



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

FIFTH SECTION

CASE OF ZIKATANOVA AND OTHERS v. BULGARIA

(Application no. 45806/11)

JUDGMENT

Art 1 P1 • Peaceful enjoyment of possessions • No “legitimate expectation” to restitution in kind • Lengthy unjustified delays in restitution proceedings in respect of agricultural land • Prolonged uncertainty as to exact scope of entitlement to restitution

STRASBOURG

12 December 2019

FINAL

12/03/2020

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Zikatanova and Others v. Bulgaria,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Angelika Nußberger, *President*,

Ganna Yudkivska,

Yonko Grozev,

Síofra O’Leary,

Mārtiņš Mits,

Lətif Hüseynov,

Lado Chanturia, *judges*,

and Milan Blaško, *Deputy Section Registrar*,

Having deliberated in private on 19 November 2019,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 45806/11) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a hundred and forty-seven Bulgarian nationals (“the applicants”) on 15 July 2011. Some of the applicants passed away after the lodging of the application and their heirs expressed a wish to continue the proceedings in their stead. A list of the applicants, indicating also the heirs of those of them who have passed away, is set out in the appendix.

2. The applicants were represented by Mr M. Ekimdzhev and Ms G. Chernicherska, lawyers practising in Plovdiv. The Bulgarian Government (“the Government”) were represented by their Agents, Ms I. Stancheva-Chinova and Ms I. Nedyalkova, of the Ministry of Justice.

3. The applicants, who had initiated restitution-of-property proceedings, complained, relying on Article 1 of Protocol No. 1 and Article 13 of the Convention, about the impossibility of obtaining restitution in kind and about the prolonged uncertainty in resolving their restitution claims.

4. On 5 July 2018 the Government were given notice of the application, in so far as the applicants enumerated in the appendix were concerned, while the complaints of other initial applicants were declared inadmissible pursuant to Rule 54 § 3 of the Rules of Court.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

A. Facts common to all applicants

5. Ancestors of the applicants owned plots of agricultural land in the outskirts of Sofia, in an area called Vrazhdebna. In the 1950s the land was incorporated into an agricultural cooperative.

6. In 1960 the State expropriated part of the land used by the cooperative. The plot, measuring about 350,000 square metres, was registered as State property in 1970. On that land the Ministry of Education created, and subsequently managed, an experimental field for students and trainee agrobiologists. In the 1960s and 1970s buildings, roads, irrigation installations and other infrastructure were constructed on the land.

7. In 1998 the Minister of Education granted the use of the field to the Forestry University in Sofia.

8. In the meantime, in 1991 Parliament enacted the Agricultural Land Act (hereinafter “the 1991 Act”, see paragraph 46 below). On different dates after that the applicants applied for the restitution of their ancestors’ land. The individual restitution procedures, most of which have not yet ended, are described in more detail in paragraphs 17-45 below.

9. In 1999 the Ministry of Agriculture proposed that about 63,000 square metres of the territory of the experimental field be reserved for use by the Forestry University, and the remainder be used to satisfy restitution claims of former owners of land in the area. In 2001, upon the initiative of the Ministry of Agriculture, the Sofia regional governor proposed to the Council of Ministers (the Government) to annul its 1960 decision concerning the expropriation of the land (see paragraph 6 above), as that decision was seen as an impediment to the completion of the restitution procedures. The proposal has never been examined by the Government.

10. A land redistribution plan for Vrazhdebna (concerning land not included in the territory of the experimental field) was adopted in 1999 (on such plans see paragraph 48 below).

11. In 2008 the Minister of Education once again granted the Forestry University the right to use and manage the experimental field, and initiated a procedure for the registration of that land as public State property.

12. In 2010 the Kremikovtsi Agricultural Department (hereinafter “the Agricultural Department”) took the position that the land at issue was being used “ineffectively” by the University. It reiterated its proposal that, apart from 63,000 square metres necessary for the experimental field, the remainder of the land should be subject to restitution.

13. In 2011 the Minister of Education sent a letter to the Minister of Agriculture, explaining that the totality of the land was being used as an

experimental field, and insisting that the restitution decisions concerning the territory of the field be re-examined.

14. On 18 March 2014 the plot of land, with a surface of 340,959 square metres, was entered by the Sofia regional governor into the list of public State properties.

15. In 2017 the Agricultural Department instructed the applicants to submit requests for the restitution in kind of their plots.

16. In October 2018 some of the applicants brought an action against the State, contesting the registration of the land of the experimental field as public State property, and seeking a judicial declaration that that land was not such property. The Court has not been informed of the course of these proceedings.

B. Individual restitution proceedings

1. Applicants nos. 1-9

17. In a decision of 18 May 1994 the Kremikovtsi land commission (hereinafter “the land commission”, after 2002 renamed as Agricultural Department, see paragraph 59 below) refused the restitution of a plot of land. After applicants nos. 1-9 sought judicial review, that decision was quashed on 26 May 1995 by the Sofia District Court, which found it sufficiently established that the applicants’ ancestor had owned the plot and that the land had been included in the agricultural cooperative. Accordingly, it stated that it “restored” the applicants’ rights to the plot “through a land redistribution plan”.

18. Despite that, in a subsequent decision of 19 June 1995 the land commission stated that the applicants were to receive compensation in lieu of restitution. That decision was served on the applicants.

19. The applicants did not object to the land redistribution plan for Vrazhdebna adopted in 1999 (see paragraph 10 above).

20. In 2006 they sought a judicial declaration that the decision of 19 June 1995 was null and void. Such a declaration was made in a judgment of the Sofia District Court of 4 July 2007, which found that the impugned decision contradicted the previous judgment of 26 May 1995.

21. In 2017 the applicants submitted a request for restitution in kind (see paragraph 15 above). In a decision of 18 January 2018 the Agricultural Department refused such restitution, noting that the land claimed by them was considered public State property, and held that the applicants were entitled to compensation. The applicants applied for judicial review. The proceedings initiated by them are still pending.

2. Applicants nos. 10-25, 34, 37 and 44-67

22. As concerns the restitution claims of applicants nos. 34, 37 and 61-67, prior to 2010 the land commission, subsequently Agricultural Department, gave several decisions, which were quashed or declared null and void by the competent courts upon application by the applicants. Finally, their entitlement to restitution in kind was recognised in a decision of the Agricultural Department of 16 December 2010.

23. In 2005-06 applicants nos. 10-25 and 44-60 brought proceedings against the Agricultural Department under section 11(2) of the 1991 Act (see paragraph 53 below), seeking a declaration that they were entitled to the restitution of different plots of land. Their claims were allowed in judgments of the Sofia District Court, which recognised the applicants' restitution rights. After that, in decisions given in 2006 and 2007 the Agricultural Department also provided such a recognition.

24. In 2017 the applicants submitted requests for restitution in kind (see paragraph 15 above). In four decisions dated 11 and 18 January 2018 the Agricultural Department refused such restitution, noting that the land at issue was considered public State property, and held that the applicants were entitled to compensation in lieu of restitution. The applicants applied for judicial review. The proceedings are still pending.

25. In one of the cases (brought by applicants nos. 44-60), in a judgment of 8 January 2019 the Sofia District Court dismissed the application for judicial review, finding that the previous judicial and administrative decisions had not ordered restitution in kind and could not give rise to title to property, but had contained a general recognition of the applicants' entitlement to restitution. The Agricultural Department's impugned decision had determined the manner of completing the restitution procedure, namely through the provision of compensation. Restitution in kind of the land claimed by the applicants was impossible, in particular given the requirements of section 24(2) of the 1991 Act (see paragraph 49 below).

26. On an unspecified date the applicants lodged an appeal against that judgment.

3. Applicants nos. 68-82, 103-16, 121-30 and 147

27. In 2007 applicants nos. 121-30 brought proceedings against the Agricultural Department under section 11(2) of the 1991 Act, and their entitlement to restitution was recognised in a judgment of 7 March 2008 of the Sofia City Court. In a subsequent decision of 17 May 2008, which was not contested and became final, the Agricultural Department also recognised the applicants' entitlement to restitution, holding expressly that part of the plot claimed by them could not be subject to restitution in kind since it fell within the territory of the experimental field.

28. As concerns applicants nos. 103-08, on 9 March 1999 the land commission stated that they were entitled to compensation in lieu of restitution. In another decision which the applicants submitted, dated 20 February 2001, it recognised, in principle, their entitlement to restitution in kind. The Government contested the authenticity of that latter decision, on the ground that an original of such a decision had not been found in the Agricultural Department's archives, and the decision with corresponding number and date concerned different plots.

29. The entitlement of applicants nos. 68-82, 109-16 and 147 to the restitution of several plots of land in Vrazhdebna was recognised in decisions of the land commission (respectively Agricultural Department) issued on different dates in 1999 and 2010-11.

30. In 2017 the applicants submitted requests for restitution in kind (see paragraph 15 above). By letters sent in the end of 2017 and the beginning of 2018 the Agricultural Department informed them that they had to submit cadastral plans of the plots claimed by them – documents that the applicants contend they are not able to obtain. The course of the restitution procedures after that is unclear.

4. Applicants nos. 83-89

31. In 2006 and 2007 applicants nos. 83-89 brought proceedings against the Agricultural Department, under section 11(2) of the 1991 Act, seeking a declaration that they were entitled to the restitution of different plots of land in Vrazhdebna. The actions were allowed by the competent courts in 2006 and 2011.

32. In the proceedings brought by applicants nos. 83-87, in a subsequent decision of 11 January 2018 the Agricultural Department refused restitution in kind, noting that the plot of land claimed by them was considered public State property, and held that the applicants were to receive compensation. In ensuing proceedings for judicial review brought by the applicants, in a judgment of 27 December 2018 the Sofia District Court quashed the impugned decision, finding that the Agricultural Department had failed to show that any of the impediments to restitution in kind was present. The Department filed an appeal, and the appeal proceedings are pending.

