
31 JANUARY IS NEXT KEY DATE IN SLOVENIA-VS-CROATIA BORDER DISPUTE

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The EU's Court of Justice will announce on 31 January whether it will admit Slovenia's suit against Croatia over the latter's failure to implement the 2017 border arbitration award, according to a posting on the court's website.

In early December 2019, the court's Advocate General Priit Pikamäe proposed to the court to rule the case inadmissible, which came as a surprise to many in Slovenia.

However, while many agreed the opinion did not bode well for the fate of the procedure, the opinion does not prejudice the court's final decision on admissibility.

Slovenia, arguing Croatia infringes several articles of EU law, brought its case to the EU court in July 2018, after the European Commission refused to do so.

In his no-binding opinion, Pikamäe argued that "the infringements of EU law of which Slovenia accuses Croatia are ancillary to the issue of determining the boundary between those two states, which is a matter of public international law".

His understanding is that since the award has not been implemented, the border between Slovenia and Croatia has not been set, which is why Croatia could not be accused of violating relevant provisions of EU law.

The advocate general interpreted Slovenia's suit as an attempt to force Croatia to implement the border decision, which he argued does not fall under the EU's jurisdiction.

If the court agrees with Pikamäe's opinion, the procedure will stop there. If it admits the case fully or partly, the case will be further processed, followed by another opinion by the advocate general and the final ruling.

Slovenia and Croatia signed the arbitration agreement in November 2009, agreeing to task an international tribunal with settling the border after years of futile attempts to determine the course of the border in the aftermath of the break-up of Yugoslavia in 1991.

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