



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

THIRD SECTION

DECISION

Application no. 27905/24
Vesna PETROVIĆ
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. 27905/24) against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 20 September 2024 by a Serbian national, Ms Vesna Petrović (“the applicant”), who was born in 1955 and lives in Niš, and was represented by Mr Aleksić, a lawyer practising in the same city;

the decision to give notice of the complaint concerning Article 1 of Protocol No. 1 to the Convention 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;

the decision to dismiss the Government’s objection to examination of the application by a Committee;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns an alleged violation of the applicant’s right to the peaceful enjoyment of her possessions.

2. By a decision of a public notary of 8 March 2019, the applicant inherited, among other assets, a pistol (hereinafter “the firearm”) from her late mother. As she did not hold a firearm licence, on 14 March 2019 the

applicant surrendered the firearm, together with its accompanying magazines and other related items, to the local police station, which issued her a certificate confirming that these items had been temporarily seized (*potvrda o privremeno oduzetim predmetima*). On the following day, she applied to the competent police department for the issuance of a firearm licence.

3. By a decision of 15 July 2019, adopted on the basis of the Firearms and Ammunition Act (*Zakon o oružju i municiji*), the police department rejected the applicant's request, finding that she had failed to demonstrate justified grounds for possessing a firearm for personal security, as she had not established that her personal safety was liable to be endangered. By the same decision, the firearm was formally seized under Article 28 of that Act, which provides that a person from whom a firearm has been seized may alienate it or have it rendered inoperable within one year of the date on which the decision ordering the seizure becomes final, failing which the firearm becomes the property of the Republic of Serbia. The applicant was accordingly ordered, within one year of the date on which the decision of 15 July 2019 became final, to either sell the firearm or have it rendered permanently inoperable, failing which ownership of the firearm would pass to the State.

4. The applicant appealed, arguing that she had justified grounds for possessing the firearm for her personal security, that she satisfied all the statutory requirements for the issuance of a firearm licence and that the firearm had considerable sentimental value as part of her late mother's estate. Specifically, the applicant submitted that she had inherited the firearm from her late mother, that she had completed certified training in the handling of firearms, that she held the necessary medical certificate, and that, being a woman living alone, she felt vulnerable, as women living alone were more likely to be victims of crime, and that she accordingly needed a firearm for her personal protection. In addition, the applicant pointed out that the decision was inherently contradictory, as it had simultaneously ordered the seizure of the firearm and ordered her to sell it or render it inoperable, even though it was no longer in her possession, it having been seized by the police.

5. On 2 September 2019 the second-instance authority dismissed the applicant's appeal, thereby rendering the first-instance decision final.

6. The applicant subsequently lodged a claim before the Administrative Court. In her submissions before that court, she reiterated her arguments as to why she ought to have been issued a firearm licence; she did not reiterate or otherwise raise her argument that the confiscation decision had been inherently contradictory in that it had ordered her to sell or render inoperable a firearm no longer in her possession.

7. On 21 February 2022 the Administrative Court dismissed her claim.

8. The applicant then lodged a constitutional appeal, alleging violations of her constitutional right to a fair trial, right of property and right to inheritance.

9. On 14 May 2024 the Constitutional Court dismissed the constitutional appeal. Its decision was served on the applicant on 9 July 2024.

10. Relying on Article 1 of Protocol No. 1 to the Convention, the applicant complained that she had been arbitrarily deprived of her possessions.

THE COURT'S ASSESSMENT

11. The Government submitted that the application was inadmissible, as the applicant had not suffered a significant disadvantage within the meaning of Article 35 § 3 (b). They relied in particular on the firearm's low market value (approximately 85 euros) and on the fact that the applicant could have disposed of it without financial loss. They further argued that the interference had been lawful, had pursued the legitimate aim of public safety and arms control and had been proportionate, having regard to the wide margin of appreciation in this field and to the possibility that the applicant could have kept the firearm in a deactivated form.

12. The applicant contested the Government's objection and maintained her complaints. She argued that the confiscation of the firearm and the obligation either to sell it, render it inoperable or transfer its ownership to the State amounted to a disproportionate interference with her property rights. She stressed the sentimental value of the firearm as an inheritance from her late mother and argued that, in these circumstances, the disadvantage she had suffered could not be considered insignificant.

13. The Court does not find it necessary to examine all of the objections raised by the Government, as the application is, in any event, inadmissible for the reasons set out below.

14. The general principles concerning interference with the right to the peaceful enjoyment of possessions have been summarised in *Beyeler v. Italy* ([GC], no. 33202/96, §§ 98 and 107, ECHR 2000-I), *G.I.E.M. S.r.l. and Others v. Italy* ([GC], nos. 1828/06 and 2 others, §§ 289-303, 28 June 2018) and, in the context of measures concerning the enforcement of legislation governing the possession of firearms, *Waldemar Nowakowski v. Poland*, (no. 55167/11, §§ 44-50, 24 July 2012).