33. In the proceedings brought by applicants nos. 88-89, on 2 August 2013 the Agricultural Department refused restitution in kind of the plots claimed, noting that the land fell within the territory of the experimental field used by the Forestry University, and held that the applicants were entitled to compensation. In judicial-review proceeding brought by the applicants, that decision was quashed in a final judgment of 29 May 2014 of the Sofia District Court, which noted that the Agricultural Department had not shown that any of the impediments to restitution in kind were present, in particular since it had not submitted evidence to prove that the land at issue indeed fell within the territory of the experimental field. Accordingly, the

Sofia District Court held that the applicants' property rights were to be restored. In a subsequent decision of 26 September 2014 accompanied by a cadastral plan the Agricultural Department also ordered restitution in kind, and in 2016 the applicants obtained a notarial deed, recognising them as owners. However, they could not enter into possession of the land, since it was being held by the Forestry University. In 2017 the land register in Sofia refused to register the land as property of the applicants, noting the property dispute between them and the University and pointing out that it fell to be decided by the civil courts.

5. Applicants nos. 32-33, 38-43, 117-20 and 140-46

34. In judgments given in 1996-97 and 2006 the Sofia District Court recognised the entitlement of applicants nos. 32-33, 117-20 and 140-46 to the restitution of several plots of land in Vrazhdebna. In further decisions given on different dates between 1999 and 2017 the land commission, respectively the Agricultural Department, refused restitution in kind of the plots at issue and held that the applicants were to receive compensation. The applicants did not apply for judicial review of the respective decisions, and those decisions entered into force.

35. As to applicants nos. 38-43, the land commission refused restitution in kind and held that they would receive compensation in a decision of 13 January 1995. Upon application by the applicants, that decision was declared null and void by the Sofia District Court on 19 November 2008. Subsequently, on 18 March 2009 the Agricultural Department held once again that the applicants were to receive compensation. The application for the judicial review of that decision submitted by the applicants was found inadmissible in 2011 and the decision at issue thus entered into force. Applicants nos. 38-43 submitted in addition a decision of the land commission dated 4 March 1999, restoring their property rights to the plots at issue. The document sent by them does not carry the signatures of the commission members, but has a handwritten mention that it is a valid copy, accompanied by the commission's stamp. The Government disputed the authenticity of the document, saying that an original copy of such a decision could not be found, and that if such a decision had been validly given, it would have been pointless for the applicants to contest the initial refusal of the commission of 13 January 1995.

36. In 2001 the land commission set the value of the compensation to be provided to applicants nos. 140-46, and the applicants made a declaration as to their preferred means of compensation. No further decision on the compensation due to them has been taken. Nor has the land commission (later on Agricultural Department) taken any decision on the compensation to be provided to applicants nos. 32-33, 38-43 and 117-20.

6. Applicants nos. 134-39

37. Applicants nos. 134-39 submitted a copy of a decision dated 23 March 1999, with the heading and the stamp of the Agricultural Department, stating that their property rights to several plots in Vrazhdebna were being restored. The plots were not however identified with the necessary specifications (see paragraph 55 below). The document submitted by the applicants does not carry the signatures of the Department members, but has a handwritten mention that it is a valid copy, accompanied by the Department's stamp. The applicants stated that it had not been accompanied by a cadastral plan of the plot.

38. The Government disputed the authenticity of the above document, and submitted another decision of the same date and bearing the same number, issued by the land commission and signed by its members, refusing restitution in kind of some of the plots claimed by the applicants and stating that the applicants would receive compensation. Another similar decision concerning the remaining plots claimed by the applicants had been issued on 12 January 1995. The Government stated that both decisions submitted by it had entered into force. The applicants, for their part, contended that they had never been notified of such decisions.

7. Applicants nos. 90-102 and 131-33

39. In several decisions issued in 1995 the land commission recognised the entitlement of applicants nos. 90-102 and 131-33 to the restitution of plots of land in Vrazhdebna, holding that these plots were to be returned to the applicants through a land redistribution plan. The applicants' complaints concern some of these plots only.

40. A land redistribution plan for the area was adopted in 1999 (see paragraph 10 above) and a number of plots of land were allotted to the applicants. The applicants did not challenge the plan. In their submissions to the Court they claimed that that plan did not concern the plots which are the subject of the present complaints.

41. In 2001 a further decision of the land commission stated that other plots were to be returned through a land redistribution plan to applicants nos. 131-33.

42. In 2017 applicants nos. 90-102 submitted a request for restitution in kind of the plot which is the subject of their complaints. In a letter of 30 October 2017 the Agricultural Department instructed them to submit a cadastral plan of that plot – a document which they contend not to be able to obtain.

8. Applicants nos. 26-31 and 34-37

43. In decisions given between 1994 and 1999 the land commission recognised the entitlement of applicants nos. 26-31 and 34-37 to the

restitution of several plots of land in Vrazhdebna, through a land redistribution plan.

44. Such a plan for the area was adopted in 1999 (see paragraph 10 above). Under it plots of land were allotted to the applicants. In December 1999 the applicants took possession of their land.

9. Table of the proceedings

45. The individual proceedings described above are also presented in the following table, which contains additionally data on the size of the plots claimed by the applicants:

Applicants nos.	Size of the plots claimed, in square metres	Dates on which the applicants' entitlement to restitution was recognised by the relevant national authorities
1-9	10,000	26 May 1995
10-14	3,600	24 October 2006
15-25	6,000	14 February 2006
26-31	2,100	10 July 1996
32-33	5,891	17 November 2006
34-37	4,000	21 June 1994 and 18 April 1996
38-43	20,500	18 March 2009
44-60	1,648	26 October 2006
34, 37 and 61-67	6,000	16 December 2010
68-82	10,000	12 May 1999
83-87	5,013	16 May 2006
88-89	6,300	26 May 2011
90-102	2,400	17 January 1995
103-08	2,800	9 March 1999
109-16	13,400	18 May 2010
117-20	3,600	23 May 1996
121-30	3,000	7 March 2008
131-33	4,500 6,500	26 November 1995 11 June 2001
135-39	12,400	12 January 1995 and 23 March 1999
140-46	3,000	2 October 1997
147	6,000	9 June 2011

II. RELEVANT DOMESTIC LAW AND PRACTICE

46. Restitution of agricultural land is provided for in the Agricultural Land Act of 1991 (*Закон за собствеността и ползването на земеделските земи* – “the 1991 Act”) and the Regulations on the Implementation of the Agricultural Land Act (*Правилник за прилагане на Закона за собствеността и ползването на земеделските земи*, hereinafter “the Regulations”).

A. Scope of the restitution

47. The 1991 Act provides, *inter alia*, that persons, or their heirs, whose land has been collectivised, may request the restoration of their ownership rights under certain conditions. If their request is allowed, they can obtain restitution in kind or compensation in lieu thereof.

48. Restitution in kind can be “in actual boundaries” (“*в стари реални граници*”) – in cases where the old borders of the plot of land once owned by the claimant or his or her ancestors are preserved or traceable (roads, fences, river banks, trees and others, which have not changed after the collectivisation), or through a so-called land redistribution plan (“*план за земеразделяне*”). Land redistribution plans set new borders of the plots to be restituted, if possible in the approximate area where the plots previously owned had been situated (section 10a(2) of the 1991 Act).

49. The 1991 Act envisages different situations where restitution in kind (“in actual boundaries” or through a land redistribution plan) cannot be carried out and the claimants are to receive compensation in lieu thereof. Section 10(7) excludes restitution in kind in situations where third parties have lawfully constructed buildings in urbanised areas. Under section 10b(1), compensation is also to be awarded in cases where the land has been taken by a “complex of construction works” (*мероприятие*). The national courts have interpreted that latter term broadly, taking it to cover any construction or other public works, regardless of their lawfulness (*Решение № 77 от 9.03.2010 г. на ВКС по гр. д. № 4209/2008 г., I г. о., ГК; Решение № 70 от 22.06.2010 г. на ВКС по гр. д. № 674/2009 г., I г. о., ГК*). In addition, under section 24(2), (3) and (4) of the 1991 Act the State retains property of land used for purposes such as education, science, archaeological studies and national defence, as well as land included in certain national parks and reserves. The existence or not of the above impediments to restitution in kind is to be assessed as of the moment of the 1991 Act’s entry into force.

50. Additionally, if the land available for redistribution is not sufficient to satisfy the restitution claims of all former owners, they may be awarded partial compensation (section 19(1) and (8) of the Regulations). Compensation is also to be awarded in situations where a claimant has

presented to the land commission/Agricultural Department a court judgment recognising his entitlement to restitution through a land redistribution plan or a judgment given in the procedure under section 11(2) of the 1999 Act (see paragraph 53 below) after a redistribution plan for the area has already been elaborated (section 11(4) of the 1991 Act and section 25(3) of the Regulations).

51. As to compensation in lieu of restitution, it can be through comparable municipally-owned land, in so far as such land is available, or through so-called compensation bonds.

B. Procedural rules

52. Under section 11(1) of the 1991 Act, former owners, or their heirs, could initiate administrative proceedings for restitution within a period of seventeen months following the entry into force of the Act. They had to lodge a request for restitution with the local land commission, which had to establish whether the relevant statutory conditions for restitution were met, and if so, to issue a decision. Favourable decisions of the land commissions were not subject to judicial review and were final, whereas negative decisions were subject to judicial review (section 14(3) of the 1991 Act).

53. Persons seeking restitution of agricultural land who had missed the seventeen-month time-limit indicated above could bring an action for a declaratory judgment against the local land commission/Agricultural Department (section 11(2) of the 1991 Act). Such a possibility existed until 2007. Where the courts decided in favour of the claimants, the administrative bodies had to comply and issue the necessary decisions.

