



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

THIRD SECTION

CASE OF PAPANDILE v. ALBANIA

(Application no. 38771/23)

JUDGMENT

STRASBOURG

25 August 2026

This judgment is final but it may be subject to editorial revision.

In the case of Papandile v. Albania,

The European Court of Human Rights (Third Section), sitting as a Committee composed of:

Diana Kovatcheva, *President*,

Darian Pavli,

Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 38771/23) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 19 October 2023 by an Albanian national, Mr Eugen Papandile (“the applicant”), who was born in 1974, lives in Tirana and was represented by Mr S. Hazizaj, a lawyer practising in Tirana;

the decision to give notice of the complaint concerning the applicant’s right to respect for private life to the Albanian Government (“the Government”), represented by Mr O. Moçka, General State Advocate, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 30 June 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns a 15-year ban on the applicant’s appointment to certain justice system posts, imposed after the vetting proceedings in his respect were discontinued on the basis that he had effectively resigned from a position subject to vetting (see the relevant legal framework and practice in *Bala v. Albania* (dec.), no. 21141/20, §§ 21-27, 9 April 2024).

2. According to the constitutional amendments and the legislation adopted in 2016, the legal advisers of the Constitutional Court were to be subject to the transitional re-evaluation process (“the vetting process”) (see *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021).

3. The applicant served as a legal adviser to the Constitutional Court and submitted a vetting declaration in January 2017. In October 2017 he applied for and was appointed to the position of Secretary General of the Constitutional Court, a position he has held since January 2018.

4. In 2020 the Justice Appointments Council (“the JAC”) rejected the applicant’s candidature for a Constitutional Court judgeship. It found that he met the professional experience requirements and had a favourable assets assessment but did not obtain a favourable background assessment.

5. In 2021 the Independent Qualification Commission (“the IQC”) initiated vetting proceedings against the applicant. He indicated that since 2018 he had served as the head of the Constitutional Court’s administration,

a function not listed in the Constitution as subject to *ex officio* vetting; he had not resigned from his former role as legal adviser; he had already been assessed by the JAC; and as Secretary General, he was not eligible to sit the tests required for the professional skills component of the vetting process.

6. On 23 November 2022 the IQC discontinued the proceedings and imposed a 15-year ban on his appointment as judge or prosecutor at any level, member of the High Judicial Council or High Prosecutorial Council, High Inspector of Justice, or Prosecutor General (Article G of the Annex to the Constitution).

7. The applicant appealed to the Special Appeal Chamber (“the SAC”). He argued that he had never sought to avoid the vetting process and that his failure to take the tests had not been his fault, as he was no longer considered as an in-office vetting subject and had not been notified in that connection. He further submitted that the IQC had not established a formal “resignation” within the meaning of Article G; that his move from legal adviser to Secretary General had amounted to genuine career progression, not an attempt to evade vetting, and that the IQC lacked competence, as the JAC had already assessed him (see paragraph 4 above). In his final submissions he requested that the IQC’s decision be set aside and that the SAC determine whether the proceedings ought to be discontinued without a ban or continued to their conclusion.

8. On 19 April 2023 the SAC upheld the IQC’s decision as follows:

(a) The applicant’s claim that he became subject to vetting only in 2021 was incorrect, as constitutional amendments provided for the *ex officio* application of vetting procedures, upon their entry into force, to legal advisers then serving at the Constitutional Court;

(b) The applicant knowingly applied for the position of Secretary General that was incompatible with his role as legal adviser and became a party to the appointment procedure. Accordingly, even in the absence of a formal resignation letter, his application revealed a clear intent to leave his former office. Once it was established that the applicant had voluntarily relinquished his post qualifying him as a vetting subject, his motives were irrelevant because that personal choice meant that he could no longer be considered a vetting subject and made continuation of the vetting process impossible. An individual’s unwillingness to evade vetting could be demonstrated only by his or her decision to remain in office and complete the vetting process. The applicant’s career move therefore triggered the constitutional consequence attached to that choice – namely, the 15-year ban on applying to most justice sector positions. This did not prevent him, however, from continuing to serve as Secretary General of the Constitutional Court;

(c) When first contacted by the IQC, the applicant responded that he was not currently a vetting subject, and he did not complete the standard questionnaire. In so far as former legal advisers were eligible to take the proficiency tests, the applicant’s claim that he had not been notified was

unfounded and his failure to take the tests showed no genuine willingness to undergo vetting. His conduct and the contradictory positions obstructed continuation of the vetting process; and his final request on appeal was unsupported by the overall legal and logical structure of his statement of appeal; and

(d) The vetting bodies assessed assets, integrity, and professional competence. By contrast, the JAC verified legal eligibility and moral and professional criteria for the appointment to specific positions. In the applicant's case, the JAC's asset assessment relied solely on an auxiliary body's report. Its professional evaluation focused on years of experience and the formal legal requirements, whereas the vetting bodies conducted a more detailed review of professional performance. The transitional vetting process was carried out independently of any procedures before other constitutional bodies. The JAC proceedings resulted in a decision to refuse his candidature.

