



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

FIRST SECTION

Application no. 29843/13
Radmila JURÍĆ
against Croatia
lodged on 19 March 2013

STATEMENT OF FACTS

The applicant, Ms Radmila Jurić, is a Croatian national, who was born in 1950 and lives in Zagreb. She is represented before the Court by Ms I. Bojić, a lawyer practising in Zagreb.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

In 1976 the applicant was granted a specially protected tenancy on premises measuring ten square metres and consisting of a hall, a room and a bathroom, as well as communal toilet and kitchen.

On 3 June 1991, the Parliament enacted the Specially Protected Tenancies (Sale to Occupier) Act (*Zakon o prodaji stanova na kojima postoji stanarsko pravo*) which regulates the sale of publicly-owned flats previously let under a specially protected tenancy. In general, the Act entitles the holder of a specially protected tenancy on a publicly-owned flat to purchase it under favourable conditions of sale.

On the basis of the Specially Protected Tenancies (Sale to Occupier) Act the applicant requested the owner of the flat she occupied to conclude a contract for the sale of the flat between the owner as the seller and herself as the buyer. Since the owner declined her request, the applicant brought a civil action in the Zagreb Municipal Court seeking a judgment in lieu of the contract of sale.

The first instance court commissioned an expert opinion on the issue whether the premises the applicant occupied could be considered as a flat within the meaning of the Housing Act. The expert answered in the affirmative and a judgment was adopted on 9 December 2009, accepting the applicant's claim.

This judgment was overturned by the Zagreb County Court on 15 November 2011, which found that the premises the applicant occupied were not a flat, but only a "provisional accommodation".

The applicant's subsequent constitutional complaint was declared inadmissible on 20 September 2012 for non-exhaustion of previous remedies.

COMPLAINTS

The applicant complains under Article 8 about her eviction.

She also complains under Article 1 of Protocol No. 1 taken alone and in conjunction with Article 14 about her inability to purchase the flat she occupied.

QUESTIONS TO THE PARTIES

1. Has there been a violation of the applicant's right to respect for her home, contrary to Article 8 of the Convention?
2. Was the applicant's claim to purchase the flat she occupies under favourable conditions under the Protected Tenancies (Sale to Occupier) Act "sufficiently established" to attract applicability to Article 1 of Protocol No. 1 to the Convention? If so, did the refusal by the national courts to grant her claim to purchase the flat at issue amount to an interference with the applicant's peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1? If so, was that interference necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties? In particular, did that interference impose an excessive individual burden on the applicant (see *Immobiliare Saffi v. Italy*, [GC], no. 22774/93, § 59, ECHR 1999-V?)?
3. Has the applicant suffered discrimination in the enjoyment of her Convention rights, contrary to Article 14 of the Convention read in conjunction with Article 1 of Protocol No. 1?