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Report

Regional online conference

"Protection of Property: the European Court of Human Rights and National Case-law in the Western Balkans"

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EXECUTIVE SUMMARY

Property right issues are regularly testing the abilities of the national legal systems and the Convention system to secure this important human right which lies in the fundaments of each modern state. So far the Convention system has been very helpful in providing a protection to numerous persons and legal entities in property-related cases. However, it is primarily up to the states to provide and non-discriminatorily apply the national laws regulating property rights.

The regional conference on property issues in the Western Balkans was a conference on lessons learnt and (new) challenges to be overcome. It was also an opportunity to see that the property rights very often do not fall to be examined only under Article 1 of Protocol 1 to the European Convention on Human Rights (the European Convention/Convention/ECHR), but also under other provisions of the Convention, such as Articles 6 and 8, and that, indeed, there is a grey zone between Article 1 Protocol 1 and some other particular Convention provisions. Apparently, property issues overlap with private life, running of a private business, certain aspects of criminal proceedings and some peculiar questions of public importance and interest.

Moreover, the conference showed that, besides over 20 years of the application of the Convention in the region, the Western Balkan countries are (still) facing a huge range of various and, unfortunately, systemic problems in the property issues. Most of the problems which are met on the ground concern privatisation, nationalised property, expropriation, restitution, and other problems whose roots are found either in the communist regime or in weaknesses of the domestic court and execution proceedings. Another problem must also be noted, and that is the quality of certain very important (systemic) laws and the problem of legality principle in the practice of the administrative bodies and courts. Proper application of the Article 1 of Protocol 1 in the domestic judgments must also improve. However, at the same time, it can be seen that after the problems are being examined before the European Court of Human Rights (the European Court/Court/ECtHR), the states are capable of gradually overcoming targeted problems in close cooperation with the Execution Department. Some states are also proving that their domestic courts *are* capable of dealing with complex human rights issues independently and can successfully play *the primary role in the protection of the human rights protected by the European Convention*.

There were no particular and express proposals coming from either of the participants, except for the improvement of the quality of domestic judgments in terms of their reasoning, which can often be crucial. However, what in fact stems from the experiences shared is that there is still a strong need for a strengthening of the national courts and administrative bodies in their capacities and knowledge about the EC(t)HR approach towards the property issues for the sake of strengthening of the legal certainty and predictability of the domestic legal systems. Moreover, it appears that

exchanges of this type – regional conference, in particular among domestic judges from the region could improve the quality of application of the EC(t)HR standards, and, therefore, eagerly awaited legal certainty. And, finally, as one of the conference participants noted, one of the reasons for cooperation activities in the states is also to facilitate the execution of the judgments, reduce the number of the applications before the European Court and to prevent any further violations of Article 1 of Protocol 1 which may also affect the economic stability of the states.

INTRODUCTION

The online regional conference "Protection of Property: the European Court of Human Rights and National case-law in the Western Balkans" took place on 9 December 2020. This was the third online conference organised in 2020 to address some of the burning human rights issues in the Western Balkans. The first event of this kind was an online roundtable on the consequences of the lockdown on human rights and the standards of the Council of Europe which were applicable in these circumstances - "The impact of the COVID-19 pandemic on human rights and the rule of law",[1] (28 April 2020). The regional online round table "Videoconference in court proceedings: human rights standards",[2] (18 June 2020) was the second online event organised in the Western Balkans on the issue of great relevance for human rights in the lockdown period. All three activities were organised within the framework of the Action "Initiative for Legal Certainty in the Western Balkans", a part of the joint programme of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey 2019-2022".

The conference "Protection of Property: the European Court of Human Rights and National case-law in the Western Balkans" (the Conference), was aimed at providing a platform for discussion among legal professionals in the countries of the Western Balkans on the challenges related to the enjoyment of the right to property protected under Article 1 of Protocol 1 to the European Convention on Human Rights. The European Court of Human Rights firmly established, in its case law, what constitutes "property" for the purposes of the ECHR, and what effective remedies for its protection are. The interpretation of these standards at national level still leaves many questions unresolved. As interventions of participants from various jurisdictions of the Western Balkans showed, a wide range of property related issues remain high on the agenda, especially where definitions of property in national legislation differ from the approaches of the ECtHR. These are, for example, the restitution of nationalised property, quality and clarity of the domestic laws as regards protection of property, non-enforcement of judicial decisions in property cases, confiscation of movable property as a result of the criminal offence etc. Some of the issues have already been dealt with by the highest domestic instances, or even somewhat tested before the Strasbourg court, while others are still pending before the domestic courts seeking close cooperation between the judiciary and legislator. Finally, some of the matters have recently been resolved either through legislation or judicial practice, with the involvement of constitutional courts and with the support of the Council of Europe.

Speakers and participants included representatives of the Constitutional, Supreme and Appellate Courts, Ministries of Justice, national training institutions, Government Agents before the European Court of Human Rights, Bar Associations, professional associations of judges from Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Kosovo*, as well as

[1] The information about this event is available here.
[2] Concept, program, video recording and the report on this event are available here.
*This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo Declaration of Independence.

the representatives of the Council of Europe Secretariat and Registry of the European Court of Human Rights. The working language of the Conference was English with simultaneous interpretation into Albanian, Macedonian and Bosnian/Croatian/Montenegrin/Serbian.

This report does not strictly follow the agenda of the conference. It is rather divided into several thematic chapters, which are followed by the list of the cases referred to by the speakers, at the very end.

GENERAL REMARKS ON PROPERTY RIGHTS WITHIN THE FRAMEWORK OF THE EUROPEAN CONVENTION

1. Opening of the Conference and introduction

The Conference was opened and moderated by Mr Sergey Dikman, *programme co-ordinator in the Human Rights National Implementation Division of the Council of Europe*, who emphasised that the idea behind the online conferences organised in the time of pandemic was to ensure a coherent application of the European Convention throughout the region of the Western Balkans, and for the peers in the region to exchange their experiences.

Mr Mikhail Lobov, *Head of Human Rights Policy and Co-operation Department of the Directorate General Human Rights and Rule of Law of the Council of Europe* stressed that the issue of property protection was important for all countries of the Convention system. For the Western Balkans countries, in particular, important aspects of the right to property concerned (but were not limited to) the restitution and foreign currency savings, as well as non-enforcement of national judicial decisions and non-payment of pensions. Looking back to the history, it took the ECtHR more than 20 years to find the first violation of Article 1 of Protocol 1, in the case *Sporrong and Lönnroth v. Sweden*.[3] It then took a long time for national courts to apply the ECtHR standards since the autonomous meaning of "property" as applied by the Court does not always correspond to definitions of property in national legislative acts and judicial practice. The Conference should contribute to a better understanding by legal professionals of the concept of property which contains in Article 1 of Protocol 1 to the ECHR.Mr Lobov cited the President of the European Court judge Róbert Spanó who has emphasised the importance of national judges in implementing the Convention, since they are effectively the "Strasbourg judges", or, as some others emphasised "the primary judges of the Convention". Mr Lobov concluded with the call for the conference to contribute to the technical and legal means of the application of the ECtHR among the national judges.