9. SAC judge N.M. dissented, considering that applying for the post of the Secretary General could not automatically be equated with a clear resignation that would trigger Article G consequences. In his appeal, the applicant had clearly requested the termination of the case without a ban or, in the alternative, continuation of the vetting process and the administrative investigation. That was a genuine request to be vetted. Vetting did not prevent subjects from continuing their careers in different positions; it penalised them only when the change of function was made solely to avoid vetting and this case did not fall into that category. The applicant still had the right at the appellate stage to request that he undergo vetting, and he exercised that right. Even legal advisers who had left office before the constitutional amendments were eligible to request vetting. Thus, the SAC should have continued the vetting proceedings.

THE COURT'S ASSESSMENT

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

A. Admissibility

1. The parties' submissions

(a) The Government

10. The Government argued that the applicant had adduced no evidence that the discontinuation of the proceedings or the 15-year ban had interfered with his private life or had reached the required threshold of severity. He referred only to alleged restrictions on professional aspirations, notably his wish to be appointed to the Constitutional Court. The measures had had no impact on his employment relationships or income. The proceedings had been discontinued as a result of the applicant's own conduct and reflected his own

free choice. He had not been restricted in the exercise of his established profession; he had sought access to a specific public office to which he had no pre-existing right to be appointed. He had assumed and retained a higher-ranking post with a better salary, having viewed the Secretary General position as a step up in his career. The ban applied only to a limited number of constitutionally listed posts, while the applicant remained free to pursue his profession in the public or private sector and continued to hold one of the highest administrative positions in the justice system.

(b) The applicant

11. The applicant argued that there was no legal basis for the assertion that vetting subjects should be barred from changing positions or advancing their careers during the vetting process. Neither the Constitution nor the relevant legislation imposed any restrictions on career mobility within the justice system during that process or required them to remain in the same position until the vetting process was completed. Imposing a prohibition on engaging in other procedures throughout the lengthy vetting process would conflict with the constitutional rights and Article 8 of the Convention.

2. The Court's assessment

12. Non-admission to a profession or similar unfavourable measures tend to affect various aspects of private life, including a person's "inner circle", the opportunity to establish and develop relationships with others, and that person's social and professional reputation. Where a "private life" issue arises owing to the consequences of a measure, the threshold of severity becomes crucial, particularly in the context of access to posts or positions in the public service. Article 8 of the Convention does not guarantee, as such, a right to be appointed to a post or position in the public service or any form of eligibility for or access to senior positions in the justice system. It is for the applicant to show the nature of the alleged interference, and to demonstrate convincingly the very serious consequences of the measure affecting his or her private life to a very significant degree, and to define and substantiate the nature and extent of those consequences (see *Bala v. Albania* (dec.), no. 21141/20, §§ 56-58 and 65, 9 April 2024, with further references).

13. By taking the position of secretary general, the applicant sought to advance his career at the same court, in a senior administrative post, and thus remained within the justice system (see, by contrast, *Bala*, cited above, §§ 67, 70 and 78). Therefore, the applicant found himself in a materially different situation to those who had left the justice system, leading to a discontinuation of their vetting proceedings. In practice, he was disadvantaged for having pursued career progression within the same court when an opportunity arose, at a time when vetting proceedings took several years and the vetting of legal advisers was not considered a priority (see paragraphs 2, 3 and 5 above). The

resulting limitation on his future professional opportunities – despite his continuing to serve within the judicial system at a senior level – went beyond the normal effects of public-service regulation and directly affected his ability to develop his professional identity and career prospects. Accordingly, the Court concludes that the facts of the case disclose a level of seriousness sufficient to engage the applicant’s right to respect for his private life.

14. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties’ submissions

15. The applicant maintained his complaint.

16. The Government stated that the applicant had failed to submit the required documentation and to sit proficiency tests, thereby demonstrating his unwillingness to undergo vetting. The vetting process aimed at restoring public trust in the judiciary and the 15-year ban applicable to individuals who chose not to undergo vetting was intended to prevent them from avoiding an exceptional integrity process. In the absence of a formal resignation, the SAC examined the specific circumstances of the case. By accepting his appointment to and remaining in the post of Secretary General, the applicant demonstrated that he had voluntarily relinquished his role as legal adviser, thus triggering the termination of the vetting proceedings. The SAC distinguished between his former role, which was subject to vetting, and his position as secretary general, which fell outside its jurisdiction. That distinction reflected the difference between functions requiring re-evaluated integrity and administrative functions. The SAC concluded, following a concrete assessment, that the ban caused no serious harm and complied with the principle of proportionality.

2. The Court’s assessment

17. Having found that Article 8 is applicable (see paragraph 13 above), the Court takes the view that the SAC’s decision interfered with the applicant’s right to respect for his private life. This interference would violate Article 8 unless it was in accordance with the law, pursued a legitimate aim and was necessary in a democratic society.

18. The Court does not need to take a firm position as to whether the applicant could have reasonably anticipated that internal career advancement within the justice system would have triggered the 15-year ban. In any event, the interference has not been shown to be proportionate to the legitimate aims pursued in the circumstances of the present case.

19. The ban resulted from the automatic and rather rigid application of the 15-year exclusion rule. The resignation scheme was designed to prevent individuals from leaving a post in the justice system with a view to returning to it later and thereby circumventing the vetting process, an aim which may be regarded as legitimate in principle (see *Bala*, cited above, § 71). However, the application of that scheme in the present case had the effect of penalising the applicant who, in presumed good faith, had sought to advance his career within the justice system (see paragraph 13 above).

20. The fifteen-year duration of the ban constituted a significant restriction on the applicant's professional future. While the ban was in practice limited to certain constitutional-level positions, those posts represented some of the highest judicial offices in the country – particularly with regard to posts open to non-career magistrates (see *Bala*, cited above, § 62) – and formed an important component of professional advancement within the justice system. The restriction applied for a substantial part of the applicant's remaining working life and directly affected his career prospects and professional identity (see paragraph 4 above). The ban took effect while the applicant continued to serve within the justice system, thereby creating an internal and ongoing obstacle. In the specific circumstances of the case, such an outcome was not proportionate to the legitimate aim pursued.

21. It is not for the Court to determine how the situation ought to have been resolved, whether by disapplying the ban in the applicant's case, allowing him to undergo vetting, or by adopting some alternative solution. These matters fall within the competence of the national authorities. In this respect, it may be of some relevance that, despite the differences with the vetting of serving magistrates, the procedure conducted by the Justice Appointments Council entails its own assessment of eligibility, professional qualifications, and integrity, based on statutory criteria and extensive verification mechanisms (see paragraph 4 above).

22. There has accordingly been a violation of Article 8 of the Convention.

APPLICATION OF ARTICLES 46 AND 41 OF THE CONVENTION

I. REQUEST FOR INDICATION OF AN INDIVIDUAL MEASURE

23. The Court has found a breach of Article 8 because the outcome of the vetting proceedings was not shown to be proportionate to the legitimate aim pursued. In a comparable context, the Court has indicated that the reopening of the vetting proceedings would be appropriate (see *Sevdari v. Albania*, no. 40662/19, §§ 144-45, 13 December 2022, and Resolution CM/ResDH(2024)212). Both vetting bodies have already concluded their respective mandates. Article 179/b § 8 of the Constitution governs the handling of pending or unresolved proceedings after the termination of those

mandates. Should the applicant so request, it would be appropriate to reopen the proceedings and to re-examine the case in line with the requirements of Article 8 as set out in this judgment.

II. DAMAGE

24. The applicant claimed compensation in respect of non-pecuniary damage, to be determined by the Court.

25. The Government contested the claim.

26. Given the nature of the violation found, the Court awards the applicant 3,000 euros (EUR) for non-pecuniary damage, plus any tax that may be chargeable.

III. COSTS AND EXPENSES

27. The applicant claimed unspecified costs and expenses. Referring to its case-law (see *Sevdari*, cited above, § 152), the Court rejects this claim.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the applicant's right to respect for private life admissible;
2. *Holds* that there has been a violation of Article 8 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months, EUR 3,000 (three thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

PAPANDILE v. ALBANIA JUDGMENT

Done in English, and notified in writing on 25 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Diana Kovatcheva
President