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Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

Date: 21/10/2021

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

Communication from NGOs (Association of Ownership and Possession of Apartment Owners with Protected Tenants (UVP)) (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 Ownership and Possession of Apartment Owners with Protected Tenants (UVP)) (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 VLASNIŠTVO I POSJED VLASNIKA STANOVA SA ZAŠTIĆENIM NAJMOPRIMCIMA
ASSOCIATION OF OWNERSHIP AND POSSESSION OF APARTMENT OWNERS
WITH PROTECTED TENANTS

10000 Zagreb, Kneza Mislava 9, Hrvatska/Croatia

tel: +385 91 24 30 911

e-mail: uvp.zg@hotmail.com

web:  www.facebook.com/udrugaVP/

DGI

11 OCT. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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

October 11, 2021.

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

Case Statileo v. Croatia

Application number 12027/10

Judgment of 10 July 2014

Final on 10 October 2014

Subject: Application of the Association of Ownership and Possession for the 1419th meeting of the Deputy Council of Ministers of the EU (December 2021) – Submission 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)



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Dear Sir/Madam,

The Association of Ownership and Possession contacted the Committee of Ministers of the Council of Europe twice with submissions dated 28-09-2020 and 22-01-2021 for meetings which were subsequently postponed. Since the Statileo case was consequently not discussed at the meetings in September 2020 nor March 2021, we would like to ask The Committee of Ministers to take into account all the facts and views set out in these letters as they are still fully relevant. The first 6-month postponement was followed by a second, 9-month one without any given explanation, therefore we asked the Department for the Execution of Judgments of the European Court of Human Rights for a clarification of the reasons for the postponement, to which we received the following answer on 18-03-2021:

'The decision adopted by the Committee of Ministers to postpone consideration of the Statileo group v. Croatia to its 1419th meeting (December 2021) (DH), following the authorities' request, was based on a number of reasons. First, the fact that several earthquakes struck Croatia end of December 2020, and as a result the authorities, including those dealing with housing issues, could not progress with the follow up to these cases until March 2021. In addition, the Croatian authorities have assured the Committee of Ministers about their firm commitment to adopting the necessary amendments to the Lease of Flats Act during the second quarter of 2021, in compliance with the Court's judgments.'

Despite such 'firm assurances' that the Lease of Flats Act will be adopted in the second quarter of 2021, nothing has been done. 15 months of delay passed by without any concrete results, except for the 'preliminary assessment of the impact of the future Amendments to the Lease of Flats Act', i.e. the preliminary administrative collection of public opinion through a public hearing and the formation of a working group composed of representatives of the Ministry, owners' associations and tenants' associations. It should clearly be stated here that the number of tenants' representatives twice outnumber those of owners, even though this entire case is primarily focused around solving the human rights violations faced by the owners. The unrealistic and megalomaniacal demands of the tenants make it very difficult to reach any agreement and are aimed at further delaying and preventing the legislative process. At the last meeting of the working group dated 17-09-2021, the Ministry instructed the owners' representatives to provide them with all relevant documentation on which the owners base their claims – an act that serves no other purpose than forcing another unnecessary delay. It is as if the Government of the Republic of Croatia had lost the Statileo judgment and a number of other ECHR judgments which are relevant for taking adequate measures, hence it is now up to the owners to deliver those themselves. In other words, 7 years after the final Statileo verdict, the owners have to prove and justify their demands to the Ministry!

The fundamental issue here lies in the fact that the Government of the Republic of Croatia chooses not to tackle the essence of the problem as defined by Statileo, which revolves around taking adequate measures to stop the violation of human rights faced by apartment owners whose properties are being occupied by



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protected tenants. Instead, state institutions – including the Constitutional Court – keep dealing with and focusing on the rights and ‘problems’ of protected tenants which by no means fall under the essence of the Statileo judgment. Furthermore, there are no guarantees that the Constitutional Court will not repeal any future laws with another scarce explanation such that a ‘disproportionate burden’ was placed on the tenants (it remains completely unclear what the Court meant by that), as was the case with the ruling repealing the Law in 2018. We would henceforth like to draw attention to the fact that the legal procedure once again stands at its very beginning, therefore no adoption can be expected in the near future.

According to the information currently available to us, the law will once again impose a 5-year deadline to vacate apartments currently inhabited by protected tenants who do not own any other property, and will extend the deadline from 6 to 12 months for those apartments occupied by protected tenants who do own other property themselves. These deadlines would be re-imposed from start on the day the law comes to effect. If all subsequent institutional possibilities of obstruction are taken into account without the clear and unambiguous intervention of the Committee of Ministers, the problem of owners in Croatia will never be solved. It is, moreover, completely clear that – 7 years after the Statileo verdict took place – there is still no political will for a clear, fast and efficient implementation of its conclusions and, accordingly, for an end to the violation of human rights of owners.

Therefore, the owners of apartments occupied by protected tenants seek:

- Respecting the initial deadline for eviction which was set to 01-09-2023, as stated by the 2018 law. We hereby additionally note that the Constitutional Court, in its decision to repeal the law, had no objections on this deadline.
- Complying with the conclusion of the Committee of Ministers from the 1294th meeting (September 2017) under point 5: *in view of the time that has already elapsed since the leading judgment in the Statileo case became final, stressed that it is crucial that the legislative process necessary for the execution of this judgment is brought to an end without further delay;*
- The behavior of the state in the past 7 years clearly indicates the fact that the Republic of Croatia de facto refuses to implement the Statileo judgment. Therefore, we ask the Committee of Ministers to use its political and legal mechanisms to put strong pressure on the Republic of Croatia to finally fulfill its international obligation to enforce the ECHR judgment and to respect its own Constitution

Respectfully,

Association of Ownership and Possession. Zagreb

Igor Leskovar,

President

Dražen Gržan,

Vice-President

Josip Hrastić,

Secretary