



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

THIRD SECTION

CASE OF MILOSAVLJEVIĆ v. SERBIA

(Application no. 18353/12)

JUDGMENT

STRASBOURG

27 June 2019

This judgment is final but it may be subject to editorial revision.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

In the case of Milosavljević v. Serbia,

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

Dmitry Dedov, *President*,

Alena Poláčková,

Gilberto Felici, *judges*,

and Liv Tigerstedt *Acting Deputy Section Registrar*,

Having deliberated in private on 6 June 2019,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 20 March 2012.

2. The applicant was represented by Mr Z. Vujović, a lawyer practising in Niš.

3. Notice of the application was given to the Serbian Government (“the Government”).

THE FACTS

4. The applicant’s details and information relevant to the application are set out in the appended table.

5. The applicant complained of the excessive length of administrative proceedings.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicant complained that the length of the administrative proceedings in question had been incompatible with the “reasonable time” requirement. She relied on Article 6 § 1 of the Convention, which reads as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

7. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

8. In the leading case of *Nemet v. Serbia*, no. 22543/05, 8 December 2009, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the “reasonable time” requirement.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Nemet v. Serbia*, no. 22543/05, §§ 19-22, 8 December 2009), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant’s claim for just satisfaction.

13. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of administrative proceedings;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 27 June 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Acting Deputy Registrar

Dmitry Dedov
President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention
(excessive length of administrative proceedings)

Application no. Date of introduction	Applicant's name Date of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Relevant domestic decision Domestic award (in euros)	Amount awarded for non-pecuniary damage per applicant (in euros) ^{1 2}	Amount awarded for costs and expenses per application (in euros) ³
18353/12 20/03/2012	Zorica Milosavljević 08/02/1960	08/04/2005	16/12/2010	5 years and 8 months and 9 days 1 level of jurisdiction	Constitutional Court Už-652/2011 6 February 2012 (no violation)	2,300	500

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1. Plus any tax that may be chargeable to the applicants.
 2. Less any amounts which may have already been paid in that regard at the domestic level.
 3. Plus any tax that may be chargeable to the applicants.