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Communication from Serbia concerning the group of cases of R. KACAPOR v. Serbia (Application No. 2269/06) - *The appendices in Serbian are available upon request to the Secretariat.*

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Réunion : 1451e réunion (décembre 2022) (DH)

Référence du point : Plan d'action (17/10/2022)

Communication de la Serbie concernant le groupe d'affaires de R. KACAPOR c. Serbie (requête n° 2269/06) ***(anglais uniquement)*** - *Les annexes en serbe sont disponibles sur demande au Secrétariat.*

Belgrade, 17 October 2022

REVISED ACTION PLAN

KAČAPOR GROUP + KOSTIĆ

v.

SERBIA

I. CASE DESCRIPTION

1. These cases concern violations of the applicants' right to access to a court on the account of the authorities' failure to enforce or on account of significant delays in enforcement of final decisions concerning debts of socially-owned companies (since 1996), as well as demolition orders in respect of an unauthorised construction (since 1998) (violations of Article 6 § 1).

2. These cases also concern violations of the applicants' right to the peaceful enjoyment of their property on this account (violations of Article 1 of the Protocol No. 1).

3. The Committee has already closed a number of repetitive cases examined within *Kačapor* and *Kin-Stib and Majkić* groups on the basis of individual measures taken (see Final Resolutions CM/ResDH(2018)92, CM/ResDH(2018)302, CM/ResDH(2020)101 CM/ResDH(2020)285. A list of cases currently pending before the Committee of Ministers is attached in Appendix 1.

II. INDIVIDUAL MEASURES

4. The authorities have taken steps to ensure that the violations at hand ceased by making efforts to enforce the domestic decisions and to redress the applicants for the negative consequences of the violations found by the European Court. These measures are set out below.

A. Measures aimed enforcing the relevant domestic decisions

5. In response to the European Court's findings, steps were taken to enforce the domestic decisions which remained still to be enforced at the time when the Court's judgments were rendered.

6. The authorities highlight that the domestic decisions were enforced in 32 out of 36 cases that are currently pending before the Committee of Ministers *i.e.* over which the supervision procedure has not been closed yet (see Appendix 1 for details). Domestic decisions still remain to be enforced in 3 cases concerning socially-owned companies (see Appendix 2 B) and *Kostić* (concerning the demolition order). The information is thus provided in this document only in respect of the outstanding case Kostić.

7. Non enforcement of the domestic decisions in 3 cases is a consequence of the delay in payment caused by the lack of money in the state budget aimed to the settlement of pecuniary damage based on judgments and decisions rendered by the European Court. After the appropriate redistribution of funds in late September 2022, the authorities urgently resumed payment of all amounts in respect of just satisfaction that are overdue. In this regard, the authorities point out to five Action Reports, submitted between 4 and 13th October 2022 referring to 29 cases, which contain neccesary data on executed payments in respect of non-pecuniary and pecuniary damage (amounts awarded by domestic decisions adopted against social/state owned companies).

8. In all the cases within *Kačapor* group currently pending before the Committee of

Ministers, except in *Kostić*, *Mladenović and Đokić* and *Pendić,* the European Court ordered the State to enforce domestic decisions rendered against social/state owned companies.

9. Given that the cases *Lukić*, *Sulimanović and Others*, *Nestorovski Stojaković and Others*, *Marković and Others*, *Vujinović*, *Mehmedović and Others* and *Pajović* were notified in writing on 21 July 2022 and 29 September 2022, the three-month deadline imparted by the Court for payment of debts awarded under domestic decisions will expire on 21 October 2022 and 29 December 2022, respectively (after the date of submission of this Action Plan).

1. Kostić

10. This case concerned the authorities' failure to enforce administrative demolition orders within the context of unauthorised construction. The Court indicated that the Government should ensure, by appropriate means, until 25 August 2009 at the latest the enforcement of the decisions adopted by the Municipality of Voždovac on 2 September and 11 September 1998.

11. For the sake of clarity, it is indicated that the applicants are spouses and that they and a certain M.P. (their neighbour) are co-owners of a house and five other buildings in Belgrade (Kostić, §§ 6,8).

(a) Proceedings launched by the applicants' neighbour M.P. to obtain declaration of the construction concerned as compliant (a request for legalisation)

12. In response to the Court's indications, the authorities have taken measures to ensure the enforcement of the demolition orders. However, the efforts of the domestic authorities were thwarted by the initiation of a procedure aimed at legalizing an illegally

constructed building by M.P., otherwise the applicants' neighbour whose building has been foreseen to be demolished. The previous Action Plan provided a detailed description of the given legalization proceedings, the key circumstances to which the domestic authorities paid particular attention to, as well as of the relevant amendments to domestic legislation regarding the issue of subsequent legalization of illegally built structures.

13. Bearing in mind the provisions of relevant legislation, the local authorities indicate that in the case of adopting the request for legalization, the execution of the judgment of the European Court in the *Kostić* case would become irrelevant as the decisions of the City Municipality of Voždovac of 2 and 11 September 1998 could no longer be implemented, namely, it would be impossible to demolish an illegal building that was later found to meet requirements for legalization.

14. Furthermore, it is crucial to remember that, according to domestic law, a demolition order may not be executed until a legalization procedure is completed, i.e. it can be carried out only after a second-instance authority passes a decision within a legalization procedure confirming the dismissing or rejection of a submitted legalization request (see the previous Revised Action Plan § 21).

15. Following the last examination of this case in 2020 when the Committee of Ministers strongly urged the authorities to take all possible steps to ensure the enforcement of the relevant domestic decisions, decisions of both the European Court and the Constitutional Court were repeatedly sent by the Government Agent to the body competent to examine the request for legalisation concerned, requesting this procedure to be brought to an end as rapidly to pave the way for demolition.

16. However, the legalidation proceedings are still ongoing. Unfortunately, certain circumstances occurred that further extended the duration of these procedure. Namely, the competent administrative body informed the Government Agent that the applicants' neighbour M.P. passed away on 19 April 2021 and that his wife A.P. was issued the

legalisation procedure certificate necessary to resolve the issue of inheritance after her husband died. Following the end of the probate proceedings, the legalisation continued with the replacement of the late M.P. as a party to the legalisation procedure with his wife in the capacity of legal heir.

17. The Government notes that on 22 August 2022, within the framework of a joint EU and Council of Europe project, *Horizontal Facility for the Western Balkans and Turkey*, a meeting was held between a Government Agent, a representative of the Council of Europe Office in Belgrade, a representative of the Department for the Execution of Judgments of the European Court of Human Rights, the Honourable Ms Bojana Nikolin, and a representative of the Administration of the City of Voždovac, which is responsible for the execution of demolition orders and is conducting the legalisation procedure.

18. At the meeting, specific measures and activities undertaken and planned in the legalisation procedure were discussed in order to complete it as quickly as possible, views of the Committee of Ministers that were conveyed during the process of monitoring the execution of the judgment in the *Kostić* case were presented, whereby the importance of the execution of the concrete judgment was again emphasized, especially taking into consideration the long passage of time from its adoption until the present.

19. On this occasion, the domestic authorities would like to thank the Department for the Execution of Judgments of the European Court of Human Rights and the Office of the Council of Europe in Belgrade for organizing the above-mentioned meeting and expressing support for the speedy execution of the European Court's judgement in the *Kostić* case.