54. It has been the established practice of land commissions (Agricultural Departments) to issue several types of decisions during the different stages of the procedure. A first decision, based usually on an assessment of merely whether the claimants' predecessors were the owners of the plots of land concerned and whether the land was included in an agricultural cooperative, recognises the claimants' entitlement to restitution. Sometimes such a decision can also state that the restitution would be carried out through a land redistribution plan (section 14(1)(2) of the 1991 Act). Decisions of that type do not give rise to any title to property (*Решение № 11 от 06.02.1998 г. по гр. д. № 1480/1997, ВКС, IV гр. о.; Решение № 43 от 3.02.2010 г. на ОС-Пазарджик по в. гр. д. № 12/2010 г.; Решение от 20.12.2017 г. на ОС-Ямбол по в. гр. д. № 318/2017 г.*). They have been referred to in the legal theory as "recognition" decisions (Венцислав Стоянов, Стойка Куртева, Юлия Стойкова, „Правен режим на земеделските земи и горските територии“, 2011, стр. 24-25). Judgments given in proceedings under section 11(2) of the 1991 Act can also only have a "recognition" effect (*Решение от 20.12.2017 г. на ОС-Ямбол по в. гр. д. № 318/2017 г.*;

Решение № 473 от 24.11.2014 г. на РС - Карлово по гр. д. № 235/2013 г.).

55. A further decision of the land commission (Agricultural Department) orders restitution “in actual boundaries” or allocates the former owners specific plots under a land redistribution plan. Such decisions – capable of giving rise to property rights and completing the restitution procedure through restitution in kind – have been known in the legal theory as “restoration” decisions. A “restoration” decision has to indicate the specifications of the plots of land concerned, namely their size, category, location and borders. Such a decision must also be accompanied by a cadastral plan of the plots. If these requirements are met, the decision at issue, after it enters into force, serves as title to property equivalent to a notarial deed (sections 14(1)(1) and 17(1) of the 1991 Act and sections 18g(1) and 27(1) and (3) of the Regulations).

56. Nevertheless, even where such a decision has been issued and has entered into force, it can be contested by a third party having competing claims (not based on restitution) to the same plot of land, since the procedure under the 1991 Act does not permit that party’s participation and any judgments and decisions given in the restitution proceedings are not considered binding on it. The domestic courts examining such a third-party claim exercise what is called “indirect judicial review” and re-examine, in view of the new arguments put forward, whether the preconditions for restitution in kind had been in place (*Решение № 201 от 30.06.2010 г. на ВКС по гр. д. № 79/2009 г., II г. о., ГК; Решение № 250 от 8.05.2014 г. на ВКС по гр. д. № 3215/2013 г., II г. о., ГК*; additional domestic case law is cited in *Sivova and Koleva v. Bulgaria*, no. 30383/03, § 44, 15 November 2011).

57. Different decisions are also given by the land commissions (Agricultural Departments) with regard to the allocation of compensation in lieu of restitution. The relevant bodies are to set the value and type of compensation and, where compensation is to be through the provision of other comparable land, select and distribute the respective plots (Article 19a of the 1991 Act).

58. Interested parties may make challenges to land redistribution plans, before the land commission or the courts, within fourteen days of their publication (section 25(2), (4) and (6) of the Regulations).

59. The competent administrative bodies – land commissions, which were local branches of the Ministry of Agriculture – were replaced with Agricultural Departments in 2002.

C. Relevant provisions concerning State properties

60. Pursuant to section 7(1) of the State Property Act (*Закон за държавната собственост*), public State property cannot be transferred to private persons.

61. Entries into the list of State-owned properties, to be effectuated by regional governors, do not in themselves give rise to property rights for the State (section 5(3) of the State Property Act). Any ownership dispute is to be determined by the courts (section 79(3) of the Act).

THE LAW

I. PRELIMINARY QUESTIONS

A. Withdrawal of the complaints by some of the applicants

62. In their observations following the communication of the application applicants nos. 26-31 and 34-37 stated that they wished to withdraw their complaints, seeing that their restitution claims had been satisfied (see paragraphs 43-44 above).

63. In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention and the Protocols thereto, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application in so far as applicants nos. 26-31 and 34-37 are concerned. Accordingly, that part of the application is to be struck out of the list.

B. The Government's objection concerning applicants nos. 14 and 102

64. The Government observed that applicants nos. 14 and 102, Ms Angelina Angelova Hristova and Ms Gyurgena Traykova Mladenova, had passed away on 22 May and 20 January 2011 respectively, namely before the lodging of the application on 15 July 2011 (see paragraph 1 above). The Government urged the Court to dismiss these applicants' complaints as inadmissible.

65. The Court, noting that Ms Hristova and Ms Mladenova indeed passed away before the lodging of the application, finds the complaints raised on their behalf incompatible *ratione personae* with the provisions of the Convention, within the meaning of Article 35 § 3 (a), and thus rejects them in accordance with Article 35 § 4.

66. Accordingly, when it indicates hereinafter “the applicants”, the Court will refer to the remaining applicants, excluding those discussed in paragraphs 62-65 above.

C. The Government’s objection concerning applicants nos. 32 and 33

67. The Government pointed out that applicants nos. 32 and 33, Ms Varadinka Pavlova Taseva and Mr Dimitar Pavlov Toshkov, had not submitted an authority form, whereas the application had been lodged by their representatives and not by the applicants themselves. On that ground the Government urged the Court to dismiss the complaints of Ms Taseva and Mr Toshkov.

68. After that argument had been raised, the applicants’ representatives submitted an authority form signed by those two applicants, dated 1 March 2011, as well as an invoice dated 17 March 2011 showing that Ms Taseva had paid their legal fee. Since Ms Taseva and Mr Toshkov had in the meantime passed away, the representatives submitted also statements by their heirs who wished to continue the proceedings. As to the invoice, even though it indicated Ms Taseva as the payer, it was not signed by her, but by an unknown third person. The Government pointed to this fact, and in addition contested Mr Toshkov’s signature on the authority form, noting some differences between it and his signature seen on other documents.

69. The Court points out that, pursuant to Rule 45 § 3 of the Rules of Court, a valid power of attorney is required where an applicant is represented in the proceedings before it. In the present case it has to determine whether the applicants themselves signed the relevant documents and, in view of all the evidence, whether the application was made with their consent and whether they maintained an interest in pursuing the case (see, for example, *Velikova v. Bulgaria*, no. 41488/98, §§ 48-51, ECHR 2000-VI).

70. In the absence of any further evidence to the contrary, the Court is satisfied that Mr Toshkov signed the authority form of 1 March 2011, observing that, despite some differences, the signature contested by the Government is not dissimilar to his signature on other documents. As to the invoice, its being signed by a third person does not alter the fact that payment was made, as indicated in the document, in Ms Taseva’s name and for the purposes of her legal representation before the Court. Accordingly, the Court concludes that the two applicants at issue intended to authorise their representatives to lodge an application on their behalf and that they took the necessary action in that respect. It was apparently due to an error that the authority form was not submitted initially together with the forms signed by the remaining applicants (contrast *Post v. the Netherlands* (dec.), no. 21727/08, 20 January 2009, where there had been no indication whatsoever that the applicant wished the person having submitted the

application to represent her). The Court notes in addition that, after Ms Taseva and Mr Toshkov passed away, their heirs wished to maintain the application.

71. The Court finds accordingly that the application has been validly submitted on behalf of the two applicants and dismisses the Government's objection in that regard.

D. Abuse of the right of individual application

72. The Government, contesting the authenticity of several documents submitted by the applicants (see paragraphs 28, 35 and 38 above), also urged the Court to dismiss the complaints of the respective groups of applicants on the ground of abuse of the right to individual application.

73. The Court has held that an application may be rejected under Article 35 § 3 (a) of the Convention for abuse of the right of individual application if, among other reasons, it was knowingly based on untruths, or if the applicant submitted incomplete or misleading information (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014, and *Shalyavski and Others v. Bulgaria*, no. 67608/11, § 44, 15 June 2017).

74. However, in the case at hand it has not been established whether, if the impugned documents were not authentic (see the analysis in paragraphs 93 and 116 below), the applicants were aware of this. Accordingly, it has not been proven that the applicants "knowingly" declared untruths or submitted misleading information, and the Court cannot conclude that they abused their right to individual application. It thus dismisses the Government's objection.

75. Nevertheless, the Court will refer to the matter in its analysis, and assess the reliability of the documents at issue when examining on the merits the respective complaints (see paragraphs 90, 93, 95 and 116 below).

E. *Locus standi* of the remaining applicants' heirs

76. Lastly, the Court sees no reason not to accede to the wish of the heirs of the remaining applicants who passed away after the lodging of the application to continue the proceedings in their predecessors' stead (see paragraph 1 above and the appendix).

II. ALLEGED VIOLATIONS OF ARTICLE 1 OF PROTOCOL NO. 1

77. The applicants complained under Article 1 of Protocol No. 1 and Article 13 of the Convention about the impossibility of obtaining the restitution in kind of their predecessors' land in Vrazhdebna and the prolonged uncertainty in resolving their restitution claims.

78. The Court is of the view that the complaints fall to be examined under Article 1 of Protocol No. 1 alone, which reads as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Arguments of the parties

1. The Government

79. As concerns the impossibility to obtain restitution in kind, the Government argued that the complaints of many of the applicants under Article 1 of Protocol No. 1 were incompatible *ratione materiae*, since no “legitimate expectation” for them to the restitution in kind of their predecessors’ land had ever arisen. The relevant administrative and judicial bodies had only given “recognition” decisions, which meant that the exact manner of completing the restitution process had not been determined. The Government pointed out in addition that in some cases the applicants had not contested decisions of the land commission/Agricultural Department affecting them. Furthermore, in many cases proceedings regarding the scope of the applicants’ restitution rights were still pending.

80. The Government contended that the experimental field in Vrazhdebna had for many years been used for educational purposes, even before the adoption of the 1991 Act, and that there had been no ambiguity as to its status. It was being managed by the Ministry of Education and the Ministry of Agriculture, through its bodies, was not competent to take any decisions concerning it. The State had legitimately retained for itself ownership in the experimental field, and the only possible manner of completing the restitution procedures initiated by the applicants was through the award of compensation. The Government relied on earlier decisions and judgments of the Court concerning restitution, such as *Sivova and Koleva* (cited above) and *Kupenova and Others v. Bulgaria*, ((dec.), no. 12664/05, 7 May 2013).

