
1475th meeting, 19-21 September 2023 (DH)

H46-34 Jevremović group v. Serbia (Application No. 3150/05)

Supervision of the execution of the European Court's judgments

Reference document
CM/Notes/1475/H46-34

Decisions

The Deputies

1. recalled that this group of cases, the first judgment of which became final in 2007, concerns the excessive length of various types of proceedings – civil, family-related, commercial – and the lack of an effective domestic remedy;

As regards individual measures

2. decided to close the examination of *Vilotijević* case for which no further individual measures are required, given that the domestic proceedings have been terminated and the just satisfaction has been paid, and adopted Final Resolution CM/ResDH(2023)265;

As regards general measures

Measures to reduce the excessive length of judicial proceedings

3. noted with satisfaction the adoption of the 2022 Action Plan for the implementation of the National Judicial Reform Strategy 2021-2025, the Strategy of Human Resources in the Judiciary for the period 2022-2026, with the accompanying Action Plan, and the full implementation of Case Weighting Formula in all the courts; invited the authorities to provide details as to the implementation of these measures and their impact;

4. noted with interest the statistics provided by the authorities which indicate clear improvements in some areas, such as a significant decrease of disposition time before the basic courts, a continued increase in number of completed backlog cases and a general decrease in the total number of backlog cases; noted however with concern the increase of disposition times in cases before the higher courts, and a general increase in new backlog cases over the past four years, including an increase of cases pending for more than 10 years in commercial proceedings;

5. encouraged the authorities to continue their efforts to achieve the complete elimination of the backlog at the national level and, in this context, invited them to provide information on measures planned to tackle the problems of new backlog and to dispose of all cases pending for 10 years or more in commercial proceedings and to continue providing relevant statistics; in this regard, invited the authorities to make use of the Backlog Reduction Tool adopted by European Commission for the Efficiency of Justice in June 2023, which gives guidance on identifying the problem and example measures to resolve backlogs and prevent procedural delays;

6. urged the authorities to adopt the new Civil Procedure Act in the fourth quarter of 2023, as envisaged; invited them to provide further details on the measures taken or envisaged to increase the use of alternative dispute resolution mechanisms, including amending the Law on Mediation in Dispute Resolution to increase the use of alternative dispute resolution mechanisms;

Domestic remedy in respect of excessively long proceedings

7. reiterated their concern about the lack of a concrete plan for resolving the problem of inadequate compensation awarded by the national courts and called on the authorities to provide such a plan as a matter of priority; encouraged them in this context to take full benefit of the Council of Europe and European Union projects and expertise at their disposal, and strongly invited them to submit the recent case-law of the Constitutional Court concerning the compensation awarded in respect of lengthy proceedings and its impact in practice;
8. invited the authorities to provide information on all the above points by 30 June 2024.