



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

FOURTH SECTION

DECISION

Application no. 55689/21
Emil ALDEA and Others
against Romania

The European Court of Human Rights (Fourth Section), sitting on 29 September 2026 as a Committee composed of:

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Sebastian Rădulețu, *judges*,

and Valentin Nicolescu, *Acting Deputy Section Registrar*,

Having regard to:

the application (no. 55689/21) against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 4 November 2021 by the applicants listed in the appended table (“the applicants”), represented by Ms C. Cătană, a lawyer practising in Târgu-Mureș;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns an alleged breach of the right to a fair trial, in particular of the principles of adversarial proceedings and equality of arms guaranteed by Article 6 § 1 of the Convention, in the context of civil proceedings lodged by the applicants against their employer concerning remuneration rights, in which they did not have access to classified documents considered decisive for the determination of their claims.

2. The applicants are firefighters employed at the Mureș Emergency Fire-Station Unit (*ISU Mureș*, “the employer”), under the authority of the Ministry of Defence of Romania. The applicants are thus military personnel.

3. On 19 November 2018 the applicants lodged a civil claim against their employer requesting to be paid several remuneration rights, among which payment for alleged overtime hours worked on usual working days, as well

as on regular non-working days, such as weekends and public holidays and that had allegedly not been compensated with free time by the employer.

4. In the course of these proceedings the employer submitted to the court several documents regarding the applicants' remuneration rights and payments, in particular the general orders establishing the remuneration rights for firefighters, as well as the attendance sheets and the payslips of all applicants. These documents were classified as secret (*secret de serviciu*), given the applicants' status as military personnel. According to the Law no. 182/2002 regarding classified information ("Law no. 182/2002"), the courts had full access to the classified documents, but their content could not be disclosed to the applicants.

5. The applicants were represented during the whole court proceedings by a lawyer of their own choosing. This lawyer did not possess a certificate from the Office of the national register for State secret information (hereinafter, "ORNISS certificate"), authorising access to classified documents. She did not request an adjournment of the case in order to obtain such a certificate.

6. The applicants requested, as evidence, an accounting expert report to calculate, for each applicant, the number of hours worked as overtime and the remuneration rights actually paid, and to determine whether there were any discrepancies. In their view, this verification by an expert was necessary, given the classified character of the documents regarding their remuneration rights, which had been submitted by the employer but were not available to them.

7. By an interlocutory decision of 11 June 2020, the Mureş County Court ("the County Court"), as court of first instance, rejected the applicants' request for an accounting expert report on the grounds that such evidence was neither conclusive nor useful for determining the claims, since the cornerstone of the case was solely the interpretation of the legal framework regarding the remuneration rights to which the applicants were entitled, a matter for the court to decide.

8. By a decision of 9 July 2020, the County Court dismissed the applicants' claims as ill-founded. In order to decide so, that court analysed all the documents submitted by the employer, including those classified as secret. It concluded that the applicants had been duly paid for the supplementary work performed during weekends and legal holidays by applying the increased percentage provided by law (75%) for the payment of those working hours, including any overtime worked during these days. The County Court noted that these aspects were highlighted distinctly and clearly in the payslips of the applicants, even if their content could not be reproduced in full in the decision because of their classified status. The County Court also held that, after verifying the documents submitted by the employer, including the classified ones, it found that the applicants had not exceeded the maximum permitted working time. Regarding the extra hours worked during usual working days, it held that the law allowed only compensation by

granting time off. The applicants, who bore the burden of proof, had not proven that they had requested such compensation for this overtime and had been refused.

9. The applicants lodged an appeal on points of law against the decisions of the County Court concerning the rejection of their request for an accounting expert report as evidence in support of their claims, as well as on the merits.

10. By a final decision of 3 February 2021 (served on 4 May 2021), the Mureş Court of Appeal (“the Court of Appeal”) dismissed the applicants’ appeal on points of law as ill-founded and upheld the decisions of the County Court. It held that the presence of classified documents was not sufficient to justify the necessity of an expert report in the case. It considered that the fact that not all parties to the proceedings had access to the classified documents is the result of their special regime according to Law no. 182/2002 and the courts could not decide otherwise. The applicants did not ask the competent national authority to declassify the documents, according to Article 20 of Law no. 182/2002 and Article 24 of the Government Order no. 585/2002 approving the national standards for the protection of classified information in Romania (“Government Order no. 585/2002”). On the merits, the Court of Appeal stated that the County Court duly analysed all the documents submitted by the employer, including the classified ones and correctly concluded that the applicable legal provisions had been fully respected.

