



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

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SECOND SECTION

Application no. 12017/23
AGP DOOEL SVETI NIKOLE
against North Macedonia
lodged on 7 March 2023
communicated on 7 July 2026

SUBJECT MATTER OF THE CASE

The application concerns the refusal of the applicant company's compensation claim against the respondent State for damages suffered as a result of the seizure and confiscation of its vehicles.

In the context of criminal proceedings against the applicant company and its sole owner (hereinafter "the company owner") for illegal exploitation of minerals, two lorries, a loader (*ymоварач*) and a trailer were seized in 2011 and later confiscated from them. The applicant company and the company owner were initially convicted by the domestic courts at two levels of jurisdiction. However, in 2014 the Supreme Court allowed a legality review request lodged by the State public prosecutor and quashed the lower courts' judgments, finding that the actions of the applicant company and the company owner had not constituted illegal exploitation of minerals. In March and April 2014 the confiscated vehicles were returned to the applicant company.

The applicant company lodged a compensation claim against the State for pecuniary damage, arguing that the vehicles were damaged when they had been returned to it and that it had lost earnings due to the impossibility to use them for its business activities. The Appeal and the Supreme Court dismissed the claim, finding that the actions of the State authorities when they had seized and confiscated the vehicles had been lawful and that the applicant company had failed to prove the State's liability for the damages sustained.

AGP DOOEL SVETI NIKOLE v. NORTH MACEDONIA –
SUBJECT MATTER OF THE CASE AND QUESTIONS

The applicant company complains that the domestic courts' refusal to grant it compensation resulted in a violation of Article 1 of Protocol No. 1 to the Convention.

QUESTION TO THE PARTIES

Has there been an interference with the applicant company's right to the peaceful enjoyment of its possessions within the meaning of Article 1 of Protocol No. 1 to the Convention? If so, was the interference justified under Article 1 of Protocol No. 1 to the Convention (see *Spasov v. Romania*, no. 27122/14, §§ 113-19, 6 December 2022; *Wyszyński v. Poland*, no. 66/12, §§ 33-43, 24 March 2022; *Dzugayeva v. Russia*, no. 44971/04, §§ 21-29, 12 February 2013; see also, *mutatis mutandis*, *Andonoski v. the former Yugoslav Republic of Macedonia*, no. 16225/08, §§ 31-41, 17 September 2015; *SCI Le Château du Francport v. France*, no. 3269/18, § 42 and § 53, 7 July 2022; *Stolkowski v. Poland*, no. 58795/15, § 72 et seq., 21 December 2021; and *Tendam v. Spain*, no. 25720/05, §§ 50-51, 13 July 2010)?