



Failure to prevent abuse, by unknown third parties, of a driving license reported missing breached the Convention

In today's Chamber judgment in the case [Romet v. the Netherlands](#) (application no. 7094/06), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 8 (right to protection of private life) of the European Convention on Human Rights.

The case concerns the applicant's complaint that, despite reporting his driving licence as stolen, it was used fraudulently and to his detriment for the following 15 months.

Principal facts

The applicant, Steven Benito Romet, is a Netherlands national who was born in 1968 and lives in Maastricht (the Netherlands).

On 3 November 1995 he reported to the police that his driving license had been stolen in September of that year. In March 1997, the authorities issued him with a new driving licence, shortly after he applied for it.

During the intervening period the relevant authorities registered 1,737 motor vehicles in his name, without receiving his agreement beforehand. As a consequence, he was prosecuted on many occasions for various offences and accidents related to the cars and required to pay vehicle tax on them. He was also fined and detained for failure to comply with administrative orders which were the result of offences not committed by him. He lost his welfare benefits too, as the authorities found that his financial means were ample given the large number of cars registered in his name.

In the course of 1996, Mr Romet turned to various authorities asking them to rectify the situation, to no avail. In 2004, he also appealed to the Amsterdam Court of Appeal seeking the prosecution of those responsible for the malicious vehicle registrations in his name. His appeal was dismissed, the Court finding that too much time had passed for a meaningful investigation to be possible.

Mr Romet challenged the registrations of the motor vehicles in his name, asking the Government Road Transport Agency to annul them retrospectively, but was met with a refusal.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

Complaints, procedure and composition of the Court

Relying in particular on Article 8, he complained about the failure to invalidate his driving licence as soon as it was reported missing and that this had made it possible for others to abuse his identity.

The application was lodged with the European Court of Human Rights on 10 February 2006.

Judgment was given by a Chamber of seven, composed as follows:

Josep **Casadevall** (Andorra), *President*,
Corneliu **Bîrsan** (Romania),
Alvina **Gyulumyan** (Armenia),
Egbert **Myjer** (the Netherlands),
Ineta **Ziemele** (Latvia),
Luis **López Guerra** (Spain),
Mihai **Poalelungi** (Moldova), *Judges*,

and also Santiago **Quesada**, *Section Registrar*.

Decision of the Court

Article 8

The Court observed that the failure to invalidate Mr Romet's driving license as soon as he reported it missing, which made abuse of his identity by other people possible, was an "interference" with his private life which fell within the scope of Article 8.

Mr Romet had reported his driving license stolen on 3 November 1995. Yet, the authorities had invalidated it only in March 1997 when they had issued him with a replacement. After that date, apparently, no further vehicles had been unlawfully registered in his name.

Consequently, the authorities had not acted swiftly to deprive the driving license of its usefulness as an identity document. Neither had they satisfied the Court that they could not have done so immediately after Mr Romet had reported his driving license missing.

Accordingly, there had been a violation of Article 8.

Other articles

The Court rejected Mr Romet's remaining complaints.

Just satisfaction (Article 41)

The Court held that the Netherlands was to pay Mr Romet 9,000 euros (EUR) in respect of non-pecuniary damage.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.