

ECTHR: BRD – GROUPE SOCIÉTÉ GÉNÉRALE S.A. v. ROMANIA (Application No. 38798/13, 18 March 2025): Dawn Raids under the ECTHR's Scrutiny

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Abstract: *Dawn raids, or inspections conducted by competition authorities in the EU (whether by the Commission or by a National Competition Authority), are subject to decades of discussions when it comes to their compatibility with human rights. It has been established that legal persons also have the right to privacy. Undertakings, which are addressees of (EU and national) competition law rules are usually legal persons (whether they are private or owned by municipalities or States). In general, any intrusion into legal persons' premises shall be in compliance with Article 8(2) of the European Convention on Human Rights. Several cases assessed this issue, such as Société Colas Est and Delta Pekárny. The latter was especially noted in the region of central Europe, as the case basically annulled an inspection which took place in the Czech Republic and, as some might viewed it, questioned the possibility to carry out inspections without an ex ante judicial review. This paper focuses on a newer case of the Strasbourg court assessing the compatibility of an inspection conducted by the Romanian Competition Council with Article 8(2). The paper seeks to identify the specific features of Romanian law at the relevant time that provided the procedural safeguards surrounding the inspection and ultimately led the ECTHR to conclude that the interference was compatible with Article 8(2) of the Convention. More broadly, it examines whether the judgment in BRD – Groupe Société Générale S.A. v. Romania marks a development in the Court's case law and, if so, whether that development should be regarded as a desirable direction in the Strasbourg Court's jurisprudence.*

Key words: *Competition Law; EU Law; Antitrust Law; Dawn Raid; Inspection; Delta Pekárny; Right to Privacy; Fundamental Rights; European Convention on Human Rights*

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1. INTRODUCTION

In general, EU competition law protects the welfare of consumers and the good functioning of competition on markets in general.¹ While national competition laws may pursue additional objectives, consumer welfare and effective competition are generally recognised as the core objectives of competition law within the European Union.

Achieving these objectives requires competition authorities to be able to investigate suspected infringements effectively. These might be well hidden, especially when it comes to hard-core cartels. Thus, competition authorities have at their disposal, apart from traditional investigatory tools for administrative bodies such as requests for information, one more draconian tool: unannounced inspections.

Pursuant to Regulation 1/2003,² “[i]n order to carry out the duties assigned to it by this Regulation, the Commission may conduct all necessary inspections of undertakings and associations of undertakings”.³ In general, there is no need for *ex ante* judicial authorisations for inspections, unless national law of the Member State where a particular inspection should take place prescribes so.⁴

On a national level, Regulation 1/2003 authorises national competition authorities (“*NCAs*”) to “carry out any inspection or other fact-finding measure under its national law on behalf and for the account of the competition authority of another Member State”.⁵

Within merger control, Regulation 139/2004⁶ prescribes similar provisions in Articles 12 and 13.

Moreover, national competition authorities shall be empowered by inspections pursuant to Article 6 of the ECN+ Directive.⁷ Via implementing this directive, all Member States shall ensure that their NCAs have such an investigatory power, even though many Member States had already had at their disposal this power.⁸

Unannounced inspections by competition authorities, often conducted without a prior judicial permit, raise questions regarding their compatibility with fundamental rights protection. In a broader view, there are questions regarding compatibility of the Court of Justice of the EU (“*CJEU*”)’s view on the matter with the view of the European Court on Human Rights (“*ECtHR*”). Particularly until the EU accedes to the European Convention on Human Rights (“*ECHR*”) (if it ever does), many questions remain regarding the compatibility of EU law with the ECHR.⁹

Yet, it is not the aim of this paper to solve these issues. The aim is to focus on one recent judgement of the ECtHR on compatibility of inspections with Article 8 of the ECHR protecting privacy of persons. In particular, the paper aims to identify the specific features of the case that lead to the conclusion that there was no infringement of Article 8 of the ECHR (or to be precise, that the intrusion was in line with Article 8(2) of the ECHR).

¹ Brenda Sufrin, Niamh Dunne and Alison Jones, *Jones & Sufrin's EU Competition Law: Text, Cases & Materials* (8th edn, OUP 2023) 33-35.

² Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty [2003] OJ L1/1 (“**Regulation 1/2003**”).

