

**ACT ON THE METHOD OF EXECUTION OF  
THE JUDGEMENT OF THE EUROPEAN COURT OF HUMAN RIGHTS  
IN CASE NO. 60642/08 (The AMEJECtHR)**

**I. GENERAL PROVISIONS**

**Article 1  
(purpose and scope of the Act)**

(1) This Act shall determine the method of executing the judgement of the European Court of Human Rights in the case of Ališić and Others v. Bosnia and Herzegovina, Croatia, Serbia, Slovenia and the Former Yugoslav Republic of Macedonia, no. 60642/08 of 16 July 2014 to the extent, in which it imposes the Republic of Slovenia to make all necessary arrangements to recover unpaid old foreign-currency savings. The measures under this Act shall not apply to those old foreign-currency savings or their parts that have been paid in any manner or transferred to other legal entities or for special purposes in accordance with the regulations of the successor states of the former Socialist Federal Republic of Yugoslavia (hereinafter: SFRY) or on any other basis.

(2) This Act shall determine the manner of defining the amount of payment, beneficiaries, the verification procedure, the competent decision-making authority, the manner of payment, the deadline for payment, and the records of payments.

**Article 2  
(definition of unpaid foreign-currency savings)**

(1) Unpaid foreign-currency savings under this Act are claims of natural persons against Ljubljanska banka d. d. Ljubljana, Glavna filijala Sarajevo (hereinafter: Sarajevo Main Branch), and Ljubljanska banka d. d. Ljubljana, Glavna filijala Zagreb (hereinafter: Zagreb Main Branch) on foreign-currency accounts and on the basis of foreign-currency savings as of 31 December 1991, including contractual interest accrued by the aforementioned date (hereinafter: balance as of 31 December 1991), reduced by the payments of individual branches, Ljubljanska banka d. d. Ljubljana (hereinafter: the Bank) or any other party after this date, for the unpaid obligations of savers towards branches or the Bank, and for paid or settled amounts after 31 December 1991 on any basis.

(2) Unpaid old foreign-currency savings from the preceding paragraph are not old foreign-currency savings or their parts which were transferred on the basis of regulations

applicable in countries where both branches under the preceding paragraph were operating, to another legal entity or to special accounts for the purpose of special use. These savings inter alia include old foreign-currency savings which the savers of Zagreb Main Branch transferred to another legal entity in accordance with regulations of the Republic of Croatia, regulating the transfer and assumption of a guarantee for old foreign-currency savings, and old foreign-currency savings which the savers of Sarajevo Main Branch transferred to special accounts for the purpose of the privatisation process in accordance with the regulations of Bosnia and Herzegovina.

### **Article 3 (interest)**

(1) For the assumption of performance, the interests on the unpaid old foreign-currency savings under Article 2 of this Act shall be calculated as follows:

- for the period from 1 January 1992 to 31 December 1992 at an annual interest rate of 6%,
- for the period from 1 January 1993 to 31 December 2015 at an annual interest rate of 1.79 %,
- for the period from 1 January 2016 until the payment according to the interest rate for overnight deposits for households published in the Monthly Bulletin of Bank of Slovenia.

(2) Interests under the preceding paragraph shall be calculated using the linear method with simple interest calculation.

### **Article 4 (currency conversion)**

(1) The unpaid old foreign-currency savings in the currencies of countries which are part of the Eurozone shall be calculated in euros according to the exchange rates between the euro and these currencies on the day of the exchange (1 January 1999).

(2) The unpaid old foreign-currency savings in currencies of countries which are not part of the Eurozone shall be calculated in euros according to the reference exchange rates of the European Central Bank published by the Bank of Slovenia on the day this Act enters into force.

### **Article 5 (assumption of performance)**

(1) The Republic of Slovenia shall assume the performance of the liability of the Bank towards the beneficiaries for unpaid old foreign-currency savings and interest to the extent and the amount as determined by this Act.

(2) The assumption of performance under this Act shall include liabilities to beneficiaries for unpaid old foreign-currency savings which have not yet been recovered or transferred in accordance with the regulations of the successor states of the former SFRY or on any other basis.

(3) The basis for the assumption of performance under the first paragraph of this Article shall be a final decision issued in the verification procedure pursuant to this Act.

(4) Liabilities under this Act shall be recorded in the budget of the Republic of Slovenia, Statement of Financial Receivables and Financial Investments on account number 4409.

### **Article 6 (beneficiary)**

(1) Beneficiary under this Act shall be a natural person who has claims for unpaid old foreign-currency savings under Article 2 of this Act.

(2) Notwithstanding the provision from the preceding paragraph, the beneficiary shall also be a civil legal person who under the SFRY's regulations on foreign currency transactions was holder of unpaid old foreign-currency savings referred to in Article 2 of this Act.