11. Relying on Article 6 § 1 of the Convention, the applicants complained of an alleged violation of the right to a fair trial, given the restrictions on the adversarial proceedings and equality-of-arms principles during the domestic proceedings at issue. They argued that their procedural rights had been unjustly hindered since they did not have access to the classified documents scrutinised by the domestic courts when determining their claims and their request for an accounting expert report had been rejected as unnecessary based on these undisclosed classified documents. They also complained of the arbitrary interpretation and application of the law and the evidence by the domestic courts.

THE COURT’S ASSESSMENT

A. Striking out of the complaints lodged by the applicant Sebastian Friciu

12. On 6 July 2026 the applicants’ representative informed the Court about Mr Sebastian Friciu’s wish to withdraw his application due to the loss of interest.

13. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention

and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application in the part related to the applicant Sebastian Friciu (indicated under no. 37 in the appended table).

14. Accordingly, the case should be struck out of the list in that part with respect to the applicant indicated above.

B. Complaints lodged by the other applicants

15. The applicants complained that the domestic proceedings had failed to comply with the requirements of adversarial proceedings and equality of arms in the administration of evidence guaranteed by Article 6 § 1 of the Convention.

16. The principles relating to adversarial proceedings and equality of arms have been summarised in the judgments *Regner v. the Czech Republic* [GC], no. 35289/11, §§ 146-49, 19 September 2017 and *Corneschi v. Romania*, no. 21609/16, §§ 86-89, 11 January 2022.

17. Turning to the facts of the present case, the Court notes that, as a result of the relevant legal provisions, the applicants did not have access, during the judicial proceedings, to the documents relating to their remuneration rights submitted by their employer.

18. The Court will examine if the restrictions on the applicants' procedural rights were effectively counterbalanced by adequate safeguards.

19. Under Law no. 182/2002, persons holding an ORNISS certificate are able to access classified documents. Law no. 182/2002 allows lawyers to obtain an ORNISS certificate and provides for a special procedure for this purpose. The duration of the vetting procedure for persons who request access to "secret" classified information is set at 60 working days (Article 148 of Government Order no. 585/2002) (see *Muhammad and Muhammad v. Romania* [GC], no. 80982/12, §§ 54-58, 15 October 2020). After obtaining the certificate, the lawyer may access classified documents in the case file of the person they represent but may not disclose information classified as "secret" to that person (see *Corneschi*, cited above, §§ 53 and 58-59).

20. In the present case, the Court notes that the applicants had voluntarily appointed a lawyer to defend their interests (see paragraph 5 above).

21. The Court recalls that under domestic law, a lawyer appointed by a client to represent him in specific proceedings may apply for an ORNISS certificate authorising him to access classified documents in the case file (see paragraph 19 above). However, in the present case, after noting that the contested remuneration rights in respect of her clients were based on classified documents, the lawyer appointed by the applicants did not ask the domestic courts to adjourn the proceedings to allow her to take the necessary steps to obtain an ORNISS certificate (see paragraph 5 above).

22. The Court observes that the law did not impose any time limits on the domestic courts for deciding on the applicants' claims (contrast with *Muhammad and Muhammad*, cited above, §§ 189-190). In the present case, the proceedings initiated by the applicants lasted more than two years (from 19 November 2018 to 3 February 2021 – see paragraphs 3 and 10 above). Given the length of the proceedings for obtaining an ORNISS certificate, which according to the relevant legal provisions is approximately 60 working days (see paragraph 19 above), the Court considers that the applicants' lawyer could legitimately have requested an adjournment in order to complete the necessary steps to obtain such a certificate. Moreover, it considers that where, as in the present case, the persons concerned had instructed a lawyer to represent them from the outset of the proceedings which were not subject to strict time limits, it is not unreasonable to expect that legal professional to be familiar with the relevant legal provisions and to inform their clients of the safeguards provided for by domestic law (see *S.L. v. Romania* (dec.), no. 52693/12, § 53, 29 November 2022).

