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

THIRD SECTION

DECISION

Application no. 39827/16
Dejan JOVANOVIĆ against Serbia
and 6 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 31 March 2026 as a Committee composed of:

Darian Pavli*, President*,
Úna Ní Raifeartaigh,
Mateja Đurović*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the applications against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by seven Serbian nationals listed in the appended table ("the applicants"), on the various dates indicated therein;

the decision to give notice of the applications to the Serbian Government ("the Government") represented by their Agent, Ms Z. Jadrijević Mladar;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern the divergent domestic case-law in respect of claims for the payment of salary supplements for overtime, night work and work on public holidays performed by police officers employed by the Ministry of the Interior. The Court has dealt with a similar issue in *Šabanović and Others v. Serbia* (nos. 39819/16 and 4 others, 7 October 2025).

2. Like the applicants in that case, the applicants in the present applications were police officers with the status of authorised police officers within the meaning of the Police Act 2005 (ibid., § 35), who lodged claims against the Republic of Serbia for compensation for unpaid salary

supplements in respect of overtime, work on public holidays and night work (ibid., §§ 5 and 6; "work during unsociable hours") on the dates indicated in the appended table.

3. Their claims were dismissed by final judgments delivered by various courts on the dates set out in the appended table. Those courts accepted that the applicants had performed work during unsociable hours, but held that they were not entitled to salary supplements under the general labour regulations. They found that the applicants' salary coefficients had already been increased by more than 30% to compensate for work during unsociable hours, pursuant to Article 147 § 1 of the Police Act, as shown by a comparison with the salary coefficients of other civilian police officers. Relying on Article 147 § 3 of the same Act, the courts concluded that this specific regime excluded the application of the general labour regulations (for the relevant provisions of the Police Act and the general labour regulations, ibid., § 36, and §§ 32-33). The claims of the applicants in *Šabanović and Others* were dismissed on the same grounds (ibid., §§ 7, 9, 10, 12 and 15).

4. The applicants argued in the Constitutional Court that the lower courts had incorrectly applied the relevant provisions of the Police Act. They further alleged divergences in the domestic case-law, noting that certain courts had allowed identical claims brought by their colleagues. Except for the seventh applicant, the Constitutional Court dismissed constitutional appeals lodged by the applicants on the dates listed in the appended table, relying on its earlier decision Už-3827/2012 of 12 December 2012 (ibid., §§ 62-64). As regards the seventh applicant, his complaint concerning the alleged misapplication of the Police Act was likewise rejected with reference to the same decision (ibid., § 64). His complaint regarding inconsistent case-law was rejected as unsubstantiated because the applicant had submitted only one domestic decision in support of that allegation.

5. The applicants complained that the domestic courts had dismissed their claims while simultaneously and inconsistently ruling both in favour of and against hundreds of the applicants' fellow officers, despite the fact that their claims had been based on the same or similar facts and had concerned identical legal issues, which had created legal uncertainty and had amounted to a denial of justice. The applicants also alleged that the domestic courts had arbitrarily interpreted and applied the substantive law when dismissing their claims. They alleged a breach of Article 6 § 1 of the Convention. The first, second, third and fifth applicants also alleged a breach of Article 1 of Protocol No. 1 to the Convention on account of the manner in which the domestic courts had interpreted and applied the substantive law.

THE COURT'S ASSESSMENT

A. Joinder of the applications

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Alleged violation of Article 6 § 1 of the Convention

7. The relevant principles regarding alleged violations of Article 6 § 1 of the Convention on account of divergent domestic case-law are summarised in *Nejdet Şahin and Perihan Şahin v. Turkey* ([GC], no. 13279/05, §§ 49-58, 20 October 2011), and *Lupeni Greek Catholic Parish and Others v. Romania* ([GC], no. 76943/11, § 116, 29 November 2016).

8. The applicants' claims in the present case were dismissed between June 2013 and May 2015 on the basis of comparisons between their salary coefficients and those of other civilian police officers. The Court has already observed that, during that same period, the domestic courts had allowed claims lodged by the applicants' fellow officers by comparing their salary coefficients with those of other authorised police officers, which had amounted to "profound and long-standing differences" in the case-law of the domestic appellate courts (see *Šabanović and Others*, cited above, §§ 90-91 and 99-101). These inconsistencies were eventually harmonised by a legal opinion of the Supreme Court on 10 November 2015 (ibid., § 107). The domestic authorities therefore harmonised its case-law within a reasonably short period of time (ibid., § 112).