(3) A natural person who obtained her/his claim for unpaid old foreign-currency savings from a beneficiary from the preceding paragraphs on the basis of a valid legal transaction shall be eligible to pursue the request for verification under this Act only if her/his acquisition of the claim is recorded at Sarajevo Main Branch or Zagreb Main Branch by 1 December 2015.

## **II. VERIFICATION PROCEDURE**

### **Article 7 (general)**

(1) The request for verification of unpaid old foreign-currency savings shall be pursued in the verification procedure as determined by this Act.

(2) The Succession Fund of the Republic of Slovenia, public fund (hereinafter: the Fund) shall be authorised to decide on the assumption of performance for individual unpaid old foreign-currency savings in the verification procedure.

(3) In the verification procedure the beneficiaries, the existence and the amount of individual unpaid old foreign-currency savings shall be determined, and interest under Article 3 of this Act shall be calculated.

(4) In the verification procedure the act governing general administrative procedures shall be applied, unless stipulated otherwise by this Act.

(5) The application, the objection, and the decision within the verification procedure shall not be subject to any fees.

(6) Notwithstanding the provisions of the law governing the general administrative procedure concerning processing of applications which are not submitted in the official language, the Fund may process such applications provided that they are comprehensible.

**Article 8**  
**(public call)**

(1) The ministry responsible for finance shall issue a public call for the submission of requests for verification of unpaid old foreign-currency savings in the Official Gazette of the Republic of Slovenia and in at least two daily newspapers which are published throughout the territory of Bosnia and Herzegovina and the Republic of Croatia, and on its website.

(2) The call under the preceding paragraph shall contain the conditions for the submission of requests for verification (beneficiaries, manner, deadline, and content of the request for verification).

**Article 9**  
**(provision of data)**

(1) The Bank shall cooperate with the Fund in all phases of executing this Act.

(2) Irrespective of the provisions of other regulations, the Bank shall make available its databases and documentation relating to the unpaid old foreign-currency savings to the Fund, and the Fund shall provide the Bank with data and documentation on all payments under this Act.

(3) The Fund and the Bank may process data and documentation obtained on the basis of the first and second paragraphs of this Article for the needs of decision making in verification procedures under this Act or for the settlement of relations with regard to the old foreign-currency savings. The Fund and the Bank shall ensure the protection of data and documentation obtained in such a manner in accordance with the regulations governing personal data protection, to be established by both parties by means of a special legal act.

(4) The data referring to the unpaid old foreign-currency savings of Sarajevo Main Branch shall be obtained in a form and manner as determined in the memorandum governing cooperation between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina for the execution of the judgement of the European Court of Human Rights in case no. 60642/08 of 16 July 2014.

**Article 10**  
**(request for verification)**

(1) The verification procedure shall be initiated at the request of a beneficiary.

(2) The request shall include the following:

- data of the beneficiary, i.e. name, date and place of birth, permanent address of the beneficiary or title and registered office, and identification number of the beneficiary, which is determined by the acts of her/his state of nationality or registered office for the needs of legal transactions or identification by official authorities;
- name and permanent address of a beneficiary's legal or statutory representative, if any;

- data on the unpaid old foreign-currency savings;
- in the case of obtaining the claim through inheritance, indication of a legal predecessor and the basis for inheritance;
- address for service if different from the permanent address of the beneficiary;
- beneficiary's signature.

(3) The request shall be supplemented with:

- documents on the unpaid old foreign-currency savings (original or a copy of a foreign-currency savings book or a savings contract or other documents proving the existence and amount of the claim);
- copy of a beneficiary's personal document;
- authorisation or other individual instrument providing the basis for representation if a beneficiary submits a request through a legal or statutory representative;
- legal instrument providing the basis for legal succession;
- evidence on the holder and number of the transaction or personal account to which the funds from the unpaid old foreign-currency savings shall be transferred;
- written statement of the beneficiary assuming material and criminal responsibility that the unpaid old foreign-currency savings were not transferred to another person.

(4) If a beneficiary is represented by an authorised person who is not an attorney at law, the authorisation must be duly certified.

(5) The detailed content and form of the request for verification shall be determined by the minister responsible for finance.

### **Article 11 (filing a request for verification)**

(1) The request for verification may be filed from 1 December 2015 to 31 December 2017.

(2) The request for verification shall be filed in written form in person at the Fund or sent to it by post. The request for verification may not be filed in electronic form.

(3) If the beneficiary files the request for verification in person, the Fund shall verify her/his identity and confirm her/his signature on the request, and confirm identity of the copies of attached documents.

