



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

THIRD SECTION

DECISION

Application no. 32878/16
Marina Gopić against Serbia
and 3 other applications
(see appended table)

The European Court of Human Rights (Third Section), sitting on 12 September 2019 as a Committee composed of:

Dmitry Dedov, *President*,

Alena Poláčková,

Gilberto Felici, *judges*,

and Liv Tigerstedt, *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 T. Stojiljković, a lawyer practising in Leskovac.

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.

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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 insolvency proceedings had been opened against the debtors and that the applicants had failed to report their claims in the insolvency proceedings. They had thereby failed to exhaust all effective domestic remedies.

The applicants made no comments in this connection.

The Court notes that the applicants filed requests for the enforcement of the domestic decisions indicated in the appended table. That being the case, they were not required to report their claims in the insolvency proceedings (see *Lolić v. Serbia*, no. 44095/06, § 26, 22 October 2013). Therefore, the Government's objection must be dismissed.

Having said that, the Court has jurisdiction to apply the six-month rule of its own motion, even if the Government have not raised that objection (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 138, 20 March 2018). Since the applicants decided not to report their claims in the insolvency proceedings and there was no effective domestic remedy in cases of this kind at the relevant time (see *Milunović and Čekrić v. Serbia* (dec.), nos. 3716/09 and 38051/09, § 65, 17 May 2011), they should have lodged their applications with this Court within six months from the termination of the enforcement proceedings in their cases (see, by analogy, *Sokolov and Others v. Serbia* (dec.), nos. 30859/10 and 6 others, 14 January 2014). All enforcement proceedings against the companies at issue were terminated, by operation of law, when the insolvency proceedings against those companies were opened (on different dates in 2009 and 2010 – see the appended table). The applications were lodged with this Court only in 2016.

It follows that the applications were introduced out of time and must be rejected in accordance with Article 35 §§ 1 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 3 October 2019.

Liv Tiggerstedt
Acting Deputy Registrar

Dmitry Dedov
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 Date of birth	Relevant domestic decision	Date of enforcement order	End of enforcement proceedings
1.	32878/16 02/06/2016	Marina Gopić 20/02/1964	Leskovac Commercial Court, 26/11/2003	13/06/2007	13/10/2009
2.	79031/16 05/12/2016	Živadin Zlatanović 23/11/1948	Municipal Court in Leskovac, 09/12/2003	01/11/2007	08/07/2010
3.	4280/17 22/12/2016	Sladana Cvetković 21/11/1965	Municipal Court in Leskovac, 25/08/2003 Municipal Court in Leskovac, 06/03/2008	09/12/2004 07/11/2008	23/04/2009 23/04/2009
4.	4287/17 22/12/2016	Suzana Đorđević 23/03/1968	Municipal Court in Leskovac, 08/12/2003 Municipal Court in Leskovac, 15/04/2008	13/12/2004 28/08/2008	23/04/2009 23/04/2009