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

THIRD SECTION

DECISION

Application no. 29477/17
Milan KRSTIĆ against Serbia
and 8 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 1 September 2026 as a Committee composed of:

Lətif Hüseynov*, President*,
Mateja Đurović,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the applications against the Republic of Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by nine Serbian nationals ("the applicants"), whose relevant details are listed in the appended table, on the various dates indicated therein;

the decision to give notice of the applications to the Serbian Government ("the Government"), represented by their Agent, Ms Z. Jadrijević Mladar;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applications concern divergent case-law concerning dismissal of police officers' compensation claims for unpaid salary supplements in respect of work on public holidays, night work and overtime ("work during unsociable hours"). The Court has already dealt with a similar issue in *Šabanović and Others v. Serbia* (nos. 39819/16 and 4 others, 7 October 2025).

A. The applicants' situation

2. Like the applicants in *Šabanović and Others*, the applicants in the present applications were police officers with the status of authorised police

officers within the meaning of the Police Act 2005 (ibid., § 35), who lodged claims against the Republic of Serbia for compensation for unpaid salary supplements for work during unsociable hours on the dates indicated in the appended table. In those proceedings, their salary coefficients were compared with those of civilian officers who had not worked during unsociable hours and the claims were dismissed, either directly by the first-instance courts, following retrial, or on appeal, on the dates listed in the appended table. The claims lodged by the applicants in *Šabanović and Others* were also dismissed on the same grounds (ibid., §§ 7, 9, 10, 12 and 15).

3. The applicants argued in the Constitutional Court that the lower courts had incorrectly applied the relevant provisions of the Police Act. They further complained of divergence in the domestic case-law.

4. Referring to its previous decision, no. Už-3827/2012 of 12 December 2012, and finding that the appellants in that case had relied on a comparison with cases in which compensation claims had been upheld on different grounds, the Constitutional Court dismissed as unfounded the appeals lodged by the first, third, fourth, sixth, seventh, eighth and ninth applicants on the dates listed in the appended table (this reasoning was presented in more detail in *Šabanović and Others*, cited above, §§ 62-64).

5. The constitutional appeals lodged by the second and fifth applicants were rejected for failure to make use of an appeal on points of law (the dates of the decisions are indicated in the appended table). Relying on the Supreme Court's Conclusions and amendments thereto concerning the admissibility of appeals on points of law (see paragraph 9 below), the Constitutional Court held that that remedy had been available to the applicants as of right, because the first-instance decisions in their cases had been quashed after 1 February 2012, and the second-instance court had ultimately reversed first-instance decisions and ruled on their claims after 31 May 2014. However, since the Supreme Court's Conclusions had been adopted and published only after the point at which the second and fifth applicants could have lodged appeals on points of law (that is, 30 days after delivery of the second-instance decision), the Constitutional Court informed them that they were entitled to submit such appeals within 30 days of the delivery of its decisions. The material in the case file contains no information as to whether they availed themselves of that possibility.

6. The applicants complained of inconsistent case-law of the courts of first and second instance. They further alleged that those courts had arbitrarily interpreted and applied the substantive law when dismissing their claims. Lastly, the applicants complained of an inconsistent approach of the Constitutional Court in its decisions on their appeals. They alleged a breach of Article 6 § 1 of the Convention. The second, third, fourth, fifth, sixth, seventh and eighth applicants also complained under Article 13 of the Convention.

B. Other relevant information and relevant legal framework

7. The Civil Procedure Act 2011 entered into force on 1 February 2012 and repealed the Civil Procedure Act 2004. Article 506 § 1 of the Civil Procedure Act 2011 provides that proceedings initiated before its entry into force must be conducted in accordance with the Civil Procedure Act 2004. Pursuant to Article 506 § 2, in the event that after the entry into force of the Civil Procedure Act 2011 a final decision has been quashed and the case remitted for re-examination, those proceedings are to be governed by the 2011 Act.

8. Amendments to the Civil Procedure Act 2011, which entered into force on 31 May 2014, introduced a new ground for lodging an appeal on points of law. That remedy is now available as of right, *inter alia*, where a second-instance court reverses a decision and rules on the parties' claims.

9. On 3 and 10 March 2015 the Supreme Court adopted its Conclusions on the admissibility of appeals on points of law and amended those Conclusions on 10 November and 8 December 2025 ("the Conclusions"). According to the amended Conclusions, the admissibility of an appeal on points of law must be assessed in accordance with the amended Article 403 of the Civil Procedure Act where a first-instance decision terminating the proceedings was quashed and the case remitted for a reconsideration after the entry into force of the Civil Procedure Act 2011, on 1 February 2012, and the second-instance court ultimately reversed the first-instance decisions and ruled on the claims after 31 May 2014, when the amendments to the that Act had entered into force.