(4) If the request for verification is filed by post or by another person directly at the Fund, the beneficiary's signature must be duly certified.

### **Article 12 (deciding on the request for verification)**

(1) The Fund shall decide on the request for verification on the basis of data under Article 9 of this Act, and data and documentary evidence, submitted by the beneficiary. If these data and documentary evidence do not suffice to make a decision, the Fund may ask the beneficiary to submit additional documentary evidence within the determined deadline. The

Fund may establish the facts also with other forms of evidence, excluding witnesses and visits.

(2) If the beneficiary fails to submit additional documentary evidence in the deadline from the preceding paragraph, the Fund shall decide on the basis of data and evidence from the preceding paragraph.

### **Article 13 (indicative calculation)**

(1) If the Fund finds that the request for verification is substantiated, it shall prepare indicative calculation of the unpaid old foreign-currency savings, containing:

1. data of the beneficiary and legal or statutory representative of the beneficiary, if any;
2. data on the unpaid old foreign-currency savings;
3. established amount of the unpaid old foreign-currency savings and interest under this Act;
4. the day of the payment and the data regarding the transaction or personal account for the payment of the amount under the indicative calculation;
5. legal instructions containing the information from the third and the fourth paragraph of this Article.

(2) The indicative calculation shall be served to the beneficiary; if the beneficiary has a legal or statutory representative, the indicative calculation shall be served to the legal or statutory representative.

(3) If the beneficiary considers that the data in the indicative calculation is inaccurate or incomplete or does not agree with the indicative calculation, she/he can file an objection to the indicative calculation within 30 days from the day of the service of the indicative calculation.

(4) If the beneficiary does not file an objection to the indicative calculation within the deadline determined in the preceding paragraph, the following shall apply upon the expiry of the deadline for filing the objection:

- the indicative calculation shall become the final decision regarding the request for verification,
- that the beneficiary waived her/his right to a judicial review and to any further claim in connection with the unpaid old foreign-currency savings subject to the indicative calculation against anyone, except for a claim for the payment under the indicative calculation.

### **Article 14 (decision on the objection)**

(1) The Fund shall verify whether the objection has been filed within the deadline and if it was filed by an entitled person. An objection not filed within the deadline or filed by a non-entitled person shall be rejected.

(2) If the Fund does not reject the objection, it examines the beneficiary's statements in the objection. If it concludes that the carried out procedure was incomplete, the procedure shall be supplemented.

(3) Based on the objection, the Fund shall issue a decision on the merits of the request for verification. The operative part of the decision shall contain data from indents one through four of the first paragraph of Article 13. The reasoning of the decision shall include the reasons justifying the decision in line with the established facts, and state the position with regard to the arguments and evidence submitted by the beneficiary in the objection.

### **Article 15** **(deadlines for deciding and legal remedies)**

(1) The Fund shall decide on the beneficiary's request within three months from the receipt of the complete request for verification.

(2) The Fund shall decide on an objection to indicative calculation within two months from the receipt of the objection.

(3) The Fund's decisions cannot be appealed; however a judicial review of the administrative act is allowed.

(4) In a judicial review of the administrative act from the preceding paragraph, the Fund shall be represented by the State Attorney's Office of the Republic of Slovenia.

## **III. PAYMENT**

### **Article 16**

(1) The amount determined in the decision shall be paid to the beneficiary by the Fund on the 30<sup>th</sup> day after the decision becomes final.

(2) The funds for payment shall be allocated in the budget of the Republic of Slovenia.

(3) The payment to beneficiaries shall be executed by the Fund in the name of, and for the account of, the Republic of Slovenia.

### **Article 17** **(method of payment)**

- (1) The payment shall be executed to the transaction or personal account of:
- the beneficiary or her/his statutory representative held with the provider of payment services;
  - the person authorised by the beneficiary to accept payment under this Act if the special authorisation for the acceptance of the payment with a duly certified signature of the beneficiary is submitted, which shall also apply if the authorised person for the acceptance of the payment is an attorney.

(2) The Fund shall execute the payment based on data received with the request for verification. The person filing the request shall be obliged to notify the Fund in written form of any potential changes of data within the period set for filing an objection to the indicative calculation, or if an objection to the indicative calculation has been made, until the decision on the request for verification is issued.

(3) Upon the execution of the payment to the transaction or personal account of the beneficiary, the Fund shall pay the fees charged by the payer's provider of payment services; the beneficiary shall pay the fees charged by the recipient's provider of payment services.

