

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

SECOND SECTION

DECISION

Application no. 65052/09
Biljana BOŽANIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting 12 February 2013 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Dragoljub Popović,
Helen Keller, *judges,*

and Françoise Elens-Passos, *Deputy Section Registrar,*

Having regard to the above application lodged on 28 November 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Biljana Božanić, is a Serbian national, who was born in 1956 and lives in Novi Sad. She was initially represented before the Court by Mr B. Petrović, and subsequently by Mr M. Pušin, a lawyer practising in Novi Sad.

The Serbian Government ("the Government") were represented by their Agent, Mr S. Carić.

Relying on various Articles of the Convention, the applicant complained about the respondent State's failure to enforce a final court decision rendered in her favour against a predominantly socially/State-owned company.

On 2 January 2012 and 22 September 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Serbia in respect of the facts giving rise to this application against an undertaking by the Government to pay her EUR 2,600 (two thousand six hundred euros) to cover any non-pecuniary damage as well as costs and expenses, which would be converted into domestic currency at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The parties, furthermore, agreed that within the said three-month period the Government will pay, from their own funds, the sums awarded in the domestic decision adopted by the Municipal Court (*Opštinski sud*) in Novi Sad on 19 January 2006, (domestic case no. P.1116/04), as amended by the decision of District Court in Novi Sad on 16 October 2008 (domestic case no. Gž.4232/06), less any amounts which may have already been paid on the basis of the said decisions, plus the costs of the domestic enforcement proceedings. These payments will constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Françoise Elens-Passos
Deputy Registrar

Paulo Pinto de Albuquerque
President