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Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (29/10/2026)

Communication from North Macedonia concerning the case of Kitanovska and Trajkovski v. North Macedonia (Application No. 71657/17) (Strezovski and Others group)

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Réunion : 1577^e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (29/10/2026)

Communication de la Macédoine du Nord concernant l'affaire Kitanovska et Trajkovski c. Macédoine du Nord (Requête n° 71657/17) (Groupe Strezovski et autres) **[anglais uniquement]**

DGI

29 OCT. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Skopje, 29.06.2026

ACTION REPORT

Kitanovska and Trajkovski

v.

North Macedonia

Application nos. 71657/17 and nine others
(see appended list)

Judgment of 14 November 2023, final on 14 November 2023

I CASE DESCRIPTION

1. This case concerns a violation of the applicants' right to peaceful enjoyment of their possessions following the obligation imposed to them by domestic legislation to pay the standing heating charge from 2013 until 2016 while their flats were disconnected from the district heating network (violation of Article 1 of Protocol No. 1).
2. In the present case, the Court found that the imposition of the standing charge for heating on the applicants, as owners of flats disconnected from the district heating system was provided for by law and it pursued the legitimate aim of ensuring a safe, secure and efficient heat supply, however, the domestic courts applied the same blanket approach which the Court has found to be at odds with the respondent State's obligation to ensure adequate protection of the applicants' property rights, and to be tantamount to a failure to strike the requisite fair balance between the interests involved (*Kitanovska and Trajkovski*, §§ 16-18; see also *Strezovski and Others*, §§ 76-89).

II INDIVIDUAL MEASURES

3. Necessary measures have been taken to ensure that the violation at hand is brought to an end and that the applicants were provided with adequate redress for the consequences sustained. They are set out below.

A. Reopening of the impugned proceedings

4. At the outset, the authorities indicate that the domestic legislation provided for a concrete and effective avenue to obtain re-examination of the applicants' cases. In particular, provision of Section 400 of the Civil Proceedings Act, provides a possibility

for the applicants to apply for reopening of the proceedings following a judgment of the European Court finding a violation. The reopening could be sought within thirty days after the Court's judgment is final.

5. The authorities note that on 14 December 2023 the applicants have requested reopening of all of the impugned proceedings.¹ The Basic Civil Court Skopje has adopted decisions granting the requests for reopening of all the impugned proceedings and quashed the impugned decisions in all cases.
6. On 25.02.2026, 21.07.2026, 27.05.2026, 19.09.2026, 14.09.2026, 19.09.2026 respectively, the Basic Civil Court Skopje confirmed the withdrawal of the lawsuits submitted by the private heat supplier and quashed the payment orders in cases PL-1-P-182/17, PL-1-P-1874/15, and PL-1-P-119/17 regarding Mr. Trajkovski and PL-1-P-995/15, PL-1-P-1461/16, PL-1-P-310/17 regarding Ms. Kitanovska.
7. The reopened proceedings are still ongoing in cases PL-1-P-1366/14 and PL-1-P-716/15 regarding Mr. Trajkovski, and in cases PL-1-P-3018/15 and PL-1-P-2527/16 regarding Ms. Kitanovska.
8. The Government highlights that in a number of cases the reopened proceedings have already been concluded with final domestic decisions restoring the applicants' rights in full conformity with the Court's findings (see paragraph 6 above). Having regard to the outcome of these reopened proceedings, as well as the evolution of the relevant domestic case-law (see paragraphs 12-14 below), the Government notes, with respect to the remaining cases where the reopened proceedings are currently still pending before the domestic courts, that the mere granting of the reopening has successfully achieved *restitutio in integrum* by removing the legal consequences of the violation identified by the Court. Consequently, the Government considers that no further individual measures are necessary in the present case.

B. Redress for the applicants

9. The first applicant claimed just satisfaction in respect of pecuniary and non-pecuniary damage, while the second applicant claimed just satisfaction in respect of non-pecuniary damage.
10. The European Court awarded the first applicant EUR 4 000 and the second applicant EUR 3 000 in respect of non-pecuniary damage sustained.
11. The authorities thus consider that the just satisfaction awarded fully redressed the applicants for the damage sustained.