³ *Ibid* Art. 20(1).

⁴ *Ibid* Art. 20(6-8).

⁵ *Ibid* Art. 22(1).

⁶ Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings [2004] OJ L24/1.

⁷ Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market [2019] OJ L11/3.

⁸ For instance, in Slovakia, this was the case before implementing ECN+ Directive. Mária T Patakyová and Mária Patakyová, ‘Implementation of the ECN+ Directive in the Slovak Republic: Will the New APC Improve the Enforcement of Competition Law?’ (2021) 5(3) *European Competition and Regulatory Law Review* 310, 312 <https://doi.org/10.21552/core/2021/3/26> accessed 25 June 2026.

⁹ Not all the issues are related to the matter of inspections. For instance, when it comes to Article 10 ECHR and the matter of whistleblowers, it is questionable whether EU legislation is compatible with standard set by ECtHR. Sára Kiššová, ‘Protection of Whistleblowers by the European Union, the Council of Europe, and the European Court of Human Rights’ (2021) 1 *Slovak Yearbook of European Union Law* 25, 32-33 <https://doi.org/10.54869/syeul.2021.1.267> accessed 25 June 2026.

From a broader perspective, the paper asks whether there is any development in the case law brought by *BRD* case,¹⁰ and if so, whether this is a wishful direction the Strasbourg court adopted.

In the beginning, let me clarify that there were two separate intrusions challenged the applicant in *BRD* case: first, related to the inspection conducted by the Romanian Competition Council, and second, searches in the context of criminal investigations against numerous suspects, including employees of the applicant.¹¹ For the purposes of comprehensiveness, the paper focuses on the former only.

Thus, the paper is organised as follows: first, the paper briefly sets the scene of inspections conducted by competition authorities under ECtHR case-law, second, it looks into the facts of *BRD* case, third, it shows how the ECtHR assessed the facts and the compatibility with Article 8(1) ECHR and, finally, the paper presents the comments on the case, thus answering the questions formulated in this introduction.

2. SETTING THE SCENE

Right to privacy shall be limited cautiously, even when the highest stakes are at hand.¹² When discussing the compatibility of inspections with Article 8(2) ECHR, one shall stop and think whether business premises are even covered by the right to privacy. This issue was subject to judicial development, from inspecting business premises which were, at the same time, homes of individuals¹³ or situations when entrepreneurs were natural persons.¹⁴ Nonetheless, the ECtHR established right to privacy also to *purely* business premises of legal persons (i.e., without any individual living in the premises), even though the justification of this is, in my view, insufficient.¹⁵ It was in *Société Colas Est*,¹⁶ a case of simultaneous inspections in 56 companies in France, when the ECtHR ruled that the time had come to include premises of legal persons under Article 8 ECHR.¹⁷

Thus, after *Société Colas Est*, every inspection into business premises is an intrusion pursuant to Article 8 ECHR. The question stays whether such intrusion is in line with conditions of Article 8(2) ECHR:

- legality requirement: there is usually a specific legal provision empowering the authority to conduct inspections;
- legitimacy requirement: the ECtHR ruled in *Société Colas Est* that economic welfare may be a relevant reason why to interfere with the right to privacy;
- proportionality requirement (or inevitability of the intrusion): at the heart of this requirement is the protection against arbitrariness.

Against this background, the question arises whether the absence of *ex ante* judicial review is in line with the proportionality requirement. The answer was given in a well-known case *Delta Pekárny*,¹⁸ assessing the compatibility of an inspection carried out

¹⁰ *BRD – Groupe Société Générale SA v Romania* (ECtHR, 18 March 2025) App No 38798/13 ('**BRD**').

¹¹ *Ibid* [26].

¹² Peter Matuška, 'Sloboda a bezpečnosť: Symbióza alebo konfrontácia?' [Freedom and security: Symbiosis or confrontation?] in Jana Šmelková and others (eds), *Mílniky práva v stredoeurópskom priestore 2015* [The Milestones of Law in the Area of Central Europe 2015] (Univerzita Komenského v Bratislave Právnická fakulta 2015) 142, 148.

¹³ *Chappell v United Kingdom* (ECtHR, 30 March 1989) App no 10461/83.

¹⁴ *Niemietz v Germany* (ECtHR, 16 December 1992) App no 13710/88.

