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Date: 28/04/2025

DH-DD(2025)478

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Meeting: 1531st meeting (June 2025) (DH)

Item reference: Action Report (22/04/2025)

Communication from Serbia concerning the case of Stefanovic and Bankovic v. Serbia (Application No. 21784/16)

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Réunion : 1531^e réunion (juin 2025) (DH)

Référence du point : Bilan d'action (22/04/2025)

Communication de la Serbie concernant l'affaire Stefanovic et Bankovic c. Serbie (requête n° 21784/16)
(anglais uniquement)

Belgrade, 22 April 2025

ACTION REPORT

STEFANOVIĆ and BANKOVIĆ v. Serbia

Applications nos. 21784/16 and 21826/16, Judgment of 5 November 2024

I CASE DESCRIPTION

1. This case concerns unfair proceedings before the Constitutional Court in 2015 on account of its failure to inform the applicants of the constitutional complaints lodged against the final court judgments in their favour (Article 6§1).

2. The Court found that the applicants were not provided with an opportunity to participate effectively in the proceedings before the Constitutional Court (§ 19). Thus, the Court found that their Convention-guaranteed right to a fair trial had been violated (§ 19).

II INDIVIDUAL MEASURES

3. The authorities have taken steps to ensure that the violation at hand ceased and that the applicants were redressed for the negative consequences of the violation found by the European Court.

4. The European Court awarded the applicants just satisfaction in respect of non-pecuniary damage in the amount of EUR 2,000 in total. The payment has been made on 10 December 2024.

5. In view of the above, the authorities consider that the applicants have been fully redressed for the damage sustained and that no further individual measures are possible

in the present case. Namely, to the best of the authorities' knowledge, the applicants did not address the Constitutional Court after this Court's judgement¹.

III GENERAL MEASURES

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

A. Convention-compliant case law of the Constitutional Court

7. The authorities would like to highlight that the Constitutional Court aligned its work with the Convention in a most express manner.

8. Upon receipt of the judgment of the European Court, the Constitutional Court promptly set in motion procedures for the implementation of the needed changes in its approach.

9. Namely, on 26 December 2024, the Constitutional Court held a session on which the previous legal opinion on the matter of notifying third (interested) parties of a constitutional appeal, dating from 30 October 2008, was changed. The Redaction Commission of the Constitutional Court held a session on 26 February 2025, when the final text of the new legal opinion was agreed upon.

10. According to this, a constitutional appeal must be delivered to a third party whose rights or obligations can be directly affected by the decision of the Constitutional Court in the case. This person may submit their response to the constitutional appeal in a period of time determined by the Constitutional Court. The response is then delivered to the

¹ Decisions of the Constitutional Court are not, in principle, subject to appeal under domestic law. However, Article 91 of the Rules of the Constitutional Court (Poslovnik o radu Ustavnog suda) of 2008, as interpreted in the said court's Legal Opinion of 5 February 2009 (supplemented on 2 June 2011), and Article 96 of the Rules of the Constitutional Court adopted in 2013, both provide, inter alia, a request for an exceptional re-examination of an already dispatched decision if it transpires that it was based on a manifest error of the Constitutional Court itself that cannot otherwise be rectified.

person who submitted the constitutional appeal. The subsequent decision of the Constitutional Court is delivered to the third party who had the right to submit its response to the constitutional appeal.

11. The text of the new legal opinion of the Constitutional Court has been published on the [official web page of the Constitutional Court](#)² as well, ensuring that the general population is informed of this right in the proceeding before the Constitutional Court.

12. It follows from the above that the Constitutional Court aligned its approach and practice with the newly established Convention-compliant case law in entirety.

B. Publication and dissemination measures

13. In 2024, the authorities ensured that publication and dissemination of the present judgment were taken to draw the attention of the relevant domestic authorities on the European Court's findings in this case. To this end, the European Court's judgment was translated into Serbian and published in the Official Gazette and on the Government Agent's official web page. The European Court's findings have therefore been made easily accessible to judges and the legal community nationwide.

14. The Government Agent furthermore prepared [an analysis of the European Court's findings in this judgment and ensured its dissemination together with the translated judgment](#)³ to all relevant domestic authorities.

15. The above-mentioned measures ensured the awareness of the Court's findings and the need to comply with the Convention requirements in similar cases.

² https://www.ustavni.sud.rs/upload/document/_20250314_145005.pdf

³ <https://www.zastupnik.gov.rs/en/case-law/judgments-and-decisions/stefanovic-and-bankovic-against-serbia>

IV JUST SATISFACTION

16. The authorities ensured that just satisfaction awarded by the European Court has been disbursed to the applicant on 10 December 2024.

V CONCLUSIONS

17. The authorities consider the individual measures taken ensured that the applicants were redressed for the damage sustained.

18. The authorities furthermore consider the general measures taken are capable of preventing similar violations.

19. The authorities therefore consider that the Republic of Serbia has complied with its obligations under Article 46 § 1 of the Convention and respectfully propose to the Committee of Ministers to close its examination of the case *Stefanović and Banković*.