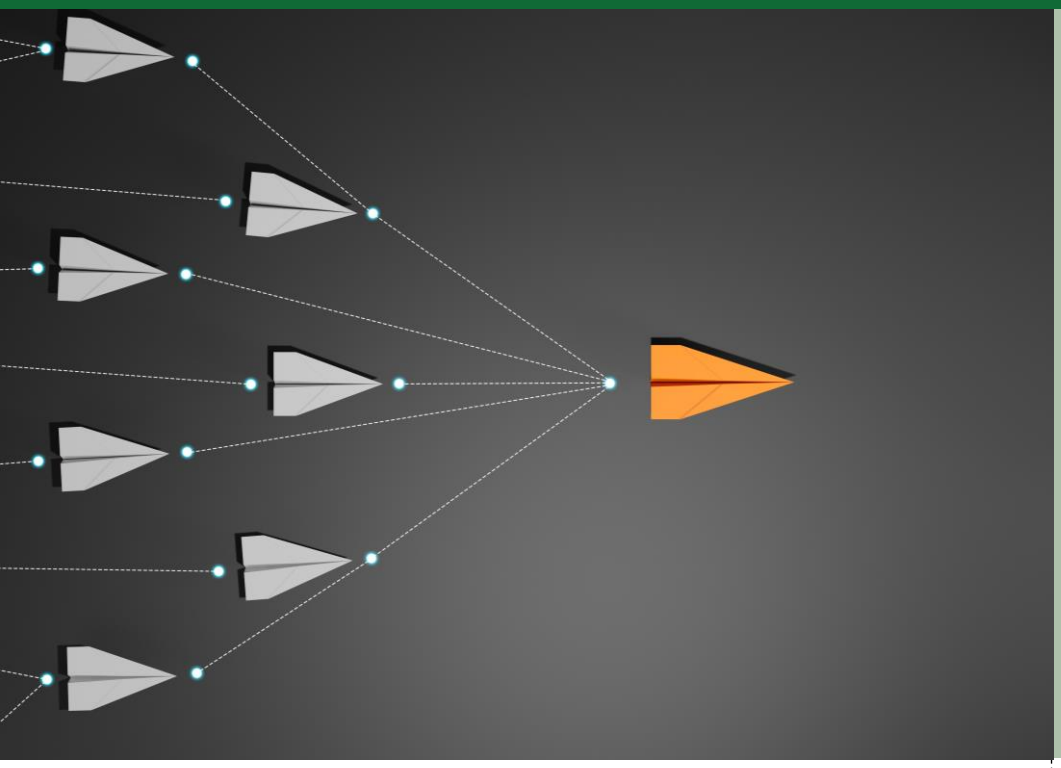
ARTICLE 46

EXECUTION OF THE PILOT JUDGMENTS



Department for the Execution of Judgments of the European Court of Human Rights

DGI

Thematic factsheet

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EXECUTION OF THE PILOT JUDGMENTS

Thematic factsheet

Department for the Execution of Judgments
of the European Court of Human Rights

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INTRODUCTION

The European Court of Human Rights developed the pilot judgment procedure to address structural or systemic problems in national legal systems which give rise to large numbers of repetitive applications before it. Where such a dysfunction is identified, the Court may select a representative case for priority treatment and adopt a "pilot" judgment. In these cases, the Court not only decides on the individual complaint but also identifies the underlying structural problem and sets out the general measures required of the respondent State to resolve it, in line with its obligations under Article 46 of the Convention. The Court may also adjourn the examination of similar pending applications for a specified time, on the condition that the State concerned acts promptly to implement the required measures.

First applied in *Broniowski v. Poland* in 2004 and codified in Rule 61 of the Rules of Court in 2011, the pilot judgment procedure has since been used in dozens of contexts, from property restitution to detention conditions. While it significantly reduces the Court's caseload and accelerates redress for applicants, the supervision of pilot judgments also presents unique challenges. These include the need for timely, effective and durable general measures. This mechanism shifts supervision from dozens, or even thousands, of individual cases to a focused dialogue on systemic reform, eases the Convention system workload and secures more rapid redress for large groups of applicants.

All pilot judgments once transferred to the Committee of Ministers are automatically placed under the enhanced supervision procedure, reflecting the urgency, complexity and systemic nature of the required reforms. The pilot judgment procedure thus serves a dual objective: to support states in resolving structural deficiencies in a Convention-compliant manner, and to safeguard the long-term effectiveness of the Convention system through the resolution of systemic problems at their root.

Even though many of the pilot judgments transferred from the Court remain pending full execution before the Committee of Ministers, respondent states have shown the capacity to adopt individual and general measures swiftly and within the deadlines set by the Court, even in complex contexts. The present factsheet[1] highlights examples of individual and general measures reported by states under the Committee of Ministers' supervision in pilot cases, illustrating both the progress achieved and the lessons learned in translating pilot judgments into lasting reform.

