



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

FOURTH SECTION

DECISION

Application no. 35107/22
Goran ŽIVKOV AKSIN
against Serbia
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 31 August 2023 as a Committee composed of:

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having regard to the above application lodged on 8 July 2022,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr S. Aleksić, a lawyer practising in Niš.

The applicant's 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

The Government submitted that the domestic decision under consideration was not against a socially/State-owned, but against a private company. The applicant agreed.

Irrespective of whether the company at issue was private or socially/State-owned, the Court considers that the present application is inadmissible for the following reasons.

The Court has previously held that the “significant disadvantage” criterion applies where, notwithstanding a potential violation of a right from a purely legal point of view, the level of severity attained does not warrant consideration by an international court (see, among many authorities, *Adrian Mihai Ionescu v. Romania* (dec.), no. 36659/04, 1 June 2010, and *Korolev v. Russia* (dec.), no. 25551/05, 1 July 2010). Furthermore, the level of severity shall be assessed in the light of the financial impact of the matter in dispute and the importance of the case for the applicant (see *Burov v. Moldova* (dec.), no. 38875/03, § 25, 14 June 2011, and *Spasić v. Serbia* (dec.) [Committee], no. 21477/13, 3 February 2015).

The present case concerns the failure of the debtor company to pay the applicant around 65 euros pursuant to a domestic decision in the applicant’s favour. Since there is no evidence that the applicant’s financial circumstances are such that the failure to pay that amount would have a significant effect on his private life, the Court concludes that the applicant did not suffer a significant disadvantage as a result of the alleged violation of the Convention.

Moreover, the Court observes that a complaint of non-enforcement of a final domestic decision, already subject of the Court’s well-established case-law, does not concern an important question of principle, which might justify examining the present application on the merits (see, among many authorities, *EVT Company v. Serbia*, no. 3102/05, 21 June 2007, concerning the non-enforcement of final domestic decisions against private companies, and *R. Kačapor and Others v. Serbia*, nos. 2269/06 and 5 others, 15 January 2008, concerning the non-enforcement of final domestic decisions against socially/State-owned companies).

In view of the above, the Court finds that the application must be declared inadmissible under Article 35 §§ 3 (b) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 21 September 2023.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President

ŽIVKOV AKSIN v. SERBIA DECISION

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention and
Article 1 of Protocol No. 1
(non-enforcement or delayed enforcement of domestic decisions)

Application no. Date of introduction	Applicant's name Year of birth	Relevant domestic decision
35107/22 08/07/2022	Goran ŽIVKOV AKSIN 1970	Commercial Court in Subotica, 03/06/2010