20. As a result of the meeting, further steps were taken to expedite the legalisation proceedings. By the letter of 19 September 2022, the competent administrative body ordered A.P. to submit a written consent of all users of the cadastral plot on which illegal construction existed within 30 days, so that the subject structure could be legalised. The

existence of such consent is a condition for the approval of a legalisation request in accordance with the provisions of the current Law on the Legalisation of Buildings. Consequently, if A.P. does not submit the requested consents, it is expected that the legalisation request will not be upheld pawing the way for the execution of the demolition order.

(b) Proceedings before the Constitutional Court

21. It is important to note that the applicants also complained to the Constitutional Court about the violation of their rights on account of continued failure of the Inspection Department of the Voždovac Municipality to demolish the construction concerned and enforce the impugned demolition orders as indicated by the European Court. In its decision of 29 May 2014 (Už-5132/2013), published in the Republic of Serbia Official Gazette no. 67/2014 and accessible at www.ustavni.sud.rs, the Constitutional Court gave full effect to the European Court's indications finding that the applicants' constitutional rights were breached and that they are to be considered victims of the violation until the demolition procedure is brought to an end. In fact, The Constitutional Court explicitly found that unacceptable length of legalisation proceedings made it impossible to enforce the European Court's judgment.

(c) Other important facts to consider within the context of individual measures

22. It is appropriate also to note that the present case remains unique and that the European Court has not found any similar violation in the past 14 years, since 2008, when the European Court rendered this judgment, nor has any similar application been communicated to the authorities. It therefore remains an isolated violation.

B. Redress for the applicants

23. The European Court awarded the applicants in all the cases just satisfaction in respect of the non-pecuniary damage sustained. These amounts had been timely paid (with the exception 18 - see Appendix 2A). The delay in the disbursment of non-pecuniary damage occurred due to the blocking of the bank accounts of certain Commercial Courts that were supposed to order the payments concerned. Considering that the problem has been solved, the domestic authorities indicate that preparatory actions are being carried out in order to make the necessary payments as soon as possible. The applicants will be thus redressed under this head.

24. In all the cases, except in *Kostić* and *Mladenović and Đokić* and *Pendić*, the European Court awarded the applicants just satisfaction in respect of pecuniary damage sustained, notably any outstanding sum awarded in the domestic decisions. In Kostić the Court considered that the applicants' pecuniary damage claim must be met by the Government ensuring, through appropriate means, the speedy enforcement of the demolition orders.

C. Conclusion on individual measures

25. In view of the above, the authorities request the Committee to close their examination of cases in which individual measures have been taken.

26. The authorities remain committed to ensure full enforcement of domestic decisions in 3 cases (*Zejnelović, Ranković and Others and Gračanin*). The deadline in the cases *Lukić*, *Sulimanović and Others*, *Nestorovski Stojaković and Others*, *Marković and Others*, *Vujinović*, *Mehmedović and Others* and *Pajović* will expire on 21 October 2022 and 29 December 2022, respectively (after the date of submission of this Action Plan).

III. GENERAL MEASURES

27. In response to the European Court's findings, the authorities have taken a number of measures aimed at preventing similar violations as set out below.

A. Measures to ensure enforcement of decisions against socially-owned/State companies

28. The key issue in this group of cases is enforcement of decisions ordering socially-owned/State companies to pay salary arrears. With this in mind, the authorities consider it crucial to indicate that the number of socially-owned companies, the key generators of unenforced decisions ordering payment of salary arrears, have been significantly decreased.

1. Introductory remarks: elimination of socially-owned companies

29. As the authorities indicated in its last Revised Action plan from April 2020, since the adoption of the national Constitution in 2006, it is no longer possible to establish socially owned companies in Serbia. In particular, provision of Article 86(1) of the national Constitution now recognises only private, cooperative and public (State-owned) property. The Constitution also provided that existing socially-owned property shall be subject to privatisation under terms and conditions provided in the legislation (Article 86(2)).

30. The domestic authorities continued to implement the policy of closing social enterprises, either through privatization in cases where there are private investors interested in purchasing the social capital of a specific company, or through bankruptcy proceedings in situations where such interest does not exist, i.e. when the survival of a particular enterprise on the market is practically impossible.

31. Since the last examination of these cases by the Committee of Ministers in June

2020 until July 2022, eight companies with 1,607 employees have been privatised (the figures look much better if we take into account the overall results achieved during the previous government term as the privatisation process was brought to an end in respect of roughly 130 companies since 12 August 2016 mainly through sale in success stories or bankruptcy in failed companies).

32. It is important to draw attention to the fact that the previous Revised Action Plan informs that there are only 73 enterprises left to be privatised or liquidated through bankruptcy proceedings. Unfortunately, this information was not complete, so it needs further clarification. Namely, the domestic authorities indicate that the number from the previous Action Plan referred only to companies that are in the portfolio of the Ministry of Economy, while the total number of companies that are currently in the process of privatisation is 117, including those that are in the portfolio of the Shareholder's Fund (the state fund that manages part of the capital of state/social companies).

33. The authorities would like to note that there is a strong and continuous political commitment at the highest level to give priority to the resolution of this long-standing issue of socially-owned companies and to ensure rapid progress until the problem is fully resolved. In this regard, it should be stressed that since the last examination of this case in 2020 until July 2022, a public call for sale was issued for 10 companies and for 10 companies more the issuing of a public call was planned until the end of 2022.

34. According to relevant data obtained by the competent authorities, from February 2020 until July 2022 bankruptcy proceedings were initiated against 15 enterprises with majority social/state capital, while in the same period bankruptcy proceedings were completed against 142 such enterprises, which shows the commitment of domestic authorities towards the policy of eliminating social/state owned l companies.

2. Introducing effective remedies to ensure enforcement of decisions rendered against socially-owned/State companies

35. It is important to remind that since 2008, when the European Court adopted its first judgment concerning non-enforcement of domestic decisions against social/state enterprises, a number of potential solutions were considered for resolving the matter of social/state companies' debts based on final domestic decisions at the national level.

36. The domestic authorities first opted for the establishment of a repayment scheme for all social/state enterprises' debts awarded through final domestic decisions, then subsequently gave up from such an idea taking into account positive development of the Constitutional Court's and domestic courts' case-law in cases concerning non-execution or significant delays in execution of decisions adopted against social/state companies.

37. Given that domestic authorities have gradually begun to protect the right to a fair trial and the right to peaceful enjoyment of property, i.e. to determine violations of rights guaranteed by the Constitution and award compensation for non-pecuniary and pecuniary damage, the domestic authorities abandoned the repayment scheme system and decided to resolve the problem by establishing an effective legal mechanism.

(a) Overview of remedies put in place and their evolution

38. In the previous Revised Action Plan, a detailed description of the case-law of the Constitutional Court and domestic courts, as well as legislative changes, was given in the context of the protection of rights guaranteed by the Constitution and the Convention regarding non-execution of domestic decisions passed against social/state enterprises. Within this context, the domestic authorities point to the significance of the effectiveness of a constitutional appeal and the legal remedies provided by the Law on the Protection of the Right to a Trial within a Reasonable Time from 2015 (for more details, see the previous Revised Action Plan, §§ 56-66).