23. Thus, even though the applicants were to a certain extent restricted in their procedural rights, the Court finds that this was due to the manner in which their representative had decided to conduct the defence and not due to the absence of procedural safeguards established in domestic law. The Court considers that the applicants did not make full use of those safeguards (see, *mutatis mutandis*, *ibid.*, § 54).

24. Finally, the Court notes that the applicants were able to put forward their claims before two levels of jurisdiction. It takes note of the powers conferred on the domestic courts, which enjoy the necessary independence and impartiality and which the applicants do not question (see *mutatis mutandis* *Regner*, cited above, § 152). The courts therefore had full access to all the classified documents relevant to the case, which were included in the file by the employer (see paragraphs 4 and 8 above; see also *Corneschi*, cited above, § 60).

25. Furthermore, the jurisdiction of the courts hearing the case covered the entire matter brought before them by the applicants. The courts had the power to examine the legality of the remuneration rights challenged by the applicants and, if necessary, to review them and afford more appropriate remedies (see paragraphs 7-8 above; see also *Regner*, cited above, § 152).

26. In this case, the courts seized of the matter duly exercised the powers of review available to them in this type of proceedings. They gave detailed reasons for their decisions in light of the circumstances of the case and responded to the arguments raised by the applicants before them (see paragraphs 7, 8 and 10 above). Insofar as the applicants were dissatisfied with the outcome of the trial, the Court reiterates that it is not called upon to act as a fourth-instance court and that it does not call into question, from the perspective of Article 6 § 1 of the Convention, the assessment of the domestic courts, unless their conclusions can be regarded as arbitrary or manifestly

unreasonable (see *Bochan v. Ukraine* (no. 2) [GC], no. 22251/08, § 61, ECHR 2015), which is not the case here.

27. Having regard to the proceedings as a whole, the nature of the dispute and the margin of appreciation enjoyed by the domestic authorities (see *Regner*, cited above, § 147), the Court considers that the fair balance between the parties has not been affected to such an extent as to undermine the very substance of the applicants' right to a fair trial.

28. It follows that the remainder of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in the part concerning the applicant Sebastian Friciu (indicated under no. 37 in the appended table);

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 22 October 2026.

Valentin Nicolescu
Acting Deputy Registrar

Faris Vehabović
President

APPENDIX

List of applicants:

Application no. 55689/21

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Emil ALDEA	1987	Romanian	TÂRGU MUREŞ
2.	Dan Marian ŞANTA	1986	Romanian	TÂRGU MUREŞ
3.	Ştefan Mircea ȚÂNTAR	1982	Romanian	CEUAȘU DE CÂMPIE
4.	Claudiu Petru AVRAM	1987	Romanian	TÂRGU MUREŞ
5.	Alexandru BACIU	1975	Romanian	TÂRGU MUREŞ
6.	Ciprian Viorel BÂRDAȘ	1985	Romanian	TÂRGU MUREŞ
7.	Sandor BIRO	1983	Romanian	TÂRGU MUREŞ
8.	Adrian Gheorghe BLOJ	1980	Romanian	TÂRGU MUREŞ
9.	Teodor Bogdan BOTEZAN	1986	Romanian	SÂNTANA DE MUREŞ
10.	Mihai Ionuț CĂBUȚ	1978	Romanian	TÂRGU MUREŞ
11.	Ciprian Constantin CĂLUȘ	1976	Romanian	LUNCA BRADULUI
12.	Claudiu CĂLUȘER	1976	Romanian	SÂNTANA DE MUREŞ
13.	Vasile CĂLUȘERI	1982	Romanian	TÂRGU MUREŞ
14.	Stelian CĂȘVAN	1980	Romanian	TÂRGU MUREŞ
15.	Zaharie CHIBULCUTEAN	1967	Romanian	REGHIN
16.	Daniel CIOLOCA	1977	Romanian	TOPLIȚA

