



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

THIRD SECTION

CASE OF STOYANOV AND TABAKOV v. BULGARIA (No. 2)

(Application no. 64387/14)

JUDGMENT

(Just satisfaction – friendly settlement)

Art 41 • Just satisfaction • Art 39 • Friendly settlement

STRASBOURG

2 May 2023

This judgment is final but it may be subject to editorial revision.

In the case of Stoyanov and Tabakov v. Bulgaria (no. 2),

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

Pere Pastor Vilanova, *President*,

Georgios A. Serghides,

Yonko Grozev,

Jolien Schukking,

Peeter Roosma,

Andreas Zünd,

Oddný Mjöll Arnardóttir, *judges*,

and Milan Blaško, *Section Registrar*,

Having deliberated in private on 28 March 2023,

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

PROCEDURE

1. The application concerns the non-enforcement of final domestic judgments in the applicants' favour by virtue of which a municipal council was obliged to initiate a privatisation procedure for the sale of a property to the applicants at preferential conditions. In an earlier judgment (see *Stoyanov and Tabakov v. Bulgaria*, no. 34130/04, 26 November 2013, hereinafter referred to as "the Court's 2013 judgment"), concerning an application brought by the same applicants regarding the same privatisation procedure, the Court found violations of Article 6 § 1 of the Convention, Article 1 of Protocol No. 1 to the Convention, and Article 13 of the Convention in conjunction with the above-mentioned provisions.

2. In a judgment delivered on 7 December 2021 ("the principal judgment"), the Court held that there has been a violation of Article 6 § 1 of the Convention and of Article 1 of Protocol No. 1 to the Convention (see *Stoyanov and Tabakov v. Bulgaria (no. 2)*, no. 64387/14, 7 December 2021). The Court observed that the applicants, through no fault of their own, and despite a myriad of additional legal actions which they had actively engaged in, had continued to endure the consequences of a situation in which the final judgments in their favour had not been enforced for a number of further years after the Court's 2013 judgment. The Court reiterated that the right to a court under Article 6 § 1 of the Convention would be illusory if a Contracting State's domestic legal system allowed a final, binding judicial decision to remain inoperative to the detriment of one party, and found that the impossibility for the applicants to obtain enforcement of the final judgments represented an unjustified interference with their right to peaceful enjoyment of their possessions.

3. Since the question of the application of Article 41 of the Convention was not ready for decision as regards pecuniary damage sustained by the first applicant, the Court reserved it and invited the Government and the first

applicant to submit, within six months from the date on which the judgment becomes final, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, § 65, and point 6(b) of the operative provisions).

4. On 27 September 2022 and 7 March 2023 respectively, the Court received friendly-settlement declarations duly signed by the first applicant and by the Government. The first applicant accepted, with a view to securing a friendly settlement of the reserved question under Article 41 of the Convention in this case, the sum of 3,989 euros (three thousand nine hundred and eighty-nine euros) offered by the Bulgarian Government to cover any and all pecuniary damage as well as costs and expenses, plus any tax that might be chargeable to the first applicant. The first applicant also agreed to waive any further claims against Bulgaria in respect of the facts giving rise to this application.

5. The amount of EUR 3,989 indicated above will be converted into the respondent State's national currency at the rate applicable on the date of payment and be free of any taxes that might be applicable to the applicants. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case.

THE LAW

6. The Court takes note of the friendly settlement reached between the first applicant and the Government with respect to the question of pecuniary damages under Article 41 of the Convention. It finds that the agreement is equitable within the meaning of Rule 75 § 4 of the Rules of Court. It is further satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application.

7. In view of the above, it is appropriate to strike the case out of the list in accordance with Article 39 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

Decides to strike the remainder of the application out of its list of cases.

STOYANOV AND TABAKOV v. BULGARIA (No. 2)
(JUST SATISFACTION –FRIENDLY SETTLEMENT) JUDGMENT

Done in English, and notified in writing on 2 May 2023, pursuant to
Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Pere Pastor Vilanova
President