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

THIRD SECTION

DECISION

Application no. 44635/21
Yani Kostov DIMITROV
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 2 June 2026 as a Committee composed of:

Peeter Roosma*, President*,
Diana Kovatcheva,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 44635/21) 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") on 23 August 2021 by a Bulgarian national, Mr Yani Kostov Dimitrov ("the applicant"), who was born in 1946, lives in Sliven and was represented by Mr M. Ekimdzhiev, Ms K. Boncheva and Ms M. Dokova-Kostadinova, lawyers practising in Plovdiv;

the decision to give notice of the application to the Bulgarian Government ("the Government"), represented by their Agent, Ms B. Simeonova from the Ministry of Justice;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the applicant's inability to challenge the operation of a car repair shop located across the street from his home, which he claimed generated excessive noise and pollution. He filed numerous complaints with the local authorities, but no breaches of health-and-safety regulations were identified at the time. The applicant also sought to contest amendments to the local urban development plan that authorised the shop's activities. However, the administrative courts declared his claim

inadmissible, holding that domestic law permitted only immediate neighbours – rather than across-the-street neighbours – to challenge such administrative decisions.

2. The applicant complained under Articles 8 and 13 of the Convention that the national authorities had failed to put an end to the nuisances caused by the car repair shop following his complaints. He further alleged a violation of Article 6 § 1, on the ground that his challenge to the urban development plan (see paragraph 1 above) had not been examined on the merits.

THE COURT'S ASSESSMENT

3. The case was communicated to the Government in November 2024. At that stage, the Court specifically asked the parties to comment on the question whether an *actio negatoria* – a legal action aimed at stopping unjustified activities that interfere with the effective exercise of property rights – would have constituted an effective remedy available to the applicant.

4. In their submissions on the admissibility and merits, the Government informed the Court that, in April 2023, the applicant had in fact brought an *actio negatoria* against the neighbours operating the car repair shop. The Government submitted documents related to those proceedings.

5. The applicant confirmed that he had brought an *actio negatoria*. He submitted the judgments of the first- and second-instance courts, given respectively on 28 November 2025 and 19 March 2026. Those courts had decided in the applicant's favour, ordering the neighbours to cease the use of their property as a car repair shop and to refrain from any similar activities. At the time of the applicant's latest submissions, the second-level court's judgment had not yet entered into force.

6. The Government asked the Court to reject the application on the ground of abuse of the right to individual petition. They pointed out that the applicant had failed to inform the Court that he had brought an *actio negatoria*, "regarding the same circumstances and complaints" raised before the Court. According to the Government, even at the time when he had lodged the application the applicant had intended to bring such proceedings, as he had already authorised his representatives to act on his behalf.

7. The applicant contested the Government's objection. He pointed out that he had brought the *actio negatoria* only after lodging his application with the Court. Initially, he argued that such an action did not represent an effective remedy in his circumstances. He did not reiterate that argument after informing the Court of his success at two levels of court.

8. Under Article 35 § 3 (a) of the Convention, an application may be rejected as an abuse of the right of individual application if, among other reasons, it was knowingly based on untrue facts, or if the applicants submit incomplete and thus misleading information. Such information must concern the very core of the case. The same applies if important new developments

occur during the proceedings before the Court and the applicants fail to disclose that information, thereby preventing the Court from ruling on the case in full knowledge of the facts (see, among other authorities, *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014, and *Bekauri v. Georgia*, (dec.) no. 14102/02, §§ 21-23, 10 April 2012).

9. In the present case, the applicant complained in particular of violations of his rights under Articles 8 and 13 of the Convention, arguing that the authorities had failed to put an end to the nuisances caused by the car repair shop (see paragraph 2 above). However, he did not inform the Court that he had initiated domestic proceedings specifically aimed at stopping the allegedly unjustified interference with his right to respect for his home. Under Rule 47 § 7 of the Rules of Court, applicants are required to keep the Court informed of any relevant new developments (see *Gevorgyan and Others v. Armenia* (dec.), no. 66535/10, § 36, 14 January 2020). Moreover, the Court expressly asked the parties to comment on the remedy in question (see paragraph 3 above), indicating that it regarded this information as pertinent.

10. The applicant's failure to disclose that he had already brought an *actio negatoria* means that, when the application was communicated to the respondent Government in 2024, the Court did so without full knowledge of the facts. This omission concerned the very core of the case and could have influenced the Court's assessment of the application's admissibility.

11. The Court is not persuaded that the applicant's arguments, in so far as pertinent (see paragraph 7 above), justify his failure to disclose the relevant developments that occurred after the application was lodged. Against this background, the Court finds sufficient elements to establish that the applicant, by his failure to comply with his duty under Rule 47 § 7 of the Rules of Court, intentionally prevented the Court from having full knowledge of the facts of the case (see *Gevorgyan and Others*, cited above, § 36).

12. Accordingly, the Court upholds the Government's objection that the applicant's conduct constituted an abuse of the right of application within the meaning of Article 35 § 3 (a) of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 25 June 2026.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President