

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

THIRD SECTION

CASE OF IVIĆ v. SERBIA

(Application no. 17871/23)

JUDGMENT

STRASBOURG

13 February 2025

This judgment is final but it may be subject to editorial revision.



In the case of Ivić v. Serbia,

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

Oddný Mjöll Arnardóttir*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 23 January 2025,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 21 April 2023.

2. The applicant was represented by Mr Z. Lukić, a lawyer practising in Belgrade.

3. The Serbian Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the non-enforcement of a domestic decision against a socially/State-owned company.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL NO. 1

6. The applicant complained of the non-enforcement of a domestic decision given in her favour. She relied on Article 6 § 1 of the Convention and on Article 1 of Protocol No. 1.

7. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

8. The Court further notes that the decision in the present application ordered specific action to be taken. The Court therefore considers that the decision in question constitutes "possessions" within the meaning of Article 1 of Protocol No. 1.

9. In the leading case of *R. Kačapor and Others v. Serbia,* nos. 2269/06 and 5 others, 15 January 2008, the Court already found a violation in respect of issues similar to those in the present case.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the authorities did not deploy all necessary efforts to enforce fully and in due time the decision in the applicant's favour.

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *R. Kačapor and Others,* cited above, and *Stanković v. Serbia* (dec.), no. 41285/19, 19 December 2019), the Court considers it reasonable to award the sums indicated in the appended table.

13. The Court further notes that the respondent State has an outstanding obligation to enforce the judgment which remains enforceable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement of a domestic decision given against a socially/State owned company;

3. *Holds* that the respondent State shall ensure, by appropriate means, within three months, the enforcement of the pending domestic decision referred to in the appended table;

4. Holds
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 13 February 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina	Oddný Mjöll Arnardóttir
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 (non-enforcement or delayed enforcement of domestic decisions given against socially/State-owned companies)

Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision	Start date of non-enforcement period	End date of non-enforcement period Length of enforcement proceedings	Amount awarded for non-pecuniary damage (in euros)[1] [2]	Amount awarded for costs and expenses (in euros)[3]
17871/23 21/04/2023	**Dragica IVIĆ** 1954	Commercial Court in Kraljevo, 06/07/2016	06/07/2016	Pending More than 7 year(s) and 7 month(s) and 4 day(s)	1,000	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Less any amounts which may have already been paid in that regard at the domestic level.
[3] Plus any tax that may be chargeable to the applicant.