[1] This factsheet refers only to pilot judgments in the strict sense, i.e. those which specify, in accordance with Rule 61 § 3 of the Rules of Court of the European Court of Human Rights, in the operative provisions (the conclusion) of the judgment the nature of the systemic problem and the type of remedial measures that the State concerned must adopt. It does not include judgments in which a systemic problem and the adoption of measures are merely mentioned in the reasons (Court's reasoning).

1. SYSTEMIC PROBLEMS CONCERNING INHUMAN OR DEGRADING CONDITIONS OF DETENTION

Reduction of overcrowding, improvement of material conditions of detention and introduction of effective remedies

BGR / *Neshkov and Others* (36925/10)
Judgment final on 01/06/2015

Final Resolution CM/ResDH(2024)118

In response to the structural problem identified in the pilot judgment *Neshkov and Others*, which concerned inhuman and degrading conditions of detention in various corrective facilities and the absence of effective remedies, the authorities implemented a wide range of reforms. The Court required the authorities to establish, within 18 months from the date on which the judgment became final, a combination of effective remedies capable of providing both preventive and compensatory redress for poor conditions of detention. The Court had already delivered more than 20 judgments on the matter and noted that approximately 40 further applications concerning detention conditions in Bulgaria were pending before it.

Overcrowding in prisons and prison hostels was tackled through renovation and reconstruction of facilities, building new facilities to replace old and dilapidated ones, including the construction of a new prison and halfway house in Samoranovo. As of 2024, all prison and prison hostel facilities operated within official capacity limits. Access to sanitary facilities has been generally ensured, hygiene supplies are distributed in line with statutory requirements, and trained staff carry out pest control to address infestation risks.

To address the lack of effective remedies, a preventive remedy was introduced in 2017 and a compensatory remedy in 2019, both recognised as effective by the Court. These remedies provide detainees with avenues to challenge inadequate detention conditions and to obtain compensation. Awareness-raising measures were undertaken to align judicial practice with Convention standards. Improvements in detention conditions have supported the functioning of the preventive remedy, while domestic courts have begun to award higher levels of compensation under the compensatory remedy**.**

Outstanding questions regarding, *inter alia*, remedies, prison regime, health care and overcrowding in some Investigative Detention Facilities remain to be examined in the framework of the *Kehayov*, *Harakchiev and Tolumov* and *Gavazov* cases.

Reduction of prison overcrowding and introduction of effective remedies for inadequate conditions of detention

ITA / *Torreggiani and Others* (43517/09)
Judgment final on 27/05/2013

Final Resolution CM/ResDH(2016)28

In response to the pilot judgment *Torreggiani and Others*, which concerned inhuman and degrading treatment resulting from chronic prison overcrowding, the authorities were required to address a structural problem that had been formally acknowledged by the declaration of a national state of emergency in 2010. The Court noted that several hundred similar applications were pending and decided to apply the pilot-judgment procedure given the growing number of potentially affected individuals and the risk of repetitive violations. It required the authorities to introduce, within one year from the date on which the judgment became final, an effective domestic remedy or a combination of such remedies capable of providing adequate and sufficient redress in cases of prison overcrowding. To comply with these requirements and address the systemic shortcomings identified, the authorities adopted a combination of legislative, administrative and infrastructural measures aimed at reducing the prison population and improving conditions of detention.

Legislative measures focused on reducing the prison population through increased use of alternatives to detention. Law-Decree No. 146 of 2013 expanded

eligibility for early release by increasing the number of days of sentence reduction per semester and facilitated the application of electronic monitoring and house arrest. Law-Decree No. 92 of 2014 introduced more lenient penalties for minor drug-related offences and removed mandatory custodial sentences for certain minor crimes. These measures also limited the use of pre-trial detention for non-violent offences and increased the number of prisoners eligible for supervised release.

Organisational changes were aimed at improving daily life in detention by increasing freedom of movement and expanding access to work and educational activities. The majority of detainees were allowed to spend at least eight hours per day outside their cells. The Department of Prison Administration developed a computerised system to monitor real-time occupancy levels and guide transfers from overpopulated to less crowded facilities.

Infrastructure improvements were undertaken through renovation and expansion of prison buildings. Since May 2014, no detainee has been held in a space of less than three square metres. The creation of a National Ombudsman for persons deprived of liberty contributed to enhanced oversight of detention conditions.

