

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 01/03/2018

DH-DD(2018)214

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1310th meeting (March 2018) (DH)

Communication from a NGO (Udruga Proljeće) (02/02/2018) regarding DH-DD(2018)51 in the case of STATILEO v. Croatia (Application No. 12027/10) and reply from the authorities (19/02/2018).

Information made available under Rules 9.2 and 9.6 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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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1310^e réunion (mars 2018) (DH)

Communication d'une ONG (Udruga Proljeće) (02/02/2018) concernant le DH-DD(2018)51 dans l'affaire STATILEO c. Croatie (Requête n° 12027/10) et réponse des autorités (19/02/2018) **[anglais uniquement]**

Informations mises à disposition en vertu des Règles 9.2 et 9.6 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

UDRUGA PROLJEĆE

Kralja Zvonimira 17

21000 Split, Croatia

Split, 29th January 2018



Mrs Genevieve Mayer
Head of Department
DEPARTMENT FOR THE EXECUTION OF
JUDGMENTS OF THE EUROPEAN COURT
OF HUMAN RIGHTS
DIRECTORATE GENERAL I – DG I
HUMAN RIGHTS AND RULE OF LAW
SECRETARIAT GENERAL
COUNCIL OF EUROPE
F-67075 Strasbourg Cedex
France

Dear Sir,

In light of recent letter that was entitled to your Excellency by the Government of the Republic of Croatia, regarding the legislative process aimed at executing the Statileo group of judgments, we are forced to contact you and ask for help.

Having in mind that the Government of the Republic of Croatia has again discarded recommendations of the Committee of Minister's stating that Amendments to the Lease of Flats Act must be enacted untill 31st of December of 2017, in accordance with the judgments of the European Court of Human Rights, European acquis and European Convention on Human Rights, especially Article 1 of Protocol 1, which guarantees peaceful enjoyment of ownership, we – threatened and discriminated owners of always private, for decades occupied, properties – are desperately seeking for help.

Aforementioned letter of the Government of the Republic of Croatia, which was sent to formally fulfill obligations and to „gain time“, with obvious aim to procrastinate and avoid problem solving, is clear evidence that our flats, which have always been in private ownership, never nationalized nor confiscated, but occupied for decades, will stay occupied for long time and we won't be able to freely dispose our property, nor will we know how long will this „occupation“ last, nor will we receive adequate rent!

We ask you to influence the Government of the Republic of Croatia with all the appropriate measures to fulfill all the positive internationally ratified documents and regulations, to act in accordance with Article 1 of Protocol 1 of Convention, to free us from discrimination

and all-round oppressions and to respect the European acquis and the norms of the civilized world.


It is hard to ignore the fact that bureaucrats from the Republic's Government have excellent logic and calculations, unfortunately at the harm and expense of their own citizens, in this case at the owners of the occupied property. It is well known that more than one owner dies every 3 days. Moreover, many of the descendants decide to sell these flats after realizing their loved ones were guided into death with misery and the troubles of the occupied properties.

Meanwhile, the authorities gladly “rub their hands”, thanks to the fact that problems are resolved “naturally”. It would be absurd to pay a compensation to few people according to the judgments of the European Court of Human Rights, when described way of solving problems, by delaying solutions and expecting death of private owners, solves a couple of hundred problems a year. It is important to emphasize that it is almost impossible to reach the European Court of Human Rights because of a deliberately slow domestic court and legal system, which is a precondition required for initiating a lawsuit in Strasbourg.

In addition, to be fully and accurately familiarized with the concept of proposed solution, please find enclosed the latest Draft Proposal of Amendment to the Lease of Flats Act (in *Attachment*, latest and full Croatian version) which we have received from a confidential source. The Proposal should now go to the Government for adoption, then to various committees and subsequently, if they adopt it, the Proposal goes into the procedure. The next phase in legislative process is adoption by the parliamentary committees of the Republic of Croatia, following by the two necessary readings and acceptances in the Parliament. However, a number of times the second reading in the Parliament doesn't happen. And after all this procedure, if the Minister changes, everything must be done from the beginning.

During this time we, discriminated owners of private property, die every day...

Sincerely yours,

Udruga Proljeće,
President
Ivan Matetić

UDRUGA PROLJEĆE
SPLIT

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SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
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Contact: Clare OVEY
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Date: 16/01/2018

DH-DD(2018)51

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1310th meeting (March 2018) (DH)

Communication from the authorities (02/01/2018) concerning the case of STATILEO v. Croatia (Application No. 12027/10).