39. According to the provisions of the above-mentioned Act from 2015, any complaint regarding the excessive length of enforcement proceedings, bankruptcy proceedings included, can be brought before the president of the court before which the proceedings are pending. No fee is imposed on the person lodging a complaint. Legal remedies for protection of the right to a trial within a reasonable time within the context of this law are (a) request for acceleration of proceedings ("request"), (b) appeal and (c) action for fair redress. The request and appeal are remedies for accelerating the proceedings, with preventive character, and should be filed before the end of the ongoing proceedings. The president of the court is in charge of deciding on the request and shall decide on it within two months.

40. If request is found to be meritorious, the president will order the acceleration of the proceedings, including enforcement proceedings. If request is not acknowledged, the party in question is allowed to file an appeal before the president of the higher court. Only the party who applied for acceleration of the proceedings by submitting the request and/or appeal is entitled to file an action for fair redress. The courts are thus entitled to afford compensation for any damage suffered by the claimants, including awarding pecuniary damage for non-enforcement of domestic decisions.

41. Domestic authorities point out that the provisions of the Law on the Protection of the Right to a Trial within a Reasonable Time also apply to cases of non-enforcement or significant delays in enforcement of domestic decisions adopted against social/state companies. Namely, domestic courts adopt requests for acceleration of proceedings and establish violations of the right to a trial within a reasonable time in situations of excessively long enforcement and/or bankruptcy proceedings aimed to settle the claims awarded by final decisions passed against social/state companies. Moreover, in such cases, domestic courts award compensation for non-pecuniary damage due to the excessive length of the proceedings, as well as compensation for pecuniary damage in the amount of the total sum that was initially determined in a domestic decision passed

against a social/state company.

42. The Constitutional Court has retained jurisdiction to decide on complaints of excessive length of proceedings, including enforcement proceedings, only after such proceedings before ordinary courts as described in the above Act are completed. In addition, the Constitutional Court decides on constitutional appeals filed against decisions adopted on the basis of the Law on the Protection of the Right to Trial within a Reasonable Time, which enables all those who have claims against social enterprises awarded by final decisions to submit complaints if they believe that the domestic courts did not provide them with adequate protection of the right to trial within a reasonable time and the right to property.

(b) Functioning of the remedies introduced in practice

43. With a view to demonstrating that the remedies provided under the Right to a Trial within a Reasonable Time Act are functioning well in practice before the competent courts, the authorities would now like to provide the statistics collected by the Supreme Court of Cassation in 2021 and 2022. The key information is set out in the table below.

	June 2022		**2021**	
Applications	Filed	Decided	Filed	Decided
Requests for acceleration of all the proceedings	16.705	17.392*	40.607	39.935
Actions for redress	9.133	/	20.930	25.171*

** The number of requests for acceleration decided by domestic courts in the above mentioned periods is greater than the number of requests received due to the fact that reqests submitted in previous months or years are also decided in the said periods. Unfortunately, the competent authorities do not have data on the number of decisions made on actions for redress in the period January-June 2022.*

44. It is vital to note that out of a total of 20,930 lodged actions for damages in 2021, 13,109 relate to compensation of non-pecuniary damage due to the violation of the right to a trial within a reasonable time, while the remaining 7,821 actions concern compensation of pecuniary damage due to the excessive length of procedures.

45. The domestic authorities indicate that the majority of lawsuits for compensation of pecuniary damage actually refer to debts of social/state enterprises, *i.e*. the subject of those lawsuits are monetary sums that were previously awarded by final decisions adopted against social/state enterprises, the execution of which took an excessively long time.

46. It clearly emerges from the above statistical data that the remedies introduced are functioning well in practice and that the individuals concerned are able to obtain the redress before national authority.

47. The authorities also clarify that the above statistics covers all types of proceedings, including enforcement of decisions rendered against socially-owned/State companies. There is no particular statistics kept for exercising remedies in respect of such proceedings.

48. However, this fact does not change the analysis given that the remedies are effective for all types of proceedings, including those to challenge non-enforcement of decisions ordering socially-owned/State companies to pay salary arrears or other debts.

49. In support of the assertion that the national legal system provides protection in cases involving excessive length of proceedings, including cases involving non-enforcement or significant delays in enforcement of final decisions passed against social/state-owned companies, the domestic authorities point to the following data:

- over the course of 2021, RSD 383,364,000.00 was voluntarily paid by domestic courts in respect of damages (pecuniary and non-pecuniary) due to

established violations of the right to a trial within a reasonable time (EUR 3,267,678.14);

- over the course of 2021, RSD 3,307,828,000.00 was collected from domestic courts in respect of damages (pecuniary and non-pecuniary) due to established violations of the right to a reasonable time (EUR 28,194,919.88) and
- over the course of 2021, RSD 124,559,000.00 was voluntarily paid in respect of damages (pecuniary and non-pecuniary) due to established violations of the right to trial within a reasonable time based on agreements (settlements) concluded with the State Attorney's Office (EUR 1,061,703.03).

50. In light of the foregoing, it can be easily inferred that national legal system provides for adequate remedies ensuring protection of right to a trial within a reasonable time and a right to property including cases of non-enforcement and significant delays in enforcement of final decisions concerning debts of socially-owned companies.

(c) The resolved issue - ensuring Convention compliant compensation at domestic level

51. In response to the European Court's findings on the effectiveness of the system of remedies and taking into account the Committee of Ministers' practice in similar cases, the highest courts in Republic of Serbia took a clear position that the State is considered responsible for payment of obligations emerging from socially-owned companies pursuant to the principle of strict liability debts of such companies.

52. Without the intention of repeating allegations presented in the Revised Action Plan of 30 April 2020, the authorities consider it important to briefly reiterate the key legal positions of the highest judicial instances in the Republic of Serbia regarding the non-execution or significant delays in execution of decisions passed against social/state enterprises.

53. In its case-law, the Constitutional Court adheres to the well-established position that decisions adopted against social/state enterprises must be executed from the funds of the state budget. More precisely, in the case of excessively long enforcement or non-enforcement of such decisions, the Constitutional Court considers that there is a violation of the right to property under Article 58 of the Constitution and awards compensation for pecuniary damage at the expense of the Republic of Serbia in the amount determined by decisions rendered against social/state enterprises. In this regard, it is useful to get acquainted with the reasoning of the decision of the Constitutional Court Už-7047/18 of 7 April 2022, which reads as follows:

> "Considering constitutional appeals, and bearing in mind the circumstances of the specific case, the Constitutional Court first emphasizes that, in accordance with the views of the European Court of Human Rights, which the Constitutional Court also applies in its case-law, a violation of the right to property occurs in cases when a person, due to the ineffective work of the state authorities (courts), is not able to collect a claim established within bankruptcy proceedings within a reasonable time, which means that a previously established violation of the right to a trial within a reasonable time is a prerequisite for asserting a violation of the right to property, as is the case here. Therefore, the failure of a competent court to ensure the settlement of claims made by applicants of constitutional appeals awarded final judgments, namely to bankruptcy debtor Š. „S." a.d. Vršac, who at the time of the claim's initiation had the majority of social capital, in this particular case, also represents a violation of the right to property, guaranteed by the provisions of Article 58, paragraph 1 of the Constitution (see, among others, the Decision of the Constitutional Court Už-1712/2010 of 21 March 2013, available on the website: www.ustavni.sud.rs, as well as Decision Už-2343/2016 of 20 October 2016).