To provide legal redress for Convention violations resulting from inadequate detention conditions, a new preventive remedy was established in December 2013. This remedy allows detainees to apply to a supervisory judge, who may order appropriate measures such as the transfer of the applicant to another facility. A compensatory remedy introduced in June 2014 allows for one day of sentence reduction for every ten days spent in overcrowded conditions. Former detainees may seek financial compensation of eight euros per day before the civil courts. The remedies are also available to persons who spent fewer than fifteen days in detention or whose remaining sentence is shorter than the period eligible for deduction. Both remedies were recognised as effective by the Court.

2. EXCESSIVE LENGTH OF JUDICIAL PROCEEDINGS

Reduction of the length of judicial proceedings and introduction of effective compensatory and preventive remedies

BGR / *Dimitrov and Hamanov* (48059/06)
Judgment final on 10/08/2011

Final Resolution CM/ResDH(2015)154

BGR / *Finger* (37346/05)
Judgment final on 10/08/2011

Final Resolution CM/ResDH(2015)154

To address the structural problem of excessive length of criminal and civil proceedings and the lack of effective remedies, as established in the pilot judgments *Dimitrov and Hamanov and Finger*, which formed part of a wider systemic problem, the Bulgarian authorities introduced effective compensatory and preventive remedies and took measures to eliminate the main recurrent causes of delays. The Court gave the authorities one year to introduce effective remedies. There were around 700 further cases against Bulgaria on this issue awaiting examination by the Court.

As regards reparation for excessive length of judicial proceedings, two types of compensatory remedies were established. An administrative compensatory remedy entered into force on 1 October 2012. It is free of charge for the claimant and is available for proceedings that have already ended, within six months of their conclusion. It allows obtaining compensation for acts, actions or omissions of judicial authorities breaching the right to have a case heard and decided within a reasonable time, as well as for delays arising from the overloading of the judicial system.

In addition, a judicial compensatory remedy under the State and Municipalities Responsibility for Damage Act entered into force in December 2012. This claim can

be brought during proceedings and after their end, once the administrative compensatory remedy has been exhausted.

A preventive remedy was also introduced for civil proceedings. Where a court fails to take a procedural step in due time, a party may request that an appropriate time-limit be fixed for that step to be taken.

These remedies were introduced in the context of an overall reform aimed at ensuring trial within a reasonable time and were recognised as effective by the Court. Measures included analysis and redistribution of court workloads, improvement of working conditions and recruitment of staff. A new Code of Civil Procedure, which entered into force in 2008, reduced the number of hearings needed for case resolution through stricter procedural discipline. In the criminal justice system, the 2006 Code of Criminal Procedure made short procedures more widely applicable. Amendments in 2010 and 2012 limited unjustified remittals to the pre-trial phase or to lower courts.

Introduction of an effective remedy against excessive length of judicial proceedings and investigations

GER / ***Rumpf*** (46344/06)
Judgment final on 02/12/2010

Final Resolution CM/ResDH (2013)244

In response to the systemic problem identified in the pilot judgment Rumpf v. Germany, concerning the excessive length of proceedings before administrative courts and the absence of an effective domestic remedy, the authorities undertook a comprehensive legislative reform to address delays across the judicial system. The Court required the authorities to introduce an effective domestic remedy within one year from the judgment becoming final. At the time, the systemic problem affected approximately 55 similar pending applications.

The Act on Legal Redress for Excessive Length of Court Proceedings and of Criminal Investigation Proceedings (Remedy Act) entered into force in December 2012. It introduced a two-step remedy applicable to proceedings before civil, labour, administrative, social and criminal courts, as well as during criminal investigations. The first step is the "delay objection", which allows parties to alert the court and request acceleration of the proceedings. If the objection does not result in timely progress, the second step provides for a claim for compensation.
Compensation may be granted for both pecuniary and non-pecuniary damage, including losses incurred as a result of delays, such as business insolvency. The legislation does not require proof of fault, and where culpable violations of official duties occur, additional claims for official liability may still be pursued, including for lost profits. Both remedies were recognised as effective by the Court.

Reduction of the length of civil and criminal proceedings and introduction of an effective compensatory remedy

GRC / ***Michelioudakis group*** (54447/10)
Judgment final on 03/07/2012

GRC / ***Glykantzi group*** **(40150/09)**
Judgment final on 30/01/2013

Final Resolution CM/ResDH (2015)231

In response to the structural deficiencies identified in the pilot judgments *Glykantzi v. Greece and Michelioudakis v. Greece*, concerning excessive delays in civil and criminal proceedings and the lack of an effective remedy, the authorities undertook comprehensive reforms targeting both redress and the underlying causes of delay. Since 1999, the Court has delivered over 300 judgments against Greece finding excessive length of judicial proceedings, including in both criminal and civil cases. As of the time of the pilot judgments, more than 250 applications remained pending before the Court concerning this issue. In both pilot judgments, the Court required the authorities to introduce, within one year from the date on which the judgments became final, effective domestic remedies providing adequate and sufficient redress for excessively lengthy judicial proceedings.

