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

THIRD SECTION

DECISION

Application no. 10223/18
Dragomir Tanev MANOLOV
against Bulgaria
(see appended table)

The European Court of Human Rights (Third Section), sitting on 18 April 2024 as a Committee composed of:

Peeter Roosma, *President*,
Andreas Zünd,
Oddný Mjöll Arnardóttir, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 21 February 2018,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Ms S. Ivanova, a lawyer practising in Sofia.

The Bulgarian Government ("the Government") were given notice of the applicant's complaint under Article 6 § 1 of the Convention, concerning the alleged partiality of the judges of the Sofia City Court in proceedings in which that court was one of the defendants.

THE LAW

After the failure of attempts to reach a friendly settlement, the Government submitted a unilateral declaration with a view to resolving the issue raised by the communicated complaint. In that declaration, the Government acknowledged that there had been a breach of Article 6 of the Convention resulting from the legitimate doubts concerning the objective impartiality of the judges of the Sofia City Court in proceedings brought by the applicant

against that court, and offered to pay him the amount set out in the appended table.

This amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision to strike the application out of its list of cases. In the event of failure to pay this amount within that 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 would constitute the final resolution of the case.

On that basis, the Government invited the Court to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

A copy of the Government's declaration was sent to the applicant, along with an invitation to submit any comments which he might wish to make in reply. The Court has not received a response from the applicant.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning the complaint relating to the impartiality of the domestic courts (see, for example, *Micallef v. Malta* [GC], no. 17056/06, § 97, ECHR 2009; and *Mihalkov v. Bulgaria*, no. 67719/01, § 47, 10 April 2008). It has no reasons to consider that the compensation offered by the Government constitutes inadequate or otherwise unreasonable redress for the violation of the applicant's Convention rights (see *Ryabkin and Volokitin v. Russia* (dec.), nos. 52166/08 and 8526/09, §§ 49-50, 28 June 2016, and *Igranov and Others v. Russia*, nos. 42399/13 and 8 others, § 24, 20 March 2018, and, for a similar approach, *Antovski and Others v. North Macedonia* (dec.) [Committee], no. 68160/17, 8 December 2022).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does

not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

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

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 16 May 2024.

Viktoriya Maradudina	Peeter Roosma
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
10223/18 21/02/2018	**Dragomir Tanev MANOLOV** 1982	Ivanova Svetlana Draganova Sofia	21/11/2023	2,500

[1] Plus any tax that may be chargeable to the applicant