

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

FOURTH SECTION

DECISION

Applications nos. 59718/21 and 59813/21
Verica RADOVANOV against Serbia
and Jelena MARINKOVIĆ against Serbia
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 2 February 2023 as a Committee composed of:

Armen Harutyunyan*, President*,
Anja Seibert-Fohr,
Ana Maria Guerra Martins*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

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

Having regard to the observations submitted by the parties,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants were represented by Mr M. Janković, a lawyer practising in Novi Sad.

The applicants' complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 concerning the non-enforcement of domestic decisions given against a socially/State-owned company 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

The Government stated that the domestic decisions under consideration were not against a socially/State-owned, but against a private company. The applicants agreed.

The Court notes that the State responsibility for enforcement of a judgment against a private company extends no further than the involvement of State bodies in the enforcement procedures. Once the enforcement procedures were closed by a court in accordance with domestic law, the responsibility of the State ended (see *Shestakov v. Russia* (dec.), no. 48757/99, 18 June 2002). The Court has further held that, when an applicant's debtor is a private person, a failure to enforce a judgment because of the debtor's indigence cannot be held against the State unless and to the extent that it is imputable to the domestic authorities, for example, to their errors or delay in proceeding with the enforcement (see *Omasta v. Slovakia* (dec.), no. 40221/98, 10 December 2002).

In the present case, on 1 July 2010 the competent commercial court made a winding-up order against the debtor. The applicants and 623 other creditors registered their claims with the liquidator. The commercial court accepted the applicants' claims on 25 July 2016. The commercial court held, in total, 113 auctions for the sale of the debtor's assets. The applicants have so far received 39% and 31 % of their claims, respectively. The winding-up proceedings are still pending since some valuable assets belonging to the debtor have not yet been sold (the creditors are not agreeing that the price of the assets be reduced). In the meantime, the applicants complained about the length of the winding-up proceedings, relying on the Right to a Trial within a Reasonable Time Act. The domestic courts dismissed their complaints, finding that there had been no errors or delays attributable to the State. The final decision in that regard was rendered by the Constitutional Court on 3 June 2021 and was served on the applicants on 10 June 2021.

Having examined all the material before it, the Court sees no reason to disagree with the finding of the domestic courts.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 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 2 March 2023.

Viktoriya Maradudina Acting Deputy Registrar	Armen Harutyunyan 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
1.	59718/21 02/12/2021	**Verica RADOVANOV** 1956	Commercial Court in Pančevo, 25/07/2016
2.	59813/21 02/12/2021	**Jelena MARINKOVIĆ** 1953	Commercial Court in Pančevo, 25/07/2016