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MINIMUM AMOUNT OF A CLAIM FOR ENFORCEMENT AND SECURITY OVER REAL ESTATE: WHAT HAS THE EUROPEAN COURT OF HUMAN RIGHTS TAUGHT US? ⁹³

Summary: *The paper analyses the impact of the protection of the right to the peaceful enjoyment of property under Article 1 of Protocol No. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the case-law of the European Court of Human Rights, on national legal systems in the context of introducing specific rules governing the admissibility of enforcement (or security measures) over real estate. Starting from two key cases, Vaskrsić v. Slovenia and Vrzić v. Croatia, in which the applicants sought protection of their right to peaceful enjoyment of property in enforcement proceedings concerning unsecured and, respectively, property-secured monetary claims, the paper analyses the relevant national rules in the legal systems concerned. The key research categories focused on the following issues: (a) whether courts have the authority to order a less severe enforcement measure ex officio; (b) whether courts have the authority to refuse a request for enforcement over real estate where disproportionality exists; and (c) whether there is a minimum threshold for the principal amount of a monetary claim for which enforcement over real estate is permitted.*

Keywords: *right to the peaceful enjoyment of property, enforcement against real estate, fair balance.*

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