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

SECOND SECTION

# DECISION

Application no. 69404/10
Mirjana MARKOVIĆ
against Serbia

The European Court of Human Rights (Second Section), sitting on 5 November 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 26 October 2009,

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

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Ms Mirjana Marković, is a Serbian national, who was born in 1955 and lives in Kragujevac.

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

Relying on Article 6 of the Convention, the applicant complained about the respondent State's failure to enforce final court decision rendered in her favour against a socially/State-owned company. The domestic decision under consideration in this case was adopted by the Kragujevac Municipal Court on 7 June 2006 (domestic case no. 2P-XXVI-399/05).

On 1 and 16 August 2013 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 2,000 (two 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 under consideration in this case, less any amounts which may have already been paid on the basis of the said decision, 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.

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| Seçkin Erel<br>Acting Deputy Registrar | Paulo Pinto de Albuquerque<br>President |