54. Furthermore, the authorities reiterate that Supreme Court of Cassation also adopted the similar position. In particular, in its conclusion adopted on 2 November 2018 and published in the Bulletin of the Supreme Court of Cassation no. 4/19, the Civil Department of the Supreme Court of Cassation, considered that the Serbian State should be held liable for pecuniary damage emerging from the total or partial non-enforcement of final and enforceable court decisions, including within the context of the bankruptcy proceedings against a debtor with majority social or State capital, subject to condition that the courts previously established a violation of the claimant's right to a trial within a

reasonable time. In practice this means that the Supreme Court of Cassation considers that the State must pay from its own funds any amounts awarded by the domestic decisions against socially-owned/State companies if such decisions remains unenforced or partially enforced (these amounts constitute pecuniary damage).

55. Finally, as regards to commercial claims awarded by domestic decisions against social/state enterprises, domestic courts apply the same legal understanding. More precisely, entrepreneurs and/or companies that could not enforce final decisions issued against social/state enterprises for a long period of time exercise their rights within the national legal system, i.e. they are awarded decisions that establish a violation of the right to a trial within a reasonable time, compensating them for non-pecuniary damage, as well as compensation for pecuniary damage in sums determined by each particular decision that left unenforced or partially enforced. In this regard, the domestic authorities point to a series of decisions in which the Constitutional Court took exactly the same legal position as the European Court with regard to commercial claims against companies with majority social/state capital (see Appendix 3).

56. What is even more important is that domestic courts, on the basis of Article 31 of the Law on Protection of the Right to Trial within Reasonable Time, do uphold the lawsuits for compensation of pecuniary damage filed by companies and/or entrepreneurs who could not collect in enforcement and bankruptcy proceedings the claims awarded by domestic decisions against socially/State-owned companies. For example, the Appellate Court in Belgrade, in its reasoning of the second-instance judgment Gžrr. 35/21 of 13 October 2021 (Appendix 4), had stated, *inter alia*, the following:

> "The European Court of Human Rights, in the judgments "*Brany and Jugokoka v. Serbia*" of 5 November 2013, "*DKD Union DOO v. Serbia*" of 10 December 2013, and "*Koka hybro komerc DOO Broyler v. Serbia*" of 14 March 2017, had found that the final court judgment, or "other legal instruments" (paragraph 19 of the judgment "*DKD Union DOO v. Serbia*"), which refer to the socially-owned company as a debtor, have not been enforced, as well as a violation of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; given the established violations and the case-law of the said court in the case "*R. Kačapor and*

other applicants v. Serbia" and "*Crnišanin and Others v. Serbia*" and other, the Republic of Serbia is obliged to pay the unpaid amounts to the applicants. In the aforementioned cases, the applicants are legal entities (Limited Liability Companies – "*Brany DOO*" and "*Jugokoka*" DOO, *"DKD Union*" DOO and *"Koka hybro komerc DOO Broyler*") whose claims for compensation of damages established by final judgments ("*Brany and Jugokoka v. Serbia*" and "*Koka hybro komerc DOO Broyler v. Serbia*"), i.e. the claim for an unpaid invoice from a business relationship established by a legally-binding enforcement decision ("*DKD Union DOO v. Serbia*"), have not been fully settled in the bankruptcy proceedings which were conducted against bankruptcy debtors – the socially-owned enterprises. From the aforementioned, it can be concluded that the position of the European Court of Human Rights, expressed in the aforementioned judgments passed against the Republic of Serbia, is that the State is responsible in the event of the impossibility of collection of the claims, within a reasonable time, of bankruptcy creditors in bankruptcy proceedings initiated against a bankruptcy debtor with a share of socially-owned capital, regardless of the basis of an unsettled claim, which is why the conclusion of the court of first-instance, that the principles of responsibility which apply to claims based on the employment relationship also apply to claims against the bankruptcy debtor arising from commercial relations, is justified."

(i) Resolved matter of non-pecuniary damage compensation

57. Considering that the Committee of Ministers, at its 1377th meeting of 4 June 2020, invited Serbian authorities to ensure that the amounts of non-pecuniary damage awarded by domestic courts due to the excessive length of execution of domestic decisions taken against social/state enterprises are harmonised with the requirements of the European Court's case-law, it is significant to point out the circumstances presented in the following few paragraphs.

58. The domestic authorities reiterate that the matter of the sum of compensation for non-pecuniary damage must be observed within the framework of the application of the law regulating the protection of the right to a trial within a reasonable time, which, among other things, also refers to cases involving non-execution or significant delays in execution of domestic decisions adopted against social/state enterprises. In particular, the problem relates to an insufficient amount of compensation for non-pecuniary damage

awarded in cases of excessive length of proceedings, which was the subject of consideration by the Committee of Ministers in the process of supervising the *Jevremović* group of cases.

59. However, it is of particular importance that the domestic authorities have established an appropriate legal mechanism that guarantees the award of adequate monetary compensation in respect of non-pecuniary damage due to failure to enforce or significant delays in enforcement of decisions passed against social/state owned comapnies.

60. Shortly after the decision of the Committee of Ministers at the 1377th meeting of 4 June 2022, concrete steps were taken in order to harmonise sums envisaged for compensation of non-pecuniary damage due to excessive length of enforcement or non-enforcement of domestic decisions adopted against social/state enterprises with the case-law of the European Court.

61. Namely, at the session held on 4 June 2020, the Constitutional Court passed decision Už-277/17, in which it adopted a constitutional appeal lodged by three former employees of a social/state enterprise, in which, among other things, it established a violation of the right to a trial within a reasonable time due to the fact that domestic courts adopted decisions awarding lower amounts of non-pecuniary damage compensation than those awarded by the European Court in similar cases (Appendix 5).

62. Furthermore, the Constitutional Court's same decision awarded the appellants compensation for non-pecuniary damage in the amount of EUR 800.00, referring to the position of the European Court expressed in the *Stanković v. Serbia* case, number 41285/19. In this regard, the authorities consider it useful to stress the reasoning of the Constitutional Court's decision Už-277/17 of 4 June 2020, which reads as follows:

> "The Constitutional Court considers that when determining the amount of compensation for non-material damage, the courts had to take into account the type of case, i.e. that the subjects in

question are so-called debts of social/state enterprises, that the applicants' proceedings lasted on average more than ten years until the moment of their conclusion, that compensation amounting to RSD 20,000.00 cannot be considered reasonable, i.e. sufficient and adequate, as well as that such an amount cannot be justified neither by a court's discretion nor by economic and social circumstances in the Republic of Serbia. In addition, the Constitutional Court reiterates that the type of case is of particular importance for such an assessment, as well as the fact that the disputed claims of the applicants and their property will be essentially settled by the execution of this Constitutional Court's decision, and thus the applicants will fully and effectively exercise their rights. Therefore, the Constitutional Court considers that the appropriate compensation awarded to the applicants due to the violation of the right to a trial within a reasonable time does not represent sufficient and adequate compensation for suffered violations of the right to a trial within a reasonable time and that the applicants have not lost their status as "victims" of a violation of the right to a trial in within a reasonable time from Article 32, paragraph 1 of the Constitution. This evaluation made by the Constitutional Court is based on the criteria presented above, first of all, on the excessive duration of the enforcement procedure and the full settlement of the applicants, the economic and social conditions in the Republic of Serbia, the previous case-law of the Constitutional Court in essentially similar cases, as well as the unique approach of the European Court in resolving this disputed issue.

