



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

## FOURTH SECTION

### DECISION

Application no. 34132/21  
Stevan BOBIĆ against Serbia  
and 4 other applications  
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 29 June 2023 as a Committee composed of:

Tim Eicke, *President*,

Branko Lubarda,

Ana Maria Guerra Martins, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above applications lodged on the date indicated in the appended table,

Having regard to the observations submitted by the parties,

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 M. Joksović, a lawyer practising in Kula.

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.

**B. Complaints under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1**

The domestic decisions under consideration are against a football club. The Government submitted that the football club was a non-governmental organisation, rather than a socially/State-owned company. The applicants disagreed.

Having examined all the material before it (notably, the statute of the club and the relevant legislation), the Court agrees with the Government that the football club in question was indeed a private entity.

The Court notes that the State responsibility for enforcement of a judgment against a private entity extends no further than the involvement of State bodies in the enforcement procedures. Once the enforcement procedures were closed by a court in accordance with the domestic law, the responsibility of the State ended (see *Shestakov v. Russia* (dec.), no. 48757/99, 18 June 2002). The Court has further held that, when an applicant's debtor is a private entity, a failure to enforce a judgment because of the debtor's indigence cannot be held against the State unless and to the extent that it is imputable to the domestic authorities, for example, to their errors or delay in proceeding with the enforcement (see *Omasta v. Slovakia* (dec.), no. 40221/98, 10 December 2002, and *Antonijević v. Serbia* (dec.) [Committee], no. 48137/21, 20 October 2022).

In the present case, on 24 February 2015 the competent commercial court made a winding-up order against the debtor. The commercial court accepted the applicants' and many other claims on 12 January 2016. It then held three auctions for the sale of assets (on 26 August and 18 November 2017 and on 20 January 2018). All the assets, including a stadium, were eventually sold. On 28 March 2019 the debtor was dissolved and the proceeds from the sale were distributed among the creditors pursuant to the domestic law. Notably, after the secured creditor had been paid almost in full, there were no funds left for the unsecured creditors, such as the applicants. The applicants in the meantime complained about the length of the winding-up proceedings relying on the Right to a Trial within a Reasonable Time Act. The domestic courts dismissed their complaints, finding that there had been no errors or delays attributable to the State. The final decision in that connection was rendered by the Constitutional Court on 21 January 2020 and served on the applicants on 12 February 2021.

Having examined all the material before it, the Court sees no reason to disagree with the finding of the domestic courts.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

BOBIĆ v. SERBIA AND OTHER APPLICATIONS DECISION

For these reasons, the Court, unanimously,

*Decides* to join the applications;

*Declares* the applications inadmissible.

Done in English and notified in writing on 20 July 2023.

Viktoriya Maradudina  
Acting Deputy Registrar

Tim Eicke  
President

## BOBIĆ v. SERBIA AND OTHER APPLICATIONS DECISION

## 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 Year of birth	Relevant domestic decision
1.	34132/21 23/06/2021	<b>Stevan BOBIĆ</b> 1960	Commercial Court in Sombor, 12/01/2016
2.	34136/21 23/06/2021	<b>Radovan GAĆINA</b> 1964	Commercial Court in Sombor, 12/01/2016
3.	34138/21 23/06/2021	<b>Marinka KUZELA</b> 1960	Commercial Court in Sombor, 12/01/2016
4.	34325/21 23/06/2021	<b>Eva BAKO</b> 1961	Commercial Court in Sombor, 12/01/2016
5.	34682/21 23/06/2021	<b>Slavka DOŠIĆ</b> 1951	Commercial Court in Sombor, 12/01/2016