81. Lastly, the Government argued that many of the applicants had remained inactive in the restitution procedures and had not taken the “necessary action as required by law”. In particular, it had been only in 2017, long after the initial “recognition” decisions in their favour, that many of the applicants had expressly requested restitution in kind. The proceedings had additionally been delayed due to the applicants’ “refusal to accept” that restitution in kind of their land in Vrazhdebna was impossible.

2. *The applicants*

82. The applicants argued that a large part of the national authorities' actions related to their restitution claims had been "clearly designed and undoubtedly aimed" at accomplishing restitution in kind. They considered that even after the registration of the territory of the experimental field in Vrazhdebna as public State property the bodies of the Ministry of Agriculture had "maintained" in them the expectation that they would obtain such restitution. At the same time, other State bodies, in particular the Council of Ministers and the regional governor, had "manifestly in bad faith" obstructed that process.

83. In support of the above arguments the applicants relied on the Court's earlier restitution cases of *Mutishev and Others v. Bulgaria* (no. 18967/03, 3 December 2009), *Hadzhigeorgievi v. Bulgaria* (no. 41064/05, 16 July 2013) and *Velcheva v. Bulgaria* (no. 35355/08, 9 June 2015).

84. At the same time, the applicants stated that the State authorities' obligation was to complete the restitution procedures, in any of the manners provided for by law, and within a reasonable time. If restitution in kind was impossible, they had had to award compensation. For many years the authorities had failed to complete the procedures, and had in addition kept the applicants in prolonged uncertainty as to the scope of their restitution rights and the feasibility of restitution in kind. The applicants, for their part, had cooperated with the authorities and had complied with any instructions they had been given.

85. In so far as the Government contested the authenticity of documents submitted by the applicants (see paragraphs 28, 35 and 38 above), the applicants argued that such contestation was impermissible in the proceedings before the Court.

B. The Court's assessment

1. Complaint related to the impossibility for the applicants to obtain restitution in kind

Admissibility

86. According to the Court's settled case-law, applicants may allege a violation of Article 1 of Protocol No. 1 only in so far as the impugned decisions relate to their "possessions" within the meaning of that provision. "Possessions" can be either "existing possessions" or assets, including claims, in respect of which the applicants can argue that they have at least a "legitimate expectation" of obtaining effective enjoyment of a property right (see *Kopecký v. Slovakia* [GC], no. 44912/98, § 35, ECHR 2004-IX, and

Von Maltzan and Others v. Germany (dec.) [GC], nos. 71916/01 and 2 others, § 74, ECHR 2005-V).

87. The present cases do not concern “existing possessions” of the applicants, since most of the restitution procedures initiated by them have not ended and none of the applicants has entered into possession of the land claimed. It remains therefore to be determined whether the applicants could be said to have acquired a “legitimate expectation” of obtaining the restitution in kind they have sought.

88. In that regard, the Court has previously accepted that legislation enacted or in force after the ratification of the Convention and Protocol No. 1 and providing for full or partial restoration of property confiscated under a previous regime may be regarded as giving rise to “possession” protected by Article 1 of Protocol No. 1 for those satisfying the relevant conditions (see *Kopecký*, cited above, § 35). However, the mere hope that a long-extinguished property right may be revived cannot be regarded as such “possession” (see *Jantner v. Slovakia*, no. 39050/97, § 27, 4 March 2003).

89. In 1991 the Bulgarian Parliament adopted legislation providing for the restitution of agricultural land, and in particular for restitution in kind (see paragraphs 46-48 above). The existence or not of the conditions for restitution in kind in the cases under examination is, in principle, to be assessed by the competent national authorities, in accordance with domestic law. The Court’s task is to survey whether those authorities have taken decisions capable of giving rise to a “legitimate expectation” to restitution in kind, as claimed by the applicants.

90. This was clearly not the case as concerns applicants nos. 32-33, 38-43, 117-20 and 140-46. In the restitution proceedings initiated by those applicants, on different dates between 1999 and 2017 the competent authorities – the local land commission, subsequently the Agricultural Department – ordered the award of compensation and refused restitution in kind. These decisions entered into force after the applicants failed to duly challenge them (see paragraphs 34-36 above). As concerns in particular applicants nos. 38-43, it is irrelevant for the present analysis whether a decision restoring their property rights was given on 4 March 1999 – as claimed by the applicants and disputed by the Government (see paragraph 35 above); what is decisive is that a subsequent decision of 18 March 2009 stated that those applicants were to receive compensation and that that decision has entered into force.

91. Accordingly, the applicants in the cases above cannot claim to have any “legitimate expectation” to restitution in kind.

92. The Court reaches the same conclusion as regards applicants nos. 134-39. In that case two decisions of the land commission – one adopted in 1995 and the other in 1999 – refused restitution in kind of the plots claimed by the applicants and ordered the provision of compensation (see paragraph 38 above).

93. The latter group of applicants submitted a copy of a decision dated 23 March 1999, ordering restitution in kind, which the Government contested (see paragraphs 37-38 above). Given that the Government submitted a copy of a decision of the same date and bearing the same number, but with different contents, the Court cannot accept the document presented by the applicants as authentic. It observes furthermore that the document submitted by the applicants is not signed and, as an indication that it may have been created after 2002, that it bears the heading and the stamp of the Agricultural Department (see paragraph 37 above), whereas in 1999 when the document should have been issued, and until 2002, the relevant bodies under the 1991 Act were named land commissions (see paragraph 59 above). Lastly, and in response to the applicants' argument that the contestation of the document at issue by the Government was impermissible (see paragraph 85 above), the Court points out that it is entitled to evaluate freely the evidence submitted to it by the parties (see, even though they concern complaints under different provisions of the Convention, *Ledyayeva and Others v. Russia*, nos. 53157/99 and 3 others, § 89, 26 October 2006; *Hakobyan and Others v. Armenia*, no. 34320/04, § 89, 10 April 2012; *Aliyev v. Azerbaijan*, nos. 68762/14 and 71200/14, § 204, 20 September 2018).

94. Turning to the cases of applicants nos. 10-13 (the complaints on behalf of applicant no. 14 having been declared inadmissible – see paragraph 65 above), 15-25, 34, 37 and 44-67, the Court observes that on different dates they obtained court judgments under section 11(2) of the 1991 Act and administrative decisions recognising their entitlement to restitution (see paragraphs 22-23 above). However, these were only “recognition” judgments and decisions, of a type considered by the national courts not to give rise to title in specific property (see paragraph 54 above), and they did not determine the manner of completing the restitution procedures (through restitution in kind or compensation). This was confirmed by the Sofia District Court in one of the cases under examination: after the applicants contested the Agricultural Department's decision to award them compensation in lieu of restitution (see paragraph 24 above), it upheld that refusal, finding that the previous decisions concerning those applicants had not given rise to a specific entitlement to restitution in kind (see paragraph 25 above). An appeal against that judgment, as well as the remaining judicial-review proceedings initiated by the applicants of the present group, are pending (see paragraphs 24-26 above), but at the current stage the Court, once again, sees no valid basis for any “legitimate expectation” on the part of the applicants to obtain restitution in kind.

95. The above conclusions are also applicable to applicants nos. 68-82, 103-16, 121-30 and 147. They have also obtained only “recognition” decisions, with the Agricultural Department even holding expressly in one of the cases that for a part of the land claimed the applicants were to receive

compensation (see paragraph 27 above). The Government contested the decision submitted by the applicants in another case of the group (see paragraph 28 above), but the Court considers it irrelevant for the purposes of the present analysis whether the document at issue was authentic; it is in any event, as already noted, a “recognition” decision, which cannot give rise to a specific “legitimate expectation” to restitution in kind. In the cases discussed in the present paragraph the relevant national bodies have not yet determined the manner of completing the restitution process – through restitution in kind or compensation (see paragraph 30 above) – and, as above, while the procedures are pending, at the current stage the Court cannot conclude that the applicants ever acquired any specific “legitimate expectation” to restitution in kind.

96. Applicants nos. 83-87 contested in 2018 a decision of the Agricultural Department awarding them compensation in lieu of restitution, and the Sofia District Court quashed that decision and ordered restitution “in actual boundaries”. That judgment is not final, because the Agricultural Department lodged an appeal against it and the proceedings are pending (see paragraph 32 above). Since the applicants have not yet obtained a final recognition of their alleged entitlement to restitution in kind, nor a final decision or judgment ordering the restoration of their property rights, they cannot be said to have acquired any “legitimate expectation” to such restitution.

97. Such a “legitimate expectation” could have arisen initially for applicants nos. 1-9, after the Sofia District Court held in 1995 that they were entitled to restitution through a land redistribution plan (see paragraph 17 above). However, the entitlement which could have arisen for them was not to a specific plot of land, but to the future allocation of land through a land redistribution plan. The Court does not have to decide on this matter, as later in 1995 the local land commission held that applicants nos. 1-9 were entitled to receive compensation, and the applicants failed to challenge that decision at the time (see paragraph 18 above). No land was thus allotted to them under the 1999 land redistribution plan of the area, which they failed to challenge as well. While the land commission’s decision of 1995 was eventually found to be null and void, this was done in 2007 and by that time, namely after the adoption and entry into force of a land redistribution plan for the area, the applicants’ initial entitlement to restitution in kind had already, in accordance with domestic law (see paragraph 50 above), been transformed into a “legitimate expectation” to receive compensation in lieu of restitution. Proceedings concerning the scope of the applicants’ restitution entitlement are pending (see paragraph 21 above), but at the current stage the Court is unable to conclude that the applicants have any “legitimate expectation” to obtain, as claimed by them, restitution in kind.

98. The latter conclusion is also valid as regards applicants nos. 131-33, in so far as they obtained a decision in 2001 for the restitution through a

land redistribution plan of some of the plots claimed by them (see paragraph 41 above). As already pointed out, a land redistribution plan was adopted in 1999 and after that date former owners in possession of a decision or judgment ordering restitution through such a plan could only receive compensation.

