



ROMANIA
Ministry of Foreign Affairs



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

15 February 2011

ROUND-TABLE

PROPERTY RESTITUTION/COMPENSATION: GENERAL MEASURES TO COMPLY WITH THE EUROPEAN COURT'S JUDGMENTS

**organised with financial support from the Human Rights Trust Fund
under the project "Removing obstacles to the enforcement of domestic court
judgments/Ensuring an effective implementation of domestic court judgments"**

Bucharest, Howard Johnson Hotel,
5-7 Calea Dorobantilor Dist. 1, Bucharest, 010551 Romania

17 February 2011

PROGRAMME

8.00 – 9:00 Registration of the participants

Chairperson: Mr Răzvan-Horațiu Radu, Under-Secretary of State, Government Agent for the European Court of Human Rights, Ministry of Foreign Affairs, Romania

9: 00 – 9:50 Opening of the round-table¹

Welcome address by:

Mr Cătălin Predoiu, Minister of Justice, Romania

Ms Livia Doina Stanciu, President of the High Court of Cassation and Justice, Romania

Mr Titus Corlățean, President of the Foreign Affairs Committee, Senate of Romania

Ms Geneviève Mayer, Head of the Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

¹ The opening session is open to the press.

9:50 – 10:45 Setting the scene: Property restitution/compensation and the European perspective

Chairperson: Mr Gyorgy Frunda, President of the Committee for Human Rights and Minorities, Senate of Romania, member of the Romanian Delegation to the Parliamentary Assembly of the Council of Europe

Convention requirements and the case-law of the European Court of Human Rights in the field of property restitution/compensation: General presentation of the European Court's case-law with a particular reference to the "pilot judgment" *Maria Atanasiu and others v. Romania*, judgment of 12 October 2010:

Mr Santiago Quesada, Registrar of Section III of the European Court of Human Rights

Challenges relating to the execution of the European Court's judgments concerning property restitution/compensation

Mr Fredrik Sundberg, Deputy to the Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

General discussion

10:45 – 11:15 Coffee Break

11:15 – 13:00 Experience Sharing: Challenges relating to the property restitution/compensation at a national level

Chairperson: Mr Răzvan-Horațiu Radu, Under-Secretary of State, Government Agent for the European Court of Human Rights, Ministry of Foreign Affairs, Romania

Country-specific presentations (10-15 minutes) will be made by high-level participants on their experience with respect to the process of restitution/compensation of properties nationalised before 1989. Moreover, the speakers are encouraged to share best practice and difficulties encountered in their countries. The speakers are also encouraged to share their experience of the execution of judgments of the European Court of Human Rights in the field of property restitution/compensation.

- Presentation by Mr Alexandru Tanase, Minister of Justice, Moldova
- Presentation by Mr Alfred Rushaj, Deputy Minister of Finance, Albania
- Presentation by Ms Daniela Masheva, Deputy Minister of Justice, Bulgaria
- Presentation by Mr Piotr Styczen, Deputy Minister of Infrastructure, Poland
- Presentation by Ms Crinuta Dumitrean, Head of the National Agency for Property Restitution, Romania

General Discussion

13:00 – 14:30 *Lunch Break*

14:30 – 17:00 Round-tables (to be held in parallel)

Round-table 1: Legislative framework: the law-making process relating to property restitution/compensation and related challenges

Chairperson: Mr Tudor Pantiru, former judge to the ECtHR, President of the Subcommittee for Supervision of the European Court's Judgments, Parliament of Romania

Co-chairperson: Mr Fredrik Sundberg, Deputy to the Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

Rapporteur: Mr Jakub Wołásiewicz, Agent of the Government before the ECtHR, Poland

Short introductory presentations (10 minutes) by:

- Mr Harald Koenig, Federal Office for Central Services and Unresolved Property Issues, Germany
- Mr Tomasz Kuchenbeker, Legal Advisor, Ministry of Treasury, Poland
- Ms Mija Cankar, Senior Legal Adviser, Ministry of Justice, Slovenia
- Mr Gábor Czepek, Head of the Department for Private Law and Justice, Hungary

Followed by discussions and/or other presentations

Issues to be addressed:

The initial presentations and the subsequent discussions will focus on best practices and difficulties encountered in the process of drafting legislation on property restitution/compensation. The need to carry out an impact assessment before drafting legislation on property restitution/compensation should be addressed by the participants, who are invited to share their experiences in this respect. The presentations should give an overview of the various solutions that may be envisaged (restitution and/or compensation), the institutional set-up and the systems of property registration and evaluation. It is also expected that the speakers address the modalities of the award of compensation (in-kind and financial), in particular the eligibility criteria, the level of compensation (full market value or capped compensation) as well as the form of payment (single payment or installments). The issue of judicial review of the administrative decisions on property restitution/compensation is equally of interest. The speakers are also invited to share their experience of the execution of judgments of the European Court of Human Rights in the field of property restitution/compensation.

Round-table 2: Implementing measures: property restitution/compensation process and related challenges

Chairperson: Mr Vít Schorm, Agent of the Government before the ECtHR, Czech Republic

Co-chairperson: Ms Dimitrina Lilovska, Head of Section, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

Rapporteur: Ms Štefica Stažnik, Agent of the Government before the ECtHR, Croatia

Short introductory presentations (10 minutes) by:

- Mr Irmantas Jarukaitis, Judge at the Supreme Court, Lithuania
- Ms Ledina Mandia, General State Advocate, Albania
- Ms Laila Medina, Deputy State Secretary, Latvia
- Mr Tomáš Doucha, Deputy Director of the Institute of Agriculture Economics and Information, Czech Republic

Followed by discussions and/or other presentations

Issues to be addressed:

The initial presentations and the subsequent discussions will focus on best practices and difficulties encountered in the implementation of the relevant legislation and issues that arise in the process of property restitution/compensation. Measures related to the modalities of awarding compensation (in-kind and financial) and to the payment of compensation - in particular, measures taken to ensure appropriate funds for the award of compensation and difficulties encountered in this respect - should be shared with the participants. The experience of the setting-up of and functioning of institutions in charge of the property restitution/compensation should also be discussed. The competences of such bodies, the relevant procedures and the availability of human and financial resources should be addressed. It is also expected that the participants share their respective experience on the interpretation of the legislation relating to the property restitution/compensation by the administration and domestic courts. The speakers are also invited to share their experience of the execution of judgments of the European Court of Human Rights in the field of property restitution/compensation.

17:00 – 17:30 Coffee break

17:30 – 18:30

Plenary session: Reports from the round-tables and conclusions

Chairperson: Ms Cynthia Curt, State Secretary, Head of the Interministerial Working Group on Property Issues, Office of the Prime Minister, Romania

Presentation of summary of discussions of the round-tables

- Round-table 1: Mr Jakub Wołosiewicz, Agent of the Government before the ECtHR, Poland
- Round-table 2: Ms Štefica Stažnik, Agent of the Government before the ECtHR, Croatia

Presentation of conclusions of the round table by Ms Geneviève Mayer, Head of the Department for the Execution of Judgments of the Council of Europe

18:30 **End of the Round-table** followed by the Reception hosted by the Romanian authorities
