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

FIRST SECTION

DECISION

Application no. 35640/19
Zvone TALJAT
against Slovenia
(see appended table)

The European Court of Human Rights (First Section), sitting on 2 February 2023 as a Committee composed of:

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 3 June 2019,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr M. Vidmar, a lawyer practising in Ljubljana.

The applicant died on 5 May 2021. His wife, Jelka Taljat, and his daughter, Tina Taljat Mlakar, expressed their wish to continue the proceedings before the Court in his stead in the capacity of the applicant's heirs.

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

The Court received the friendly-settlement declarations, signed by the applicant's heirs and the Government, under which the heirs 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 amount detailed in the appended table. This amount will be

payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertake to pay simple interest on it, 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 case.

THE LAW

The Court, having regard to its relevant case-law (see, for instance, *Jama v. Slovenia*, no. 48163/08, § 28, 19 July 2012), accepts that the above-mentioned applicant's heirs may pursue the application initially lodged by the applicant.

The Court notes that the applicant 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 him of his 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 applicant also complained that the Bank of Slovenia's extraordinary measures divesting him of his 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 case.

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 application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Holds that the heirs of the applicant, his wife, Jelka Taljat, and his daughter, Tina Taljat Mlakar, have standing to pursue the application in his stead;

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

Done in English and notified in writing on 2 March 2023.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President

APPENDIX

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

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant party's declaration	Amount awarded for non-pecuniary damage and costs and expenses (in euros)[1]
35640/19 03/06/2019	**Zvone TALJAT** 1950 Deceased in 2021 **Heirs:** Jelka TALJAT, Tina TALJAT MLAKAR	Vidmar Mitja Ljubljana	13/09/2022	30/09/2022	3,300

[1] Plus any tax that may be chargeable to the applicant's heirs.