15. It has not been in dispute between the parties that the seizure of the applicant's firearm constituted an interference with the peaceful enjoyment of her possessions, that it was lawful, having been carried out in direct application of the statutory prohibition on the possession of firearms without a licence, and that it pursued the general interest, namely control over the possession of firearms and the protection of public safety. The Court sees no reason to hold otherwise.

16. The Court does not find it necessary to determine whether the interference amounted to a deprivation of possessions within the meaning of the second sentence of the first paragraph of Article 1 of Protocol No. 1 or to a control of the use of property within the meaning of the second paragraph

of that provision, as the principles governing the question of justification are substantially the same (see *Denisova and Moiseyeva v. Russia*, no. 16903/03, § 55, 1 April 2010, and *Aktiva DOO v. Serbia*, no. 23079/11, § 78, 19 January 2021).

17. The sole question before the Court is accordingly whether the interference struck a fair balance between the demands of the general interest of the community and the requirements of the protection of the applicant's rights, regard being had, among other factors, to the conduct of the owner (see *G.I.E.M. S.r.l. and Others*, cited above, § 293, and *AGOSI v. the United Kingdom*, 24 October 1986, §§ 52 and 54, Series A no. 108). In choosing the measures they consider appropriate for ensuring that firearms do not remain in the possession of persons not authorised to hold them, a sphere in which considerations of public safety are directly at stake, the Contracting States enjoy a wide margin of appreciation (see, *mutatis mutandis*, *AGOSI*, cited above, § 52, and *Denimark Limited and 11 Others v. the United Kingdom* (dec.), no. 37660/97, 26 September 2000).

18. Turning to the circumstances of the present case, the Court observes that the applicant voluntarily surrendered the firearm to the police, upon receiving it under the inheritance decision, at a time when she held no licence for its possession (see paragraph 2 above). In these circumstances, the authorities had no discretion to leave the firearm in her possession, and its confiscation followed directly and foreseeably from her own disclosure rather than from any arbitrary or unforeseeable act on the part of the State.

19. The Court further notes that the impugned measure was not imposed on the applicant without alternatives. Under Article 28 of the Firearms and Ammunition Act, a person whose firearm has been confiscated may alienate it or have it rendered inoperable within one year of the date on which the confiscation decision becomes final; failing that, ownership of the firearm passes to the State (see paragraph 3 above).

20. In her appeal against the first-instance decision, the applicant argued that the operative part of the confiscation decision was inherently contradictory, in that it required her to dispose of a firearm no longer in her possession (see paragraph 4 *in fine* above). She did not, however, advance this argument before the Administrative Court, before the Constitutional Court or in her application before the Court. Even assuming that the argument may be understood to have been implicitly raised before the Court, and that domestic remedies had also been properly exhausted in that respect, the Court is not persuaded by it for two reasons. First, Article 28 of the Firearms and Ammunition Act, under its own terms, presupposes that the possibilities of selling a firearm or having it rendered inoperable remain open even after its seizure; the scheme is not, therefore, self-contradictory on its face. Second, of the three avenues available to her under domestic law, that is, applying for a licence, selling the firearm, or having it rendered inoperable, the applicant pursued only the first, which was ultimately refused following an assessment

at two levels of jurisdiction. The remaining two alternatives were available to her for a period of one year from the date on which the confiscation decision became final, yet she did not claim, either domestically or before the Court, that she had at any point approached the competent police department to request that either of them be executed or that she had encountered any obstacle in doing so; nor is there anything in the file to suggest as much. Having made no attempt to test whether these alternatives were in practice available to her, it is not open to the applicant to argue, on the basis of speculation alone, that they would not have been.

21. The Court also notes that the applicant was able to challenge both the refusal of a licence and the confiscation of the firearm before the competent second-instance authority (see paragraphs 4-5 above), the Administrative Court (see paragraphs 6-7 above) and, subsequently, the Constitutional Court (see paragraphs 8-9 above), each of which examined her arguments and gave reasoned decisions. She was therefore afforded a reasonable opportunity of putting her case to the responsible authorities (see *G.I.E.M. S.r.l. and Others*, cited above, § 302).

22. Having regard to the foregoing, the lawful and foreseeable character of the confiscation, the wide margin of appreciation enjoyed by the Contracting States in matters concerning the control of firearms, the genuine alternatives available to the applicant under domestic law of which she made no attempt to avail herself, and the opportunities afforded to her to contest the measure before the domestic authorities, the Court considers that the interference complained of did not upset the fair balance required by Article 1 of Protocol No. 1 to the Convention, nor did it impose an individual and excessive burden on the applicant.

23. It follows that the application is 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,

Declares the application inadmissible.

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

Olga Chernishova
Deputy Registrar

Peeter Roosma
President