99. With regard to the applicants and the plots of land discussed in the paragraphs above (namely applicants nos. 1-13, 15-25, 34, 37-87, 103-30 and 134-147, as well as applicants nos. 131-33, in so far as the plots subject to the 2001 decision of the land commission were concerned) the Court concludes therefore that the applicants had no “legitimate expectation” to restitution in kind, as claimed by them. In respect of the complaints under examination here, namely about the impossibility to obtain restitution in kind, they thus had no “possessions” within the meaning of Article 1 of Protocol No. 1, which is inapplicable. Additional facts such as the Agricultural Department’s instructions to the applicants in 2017 to submit requests for restitution in kind (see paragraph 15 above), or earlier actions of the Ministry of Agriculture which seemed to consider that restitution in kind was, in principle, feasible (see paragraphs 9 and 12 above), cannot lead the Court to a different conclusion. These circumstances, which do not involve binding decisions by the relevant authorities, may have given rise to hopes for the applicants that they may eventually obtain the restitution in kind they sought, but such hopes are insufficient to amount to a “legitimate expectation” and thus a “possession” within the meaning of Article 1 of Protocol No. 1 (see paragraph 88 above).

100. The complaints above are thus incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

101. The Court wishes additionally to distinguish the cases discussed above from its earlier cases relied on by the applicants (see paragraph 83 above). The cases of *Mutishev and Others* and *Hadzhigeorgievi* concerned decisions of the relevant authorities ordering with finality restitution in kind, and the implementation of these decisions had been blocked by the administrative authorities for reasons which the Court rejected, finding that they were not of “a substantial and compelling character” (see *Mutishev and Others*, §§ 131-37, and *Hadzhigeorgievi*, §§ 67-70, both cited above). The case of *Velcheva* concerned a court judgment and an administrative decision ordering restitution “in actual boundaries”, where the land commission/Agricultural Department had failed to complement them with the requisite cadastral plan and thus complete the restitution procedure (see §§ 42-49 of the judgment cited above). In all three cases restitution in kind had been ordered with finality, which gave rise to a “legitimate expectation” for the applicants in that regard (see, for example, the Court’s express finding on that question in *Hadzhigeorgievi*, cited above, § 63).

102. As to applicants nos. 90-101 (the complaints on behalf of applicant no. 102 having been dismissed – see paragraph 65 above) and 131-33 (as concerns the latter group of applicants – in respect of the plots subject to the land commission’s 1995 decision – see paragraph 39 above), they were entitled to restitution through a land redistribution plan, and such a plan was adopted in 1999 (see paragraphs 15 and 39-40 above). The applicants claimed that the plots which are the subject of their complaints were not concerned by this plan, but they failed to challenge it and seek that it be complemented, as entitled to (see paragraph 58 above). Their complaints must therefore be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

103. Lastly, the Court turns to the case of applicants nos. 88-89, who obtained a final decision on restitution “in actual boundaries” and a notarial deed. They cannot enter into possession of the plot of land concerned since it is being held and used by the Forestry University, which disputes their title (see paragraph 33 above).

104. Under the national law and in accordance with the practice of the domestic courts, administrative and judicial decisions ordering restitution “in actual boundaries” can be challenged by third persons claiming to have rights (not based on restitution) over the same land (see paragraph 56 above). In previous cases concerning the process of restitution of agricultural land in Bulgaria the Court has held that, where there are such rival claims to the land at issue, the judgments and decisions indicated above cannot be seen as determining with finality the scope of the applicants’ restitution rights, which can be the case only after the affected third parties have had their claims examined as well (see *Sivova and Koleva*, § 74, and *Kupenova and Others*, §§ 30-31, both cited above; *Nedelcheva and Others v. Bulgaria*, no. 5516/05, §§ 56-57, 28 May 2013; *Karaivanova and Mileva v. Bulgaria*, no. 37857/05, §§ 74 and 76, 17 June 2014).

105. As in the above cases, in the case of applicants nos. 88-89 the rival claims to the land of the Forestry University, which in 1998 had been granted the right of use of the experimental field in Vrazhdebna (see paragraph 7 above), were known to the applicants, who could not therefore have legitimately expected that the restitution decisions in their favour, even though ordering restitution “in actual boundaries”, had decided the matter with finality. As mentioned, the exact scope of the applicants’ restitution entitlement, namely to restitution in kind or to compensation, can only be determined after the Forestry University – a third party to the restitution procedure – has had the possibility to have its own arguments on the matter examined (see *Kupenova and Others*, § 31, and *Nedelcheva and Others*, § 57, both cited above; on the separate personality in such a context of entities related to the State see *Karaivanova and Mileva*, § 50, and *Ilieva and Others v. Bulgaria*, no. 17705/05, § 36, 3 February 2015). The same finding was also reached by the local land register office, which indicated to

the applicants that their dispute with the Forestry University fell to be examined by the civil courts (see paragraph 33 above *in fine*).

106. It thus remains open for applicants nos. 88-89 to bring proceedings against the Forestry University and have their entitlement to restitution in kind confirmed or rejected with finality. While in the previous cases cited above the Court has criticised the requirement under domestic law for people in a position such as that of the applicants to bring additional proceedings, considering that this prolonged the restitution procedures and engendered insecurity (see, for example, *Sivova and Koleva*, § 116, and *Nedelcheva and Others*, § 78, both cited above), this is not what is at stake here. What is decisive, with a view of the complaint under examination, is that a procedural avenue is open to the applicants, permitting them to defend their alleged entitlement to restitution in kind. The applicants have not informed the Court of having resorted to that avenue.

107. Their complaints must therefore be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

108. To sum up, the Court finds the complaints of applicants nos. 1-13, 15-25, 34, 37-87, 103-30 and 134-147, as well as applicants nos. 131-33 (in so far as the plots subject to the 2001 decision of the land commission were concerned) related to the impossibility of obtaining restitution in kind incompatible *ratione materiae* with the provisions of the Convention within the meaning of its Article 35 § 3 (a) (see paragraphs 90-101 above). Furthermore, it finds that applicants nos. 88-89 (see paragraphs 103-107 above) and 90-101 and 131-33 (see paragraph 102 above, as concerns the latter group of applicants – in respect of the plots subject to the land commission’s 1995 decision), have failed to exhaust the available domestic remedies related to restitution in kind, as required under Article 35 § 1 of the Convention. Accordingly, the complaints under examination must be rejected as inadmissible in accordance with Article 35 § 4 of the Convention.

2. Complaint concerning the duration of the restitution procedures

(a) Whether such a complaint falls within the scope of the case

109. The Court has held that the scope of a case “referred to” it in the exercise of the right of individual application is determined by the applicant’s complaint or “claim”. Allegations made after the communication of the case to the respondent Government can only be examined by the Court if they constitute an elaboration of the applicant’s original complaint (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 108-09 and 120-22, 20 March 2018; *Piryanik v. Ukraine*, no. 75788/01, § 20, 19 April 2005; *Ēcis v. Latvia*, no. 12879/09, § 68, 10 January 2019).

110. As to the case at hand, in the application form the applicants complained of the impossibility of obtaining restitution in kind and of the

prolonged uncertainty in resolving their restitution rights (see paragraph 77 above). Even though the complaint about the duration of the restitution procedures was phrased in a more explicit manner in their observations submitted after the communication of the application – with their stating that the national authorities had been obliged to complete those procedures within a reasonable time (see paragraph 84 above) – the Court is satisfied that these submissions amounted to an elaboration of a complaint made originally, and not to an attempt to raise a new complaint. Accordingly, the Court concludes that the complaint relating to the duration of the restitution procedures falls within the scope of the case.

(b) Admissibility

111. The Court already found above that applicants nos. 90-101 and 131-33 (as concerns the latter group – in respect of the plots subject to a 1995 decision of the land commission, see paragraph 39 above) had failed to exhaust the available domestic remedies, seeing that they had failed to challenge the 1999 land redistribution plan (see paragraph 102 above). After the time-limits for such challenges expired (see paragraph 58 above), the restitution procedures at issue therefore ended, as no further procedural avenues appear to have been available to the applicants (see, for similar conclusions, *Kayriakovi v. Bulgaria*, no. 30945/04, § 26-29, 7 January 2010). Even though some of the applicants submitted in 2017 a request for restitution in kind (see paragraph 42 above), this fact does not alter the above conclusion, as the applicants have not shown that any action could have been validly taken pursuant to such a request. The restitution procedures at issue having been completed in 1999 and the application having been submitted in 2011 (see paragraph 1 above), the Court finds that the complaints of applicants nos. 90-101 and 131-33 (in respect of the plots subject to the 1995 decision) have been introduced out of time. They must therefore be rejected in accordance with Article 35 §§ 1 and 4 of the Convention.

112. As to the remaining applicants (further in the analysis referred to as “the applicants”), while the Court concluded above that many of them did not have a “legitimate expectation” to obtain restitution in kind, and thus found their complaints concerning the possibility of obtaining such restitution incompatible *ratione materiae* (see paragraphs 90-100 above), the complaint examined here is different. It is about the duration of the restitution proceedings and the authorities’ failure to complete those proceedings, in whatever way possible, including through the award of compensation. The complaint under examination does not thus concern, as the complaint examined above, specifically the possibility of obtaining restitution in kind, but the applicants’ more general entitlement to restitution under the 1991 Act, as mentioned – through restitution in kind or compensation. That more general entitlement – not disputed by the domestic

authorities who are still liable to satisfy it – amounts to a “legitimate expectation”, triggering the protection of Article 1 of Protocol No. 1.

113. As to these applicants, the Court notes additionally that their complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention, or inadmissible on any other grounds. They must therefore be declared admissible.

(c) Merits

114. The Court has already cited some of the general principles under Article 1 of Protocol No. 1 applicable to restitution cases in paragraphs 86 and 88 above.

