Belgrade, 2 July 2026

ACTION REPORT

PRENČA v. SERBIA

Application no. 48725/12, the judgement of 7 October 2025, final on 7 January 2026

from the

AKSUNGUR AND OTHERS group of cases v. Serbia

Application no. 69080/13, the judgment of 24 June 2025, final on 24 September 2025

I CASE DESCRIPTION

1. This case concerns the fine and confiscation of undeclared cash that the applicant attempted to carry across the State border in excess of the statutory export limit applicable to Serbian residents.

2. The Court found that the legal framework (which remained imprecise in its key elements in relation to the leeway allowed for imposition of full or partial confiscation), coupled with the insufficient review carried out by the domestic courts and the lack of procedural guarantees inherent in Article 1 of Protocol No. 1 to the Convention, could not ensure the requisite fair balance between the requirements of the general interest and the protection of the applicant's right to the peaceful enjoyment of his property under that Article. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention. (§§ 104 and 105 *Prenča*).

II INDIVIDUAL MEASURES

3. The Serbian authorities have taken steps to ensure that the violation at hand ceased and that the applicant was redressed for the negative consequences of the violation found by the European Court. These measures are set out below.

A. The applicant’s redress

4. The In response to the European Court's judgments, the authorities have taken measures aimed at bringing the violation to an end and providing redress to the applicant.

5. In *Prenča*, the applicant claimed 47,500 euros (EUR) in respect of pecuniary damage and EUR 5,000 in respect of non-pecuniary damage. In respect of pecuniary damage, the European Court awarded the applicant EUR 39,500, plus any tax that may be chargeable, noting that it could not speculate as to whether the possibility of reopening of the domestic proceedings, another way of redressing the violations found, would be available under the relevant domestic rules, in particular in view of the statute of limitations in respect of the misdemeanour proceedings. As regards non-pecuniary damage, the European Court considered that the finding of a violation of Article 1 of Protocol No. 1 to the Convention constituted in itself sufficient just satisfaction.

6. The payments were made on 8 June 2026, covering the principal amount awarded, including default interest for the period from 7 April 2026 to 8 June 2026.

7. The Government observes that the applicant was awarded just satisfaction in the amount determined by the European Court. The Government, therefore, considers that by ensuring payment to the applicant, it has ensured *restitutio in integrum* as much as possible and brought their financial situation to the one they had enjoyed before the violation occurred. Thus, by redressing the applicant, the violation has been brought to an end.

B. Measures aimed at the reopening of the misdemeanour proceedings

8. According to Articles 280, Paragraph 1 (5) of the Misdemeanour Act (Official Gazette RS nos. 65/2013, 13/2016, 98/2016 - Constitutional Court’s decision, 91/2019, 91/2019 - other law and 112/2022 - Constitutional Court’s decision), a final court decision in misdemeanour proceedings may be reopened if the defendant acquires the possibility to invoke a judgment of the European Court of Human Rights establishing a violation of

a human right, which could have had an influence on rendering a more favourable decision for the defendant.

9. The authorities note that the applicant did not make use of this legal remedy.

10. The Government considers that no additional individual measures are required in the circumstances of the present case.

III GENERAL MEASURES

11. In response to the European Court's findings, the authorities recall that the general measures in similar cases have been taken within the context of the leading case *Aksungur and others*, which are capable of preventing similar violations. The authorities note that the Action plan in *Aksungur and others case* *(DH-DD(2026)386)* was submitted on 24 March 2026. All general measures regarding the case *Prenča* will be implemented within the framework of the *Aksungur* and others *group of cases*.

12. In 2026, 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.

13. 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 to all relevant domestic authorities.

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

IV JUST SATISFACTION

15. The authorities ensured that just satisfaction awarded by the European Court with the default interest has been disbursed to the applicant on 8 June 2026.

V CONCLUSIONS

16. The authorities consider the individual measures taken ensured that the applicant was redressed for the damage sustained.

17. The authorities furthermore consider the general measures taken within the context of the *Aksungur and others group of cases* are capable of preventing similar violations and will be further implemented within the framework of the *Aksungur and others group*.

18. 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 *Prenča*.