



## The application [Kemal Uzan and Others v. Turkey](#) declared inadmissible

In its decision in the case of [Uzan and Others v. Turkey](#) (application no. 18240/03) the European Court of Human Rights has by a majority declared the application inadmissible. The decision is final.

### Principal facts, complaints, and procedure

The applicants are Kemal Uzan, a Turkish national born in 1935, and three companies registered under Turkish law, Rumeli Elektrik A.Ş., ÇEAŞ and KEPEZ A.Ş. Mr Uzan is the founder of Rumeli Elektrik, which is the majority shareholder of the other two companies. The case concerns the termination of two concession agreements for two electricity transmission facilities operated by ÇEAŞ and KEPEZ A.Ş.

Under a concession agreement of March 1998 between ÇEAŞ and KEPEZ and the Ministry of Energy and Natural Resources, the companies obtained the right to operate electricity facilities, which included the right to generate, distribute and trade electricity in certain regions of Turkey until October 2058. In February 2001, Law No. 4628 entered into force, modifying the law on production, transport and trade of energy. The new law aimed to ensure a sufficient and reliable supply of energy and its environmentally friendly production. According to the applicants' submissions, under the regulations adopted under the new law, they were required to transfer their electricity transmission facilities to a state company charged with responsibility for all electricity transmission by the end of December 2002.

In June 2003, the Ministry of Energy informed the applicants of the transfer of the transmission facilities concerned, and the Council of Ministers terminated the concession agreements. Both companies brought proceedings against those decisions. The Council of State rejected their claims, holding in particular that the concession agreements had been terminated on account of the companies' breaches of those agreements, in particular they had not continuously provided energy and had not made the necessary investments.

The applicants complained that the transfer of the transmission facilities without compensation had violated their right to the peaceful enjoyment of property under Article 1 of Protocol No. 1 to the Convention. They maintained that, due to the termination of the agreement: they had to pay compensation to their staff, their shares had lost in value and third parties had suffered losses. Relying on Articles 6 (right to a fair trial) and 13 (right to an effective remedy), they further complained that there was no effective remedy available under national law enabling them to seek compensation for the termination of the agreement.

The application was lodged with the European Court of Human Rights on 22 May 2003 and communicated to the Turkish Government on 16 April 2007. The Court held a [hearing](#) on 30 November 2011 the Court.

## Decision of the Court

In its decision delivered today and accessible [HERE](#), the Court declared the application inadmissible.

*The decision is available only in French.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.