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

FOURTH SECTION

DECISION

Application no. 56079/22
Milan MARJANOVIĆ against Serbia
and 6 other applications
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 1 February 2024 as a Committee composed of:

Anja Seibert-Fohr*, President*,
Anne Louise Bormann,
Sebastian Răduleţu*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Ms B. Vukosavljević, a lawyer practising in Čačak.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement or delayed enforcement of domestic decisions given against socially/State-owned companies were communicated to the Serbian Government ("the Government").

THE LAW

A. Joinder of the applications

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

B. 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)

The Government submitted that the applicants had failed to inform the Court that the final domestic decisions in their favour had actually been fully enforced.

The applicants did not dispute those facts.

The Court reiterates that an application may be rejected as an abuse of the right of individual application within the meaning of Article 35 § 3 (a) of the Convention if, among other reasons, it was knowingly based on false information or if significant information and documents were deliberately omitted, either where they were known from the outset or where new significant developments occurred during the proceedings. Incomplete and therefore misleading information may amount to an abuse of the right of application, especially if the information in question concerns the very core of the case and no sufficient explanation is given for the failure to disclose that information (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014; *S.A.S. v. France* [GC], no. 43835/11, § 67, ECHR 2014; *Nikolić and Others v. Serbia* (dec.) [Committee], nos. 48162/18 and 8 others, 21 January 2021; and *Zarić v. Serbia* (dec.) [Committee], no. 49714/22, 31 August 2023).

Turning to the present case, the Court first observes that the Government did not argue that the applicants' behaviour amounted to an abuse of the right of individual petition, within the meaning of Article 35 § 3 of the Convention. The Court reiterates, however, that it has previously emphasised that the question of possible abuse can also be raised by it *proprio motu* (see *Shalyavski and Others v. Bulgaria*, no. 67608/11, § 43, 15 June 2017). The Court further notes that in the course of July 2022 the sums awarded in the domestic decisions under consideration were fully paid by the State in accordance with the domestic law (see *Stevanović and Others v.* S*erbia* [Committee], nos. 43815/17 and 15 others, § 17, 27 August 2019). The applicants failed to provide that information and no explanation for this omission was provided.

Having regard to the fact that the information withheld concerned the very core of the applications, the Court finds that such conduct was contrary to the purpose of the right of individual application. Lawyers must understand that, having due regard to the Court's duty to examine allegations of human rights violations, they must show a high level of professional prudence and meaningful cooperation with the Court by sparing it the introduction of unmeritorious complaints and, both before proceedings have been instituted and thereafter, they must inquire diligently into all the details of the case, meticulously abide by all the relevant rules of procedure and must urge their

clients to do the same. Otherwise, the wilful or negligent misuse of the Court's resources may undermine the credibility of lawyers' work in the eyes of the Court and even, if it occurs systematically, may result in particular individual lawyers being banned from representing applicants under Rule 36 § 4 (b) of the Rules of Court (see *Stevančević v. Bosnia and Herzegovina* (dec.), no. 67618/09, § 29, 10 January 2017).

In view of the above, the Court finds that these applications constitute an abuse of the right of individual application and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 22 February 2024.

Viktoriya Maradudina Acting Deputy Registrar	Anja Seibert-Fohr President

APPENDIX

List of applications 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)

No.	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
1.	56079/22 29/11/2022	**Milan MARJANOVIĆ** 1967	Commercial Court in Belgrade, 27/09/2016	27/09/2016	13/07/2022 5 year(s) and 9 month(s) and 17 day(s)
2.	56084/22 29/11/2022	**Slavoljub SMOLOVIĆ** 1965	Commercial Court in Belgrade, 17/06/2016	17/06/2016	15/07/2022 6 year(s) and 29 day(s)
3.	56912/22 01/12/2022	**Radovan RUŽIČIĆ** 1959	Commercial Court in Belgrade, 27/09/2016	27/09/2016	14/07/2022 5 year(s) and 9 month(s) and 18 day(s)
4.	56916/22 30/11/2022	**Ljupko KOSTIĆ** 1955	Commercial Court in Belgrade, 17/06/2016	17/06/2016	15/07/2022 6 year(s) and 29 day(s)
5.	56919/22 01/12/2022	**Milić ĐONDRIĆ** 1956	Commercial Court in Belgrade, 17/06/2016	17/06/2016	15/07/2022 6 year(s) and 29 day(s)
6.	56925/22 01/12/2022	**Vesna VUKOSAVLJEVIĆ** 1962	Commercial Court in Belgrade, 27/09/2016	27/09/2016	14/07/2022 5 year(s) and 9 month(s) and 18 day(s)
7.	56942/22 01/12/2022	**Miloš VUKOSAVLJEVIĆ** 1957	Commercial Court in Belgrade, 27/09/2016	27/09/2016	14/07/2022 5 year(s) and 9 month(s) and 18 day(s)