To provide redress, Law No. 4239/2014 introduced a compensatory remedy covering civil and criminal proceedings and those before the Audit Court. The law allows individuals to claim compensation for both pecuniary and non-pecuniary damages resulting from unreasonable delay. The European Court recognised the

effectiveness and accessibility of this remedy, concluding that it offered appropriate and sufficient redress and complied with Convention standards regarding fairness, speed, and compensation levels. The remedy was modelled on a similar 2012 law for administrative cases, previously found effective.

In parallel, the authorities implemented a wide range of reforms to reduce the length of proceedings. In the criminal justice system, the introduction of single-judge criminal courts, the inadmissibility of anonymous complaints, and the reclassification of certain misdemeanours as petty offences contributed to the simplification and acceleration of proceedings. The reform of sanctions also reduced the workload of the criminal courts.

In civil cases, structural changes included the creation of a single-judge Court of Appeals, the introduction of a computerised court management system, and the evaluation of judicial performance. Additional procedural reforms aimed at improving efficiency included the joining of injunction and main proceedings, the restriction of remittals by the Court of Cassation to lower courts, and the imposition of penalties for clearly unmeritorious claims. These reforms aimed to eliminate common sources of delay and modernise the administration of justice.

In a follow-up case, *Vervele v. Greece* (2025), the Court found that civil proceedings were excessive and that the compensatory remedy under Law no. 4239/2014 was not effective, in particular because it required separate claims at each level of jurisdiction and therefore did not allow the domestic courts to assess the overall length of the proceedings. The execution of this judgment is currently under the supervision of the Committee of Ministers.

Accelerating administrative proceedings and introducing effective remedies against excessive length

GRC / *Vassilios Athanasiou and Others group* (50973/08)

Judgment final on 21/03/2011

Final Resolution CM/ResDH (2015)230

In response to the structural problem identified in the pilot judgment *Vassilios Athanasiou and Others v. Greece*, concerning the excessive length of proceedings before the administrative courts and the absence of an effective remedy, the authorities introduced a combination of procedural, institutional, and legislative reforms to accelerate proceedings and provide adequate redress. Between 1999 and 2009, the Court delivered around 300 judgments against Greece for excessive length of judicial proceedings, mostly before administrative courts. At the time of the pilot judgments, over 200 similar cases were pending, including about 100 concerning administrative proceedings. The Court required the authorities to introduce, within one year from the date on which the judgment became final, an effective remedy or combination of remedies capable of providing adequate and sufficient redress for excessive length of administrative proceedings.

To ensure access to effective remedies, Law No. 4055/2012, which entered into force on 2 April 2012, introduced both an acceleratory and a compensatory remedy. The acceleratory remedy allows litigants to request the speeding up of proceedings after 24 months from the lodging of the original application. The competent judicial body decides based on factors such as procedural delays at each stage and the workload of the court. The compensatory remedy provides financial redress for excessive length of proceedings. The European Court considered the new remedies to be effective and accessible, finding that they conformed with Convention standards in law and practice.

In parallel, a series of structural reforms were undertaken to enhance the efficiency of the administrative courts. These included the redistribution of jurisdiction from the Council of State to other administrative courts, the restriction of cassation grounds, and the introduction of a single-judge system in appellate courts. Caseload management was improved through procedural tools such as the "model trial" procedure for priority cases, grouping of similar cases, and limits on adjournments. Tax litigation was streamlined by creating special tax sections and

granting administrative courts of appeals direct jurisdiction over high-value disputes.

Further measures included expanding the number of administrative judges and promoting the use of information technology. Electronic lodging and registration of remedies, digital submission of case files, and electronic issuance of certificates were introduced to increase procedural efficiency.

Addressing excessive length of judicial proceedings and introducing effective remedies

TUR / *Ümmühan Kaplan*
(24240/07)
Judgment final on 20/06/2012

Final Resolution
CM/ResDH(2014)298

The pilot judgment *Ümmühan Kaplan v. Turkey highlighted* a structural problem concerning the excessive length of judicial proceedings before administrative, civil, criminal, labour, cadastral, military, and commercial courts, and the absence of an effective remedy. The case concerned proceedings initiated in 1970 and lasting several decades, and illustrated systemic deficiencies affecting a wide range of jurisdictions. At the time of the pilot judgments, over 2,673 similar cases were pending. The Court gave one year to introduce an effective domestic remedy.

