Note explaining the mode of citation of the case-law of the Court and the Commission

Over the years, the Convention institutions’ case-law has been reported in a number of different printed collections (Collection of Decisions, Yearbook, Decisions and Reports, for the Commission, and Series A, Reports of Judgments and Decisions, ECHR Reports, for the Court). In addition, from the establishment of the “new” Court in November 1998,1 a massive store of unreported case-law has been built up in the Court’s case-law database HUDOC.2 This has led to the emergence of a number of different patterns of case-law reference as described below. If in doubt, you may refer to the “Court’s case-law references”, which is a master list (updated weekly) of all judgments delivered by a Grand Chamber or Chamber, all advisory opinions and any related decisions as well as all decisions in key cases.

Judgments, decisions and advisory opinions of the “new” Court (as from 1 November 1998)

The form of citation for judgments and decisions follows the pattern:

– name of case (in italics),
– application number,3
– paragraph number if necessary,
– abbreviation of the European Court of Human Rights (ECHR), year and number of volume,4 for cases published from 1999 until 2015, or
– date of judgment or decision for unreported cases.

1. The “new” Court was set up on 1 November 1998, after the entry into force of Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms. This Protocol brought about a simplification of the supervision machinery by doing away with the European Commission of Human Rights and turning the Court into a single and permanent court.

2. All judgments, advisory opinions and decisions of the Court (with the exception of single-judge decisions) are available in HUDOC, which is accessible at: https://hudoc.echr.coe.int.

3. For grouped/joined applications with up to 2 application numbers, they should both be written out. If there are more than 2 application numbers, the citation should read “nos. 16064/90 and 2 others” (3 application numbers), “and 6 others” (7 application numbers), etc.

4. From the beginning of 2008 to the end of 2015, the volume number is no longer cited: ECHR plus the year of the case should be used.
Unless otherwise indicated, the cited text refers to a judgment on the merits delivered by a Chamber of the Court. Any variation from that is added in brackets after the name of the case: “(dec.)” for a decision, “(just satisfaction)” for a judgment concerning only just satisfaction, “(revision)” for a judgment concerning revision, “(striking out)” for a judgment striking the case out, “(friendly settlement)” for a judgment concerning a friendly settlement, etc. “[GC]” indicates that the case was heard by the Grand Chamber of the Court, and “[Committee]” that the judgment or decision has been given by a three-judge Committee.

Examples of judgments and decisions published in the ECHR Reports (1999-2015)

Malhous v. the Czech Republic (dec.) [GC], no. 33071/96, ECHR 2000-XII
Van der Ven v. the Netherlands, no. 50901/99, ECHR 2003-II
Sequeira v. Portugal (dec.), no. 73557/01, ECHR 2003-VI
Iatridis v. Greece (just satisfaction) [GC], no. 31107/96, § 33, ECHR 2000-XI
Broniowski v. Poland (friendly settlement) [GC], no. 31443/96, § 37, ECHR 2005-IX
Verein gegen Tierfabriken Schweiz (VgT) v. Switzerland (no. 2) [GC], no. 32772/02, ECHR 2008
M.S.S. v. Belgium and Greece [GC], no. 30696/09, §§ 216-222, ECHR 2011

Examples of judgments and decisions not published in the ECHR Reports, including those selected as key cases\(^5\) from 2016 onwards

Cerăceanu v. Romania (no. 1)\(^6\), no. 31250/02, §§ 54-59, 4 March 2008
Stefanetti and Others v. Italy (just satisfaction), nos. 21838/10 and 7 others, 1 June 2017
D.D. v. France (striking out), no. 3/02, § 27, 8 November 2005
Pello v. Estonia (dec.), no. 11423/03, 5 January 2006
Tatuyev v. Russia [Committee]\(^7\), no. 3333/08, 21 July 2020
Bayraktar and Ayri v. the Republic of Moldova (dec.) [Committee], nos. 13289/19 and 13292/19, 25 June 2020

Examples of advisory opinions

Advisory opinion on certain legal questions concerning the lists of candidates submitted with a view to the election of judges to the European Court of Human Rights [GC], 12 February 2008\(^8\)

Advisory opinion concerning the recognition in domestic law of a legal parent-child relationship between a child born through a gestational surrogacy arrangement abroad and

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5. **Key cases** are an official selection of judgments, decisions and advisory opinions which make a significant contribution to the development, clarification or modification of the Court’s case-law.
6. Since 1 January 2010 “(no. 1)” no longer appears in the name of a judgment which is subsequently followed by a second or several other judgments brought by the same applicant, which will be called “(no. 2)”, “(no. 3)”, etc.
7. Committee cases apply well-established case-law and therefore should not be cited as authority on points of principle.
8. Advisory opinions issued by the Court under Article 47 of the Convention.
the intended mother [GC], request no. P16-2018-001, French Court of Cassation, 10 April 2019

Judgments of the “old” Court (from 1960 until 31 October 1998)

All judgments delivered by the “old” Court were reported in an official collection: in Series A between 1960 and 1995 and in Reports of Judgments and Decisions from 1996 to October 1998. The form of citation for judgments delivered by the old Court follows the pattern:

– name of case (in italics),
– date of judgment,
– paragraph number if necessary,
– name of the official collection and number.

Examples:

*Plattform “Ärzte für das Leben” v. Austria*, 21 June 1988, Series A no. 139

*Delta v. France* (Article 50), 30 January 1990, § 38, Series A no. 191-A

The *Sunday Times* v. the *United Kingdom* (no. 2), 26 November 1991, § 54, Series A no. 217


Decisions, reports and opinions of the Commission (from 1955 until 31 October 1999)

**Decisions and reports of the Commission**

The form of citation follows the pattern:

– name of case (in italics),
– application number,
– date preceded by “Commission decision of” or “Commission’s report of”,
– name of the official collection if the decision or report has been reported, or
– “unreported” if the decision was not published in a printed collection.

Examples:

Moreira de Azevedo v. Portugal, no. 11296/84, Commission decision of 14 April 1988, Decisions and Reports 56

Baumgartner v. Austria, no. 15154/89, Commission’s report of 16 February 1993, Decisions and Reports 74

9. Advisory opinions issued by the Court under Protocol No. 16 to the Convention.

10. Note that, unlike Series A, Reports of Judgments and Decisions is in italics.

11. It may be followed by “(Article 50)” for a judgment concerning only just satisfaction, “(preliminary objections)” for a judgment concerning only preliminary objections, “(revision)” or “(interpretation)” for judgments concerning revision or interpretation.

12. “The Sunday Times”, which as the name of a newspaper is usually in italics, appears in roman in this context.
**Case-law references (new Court, old Court, Commission)**

*Garnieri v. Italy*, no. 22256/88, Commission decision of 18 May 1992, unreported

*Borrelli v. Italy*, no. 1706/62, Commission decision of 4 October 1966, Collection of Decisions 21

*Ward v. the United Kingdom*, no. 1850/63, Commission decision of 29 March 1966, Yearbook 9

**Opinions of the Commission**

They are to be found appended to most judgments published in Series A and *Reports of Judgments and Decisions*; a few are to be found appended to judgments in the early volumes of ECHR. They are referred to as follows:


*Caballero v. the United Kingdom* [GC], no. 32819/96, opinion of the Commission, §§ 65-66, ECHR 2000-II