the rules applicable to cases in which a judge, prosecutor, judicial assistant, registrar or even a court of law are parts of the process.** The law in question sought to strengthen the perception that this type of litigation is solved in an objective way and the fundamental rights of those who seek justice are respected.

The Romanian legislation, in matters of civil procedural law, now offers a suitable framework through which a justice seeker is able to access an impartial court of law, offering guarantees through:

- The Romanian Constitution, article 124 paragraph 2, which enshrines the principle of independence and impartiality of judges;
- Articles 41 to 44 of the Civil Procedure Code that regulate the incompatibility, abstinence or recusal of judges;
- Article 127 of the Civil Procedure Code which regulates the situations of derogatory territorial competence in cases in which the courts of law or employees of the court are part of the process;
- Law no. 304/2022 which established the structure of the courts, including the possibility of the designation of specialized courts
- Transparency, the existence of a double degree of jurisdiction and the existence of extraordinary remedies.

All of regulations mentioned above converge to a single objective: avoiding any potential risk of influencing a judge's decision through personal, institutional or external factors.

In regards to the existence of case law from the High Court of Cassation and Justice (the HCCJ) in similar cases to the one in the *Bereczki* affair, the Governmental Agent requested case law from the HCCJ.

In its reply, the HCCJ mentioned that, it was unable to identify similar situations. However, it pointed out that it had issued decisions in litigation regarding conflicts of jurisdiction, reflecting the principle of impartiality, as follows:

- Decision no. 2970/2024 of the Administrative and Fiscal Litigation Chamber
- Decision no. 1437/2016 of the First Civil Chamber
- Decision no. 1987/2019 of the Second Civil Chamber
- Decision no. 2461/2024 of the Administrative and Fiscal Litigation Chamber
- Decision no. 843/2023 of the Second Civil Chamber
- Decision no. 2091/2024 of the First Civil Chamber

Moreover, as presented in the Action Plan sent in 2017, the Government proceeded to disseminate the principles arising from the judgement of the European Court of Human Rights to all the Courts of Appeal and to the HCCJ, drawing attention to the need to respect the guarantees provided for in the Article 6 of the Convention. The judgement was also translated into Romanian and is available on HUDOC and on the European Institute of Romania¹.

¹ <https://ier.gov.ro/wp-content/uploads/cedo/Bereczki-împotriva-României.pdf>

IV. Conclusions

To conclude, the Government is of the opinion that, given the present circumstances, the individual and general measures taken by Romanian authorities have ensured its compliance with its obligation under Article 46, paragraph 1 of the Convention and respectfully asks the Committee to close its supervision in the case of *Bereczki v. Romania*.