115. Furthermore, in assessing compliance with Article 1 of Protocol No. 1 in such a context the Court must make an overall examination of the various interests in issue, bearing in mind that the Convention is intended to safeguard rights that are “practical and effective”. It must look behind appearances and investigate the realities of the situation complained of, including the conduct of the parties, the means employed by the State and their implementation. In that context, uncertainty – be it legislative, administrative or arising from practices applied by the authorities – is a factor to be taken into account in assessing the State’s conduct. Indeed, where an issue in the general interest is at stake, it is incumbent on the public authorities to act in good time, in an appropriate and consistent manner (see *Broniowski v. Poland* [GC], no. 31443/96, § 151, ECHR 2004-V, and *Vasilev and Doycheva v. Bulgaria*, no. 14966/04, § 40, 31 May 2012).

116. The applicants’ “legitimate expectation” to restitution arose between 1995 and 2011 when it was recognised by the national authorities. The different dates concerning the different groups of applicants have been indicated in the table in paragraph 45 above. As concerns in particular applicants nos. 38-43, the Court cannot accept that any “legitimate expectation” to restitution arose for them on 4 March 1999. For the reasons put forward by the Government (the document is not signed, an original of such a decision could not be found, it did not “fit” within the procedure – see paragraph 35 above), the Court cannot accept the decision of that date presented by the applicants as authentic, and will not take it into account. It finds thus that those applicants’ “legitimate expectation” to restitution validly arose on 18 March 2009, as is indicated in the table.

117. None of the proceedings initiated by the applicants has ended (those in relation to the applicants whose complaints were struck out of the list or found inadmissible – see paragraphs 62-63 and 111 above – not being examined here). In some of the cases no determination has been made as to whether the applicants are entitled to restitution in kind or to compensation (see, for example, the cases of applicants nos. 10-13, 15-25, 34, 37, 44-67, 83-89, 103-16, 121-30 and 147, the facts described in paragraphs 22-33

above), and in other cases, even though it was found with finality that the applicants would receive compensation, no such compensation has yet been allocated (see the cases of applicants nos. 32-33, 38-43, 117-20 and 140-46, the facts described in paragraphs 34-36 above).

118. The periods to be taken into consideration thus lasted between eight and twenty-four years.

119. The applicants argued that it was the authorities' responsibility to complete the procedures in a timely manner (see paragraph 84 above) and the Court sees no reason to find otherwise. It has already held in similar cases that it is for the State to organise its judicial and administrative systems in such a way as to guarantee the rights under the Convention (see, for example, *Sivova and Koleva v. Bulgaria*, no. 30383/03, § 116, 15 November 2011, and *Nedelcheva and Others v. Bulgaria*, no. 5516/05, § 78, 28 May 2013).

120. The Government, while arguing that the applicants had had to take "necessary action" (see paragraph 81 above), have not shown that such action, for instance the applicants requesting restitution in kind as they did in 2017, was indispensable. It has not been demonstrated that the competent authorities – the land commissions/Agricultural Departments – could not, without such action, proceed with the examination of the restitution claims and take the necessary decisions. The Government in addition criticised the applicants' "refusal to accept" compensation in lieu of restitution (*ibid.*). However, the Court notes that the applicants were entitled to challenge the decisions of the relevant authorities they considered unfavourable and should not be blamed for that; moreover, the challenges they made did not appear to have caused excessive delays.

121. What transpires from the facts summarised above is that at least some of the delays were caused through the relevant authorities' hesitation as to whether restitution in kind was feasible, and the Ministry of Agriculture engaging in a dispute in that regard with the Ministry of Education (see paragraphs 7 and 11-14 above). Moreover, even in the cases where a decision for the award of compensation has already entered into force, the Agricultural Department has not taken action to allocate such compensation, and no justification for its inactivity has been provided.

122. The Court concludes therefore that the delays in the restitution procedures were imputable to the authorities. For the reasons above it finds in addition that the delays were unjustified, even if it is to take into account the undeniable complexity of the restitution process and the need for the national authorities to accommodate the interests of numerous interested parties (see *Mutishev and Others v. Bulgaria*, no. 18967/03, § 144, 3 December 2009, and *Lyubomir Popov v. Bulgaria*, no. 69855/01, § 122, 7 January 2010).

123. To these delays must be added the lengthy uncertainty as to the fate of the applicants' restitution claims. As noted, throughout the years the

Ministry of Agriculture and the Ministry of Education had conflicting opinions on the matter (see paragraphs 7 and 11-14 above), and the Ministry of Agriculture's bodies were unable to complete the procedures. In one of the cases, namely that of applicants nos. 88-89, that uncertainty continues despite the applicants having obtained final judicial and administrative decisions on restitution, because of the need for them to bring additional proceedings to have the scope of their entitlement to restitution determined with finality (see paragraphs 33 and 104-106 above). The Court has on numerous occasions criticised that particular aspect of the domestic procedure (see, for example, *Sivova and Koleva*, § 116, and *Karaivanova and Mileva*, § 81, both cited above).

124. In numerous previous cases against Bulgaria the Court held that lengthy unjustified delays in the restitution procedures, coupled with prolonged uncertainty, resulted in breaches of Article 1 of Protocol No. 1 (see, for example, *Sivova and Koleva*, *Lyubomir Popov* and *Vasilev and Doycheva*, all cited above; *Popov and Chonin v. Bulgaria*, no. 36094/08, 17 February 2015; *Kamenova v. Bulgaria* [Committee], no. 61731/11, 16 May 2019). It sees no reason to reach a different conclusion in the case at hand.

125. There has accordingly been a violation of Article 1 of Protocol No. 1 in so far as the applicants complained of the duration of the restitution procedures.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

126. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

127. In respect of pecuniary damage, the applicants claimed the restitution in kind of their land, considering that this was feasible and that in the case it would constitute the most appropriate redress. Applicants nos. 88 and 89 claimed in addition 98,279 euros (EUR) each for the rent they could have received between 2014 and 2019 for the plots restituted to them (see paragraph 33 above).

128. The applicants claimed also between EUR 20,000 and EUR 80,000 for each of them in respect of non-pecuniary damage.

129. The Government contested the claims. As concerns in particular the claims of applicants nos. 88 and 89 related to lost rent, they pointed out that

the applicants were entitled to seek compensation in that regard from the Forestry University.

130. The Court observes that it found a violation of Article 1 of Protocol No. 1 only as regards the lengthy duration of the restitution procedures and the prolonged uncertainty. It does not discern any causal link between that violation and the applicants' request for it to order restitution in kind. Moreover, the applicants remain entitled under domestic law to obtain such restitution or compensation (see *Sivova and Koleva*, § 124, and *Karaivanova and Mileva*, § 88, both cited above). The Court therefore rejects this claim.

131. Applicants nos. 88-89 claimed in addition compensation for the loss of rent from the land restituted to them (see paragraph 127 above). However, the Court found above (see paragraphs 104-06) that those applicants' entitlement to the restitution in kind of that land had not yet been proven. Accordingly, it sees no ground to award the compensation sought (see *Popov and Chonin*, cited above, § 66).

132. Lastly, the Court is of the view that the applicants must have suffered non-pecuniary damage as a result of the breach of their rights. Judging on an equitable basis, it awards them the amounts below. Within each groups, the respective amount is to be distributed in accordance with the inheritance shares of the applicants or the heirs of those applicants who passed away after the lodging of the application:

- applicants nos. 1-9 – EUR 2,500;
- applicants nos. 10-13 – EUR 1,500;
- applicants nos. 15-25 – EUR 2,000;
- applicants nos. 32-33 – EUR 2,000;
- applicants nos. 38-43 – EUR 3,000;
- applicants nos. 44-60 – EUR 1,500;
- applicants nos. 34, 37 and 61-67 – EUR 2,000;
- applicants nos. 68-82 – EUR 3,000;
- applicants nos. 83-87 – EUR 2,000;
- applicants nos. 88-89 – EUR 1,500;
- applicants nos. 103-08 – EUR 2,000;
- applicants nos. 109-16 – EUR 2,500;
- applicants nos. 117-20 – EUR 2,000;
- applicants nos. 121-30 – EUR 1,500;
- applicants nos. 131-33 – EUR 2,500;
- applicants nos. 135-39 – EUR 3,000;
- applicants nos. 140-46 – EUR 2,000;
- applicant no. 147 – EUR 2,000.

B. Costs and expenses

133. The applicants, including nos. 26-31 who withdrew their complaints (see paragraphs 62-63 above), claimed the reimbursement of 19,200 Bulgarian leva (BGN), the equivalent of EUR 9,800, paid by them to their legal representatives. In support of this claim they submitted invoices, showing that each group of applicants had paid the representatives BGN 960 (EUR 490). The applicants claimed in addition the reimbursement of other expenses incurred by them in the domestic proceedings. Lastly, they claimed costs and expenses for postage, translation and office materials, to be paid directly to their legal representatives, Mr M. Ekimdzhiev and Ms G. Chernicherska, submitting receipts for postage and a contract for translation substantiating their claim in the amount of EUR 926.66.

134. The Government contested the claims.

135. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum.

136. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers that the amounts paid by each group of applicants for legal representation were reasonable. It thus awards EUR 490 to each group in respect of which it found a violation of Article 1 of Protocol No. 1. It sees no justification for making an award to applicants nos. 26-31 in respect of whom the application was struck out of the list, as per Rule 43 § 4 of the Rules of Court. The global award thus made is EUR 8,820 (18 groups of applicants). The Court awards in addition the EUR 926.66 paid for postage and translation, to be transferred, as requested by the applicants, directly to their legal representatives. Lastly, the Court rejects the claims for other costs and expenses in the domestic proceedings, as it has not been shown that these costs and expenses were necessary for the prevention of the violation of the applicants' rights or related to any compensation on that account.

