

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

THIRD SECTION

DECISION

Application no. 42737/21
Tinka Rusinova NIKOLOVA and Others
against Bulgaria
(see appended table)

The European Court of Human Rights (Third Section), sitting on 18 September 2025 as a Committee composed of:

Úna Ní Raifeartaigh, *President*,
Mateja Đurović,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 26 February 2021,

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

A list of applicants is set out in the appended table.

The applicants were represented by Mr M. Ekimdzhiev, Ms K. Boncheva and Ms M. Dokova-Kostadinova, lawyers practising in Plovdiv.

Two of the applicants passed away in 2021 and 2025 (see below) and their heirs (see the appended table) expressed the wish to continue the application in their stead.

The applicants' complaints under Article 1 of Protocol No. 1 to of the Convention concerning the excessive duration of restitution proceedings were communicated to the Bulgarian Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the violation of Article 1 of Protocol No. 1. They offered to pay Tinka Rusinova Nikolova, Krasimira Mancheva Zhelyazkova and Rozin Stefanov Milev (the latter in his personal capacity and as an heir of Byala Damyanova Mileva who had passed away in 2021) 2,500 euros (EUR) to cover any pecuniary and non-pecuniary damage and costs and expenses, plus any tax that may be chargeable to them, and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount indicated above 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. In the event of failure to pay this amount within the abovementioned 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 payment will constitute the final resolution of the case.

In a letter dated 8 July 2025 the Government stated that they maintained the unilateral declaration, noting that the heir of Tinka Rusinova Nikolova, who had passed away in 2025 and of whose demise the Government had been informed after the submission of the declaration, wished to continue the application in her stead.

The applicant party was sent the terms of the Government's unilateral declaration on 9 May 2025. The Court has not received a response.

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 applicants wish the examination of the case to be continued (see, in particular, *Tahsin Acar v. Turkey* (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has clear and extensive case-law concerning complaints relating to the excessive duration of restitution proceedings in Bulgaria (see, for example, *Popov and Chonin v. Bulgaria*, no. 36094/08, 17 February 2015; *Zikatanova and Others v. Bulgaria*, no. 45806/11, 12 December 2019; *Gechevi v. Bulgaria* [Committee], no. 54909/14, 22 June 2021).

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 9 October 2025.

Viktoriya Maradudina Acting Deputy Registrar	Úna Ní Raifeartaigh President

APPENDIX

List of the applicants:

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Tinka Rusinova NIKOLOVA	1935 Died in 2025	Bulgarian	Veilko Tarnovo
2.	Rozin Stefanov MILEV	1957	Bulgarian	Veliko Tarnovo
3.	Byala Damyanova MILEVA	1938 Died in 2021	Bulgarian	Vaglevtsi
4.	Krasimira Mancheva ZHELYAZKOVA	1954	Bulgarian	Veliko Tarnovo

Decedent	Heir
Tinka Rusinova NIKOLOVA Died in 2025	Kostadinka Nikolova RUSANOVA Born in 1958
Byala Damyanova MILEVA Died in 2021	Rozin Stefanov MILEV Born in 1957