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
17.	Răzvan CIOLOCA	1988	Romanian	TÂRGU MUREȘ
18.	Ioan COCIȘ	1977	Romanian	PĂNET
19.	Sorin COCIȘ	1973	Romanian	TÂRGU MUREȘ
20.	Gabriel Augustin COMAN	1977	Romanian	IERNUT
21.	Răzvan Mircea COZMA	1988	Romanian	LIVEZENI
22.	Remus Alin CRĂCIUN	1985	Romanian	TÂRGU MUREȘ
23.	Robert CRAIOVEANU	1982	Romanian	TÂRGU MUREȘ
24.	Emil Claudiu CUCUIET	1976	Romanian	TÂRGU MUREȘ
25.	Csaba Zoltan CZIMBALMOS	1982	Romanian	TÂRGU MUREȘ
26.	Gabriel Martin CZINEGE	1985	Romanian	LUDUȘ
27.	Gheorghe DAN	1976	Romanian	TÂRGU MUREȘ
28.	Ștefan DAVID	1989	Romanian	TÂRGU MUREȘ
29.	Adrian Gavril DEAC	1978	Romanian	TÂRGU MUREȘ
30.	Cosmin DOLHA	1988	Romanian	TÂRGU MUREȘ
31.	Mihai DUBLEA	1978	Romanian	TÂRGU MUREȘ
32.	Silviu Rareș FARCAȘ	1983	Romanian	TÂRGU MUREȘ
33.	Zoltan FARKAS	1980	Romanian	SÂNGEORGHIU DE MUREȘ
34.	Marian FLOREAN	1982	Romanian	SÂNTANA DE MUREȘ
35.	Eugen Vasile FRANDEȘ	1985	Romanian	IBĂNEȘTI

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
36.	Gelu Sebastian FRÎȘAN	1983	Romanian	SÂNGEORGIIU DE MUREȘ
37.	Sebastian FRICIU	1983	Romanian	TÂRGU MUREȘ
38.	Ionuț Pompiliu GHERMAN	1987	Romanian	SÂMPETRU DE CÂMPIE
39.	Nicolae Dorin GHERMAN	1973	Romanian	TÂRGU MUREȘ
40.	Sorin GLIGOR	1976	Romanian	TÂRGU MUREȘ
41.	Sandor GYORGY	1981	Romanian	TÂRGU MUREȘ
42.	Claudiu HABA	1979	Romanian	TÂRGU MUREȘ
43.	Miklos Szabolcs HAJDU	1982	Romanian	TÂRGU MUREȘ
44.	Ioan Adrian ȚIBOC	1983	Romanian	TÂRGU MUREȘ
45.	Lucian ILEA	1978	Romanian	TÂRGU MUREȘ
46.	Nicolae Cristian IOJA	1982	Romanian	CORUNCA
47.	Adrian Nicu ISTRATE	1986	Romanian	SÂNGEORGIIU DE MUREȘ
48.	Brad Darius IUGA	1978	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
49.	Dan Ioan KESSEL	1968	Romanian	REGHIN
50.	Csaba KOVACS	1978	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
51.	Ovidiu Cosmin LATEȘ	1976	Romanian	CRISTEȘTI, UNGHENI
52.	Marius Ciprian MACARIE	1981	Romanian	SÂNTANA DE MUREȘ
53.	Ovidiu Călin MĂDĂRĂȘAN	1980	Romanian	CERGHID

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
54.	Ioan MAIER	1981	Romanian	TÂRGU MUREȘ
55.	Marius Constantin MANOILĂ	1976	Romanian	TÂRGU MUREȘ
56.	Marius Claudiu MĂRGINEAN	1974	Romanian	TÂRGU MUREȘ
57.	Jozsef MARTON	1971	Romanian	TÂRGU MUREȘ
58.	Istvan MATYAS	1987	Romanian	TÂRGU MUREȘ
59.	Claudiu Ioan MIHEȘAN	1978	Romanian	TÂRGU MUREȘ
60.	Ciprian MILĂȘAN	1978	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
61.	Silviu MILEȘAN	1978	Romanian	TÂRGU MUREȘ
62.	Sebastian Florin MOCAN	1982	Romanian	TÂRGU MUREȘ
63.	Cristian Mihai MOGA	1983	Romanian	MIERCUREA NIRAJULUI
64.	Petru Răzvan MOIȘAN	1984	Romanian	TÂRGU MUREȘ
65.	Alin Dorin MOLDOVAN	1982	Romanian	SÂNTANA DE MUREȘ
66.	Iulian Octavian MOLDOVAN	1983	Romanian	IERNUT
67.	Mircea Mihai MOLDOVAN	1980	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
68.	Raul Bogdan MOLDOVAN	1994	Romanian	TÂRGU MUREȘ
69.	Septimiu Traian MOLDOVAN	1978	Romanian	TÂRGU MUREȘ
70.	Sorin Ovidiu MOLDOVAN	1976	Romanian	SÂNGEORGIU DE MUREȘ