2. General remarks on the property rights protected under the European Convention

Before moving to the general remarks about the property rights under the European Convention, and initiating the exchange and discussion among conference participants, the moderator, Mr Andrey Esin *human rights lawyer*, noted that the issue of property protection was not the easiest and the most interesting EC(t)HR matter for the lawyers and the search of the European Court for applicable standards was long. Yet, eventually, a set of standards to form the baseline for domestic authorities, which are deciding upon property matters, was established. Sharing the national approaches to addressing the issues of protection of property by national courts should allow the

[3] *Sporrong and Lönnroth v. Sweden, app. nos. 7151/75, 7152/75, Merits and just satisfaction, 23 September 1982*

participants to come closer to solution of complex legal issues in relation to the application of relevant ECHR provisions.

Ms Ana Vilfan-Vospernik, *lawyer in the Jurisconsult's Directorate, Registry of the European Court of Human Rights* reminded the audience of the autonomous meaning of the notion of property, and the structure and content of Article 1 of Protocol 1 to the European Convention. The said ECHR provision stipulates three rules: on deprivation of property, on control of the property and the general rule. What is being examined by the European Court under these provisions is (i) if there is a right to property (which notion may be interpreted in a wider sense), (ii) if there was an interference with the applicant's right to property, (iii) whether any of the three rules is applicable, (iv) whether the interference was lawful (the quality of law is an important condition), (v) whether the interference was legitimate in the pursuit of a general or public interest (bearing in mind that the states have a wide margin of appreciation in determining what falls under the general or public interest), (vi) whether the interference was proportionate, and (vii) if the interference constituted an excessive burden for the applicant. What, in the bottom line, should be established is if the applicant had the proprietary interest under the Convention (even though the Convention does not guarantee the right to acquire the property).

The ECtHR has a rich body of the property related case law, but there are few recent Grand Chamber cases which merit mentioning as they are establishing new interpretation methods with regard to discrimination in the property issues (also related to the application of the religious laws to the property cases), small shareholders' property rights and pensions.

The first case is *Albert and Others v. Hungary*[4] concerning the shareholders' rights. Over 200 shareholders of the Hungarian Bank complained about their voting rights being diminished after certain legal reforms were undertaken. This case provides an excellent overview about who among the shareholders does and who does not have the standing before the ECtHR. In this case the applicants did not have the standing.

The second case is *Molla Sali v. Greece*,[5] concerning the application of Shariah law in relation to inheritance matters among the Greek citizens who belonged to the Muslim minority, but against the will of the testator. In this case the applicant's late husband left her all the property in the form of a will, drafted in accordance with the Greek civil law. Yet, the Court of Appeal considered the will to be null and void because the Islamic law of succession, which was part of domestic law and which applied specifically to Greek Muslims was to be applied. The applicant, who was eventually deprived of ¾ of inherited property claimed that she would have had inherited entire property had her late husband not been Muslim. The Court established that although the minority rights should be respected, and the special protection of Muslim faith in Greece established by the Treaties of

[4] *Albert and Others v. Hungary*, app.no. 5294/14, Grand Chamber, Merits and just satisfaction 7 July 2020.
[5] *Molla Sali v. Greece*, app. no. 20452/14, Merits, 19 December 2018, Just satisfaction 18 June 2020.

Sèvres (1923) and Lausanne (1920) should be ensured, in this particular case difference of treatment suffered by the applicant, as a beneficiary of a will drawn up in accordance with the Civil Code by a testator of Muslim faith, as compared to a beneficiary of a will drawn up in accordance with the Civil Code by a non-Muslim testator, had had no objective and reasonable justification. The Court found the violation of Article 14 in relation to Article 1 Protocol 1.

Another relevant case was *Lekić v. Slovenia*[6] which concerned striking a company off a court register, and if the shareholders had the standing before the ECtHR and if the acting directors were to be held liable for the company debts. In this case the applicant, as one of the shareholders and (acting) managing director of a company had to pay the company's debt of around 20 000 Euros, in accordance with domestic laws. The Grand Chamber of the European Court established that the applicant's payment did not constitute an excessive burden since he was actively involved in running of the company, while the amount of debt was relatively modest, hence there was no violation of Article 1 of Protocol 1.

Then, there were two cases concerning pensions which could also be relevant for the Western Balkans. In *Béláné Nagy v. Hungary*[7] the Court found a violation of Article 1 of Protocol 1 with regard to the applicant being completely stripped of the disability pension after the reform of certain pension laws, while in *Fabian v. Hungary*[8] concerning pensions from the public funds and private funds, and difference between public and private funds, the Court found no violation. In the case *Radomilja and Others v. Croatia*[9] the European Court established no proprietary interests on part of the applicants (see this case for the criteria set there in), while the case *G.I.E.M.S. r.L. and Others v Italy*[10] - it did. This case was concerned the expropriation of certain plots of land due to unlawful construction, and the judgments was later relevant for Bosnian case *Orlović v. Bosnia and Herzegovina*[11] and Montenegrin cases concerning the ownership over the land in coastal zone (for further details see the country report from Montenegro).

Referring to the Western Balkans region and relevant case law Ms Vilfan-Vospernik referred to numerous cases coming from each state – participant of the present conference, which were later discussed in detail. A particular property related judgment was pending before the European Court - *Slovenia v. Croatia*, but the Grand Chamber ruled the application as inadmissible.[12]

Mr Dragoljub Popović, *Judge of European Court of Human Rights elected in respect of Serbia (2005-2015)* noted that there are frequent problems in the domestic proceedings concerning

[6] *Lekić v. Slovenia*, app. no. 36480/07, Merits and just satisfaction, 11 December 2018.
[7] *Béláné Nagy v. Hungary.* app.no. 53080/13, Grand Chamber, Merits and just satisfaction, 13 December 2016.
[8] *Fabian v. Hungary*, app.no. 78117/13, Grand Chamber, Merits, 5 September 2017.
[9] *Radomilja and others v. Croatia*, app. nos. 37685/10, 22768/12, Merits and Just satisfaction, 20 March 2018.
[10] *G.I.E.M. S.r.l. and Others v. Italy [GC] - 1828/06, 34163/07 and 19029/11 Merits and just satisfction, 28 June 2018*
[11] *Orlović and Others v. Bosnia and Herzegovina*, app. no. 16332/18, Merits and just satisfaction, 1 October 2019.
[12] *Slovenia v.Croatia, app.no.54155/16, inadmissibility, 18 November 2020.*

property rights, and that a particular problem lies in the reasoning in the judgments. To illustrate the problem, he mentioned two specific cases from the jurisprudence of the European Court.