#### **IV. RECORDS**

##### **Article 18**

##### **(records on decisions and payment of unpaid old foreign-currency savings)**

(1) To ensure data on filed requests and on payments of unpaid old foreign-currency savings, the Fund shall administer records where it shall process the following personal and other data connected to beneficiaries and old foreign-currency savings:

1. name;
2. identification number (PIN or other),
3. date of birth (day, month, year),
4. place of birth (country, place),
5. permanent residence of the beneficiary,
6. date of filed request for verification,
7. the number, date of issue of the decision or order, type of decision, date of service,
8. data on the completeness and finality of the decision from the previous item,
9. the amount of the payment of unpaid old foreign-currency savings,
10. date and method of payment of the unpaid old foreign-currency savings,
11. data from databases and documents acquired by the Fund under Article 9 of this Act.

(2) Data in the records shall be kept for ten years from the payment of the foreign-currency savings; after this period, they shall be archived.

#### **V. SPECIAL PROVISIONS**

##### **Article 19**

##### **(tax treatment of payments)**

(1) Personal income tax shall not be paid on the interest paid to the natural person under the first paragraph of Article 3 of this Act unless the interest is paid to the natural person who obtained the claim for unpaid old foreign-currency savings from the beneficiary on the basis of a valid legal transaction and within the scope of performing an activity.

(2) Under the act regulating personal income tax or the act regulating corporate income tax, a withholding tax shall not be charged, withheld and paid on the interest under the first



paragraph of Article 3 of this Act paid to the civil legal person identified under this Act or to the natural person acquiring the claim from unpaid old foreign-currency savings from the beneficiary on the basis of a valid legal transaction and within the scope of performing an activity.

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 20 (pending proceedings)**

(1) The court proceedings conducted for the purpose of payment of old foreign-currency savings, which were initiated prior to the entry into force of this Act and have not yet been decided upon, shall be suspended from the day when this Act enters into force. The proceedings initiated after the entry into force of this Act shall be suspended on the day when the action is served on the opposite party.

(2) In the court proceedings from the preceding paragraph, the beneficiary, who does not file an objection to the indicative calculation, may within 60 days from the receipt of payment withdraw the action or other legal act without consent of the opposing party. If the action is withdrawn in accordance with this paragraph, the beneficiary shall not be obliged to reimburse the costs of the opposite party. The legal instruction thereof is included in the decision suspending the proceedings.

(3) If the beneficiary fails to propose a continuation of the proceedings suspended on the basis of the first paragraph of this Article within 60 days from the finality of the decision on the request for verification, and in the event that she/he fails to submit the request for verification within 60 days from the expiry of the deadline referred to in the first paragraph of Article 11 of this Act, it shall be deemed that the beneficiary has withdrawn the action or other legal remedy. The legal instruction thereof is included in the decision suspending the proceedings.

### **Article 21 (adjournment of decision making until the acquisition of data)**

(1) Deciding on request for verification of unpaid old foreign-currency savings at Sarajevo Main Branch shall be postponed until the acquisition of data under the fourth paragraph of Article 9 of this Act.

(2) The date of the acquisition of data under the fourth paragraph of Article 9 of this Act shall be published by the minister responsible for finance in the Official Gazette of the Republic of Slovenia; the Fund shall publish it on its website.

(3) Notwithstanding the first paragraph of this Article, the Fund may decide on the requests for verification of beneficiaries whose claims from the unpaid old foreign-currency savings were acknowledged by a final court judgement issued by the Republic of Slovenia's court of general jurisdiction or final judgement issued by an international court with jurisdiction upon the Republic of Slovenia.

**Article 22**  
**(deadline for the publication of the regulation and public call)**

The minister responsible for finance shall publish the regulation under fifth paragraph of Article 10 of this Act, the ministry responsible for finance shall publish the public call from Article 8 of this Act on 2 November 2015 at the latest.

**Article 23**  
**(enforcement of assumed obligations under this Act)**

The obligations fulfilled on the basis of the assumption of performance under this Act shall be enforced by the Republic of Slovenia under Article 7 of Annex C of the Agreement on Succession Issues (Official Gazette of the Republic of Slovenia, International Agreements, no. 20/02; hereinafter: Agreement), signed in Vienna on 29 June 2001 between Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the Federal Republic of Yugoslavia as successor states of the former Socialist Federal Republic of Yugoslavia, for the purpose of achieving a just distribution of guarantees of the SFRY or NBY for old foreign-currency savings under item a of the third paragraph of Article 2 of Annex C of the Agreement.

**Article 24**  
**(relationship between the Republic of Slovenia and the Bank)**

The Republic of Slovenia and the Bank may settle their mutual relations regarding the assumption of performance under this Act in a contract.

**Article 25**  
**(entry into force of the Act)**

This Act shall enter into force on the next day following its publication in the Official Gazette of the Republic of Slovenia.