C. Default interest

137. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike the application out of its list of cases in so far as applicants nos. 26-31 and 34-37 are concerned;

2. *Declares* the complaints concerning the duration of the restitution procedures and the prolonged uncertainty, apart from those of applicants nos. 14, 90-102 and 131-33 (as concerns the latter group, in respect of the plots of land subject to a 1995 decision of the land commission) admissible, and the remainder of the application inadmissible;
3. *Holds* that there has been a violation of Article 1 of Protocol No. 1 on the ground of the lengthy duration of the restitution procedures and the prolonged uncertainty the applicants concerned were placed in;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into Bulgarian leva at the rate applicable at the date of settlement:
 - (i) the amounts below, plus any tax that may be chargeable, in respect of non-pecuniary damage, jointly to each group of applicants, to be distributed in accordance with the applicants' inheritance shares or the shares of the heirs of the applicants who passed away after the lodging of the application:
 - applicants nos. 1-9 – EUR 2,500 (two thousand five hundred euros);
 - applicants nos. 10-13 – EUR 1,500 (one thousand five hundred euros);
 - applicants nos. 15-25 – EUR 2,000 (two thousand euros);
 - applicants nos. 32-33 – EUR 2,000 (two thousand euros);
 - applicants nos. 38-43 – EUR 3,000 (three thousand euros);
 - applicants nos. 44-60 – EUR 1,500 (one thousand five hundred euros);
 - applicants nos. 34, 37 and 61-67 – EUR 2,000 (two thousand euros);
 - applicants nos. 68-82 – EUR 3,000 (three thousand euros);
 - applicants nos. 83-87 – EUR 2,000 (two thousand euros);
 - applicants nos. 88-89 – EUR 1,500 (one thousand five hundred euros);
 - applicants nos. 103-08 – EUR 2,000 (two thousand euros);
 - applicants nos. 109-16 – EUR 2,500 (two thousand five hundred euros);
 - applicants nos. 117-20 – EUR 2,000 (two thousand euros);
 - applicants nos. 121-30 – EUR 1,500 (one thousand five hundred euros);
 - applicants nos. 131-33 – EUR 2,500 (two thousand five hundred euros);

- applicants nos. 135-39 – EUR 3,000 (three thousand euros);
 - applicants nos. 140-46 – EUR 2,000 (two thousand euros);
 - applicant no. 147 – EUR 2,000 (two thousand euros);
- (ii) EUR 490 (four hundred and ninety euros) jointly to each group of applicants in respect of which a violation of Article 1 of Protocol No. 1 was found (EUR 8,820 (eight thousand eight hundred and twenty euros) in total), and an additional EUR 926.66 (nine hundred and twenty-six euros and sixty-six cents), to be paid directly to the applicants' legal representatives, plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 12 December 2019, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Deputy Registrar

Angelika Nußberger
President

APPENDIX

No.	Applicant's Name	Birth date	Nationality	Place of residence
1	Lyubka Todorova ZIKATANOVA	07/01/1960	Bulgarian	Sofia
2	Dimitar Ivanov DIMITROV	26/07/1983	Bulgarian	Sofia
3	Gabriela Ivanova DIMITROVA	13/03/1981	Bulgarian	Sofia
4	Neli Todorova LAZOVA	19/05/1955	Bulgarian	Sofia
5	Georgi Ivanov STOYANOV	24/09/1976	Bulgarian	Sofia
6	Vladimir Ivanov STOYANOV	10/01/1970	Bulgarian	Sofia
7	Maria Naydenova PETROVA Date of demise: 19 June 2014 Heirs: Neli Todorova Lazova, Lyubka Todorova Zikatanova	08/04/1931	Bulgarian	
8	Ivan Dimitrov SPASOV	20/01/1956	Bulgarian	Sofia
9	Nadezhda Vasileva STOYANOVA	28/12/1952	Bulgarian	Sofia
10	Angel Slavchev GEOREV	16/07/1955	Bulgarian	Sofia
11	Ivan Stoynov GEOREV Date of demise: 20 July 2013 Heirs: Vasil Ivanov Stoynov (died, heirs: Stefanka Georgieva Stoynova and Elena Vasileva Stoynova), Nikolay Ivanov Stoynov	10/12/1925	Bulgarian	
12	Tsvetanka Tsvetkova GEOREVA Date of demise: 19 November 2013 Heirs: Angel Slavchev Georev, Snezhanka Slavcheva Georeva-Spirova	27/10/1933	Bulgarian	
13	Snezhanka Slavcheva GEOREVA-SPIROVA	09/12/1958	Bulgarian	Sofia
14	Angelina Angelova HRISTOVA Date of demise: 22 May 2011	01/08/1946	Bulgarian	
15	Nikolina Petkova GYUROVA	13/06/1943	Bulgarian	Sofia
16	Gerginka Vasileva IVANOVA Date of demise: 19 November 2014 Heirs: Trayan Blagoev Ivanov, Dimitar Blagoev Ivanov	27/02/1929	Bulgarian	
17	Petrana Simeonova IVANOVA	01/07/1946	Bulgarian	Sofia
18	Iglika Simeonova NIKOLOVA	06/04/1948	Bulgarian	

	Date of demise: 1 November 2018 Heirs: Daniela Georgieva Nikolova, Sonya Georgieva Stancheva			
19	Krastina Petkova SPASOVA	22/04/1950	Bulgarian	Sofia
20	Vasilka Petkova TSVETKOVA	20/10/1933	Bulgarian	Sofia
21	Veronika Ventsislavova VELICHKOVA	23/07/1982	Bulgarian	Sofia
22	Yuliyana Filipov VASILEV	29/05/1962	Bulgarian	Sofia
23	Eleonora Tsvetanova VASILEVA	04/06/1937	Bulgarian	Sofia
24	Eleonora Ventsislavova VASILEVA	24/08/1987	Bulgarian	Sofia
25	Krasa Petkova VLACHKOVA	22/04/1950	Bulgarian	Sofia
26	Margarita Trayanova DIMITROVA	22/07/1954	Bulgarian	Sofia
27	Nikola Trayanov SERAFIMOV Date of demise: 19 September 2015 Heirs: Vishnya Raycheva Serafimova, Tsvetelina Nikolova Pandilova, Rositsa Nikolova Serafimova	17/10/1948	Bulgarian	
28	Kiro Galabinov KOLEV Date of demise: 6 July 2015 Heirs: Romyana Kirilova Koleva, Zorka Angelova Koleva	01/06/1940	Bulgarian	
29	Radka Nikolova MILANOVA	16/03/1941	Bulgarian	Sofia
30	Lyubomir Galabinov MISHEV	26/07/1937	Bulgarian	Sofia
31	Anton Vasilev MOMCHILOV Date of demise: 25 May 2017 Heirs: Svetla Vasileva Momchilova, Penka Vasileva Momchilova	21/12/1956	Bulgarian	
32	Varadinka Pavlova TASEVA Date of demise: 20 February 2017 Heirs: Dimitar Tsvetanov Dimitrov, Pavlinka Tsvetanova Krasteva	25/09/1927	Bulgarian	
33	Dimitar Pavlov TOSHKOV Date of demise: 21 December 2014 Heirs: Lidiya Dimitrova Lagadova, Toshko Dimitrov Pavlov	15/08/1921	Bulgarian	
34	Ginka Stoyanova KIROVA	21/01/1951	Bulgarian	Sofia
35	Nayden Iliev NAYDENOV	29/05/1950	Bulgarian	Sofia
36	Trayan Iliev VARADINOV	19/06/1954	Bulgarian	Sofia
37	Varadin Stoyanov VARADINOV	15/12/1953	Bulgarian	Sofia
38	Ivo Georgiev YANKOV	08/05/1950	Bulgarian	Sofia

39	Yordan Georgiev STOYANOV Date of demise: 30 April 2012 Heir: Ivo Georgiev Yankov	04/01/1954	Bulgarian	
40	Aneta Filipova LUKOVA	17/09/1962	Bulgarian	Sofia
41	Toshko Borisov MIHAYLOV	17/03/1959	Bulgarian	Sofia
42	Lilia Krasteva FILIPOVA Date of demise: 2 September 2012 Heirs: Aneta Filipova Lukova, Desislava Filipova Kyoseva	21/11/1942	Bulgarian	
43	Desislava Filipova KYOSEVA	02/07/1967	Bulgarian	Sofia
44	Georgi Yankov ANDREEV	02/08/1957	Bulgarian	Krivina
45	Yuriy Yankov ANDREEV	16/12/1965	Bulgarian	Krivina
46	Vanya Tsvetanova DIMITROVA	04/07/1966	Bulgarian	Sofia
47	Nadya Dimitrova HRISTOVA	31/01/1958	Bulgarian	Sofia
48	Stefanka Georgieva HRISTOVA	29/12/1957	Bulgarian	Sofia
49	Kiril Filipov IGNATOV Date of demise: 19 November 2012 Heir: Stefcho Filipov Ignatov	16/02/1945	Bulgarian	
50	Stefcho Filipov IGNATOV	01/11/1948	Bulgarian	Sofia
51	Milena Sotirova SOTIROVA	09/11/1973	Bulgarian	Sofia
52	Biser Tsvetanov ILIEV	03/10/1977	Bulgarian	Sofia
53	Georgi Tsvetanov ILIEV	13/07/1974	Bulgarian	Sofia
54	Ognyan Angelov MINOV	25/05/1953	Bulgarian	Sofia
55	Hristina Petrova NIKOLOVA	05/09/1961	Bulgarian	Sofia
56	Petar Radev PENEV Date of demise: 3 May 2015 Heirs: Lyubka Kamenova Peneva, Ivaylo Petrov Radev, Kamelia Petrova Radeva	21/04/1940	Bulgarian	
57	Valentin Tsvetanov PENEV	28/06/1971	Bulgarian	Sofia
58	Tsveta Valkova PENEVA	25/02/1943	Bulgarian	Sofia
59	Lyuben Angelov STOYNOV Date of demise: 5 May 2015 Heirs: Anton Lyubenov Stoynov, Mariana Lyubenova Koller	12/03/1950	Bulgarian	
60	Ventsislav Petrov YANKOV	30/09/1964	Bulgarian	Sofia
61	Dimitar Ivanov DENCHEV	27/05/1946	Bulgarian	Sofia
62	Petya Dimitrova GOSPODINOVA	25/02/1972	Bulgarian	Sofia
63	Damyan Lazarov KOSTADINOV	08/03/1930	Bulgarian	

