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Date: 21/10/2021

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Meeting: 1419th meeting (December 2021) (DH)

Communication from an NGO (Association of private owners of houses and apartments in Split-Dalmatia county 'Proljeće') (11/10/2021) in the case of STATILEO v. Croatia (Application No. 12027/10).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication d'ONG (Association of private owners of houses and apartments in Split-Dalmatia county 'Proljeće') (11/10/2021) relative à l'affaire STATILEO c. Croatie (requête n° 12027/10) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

**UDRUGA PROLJEĆE PRIVATNIH VLASNIKA STANOVA I KUĆA GRADA SPLITA I SPLITSKO-
DALMATINSKE ŽUPANIJE**
ASSOCIATION OF PRIVATE OWNERS OF HOUSES AND APARTMENTS IN SPLIT-DALMATIA COUNTY
„PROLJEĆE“

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DEPARTMENT FOR THE EXECUTION OF JUDGMENTS OF THE ECHR

Dgi – Directorate General of Human Rights and Rule of Law

Secretariat of the Committee of Ministers

Human Right Treaties and meetings

F-67075 STRASBOURG CEDEX, FRANCE

DGI

11 OCT. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Contact: Ms Zoe Bryanstone-Cross

Tel: 03.90.21.59.62

PRIORITY: URGENT

Date: 11/10/2021

Dear Sir/Madam

We hereby submit **the supplement** of the Application from 11th of October, Association of private owners of houses and Apartments "Proljeće" - **Information in the case of enforcement of the judgment of the European Court of Human Rights in the case of Statileo v. Croatia** (Application No. 12027/10)

We hope that our submission will be taken into consideration upon the next meeting of Ministers' Deputies (1419th meeting, 30. November - 02. December 2021.) in regards to Case Statileo v. Croatia.

Sincerely yours,

Ivan Matetić, President of the Association "Proljeće"

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11 OCT. 2021
SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

PRIORITY: URGENT

Date: 11/10/2021.

Meeting: 1419th meeting (30th November – 02nd December 2021.)

Pursuant to the Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgements, we hereby submit this communication on the general measures in the

Case Statileo v Croatia
Application number 12027/10
Judgement of 10 July 2014
Final on 10 October 2014.

Dear Madam/Sir,

Association “Proljeće” is an association of owners of private apartments and houses, who for decades, by decrees of the state, against our will, have been handed over for use to other persons. The purpose of the existence and work of our association is to address the repossession of our, continuously private apartments. Even today, despite the Constitution of the Republic of Croatia, the ratified Convention on Human Rights and Fundamental Freedoms, our property is used by protected tenants. Therefore, after decades of continuous violation of our human and property rights, discrimination, we are vitally dependent upon the implementation of the decisions from the Statileo case (Application No. 12027/10). We are expecting that measures will be implemented immediately in accordance with the judgment.

However, decisions from the verdict are far away from being implemented. In the conclusion of the verdict, the Republic of Croatia (RH) was asked to pass Amendments to the Act, which will not conflict with the Convention on Human Rights, without any further delay! Amendments to the Act are still not have been implemented, and it is not clear when they will be, although more than 7 years have passed since the Statileo judgment (July 10, 2014) became final.

After several "fake" attempts to pass the Amendments to the Lease of Flats Act in July 2018, the Croatian Parliament voted on the requested Amendments to the Act. We, the owners, were not satisfied with the Amendments, because it continued our detriment, proposed deadline of 5 years for the eviction of the tenants was too long. We considered this deadline is unacceptably long, and no guarantee was given that the eviction would take place. In addition, the rent was increased gradually

during that period, only to reach approximately 70% of the value of the actual market rent in the last year (5th year). We demand that the rent we receive should be immediately defined in accordance with market value. However, in September 2020, the Constitutional Court of the Republic of Croatia repealed even these Amendments to the Lease of Flats Act without meaningful explanation. We must emphasize that Amendments to the Act voted in 2018., were partially harmful for the owners of such apartments. Moment when Constitutional Court repealed the Act is exactly the moment when the Act started to give some kind of "results" - because the "protected tenants" in our apartments, who own their own apartments, started to leave our apartments, and move to their own! Now it is the status quo again! And the "protected" rent for our apartments is again humiliating. Average amount is approximately 33 Euros for an apartment of 100 m2!

Today, we still do not have even a draft of the new Amendments to the Act, not to speak about a concrete date for the adoption of "new" Amendments to the Act on Lease of Flats, which would hopefully end decades-long discrimination of the owners. The Ministry of Physical Planning, Construction and State Assets of the Republic of Croatia has established a "Working Group" for the purpose of drafting new Amendments to the Act on Lease of Flats. We are also included in the Working Group, established for the purpose of drafting "new" Amendments to the Act. Two meetings were held, and there is no knowledge about the future New meeting is not scheduled. Therefore, we are more and more convinced that the authorities are "faking" the will to finally solve this problem! We think that, as already done, they are waiting for nature to solve this problem ...people die without receiving the justice, and the number of problems is declining simply by owners dying... Figures, statistics confirm this!

In addition, the judgments of the Bego and the others (Applications no. 35444/12, 35576/12, 41555/12, 41558/12 and 48914/12), which are part of the Statileo Group, are not enforced in accordance with the judgments of the European Court of Justice for Human Rights (ECHR). After the proceedings before the domestic courts were resumed, in accordance with the decisions of the ECHR, the lawsuits were only partially accepted, and the lawsuit of Bego against the Republic of Croatia was completely rejected. All lawsuits are currently before the Constitutional Court and a decision is pending before resubmitting to the ECHR. In addition, the Supreme Court has approved a revision of Knego's lawsuit against the Republic of Croatia, and the decision is still pending.

The State Attorney's Office of the Republic of Croatia (DORH) is requesting an extraordinary revision of all lawsuits filed and received by property owners in accordance with the Statileo judgment, with the explanation that all our lawsuits and claims are outdated. Homeowners, who file lawsuits against the state for damages must first submit a proposal for a peaceful settlement of the dispute to the DORH. All such proposals are rejected, and disputes must be initiated.

The Republic of Croatia is obstructing the implementation of the decisions from the Statileo judgment in all possible ways.

Please take our remarks into consideration and, in accordance with your powers, take measures to force implementation of the conclusions of the Statileo judgment. Seven (7) years after it became final.

Sincerely yours, best regards,

Ivan Matetić, President of the Association "Proljeće"