The first case is from 2007 - *Kushoglu v. Bulgaria*.[13] Here the European Court found the violation of Article 1 of Protocol 1, but it did so by applying the Article 6 (right to a fair trial) standards. In this case, the applicants, being members of the Muslim minority, had to leave Bulgaria to exile in Turkey by the end of the communist regime. In such haste they sold their property to a certain Bulgarian municipality for an unrealistic price. Several years later, after the fall of the communist regime, the applicants returned to Bulgaria and sought back their property, by means of *actio rei vindicatio*, but to no avail, since the property was re-sold by the municipality to the third persons, which sale the domestic courts found to be valid. By establishing that there was a manifest unlawfulness in the domestic proceedings, the European Court found a violation of Article 1 of Protocol 1. The technique of the European Court was indeed peculiar, but the final verdict was, in fact, fair.

The second case was a region-specific case, *Brežec v. Croatia*[14] from 2013, in which the applicant had the protected tenancy status (and not the full ownership), but had no paper to support her claim that she was given the flat in the hotel in which she worked and lived over 35 years. The hotel, including the flat, was sold to a new owner at some point and the applicant had to leave it as the result of the eviction proceedings initiated before the domestic courts. However, the case was brought before the European Court under Article 8 (even though it was a real-estate case and in substance concerned the property rights), and the Court found violation of Article 8 since there was no sufficient reasoning of the national courts and no proportionality test was exercised (basically, the applicant had to leave only because the new purchaser came, without taking into consideration that she lived there over 30 years).

Mr Popović concluded that there is a grey zone between Article 1 of Protocol 1 and Articles 6 and 8. Also, he called for the improvement of the reasoning of the domestic judgments by introducing and properly applying the rules and standards developed under Article 1 of Protocol 1 therein. In his view, this would help in practical handling of the cases at the national level. Moreover, it is relevant because if the domestic reasoning in the judgments is not proper at the national level, the European Court will find a violation. After all, as it was said in the introduction, the national judges *are* in fact the first instance judges of the European Court.

[13] *Kushoglu v. Bulgaria*, app.no. 48191/99, Merits, 10 May 2007, Just satisfaction 3 July 2008.
[14] *Brežec v. Croatia*, app. no. 7177/10, Merits and just satisfaction, 18 October 2013.

THE STATE OF PROPERTY RIGHTS PROTECTION IN THE WESTERN BALKANS

Bosnia and Herzegovina

Bosnia and Herzegovina ratified the European Convention in July 2002, even though it has been effectively applying it since the Dayton Agreement came into force in 1995. There have been many challenges which this state faced in the field of protection of property rights, some of which still stand unresolved.[15] However, this country report brought the experience of a Constitutional Court in the application of the standards developed by the European Court in property rights cases.

Namely, there were three particular cases related to property issues where the Constitutional Court of Bosnia and Herzegovina successfully applied the standards of the European Court.

a) *Payment of default interest on unlawfully collected VAT (AP-3548/18)*

The appellant company was ordered to pay certain amount of the VAT, and it did so. However, in the latter control, it was established that the calculation of the VAT was erroneous (it was in fact much higher than it should be) so the appellant was paid back the difference, but without the default interest. The appellant then requested the default interest, but its request was rejected as out of time, since the competent administrative body applied the deadlines from the Law on Indirect Taxation Procedure instead of the Law on the VAT.
The Constitutional Court of Bosnia and Herzegovina examined this constitutional appeal by applying the standards developed by the European Court and established that the state's interference with the appellant's property right was not in accordance with the law (proper piece of legislation) which amounted to the violation of Article 1 of Protocol.

b) *Measures restricting the use of property due to suspicion that a criminal offense has been committed. (AP-2742/16)*

The appellant owned a car which was used, without his knowledge, by another person for the transportation of certain explosive. This person was found guilty and sentenced to the three-year imprisonment, while the car was seized by the administrative authorities as a vehicle used for the criminal offence, even though it was proved in the course of criminal proceedings that the appellant owned the car and was not aware of the purpose for which the offender used his vehicle. The domestic criminal court only instructed the appellant to seek the damages in separate civil proceedings. Before the Constitutional Court the appellant claimed that his property rights were violated by the seizure of his vehicle. The

[15] For further details on the outstanding issues with regard to the property right in the cases against Bosnia and Herzegovina, see the table with the information about the state of the cases in the execution phase.

Constitutional Court established that the interference with the appellant's right was in accordance with the domestic law and public interest, but that the fair balance was not met between the act of seizure and the fact that the appellant did not participate in the criminal act, did not know about it, nor that there was any risk that he would use the vehicle for the same or similar criminal act, which amounted to the violation of Article 1 of Protocol 1.

c) *Privatisation of the state property. (AP-3789/16)*

The Agency for Privatisation and the appellant company concluded the privatisation contract for the purchase of a certain state-own company. However, afterwards, the Agency for Privatisation sought the contract termination because the appellant did not fulfil part of its investment obligations, while the appellant, in its counterclaim asked the purchase agreement to stay in force since there were no justifiable reasons for its termination or, alternatively, one million euros to be paid as a compensation for the purchase price. Eventually the domestic court established the contract terminated. The Constitutional Court established that the interference with the applicant's property right was in accordance with the law and the public interest, but that there was not proportionality between the interference and the aim pursued since, in fact, it was the Agency for Privatisation which continuously was impeding the appellant to fulfill its contractual obligation, which caused an excessive burden for the appellant amounting to the violation of Article 1 of Protocol 1.

North Macedonia

When it comes to the North Macedonia, there have been several problems with regard to the property rights therein. Some of the issues were adjudicated by the European Court under both the Article 1 of Protocol 1 and the civil limb of Article 6 of the European Convention, while some were decided under either of those two provisions.

The first problem North Macedonia faced was the judicial non-enforcement of court judgments. This issue was examined by the European Court in the case *Jankulovski v. the former Yugoslav Republic of Macedonia*[16] where the Court found a violation of both Article 6 and Article 1 of Protocol 1 to the Convention. Yet, the non-enforcement problem was somewhat overcome in North Macedonia by the introduction of private bailiffs into the legal system in 2005.

The second problem was revocation of restitution decisions and inconsistent administrative practice, which was eventually found to be justified because it was necessary to remedy some fundamental errors which occurred in the restitution proceedings before the administrative

[16] *Jankulovski v. the former Yugoslav Republic of Macedonia*, Merits and just satisfaction, app. no. 6906/03, 3 July 2008.

bodies.[17] However, the violation was found in one case, *Stojanovski and Others v. the former Yugoslav Republic of Macedonia*,[18] in relation to the restitution of a plot of land whose character could not be precisely established, as it had developed over time, thus putting the applicants completely in a position of being deprived of the possibility to seek *restitutio in integrum* of the said plot. This complex situation amounted to the violation of their property rights.