Bearing in mind the above, the Constitutional Court assessed that in this particular case the allegations made by the applicants of the constitutional appeals regarding a violation of the rights referred to in Article 32, paragraph 1 of the Constitution were founded, therefore, in point 3 of the disposition, in accordance with the provisions of Article 89, paragraph 1 of the Law on the Constitutional Court, it accepted the constitutional appeals in the aforementioned part, establishing that the decisions of the Commercial Appellate Court R4 St. 3229/15 of 30 March 2016, R4 St. 3203/15 of 5 May 2016 and R4 St. 2860/15 of 17 March 2016, as well as the decisions of the Supreme Court of Cassation Rž. gp. 922/16 of 2 June 2016, Rž. gp. 1019/16 of 15 September 2016 and Reg. gp. 744/16 of 14 July 2016, violated the applicants' right to a trial within a reasonable time, guaranteed by Article 32, paragraph 1 of the Constitution.

According to the opinion of the Constitutional Court, in the specific case, the consequences of the violation of rights are of such a nature that they can be eliminated by establishing the right of the constitutional appeals' applicants to compensation for non-material damages in the amount of EUR 800 each, in dinar equivalent calculated at the middle exchange rate of the National Bank of Serbia on the day of payment, reduced by sums that may have already been paid on the same basis. Compensation for non-material damages is paid at the expense of budget funds - a section of the Ministry of Justice, within four months from the delivery of this decision to the Ministry.

When deciding on the amount of compensation for non-material damages suffered by the

> applicants of constitutional appeals due to a violation of the right to a trial within a reasonable time, the Constitutional Court assessed all of the circumstances of significance for its determination in the specific case. The Constitutional Court particularly valued the duration of the disputed proceedings, the economic and social conditions in the Republic of Serbia, the earlier case-law of the Constitutional Court in essentially similar cases, as well as the above-cited case-law of the European Court adopted in relation to Serbia, in particular the decision in the Stanković v. Serbia case, according to which the Court concluded that the amount awarded from point 4 of the sentence of this decision represents an adequate amount of compensation for non-material damages.

63. After the above-mentioned decision was adopted, the Constitutional Court passed another 58 decisions on its basis, and at the end of 2020, it adopted a decision in case Už-7309/2018, which definitively confirmed its legal position regarding the issue of compensation for non-pecuniary damage awarded by domestic courts due to excessive length of enforcement or non-enforcement of decisions rendered against social/state enterprises (Appendix 6).

64. More precisely, by adopting decision Už-7309/2018 on 17 December 2020, the Constitutional Court adopted the constitutional appeals of a group of persons formerly employed in a social/state enterprise to whom a domestic court awarded compensation for non-pecuniary damage due to the excessive length of enforcement of decisions rendered against their former employer (social/ state enterprise) in the amount of only EUR 400.00.

65. The Constitutional Court established a violation of their right to a trial within a reasonable time and awarded EUR 800.00 to each of the applicants in respect of non-pecuniary damage. In this regard, the Serbian authorities point to a part of the reasoning behind the decision in question, which reads as follows:

> “As it follows from the European Court's unique approach in solving this issue that awarding and paying, at the national level, of an amount of EUR 800 represents sufficient and adequate monetary satisfaction due to the inappropriate duration of proceedings aimed at settling employment-related claims from the debtor - an enterprise with social or state capital, this implies that the full protection

of rights was achieved by awarding and paying the total amount of EUR 800, in the dinar equivalent calculated at the middle exchange rate of the National Bank of Serbia on the day of payment."

66. Furthermore, of particular importance is the fact that after the decision in the Už-7309/2018 case was adopted, the Constitutional Court rendered another 785 decisions in which the identical legal position was taken as in the aforementioned case.

67. According to the above, the domestic authorities believe that within the legal system of the Republic of Serbia there is an effective legal remedy that ensures the amount of compensation for non-pecniary damage due to an excessive length in executing decisions adopted against social/state companies which is in accordance with the case-law of the European Court.

(ii) Continuation of efforts aimed at reducing the number of applications before the European Court

68. The Agent's Office continued the practice of concluding friendly settlements in cases concerning non-enforcing of domestic decisions against social/state-owned enterprises. In the period from June 2020 until September 2022, the European Court upheld friendly settlements concluded in 94 cases or 1,039 applications. The aim of the Agent's Office is to reduce the number of such applications before the Court and prompt payment of sums awarded by final domestic decisions.

69. It is necessary to draw attention to the fact that all the applications which are pending before the European Court (in which complaints have been raised due to the non-execution or significant delays in execution of domestic decisions rendered against social/state enterprises) are communicated to the Government. Most often, the aforementioned involves applicants who did not success in exercising their rights within the national legal system, *i.e.* who were not awarded decisions establishing a violation of the right to a trial within a reasonable time in enforcement or bankruptcy proceedings,

which is an exception in the case-law of domestic courts. Accordingly, the Agent's Office strives to conclude a friendly settlement in all such cases and quickly compensate the applicants whose rights have been violated due to a failure to collect claims awarded by decisions passed against social/state companies.

(iii) Continuation of efforts on the part of domestic authorities in order to improve the existing legal mechanism and sustain its smooth functioning

70. Domestic authorities are making reasonable efforts to ensure the functioning of domestic legal remedies in the context of the issue of excessive length of court proceedings, including non-execution of domestic decisions passed against social/state enterprises, whereby problems are being considered in a timely manner and measures are being proposed to improve the existing legal mechanism.

71. In this regard, it is crucial to highlight the conclusions from the session of the Presidents of Commercial Courts on 2 September 2021 concerning the violation of the right to trial within a reasonable time in bankruptcy proceedings, which is of particular importance because a large number of companies with majority social/state capital are involved in bankruptcy proceedings (see Appendix 7).

72. At the aforementioned meeting, among other things, an agreement was reached to submit an initiative to amend the Law on the Protection of the Right to a Trial within a Reasonable Time and the Law on Bankruptcy, establishing a system of visiting courts in order to resolve old bankruptcy cases, especially those in which a violation of rights to a trial within a reasonable time has been established, but also other bankruptcy proceedings in which there may potentially be a violation of the aforementioned right (this is of particular significance in the context of the execution of the judgment in the *Lilić and others case*, number 16857/19 and 43001/19), as well as align appellate courts' case-law regarding how much compensation should be paid for non-pecuniary damage due to excessive length of proceedings.

73. Moreover, it is necessary to pay attention to the legal position of the Commercial Appellate Court of 4 February 2022, which prevents the practice of frequent abuse in terms of the right to submit a request for acceleration of proceedings within bankruptcy proceedings conducted against social/state enterprises (Appendix 8).

