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

THIRD SECTION

DECISION

Application no. 39694/10
Slavica BUGARIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 6 December 2016 as a Committee composed of:

Pere Pastor Vilanova, *President,*
Branko Lubarda,
Georgios A. Serghides, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 7 July 2010,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Slavica Bugarić, is a Serbian national, who was born in 1966 and lives in Novi Pazar. She was represented before the Court by Ms R. Paljevac Emrović, a lawyer practising in Novi Pazar.

The Serbian Government ("the Government") were represented by their former Agent, Ms V. Rodić, being more recently substituted by their current Agent, Ms. N. Plavšić.

On 13 April 2005 the Novi Pazar Municipal Court ordered a socially-owned company *Savremena konfekcija "Raška"* (hereinafter "the debtor"), to pay the applicant a specified amount on account of salary arrears. By March 2008 this judgment became both final and enforceable.

On 14 March 2008, upon the applicant's request to that effect of 4 March 2008, the Novi Pazar Municipal Court ordered the enforcement of the said judgment.

On 9 April 2008 the Novi Pazar Distric Court quashed that enforcement order.

On 17 April 2008 the Municipal Court rejected the applicant's repeated request. In its decision, the Municipal Court noted that the applicant had concluded friendly settlement with the debtor on 15 January 2008, according to which the debtor had undertaken to pay the applicant the judgment debt in several monthly instalments. In case it failed to pay the entire debt by 31 December 2008, the applicant would have right to file a new enforcement request with the Municipal Court.

The Novi Pazar District Court upheld this decision on 29 May 2008.

On 9 July 2010, upon the applicant's new request to that effect, the Novi Pazar First Instance Court ordered the enforcement of the said judgment.

By her letter of 19 January 2011, the applicant's representative informed the Court that the judgment in question had been fully enforced on an unspecified date but that the applicant would still be seeking the non-pecuniary damages for the length of the enforcement proceedings.

COMPLAINT

The applicant complained about the length of the enforcement proceedings instituted on the basis of a final judgment rendered in her favour. The Court considers that this complaint falls to be examined under Articles 6 § 1 of the Convention.

THE LAW

The Government maintained that the applicant's complaints were inadmissible on various grounds. Notably, the applicant had lodged the application more than six months after the District court's decision of 29 May 2008. They further argued that the applicant had failed to exhaust domestic remedies by lodging a constitutional appeal against that decision. Finally, the Government opined that the impugned enforcement proceedings had been carried out within a reasonable time.

In response, the applicant submitted that the Serbian authorities remained responsible for the length of the enforcement proceedings in question.

The Court does not have to address all issues raised by the parties since this complaint is in any event inadmissible on the following grounds.

The Court notes, in the first place, that the applicant initiated the enforcement proceedings on 4 March 2008 despite the fact that she had been formally bound by her agreement with the debtor not to do so before

31 December 2008. The domestic courts' decision to reject the applicant's enforcement request at that point was, thus, justified (see, *mutatis mutandis*, *Crnišanin and Others v. Serbia*, nos. 35835/05, 43548/05, 43569/05 and 36986/06, § 125, 13 January 2009).

The Court further notes that the period of non-enforcement which should be taken into account started on 9 July 2010 when the Novi Pazar First Instance Court ordered the enforcement of the said judgment upon the applicant's repeated request to that effect and ended on 19 January 2011 at the latest, that is on the date when the applicant's representative informed the Court that the judgment in question had been fully enforced.

The Court has already ruled that the period of up to one year of non-enforcement of a final domestic decision complied with the requirements of the Convention (see *Belkin and Others v. Russia* (dec.), nos. 14330/07 et al., 5 February 2009). There is no reason to depart from that jurisprudence in the present case, where the relevant period was less than seven months in all.

In view of the above, the application must be rejected under Article 35 §§ 1 and 4 of the Convention as being manifestly ill-founded.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 12 January 2017.

Fatoş Aracı
Deputy Registrar

Pere Pastor Vilanova
President