¹ ПЛ-1-П-1876/15, ПЛ-1-П-1366/14, ПЛ-1-П-716/15, ПЛ-1-П-182/17 and ПЛ-1-П-119/17 regarding Mr. Trajkovski and ПЛ-1-П-995/15, ПЛ-1-П-1461/16, ПЛ-1-П-310/17, ПЛ-1-П-3018/15 and ПЛ-1-П-2527/16 regarding Ms. Kitanovska

III GENERAL MEASURES

12. The Government would like to recall that the general measures aimed at preventing similar violations have been taken within the framework of the case *Strezovski and others* (see Resolution CM/ResDH(2022)406). The Government furthermore notes that the impugned facts in the present case took place before the measures have been taken within the framework of the case *Strezovski and others*.
13. Furthermore, the authorities would like to highlight that the positive change of the domestic courts' practice, as it related to the application of 2012 and 2019 Heat Energy Supply Regulations, had continued following the submission of the Action Report for the case *Strezovski and others* and the adoption of the Resolution CM/ResDH(2022)406.
14. The domestic courts thus continued to ensure the Convention-compliant jurisprudence. Namely, when deciding in similar cases the domestic courts are expressly relying on the *Strezovski and others* judgment, the findings of the Court and/or on Article 1 of the Protocol no. 1 of the Convention.²
15. It is recalled that in its Action report for the case *Strezovski and others* the authorities indicated that adoption of amendments to the Energy Act were pending before the Parliament (see § 46). In light of this, the authorities would like to note that on 7 November 2022 these amendments were published in the Official Gazette³ and came into force on the eighth day after their publication. As indicated in the Action report for the case *Strezovski and others* the amendments envisage *inter alia*, that owners of units in residential buildings equipped with single joint meter, which are not connected to the district heating system are obliged to pay part of the total fee for heating. However, according to the amendments, this obligation does not apply to the owners which have been exempted from the obligation to pay part of the total fee for heating in accordance with the Heat Energy Supply Regulations. Furthermore, the authorities would like to note that no amendments were adopted to the Heat Energy Supply Regulations.
16. The authorities would also like to note that there are no similar cases pending before the Court.

² See for example judgments IIJI-1-II-853/19 of 25 September 2020, final on 26 May 2023; IIJI-1-II-650/20 of 19 March 2021, final on 1 April 2022; IIJI-1-II-308/21 of 27 October 2021, final on 9 February 2023; IIJI-1-II-193/21 of 23 March 2023, final on 17 November 2022; IIJI-1-II-539/21 of 28 April 2022, final on 18 October 2022; IIJI-1-II-180/22 of 29 September 2022, final on 28 October 2022; IIJI-1-II-195/22 of 31 October 2022, final on 24 November 2022; IIJI-1-II-150/22 of 2 March 2023, final on 22 June 2023; IIJI-1-II-510/21 of 24 March 2023, final on 12 June 2023; IIJI-1-II-83/22 of 27 March 2023, final on 20 April 2023; IIJI-1-II-223/22 of 20 April 2023, final on 12 June 2023 and IIJI-1-II-198/21 of 1 December 2023, final on 22 January 2024

³ Official Gazette no. 236/22

17. The authorities also provided publication of the European Court's judgment in the case at hand in order to make sure that the domestic judges are aware of and comply with the findings of the European Court's case at hand. The European Court's judgment in the present case has, in particular, been published in Macedonian and posted on the website of the Bureau for Representation of the Republic of North Macedonia before the European Court of Human Rights (www.biroescp.gov.mk), making it available to the public.
18. With a view to facilitating dissemination of the judgment and making it accessible to the legal professionals in North Macedonia, the Office of the Government Agent prepared an analysis of the European Court's judgment highlighting its most important findings. The Government Agent ensured that the above-mentioned analysis and the European Court's judgment were transmitted to all relevant judicial authorities and other competent bodies (including, but not limited to the Constitutional Court, the Supreme Court; the Courts of Appeal in Skopje, Bitola, Gostivar and Štip; the Basic Civil Court in Skopje; the Higher Administrative Court; the Administrative Court; the Judicial Council; the Ombudsman's Office; the Academy for Training of Judges and Public Prosecutors; the Macedonian Judges' Association; the Bar Association and the Association of Public Prosecutors).
19. The authorities consider that the above measures ensured that domestic authorities are aware of the European Court's findings.

IV JUST SATISFACTION

20. On 31 January 2024 the authorities ensured that the awarded sums were transferred to the applicants. Thus, the payments have been made within the deadline set out by the European Court.

V CONCLUSIONS

21. The Government considers that no further individual measures are necessary in the present case.
22. The authorities furthermore recall that the general measures have been taken within the context of the *Strezovski and others* case (app. no. 14460/16 and 7 other apps) (see Resolution CM/ResDH(2022)406).
23. The Government considers that the Republic of North Macedonia has fully satisfied its obligations under Article 46 § 1 of the Convention and therefore respectfully invites the Committee of Ministers to close its supervision of the execution of the present judgment.

APPENDIX

No.	Application no.	Applicant
1.	71657/17	Nadezhda Kitanovska
2.	78391/17	Radojko Trajkovski
3.	82519/17	Radojko Trajkovski
4.	84547/17	Nadezhda Kitanovska
5.	15680/18	Radojko Trajkovski
6.	15682/18	Radojko Trajkovski
7.	15683/18	Radojko Trajkovski
8.	41061/18	Nadezhda Kitanovska
9.	3956/19	Nadezhda Kitanovska
10.	15098/19	Nadezhda Kitanovska