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

SECOND SECTION

DECISION

Application no. 27671/09
Milenka CINCOVIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 1 October 2013 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Dragoljub Popović,
Helen Keller, *judges,*
and Seçkin Erel, *Acting Deputy Section Registrar*.

Having regard to the above application lodged on 23 March 2009,

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

Having deliberated, decides as follows:

THE FACTS AND PROCEDURE

The applicant, Ms Milenka Cincović, is a Serbian national, who was born in 1957 and lives in Novi Pazar.

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

Relying on Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention, the applicant complained about the respondent State's failure to enforce four final court decisions rendered in her favour against a socially/State-owned company.

On 12 December 2011 and 25 May 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 the applicant EUR 3,000 (three thousand euros) to cover any non-pecuniary damage as well as costs and expenses, which would be converted into the domestic currency at the rate applicable on the date of payment, and

would be free of any taxes that may be applicable. It would 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 Pazar on 24 February 2005, 4 October 2005, 13 April 2006 and 18 January 2007 (domestic cases nos. P1.1032/04, P1.221/05, P1.17/06 and P1. 1080/06) respectively, 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.

Seçkin Erel
Acting Deputy Registrar

Paulo Pinto de Albuquerque
President