	Date of demise: 28 February 2017 Heirs: Plamen Vikentiev Vikentiev, Nikolay Vikentiev Vikentiev			
64	Nikolinka Nikolova NIKOLOVA	30/08/1958	Bulgarian	Sofia
65	Nikolay Vikentiev VIKENTIEV	19/12/1965	Bulgarian	Sofia
66	Plamen Vikentiev VIKENTIEV	25/05/1963	Bulgarian	Sofia
67	Krastana Stoynova YAKIMOVA Date of demise: 10 July 2012 Heirs: Plamen Vikentiev Vikentiev, Nikolay Vikentiev Vikentiev	10/09/1926	Bulgarian	
68	Kalionka Naydenova KOTSEVA	05/01/1935	Bulgarian	Sofia
69	Margarita Raykova DIMITROVA	22/09/1964	Bulgarian	Sofia
70	Deyanka Dimitrova DOBREVA	25/02/1941	Bulgarian	Sofia
71	Rubinka Ilieva DONEVA	08/09/1940	Bulgarian	Sofia
72	Iliya Milanov ILIEV	01/12/1960	Bulgarian	Sofia
73	Valeri Milanov ILIEV Date of demise: 26 February 2018 Heir: Stanislav Valeriev Iliev	12/05/1968	Bulgarian	
74	Stefka Dimitrova IVANOVA	03/12/1938	Bulgarian	Sofia
75	Edita Dimitrova PETKOVA	18/02/1953	Bulgarian	Sofia
76	Petar Iliev SPASOV Date of demise: 29 April 2013 Heirs: Gyurgia Georgieva Spasova, Petar Petrov Iliev, Daniela Kostadinova Leshteva, Antoniy Kostadinov Iliev	14/06/1929	Bulgarian	
77	Velin Iliev SPASOV	19/03/1933	Bulgarian	Novi Iskar
78	Eleonora Georgieva SPASOVA	08/02/1938	Bulgarian	Sofia
79	Vladimirka Stamenova SPASOVA	10/02/1941	Bulgarian	Sofia
80	Natalia Raykova PETROVA	27/09/1959	Bulgarian	Sofia
81	Vasilka Georgieva STOYANOVA	23/12/1943	Bulgarian	Sofia
82	Ivanka Dimitrova STOYNEVA Date of demise: 17 December 2013 Heir: Iskra Trayanova Taseva	15/01/1935	Bulgarian	
83	Maria Ivanova YASHEVA Date of demise: 19 July 2011 Heirs: Zoya Petrova Pandurska, Emil Petrov Yashev	11/08/1931	Bulgarian	
84	Stefan Ivanov GEORGIEV Date of demise: 16 December 2013	01/09/1935	Bulgarian	Sofia

	Heirs: Kata Ilieva Georgieva, Ivan Stefanov Ivanov, Iliyan Stefanov Ivanov			
85	Kata Ilieva GEORGIEVA	12/02/1938	Bulgarian	Sofia
86	Iliyan Stefanov IVANOV	03/02/1976	Bulgarian	Sofia
87	Ivan Stefanov IVANOV	20/03/1974	Bulgarian	Sofia
88	Tsvetanka Georgieva BACHEVA	12/10/1942	Bulgarian	Sofia
89	Dimitar Georgiev ALEKSANDROV	15/04/1945	Bulgarian	Sofia
90	Mariana Ivanova ATANASOVA	09/12/1962	Bulgarian	Sofia
91	Stoyanka Dimitrova CHIREPSKA Date of demise: 27 December 2011 Heirs: Tsvetanka Georgieva Kavaletto, Stefanka Georgieva Stoyanova, Slavka Georgieva Dimitrova	30/08/1921	Bulgarian	
92	Valentina Filipova KISOVA	28/04/1948	Bulgarian	Sofia
93	Petranka Kircheva DIMITROVA	02/06/1952	Bulgarian	Sofia
94	Dimitar Kirchev DIMITROV	27/06/1950	Bulgarian	Sofia
95	Dimitar Filipov MLADENOV	08/06/1953	Bulgarian	Sofia
96	Emil Ivanov MLADENOV	14/08/1960	Bulgarian	Sofia
97	Kostadin Blagoychev MLADENOV	23/09/1960	Bulgarian	Sofia
98	Stefan Blagoychev MLADENOV	02/10/1959	Bulgarian	Sofia
99	Yordan Ivanov MLADENOV	19/01/1959	Bulgarian	Sofia
100	Deyanka Dimitrova STOYANOVA	14/04/1935	Bulgarian	Sofia
101	Stoyanka Dimitrova MLADENOVA	13/06/1933	Bulgarian	Sofia
102	Gyurgena Traykova MLADENOVA Date of demise: 20 January 2011	16/04/1936	Bulgarian	
103	Gergina Pavlova ZAREVA	20/02/1949	Bulgarian	Sofia
104	Kapka Stefanova PESHEVA	22/02/1964	Bulgarian	Sofia
105	Margaritka Pavlova ANDREEVA	15/06/1938	Bulgarian	Sofia
106	Metodi Yordanov ANDREEV	22/03/1965	Bulgarian	Sofia
107	Elena Yaneva ANDREEVA	21/12/1944	Bulgarian	Sofia
108	Paulina Yordanova MIHAYLOVA	30/11/1961	Bulgarian	Sofia
109	Selimka Stoimenova TRAYKOVA Date of demise: 6 December 2014 Heir: Krasimir Ivanov Traykov	17/09/1931	Bulgarian	
110	Lyudmil Angelov ANGELKOV Date of demise: 18 August 2015 Heirs: Violeta Koeva Angelkova, Silviya Lyudmilova Angelkova, Rosen Lyudmilov	18/06/1959	Bulgarian	

	Angelkov			
111	Nikolay Angelov ANGELKOV Date of demise: 26 January 2019 Heirs: Sonya Tsvetanova Angelkova, Tsvetelina Nikolaeva Angelkova	28/05/1965	Bulgarian	
112	Tsvetanka Nikolova ANGELKOVA	02/11/1938	Bulgarian	Sofia
113	Zlatko Ivanov ANGELOV	17/06/1951	Bulgarian	Sofia
114	Stoimen Tsvetanov STOIMENOV	17/05/1948	Bulgarian	Sofia
115	Todorka Tsvetanova STOIMENOVA	12/10/1946	Bulgarian	Sofia
116	Kapka Ivanova IVANOVA Date of demise: 13 July 2013 Heir: Viktor Ivanov Ivanov	29/05/1957	Bulgarian	
117	Borislav Georgiev MLADENOV	07/05/1964	Bulgarian	Sofia
118	Ivanka Borisova YANKOVA	02/11/1932	Bulgarian	Sofia
119	Emilia Georgieva TERZIEVA	13/10/1962	Bulgarian	Sofia
120	Zlatka Borisova TODOROVA	23/08/1942	Bulgarian	Sofia
121	Dimitar Manolov ANGELOV	22/09/1947	Bulgarian	Sofia
122	Iliyana Borchova ANDREEVA	01/08/1966	Bulgarian	Sofia
123	Evgeni Borchov IVANOV	30/11/1978	Bulgarian	Sofia
124	Elena Petrova IVANOVA	19/06/1973	Bulgarian	Sofia
125	Gergina Stoilova IVANOVA	05/05/1942	Bulgarian	Sofia
126	Rayna Vladimirova IVANOVA	03/08/1944	Bulgarian	Sofia
127	Nikolay Dimitrov MANOLOV	19/12/1972	Bulgarian	Sofia
128	Rumyana Dimitrova MILANOVA	01/06/1978	Bulgarian	Sofia
129	Vanya Borchova TRAYKOVA	30/10/1969	Bulgarian	Sofia
130	Violeta Petrova VASILEVA	26/02/1976	Bulgarian	Sofia
131	Detelinka Stefanova SOTIROVA Date of demise: 15 June 2013 Heirs: Gavril Zlatkov Sotirov, Zlatka Gavrilova Sotirova, Rositsa Gavrilova Sotirova	11/02/1938	Bulgarian	
132	Detelina Aleksandrova BOYCHEVA	23/04/1962	Bulgarian	Sofia
133	Stefan Aleksandrov TSVETANOV	27/11/1964	Bulgarian	Sofia
134	Stefan Nenkov STOYANOV Date of demise: 28 July 2015 Heirs: Yordanka Asenova Stoyanova, Rositsa Stefanova Nenkova-Nedyalkova, Ivaylo Stefanov Nenkov	27/04/1943	Bulgarian	

135	Stoyan Nenkov STOYANOV	23/12/1948	Bulgarian	Buhovo
136	Krasimira Angelova STOYANOVA	27/09/1952	Bulgarian	Sofia
137	Valentina Angelova STOYANOVA	22/11/1956	Bulgarian	Sofia
138	Maria Ivanova TOMEVA	01/06/1932	Bulgarian	Sofia
139	Nikolina Nenкова STOIMCHEVA	08/11/1944	Bulgarian	Sofia
140	Lyudmila Petrova NIKOLOVA	01/10/1951	Bulgarian	Sofia
141	Nikolina Tsvetanova DIMITROVA	08/03/1947	Bulgarian	Sofia
142	Yanka Kirilova DERVENSKA	07/06/1951	Bulgarian	Sofia
143	Iliyan Metodiev NIKOLOV	22/10/1974	Bulgarian	Sofia
144	Kiril Tsvetanov NIKOLOV	18/05/1951	Bulgarian	Sofia
145	Tsvetan Metodiev NIKOLOV	13/06/1973	Bulgarian	Sofia
146	Petar Kirilov STOYANOV	12/07/1957	Bulgarian	Sofia
147	Naydenka Zaharieva DONKOVA Date of demise: 1 November 2014 Heirs: Vasilka Todorova Atanasova, Diana Todorova Donkova	18/02/1934	Bulgarian	