10. Between 17 December 2015 and 8 November 2016, the Constitutional Court rejected as premature five constitutional appeals lodged by colleagues of the applicants on the same grounds as those in the cases of the second and fifth applicants (see paragraph 5 above). Those cases also concerned compensation for unpaid salary supplements in respect of work performed during unsociable hours.

THE COURT'S ASSESSMENT

A. Joinder of the applications

11. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Alleged violation of Article 6 § 1 of the Convention

12. The Government raised an identical objection of non-exhaustion of domestic remedies as in *Šabanović and Others*, arguing that the applicants had failed to lodge appeals on points of law against the second-instance

decisions dismissing their claims (see *Šabanović and Others*, cited above, § 68). The Court does not find it necessary to examine this objection, as the complaint is in any event inadmissible for the following reasons.

13. The relevant principles regarding alleged violations of Article 6 § 1 of the Convention on account of divergent domestic case-law are summarised in *Nejdet Şahin and Perihan Şahin v. Turkey* ([GC], no. 13279/05, §§ 49-58, 20 October 2011), *Lupeni Greek Catholic Parish and Others v. Romania* ([GC], no. 76943/11, § 116, 29 November 2016) and *Šabanović and Others* (cited above, §§ 87-88).

1. Inconsistent case-law of the civil courts

14. The applicants' claims in the present case were dismissed between April 2014 and September 2015 on the basis of comparisons between their salary coefficients and those of other civilian police officers. The Court has already observed that, during that same period, the domestic courts had allowed claims lodged by the applicants' fellow officers by comparing their salary coefficients with those of other authorised police officers, which had amounted to "profound and long-standing differences" in the case-law of the domestic courts of appeal (see *Šabanović and Others*, cited above, §§ 90-91 and 99-101). These inconsistencies were eventually harmonised by a legal opinion of the Supreme Court on 10 November 2015 (ibid., § 107). The domestic authorities therefore harmonised the case-law within a reasonably short period of time (ibid., § 112).

15. The applicants in the present case were in a situation identical to that examined in *Šabanović and Others*. Having regard to the Court's conclusion in that case that the domestic courts' findings and interpretation of the relevant law could not be considered arbitrary or manifestly unreasonable (ibid., §§ 114-15), the fact that the applicants' claims had been determined before the Supreme Court issued guidelines for dealing with all similar cases, and were therefore not examined in line with those guidelines, is not in itself sufficient to amount to a breach of the principle of legal certainty (ibid., § 113).

16. Accordingly, these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

2. Inconsistent case-law of the Constitutional Court

17. The Constitutional Court, referring to the Conclusions, rejected the constitutional appeals lodged by the second and fifth applicants, while at the same time allowing them to lodge appeals on points of law within 30 days of the delivery of its decisions (see paragraph 5 above). It found that an appeal on points of law was available to them as of right because first-instance decisions in their cases had been quashed after 1 February 2012 and the second-instance court had ultimately reversed the first-instance decisions and

had ruled on their claims after 31 May 2014 (see the appended table). The Constitutional Court reached the same decision in five other cases concerning different appellants (see paragraph 10 above).

18. The third and fourth applicants were in an identical procedural position to the second and fifth applicants with regard to the dates on which the first-instance courts' decisions were quashed and the dates on which the second-instance courts reversed the decisions and ruled on their claims (see the appended table). Unlike in the cases of the second and fifth applicants, the Constitutional Court did not declare their constitutional appeals inadmissible in such a way as to give them the possibility of lodging an appeal on points of law with the Supreme Court (see paragraph 4 above).

19. The remaining applicants were not in a similar procedural position because, unlike in the cases of the second, third, fourth and fifth applicants, the decisions of the first-instance courts were not quashed after 1 February 2012 (see the appended table).

20. The Court thus concludes that, at the relevant time, there existed differences in the case-law of the Constitutional Court. However, it also notes that, as far as can be established from the case file, there were only nine divergent decisions of the Constitutional Court adopted between 17 December 2015 and 8 December 2016 (see paragraphs 4, 5 and 10 above; compare *Lo Fermo v. Italy* (dec.), no. 58977/12, §§ 58 and 59, 20 June 2023). Furthermore, and while accepting that these differences appeared at the level of the Constitutional Court, they did not relate to the primary aspect of the applicants' cases (see paragraphs 14 and 15 above; compare *Lo Fermo*, cited above, §§ 54 and 55).