The third issue concerned the use of the supervision of legality proceedings, i.e. extraordinary legal remedy available to the prosecutor to intervene in private law disputes, which was used (as a sort of intervention tool) in the non-enforcement proceedings in the case *Bočvarska v. the former Yugoslav Republic of Macedonia*.[19] Besides the Court's finding of a violation of Article 1 of Protocol 1, this case was of a particular importance as the European Court here emphasised that the principle of rule of law was embedded in all articles of and rights protected by the European Convention.

Expropriation was also an issue in North Macedonia. In one of the cases (*Arsovski v. the former Yugoslav Republic of Macedonia*[20]) domestic authorities offered low compensation to the applicants for the plot of land where the spring of the mineral water was found, but which was expropriated for the interests of certain private entity/company. Combination of a low compensation and expropriation in favour of the private interests, instead for a wider public purpose, amounted to a violation.

The European Court also found a violation of Article 1 of Protocol 1 in the case of *Romeva v. the former Yugoslav Republic of Macedonia*.[21] In this case the applicant was initially granted a pension on a basis of earned pension right, but which was revoked several years later as it was established that her work experience, earned through the youth agency, should not be calculated in her employment service. Moreover, the Macedonian Pension Fund sought allegedly unlawfully calculated pensions (around 10 000 euros) to be returned in separate civil proceedings. The Court found this to be disproportionate burden for the applicant and the violation was found.

Afterwards, the conference participants could learn about the group of cases which concerned a VAT return – in fact these cases concerned failure of the third parties to pay VAT which failure was eventually attributed to the applicant companies. These were the cases *Avto Atom doo Kochani*

[17] See e.g. following cases *Vikentijevik v. the former Yugoslav Republic of Macedonia*, app. no. 50179/07, Merits and just satisfaction, 6 February 2014 and *Krstanoski and Others v. the Former Yugoslav Republic of Macedonia*, app. nos. 38024/08, 54726/08, Merits and just satisfaction, 7 December 2017.
[18] *Stojanovski and Others v. the former Yugoslav Republic of Macedonia*, app. no. 14174/09, Merits, 23 October 2014.
[19] *Bočvarska v. the former Yugoslav Republic of Macedonia*, app. no. 27865/02, Merits and just satisfaction, 17 September 2009.
[20] *Arsovski v. the former Yugoslav Republic of Macedonia*, app. no. 30206/06, Merits, 15 January 2013, Just satisfaction, 7 February 2019.
[21] *Romeva v. the former Yugoslav Republic of Macedonia*, app. no. 32141/10, Merits and just satisfaction, 12 December 2019.

v. North Macedonia[22] and *Euromak metal doo v. North Macedonia*.[23] These companies did not have the control over the business transactions of their business partners, hence the burden put on these companies was unacceptable for the Court, and the violation was found in relation to the obligation to pay taxes and penalties paid in this regard domestically.

Also, there was a series of cases concerning penalties in criminal and misdemeanour proceedings and related confiscation of property. There is a particular case, *Anastasov v. North Macedonia*,[24] concerning a confiscation (which had punitive character) of a vehicle used for migrants' smuggling (in the eyes of domestic authorities), even though the applicant was not indicted, whereas the vehicle was used to bring a bread to the applicant's family (he was a taxi driver, and only a witness to some criminal offences).[25] For other related cases see the table concerning the execution proceedings below.

Finally, there were some recent Article 6 cases which might affect property rights: some cases which concerned access to court in relation to protection of property rights; cases concerning inconsistent judicial practice concerning unpaid bank loans with very direct pecuniary effect (*ASP PP DOOEL v. North Macedonia*[26]).

In any case, North Macedonia continuously faces problems with non-enforcement of court judgments, particularly in Article 1 Protocol 1 cases. On the other hand, payment of pecuniary and non-pecuniary damages to the damaged parties is stable and functions well. However, reopening of court proceedings and wider legislative changes are still lacking, even though there are individual and general measures to be implemented by these two means as a part of the execution of the Court's judgments.

[22] *Avto Atom doo Kochani v. North Macedonia,* app. no. 21954/16 Merits and just satisfaction, 28 May 2020
[23] *Euromak metal doo v. North Macedonia*, app.no. 68039/14, Merits and just satisfaction, 14 June 2018
[24] *Anastasov v. North Macedonia*, app. no. 46082/14, Merits and just satisfaction, 26 September 2019
[25] For more on this issue see the execution table below.
[26] *ASP PP DOOEL v. North Macedonia, app.no. 66313/14, Merits and just satisfaction, 6 June 2019*

ALBANIA – LESSONS LEARNT FROM THE RESTITUTION PROCESS

For many years Albania coped with many property issues (which arose after the clash of the communist regime, as it was in other Western Balkan states), the complex and vast legislation and the process of restitution as the main property issues. The Albania Constitutional Court, legislator and the Council of Europe worked together to improve the situation in this field, but there have been two approaches adopted in the restitution matters (which were presented in this country report):

- one on the basis of the case law of the European Court and they affected the work of the Constitutional Court of Albania, and
- another, the national approach.

Until 2017 the Albanian Constitutional Court delivered 26 judgments or decisions in property issues, which means that there was a control of the court judgments and a legislation review. However, the pilot-judgment in the case *Manushaque Puto and Others v. Albania*[27] identified the structural problems that existed at the time in the Albanian system (covered by Articles 6 and 13 and Article 1 of Protocol 1) and the Court recommended Albania measures to undertake. Thereafter, in the execution of the adopted Action plan, the homeless and other persons who were occupying previously confiscated property had to evict it, while the Government adopted the rules on the loans for those who needed the housing problem to be resolved. In parallel, the Committee of Ministers instructed the Albanian Government to return the property to its original owners, even though many persons lived in the apartments and had lease or tenancy contracts with the state. The association of those who had the contracts with the state even applied before the Constitutional Court, but their appeal was rejected given that Albania took the responsibility to regain the property titles to the previous owners. Also, the Constitutional Court applied the proportionality test and examined the competing rights - of those who had old ownership titles, but could not exercise their rights, and of those who had the tenancy rights - and decided that the rights of previous owners prevailed since every reasonable deadline for the return of the property to them passed (*Manushaque Puto* was referred to in this case). After this decision, in 2015 the state adopted the law on the compensation to former owners and set up the entire scheme for this issue to be resolved. The law was then challenged and examined before the Constitutional Court, in the light of numerous complaints of the Association of Owners, but only one article was deleted eventually, while it was established that the law, in general, met the standards and the conditions arising from the Constitution.