¹⁵ I have criticised this elsewhere: Mária T Patakyová, 'Right to privacy and European Competition Law' (2016) 2 *Forum Iuris Europaeum* 25 <http://dx.doi.org/10.2139/ssrn.3546620> accessed 25 June 2026.

¹⁶ *Société Colas Est and others v France* (ECtHR, 16 April 2002) App no 37971/97.

¹⁷ *Ibid* [41].

¹⁸ *Delta Pekárny AS v République Tchèque* (ECtHR, 2 October 2014) App no 97/11.

by the Czech competition authority. The ECtHR famously said that the absence of *ex ante* judicial control may be balanced by the *ex post* judicial control, however, the court must double its vigilance.¹⁹ The sufficiency of an *ex post* control has already been suggested well before the delivery of the judgement.²⁰

Eventually, the ECtHR found an infringement of ECHR in *Delta Pekárny*. There was no *ex ante* control, however this was not the sole reason why to find an infringement of Article 8. Another reason was the absence of clear rules regarding destruction of copies taken during the inspection.²¹ Lastly, the ECtHR pointed out that the arbitrariness is strengthened by the presence of a policeman. In my view, this latter condition is merely an additional one.²²

3. FACTS OF THE CASE

In 2008, officials of the National Bank stated that there could be a secret agreement between commercial banks in order to raise the interest rate for inter-bank loans. The Romanian Competition Council prepared a report stating that it appeared there was an exchange of information between certain banks. The report proposed opening an investigation into possible breaches of Article 5 § 1 of the Romanian Competition Act and Article 81 § 1 of the Treaty establishing the European Community (currently 101(1) TFEU).²³

The president of the Competition Council issued the investigation order and, next day, he issued the inspection order.²⁴ At 10.15 a.m., four inspectors arrived at the applicant's headquarters, giving the applicant's representative "*copies of the two above-mentioned orders. After waiting for the arrival of the head of the applicant company's legal department, the actual inspection started at 1 p.m. and lasted until 9.30 p.m.*"²⁵ Overall, 32 emails were printed and the copies were given to the inspectors. A report was signed without objections on behalf of the applicant. The report contained:

- details of the emails copied by the inspectors;
- lists of all the email messages accessed by the inspectors;
- possibility to ask for confidentiality of the taken documents²⁶ (this possibility was also used by the applicant few days later).²⁷

Eventually, no infringement of the Romanian Competition Act was identified, thus, in 2013, the president of the Competition Council closed the investigation.²⁸

¹⁹ Ibid [83, 87].

²⁰ *Camenzind v Switzerland* (ECtHR, 16 December 1997) App no 136/1996/755/954 [46-47].

²¹ This has been one of the reasons why scholars criticised the inspections conducted by the Commission and their incompatibility with Strasbourg's standards. Adam Steen, 'Nexans, Deutsche Bahn, and the ECJ's Refusal to Follow ECHR Case Law on Dawn Raids' (2016) 7(2) *Journal of European Competition Law & Practice* 180.

²² Mária T Patakyová, *Ľudskoprávne aspekty hospodárskej súťaže - antitrust z pohľadu ľudských práv* [Human Rights Aspects of Competition Law: Antitrust from a Human Rights Perspective] (Wolters Kluwer 2019) 137.

²³ *BRD* (n 10) [5].

²⁴ Ibid [6-7].

²⁵ Ibid [8].

²⁶ Ibid.

²⁷ Ibid [9].

²⁸ Ibid [25].

4. ASSESSMENT OF THE ECtHR

The question put before the ECtHR was whether the inspection was in line with Article 8(2) ECHR.²⁹ Before presenting its assessment, in the part related to the governing law, the Strasbourg court dedicated quite a part³⁰ to the Luxembourg's view on the inspections, mainly, *Deutsche Bahn*,³¹ *Intermarché Casino Achats*,³² *Les Mousquetaires*.³³ I am not sure to what extent this was necessary, as the inspection at hand was conducted based on Romanian national law, not Regulation 1/2003. Possibly, Romanian appeal court referred to EU law as well,³⁴ therefore, EU law might be mentioned in this context.

