



FLASH NEWS

07/25

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 29/9 TO 21/11

EE / HELME v. ESTONIA

Right to a fair trial - Conviction for attempted corruption of a minor following conversations of an explicitly sexual nature with an undercover police officer seeking to gather information on an online discussion forum - Use of evidence obtained from this police operation - Acts committed exclusively online

Non-infringement of Article 6 § 1 (right to a fair trial – criminal aspect) of the ECHR.

The present case falls within the category of ‘police entrapment’ cases and concerns the conviction of the applicant for attempted corruption of a minor following conversations of an explicitly sexual nature with a police officer who had posed as a 12-year-old girl on an online chat forum.

The European Court of Human Rights (ECtHR) notes that this is the first case in which it has been called upon to determine whether a person has been framed for acts committed exclusively online.

In the specific context of the present case, the domestic authorities had good reasons for organising the covert surveillance operation. The fact that an undercover operation was organised does not in itself imply that there was an intention to trap the applicant by inciting him to commit offences that he would not otherwise have committed. Furthermore, the applicant was free to decide whether or not he wished to communicate with ‘Marleen12’, and he actively participated in the conversations on several occasions, always initiating the discussion and broaching topics of an explicitly sexual nature. The ECtHR therefore considers that, throughout the operation, the undercover police officer did not deviate from the required passivity and that no express or implicit pressure was exerted on the applicant with the aim of coercing him into committing the offence.

The ECtHR considers that the evidence before it allows it to establish that the intervention of an undercover police officer does not constitute police provocation within the meaning of its case-law relating to Article 6 § 1 of the ECHR. The subsequent use, in the criminal proceedings against the applicant, of evidence obtained by means of the undercover operation does not therefore raise any questions under this provision.

Judgment of 7.10.2025 (application No 3023/22) ([EN](#))

Press release ([FR/EN](#))

CY / GEORGIOS PAPADOPOULOS v. CYPRUS

Right to free elections - Cancellation of the election of the applicant - Seat ‘vacated’ by another candidate - Obligation to effectively remedy a legislative shortcoming that led to the vacancy of a seat or to propose another solution in the form of legislative or judicial intervention

Infringement of Article 3 of Protocol No 1 (right to free elections) to the ECHR.

The case concerns the absence in Cypriot law of any provision allowing for the filling of a seat that has become vacant before the start of a parliamentary term. The applicant, who came second on a list of candidates in the 2016 parliamentary elections, was appointed as a Member of Parliament after a Member of the European Parliament declined to take up the seat before the start of the parliamentary term. However, the applicant’s appointment was annulled in 2017, 2018 and 2020 by the electoral court on the grounds that there was no constitutional provision explicitly or implicitly authorising such a substitution.

The European Court of Human Rights (ECtHR) notes that, at the time in question, there was no mechanism – such as appointing the candidate who came second on a list or holding by-elections – that would have made it possible to fill the vacant seat, even though the vacancy of a seat before the start of a legislative term was a foreseeable situation.

As a result, this seat remained vacant for a long time between the cancellation of the applicant’s appointment and his reinstatement, with no response to this situation during almost the entire legislative term.

By failing to effectively remedy this legislative shortcoming or propose another legal solution that could have taken the form of legislative or judicial intervention, the authorities thwarted the will of the people.

Judgment of 9.10.2025 (application No 21454/21) ([EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))



NL / ITALMODA MARIANO PREVITI AND OTHERS v. NETHERLANDS

No penalty without law - VAT reassessment notice issued to a company for non-compliance with exemption rules - Imposition of an obligation to pay VAT debt after reassessment not pursuing a punitive purpose - No 'penalty' within the meaning of the ECHR

Inadmissibility of the complaint alleging a violation of Article 7 (no punishment without law) of the ECHR on grounds of incompatibility *ratione materiae* with the Convention [Article 35 §§ 3(a) and 4 of the ECHR].

In this case, the applicant company purchased goods from sellers in the Netherlands and Germany, which it then resold to customers in Italy, applying a 'zero rate' to sales made within the European Union. In 2002 and 2005, the tax authorities issued adjustment notices on the grounds that, due to fraudulent activities, the company had not met the conditions for applying the 'zero rate'.

The European Court of Human Rights (ECtHR) finds that the tax adjustment notices issued to the applicant company cannot be considered a 'penalty' within the meaning of Article 7 of the ECHR.

In particular, these notices did not concern the imposition of tax fines but the obligation to settle a VAT debt after adjustment; they did not pursue a punitive purpose and, although the amounts in question were considerable, they were based on a standard calculation of the tax due. Consequently, the application is inadmissible.

Decision communicated on 16.10.2025 (application No 16395/18) ([EN](#))
Press release ([FR/EN](#))

See also, in this respect, the judgment of the Court of 18 December 2014, *Schoenimport 'Italmoda' Mariano Previti and Others* (C-131/13, C-163/13 and C-164/13, [EU:C:2014:2455](#)).

NO / GREENPEACE NORDIC AND OTHERS v. NORWAY

Right to respect for private and family life - Effects on the climate of granting oil exploration licences - Procedural obligation to conduct a timely and genuine environmental impact assessment - Oil exploration

Non-infringement of Article 8 (right to respect for private and family life) of the ECHR.

The case concerns the procedural aspect of the obligation to effectively protect individuals from the serious adverse effects of climate change on their lives, health, well-being and quality of life in the context of oil exploration activities prior to extraction.

On 10 June 2016, the Ministry of Petroleum and Energy granted 13 private companies 10 exploration licences for the production of petroleum gas. The legal action brought by the applicant organisations, Greenpeace Nordic and Young Friends of the Earth Norway, to challenge the validity of this decision was dismissed.

Examining *locus standi* and the applicability of Article 8 of the ECHR, following the approach it adopted in the judgment in *Verein KlimaSeniorinnen Schweiz and Others*, the European Court of Human Rights (ECtHR) concluded that the applicant organisations had standing to bring proceedings, whereas the individual applicants did not meet the criteria for victim status.

The ECtHR also notes that Norway's climate or oil policy, that is, regarding certain measures to mitigate climate change, such as the gradual phasing out of oil production from unexplored fields, does not fall within the scope of the ECtHR's review.

The ECtHR finds in particular that, when adopting a decision on the environment and climate change, the State must carry out a proper and comprehensive environmental impact assessment in good time, in good faith and on the basis of the best available scientific data. It states that, although the processes leading to the 2016 decision were not truly exhaustive and, in particular, the assessment of the impact of the activity on the climate was postponed, there is no indication that a postponed assessment was in itself insufficient to support the State's guarantees of respect for private and family life within the meaning of the ECHR.

Judgment of 28.10.2025 (application No 34068/21) ([EN](#))
Press release ([FR/EN](#))
Legal summary ([FR/EN](#))