74. Although the aim of this legal position is to prevent abuses during the use of legal remedies provided for in the Law on the Protection of the Rights to a Trial within a Reasonable Time, the Commercial Appellate Court emphasized the following, among other things, in its reasoning:

> "The view on the status of social enterprises in enforcement and bankruptcy proceedings was presented by the court in Strasbourg within the "Kačapor and others" versus Serbia case, no. 2269/06 and five others, paragraphs 97-99, 106-116 and 119-120 of 15 January 2008 and "Crnovršanin and others" versus Serbia case, no. 835/05 and three others, paragraph 124 of 13 January 2009, which it applies consistently to this day. In all proceedings before the court in Strasbourg, if the petitioners were successful with their applications (and they mostly were), the creditors from the bankruptcy proceedings were awarded, in addition to material compensation, "compensation in the amount of the established claim minus the amount paid".
>
> The responsibility of the state for the obligations of enterprises with majority social or state capital was based by the Court in Strasbourg on the fact of an existence of legally binding judgments passed in favour of creditors that have not been fully executed and the duration of the settlement proceedings; further on, that the enforcement proceedings also included bankruptcy proceedings, that the state may not refer to the lack of own funds, as well as to a lack of funds on part of the debtor. Furthermore, the Court in Strasbourg appreciates the fact that these are enterprises with majority social and state capital, and regardless of the fact that they are separate legal entities, it considers that these enterprises do not enjoy "sufficient institutional and working independence" in relation to the state for the latter to be released from the obligations of those enterprises. This way, the Court in Strasbourg established the rule of assumed objective responsibility on part of the state for the obligations of enterprises facing bankruptcy that were under majority social or state ownership, from which the first-instance courts obviously proceeded when they awarded damages to plaintiffs - creditors from bankruptcy, in the amount of claims determined within bankruptcy proceedings.".

75. On the basis of the previously cited part of the reasoning of the Commercial Appellate Court's legal position, it can be unambiguously concluded that the domestic

courts correctly interpreted the judgments of the European Court and that they correctly applied domestic law that ensures the protection of rights guaranteed by the Constitution and the Convention in cases of excessively long enforcement of judgments rendered against social/state enterprises.

B. Measures to enhance enforcement of demolition orders in respect of illegally built constructions

76. The domestic authorities remain committed to taking action in order to expedite the enforcement of decisions ordering demolition of illegally built constructions.

77. In the previous Revised Action Plan, a detailed overview of the general measures taken in order to speed up the execution of demolition orders of illegally built constructions was provided. Given that the enforcement of demolition procedures depends to a large extent on whether illegally built structures will subsequently meet legal requirements for legalization (legaliSation procedure), domestic authorities have also presented certain measures aimed at significantly speeding up legalization procedures.

78. In terms of the above, it is important to note that the last amendments of the law regulating the issue of legalization of illegally built structures, which were adopted in 2018, gave positive results as regards to concluding legalization procedures. Namely, on the basis of the relevant amendments to the law, the demolition of illegally constructed buildings is possible immediately after the adoption of a second-instance decision confirming dismissing or rejection of a request for legalization; namely, it is not necessary to wait for the completion of proceedings before the Administrative Court. Moreover, large cities, including the City of Belgrade, which consist of city municipalities, and which have a large number of illegally built structures within their territory, have the possibility to transfer the authority to decide on legalization procedures to the administrations of city municipalities. In this manner, the City of Belgrade transferred the competence to the city municipalities to decide on the legalization of all illegally constructed buildings up to

400m^2 of gross construction area (see the previous Revised Action Plan, §§ 95, 96) .

79. According to data obtained from the Administration of the City of Belgrade in 2020, 10 illegally built structures were forcibly removed, while five such buildings were demolished voluntarily, and in 2021, seven buildings were forcibly demolished, while 13 illegal structures were demolished voluntarily.

80. Also, the organizational unit of the Administration of the City of Belgrade competent for legalisation proceedings in the period from 1 January 2020 to 30 December 2021 passed 577 decisions on legalisation, while until September 2022, 181 decisions were rendered on the legalisation of objects built on the territory of the city of Belgrade.

81. The Government would like to emphasise that, according to the information provided by some Belgrade city municipalities, a constant improvement in their efficiency regarding legalisation proceedings is evident. For instance, the Administration of city municipality of Voždovac resolved 48 cases in 2020, 260 cases in 2021 and 210 cases until 12 October 2022. Also, the Administration of city municipality of Zvezdara resolved 55 cases in 2020, 113 cases in 2021 and 113 legalization cases until 12 October 2022.

82. Consequently, the collected data show that the decision-making process in cases of legalization of illegally built strucures has started again by virtue of the amendments to the law of 2018 and the Statute of the City of Belgrade of 2019.

83. The domestic authorities consider that the general measures adopted to ensure compliance with demolition orders are effective. To this end, it is highlighted that the present case remains unique and that the European Court has not found any similar violation in the past ten years, since 2008, when the European Court rendered this judgment, nor any similar application has been communicated to the authorities. This certainly testifies to the efficiency of the general measures taken.

84. With this in mind, the authorities also consider that in view of the Committee of Ministers' practice in similar cases, notably in the *Dactylidi* group of cases (CM/ResDH(2019)253 adopted on 16 October 2019 where the Committee accepted the information set out in the action report of 12 July 2019 (DH-DD(2019)775), the situation with the individual measures is not challenging the effectiveness of the general measures taken. The authorities therefore consider that the present issue should be closed.

C. Awareness raising measures

85. The authorities highlight that the continuous trainings not only of judges and court staff but also of the State administration on the European Court's case-law regarding the protection of the right to trial within a reasonable time and the protection of the right to property continue to be implemented on a regular basis. Emphasis is being put to the issue of swift enforcement of final domestic decisions.

86. The Judicial Academy, as a key institution for the continuous training and development of judges and prosecutors, as well as judicial and prosecutorial staff, in its professional development programme for 2021 and 2022, foresees the holding of training courses for judges and judicial assistants on the subject of applying the Law on the Protection of the Right to Trial within a Reasonable Time and the case-law of the European Court concerning the right to a fair trial and the right to peaceful enjoyment of property under Article 6 of the Convention and Article 1 of Protocol 1 to the Convention see (see https://www.pars.rs/images/dokumenta/Stalna-obuka/Program-stalne-obuke-za-2021.pdf and https://www.pars.rs/images/dokumenta/Stalna-obuka/program-stalne-obuke-za-2022.pdf).

87. It is particularlly important to point out that in October 2021, a two-day seminar of the National Network for the Application of European Standards for Judicial Protection of Human Rights in the Republic of Serbia, organized by the Judicial Academy with the support of the project "Strengthening effective legal means to prevent human rights violations in Serbia", which is implemented within the framework of the joint programme

of the European Union and the Council of Europe, was held on the topic "Application of European standards of human rights at the national level – protection of the right to peaceful enjoyment of property".

88. The subject of the seminar were, *inter alia*, the following topics: Right to peaceful enjoyment of property – key concepts; Relevant case-law and developments of the European Court of Human Rights regarding the protection of the right to peaceful enjoyment of property; Protection of the right to peaceful enjoyment of property in the case-law of domestic courts; The right to peaceful enjoyment of property in the procedure of enforcement of judgments of the European Court (main challenges). The said seminar was attended by 16 judges and two deputy public prosecutors.

89. Also, during September and October 2022, the Judicial Academy is organizing 4 two-day seminars on the topic "Violation of the right to trial within a reasonable time in bankruptcy proceedings", which will be held in Belgrade, Novi Sad, Niš and Kragujevac for 20 judges and judicial assistants. The protection of the right to trial within a reasonable time in bankruptcy proceedings against socially/State-owned companies will certainly be one of the issues which shall be considered at these seminars.