To provide redress, Law No. 6384 was adopted in January 2013, which established a compensation commission tasked with examining complaints of excessively lengthy proceedings lodged before the European Court of Human Rights but not yet communicated to the Government. The commission's decisions must be rendered within nine months and executed within three months. Appeals may be brought before the Regional Administrative Court. This compensatory remedy was recognised by the European Court as effective in principle in its inadmissibility decisions in *Müdür Turgut and Others* and *Demiroğlu and Others*, noting that the remedy was a direct and practical consequence of the pilot judgment procedure. Since September 2012, a further general remedy has been available before the Constitutional Court, which was also accepted as effective by the European Court in *Hazan Uzun* case.

Alongside the introduction of remedies, extensive measures were taken to reduce the length of proceedings. For administrative courts, reforms limited the jurisdiction of the Council of State to acts of nationwide applicability and significantly reduced its caseload. Regional administrative courts were strengthened through an increase in the number of chambers and enhanced specialisation. In civil proceedings, simplifications included rules to avoid jurisdictional conflicts, improvements to the execution phase, and delegation of notification tasks to notaries. Labour courts were reinforced through the creation of 26 new courts and reallocation of social security cases. In cadastral matters, the competences of judges were extended to enable more flexible allocation of cases.

Reforms in the criminal justice system included the reclassification of certain offences as administrative offences, measures to expedite prosecutorial investigations, the abolition of the Magistrates' Courts in Criminal Matters, and the transfer of their jurisdiction to the general criminal courts. A system of peace magistrates was introduced to handle judicial issues at the investigative stage. The Court of Cassation was reorganised to allow flexible distribution between civil and criminal chambers, and legislative proposals aimed at increasing the number of chambers and judges.

The reforms were supported by improvements in judicial infrastructure and technology, including electronic signatures, digital case processing, and modernisation of legal frameworks. Alternative dispute resolution mechanisms were established in civil matters, and reconciliation procedures were introduced in criminal cases. The Ombudsman's office was set up to offer non-judicial resolution avenues.

3. PROLONGED NON-ENFORCEMENT OF COURT DECISIONS AND LACK OF DOMESTIC REMEDY

Provision of a remedy for non-enforcement of judicial decisions awarding social housing

MDA / *Olaru and Others* (476/07)
Judgment final on 28/10/2009

Status of execution:
pending

The pilot judgment *Olaru and Others v. the Republic of Moldova* concerned violations of the applicants' rights due to the failure of the authorities to enforce final domestic judgments awarding them social housing or compensation, and the absence of an effective remedy in that respect (violations of Article 6, Article 1 of Protocol No. 1 and Article 13). The underlying structural problem stemmed from the fact that social housing legislation granted entitlements to a broad category of persons, while chronic underfunding made enforcement of such judgments rare. The Court required the introduction of an effective domestic remedy within six months and redress for all victims of delayed enforcement within one year. The problem concerned at least 152 similar cases pending before the Court.

In response, the Parliament adopted Law No. 87, which entered into force on 1 July 2011. The law introduced a compensatory remedy for delays in the enforcement of final domestic judgments and for the excessive length of proceedings. The Court, in 2012 in its inadmissibility decision in *Balan v. the Republic of Moldova*, found that this remedy was designed, in principle, to effectively address the issue of delayed enforcement in line with Convention standards, and concluded that applicants must now use this domestic remedy.

In parallel, the authorities repealed the legal provisions on social housing privileges in December 2009. This measure addressed the root cause of the structural problem for the future. Progress has been made in settling similar cases pending before the Court, with around 100 out of 152 applications resolved. The Moldovan authorities were invited to continue monitoring the implementation of Law No. 87 and to ensure the enforcement of remaining social housing judgments.

4. RESPECT FOR PRIVATE AND FAMILY LIFE AND NON-DISCRIMINATION

Compensation and status regularisation for victims of "erasure"

SVN / *Kurić and Others* (26828/06)
Judgment final on 26/06/2012

Final Resolution
CM/ResDH(2016)112

The pilot judgment *Kurić and Others v. Slovenia* concerned the automatic deprivation, without prior notification, of the applicants' status as permanent residents in Slovenia following its declaration of independence. The "erasure" affected former citizens of the Socialist Federal Republic of Yugoslavia (SFRY) who had held permanent residence in Slovenia and citizenship of another SFRY republic at the time of independence. The Court found violations of Articles 8, 13 and 14 (in conjunction with Article 8). The Court indicated that the authorities should set up an *ad hoc* compensation scheme within one year of the judgment becoming final. The number of "erased" people in 1991 amounted to 25,671 and in 2009, 13,426 of the "erased" still did not have a regulated status in Slovenia.