21. In view of the considerations above, the Court concludes that the differences in the case-law of the Constitutional Court complained of by the applicants were not "profound and long-standing". Thus, it is unnecessary to assess whether domestic law provided for a mechanism for overcoming those inconsistencies and whether it was applied and, if appropriate, to what effect (see *Lo Fermo*, cited above, § 60).

22. Accordingly, these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

C. Alleged violation of Article 13 of the Convention

23. Relying on Article 13 of the Convention, the second, third, fourth, fifth, sixth, seventh and eighth applicants complained of the same issues as those complained of under Article 6 § 1 of the Convention.

24. Accordingly, these complaints are also manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 24 September 2026.

Olga Chernishova Deputy Registrar	Lətif Hüseynov President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Date of lodging of claims	Decisions adopted in civil proceedings	Constitutional Court Decisions
1.	29477/17	Krstić v. Serbia	10/04/2017	**Milan KRSTIĆ** 1963 Krupanj Serbian	Julijana STEPANIĆ PAVLOVIĆ	January 2011	The claim was dismissed on 07/03/2013; that decision was confirmed on 14/04/2014.	Už-6206/2014 of 15/09/2016
2.	34426/17	Godar v. Serbia	05/05/2017	**Dragan GODAR** 1968 Subotica Serbian	Miljko KARAKLAJIĆ	19/01/2011	The claim was upheld on 12/05/2014; that decision was quashed and the case remitted on 27/10/2014. The claim was again upheld on 27/03/2015; that decision was reversed and the claim	Už-6512/2015 of 24/11/2016

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Date of lodging of claims	Decisions adopted in civil proceedings	Constitutional Court Decisions
							dismissed on 28/08/2015.	
3.	34431/17	Bekeš v. Serbia	05/05/2017	**Ljubomir BEKEŠ** 1966 Subotica Serbian	Miljko KARAKLAJIĆ	20/01/2011	The claim was upheld on 27/03/2014; that decision was quashed and the case remitted on 03/11/2014. The claim was again upheld on 27/03/2015; that decision was reversed and the claim dismissed on 28/09/2015.	Už-7301/2015 of 08/12/2016
4.	34438/17	Dulić v. Serbia	05/05/2017	**Nikola DULIĆ** 1962 Subotica Serbian	Miljko KARAKLAJIĆ	20/01/2011	The claim was upheld on 29/05/2014; that decision was quashed and the case remitted on 19/11/2014. The claim was again upheld on 18/02/2015; that decision was	Už-5378/2015 of 08/12/2016

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Date of lodging of claims	Decisions adopted in civil proceedings	Constitutional Court Decisions
							reversed and the claim dismissed on 29/06/2015.	
5.	34842/17	Bašić v. Serbia	05/05/2017	**Stipan BAŠIĆ** 1963 Subotica Serbian	Miljko KARAKLAJIĆ	20/01/2011	The claim was upheld on 24/04/2014; that decision was quashed and the case remitted on 03/12/2014. The claim was again upheld on 24/03/2015; that decision was reversed and the claim dismissed on 30/09/2015.	Už-8198/2015 of 08/12/2016
6.	36009/17	Saulić v. Serbia	05/05/2017	**Vojislav SAULIĆ** 1986 Bajmok Serbian	Miljko KARAKLAJIĆ	20/01/2011	The claim was upheld on 29/05/2014; that decision was reversed and the claim dismissed on 24/09/2014.	Už-8356/2014 of 15/09/2016

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by	Date of lodging of claims	Decisions adopted in civil proceedings	Constitutional Court Decisions
7.	36018/17	Koldžić v. Serbia	05/05/2017	**Dragan KOLDŽIĆ** 1980 Subotica Serbian	Miljko KARAKLAJIĆ	02/02/2011	The claim was upheld on 07/05/2014; that decision was reversed and the claim dismissed on 17/10/2014.	Už-8353/2014 of 06/10/2016
8.	36026/17	Vujković v. Serbia	05/05/2017	**Tomislav VUJKOVIĆ** 1978 Subotica Serbian	Miljko KARAKLAJIĆ	20/01/2011	The claim was upheld on 19/06/2014; that decision was reversed and the claim dismissed on 29/10/2014.	Už-8970/2014 of 15/09/2016
9.	12588/18	Đuričić v. Serbia	28/02/2018	**Miladin ĐURIČIĆ** 1969 Krupanj Serbian	Julijana STEPANIĆ PAVLOVIĆ	January 2011	The claim was dismissed on 09/06/2014; that decision was confirmed on 03/12/2014.	Už-1338/2015 of 12/10/2017