90. In the context of the case Kostić, the domestic authorities would like to recall that the National Academy for Public Administration had commenced with its work in January 2018, with the goal of professional development of civil servants at the national and local level. In addition to the courses on "Inspection supervision", according to the General Training Programme for Civil Servants for 2022, a training titled "Enforcement of judgments of the European Court of Human Rights" is also envisaged (https://www.napa.gov.rs/extfile/sr/3631/01.%D0%9E%D0%BF%D1%88%D1%82%D0%B8%20%D0%BF%D1%80%D0%BE%D0%B3%D1%80%D0%B0%D0%BC%20%D0%BE%D0%B1%D1%83%D0%BA%D0%B5%20%D0%B4%D1%80%D0%B6%D0%B0%D0%B2%D0%BD%D0%B8%D1%85%20%D1%81%D0%BB%D1%83%D0%B6%D0%B1%D0%B5%D0%BD%D0%B8%D0%BA%D0%B0%20%D0%B7%D0%B0%202021.pdf).

91. The purpose of this training is to acquaint civil servants working on international cooperation and normative tasks (tasks concerning the drafting of laws and by-laws) with the basic terms and rules in the process of enforcing the judgments of the European Court of Human Rights.

D. Publication and dissemination measures

92. The authorities have ensured that publication and dissemination measures have been taken in order to ensure that members of judiciary and court staff are acquainted with the European Court's case law concerning the right to trial within reasonable time and right to peaceful enjoyment of property.

93. The Government reiterates that the European Court's judgments in the present cases have been translated into Serbian and published in the Official Gazette and on the website of the Government Agent (www.zastupnik.gov.rs). Furthermore, these judgments have been published on the website of the Supreme Court of Cassation (www.vk.sud.rs) and on the website of the Judicial Academy (www.pars.rs). In that manner legal professionals, members of the State administration and general public alike were made familiar with the European Court's positions.

94. The authorities furthermore ensured wide dissemination of the European Court's judgments in the present cases. The Government Agent transmitted these judgments to all relevant domestic authorities, including the courts and/or administrative authorities involved in the domestic proceedings at issue.

IV. JUST SATISFACTION

95. The authorities will ensure that the outstanding amounts of just satisfaction awarded would be paid as soon as possible to the applicants' cases (see Appendix 2).

96. In addition, the domestic authorities give strong assurances that the sums of

money in respect of just satisfaction in the remaining cases will be paid as soon as possible.

V. CONCLUSIONS

97. The authorities consider that the measures taken ensured that the violations at hand have ceased and have provided full redress to the applicants for the consequences sustained in majority of the cases. The authorities would like to propose to the Committee of Ministers to close all repetitive cases in which individual measures have been taken.

98. The authorities furthermore consider that the measures taken will be capable of preventing similar violations and ensuring in any event an effective and concrete remedy at national level.

99. Finally, the authorities would like to propose to the Committee of Ministers to close the supervision procedure in terms of the *Kačapor* case, given that the last open issue regarding the amount of compensation for non-pecuniary damage has been successfully resolved within the domestic legal system.

100. Namely, within the national legal system, effective legal remedies have been established to ensure the protection of the right to trial within a reasonable time and the right to peaceful enjoyment of property in situations of non-execution or significant delay in execution of domestic decisions rendered against social/state owend companies.

Appendices

APPENDIX 1: LIST OF CASES

A. Kačapor subgroup
(Salary arrears unpaid by socially owned companies)

Case	Application no.	Judgment Final on
R. KAČAPOR	2269/06	07/07/2008
OMEROVIĆ and Others	72470/16	05/11/2020
LILIĆ and Others	16857/19	14/01/2021
MLADENOVIĆ and ĐOKIĆ	44719/18	29/04/2021
ZEJNELOVIĆ	26277/20	13/01/2022
PENDIĆ	37131/19	14/04/2022
PAJOVIĆ	32791/20	29/09/2022
MEHMEDOVIĆ and Others	23202/20	29/09/2022
Case	**Application no.**	**Decision Final on**
ČVORKOV and Others	5447/21	24/03/2022
STEVANOVIĆ and Others	45269/20	10/03/2022
DENIĆ and Others	33698/21	10/03/2022
JEREMIĆ and Others	33740/21	10/03/2022
JANKOVIĆ and Others	47529/20	10/03/2022
TATOVIĆ	13717/21	10/03/2022
JOSIMOVIĆ and Others	29303/21	10/03/2022
STAMENKOVIĆ and Others	34432/21	10/03/2022
RISTIĆ and Others	38290/20	03/02/2022
MILOŠEVIĆ and Others	28075/21	03/02/2022
TORBICA and Others	34530/21	03/02/2022
GRAČANIN	22262/21	25/11/2021
POPOVIĆ and Others	31634/20	25/11/2021
ILIĆ and Others	45131/20	25/11/2021
MILOŠEVIĆ and Others	47686/20	25/11/2021
DAMJANIĆ-LAZIĆ and Others	1928/21	25/11/2021
RISTIĆ and Others	20304/20	23/09/2021
LAZIĆ	51204/20	02/06/2022
KONDŽULOVIĆ	30762/21	07/04/2022
MILOŠEVIĆ and Others	30946/21	07/04/2022
ŽIVANOVIĆ and Others	33161/21	07/04/2022
RANKOVIĆ and Others	33849/21	07/04/2022
LUKIĆ	31602/21	21/07/2021
NESTOROVSKI STOJAKOVIĆ and Others	10785/20	21/07/2022

Case	Application no.	Decision Final on
MARKOVIĆ and Others	13893/20	21/07/2022
SULIMANOVIĆ and Others	3021/21	21/07/2022
VUJINOVIĆ and Others	30822/21	29/09/2022

B. Kostić
(Non enforcement of demolition orders)

Case	Application no.	Judgment final on
KOSTIĆ	41760/04	25/02/2009

APPENDIX 2: PAYMENT OF JUST SATISFACTION

A. Payment of just satisfaction in respect of non-pecuniary damage

Case	Application no.	Sum awarded	Payment deadline	Date of payment
R. KAČAPOR	2269/06	8,800 EUR in total	07/10/2008	05/09/2008
LILIĆ and Others	16857/19	36,000 EUR in total	14/04/2021	26/04/2021 and 03/02/3022
OMEROVIĆ and Others	72470/16	248,750 EUR in total	05/02/2021	03/02/2021
MLADENOVIĆ and ĐOKIĆ	44719/18	2,500 EUR in total	29/07/2021	28/10/2021
ZEJNELOVIĆ	26277/20	1,250 EUR in total	13/04/2022	the information is awaited
PENDIĆ	37131/19	1,250 EUR in total	14/07/2022	01/09/2022
PAJOVIĆ	32791/20	1,250 EUR in total	29/12/2022	Payment deadline has not expired
MEHMEDOVIĆ and Others	23202/20	18,750 EUR in total	29/12/2022	Payment deadline has not expired
Kostić	41760/04	not awarded	/	/
LAZIĆ	51204/20	1,150 EUR in total	23/09/2022	the information is awaited
KONDŽULOVIĆ and Others	30762/21	27,500 EUR in total	05/08/2022	the information is awaited
MILOŠEVIĆ and Others	30946/21	20,000 EUR in total	05/08/2022	the information is awaited
ŽIVANOVIĆ and Others	33161/21	18,750 EUR in total	05/08/2022	the information is awaited
RANKOVIĆ and Others	33849/21	27,500 EUR in total	05/08/2022	the information is awaited
ČVORKOV and Others	5447/21	18,750 EUR in total	14/07/2022	the information is awaited
STEVANOVIĆ and Others	45269/20	8,750 EUR in total	30/06/2022	the information is awaited
DENIĆ and Others	33698/21	16,250 EUR in total	30/06/2022	the information is awaited
JEREMIĆ and Others	33740/21	13,750 EUR in total	30/06/2022	the information is awaited
JANKOVIĆ and Others	47529/20	8,750 EUR in total	30/06/2022	the information is awaited
TATOVIĆ	13717/21	1,250 EUR	30/06/2022	28/04/2022
JOSIMOVIĆ and Others	29303/21	27,500 EUR in total	30/06/2022	the information is awaited

