

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

THIRD SECTION

DECISION

Application no. 25369/22
Bojan VODOPIVC
against Slovenia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 5 February 2026 as a Committee composed of:

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 16 May 2022,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicant was represented by Ms M. Kincl Mlakar, a lawyer practising in Šmarje pri Jelšah.

The applicant's complaints under Article 8 of the Convention concerning the retention of the applicant's telecommunications data (traffic and location data) by the telecommunications providers, the access to this data by law-enforcement authorities, and their use in the criminal proceedings against the applicant, were communicated to the Slovenian Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged that the retention of the applicant's telecommunications data and their subsequent use in criminal proceedings against the applicant had been in breach of Article 8 of the Convention. They offered to pay the applicant the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would 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 undertook 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.

By a letter of 25 October 2025, the applicant indicated that he was not satisfied with the terms of the unilateral declaration. The applicant argued that the amount of just satisfaction proposed by the Government was unsatisfactory given the consequences he had suffered due to the violation of his rights.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints concerning the retention of telecommunications data and their subsequent use in criminal proceedings (see, for example, *Škoberne v. Slovenia*, no. 19920/20, 15 February 2024, and *Centrum för rättvisa v. Sweden* [GC], no. 35252/08, 25 May 2021).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored

to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 26 February 2026.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 8 of the Convention
(retention of telecommunications data and their subsequent use in criminal proceedings)

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's comments, if any	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
25369/22 16/05/2022	**Bojan VODOPIVC** 1964	Kincl Mlakar Maksimiljana Šmarje pri Jelšah	29/09/2025	03/11/2025	4,000

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