[27] *Manushaque Puto and Others v. Albania*, app. nos. 604/07, 43628/07, 46684/07 and 34770/09, Merits and just satisfaction, 31 July 2012, Revision, 4 November 2014.

Thereafter, another similar case was examined before the European Court, *Beshiri v. Albania*.[28] This case was registered before the 2015 law came into force, but it was rejected for non-exhaustion of domestic remedies because the complaints were considered to be premature to be discussed before the European Court. The Court also noted that the domestic courts were in much better position to decide on property issues since 2015/before 2017. So, it appeared that Albania had established effective legal remedies with regard to the property issues, and that the domestic courts were capable of dealing therewith.

Intervening into the report concerning Albania, Jeremy McBride, *barrister (Monckton Chambers, United Kingdom)*, particularly focused on the *Puto* case. In his words the *Puto* case should not have happened, but it is a good example from the execution perspective, as well as the legislative reform perspective, on what not to do. This case concerned the legislation adopted in line with the restitution of the property seized during the communist period. It covered a lot of property and the way in which the property could be returned, including the compensation in full market value. But there was a problem with the property which was agricultural in the past, and in the meantime became part of the cities, so the value was somewhat different. Additional problem was implementation of the said legislation given the constant changes in legislation. The legislation was adopted in early 1990s, but the restitution did not prove to be effective since there was ineffective administrative infrastructure to provide restitution and compensation (where restitution was not possible), as well as a lack of information since there were overlapping competing claims over the critical property. All this was seen in the cases brought by the individuals, while the *Puto* case was a combination of all these problems, a warning that more effective measures were necessary and that there was a risk of many similar cases to be brought before the European Court. Therefore, the Court rendered a pilot-judgment where it laid down a number of considerations that were supposed to be taken into account in dealing with the reform. The Court's considerations in this case were important for the legislative process with regard to the restitution process more generally. Key point in this judgment was the Court's concern with the constant change of the law concerned, although there was only one act, but which was amended numerous times. Additionally, the Court called the authorities to consider carefully legal and financial implications, which is generally important when the legislation concerning property issues is adopted. There was also a need for accurate and reliable information on the property. Another problem was in compliance and institutions: there was an agency in charge of the process, necessity to turn to the court for a judicial title, and in the end there was a problem with the enforcement of the court judgments, which brought the *Puto* case before the ECtHR under Article 6 and Article 1 of Protocol 1. Finally, the third persons who had certain benefits stemming from the property concerned were also affected. The Court flagged up that there was a need for serious human and material resources (billions of euros for compensation in fact) to undertake proper restitution, which could affect the state's liquidity. Finally, there was a need for public engagement in order to implement judgment properly because there were very unrealistic expectations with regard to

[28] *Agim Beshiri and 11 other applications v. Albania*, app. no. 29026/06, Decision, 17 March 2020.

restitution. Hence, there was a need for a new legislation and to cooperate with the execution department, experts and other international organisations which could economically help the implementation of new legislation.

At the same time, the complexity grew with the need to respect the constitutional right of others, once the law was examined before the Constitutional Court. Yet, the Venice Commission helped and intervened with an *amicus* brief, and the majority of the proposed legislation solutions were upheld. For the Committee of Ministers this was a good indication that the case could be closed even though some subsidiary legislation was brought only afterwards in order to make sure that the reform was realistic. It appears now that there are no more ceases of this type pending before the Court, so it may be concluded that the problem has been resolved internally.

Broader lessons learnt from this case:

- complexity that were encountered in execution, because of the involvement of many subjects and a possibility to get into difficulties the others' constitutional rights,
- to think before the action because the property issues/rights may be affected in wide range of areas, even after the legislation is adopted.

MONTENEGRO – DIFFICULTIES WITH THE LEGALITY PRINCIPLE

Judges from the Montenegrin Supreme Court informed the conference participants that there were many property related cases pending before the Montenegrin courts. The issue of a particular concern was, however, with the rights of the former owners of the land which was proclaimed, by force of a law, the land in the coastal zone, which could be used only for general/public interest, and could be privately owned only in exceptional cases. The problem with this property regime was discussed in two cases before the European court, *Petrović v. Montenegro*[29] and *Nešić v. Montenegro*.[30] In the *Petrović* case the Court rejected the Article 1 Protocol 1 claim as incompatible *ratione termporis* with the European Convention due to the fact that the troublesome ownership title was passed to the state before Montenegro ratified the Convention, while in the *Nešić* case the Court examined the case in the merits and found a violation of the applicants' property rights by way of the state's unlawful interference therewith. What was common for these cases was the lack of clarity on what the expropriation, in the context of the Coastal Zone Act, actually meant and encompassed, and how, in fact the ownership titles were passed to the state if there was no adequate compensation. The second issue which arouse from these and similar cases concerned the right to expropriation compensation and the statute of limitations which was applicable, because the compensation was determined in some cases, and in some was not (there were some indications about the abuse of the compensation requests submitted, but never decided upon), and it was unclear which statute of limitation was applicable (the Supreme Court opted for non-applicability of the statute of limitations if there was a factual expropriation, while the Constitutional Court applied the principle, established in 1986 by the Yugoslav Federal Court, that the nationalisation/expropriation compensation may be subject to the statute of limitations, found the reasoning of the Supreme Court arbitrary and quashed its judgments). The Civil Law Department of the Supreme Court of Montenegro issued couple of legal opinions suggesting the applicable regime in such cases and communicated them through the state Agent to the European Court, but those were not accepted.

However, after the above judgments, the Civil Law Department will be presenting its another legal opinion suggesting that the ownership over the land should be conditioned with the payment of the compensation, but it had a dilemma if it would step out of the court shoes and step into the shoes of the legislator, even though it suggested that the best way of mending the current situation would be adoption of the new piece of legislation. Additionally, given that in the *Petrović* case the European Court rejected the application as inadmissible, while it decided on the merits in the *Nešović* case, the judges were interested on what approach to take in case the Petrovićs apply for the compensation before the domestic authorities.

[29] *Petrović v. Montenegro*, app.no. 18116/15, Merits and just satisfaction, 17 July 2018.
[30] *Nešić v. Montenegro*, app.no. 12131/18, Merits and just satisfaction, 9 June 2020.

STATE OF THE CASES IN THE EXECUTION PROCESS

Below is the table with the outstanding issues and emerging challenges in respect of the right to peaceful enjoyment of property in the Western Balkans cases under the supervision of the Committee of Ministers (CM) of the Council of Europe. The Western Balkans countries have coped successfully with some very complex property cases involving significant financial burden for the states. However, despite these very important achievements, the CM still supervises the execution of a number of judgments concerning property rights including (i) different types of non-enforcement of final domestic judgments, (ii) the need to provide for effective remedies for lengthy non-enforcement, (iii) dispossession of land situated in the coastal zone, (iv) obligation to pay a heating standing charge for unused central heating which was not surrounded by adequate safeguards or (v) confiscation in the context of misdemeanour proceedings.