Case	Application no.	Sum awarded	Payment deadline	Date of payment
STAMENKOVIĆ and Others	34432/21	26,250 EUR in total	30/06/2022	the information is awaited
RISTIĆ and Others	38290/20	25,000 EUR in total	24/05/2022	the information is awaited
MILOŠEVIĆ and Others	28075/21	10,000 Eur in total	24/05/2022	the information is awaited
TORBICA and Others	34530/21	25,000 EUR in total	24/05/2022	the information is awaited
GRAČANIN	22262/21	1,250 EUR	16/03/2022	the information is awaited
POPOVIĆ and Others	31634/20	3,750 EUR in total	16/03/2022	the information is awaited
ILIĆ and Others	45131/20	25,000 EUR in total	16/03/2022	03/02/2022 and 14/03/2022*
MILOŠEVIĆ and Others	47686/20	25,000 EUR in total	16/03/2022	03/02/2022 and 22/02/2022*
DAMJANIĆ-LAZIĆ and Others	1928/21	25,000 EUR in total	16/03/2022	10/02/2022 and 14/03/2022*
RISTIĆ and Others	20304/20	3,750 EUR in total	14/01/2022	03/02/2022*
LUKIĆ	31602/21	3,250 EUR in total	21/10/2022	Payment deadline has not expired
NESTOROVSKI STOJAKOVIĆ and Others	10785/20	21,000 EUR in total	21/10/2022	Payment deadline has not expired
MARKOVIĆ and Others	13893/20	6,250 EUR in total	21/10/2022	Payment deadline has not expired
SULIMANOVIĆ and Others	3021/21	3,250 EUR in total	21/10/2022	Payment deadline has not expired
VUJINOVIĆ and Others	30822/21	37,500 EUR in total	29/12/2022	Payment deadline has not expired

* In the case of Ilić and Others the amounts of non-pecuniary damage were paid to all except those from applications nos. 45131/20, 45138/20, 45141/20, 45145/20, 49935/20, 49941/20, 50481/20, 50988/20, 50989/20, 50992/20 and 50995/20
* In the case of Milošević and Others the amounts of non-pecuniary damage were paid to all except those from applications nos. 47691/20, 47692/20, 47696/20, 47698/20, 47699/20, 47727/20, 47732/20 and 47750/20
* In the case of Damjanić-Lazić and Others the amounts of non-pecuniary damage were paid to all except those from applications nos. 9008/21 and 16635/21
* In the case of Ristić and Others the amounts of non-pecuniary damage were paid to all except one from the application no. 20304/20
* **Main reasons for outstanding payment in respect of non-pecuniary damage concerning certain applications are death of applicants and necessity to wait for the completion of probate proceedings, and failure to submitt relevant information for the execution of payments such as numbers of bank accounts, copise of identification documents etc**

B. Payment of just satisfaction in respect of pecuniary damage (enforced domestic decision)

Case	Application no.	Judgment / Decision Final on	Domestic decision enforced on
R. KAČAPOR	2269/06	07/07/2008	29/12/2008
LILIĆ and Others	16857/19	14/01/2021	20/05/2021 and 26/01/2022
OMEROVIĆ and Others	72470/16	05/11/2020	from 07/05/2021 to 28/12/2021
MLADENOVIĆ and ĐOKIĆ	44719/18	29/04/2021	not awarded
ZEJNELOVIĆ	26277/20	13/01/2022	the information is awaited
PENDIĆ	37131/19	14/04/2022	not awarded
PAJOVIĆ	32791/20	29/09/2022	the information is awaited, which is still within the deadline set by the ECHR
MEHMEDOVIĆ and Others	23202/20	29/09/2022	the information is awaited, which is still within the deadline set by the ECHR
LAZIĆ	51204/20	02/06/2022	03/10/2022
KONDŽULOVIĆ and Others	30762/21	07/04/2022	03/10/2022*
MILOŠEVIĆ and Others	30946/21	07/04/2022	03/10/2022
ŽIVANOVIĆ and Others	33161/21	07/04/2022	03/10/2022
RANKOVIĆ and Others	33849/21	07/04/2022	the information is awaited
ČVORKOV and Others	5447/21	24/03/2022	03/05/2022 and 05/10/2022
STEVANOVIĆ and Others	45269/20	10/03/2022	03/10/2022
DENIĆ and Others	33698/21	10/03/2022	03/10/2022*
JEREMIĆ and Others	33740/21	10/03/2022	03/10/2022
JANKOVIĆ and Others	47529/20	10/03/2022	03/10/2022*
TATOVIĆ	13717/21	10/03/2022	17/10/2022

Case	Application no.	Judgment / Decision Final on	Domestic decision enforced on
JOSIMOVIĆ and Others	29303/21	10/03/2022	03/10/2022*
STAMENKOVIĆ and Others	34432/21	10/03/2022	03/10/2022
RISTIĆ and Others	38290/20	03/02/2022	03/10/2022
MILOŠEVIĆ and Others	28075/21	03/02/2022	03/10/2022*
TORBICA and Others	34530/21	03/02/2022	03/10/2022 and 06/10/2022
GRAČANIN	22262/21	25/11/2021	the information is awaited
POPOVIĆ and Others	31634/20	25/11/2021	17/10/2022
ILIĆ and Others	45131/20	25/11/2021	03/10/2022 and 05/10/2022
MILOŠEVIĆ and Others	47686/20	25/11/2021	02/10/2022 and 05/10/2022
DAMJANIĆ-LAZIĆ and Others	1928/21	25/11/2021	03/10/2022 and 06/10/2022*
RISTIĆ and Others	20304/20	23/09/2021	20/05/2021
LUKIĆ	31602/21	21/07/2021	the information is awaited, which is still within the deadline set by the ECHR
NESTOROVSKI STOJAKOVIĆ and Others	10785/20	21/07/2022	the information is awaited, which is still within the deadline set by the ECHR
MARKOVIĆ and Others	13893/20	21/07/2022	the information is awaited, which is still within the deadline set by the ECHR
SULIMANOVIĆ and Others	3021/21	21/07/2022	the information is awaited, which is still within the deadline set by the ECHR
VUJINOVIĆ and Others	30822/21	29/09/2022	the information is awaited, which is still within the deadline set by the ECHR

* In the case of Kondžulović and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants except those from applications nos. 30807/21, 31577/21, 31614/21 and 31625/21
* In the case of Denić and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants exceptone from application no. 38779/21.
* In the case of Janković and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants exceptone from application no. 47546/20.
* In the case of Josimović and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants exceptone from application no. 29371/21.
* In the case of Milošević and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants exceptone from application no. 28081/21.
* In the case of Damjanić-Lazić and Others domestic decisions rendered against state/socially owned companies were enforced in respect of all applicants exceptone from application no. 16635/21.
* Main reasons for non-enforcement of domestic decisions taken against socially/state owned comapnies in respect of certain applications are death of applicants and necessity to wait for the completion of probate proceedings, and failure to submitt relevant information for the execution of payments such as numbers of bank accounts, copise of identification documents etc.