EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 6354/23
Boško BARBA
against Croatia

The European Court of Human Rights (First Section), sitting on 4 June 2026 as a Committee composed of:

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 6354/23) against the Republic of Croatia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 January 2023 by a Croatian national, Mr Boško Barba ("the applicant"), who was born in 1958, lives in Vukovar and was represented by Mr F. Miličić, a lawyer practising in Vukovar;

the decision to give notice of the complaint concerning the applicant's right to respect for property to the Croatian Government ("the Government"), represented by their Agent, Ms Š. Stažnik, and to declare inadmissible the remainder of the application;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the authorities' refusal to pay statutory default interest on monthly instalments of the applicant's disability benefit.

2. By a decision of the Ministry of Defence of 17 May 1994 the applicant was granted the status of a disabled war veteran with 40% disability, and a corresponding amount of disability benefits ("the first decision").

3. Due to the deterioration of his health, in 1996 the applicant lodged a request for the reassessment of his degree of disability and the corresponding benefits.

4. As a result, the Ministry eventually, by a decision of 11 May 2005, granted him the status of a disabled war veteran with 80% disability, and a corresponding amount of the disability benefit from 1 June 1996 ("the second decision"). The applicant's appeal against that decision was dismissed by a second-instance administrative authority, by a decision served on him on 10 June 2005.

5. The difference between the levels of the benefits established by the first decision in 1994 and the second decision in 2005 in the amount of about 18,000 euros (EUR) was paid to the applicant on 14 July 2005

6. In 2006 the applicant brought a civil action against the State seeking payment of statutory default interest accrued on each monthly instalment of his disability benefits to which he had been entitled to since 1996.

7. The domestic courts dismissed the applicant's claim, finding that the State's debt to the applicant had been established only with the Ministry's second decision of 11 May 2005 (see paragraph 4 above). That debt had been paid to him without undue delay amounting to the difference between the levels of the benefits established by the first and the second decisions (see paragraph 5 above). The State had thus never been in default which would have justified awarding him statutory default interest.

8. Before the Court, the applicant complained, under Article 1 of Protocol No. 1 to the Convention, that the domestic courts' refusal to award him statutory default interest violated his right to the peaceful enjoyment of his possessions.

THE COURT'S ASSESSMENT

9. The Court does not consider it necessary to examine all preliminary objections raised by the Government because the application is inadmissible for the reasons set out below.

10. The Court reiterates that Article 1 of Protocol No. 1 to the Convention protects "possessions", which can be either existing possessions or assets, including claims, in respect of which the applicant can argue that he or she has at least a "legitimate expectation" of obtaining effective enjoyment of a property right (see *Kopecký v. Slovakia* [GC], no. 44912/98, § 35, ECHR 2004-IX). Where a proprietary interest is in the nature of a claim, the person in whom it is vested may be regarded as having a legitimate expectation if there is a sufficient basis for the interest in national law, for example where there is settled case-law of the domestic courts confirming its existence (see *Anheuser-Busch Inc. v. Portugal* [GC], no. 73049/01, § 65, ECHR 2007-I). A legitimate expectation must be of a nature more concrete than a mere hope and be based on a legal provision or a legal act such as a

judicial decision (see *Béláné Nagy v. Hungary* [GC], no. 53080/13, § 75, 13 December 2016). In order to create a legitimate expectation, the legal provision relied upon must determine the necessary rules for a claim. If the legal conditions to be met and the other parameters of a claim are not clearly defined, the legal provision in question cannot be said to serve as a basis for a legitimate expectation (see *Klaus and Iouri Kiladze v. Georgia*, no. 7975/06, §§ 58-60, 2 February 2010).

11. In the present case, the applicant's claim before the domestic courts consisted of statutory default interest he believed he had been entitled to with regard to the higher disability benefits he had been recognised as of 1996. However, as explained by the domestic courts and reiterated by the Government, there had been no domestic legislation or relevant jurisprudence of the national courts which would justify the applicant's expectation to be granted the right to statutory default interest in the circumstances of his case. In that connection the Court notes that under domestic law disability benefits were not payable *ex lege* but from the moment they were requested by the interested party. Furthermore, the State could not be considered in default of payment before its obligation to pay had actually been determined by a final and enforceable decision (see paragraph 7 above), which in the applicant's case occurred only on 11 May 2005 (see paragraph 4 above). Following that decision, the State paid the applicant the difference in the amounts of benefits to which he had been entitled since 1996 within 34 days (see paragraph 5 above). In such circumstances, the Court cannot but agree with the domestic authorities' conclusion that the State had never been in default of payment within the meaning of the domestic law (see paragraph 7 above).

12. Given the above, the Court agrees with the Government that there was no sufficient legal basis either in domestic law or in case-law for the applicant's alleged enforceable right to statutory default interest. It follows that the applicant cannot claim that he had a legitimate expectation of obtaining statutory default interest from the State (see, for a similar approach, *Futornyak v. Ukraine* (dec.), no. 41678/20, § 30, 4 June 2024).

13. It follows that the application is incompatible *ratione materiae* within the meaning of Article 35 § 3 (a) of the Convention and must be rejected under Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 25 June 2026.

Liv Tigerstedt Deputy Registrar	Frédéric Krenc President