The Act on Compensation for Damage to Persons Erased from the Register of Permanent Residents entered into force in December 2013 and became applicable in June 2014. It introduced compensation of EUR 50 per completed month of "erasure" covering both pecuniary and non-pecuniary damage, and allowed for additional claims under the general rules of the Code of Obligations. Beneficiaries

included those who had acquired a permanent residence permit or citizenship, and those whose applications had previously been rejected. The Act also provided access to health insurance, social assistance, housing support, education, and preferential treatment under integration programmes.

By 26 February 2016, 7,268 claims had been lodged and 7,081 decisions adopted, amounting to 97.5% of submitted claims. In 2014 and 2015, over EUR 9 million was paid in compensation, with a further EUR 17 million allocated in the 2016 and 2017 budgets. The legislation was accompanied by awareness-raising measures and was translated and disseminated.

The residence status of the "erased" was regularised through amendments to the Legal Status Act, in force since 24 July 2010. These enabled acquisition of permanent residence either *ex nunc* or *ex tunc* (as of 26 February 1992) for persons "actually residing" in Slovenia. By July 2013, 10,046 individuals had settled their status: 2,807 through permanent residence and 7,239 through acquisition of citizenship.

In October 2016, the Court closed the pilot judgment procedure, finding that the system introduced and its functioning in practice offered reasonable prospects of redress for those who had regularised their legal status.

5. ENVIRONMENTAL RISKS AND POLLUTION, PUBLIC HEALTH AND THE PROTECTION OF INDIVIDUALS

Response to large-scale environmental pollution and protection of public health

ITA / *Cannavacciuolo and Others* (51567/14)
Judgment final on 30/04/2025

Status of execution: pending

This pilot judgment concerns a large-scale pollution phenomenon resulting from the illegal dumping, burying and burning of waste in parts of the Campania region known as the *Terra dei Fuochi*, affecting a population of approximately 2.9 million and associated with increased cancer rates and groundwater pollution. The Court found that the authorities, despite their longstanding knowledge of the problem, had failed to deal with this serious situation with the diligence and expedition required, notably as regards its assessment, the prevention of its continuation and communication with the affected population. It recognised the systemic and persistent nature of the problem and applied the pilot-judgment procedure, adjourning the examination of 36 related applications lodged by approximately 4,700 applicants. Under Article 46, the Court required the authorities, within two years from the date on which the judgment became final, to draw up a comprehensive strategy to address the situation, establish an independent mechanism to monitor its implementation and impact, and create a public information platform.

In March 2025, the authorities appointed a Special Commissioner for Land Reclamation to coordinate and streamline actions aimed at addressing the pollution phenomenon. Under the Commissioner's coordination, a comprehensive strategy was developed covering four key intervention areas: agricultural land, removal of surface waste, decontamination of landfills and other contaminated land, and public health. The strategy identifies actions already undertaken and further measures to be taken, priority areas, implementation timelines and the resources required.
In 2025, efforts continued to identify contaminated agricultural land and assess contamination, with investigations completed on approximately 72% of land classified as a priority. Activities to map, register and remove surface waste were carried out in several municipalities. The authorities also pursued measures aimed

at strengthening epidemiological surveillance, scientific studies and public health interventions. To reinforce the fight against environmental crime, urgent legislative measures adopted in August 2025 strengthened the criminal-law response to illegal waste disposal and burning, while monitoring and inspection activities were intensified.
To comply with the Court's indications under Article 46, the authorities entrusted the Italian National Institute for Environmental Protection and Research (ISPRA) with monitoring the implementation and impact of the measures envisaged under the strategy. In May 2025, they adopted a Communication Plan aimed at strengthening public information, participation and transparency and initiated the establishment of a public information platform to provide information on the measures implemented and their impact.

6. PROTECTION OF PROPERTY AND RESTORATION OF PROPERTY RIGHTS

Compensation for confiscated property and establishment of an effective enforcement mechanism

ALB / *Manushaqe Puto and Others* (604/07)
Judgment final on 17/12/2012

Final Resolution CM/ResDH(2018)349

The pilot judgment *Manushaqe Puto and Others v. Albania* concerned the non-enforcement of final administrative decisions awarding compensation for property confiscated under the communist regime. Although the applicants' inherited title had been recognised and compensation formally awarded, the decisions remained unenforced. The Court identified a structural problem and required the authorities to secure the right to compensation within 18 months, making use of alternative forms of compensation and setting realistic, statutory, and binding time-limits. There were 80 similar cases pending before the Court, and those complaints reflected a widespread problem in Albania affecting a large number of people.