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
71.	Romulus MORAR	1977	Romanian	TÂRGU MUREŞ
72.	Andrei Attila NAGY	1977	Romanian	SĂCUIENI
73.	Gheorghe Ilie OLAH	1975	Romanian	TÂRGU MUREŞ
74.	Florin OPREA	1970	Romanian	REGHIN
75.	Alin Florin OROIAN	1987	Romanian	TÂRGU MUREŞ
76.	Adrian Octavian PANCU	1972	Romanian	TÂRGU MUREŞ
77.	Octavian PASC	1972	Romanian	TÂRGU MUREŞ
78.	Florin PASENCU	1981	Romanian	SÂNGER
79.	Ionuţ Dumitru PETREA	1985	Romanian	IBĂNEŞTI
80.	Dan Gheorghe PÎRLEA	1985	Romanian	BISTRA MUREŞULUI, DEDA
81.	Mihai Vasile PÎRLEA	1986	Romanian	DEDA
82.	Dorin Marin POP	1979	Romanian	TÂRGU MUREŞ
83.	Florin POP	1976	Romanian	TÂRGU MUREŞ
84.	Miron Ioan POPA	1982	Romanian	CERGHID
85.	Ilie Ioan PRECUP	1980	Romanian	TÂRGU MUREŞ
86.	Doru Victor PUŞCAŞ	1983	Romanian	TÂRGU MUREŞ
87.	Ionuţ Pascu PUI	1988	Romanian	TÂRGU MUREŞ
88.	Alexandru Claudiu RĂDULESCU	1976	Romanian	TÂRGU MUREŞ
89.	Vasile Silviu ROŞCA	1984	Romanian	TÂRGU MUREŞ

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
90.	Adrian ROMONȚI	1981	Romanian	CRISTEȘTI, UNGHENI
91.	Cristian ROMONȚI	1983	Romanian	TÂRGU MUREȘ
92.	Aurel Gabriel SABĂU	1983	Romanian	TÂRGU MUREȘ
93.	Gheorghe SABĂU	1978	Romanian	TÂRGU MUREȘ
94.	Domokos SANTHA	1976	Romanian	TÂRGU MUREȘ
95.	Vasile Cosmin SAXON	1980	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
96.	Florin Claudiu SFÎRIAC	1968	Romanian	SÂNGEORGIIU DE MUREȘ
97.	Mihai Viorel SÎLA	1984	Romanian	SIBIU
98.	Claudiu Aurel STOICA	1981	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
99.	Nicolae STOICA	1979	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
100.	Cristian STOICIUC	1982	Romanian	TÂRGU MUREȘ
101.	Daniel STUPARU	1973	Romanian	REGHIN
102.	Cristian Ovidiu SUCIU	1986	Romanian	NAZNA, SÂNCRAIU DE MUREȘ
103.	Gheorghe Daniel SUCIU	1985	Romanian	NAZNA
104.	Ioan-Cristian ȚĂRAN	1981	Romanian	TÂRGU MUREȘ
105.	Eugen TĂTAR	1981	Romanian	CRISTEȘTI
106.	Rareș Vlăduț ȘTEFAN	1988	Romanian	NAZNA, SÂNCRAIU DE MUREȘ

ALDEA AND OTHERS v. ROMANIA DECISION

No.	Applicant's Name	Year of birth	Nationality	Place of residence
107.	Ciprian TODORAN	1984	Romanian	TÂRGU MUREŞ
108.	Raul Mihai TODUŢ	1987	Romanian	TÂRGU MUREŞ
109.	Vlad Daniel TOMA	1989	Romanian	TÂRGU MUREŞ
110.	Lucian Adrian UŢIU	1973	Romanian	TÂRGU MUREŞ
111.	Cantemir Claudiu VULTUR	1976	Romanian	COMORI, GURGHIU