Albania		
Restitution of and compensation for property nationalised under the Communist regime	**Unlawful expropriation and demolition of flats and business premises in disregard of a court order**	**Non-enforcement of final judicial decisions**
Following the ECHR's pilot judgment *Manushaqe Puto and Others*, the Albanian authorities: - introduced in a new scheme for compensating the former owners for their nationalised property in 2015, and - provided the necessary financial and administrative resources for proper functioning of the scheme and the statistical information presented was reassuring. Supervision by the Committee of Minsters was ended in September 2018. Subsequently, the ECtHR, in an inadmissibility decision of March 2020, endorsed the new compensation scheme as an effective remedy which the applicants had to exhaust. The ECtHR also noted that it could review its position in the future depending on whether the remedies introduced in 2015 continued to comply with the Convention. The authorities managed to deal effectively with 7,000 still pending property claims, and interest and inflation indexation of the compensation amount until final payment is provided. The authorities are currently working on assessing the necessary actions to align the new compensation mechanism with the indications given by the ECtHR. The authorities and the Department for the Execution of Judgments continue their technical cooperation on these issues.	In the case of *Sharxhi and Others*, which concerns the unlawful seizure, expropriation and demolition of flats and business premises on the coastline of Vlora in disregard of a court order restraining the authorities from taking any action that could breach the applicants' property rights, the ECtHR awarded some 13,447,300 EUR as damages to the applicants. This amount has not been paid yet. The authorities are also expected, in order to prevent future similar violations, to ensure that resort to emergency expropriations of property are done in a lawful manner, that the local authorities respect the domestic court decisions and comply with the law concerning expropriation and demolition of private property, and that the law-enforcement authorities refrain from illegal and arbitrary actions in seizing private premises.	The ECtHR found in a number of cases violations of property rights because of non-enforcement of final judicial decisions awarding damages against the State or ordering the State or State companies to take specific actions or because of failure of the public administration to enforce final judicial decisions ordering the applicants' reinstatement and payment of salary arrears. The authorities have made progress with the adoption of a number of general measures: strengthening the budgetary discipline, for settlement of old overdue obligations, in the field of private bailiff service, for acceleration of and compensation for excessively long enforcement proceedings. Information is expected on the impact in practice of the adopted measures and on the effectiveness of the new remedy for excessively long enforcement proceedings. The authorities should also address the problem of judicial posts becoming vacant following the vetting of judges so as to combat the increase of the average length of judicial proceedings and case-backlog, which issues are examined in the framework of the *Luli and Others* group of cases and but concern also execution of these groups of cases.

Bosnia and Herzegovina				
Đokić / Mago group of cases	**Kunić and Others group of cases**	**Martinović group of cases**	**Kožul and Others case**	**Orlović and Others case**

This old group of cases concerns violations of the applicants' right to peaceful enjoyment of their property on account of their inability to repossess their pre-war military flats in the Federation of Bosnia and Herzegovina. The authorities of the FBIH indicated that they intend to amend the domestic legislation with a view to introducing a compensation scheme for the individuals concerned, namely the pre-war owners of military flats and those who held occupancy rights to such flats who have not been granted occupancy right elsewhere. To date the legislation has not been adopted. The number of persons who are in the same situation as the applicants was identified. It was envisaged that the interested persons will be able to request compensation of 300 EUR per square meter, payable in two equal annual instalments. In September 2017, the CM noted that the scope of beneficiaries eligible to benefit from the compensation scheme	This group concerns non-enforcement of domestic judgments ordering four cantons in the FBIH to pay work-related benefits due to public service employees. The applicants complained to the Constitutional Court of BIH which, by judgments delivered in 2011, 2014 and 2015, ordered the aforementioned cantonal governments to identify the exact number of unenforced judgments, as well as the amount of debt, and to set up a centralised, chronological and transparent database which should include the enforcement time-frame. The ECtHR indicated under Article 46 that BIH should provide redress to the applicants and to other persons who are in a similar position, notably by implementing the general measures indicated by the Constitutional Court. The above cantons identified the number of unenforced judgments and related outstanding debt and adopted action plans setting up a centralised, chronological and transparent database for the enforcement of the domestic judgments on a first come, first served basis. The European Court already assessed positively all these four action	This group concerns non-enforcement or delayed enforcement of different decisions rendered against private persons or companies. In response to the violations established the authorities considered that it would be necessary to introduce effective remedies at domestic level for excessive length of proceedings, which will be applicable in cases of delayed enforcement of domestic decisions. In May 2019, a task force was set up with a view to prepare draft legislative amendments. The legislative process is still ongoing at the level of the FBH and the State level of BIH, while in September 2020 the Parliament of Republika Srpska adopted the law on the protection of the right to a trial within a reasonable time, which shall enter into force on 1 January 2021. In addition, the authorities considered that it was necessary to hire additional judges to ensure that enforcement proceedings are processed more rapidly and their recruitment is currently ongoing. The introduction of remedies could be an appropriate general measure, but the CM remains to be informed about the content of these laws and the adoption of the State level/Federation legislation. It would be useful to know if these	This case concerns a violation of the right to a fair trial on account of excessive length of enforcement proceedings concerning demolishment of buildings which had been erected illegally next to the applicants' homes. Local authorities in the FBIH could not find a company willing to conduct demolishing of illegally erected buildings. According to the information provided, the local authorities took a number of steps following the European Court's judgment. However, pursuant to their action plan, the buildings remain to be demolished. It should be noted that the obligation to execute the Court's judgment falls on all of the domestic authorities (not only the Government's Agent's Office). Therefore, the local authorities should do everything they can to ensure demolition of these buildings. Also, in view of the similarity of	This case concerns the non-enforcement of final decisions of the Commission for Real Property Claims for Displaced Persons and of the Ministry for Refugees and Displaced Persons of Republika Srpska adopted in 1991 and 2001, respectively, which ordered the full repossession of a piece of land by the applicants, including the removal of a church from that land. The ECtHR indicated that the domestic decisions should be enforced by 1 April 2020. On 1 December 2020, the authorities provided their Action Plan. The authorities indicated that all movable property from the church has been removed and that the amount of funds required for the relocation of the church has been calculated. The authorities also started looking for a contractor that will conduct the relocation of the church. However, due to the COVID-19 pandemic, the church has not yet been relocated.

appeared to be in line with the European Court's findings. It, however, called upon the authorities to devote special attention to developing a solution to ensure that the awards of compensation be aligned with the case law of the European Court. This group will be examined by the Committee in 2021.	plans adopted by and decided to dismiss more than 1000 similar applications. The authorities now need to provide to the CM further information on the functioning of the above repayment schemes in practice, and on whether sufficient funds are allocated by the FBIH to the cantonal budgets for the purpose of enforcing the judgments in question. This information is needed for the examination of this group by the Committee in September 2021.	laws will be applicable for the enforcement proceedings concerning an obligation to demolish buildings built on private land (see Kožul and Orlović).	this case with the Orlović case, it cannot be said from the outset that the violation appears as a clearly isolated one. Therefore, the authorities should provide their assessment to the Committee on the need to take additional general measures.	