In response, the 2015 Property Act was adopted to finalise the examination of claims and regulate the award of compensation. In its inadmissibility decision *Beshiri and Others*, the Court found the mechanism introduced under the 2015 Act to be an effective remedy. It underlined, however, that the amount of compensation must not fall below 10% of the value based on the current cadastral category of the expropriated property.
Compensation claims were divided into two categories: (i) old claims with final decisions (26,000 cases) and (ii) unresolved or newly submitted applications (16,462 cases). As of August 2018, 96% of claims in the first group had been reviewed and 70% finalised. The pace of examination in the second group increased following the adoption of unified by-laws and the recruitment of additional staff.
The law provided for annual mandatory budget allocations to enable completion of the process within ten years. The financial fund totals over 396 million euros, while the land fund is valued at approximately 99 billion Albanian leks. Between 2016 and 2018, more than 50 million euros were allocated. By August 2018, 424 compensation decisions had been enforced, corresponding to over 4 billion Albanian leks and 323 hectares of land.
The Agency for the Treatment of Property was restructured, expanded from 90 to 169 staff, and equipped with modern IT tools. Monitoring is ensured through regular reporting to the Minister of Justice, the Prime Minister and Parliament.

Compensation for "old" foreign currency savings through a government bond scheme

BIH / *Suljagić* (27912/02)
Judgment final on 03/02/2010

The pilot judgment *Suljagić v. Bosnia and Herzegovina* concerned a systemic problem resulting from the deficient implementation of legislation regulating repayment of "old" foreign currency savings deposited before the dissolution of the Socialist Federal Republic of Yugoslavia. Although domestic legislation provided for reimbursement through government bonds, the applicant and thousands of others were unable to recover their savings due to delays in bond issuance and payment of instalments. The Court required the authorities, within six months from the date on which the judgment became final, to issue government bonds, pay outstanding instalments, and ensure the payment of default interest in case of delay. The problem affected thousands of individuals unable to recover their "old" foreign currency savings. The Court observed that more than 1,350 similar cases were pending before it.

In response to the Court's findings, the Federation of Bosnia and Herzegovina issued government bonds for the repayment of "old" foreign currency savings. The outstanding instalments due in March and September 2009 were ordered by government decision and published in the Official Gazette. Payment took place on 16 July 2010. The legal framework was amended to provide that default interest at the statutory rate is paid in cases of late payment, and time-limits were extended to allow additional claimants to obtain verification certificates.

In November 2010, the Court decided to close the pilot judgment procedure, noting that the matter had been resolved.

Final Resolution CM/ResDH(2011)44

Restoration of inflation-linked compensation rights for victims of medical accidents

ITA / *M.C. and Others* (5376/11)
Judgment final on 03/12/2013

Final Resolution CM/ResDH(2021)30

The pilot judgment *M.C. and Others v. Italy* concerned a systemic problem arising from emergency legislation adopted in 2010 that retrospectively cancelled the right to an annual inflation-based adjustment of the supplementary component (IIS) of a compensation allowance granted to persons accidentally infected through blood transfusions or the administration of blood derivatives. The European Court found that this legislative intervention had determined the outcome of pending litigation in favour of the State, breached the applicants' right to a fair trial, disproportionately interfered with their property rights, and led to discriminatory treatment compared to other categories of beneficiaries. The Court instructed the authorities to fix a concrete time-limit within six months for ensuring payment of the adjusted supplementary allowance. The case involved 162 applicants and had implications for all persons entitled to the same allowance.

To address these violations, the authorities ensured that the IIS is now subject to annual adjustment based on the inflation rate and paid without delay to all beneficiaries. At the central level, the authorities earmarked 160 million euros to cover arrears, which were fully paid by the end of 2014. At regional level, a total of 735 million euros was allocated and transferred between 2015 and 2018. By the end of 2018, all arrears relating to the retrospective adjustment of the IIS had been cleared.

The authorities confirmed that current payments are made in compliance with the Court's judgment and that all beneficiaries, including the applicants, now receive the compensation allowance adjusted annually and in a timely manner.

Reform of rent-control legislation and restoration of a balance between landlords' rights and the general interest

POL / *Hutten-Czapska* (35014/97)

Judgment final on 19/06/2006

Final Resolution CM/ResDH(2016)259

The pilot judgment Hutten-Czapska v. Poland concerned a systemic problem resulting from deficiencies in the rent-control provisions of the housing legislation. The system imposed restrictions on landlords' rights, including a ceiling on rent levels so low that they could not recoup maintenance costs, let alone make a profit. The Court found that the system placed an excessive and disproportionate burden on landlords and affected an estimated 100,000

individuals. Although the Court did not set a deadline, it underlined the need for legislative reform.

In response, a series of legislative reforms were adopted between 2006 and 2010. These included the possibility of rent increases, the introduction of a rent-monitoring mechanism ("rent mirror"), and the creation of lease types based on fully contractual and market-related rent, such as the "occasional lease." The 2006 amendment to the Tenants' Rights Act clarified that maintenance expenses must be covered by rent and allowed landlords to recover the difference between controlled and market rents.

