



Provisional award of over €1.6 million to former royal-family members for unfair moratorium on use of forestland

In today's **Chamber** judgment¹ in the case of [Sakskoburggotski and Chrobok v. Bulgaria](#) (application no. 38948/10) the European Court of Human Rights dealt with the question of **just satisfaction (Article 41)**, in a case involving commercial use of forestland claimed by former Bulgarian royal-family members.

The case concerned, in particular, a moratorium on the transfer and on the commercial exploitation of former Crown property imposed in 2009. It had been brought by the former King of Bulgaria, Simeon II, and his sister, a former princess.

In its [judgment of 7 September 2021](#) the Court had found, in particular, that the actions by the Bulgarian authorities had placed a disproportionate individual burden on the applicants. The measures had been extraordinary, given that legislation providing for the conservation of forests had already been in place, had lasted too long, and had not been amenable to judicial review. The Court had found violations of Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 (right to a fair trial).

In today's judgment, the Court, unanimously, awarded the applicants **1,635,875 euros (EUR) in respect of pecuniary damage**, and **EUR 184 in respect of costs and expenses**, which will be dependent on a court case currently before the national courts.

Principal facts

The applicants, Simeon Borisov Sakskoburggotski and Maria-Luisa Borisova Chrobok, are Bulgarian nationals who were born in 1937 and 1933 and live in Sofia and the United States of America respectively. They are siblings.

In 1943 Mr Sakskoburggotski was crowned Simeon II, King of Bulgaria. Ms Chrobok was a royal princess. In 1946 the monarchy was abolished by the communist regime, with the royal family leaving the country. In 2001 Mr Sakskoburggotski formed a political party and became prime minister of Bulgaria until 2005, with his party remaining in a governing coalition until 2009.

In 1947 all crown properties were transferred to the State pursuant to an Act introduced at that time. In 1998 that Act was found to be contrary to the right of property and the prohibition of discrimination set down in the Constitution, leading the applicants to seek the restitution of former properties of the Crown.

The applicants' application had concerned the State's refusal to return the Saragjol and Sitnyakovo estates, the legal moratorium on any transfer of property and on the commercial exploitation of the properties in their possession, and alleged discrimination against them on the basis of origin and social position. Note that the Court only found admissible the applicants' complaint concerning the ban on the commercial exploitation of their forestland.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

The [principal judgment](#) in the case was delivered on 7 September 2021.

In it the Court found that the Government had failed to justify the broad measures it had instituted to protect the forestland, rather than using the legislation already in place; that the Property Act had provided, in principle, sufficient protection for the State's claimed property rights; that the duration of the interference with the applicants' property rights had been overlong – especially considering it had been intended to be temporary – causing uncertainty for the applicants; and that the applicants had had no possibility to contest the restrictions imposed on them.

It therefore found a violation of Article 1 of Protocol No. 1 and Article 6 § 1.

The Court reserved the question of just satisfaction owing to the possibility of an agreement being reached between the parties. That question is the subject of this judgment.

Complaints, procedure and composition of the Court

Judgment was given by a Chamber of seven judges, composed as follows:

Pere **Pastor Vilanova** (Andorra), *President*,
Georgios A. **Serghides** (Cyprus),
Jolien **Schukking** (the Netherlands),
Darian **Pavli** (Albania),
Peeter **Roosma** (Estonia),
Ioannis **Ktistakis** (Greece) and,
Maiia Petrova **Rousseva** (Bulgaria), *ad hoc Judge*,

and also Milan **Blaško**, *Section Registrar*.

Decision of the Court

[Just satisfaction \(Article 41\)](#)

The Court considered that the impossibility for the applicants to engage in commercial forestry on their land had lasted from November 2009 until October 2020, the length of the moratorium imposed on such activity. Although it had received new information in respect of the length of this period, the Court saw no reason to depart from its findings in that connection in the main judgment. It held that it was the applicants alone – rather than all the heirs of King Ferdinand I of Bulgaria – who had suffered damage to their interests from the moratorium. It observed that the Government had not provided an alternative to the applicants' expert report on the losses sustained, which were claimed as being 1,537,395 euros (EUR) for the period until 31 July 2022 and EUR 98,480 for the subsequent period.

The Court held that Bulgaria was to pay the applicant EUR 1,635,875 in total in respect of pecuniary damage, and EUR 184 in respect of the costs and expenses for the just-satisfaction proceedings before it. The Court took note of the applicants' assurance that any award made will be taken into consideration when the parties settle their accounts after the close of the proceedings, in particular regarding future judgments of the national courts.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.