Montenegro
Nešić case
In this case the applicant lawfully obtained plots of land in the coastal zone in 1980. In 1992 the domestic legislation provided that the coastal zone, including the seacoast, is the property of the State. However, the applicant remained the registered owner for many years. The State was registered as the owner of the land as a result of court proceedings (not automatically and *ex lege*) and it did not pay the applicant compensation for the said land. The European Court reached the conclusion that the interference with the applicant's right to peaceful enjoyment of his possessions was unlawful, as the deprivation of land was based on principles, which were not sufficiently accessible, precise and foreseeable and no compensation was paid to him (given that the formal expropriation is not yet finalised). The European Court found that the relevant legislation provides no details as to when, and if at all, the formal expropriation of land in the coastal zone is obligatory. Therefore, it was unclear if and when formal expropriation would take place in respect of the applicant. The domestic courts suggested that the applicant lost title *ex lege*, but also that further procedure was necessary to formalise the State's title, as well as to determine the compensation, and even after the court decisions it is suggested that dispossession through formal expropriation has not yet taken place. This is a new judgment and the action plan for its execution should be submitted by 9 March 2021. It would be useful to know whether there are many persons who are in the same situation as the applicant.

North Macedonia		
Strezovski and Others case	**Anastasov case**	**Jakimovski and Kari Prevoz case**
This case concerns a violation of the property rights of the applicants on account of the obligation imposed on them by domestic legislation to pay the standing heating charge from 2012 until 2019, while their flats	This case concerns violation of the property rights on account of confiscation of a vehicle within the context of misdemeanour proceedings (related to a breach of customs regulation) which became time-barred. The ECtHR indicated that irrespective of the fact that the	This case concerns a violation of property rights on account of confiscation of the applicants' lorry during customs misdemeanour proceedings. The ECtHR found that it had not been convincingly shown that a fine and

were disconnected from the district heating network. The Court found that there haven't been sufficient procedural safeguards in the application by the domestic courts of the law regarding the payment of the heating standing charge. In particular, the arguments raised by the applicants regarding the level of district heating provided in the building, which their units allegedly used, should have been verified by the domestic courts. The submission of an action plan is expected by 27 December 2020. There are 120 old cases pending before the ECtHR and it would be useful to provide information on the solution envisaged for these cases (for instance, the solution could consist in achieving friendly settlements in these cases[31]).	misdemeanour proceedings against the applicant were discontinued, a confiscation measure, which was mandatory under domestic law, was ordered in respect of the car. Such an automatic confiscation deprived the applicant of any possibility to argue his case, irrespective of his behaviour, or degree of liability. In their action plan of May 2020, the authorities indicated that that the violation at hand resulted from the Criminal Code envisaging mandatory confiscation of any item used in the commission of a crime, irrespective of the behaviour, or degree of liability of the owner. In response to the judgment, the authorities envisaged amending the Criminal Code with a view to ensuring that the domestic courts could take into account the principle of proportionality when deciding on the confiscation. The authorities expect that the new Criminal Code, including the above amendments, would be adopted by the end of 2021. Further information on the adoption of the legislative measures is awaited.	confiscation of the goods transported would not have been sufficient to achieve the desired deterrent effect and prevent future breaches of the relevant domestic legislation. The confiscation of the lorry, as an additional sanction, was, in the ECtHR's view, disproportionate in that it imposed an excessive burden on the applicants. In response to the above findings, in July 2020, the Higher Administrative Court adopted a conclusion which is binding upon lower courts: where the confiscation is envisaged as an additional sanction for the misdemeanour, the authorities will not order the confiscation if the fine would be sufficient to achieve the desired deterrent and preventive effect. The relevant authorities are also required to assess the diligence and the behaviour of the owner of the vehicle with a view to deciding whether its confiscation as an additional sanction will impose an excessive burden to the person concerned.
Serbia		
Kačapor group		**Kostić case**
In the *Kačapor* group of cases, the setting up of a repayment scheme to ensure the automatic enforcement of all domestic decisions concerning debts of socially-owned companies was envisaged initially, but in the end authorities opted for the adoption of domestic remedies available for holders of non-enforced domestic decisions which provide for compensation of non-pecuniary damage and pecuniary damage (the amount of the internal debt plus interests on account of late payment). The highest Serbian courts have taken a firm position that the State is strictly liable for payment of the amounts awarded at domestic level against the socially-owned companies, including in the context of bankruptcy proceedings against such		As concerns the *Kostić* case, the main source of concern for the Committee are the individual measures. In particular, the demolition orderxs are from 1998 and still remain to be enforced despite several decisions of the Committee and a Constitutional Court's decision following the European Court's judgment finding a violation on account of non-enforcement. These orders have not yet been enforced, as legalisation proceedings in respect of the construction are still pending and the demolition is suspended pending the completion of these legalisation proceedings according to domestic law.

[31] Update - in 25 of those cases the Government and the applicants reached friendly settlements. It is assumed that the remaining cases would be dealt with along the same lines. However, the Government is asked about their plan concerning apprx 12000 people in North Macedonia who are in the same or similar situation as the applicants in the Strezovski and Others case.

companies. Thus, sums awarded under these decisions are now routinely paid from the State budget. The authorities also took steps to resolve all pending applications before the Court. The only outstanding issue identified by the CM was the amount of compensation awarded domestically in respect of non-pecuniary damage (given that it was significantly lower than the amounts awarded by the ECtHR as lump sums). However, in 2019 the ECtHR dismissed an application lodged by the applicant in the *Stanković* case and considered that a compensation of EUR 800 at domestic level in respect of non-pecuniary damage was an adequate redress. In its last decision of June 2020, the CM urged the authorities to ensure that the amounts of compensation for non-pecuniary damage awarded by domestic courts for delayed enforcement of domestic judgments rendered against socially-owned companies were substantially compliant with the requirements of the ECtHR's case-law.	The Committee expected information on the outcome of the legalisation proceedings, requested in its June 2020 decisions.
These cases concern non-enforcement of domestic decisions rendered against socially-owned companies (*Kačapor*) or domestic decisions ordering enforcement of demolition orders concerning an unauthorised construction (*Kostić*). The Kačapor group, together with the *Kostić* case, will be examined in September 2021.	

