



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

Published on 12 October 2026

FIRST SECTION

Applications nos. 13797/25 and 23481/25
Lilijana AUGUSTIN against Croatia
and Zdravko KUZMIĆ against Croatia
lodged on 28 April 2025 and 25 July 2025 respectively
communicated on 21 September 2026

SUBJECT MATTER OF THE CASE

The applications concern access to court of bankruptcy administrators against decisions relieving them of their duty in specific proceedings and/or decisions removing them from the list of bankruptcy administrators.

The first applicant, Ms Lilijana Augustin, was licensed by the Ministry of Justice in 2015 to act as a bankruptcy administrator.

On three separate occasions, the acting judges of the Rijeka Commercial Court relieved her of her duties in three separate bankruptcy proceedings. According to section 91(4) of the Bankruptcy Act in force at the material time, the first applicant had no right of appeal against those individual decisions.

On 3 November 2021 the Ministry of Justice automatically removed the first applicant from the list of bankruptcy administrators, in accordance with section 81(1) of the Bankruptcy Act, because she had been relieved of her duties in more than two bankruptcy proceedings within three years.

In subsequent judicial review proceedings, on 14 March 2022 the Rijeka Administrative Court quashed the Ministry's decision, noting that the first applicant had had no right to appeal against the three individual decisions that relieved her of her duties and that she could therefore not be automatically removed from the list of bankruptcy administrators.

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However, on 1 June 2021 the High Administrative Court dismissed the first applicant's administrative action holding that the Ministry's decision had been lawful.

On 27 November 2024 the Constitutional Court dismissed the first applicant's constitutional complaint as manifestly ill-founded. It held that the applicant had had, at least formally, the opportunity to challenge the Ministry's decision to remove her from the list of bankruptcy administrators in administrative proceedings. Furthermore, it reproached the applicant for failing to lodge a constitutional complaint against the three individual decisions relieving her of her duties in specific proceedings, despite its previous practice to declare such complaints inadmissible and noting that its practice on admissibility could always change. The Constitutional Court also referred to its previous decision, in which it found that section 91(4) of the Bankruptcy Act – under which the first applicant had no right of appeal against the individual decisions – had been in conformity with the Constitution and it reiterated its consistent position that such individual decisions were not amenable to constitutional review.

The second applicant, Mr Zdravko Kuzmić, was relieved of his duties in bankruptcy proceedings on 14 May 2024 allegedly due to his unsatisfactory performance.

On 25 June 2024 the High Commercial Court declared his appeal against that decision inadmissible. The Supreme Court declared his subsequent motion to appeal on points of law for violations of human rights inadmissible. On 11 March 2025 the Constitutional Court declared the second applicant's constitutional complaint inadmissible, holding that decisions to relieve bankruptcy administrators of their duties in bankruptcy proceedings were not amenable to constitutional review.

Relying on Articles 6 and 13 of the Convention, the first applicant alleges that she was deprived of her right to work as a bankruptcy administrator without having had access to a court which could review the decision on her removal.

Relying on Articles 6 and 13 of the Convention, the second applicant submits that he was deprived of his right to remuneration for work he had performed as a bankruptcy administrator by a first-instance judge who had lacked impartiality since he both proposed and decided on the second applicant's removal from the case. He also alleges that he had no right to appeal against the said decision, which could result in his future removal from the list of bankruptcy administrators.

QUESTIONS TO THE PARTIES

Concerning both applications

1. Is Article 6 § 1 of the Convention applicable to the proceedings in the present case under its civil head (cf. *Baka v. Hungary* [GC], no. 20261/12, §§ 100-18, 23 June 2016)?

If so, did the applicants have access to a court for the determination of their civil rights and obligations, in accordance with Article 6 § 1 of the Convention (compare *Kövesi v. Romania*, no. 3594/19, §§ 153-54, 5 May 2020)?

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2. Is Article 8 of the Convention applicable to the applicant's case? In particular, were the consequences of her removal from the list of bankruptcy administrators sufficiently serious as to bring into play her right to respect for her private life within the meaning of Article 8 § 1 of the Convention (c.f. *Denisov v. Ukraine* [GC], no. 76639/11, §§ 107-14, 25 September 2018)?

If so, was there an interference with her right to respect for private life, which was in accordance with the law and necessary in terms of Article 8 § 2 of the Convention (see *Denisov*, cited above, § 95 et seq., and *Budimir v. Croatia*, no. 44691/14, §§ 56-65, 16 December 2021)?

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3. Has there been an interference with the applicant's right to peaceful enjoyment of possessions, within the meaning of Article 1 of Protocol No. 1 to the Convention?

If so, was the interference in the public interest and in accordance with the conditions provided for by law, within the meaning of Article 1 of Protocol No. 1?

Did it impose an excessive individual burden on the applicant (compare *Rola v. Slovenia*, nos. 12096/14 and 39335/16, § 80 et seq., 4 June 2019)?

4. In the light of the allegations concerning the lack of impartiality of the first-instance court's judge in the applicant's case, has there been a breach of Article 6 § 1 of the Convention on this account (see *Werner v. Poland*, no. 26760/95, §§ 39-47, 15 November 2001, and *Mitrinovski v. the former Yugoslav Republic of Macedonia*, no. 6899/12, §§ 38-45, 30 April 2015)?