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

THIRD SECTION

DECISION

Application no. 62412/10
Svetlanka FILIPOVIĆ against Serbia
and 4 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 2 June 2015 as a Committee composed of:

Ján Šikuta, *President,*
Iulia Antoanella Motoc,
Branko Lubarda, *judges,*

and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above applications lodged on 29 September 2010,

Having regard to the declarations submitted by the respondent Government on 14 and 20 January 2015 requesting the Court to strike the applications out of the list of cases and the applicants' reply to those declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

A list of the applicants is set out in the appendix. They were all represented by Mr M. Marjanović and Ms M. Dedović-Marjanović, lawyers practising in Leskovac.

The Serbian Government ("the Government") were represented by their Agent Ms V. Rodić.

All applicants are former employees of "LETEKS" *u stečaju* (the debtor), which was, at the relevant time, a socially-owned company. All of the applicants obtained final court decisions ordering the debtor to pay them certain sums. The essential information as to the domestic proceedings in respect of each application is indicated in the appendix.

Relying on Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention the applicants complained about the

failure by the national authorities to enforce final court decisions rendered in their favour.

The applications had been communicated to the Government.

THE LAW

The Court considers that, in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their similar factual and legal background.

After the failure of attempts to reach a friendly settlement, by letters of 14 January 2015 and 20 January 2015 the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issue raised by the applications. They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged a violation of the applicants' rights guaranteed by Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention. They undertook to pay the applicants 1,800 EUR (one thousand eight hundred euros) each, less any amounts which may have already been paid on the same basis at the domestic level to cover any non-pecuniary damage as well as costs and expenses, which would be converted into local currency at the rate applicable on the date of payment, and would be free of any taxes that may be applicable. These sums would be payable within three months from the date of notification of the decision taken by the Court. The Government further declared that within the said three-month period the Government would pay, from their own funds, the sums awarded in the domestic decisions under consideration in the present cases, 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 cases pending before the European Court of Human Rights.

By letters of 6 and 11 March 2015, the applicants indicated that they were not satisfied with the terms of the unilateral declarations on the ground that the sums proposed in the Government's declarations were unacceptably low.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

> "for any other reason established by the Court, it is no longer justified to continue the examination of the applications".

It also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued.

To this end, the Court will examine carefully the declarations in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03, 18 September 2007).

The Court has established in a number of cases, including those brought against Serbia, its practice concerning complaints about the non-enforcement of final domestic decision rendered against socially/State-owned companies (see, for example, *R. Kačapor and Others v. Serbia,* nos. 2269/06, 3041/06, 3042/06, 3043/06, 3045/06 and 3046/06, 15 January 2008; *Crnišanin and Others v. Serbia,* nos. 35835/05, 43548/05, 43569/05 and 36986/06, 13 January 2009*; Rašković and Milunović v. Serbia,* nos. 1789/07 and 28058/07, 31 May 2011; *Milunović and Čekrlić v. Serbia* (dec.), nos. 3716/09 and 38051/09, 17 May 2011; and *Stošić v. Serbia*, no. 64931/1, 1 October 2013).

Having regard to the nature of the admissions contained in the Government's declarations, as well as the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Further, the Court interprets the Government's declarations as meaning that in the event of failure to settle within the three-month period indicated in those declarations, simple interest shall be payable on the amount in question at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points.

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations under Articles 6 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 25 June 2015.

Marialena Tsirli	Ján Šikuta
Deputy Registrar	President

APPENDIX

No.	Application no. and date of introduction	Applicant name date of birth nationality	Final domestic decision details (the seat of the relevant court and the date of the decision)	Enforcement order details
1.	62412/10 29/09/2010	**Svetlanka FILIPOVIĆ** 04/08/1953 Serbian	Leskovac 18/04/2008	14/06/2010
2.	62949/10 29/09/2010	**Miodrag PETKOVIĆ** 12/07/1957 Serbian	Leskovac 18/04/2008	14/06/2010
3.	63116/10 29/09/2010	**Dobrila STANKOVIĆ** 11/07/1959 Serbian	Leskovac 20/04/2001 18/04/2008	1. 25/11/2008 2. 06/05/2011
4.	63161/10 29/09/2010	**Rajna STEFANOVIĆ** 02/01/1969 Serbian	Leskovac 18/04/2008	14/06/2010
5.	64933/10 29/09/2010	**Marina STANOJEVIĆ-ĐORĐEVIĆ** 21/02/1975 Serbian	Leskovac 18/04/2008	14/06/2010