Information made available under Rule 8.2a 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 : 1310^e réunion (mars 2018) (DH)

Communication des autorités (02/01/2018) concernant l'affaire STATILEO c. Croatie (requête n° 12027/10)
(anglais uniquement)

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



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

CLASS: 004-02/17-05/01
REG. NO.: 50447-03/1-17- 43
Zagreb, 28 December 2017.

Mrs Genevieve Mayer
Head of Department
DEPARTMENT FOR THE EXECUTION OF
JUDGMENTS OF THE EUROPEAN COURT
OF HUMAN RIGHTS
DIRECTORATE GENERAL I - DG I
HUMAN RIGHTS AND RULE OF LAW
SECRETARIAT GENERAL
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F-67075 Strasbourg Cedex
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Re: *Statileo v. Croatia* group of cases
Precedent application no: 12027/10

Dear Sir,

With reference to the above case, and the Committee of Minister's decision CM/Del/Dec(2017)1294/H46-8 of 21 September 2017, the Government of the Republic of Croatia wishes to provide herewith updated information on the legislative process aimed at executing the Statileo group of judgments.

At the outset, the Government wishes to reaffirm its strong commitment to the respect for human rights enshrined in the Convention and fulfilment of its international obligations arising therefrom. As from the delivery of the precedent judgment, the Government has invested significant efforts into finding a Convention compliant overall solution to the issue of flats occupied by the protected tenants under the communist-established protected tenancy scheme.

A comprehensive solution to an issue affecting a large number of individuals requires careful balancing, which necessitates a careful consideration of all aspects of the relevant issues. Unfortunately, following the last letter we submitted in July 2017 the Amendments to the Lease of Flats Act have not yet been definitively defined. Thus, the legislative process has not reached the parliament stage at this point.

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DH-DD(2018)51 : Communication from Croatia.
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

In September 2017 the Draft Proposal was submitted to the Government for approval pending its submission to Parliament. However, the Ministry of Justice requested further harmonization of the text. Following the said harmonization, it was established that additional issues from the competency of the Ministry of Finance were now opened, which required further discussions with the said Ministry. The process of finalization of the text is currently nearing completion.

The current Draft Proposal of the Amendments to the Lease of Flats Act regulates all outstanding issues: reasons for termination of the lease, amount of rent and the return of the flat to the owner within a fixed period or raising of the rent to that achieved on the open market.

mechanisms for protection of the lessee and the lessor in case of lease termination, when state or local government is obliged to ensure appropriate lodging for the lessee;

termination of the protected tenants' right to protected rent and other rights, which is to become effective on the day of entry into force of the Amendments;

gradual increase of the protected rent during 5 years in privately owned flats;

setting up a mechanism of covering the difference between increased rent and protected rent by the Republic of Croatia or local government for vulnerable groups of protected tenants (veterans of the Homeland war, beneficiaries of social welfare);

the obligation of the state and local government to secure appropriate flats to certain categories of protected tenants out of their own housing funds;

termination of the rights of protected tenants who reside in privately owned flats five years after the entry into force of the Amendments;

giving priority rights for purchase of state owned flats to protected tenants, etc.

In that regard, the Government noted with interest the Committee of Ministers decision to place the *Stauder* group of judgments on the agenda of its DH meeting to be held in December 2018. The Government is strongly dedicated to ensuring the adoption of the envisaged legislative measures by that time and undertakes to inform the Committee of Ministers on any new relevant developments as soon as they arise.

Stefan Stank
Representative

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No related documents



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

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SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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Zagreb, 19 February 2018

Mrs Genevieve Mayer
Head of Department
DPEARTMENT FOR THE EXECUTION OF
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DIRECTORAT GENERAL - DG I
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COUNCIL OF EUROPE
F-67075 Strasbourg - Cedex
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Re: *Statileo* group of cases
Precedent application no.: 12027/10

Dear Mrs Mayer,

With reference to the above case, and in connection with the letter received on 12 February 2018 in accordance with Rule 9 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements, the Government of the Republic of Croatia wishes to provide herewith its response and fresh information regarding the progress in the implementation of the said group of judgments.

The Government wishes to inform the Committee of Ministers that on 8 February 2018 the Government accepted the text of the Draft Amendments to the Lease of Flats Act and forwarded the draft to the legislative procedure before the Parliament.

Thus, the progress in the adoption of the said amendments is coming along within the expected timelines. It is thus reasonable to assume that the amendments shall be enacted well before the December DH meeting when the Committee scheduled its next examination of the case.

The Government once again reaffirms its strong commitment to fulfilling its obligations arising from Article 46 paragraph 1 of the Convention and shall keep the Committee of Ministers informed on all further developments in that regard.

Yours sincerely,


Štefica Stažnik
Representative