



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

FIFTH SECTION

**CASE OF CENTROPROM HOLDING AD BEOGRAD  
v. MONTENEGRO**

*(Application no. 30796/10)*

JUDGMENT

STRASBOURG

10 February 2022

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



**In the case of Centroprom Holding AD Beograd v. Montenegro,**

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

Lətif Hüseyinov, *President*,

Lado Chanturia,

Arnfinn Bårdsen, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 20 January 2022,

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

## PROCEDURE

1. The case originated in an application against Montenegro lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 10 May 2010.

2. The applicant company was represented by Ms V. Čejović, a lawyer practising in Bar.

3. The Montenegrin Government (“the Government”) were given notice of the application.

## THE FACTS

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

5. The applicant company complained of the excessive length of civil proceedings. It also raised other complaints under the Convention.

## THE LAW

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

6. The applicant company complained principally that the length of the civil proceedings in question had been incompatible with the “reasonable time” requirement. It 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 *Stakić v. Montenegro*, no. 49320/07, §§ 45-51, 2 October 2012, 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 justifying the overall length of the proceedings at the national level. 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. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

## II. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

11. Having regard to the facts of the case, submissions by the parties, and its findings above, the Court considers that it has dealt with the main legal question raised in the case, and sees no need to examine the applicant company’s remaining complaint under Article 13 of the Convention because it is closely linked to the complaint under Article 6 § 1 and is based on the same facts (see *S.C. Britanic World S.R.L. v. Romania*, no. 8602/09, § 50, 26 April 2016; *Magomedov and Others v. Russia*, nos. 33636/09 and 9 others, § 103, 28 March 2017; *Mutsayeva v. Russia* [Committee], no. 1667/11, § 29, 11 May 2021; and, *mutatis mutandis*, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. 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.”

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Stakić*, cited above, § 65), the Court considers it reasonable to award the sums indicated in the appended table and dismisses the remainder of the applicant company’s claims for just satisfaction.

14. 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 complaint under Article 6 § 1 of the Convention admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;
3. *Holds* that it is not necessary to examine the admissibility and merits of the complaint under Article 13 of the Convention;
4. *Holds*
  - (a) that the respondent State is to pay the applicant company, within three months, the amounts indicated in the appended table, 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.
5. *Dismisses* the remainder of the applicant company's claims for just satisfaction

Done in English, and notified in writing on 10 February 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina  
Acting Deputy Registrar

Lətif Hüseynov  
President

CENTROPROM HOLDING AD BEOGRAD v. MONTENEGRO JUDGMENT

APPENDIX

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

Application no. Date of introduction	Applicant company's name	Start of proceedings or date of entry into force of the Convention in respect of Montenegro (3 March 2004)	End of proceedings	Total length Levels of jurisdiction	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
30796/10 10/05/2010	<b>CENTROPROM HOLDING AD BEOGRAD</b>	03/03/2004	02/04/2015	11 year and 1 month  3 levels of jurisdiction	3,000	500

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<sup>1</sup> Plus any tax that may be chargeable to the applicant.

<sup>2</sup> Plus any tax that may be chargeable to the applicant.