As to the assessment of Article 8(2) ECHR, the ECtHR recalled that the business premises were considered to be "home" for the purposes of Article 8 ECHR,³⁵ although "no individual complained of an interference with his or her private life".³⁶ The applicant was obliged to comply with the inspection.³⁷ Thus, there was an interference and the ECtHR must have moved on to the satisfaction of the conditions pursuant to Article 8(2) ECHR.

First condition: "prescribed by law"

The inspection was based on the Romanian Competition Act and the ECtHR identified "no reason to question the domestic courts' interpretation of the applicable legislation and therefore accepts that the interference was 'prescribed by law'".³⁸

Second condition: "legitimate aim"

There was no question that the economic well-being of the country was accepted as a legitimate aim for the purposes of Article 8(2) ECHR. The ECtHR referred to *Delta Pekárny*, when this was confirmed.

Third condition: "necessity in a democratic society"

In the beginning, the ECtHR repeats certain general observations, such as: (i) States have certain margin of appreciation;³⁹ (ii) searches for evidence of anti-competitive practices shall be limited by adequate and effective safeguards against any abuse and arbitrariness;⁴⁰ (iii) it is possible to compensate for the absence of an *ex ante* judicial review by an *ex post* judicial review,⁴¹ whereas it should cover "in particular, the exercise

²⁹ Ibid [75].

³⁰ Ibid [60 et seq.].

³¹ Joined Cases T-289/11, T-290/11 and T-521/11 *Deutsche Bahn and Others v Commission* (CJEU, 6 September 2013) ECLI:EU:T:2013:404.

³² Case T-254/17 *Intermarché Casino Achats v Commission* (CJEU, 5 October 2020) ECLI:EU:T:2020:459.

³³ Case T-255/17 *Les Mousquetaires and ITM Entreprises v Commission* (CJEU, 5 October 2020) ECLI:EU:T:2020:460.

³⁴ *BRD* (n 10) [114].

³⁵ Ibid [94].

³⁶ Ibid [96].

³⁷ Ibid [95].

³⁸ Ibid [100].

³⁹ Ibid [103].

⁴⁰ Ibid [104].

⁴¹ This is a confirmation of *Delta Pekárny*: echrcaselaw.com, 'Dawn raids by competition authority and seizure of computers. Violation of Article 8 in respect of the seizure during criminal investigation' (26 May 2026) <https://www.echrcaselaw.com/en/echr-decisions/dawn-raids-by-competition-authority-and-seizure-of-computers-violation-of-article-8-in-respect-of-the-seizure-during-criminal-investigation/> accessed 12 June 2026.

by the competition authority of its power to decide upon the necessity, the duration and the extent of the inspection".⁴²

The application of these principles to the factual situation at hand is of particular interest.⁴³ First, the ECtHR recalled that the State has wider margin of appreciation due to the fact that there is legal (and not natural) person at hand.⁴⁴

Second, as to the overall amount of information taken, the ECtHR recalled the Competition Council took only a limited number of documents.⁴⁵ In fact, 32 emails were taken overall; therefore, there was no massive and indiscriminate taking of documents.⁴⁶

Third, as to the scope and extent of the inspection, the ECtHR stated that there were neither "*details as to the reasons on which those suspicions were based [n]or the precise scope and extent of the inspection*".⁴⁷ However, the ECtHR pointed out to the following:

[ad 1] the inspectors did not start the inspection until a legal representative for the applicant company was present, [ad 2] inspectors verbally informed that representative about the scope and extent of the inspection [ad 3] the inspectors carried out their inspection only in the presence of representatives of the applicant company and [ad 4] drew up a detailed inspection report that mentioned all the offices and documents accessed and included a full list of the documents taken [...].⁴⁸

As to the latter point, the applicant could comment, however, the representatives signed without objections.⁴⁹ In my view, it should not be to the detriment of the applicant (inspected undertaking) when the inspected undertaking did not raise objections, as these might not be identified at the time.

It is difficult to agree with the ECtHR on this point. The scope of inspection decisions (or orders, as they were named by Romanian law) are documents of the utmost importance. As I stated elsewhere,⁵⁰ inspection decisions basically lift the privacy protection veil as to documents and information falling within the scope of inspection decisions. Documents and information falling outside remain covered by the right to privacy and should be out of reach for the inspectors. Also, the scope is inevitable to prevent so called "*fishing expeditions*",⁵¹ i.e., inspections which are conducted without a solid suspicion on a particular infringement of competition law.

