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

FIFTH SECTION

DECISION

Application no. 8905/09
Vasil Dimitrov FILEV and Magdalina Dimitrova ZLATANOVA
against Bulgaria

The European Court of Human Rights (Fifth Section), sitting on 12 January 2016 as a Committee composed of:

Erik Møse, *President,*
Yonko Grozev,
Mārtiņš Mits, *judges,*
and Milan Blaško, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 January 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Vasil Dimitrov Filev and Ms Magdalina Dimitrova Zlatanova, are Bulgarian nationals. The first applicant, born in 1946, lives in Asenovgrad, and the second applicant, born in 1936, lives in Dimitrovgrad. The applicants were represented before the Court by Mr M. Ekimdzhiev and Ms G. Chernicherska, lawyers practising in Plovdiv. The Bulgarian Government ("the Government") were represented by their Agent, Mr V. Obretenov, of the Ministry of Justice.

The applicants complained, relying on Article 1 of Protocol No. 1 and Articles 6 § 1 and 13 of the Convention, that the procedure instituted by them concerning the restitution of formerly agricultural land had been too lengthy, and that they had been placed in a situation of prolonged uncertainty as to the scope of their restitution rights. On 18 March 2015 the application was communicated to the respondent Government under Article 1 of Protocol No. 1.

On 22 May and 16 November 2015 the Court received friendly settlement declarations signed by the parties. The applicants agreed to waive any further claims against Bulgaria in respect of the facts giving rise to the present application against an undertaking by the Government to pay them jointly 6,000 euros to cover any pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to them. This sum would be converted into Bulgarian levs at the rate applicable on the date of payment, and would 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 parties agreed that the payment would constitute the final resolution of the case.

THE LAW

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 4 February 2016.

Milan Blaško
Deputy Registrar

Erik Møse
President