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

FOURTH SECTION

DECISION

Applications nos. 30392/09 and 30741/09
Vasko Mitkov GOSPODINOV against Bulgaria
and Dimitar Tsvetanov DIMITROV and Others against Bulgaria

The European Court of Human Rights (Fourth Section), sitting on 10 September 2013 as a Committee composed of:

David Thór Björgvinsson, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above applications lodged on 17 April 2009 and 23 April 2009 respectively,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants are Bulgarian nationals. Their names, dates of birth and legal representatives, as well as the essential information as to the procedures they were involved in concerning the restitution of agricultural land, are indicated in the attached table.

The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Dimova, of the Ministry of Justice.

The applicants complained, in particular, under Article 1 of Protocol No. 1 of unjustified delays in the process of restitution of agricultural land. These complaints were communicated to the respondent Government on 26 October 2012.

THE LAW

The Court considers that in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common legal background.

On 12 and 19 December 2012 respectively the Court received friendly settlement declarations signed by the applicant's heirs in application no. 30392/09 and the applicants in application no. 30741/09, and on 3 July 2013 it received declarations signed by the Government. Under those declarations the applicants/the heirs agreed to waive any further claims against Bulgaria in respect of the facts giving rise to these applications against an undertaking by the Government to pay them the amounts indicated in the table below, to cover any and all damage as well as costs and expenses. The sums will be converted into Bulgarian levs at the rate applicable on the date of payment, and will be free of any taxes that may be chargeable to the applicants/the heirs. They will be payable within three months from the date of notification of the present decision. In the event of failure to pay the sums within the said three-month period, the Government undertook to pay simple interest on them, 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 cases.

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 applications. In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court unanimously

Decides to join the applications;

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

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President

APPENDIX

No.	Application no.	Lodged on	Applicant name year of birth place of residence represented by	Relevant facts concerning the course of the restitution procedures	Friendly settlement sums
1.	30392/09	17/04/2009	**Vasko Mitkov GOSPODINOV** 1955 (died in 2012, some of his heirs wished to pursue the application) Represented by Mr M. Ekimdzhiev and Ms G. Charnicherska	In two decisions of **22 October 1993** the local land commission refused to return to the heirs of the applicant's grandfather a plot of **28,000 sq. m.** and held that they were entitled to compensation. The value of the compensation was determined in a decision of **4 September 2000**, served on the applicant in 2009. After he sought judicial review, in a final judgment of **11 February 2011** the courts held that the heirs were entitled to compensation, through comparable land or compensation bonds, for BGN 32,529. The heirs have not yet received the compensation thus allotted.	**EUR 5,500**, to be distributed among the heirs who wished to pursue the application, in accordance with their inheritance shares.
2.	30741/09	23/04/2009	**Dimitar Tsvetanov DIMITROV** 1930 **Georgi Tsvetanov DIMITROV** 1932 **Vasil Tsvetanov DIMITROV** 1936 The three applicants live in the village of Belashtitsa and are represented by Ms S. Stefanova and Mr M. Ekimdzhiev.	With three decisions of **15 and 17 November 2000** and **14 August 2002** the local agricultural land commission held that the applicants were entitled to receive compensation, through other comparable land or bonds, for **5,861 sq. m.** of land. The applicants stated that they wished to receive comparable land. They have not yet received any compensation.	EUR 1,000 per applicant, or **EUR 3,000** in total.