Returning to the quotation above, the only aspect (out of the four aspects identified by the ECtHR) truly related to the *scope* of the inspection decision (or order) was the verbal specification of the scope and extent of the inspection. It is dubious whether it was indeed "*necessary in a democratic society*" not to put the scope and extent on the paper but leave it for the oral specification on the spot. The other three aspects were rather related to the *control* of the inspection's limits by the applicant (i.e., whether the inspection is within the scope), not the *scope* itself.

⁴² BRD (n 10) [104].

⁴³ The ECtHR explicitly stated that it would not review the Romanian law as such, but the interference into the applicant's rights by the Competition Council. Ibid [106].

⁴⁴ Ibid [105].

⁴⁵ Ibid.

⁴⁶ Ibid [108].

⁴⁷ Ibid [107].

⁴⁸ Ibid.

⁴⁹ Ibid [108].

⁵⁰ Mária T Patakyová, 'Inšpekčné rozhodnutie v oblasti súťažného práva Európskej únie' (2018) 37(1) *Acta Facultatis Iuridicae Universitatis Comenianae* 148.

⁵¹ Marta Michalek, 'Fishing Expeditions and Subsequent Electronic Searches in the Light of the Principle of Proportionality of Inspections in Competition Law Cases in Europe' (2014) 7(10) *Yearbook of Antitrust and Regulatory Studies* 129 <http://dx.doi.org/10.2139/ssrn.2741601> accessed 25 June 2026.

In my view, the ECtHR seems to undermine the importance of inspection's scope and its definition in inspection decisions (or orders). If the scope is not defined, it is unlimited, meaning that inspectors may search all documents looking for any infringement of competition law. This could lead to *carte blanche* for fishing expeditions. On the other hand, I understand that it is not possible to specify in detail the suspected infringement (as it is only suspected, usually based on general, publicly available information). It is unfortunate that the ECtHR did not further clarify why the oral specification was acceptable in the case, instead of formulating the scope properly in the orders.

Fourth, the applicant could ask for the confidentiality of the documents and for their return once they were not necessary.⁵²

Last but not least, the ECtHR assessed the *ex post* judicial review. There was no specific legal framework for the challenging the conduct of inspections. Yet, this might be reviewed together with the final decision of the Competition Council on the infringement of competition law.⁵³ And, more importantly, *"the general administrative proceedings law provides for the possibility of contesting before the courts either administrative decisions or a failure to resolve a petition by a public authority"*.⁵⁴ The applicant used this possibility right after the inspection, seeking annulment of orders and also raising complaints about the conduct of the inspections.⁵⁵ As put by de la Serre, *"[w]hat matters is, therefore, that the undertakings can resort not to a specific judicial channel, but rather to one that is effective"*.⁵⁶

The lower instance court refused to deal with these complaints, stating that they should be reviewed at the end of the investigation.⁵⁷ Fortunately (for Romania), the appeal court reviewed (i) legal basis of the orders, (ii) scope and proportionality of the inspection from Romanian and EU law perspective, (iii) investigation file, stating that there was a sufficient suspicion of the Competition Council to search the premises of the applicant, (iv) severity of the suspected infringements, and (v) (absence of) damage as a result of inspection.⁵⁸

Thus, the ECtHR concluded that *"given the margin of appreciation afforded to the authorities [...] the impugned interference with the applicant company's rights was proportionate to the aim pursued. Therefore, there has been no violation of Article 8 [...]"*.⁵⁹

For the sake of completeness, note that the other claimed infringement of Article 8 ECHR related to criminal proceedings was supported by the ECtHR, as these *"were not subjected to an effective review and no meaningful examination of the proportionality of these measures was carried out"*.⁶⁰

⁵² BRD (n 10) [109].

⁵³ Ibid [112].

⁵⁴ Ibid.

⁵⁵ Ibid [113].

⁵⁶ Éric Barbier de la Serre, 'Challenging Effectively the Measures Adopted by the European Commission during a Dawn Raid: The BRD Case' (2025) 16(6) *Journal of European Competition Law & Practice* 380 <https://doi.org/10.1093/jeclap/> accessed 25 June 2026.

⁵⁷ BRD (n 10) [114].