QUESTIONS AND ANSWERS

There were several questions regarding some very particular property related issues posed by the conference participants. Some were of general nature, while others were related to concrete domestic issues.

Question no. 1: *Conflicting titles stemming from nationalised property*

In the former Yugoslavia the construction land was owned by the state, while the previous owners had a right to use it and not to sell it. However, in reality, in Socialist Republic of Macedonia, between 1968 and 1980 many people were selling the construction land, besides the prohibition, and those purchases were never registered, while the state tolerated such trade in practice. Now, when the process of legalisation of property is ongoing, the owners of the objects built on such land must prove that they own the land, as well. On the other hand, since 2001 previous land-owners had a chance, in case they could prove their previous/pre-nationalisation titles, to regain their titles and re-register ownership in the land registers. Many people did re-register their titles, but what happened next was that they started pressing current owners to buy the land again. Current owners were, basically, charged twice and it turned that their previous purchase contracts were invalid. The problem which is before the domestic courts now is that *current* land owners are suing *former* land owners about the ownership over the land since the later used the 2001 law and regained the titles, even though they knew that they had sold the land to the current owners already in the past. Higher courts adopted the approach that if something was null and void since the beginning, it remains so. However, in the participant's view, this was a narrow approach which pushed the people to buy the land for the second time, and she asked for applicable case law of the European Court which could be used in resolution of this systemic problem.

Given that the cases are pending before the domestic courts, the speakers could not provide any opinion on the problem, but referred to the following case law which might be helpful in this regard: the case law against Turkey regarding the state's tolerance of unlawful occupation of private property; the case law about the conflicting property titles; some answers could be found in the case law about the restitution process and question of proportionality in the Czech Republic; also, the state should take care of *bona fide* principle and proportionality within the framework of restitution. What was also suggested was the application of the principle *nemo auditur turpitudinem suam allegans*, under which, in this case, basically, the one who passed over the title over certain subject sinuously cannot claim it back. In any case, this legal issue is to be discussed by the highest court instances in cooperation with the legislator.

Question no. 2: Restitution

Another issue raised was how to deal with the problems arising from the situation where the previously nationalised property is now being privatised (in all Western Balkans countries) without previously being restituted to the previous owners.

Conference speakers reminded that the restitution method was a choice of a legislator, and that there is no general right about the restitution of property under the Convention. There are many methods, some of them examined by the Court, e.g. *Gratzinger and Gratzingerova v. the Czech Republic*[32] in which the Court established that it is up to the domestic legislator to establish to whom the property would be restituted, which position always causes dissatisfaction among the groups which were not encompassed by the restitution regime adopted. There are several decisions of the Court regarding the Western Balkan countries and restitution, such as *Serbian Orthodox Church v. Croatia*,[33] concerning the amount of compensation paid in the restitution process, and the another is *Stojanovski and others v. the former Yugoslav Republic of Macedonia*,[34] about the arbitrary restitution proceedings. Finally, it was added that there are many states which are providing for a payment ceiling in the restitution now, and that, therefore, the applicants cannot gain more than prescribed by the law (Serbia is such an example).

[32] *Gratzinger and Gratzingerova v. the Czech Republic*, app.no. 39794/98, Decision [GC], 10 July 2002
[33] *Serbian Orthodox Church v. Croatia,* app.no.10149/13, Decision, 30 June 2020
[34] *Stojanovski and Others v. the former Yugoslav Republic of Macedonia*, app. nos. 14174/09, Merits, 23 October 2014, Just satisfaction, 7 February 2019

CASE-LAW

Below is the list of the cases referred to during the conference (hyperlinked).

Sporrong and Lönnroth v. Sweden, app. nos. 7151/75, 7152/75, Merits and just satisfaction, 23 September 1982

Gratzinger and Gratzingerova v. the Czech Republic, app.no. 39794/98, Decision [GC], 10 July 2002

Kushoglu v. Bulgaria, app.no. 48191/99, Merits, 10 May 2007

Jankulovski v. North Macedonia, app. no. 6906/03, Merits and just satisfaction, 3 July 2008

Kushoglu v. Bulgaria, app.no. 48191/99, Just satisfaction, 3 July 2008

Bočvarska v. the Former Yugoslav Republic of Macedonia, app. no. 27865/02, Merits and just satisfaction, 17 September 2009

Manushaque Puto and Others v. Albania, app. nos. 604/07, 43628/07, 46684/07 and 34770/09, Merits and just satisfaction, 31 July 2012

Arsovski v. the Former Yugoslav Republic of Macedonia, app. no, 30206/06, Merits, 15 January 2013

Brežec v. Croatia, app. no. 7177/10, Merits and just satisfaction, 18 October 2013

Vikentijevik v. the Former Yugoslav Republic of Macedonia, app. no. 50179/07, Merits and just satisfaction, 6 February 2014

Stojanovski and Others v. the Former Yugoslav Republic of Macedonia, app. no. 14174/09, Merits, 23 October 2014

Manushaque Puto and Others v. Albania, app. nos. 604/07, 43628/07, 46684/07 and 34770/09, Revision, 4 November 2014

Béláné Nagy v. Hungary. app.no. 53080/13, Grand Chamber, Merits and just satisfaction 13 December 2016

Fabian v. Hungary, app. no. 78117/13, Grand Chamber, Merits, 5 September 2017

Krstanoski and Others v. the Former Yugoslav Republic of Macedonia, app. nos. 38024/08, 54726/08, Merits and just satisfaction, 7 December 2017

Radomilja and Others v. Croatia, app. nos. 37685/10, 22768/12, Grand Chamber, Merits and Just satisfaction, 20 March 2018

Petrović v. Montenegro, app.no. 18116/15, Merits and just satisfaction, 17 July 2018

Lekić v. Slovenia, app. no. 36480/07, Merits and just satisfaction, 11 December 2018

Molla Sali v. Greece, app. no. 20452/14, Merits, 19 December 2018

Arsovski v. the Former Yugoslav Republic of Macedonia, *app. no*, *30206/06*, Just satisfaction, 7 February 2019

Anastasov v. North Macedonia, app. no. 46082/14, Merits and just satisfaction, 26 September 2019

Orlović and Others v. Bosnia and Herzegovina, app. no. 16332/18, Merits and just satisfaction, 1 October 2019

Nešić v. Montenegro, app.no. 12131/18, Merits and just satisfaction, 9 June 2020

Molla Sali v. Greece, app. no. 20452/14, Just satisfaction 18 June 2020

Agim Beshiri and 11 other applications v. Albania, app. no. 29026/06, Decision, 17 March 2020

Serbian Orthodox Church v. Croatia, app.no.10149/13, Decision, 30 June 2020

Albert and Others v. Hungary, app. no. 5294/14, Grand Chamber, Merits and just satisfaction 7 July 2020

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