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SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 16/01/2018

DH-DD(2018)51

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

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

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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

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

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

DH-DD(2018)51 : Communication from Croatia.
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GOVERNMENT OF THE REPUBLIC OF CROATIA
OFFICE OF THE REPRESENTATIVE OF
THE REPUBLIC OF CROATIA BEFORE
THE EUROPEAN COURT OF HUMAN RIGHTS

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

DGI

02 JAN. 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Mrs Genevieve Mayer
Head of Department
DEPARTMENT FOR THE EXECUTION OF
JUDGMENTS OF THE EUROPEAN COURT
OF HUMAN RIGHTS
DIRECTORATE GENERAL I - DG I

HUMAN RIGHTS AND RULE OF LAW
SECRETARIAT GENERAL
COUNCIL OF EUROPE
F-67075 Strasbourg Cedex
France

Re: *Statileo v. Croatia* group of cases
Precedent application no: 12027/10

Dear Sir,

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

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

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

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DH-DD(2018)51 : Communication from Croatia.
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In September 2017 the Draft Proposal was submitted to the Government for approval pending its submission to Parliament. However, the Ministry of Justice requested further harmonization of the text. Following the said harmonization, it was established that additional issues from the competency of the Ministry of Finance were now opened, which required further discussions with the said Ministry. The process of finalization of the text is currently nearing completion.

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

In particular, the Draft Proposal stipulates:

- i) mechanisms for protection of the lessee and the lessor in case of lease termination, when state or local government is obliged to ensure appropriate lodging for the lessee;
- ii) termination of the protected tenants' right to protected rent and other rights, which is to become effective on the day of entry into force of the Amendments;
- iii) gradual increase of the protected rent during 5 years in privately owned flats;
- iv) setting up a mechanism of covering the difference between increased rent and protected rent by the Republic of Croatia or local government for vulnerable groups of protected tenants (veterans of the Homeland war, beneficiaries of social welfare)
- v) the obligation of the state and local government to secure appropriate flats to certain categories of protected tenants out of their own housing funds;
- vi) termination of the rights of protected tenants who reside in privately owned flats five years after the entry into force of the Amendments;
- vii) giving priority rights for purchase of state owned flats to protected tenants, etc.

The diversity of measures proposed in the Draft Proposal clearly confirms the complexity of the issue, as well as the Government's strong dedication to ensure a fully effective, comprehensive and efficient solution to the issues identified by the Court.

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

Sincerely yours,


Štefica Stajnik
Representative

No related documents