⁵⁸ Ibid.

⁵⁹ Ibid [117].

⁶⁰ Ibid [147].

5. CONCLUSION: RELEVANCE OF THE CASE AND COMMENTARY

It is generally accepted that certain infringements of competition law cannot be proved by less invasive investigation tools. Thus, if necessary, competition authorities shall be empowered to conduct unauthorised inspections. Once we accept that legal persons have right to privacy pursuant to Article 8 ECHR, any inspection in their premises shall be in line with Article 8(2) ECHR.

When assessing the fulfilment of the Article 8(2)'s conditions in *BRD* case, the ECtHR focused on the following:

- states have a wider room for appreciation when it comes to premises of legal persons;
- overall number of documents taken was rather limited (32 emails in particular);
- extent and scope of inspection decisions (or orders) were brief which was, however, compensated by:
 - o presence of legal representative;
 - o oral specification of the scope;
 - o "shadowing" of inspectors by representatives;
 - o drafting of detailed inspection report, signed by the applicant without comments.
- documents could be declared confidential and returned when no longer required.

Lastly, the Strasbourg court zoomed in on the *ex post* review by Romanian courts. It concluded that the absence of a specific avenue was compensated by the possibility to use general administrative judicial framework,⁶¹ within which the Romanian appeal court scrutinised not only the orders, but also the carrying out of the inspection. Thus, a sufficient *ex post* judicial review took place.

Comparing these findings to *Delta Pekárny* case, one may spot a development. Surely, the review of the Strasbourg court is always case-specific, however, it seems that the ECtHR did not apply certain findings of *Delta Pekárny* in *BRD*.

Let us recall that in *Delta Pekárny*, the ECtHR found an infringement of Article 8 ECHR. The predominant reason, in my view, was the quality of the judicial scrutiny. The ECtHR in *Delta Pekárny* accepted that *ex post* review might be sufficient, however I could find no mention of "*doubling the court's vigilance*" in the absence of *ex ante* review in *BRD*. Does this mean that *ex post* review is more accepted nowadays? If so, I would agree.

In fact, *ex ante* review can solve a part of the problem only. Judicial scrutiny before an inspection takes place is capable to address, in general, whether the competition authority have enough evidence to support a particular suspicion of infringement of competition law. However, the *carrying out* of the inspection cannot be assessed beforehand. That is the reason why, in my opinion, the emphasis should be given to *ex post* review, when both questions, *why* the inspection took place and *how* it was conducted, can be addressed.

There are also other differences between the cases. In *BRD*, there was no mention of the presence of a policeman and, when it comes to destruction of copies, there was only a brief note on the possibility to ask for the return of the documents. As to the former, this is to be welcomed, as policemen are usually not present during

⁶¹ This is an important finding pursuant to Éric Barbier de la Serre, 'EU Court of Human Rights Holds That Effective Judicial Review of Dawn Raid Measures Does Not Require a Specific Remedy (BRD / Groupe Société Générale)' *Concurrences* (18 June 2025) <https://www.concurrences.com/en/bulletin/news-issues/june-2025/eu-court-of-human-rights-holds-that-effective-judicial-review-of-dawn-raid> accessed 25 June 2026.

inspections in business premises and it seems that ECtHR does not require this practice to be changed. As to the latter, the eventual destruction of copies was not questioned in *BRD*, that might be the reason why ECtHR did not analyse this need further.

Considering the earlier case law in general, *BRD* case does not bring a revolution. However, in my view, it shows the willingness of the Strasbourg court to accept the intrusion into a legal person's privacy, although not a perfect one (remember the briefly described scope of the inspection which was specified by the inspectors orally on the spot), once there is a solid *ex post* review of the inspection decision (or order) as to the law and as to the facts. The ECtHR emphasises that the review shall cover not only the inspection decision itself but also the factual conduct of the inspection.

Overall, it is applaudable that the ECtHR focuses on the limits against arbitrariness rather than certain partial insufficiencies of the inspection decision. Yet, one shall be cautious when it comes to a too broad scope of inspection decisions, as this might be leading to fishing expeditions. However, national courts, if empowered with the full review, could stop such fishing expedition on the national level. That might be the reason why the Strasbourg court could, for the future, take a "*hands off approach*", if there is a sufficient judicial review by national courts.

