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

FIRST SECTION

DECISION

Application no. 35594/19
Nikola LUKŠA against Slovenia
and 11 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 25 August 2022 as a Committee composed of:

Krzysztof Wojtyczek*, President,*
Erik Wennerström*,*
Lorraine Schembri Orland*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the formal declarations accepting a friendly settlement of the cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by M. Vidmar, a lawyer practising in Ljubljana.

The applicants' complaints under Article 1 of Protocol No. 1 to the Convention about the lack of procedural guarantees against arbitrariness concerning the cancellation of their shares by the Bank of Slovenia were communicated to the Slovenian Government ("the Government").

The Court received the friendly-settlement declarations, signed by the parties, under which the applicants agreed to waive any further claims against Slovenia in respect of the facts giving rise to the above-mentioned complaints, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, from the

expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the cases.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court notes that the applicants in the present cases raised complaints under Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 about the lack of an effective remedy or procedure to challenge the Bank of Slovenia's measures divesting them of their shares. These complaints are similar to those in *Pintar and Others v. Slovenia* where the Court decided that this issue be considered under Article 1 of Protocol No. 1 (nos. 49969/14 and 4 others, §§ 68 and 69, 14 September 2021).

The Court takes note of the friendly settlement reached between the parties concerning the aforementioned complaints. It further notes that the applicants also complained that the Bank of Slovenia's extraordinary measures divesting them of their shares, without compensation, had been unjustified. However, in *Pintar and Others* (cited above, § 110) the Court found it unnecessary to ascertain whether the extraordinary measures were in the general interest and proportionate. It finds no reasons to reach a different conclusion in the present cases.

The Court is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the applications. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 15 September 2022.

Viktoriya Maradudina Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

List of applications raising complaints under Article 1 of Protocol No. 1 to the Convention (National bank's extraordinary measures cancelling shares and bonds)

No.	Application no. Date of introduction	Applicant's name Year of birth/ registration	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	35594/19 03/06/2019	**Nikola LUKŠA** 1973	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	1,300
2.	35631/19 03/06/2019	**Zinka ZULICH** 1981	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	1,300
3.	35635/19 03/06/2019	**LUCRATOR D.O.O.** 2007	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	1,300
4.	35795/19 03/06/2019	**Sonja ZVER GABRIJELČIČ** 1969	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	1,300
5.	35881/19 05/07/2019	**Dean ČENDAK** 1968	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
6.	36187/19 03/06/2019	**Boštjan GABRIJELČIČ** 1970	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
7.	36426/19 03/06/2019	**PUBLIKUM D.D.** 1991	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
8.	36434/19 03/06/2019	**PUBLIKUM HOLDING D.O.O.** 2001	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
9.	36602/19 03/06/2019	**PUBLIKUM TREZOR D.O.O.** 1997	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300

No.	Application no. Date of introduction	Applicant's name Year of birth/ registration	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for non-pecuniary damage and costs and expenses per applicant (in euros)[1]
10.	36609/19 03/06/2019	**PUBLIKUM KORPFIN D.O.O.** 2008	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
11.	36613/19 03/06/2019	**PUBLIKUM FIN D.O.O.** 1994	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	3,300
12.	36621/19 03/06/2019	**Aleksander MAVKO** 1979	Vidmar Mitja Ljubljana	16/05/2022	14/04/2022	1,300

[1] Plus any tax that may be chargeable to the applicants.