The authorities also introduced funding mechanisms for social housing to enable tenants to relocate from rent-controlled properties, along with simplified procedures for eviction. The 2008 Law on Supporting Thermo-Modernisation and Renovations aimed at improving tenement housing stock that had deteriorated under the rent-control scheme. A 2010 amendment allowed landlords to obtain compensatory refunds for renovations without needing bank loans. These efforts were positively assessed by the Court. In March 2011, the Court closed the pilot-judgment procedure, noting that the legal changes enabled landlords to recover maintenance costs, receive a return on capital investment, and obtain compensation for past violations. The vast majority of lease contracts in Poland are now governed by the Civil Code and based on freely negotiated terms.

Securing compensation for property abandoned beyond Poland's post-war eastern border

POL / Broniowski
(31443/96)

Judgment final on 22/06/2004

Final Resolution CM/ResDH(2009)89

The pilot judgment *Broniowski v. Poland* revealed a structural problem in the domestic legal order resulting from the failure to set up an effective mechanism to implement the property rights of Polish citizens repatriated after the Second World War, who had been promised compensation for property abandoned beyond the Bug River. The absence of such a mechanism led to a disproportionate interference with their right to the peaceful enjoyment of possessions. The Court estimated that some 80,000 people were concerned. The Court did not fix a specific deadline but adjourned the examination of related applications, requiring the authorities to adopt legislative measures to resolve the structural issue.

In response Poland adopted a series of legislative and administrative measures. In 2004, the Constitutional Court declared unconstitutional several provisions of the 2003 Law, which had deprived partially compensated claimants of the right to further compensation. A new law adopted in July 2005 provided two channels of redress: either offsetting the indexed value of the original property against the price of state-owned property acquired at auction, or receiving pecuniary compensation from the Compensation Fund. The legal ceiling for compensation was set at 20% of the original value. Requests could be lodged until the end of 2008.

Regulations on the management of the Fund were adopted, and an agreement was signed in 2006 between the Treasury Ministry and the Bank of National Property to oversee compensation payments. A central data system for processing claims became fully operational in 2008. The stock of land available for auction was significantly increased to improve access. More than 19,000 claimants benefited from the new scheme. In parallel, individuals could seek redress before domestic courts for pecuniary and non-pecuniary damage caused by the previous defective framework. Following a positive assessment of the new system and the resolution of more than 200 adjourned cases, the European Court closed the pilot judgment procedure in 2008.

Repayment of "old" foreign-currency savings deposited in the former SFRY

SER / *Ališić and Others* (60642/08)
Judgment final on 16/07/2014

Final Resolution CM/ResDH(2020)184

SVN / *Ališić and Others* (60642/08)
Judgment final on 16/07/2014

Final Resolution CM/ResDH(2018)111

The pilot judgment in *Ališić and Others* concerned a systemic problem arising from the failure of Serbia and Slovenia to allow recovery of "old" foreign-currency savings deposited in the 1990s in branches of Serbian and Slovenian banks located in other successor states of the former SFRY. The European Court found a violation of Article 1 of Protocol No. 1, taken alone and in conjunction with Article 13, and required the two states to adopt the necessary legislative and administrative arrangements to secure repayment to all persons in the applicants' position under the same conditions as to nationals with deposits in domestic branches. The Court gave Serbia and Slovenia one year to adopt the necessary legislative and administrative measures. The structural issue concerned over 8,000 individuals in 1,850 pending applications.

In ***Serbia***, the Alisic Implementation Act was adopted in July 2016, followed by secondary legislation in 2017 regulating the verification procedure, conducted by the Public Debt Administration. Depositors who submitted verification requests by 23 February 2018 and were found entitled received compensation in the form of government bonds, repayable by February 2023. In 2019, the law was amended to address difficulties related to the use of deposit data in the privatisation process. The procedure is governed by general administrative rules and accompanied by cooperation agreements with other successor states. The Court held in *Muratović v. Serbia* that the scheme met the Convention requirements.

In **Slovenia**, legislation establishing a repayment scheme for "old" savings held in the Ljubljanska Banka branches in Sarajevo and Zagreb entered into force in July 2015. Eligible beneficiaries included original savers, their heirs, and legal successors. Verification requests were to be submitted to the Succession Fund of Slovenia between 1 December 2015 and 31 December 2017. The Court confirmed the scheme's compatibility with the Convention in *Hodžić v. Slovenia* case. The repayment was implemented in practice, including for the applicants, who also received just satisfaction for non-pecuniary damage through friendly settlements.

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