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Date: 10/10/2024

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Meeting: 1514<sup>th</sup> meeting (December 2024) (DH)

Item reference: Action Report (09/10/2024)

Communication from Croatia concerning the case of Splajt v. Croatia (Application No. 963/18) [Group Sikic]

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Réunion : 1514<sup>e</sup> réunion (décembre 2024) (DH)

Référence du point : Bilan d'action (09/10/2024)

Communication de la Croatie concernant l'affaire Splajt c. Croatie (requête n° 963/18) (**anglais uniquement**) [Groupe Sikic]

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**GOVERNMENT OF THE REPUBLIC OF CROATIA**  
OFFICE OF THE REPRESENTATIVE OF THE REPUBLIC OF CROATIA  
BEFORE THE EUROPEAN COURT OF HUMAN RIGHTS

DGI

09 OCT. 2024

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

Class: 004-02/24-01/6

Reg. No.: 50447-03/05-24- 11

Zagreb, 9 October 2024

## ACTION REPORT

*Šplajt* (963/18), judgment of 9 April 2024, final on 9 April 2024

### I. CASE DESCRIPTION

1. This case concerns a violation of the applicant's right to a fair trial on account of the excessive length of the proceedings before the Constitutional Court between 2013 and 2017 guaranteed by Article 6 § 1.
2. In December 2007, the applicant brought a civil action before the Osijek Municipal Court for wrongful summary dismissal against the company he worked in as an in-house lawyer. On 22 December 2011, the Osijek Municipal Court found the applicant's dismissal was wrongful. In November 2012, following appeals by both, the applicant and the company, the Osijek County Court overturned the first instance judgment, holding that the applicant's dismissal had not been wrongful and therefore dismissed his action. On 28 August 2013 the Supreme Court dismissed the applicant's subsequent appeal on points of law, endorsing the reasons given by the Osijek County Court. On 18 November 2013, the applicant lodged a constitutional complaint, which the Constitutional Court dismissed on 21 September 2017, some three years and ten and a half months later.

### II. INDIVIDUAL MEASURES

3. In response to the Court's judgment, the authorities have taken measures aimed at ending the violation and providing redress to the applicant.

#### A. Bringing violations to an end

4. The Government notes that the impugned proceedings before the Constitutional Court in respect of which the Court found a violation have been brought to an end (*Šplajt*, §13). Moreover, the applicant did not submit a claim for just satisfaction, and therefore the Court did not award him any sum on that account (*Šplajt*, §40).
5. In view of the above, the Government deems that no other individual measure are necessary given that the lengthy proceedings have been brought to an end.

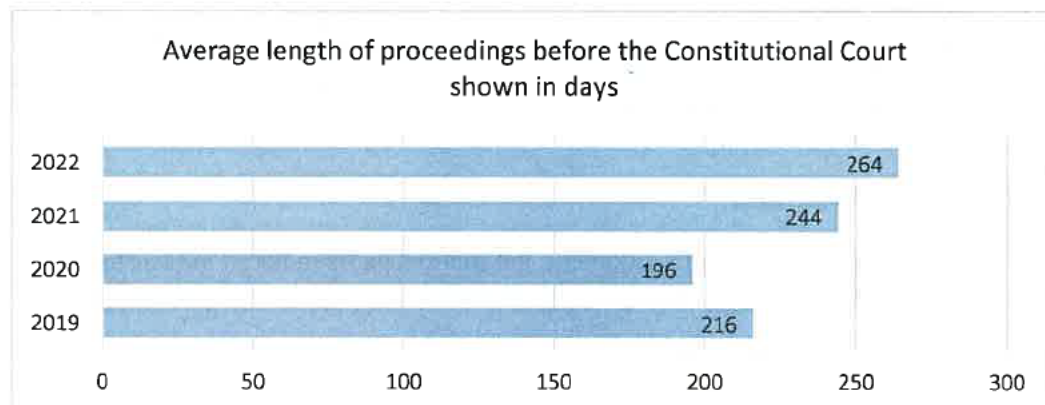
#### B. The applicants' redress

6. The applicant did not claim any damages or costs and expenses before the Court. Therefore, the Court did not award him any sum on that account (*Šplajt* §40).

### III. GENERAL MEASURES

7. It is recalled that the Court found a violation of the applicant's right to a fair trial on account of the excessive length of the proceedings before the Constitutional Court where proceedings pended for three years and ten and a half months (2013-2017) (*Šplajt* §38).

8. In this regard, the Government highlights that the measures taken to address the root causes of the excessive length of proceedings before the Constitutional Court have already been positively assessed by the Committee of Ministers in the *Šikić group* (app. No. 9143/08), closed by the Committee of Ministers in 2020 (see final resolution [CM/ResDH\(2020\)308](#)). Moreover, within the context of the *Zahirović group* (leading app. no. 9143/08), notably in the case of *Grubić* (app. no. 33602/17), the Government informed the Committee of some recent measures and provided the statistics in respect of the proceedings pending before the Constitutional Court. Those measures were positively assessed by the Committee as well, resulting with the closure of this case in 2023 (see final resolution [CM/ResDH\(2023\)412](#)).
9. Notably, in 2019 the Constitutional Court set up nine thematic working groups with the aim of raising the advisors' awareness on the importance of aligning the practice of the Constitutional Court with the Court's standards. During each meeting, one or several Court's judgments were analysed to ensure that the advisors are kept abreast of the latest trends and the evolution of the Court's case-law. This practice led to compliance of the decisions of the Constitutional Court with the Court's case-law and contributed to the acceleration of proceedings before the Constitutional Court. In addition, to this date, the number of Constitutional Court's advisors has increased, which further contributed to a more prompt resolution of cases.
10. The above measures decreased the overall length of proceedings before the Constitutional Court. In particular, the chart below shows that, unlike in the applicant's case in which the proceedings before the Constitutional Court lasted three years and ten and a half months, as of 2019, the average length of the Constitutional Court's proceedings was 230 days (i.e. less than one year), with the lowest number of days in 2020. The Government notes that the reason for a slight increase of days for the case resolution in 2021 and 2022, in addition to issues caused by the COVID-19 pandemic, is the fact that the Constitutional Court focused on resolving complex cases and cases pending for more than three years. In 2021, the Constitutional Court cleared a backlog of 283 cases, while in 2022 it solved 386 cases pending for more than three years.



11. Similarly, in 2023, the Constitutional Court resolved an additional backlog of 530 cases pending more than three years for which it needed 366 days. However, this is again significantly shorter time than the period the applicant's case was pending before the Constitutional Court (approximately  $\frac{1}{4}$  of time the applicant's case was pending before the Constitutional Court).
12. In addition to the above measures, in November 2023 the Constitutional Court employed two more advisors, thereby increasing the total number of its advisors to forty. Following the decision of the Constitutional Court's President from 29 December 2023 two additional thematic working groups of advisors were established within the Constitutional Court, bringing the total number of the working groups to eleven. It is believed that such specialisation of advisors will contribute to speedier resolution of cases.

#### IV. JUST SATISFACTION

13. The applicant did not submit a claim for just satisfaction, accordingly the Court did not award him any sum on that account.

#### V. CONCLUSION

14. The Government considers that the violation ceased and considering that the applicant did not claimed any just satisfaction before the Court, no other individual measures are possible or required in the present case.
15. As regards the general measures, the Government deems that the general measures taken are capable of preventing similar violations.
16. The Government therefore considers that it has fulfilled its obligation under Article 46 of the Convention with regard to this case and proposes that the Committee close its supervision.

Representative

Štefica Stažnik

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