



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

THIRD SECTION

DECISION

Application no. 14157/23
Dobrivoj KASAPOVIĆ
against Serbia

The European Court of Human Rights (Third Section), sitting on 8 September 2026 as a Committee composed of:

Peeter Roosma, *President*,

Úna Ní Raifeartaigh,

Mateja Đurović, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 14157/23) 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”) on 14 March 2023 by a Serbian national, Mr Dobrivoj Kasapović (“the applicant”), who was born in 1960, lives in Bački Jarak and was represented by Mr N. Tadić, a lawyer practising in Novi Sad;

the decision to give notice of the complaints concerning the right of access to a court and the right to a fair hearing to the Serbian Government (“the Government”), represented by their Agent, Ms Z. Jadrijević Mladar, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant’s right to a reasoned judicial decision under Article 6 § 1 of the Convention and, in this context, his right of access to a court in civil proceedings relating to employment benefits.

2. On 2 March 2017 the Novi Sad District Court granted in part the applicant’s claims concerning remuneration under his employment contract (salary arrears, payment of overtime). The court dismissed the applicant’s

claims for remuneration in part concerning shift work. The court discerned no evidence to support the applicant's allegation that he had worked in shifts.

3. On 15 December 2017 the Novi Sad Court of Appeal upheld in part the judgment of 2 March 2017, reversing the lower court's decision to grant the applicant's claims for remuneration for having worked overtime.

4. The applicant applied for revision of the judgment of 15 December 2017 on points of law, challenging the Court of Appeal's rejection of his claim for remuneration for overtime work and shift work. He also contested the first-instance court's decision partly allowing two of his claims concerning the payment of the net earnings difference.

5. On 16 September 2020 the Supreme Court of Cassation, referring to Article 403 § 2 (2) of the Civil Procedure Act (*Zakon o parničnom postupku*), which set forth the conditions of admissibility of the complaints for revision, permitting such revision where the appellate court reversed the judgment given by lower court, ruled solely on the applicant's claim concerning payment for overtime work. The Supreme Court rejected the request in this respect and did not address the remaining elements raised in the application for revision.

6. Subsequently, the applicant lodged a constitutional appeal, alleging a violation of his right to a fair trial, on the grounds that the Supreme Court of Cassation had failed to rule on all of his claims.

7. On 29 September 2022 the Constitutional Court rejected the constitutional appeal as being of a fourth-instance nature.

8. The applicant complained that the Supreme Court's failure to examine his arguments concerning his entitlement to compensation for shift work had amounted to a breach of his rights under Article 6 § 1 of the Convention.

THE COURT'S ASSESSMENT

9. The Government contested the applicant's allegations, arguing that, prior to the decision of the Supreme Court of Cassation, the courts of first and second instance had examined in detail all claims and appeals. The Government further maintained, referring to Article 403 of the Civil Procedure Act, that the Supreme Court of Cassation had acted within its jurisdiction and in accordance with the prescribed legal limitations on the admissibility of revision requests. They disagreed that the Supreme Court of Cassation had impaired the very essence of the applicant's right of access to a court. Lastly, they opined that the applicant's claims concerning work in shift had been, in any event, inadmissible *ratione valoris*, not having attained the statutory monetary threshold.

10. The Court reiterates that a superior court is not required to give more detailed reasoning when it simply applies a specific legal provision to dismiss an appeal on points of law as having no prospects of success, without further explanation (see *Gorou v. Greece (no. 2)* [GC], no. 12686/03, § 41, 20 March

2009, and *Burg and Others v. France* (dec.), no. 34763/02, 28 January 2003; see also general principles in *Tsiolis v. Greece*, no. 51774/17, §§ 61-62, 19 November 2024, with further references).

11. In the present case the Supreme Court of Cassation, albeit in a very succinct manner, ruled on the admissibility of the applicant's request for revision. Admittedly, it limited itself to indicating that it will examine only the complaints concerning the reversal of the part of the judgment rendered by the Court of Appeal, relying on the relevant legal provisions. In the circumstances of the case, the Court accepts that the Supreme Court of Cassation sufficiently delineated the scope of its review and dismisses the applicant's allegation that it failed to rule upon his grievances concerning the shift work that have not been examined by the Court of Appeal (see paragraph 5 above).

12. Regard being had to the above and in the absence of any reliance by the applicant on a provision of domestic law capable of supporting his assertion as to the admissibility of his request for revision on the remaining points, the Court considers that the dismissal of his claim concerning remuneration for shift work was foreseeable and that he had no realistic prospect of success in that respect. Recalling the principles summarised above in paragraph 10, the Court is satisfied that the Supreme Court of Cassation's reasoning was sufficient to comply with the requirements of Article 6 § 1 (see also *Simone v. Germany* (dec.), no. 21853/23, § 37-38, 2 December 2025).

13. It follows that the applicants' complaint is manifestly ill-founded and must therefore be dismissed pursuant to Article 35 § 3 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 1 October 2026.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President