



Judgments and decisions of 28 January 2021

The European Court of Human Rights has today notified in writing seven judgments¹ and five decisions²:

two Chamber judgments are summarised below;

five Committee judgments, concerning issues which have already been submitted to the Court, and the five decisions, can be consulted on Hudoc and do not appear in this press release.

The judgments in French are indicated with an asterisk ().*

Grozdanić and Gršković-Grozdanić v. Croatia (application no. 43326/13)

The applicants, Đurđica Grozdanić and Vedrana Gršković Grozdanić, are Croatian nationals who were born in 1949 and 1982 respectively and live in Pula (Croatia).

The case concerned the loss of ownership of a flat owing to the voiding of a contract of sale.

In 1983 Ms Grozdanić's husband was given a specially protected tenancy of a socially-owned flat in Osijek; she became the co-holder of the tenancy. Both Ms Grozdanić and her husband moved to Pula and were employed there since at least 1996. Following legislative changes, they became entitled to buy the flat, and applied to do so.

On 26 November 2002 the local authorities and Ms Grozdanić and her husband concluded a contract of sale in respect of the flat. In 2003 they were registered as the owners.

However, on 21 November 2003 the State Attorney's Office applied to the courts to have the contract voided, arguing that it was not valid as the right to the tenancy had been lost owing to prolonged absence from the flat. In two sets of proceedings at three instances and appeal on points of law proceedings before the Constitutional Court Ms Grozdanić and her husband lost the case, finally in 2013. The sale price was returned to the applicants.

On 20 December 2009 Ms Grozdanić's husband died and she and the second applicant became his heirs.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention of Human Rights, the applicants complained that the domestic courts' annulment of the contract of sale had violated their rights.

No violation of Article 1 of Protocol No. 1 – as regards the first applicant;

The Court declared inadmissible the second applicant's complaint under Article 1 of Protocol No. 1.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

² Inadmissibility and strike-out decisions are final.

Alfa Glass Anonymi Emboriki Etairia Yalopinakon v. Greece (no. 74515/13)*

The applicant, Alfa Glass Anonymi Emboriki Etairia Yalopinakon, is a limited company registered under Greek law and based in Athens.

The case concerned an expropriation procedure in which the civil courts had refused to examine the applicant company's request to challenge a legal presumption that it had derived an advantage from carrying out development work related to the expropriation, thus resulting in a failure to provide compensation for part of the expropriated land. The courts had taken the view that the applicant company should have lodged an application with an administrative authority empowered by law within a prescribed period of time.

In May 2006 the Secretary General of the Attica Region expropriated an area of 33,619 sq. m for the extension of a road. The area included parts of three plots of land owned by the applicant company. In accordance with the provisions of Law no. 653/1977, the non-expropriated parts of the disputed land were considered to benefit from the completion of the related development work, such that certain parts of the expropriated land were not subject to compensation as the said benefit was deemed to constitute implicit compensation.

Before the Court of First Instance, the applicant company argued that the non-expropriated parts of its land did not benefit from the work. However, in setting the provisional amount of the expropriation compensation, the court did not include any compensation corresponding to the parts of the land in respect of which it was deemed implicit, finding that this was a matter to be examined by the Court of Appeal when setting the final amount of compensation.

In April 2009 the applicant company asked the Court of Appeal to recognise that it did not derive any benefit from the completion of the work with respect to the non-expropriated portions of its land. However, the court considered that, in accordance with section 33 of Law no. 2971/2001, the applicant company should have submitted such a request to the body responsible for the work within two months from the publication of the judgment fixing the provisional amount of the compensation.

In June 2013 the Court of Cassation dismissed the applicant company's appeal, finding that the Court of Appeal had correctly applied the provisions of Law no. 2971/2001, which provided for a special procedure for the purpose of challenging a presumption that the owner of expropriated property benefited from related development work.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicant company complained about the refusal by the civil courts to examine its request to establish that it had not derived any benefit from expropriation-related development work when they had fixed the amount of the compensation to be awarded.

Violation of Article 1 of Protocol No. 1

Just satisfaction: 50,000 euros (EUR) for all heads of damage and EUR 1,500 for costs and expenses.

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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.