9. The applicants in the present case were in a situation identical to that examined in *Šabanović and Others*. Having regard to the Court's conclusion in that case that the domestic courts' findings and interpretation of the relevant law could not be considered arbitrary or manifestly unreasonable (ibid., §§ 114-15), the fact that the applicants' claims had been determined before the Supreme Court issued guidelines for dealing with all similar cases, and were therefore not examined in line with those guidelines, is not in itself sufficient to amount to a breach of the principle of legal certainty (ibid., § 113).

10. Accordingly, these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

C. Alleged violation of Article 1 of Protocol No. 1 to the Convention

11. The Court has already examined the complaints under Article 1 of Protocol No. 1 to the Convention identical to those raised by the first, second, third and fifth applicants and declared them incompatible *ratione materiae*

with that provision (see *Šabanović and Others*, cited above, §§ 120-22). The Court discerns no basis for reaching a different conclusion in the present case.

12. It follows that these complaints are inadmissible under Article 35 § 3 (a) of the Convention as being incompatible *ratione materiae* with the provisions of the Convention and the protocols thereto and must be rejected pursuant to Article 35 § 4 thereof.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 7 May 2026.

Olga Chernishova Deputy Registrar	Darian Pavli President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth	Represented by	Date of lodging of claims and final court decisions in the civil proceedings	Constitutional Court decisions
1.	39827/16	Jovanović v. Serbia	27/06/2016	**Dejan JOVANOVIĆ** 1983	Nataša MIJALJEVIĆ	Claim lodged on 26/09/2011 Belgrade Court of Appeal Gž1 3614/13 of 05/11/2013	Už-2681/2014 of 17/03/2016
2.	39850/16	Biorac v. Serbia	27/06/2016	**Jovica BIORAC** 1976	Nataša MIJALJEVIĆ	Claim lodged on 26/09/2011 Belgrade Court of Appeal Gž1 6552/13 of 06/11/2013	Už-1447/2014 of 17/03/2016
3.	39905/16	Jolović v. Serbia	27/06/2016	**Srećko JOLOVIĆ** 1962	Nataša MIJALJEVIĆ	Claim lodged on 26/09/2011	Už-5541/2013 of 19/11/2015

No.	Application no.	Case name	Lodged on	Applicant Year of Birth	Represented by	Date of lodging of claims and final court decisions in the civil proceedings	Constitutional Court decisions
						Belgrade Court of Appeal Gž1 3627/13 of 05/06/2013	
4.	17886/17	Morokvašić v. Serbia	27/02/2017	**Radomir MOROKVAŠIĆ** 1965	Branislav MILOJIČIĆ	Claim lodged on 26/09/2011 Novi Sad Court of Appeal Gž1 2376/14 of 15/09/2014	Už-8561/2014 of 26/10/2016
5.	53300/17	Popović v. Serbia	17/07/2017	**Zvonko POPOVIĆ** 1964	Nataša MIJALJEVIĆ	Claim lodged on 06/08/2012 Belgrade Court of Appeal Gž1 13/15 of 16/01/2015	Už-1836/2015 of 11/05/2017
6.	71924/17	Zuber v. Serbia	22/09/2017	**Saša ZUBER** 1979	Branislav MILOJIČIĆ	Claim lodged on 03/06/2010 Novi Sad Court of Appeal Gž1 710/15 of 07/05/2015	Už-4208/2015 of 01/06/2017

No.	Application no.	Case name	Lodged on	Applicant Year of Birth	Represented by	Date of lodging of claims and final court decisions in the civil proceedings	Constitutional Court decisions
7.	77143/17	Zuber v. Serbia	23/10/2017	**Damir ZUBER** 1969	Branislav MILOJIČIĆ	Claim lodged on 03/06/2010 Novi Sad Court of Appeal Gž1 2860/14 of 20/11/2014	Už-126/2015 of 02/03/2017