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

THIRD SECTION

DECISION

Application no. 17146/21
Stanimir Stefanov PETROV
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 27 January 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. 17146/21) 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 16 March 2021 by a Bulgarian national, Mr Stanimir Stefanov Petrov ("the applicant"), who was born in 1982, lived in Haskovo 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 V. Tzaneva from the Ministry of Justice;

the decision to give priority to the application (Rule 41 of the Rules of Court);

the parties' observations;

the information concerning the applicant's death after lodging the application and the wish of his heirs to pursue the proceedings before the Court in his stead;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. On 2 July 2013, while overtaking a horse-drawn carriage, the applicant, driving a van, collided with it from behind. The carriage driver, G.D., was

thrown onto the road and died a month later owing to complications resulting from the accident. Both administrative-offence and criminal proceedings were initiated on the day of the accident.

2. A traffic police officer issued an administrative-offence report, on the basis of which the Chief of the Haskovo District Police Department issued a penal order imposing a fine of 100 Bulgarian levs (BGN), equivalent to 51 euros (EUR), for breaching section 23(1) of the Road Traffic Act, namely, failure to maintain a safe distance from the vehicle ahead. The applicant did not appeal against the order and paid the fine on 1 October 2013.

3. At the same time, criminal proceedings were opened against the applicant. In the course of those proceedings, and following G.D.'s death, on 13 December 2016 the Haskovo Regional Prosecutor's Office charged the applicant under Article 343 § 1 (c) of the Criminal Code for breaching road traffic regulations and negligently causing G.D.'s death.

4. The applicant's representative asked the Haskovo Regional Court to terminate the criminal proceedings, relying on the *ne bis in idem* principle. The court included the file concerning the administrative-offence proceedings in the body of evidence and closed the criminal case, finding that both sets of proceedings were criminal in nature, based on the same facts, and thus duplicative.

5. On 29 June 2017 the Plovdiv Court of Appeal overturned that decision, holding that the administrative-offence proceedings were not criminal in nature and that the facts were not identical. It remitted the case for a fresh examination.

6. Upon re-examination, in a judgment of 27 February 2018 the regional court found the applicant guilty as charged. It acknowledged his efforts to assist the victim, noted that there had been numerous mitigating circumstances and took into account that a fine had been imposed in the administrative-offence proceedings. The court imposed probation measures for 18 months and a driving ban. The appellate court upheld the conviction, finding no duplication of proceedings. The Supreme Court of Cassation confirmed that decision in a final judgment of 16 September 2020.

7. Relying on Article 4 of Protocol No. 7 to the Convention and Article 13 of the Convention, the applicant complained that he had been prosecuted and convicted twice for the same offence and that he had no effective remedy in that regard.

THE COURT'S ASSESSMENT

A. Preliminary issue

8. The Court notes that the applicant died after lodging the application and that his widow, Ms Dobrinka Boyadzhieva, his daughter Ms Viktoriya Petrova, and his son, Mr Stefan Petrov, have expressed their wish to continue

the proceedings before the Court. The Government contested the heirs' standing to pursue the application on behalf of the deceased applicant.

9. The Court has previously held that where an applicant has died after lodging the application, the decisive factor is whether the applicant's heirs have expressed their wish to take the applicant's place in the proceedings and whether they have a legitimate interest in obtaining a ruling from the Court (see *Ohanjanyan v. Armenia*, no. 70665/11, § 104, 25 April 2023, and *Ergezen v. Turkey*, no. 73359/10, §§ 27-30, 8 April 2014, with further references).

10. The Court accepts that the applicant's heirs have a legitimate interest in pursuing the application in the deceased applicant's stead and in obtaining a ruling from the Court. For reasons of convenience, the text of this decision will continue to refer to Mr Stanimir Petrov as "the applicant".

B. Complaint under Article 4 of Protocol No. 7 to the Convention

11. The general principles concerning the right not to be tried and punished twice for the same offence have been summarised in *Sergey Zolotukhin v. Russia* [GC], no. 14939/03, §§ 79-84, ECHR 2009; *A and B v. Norway* [GC], nos. 24130/11 and 29758/11, §§ 117-34, 15 November 2016, and *Bajčić v. Croatia*, no. 67334/13, §§ 25-26, 8 October 2020, with further refences.

12. Turning to the circumstances of the present case, the Court finds that, based on the "Engel criteria" (see *Engel and Others v. the Netherlands*, 8 June 1976, §§ 82-83, Series A no. 22), the administrative-offence proceedings (see paragraph 2 above) were "criminal" in nature within the autonomous meaning of Article 4 of Protocol No. 7. Similarly, in *Varadinov v. Bulgaria*, no. 15347/08, §§ 39-40, 5 October 2017, the Court held that a fine of BGN 50 for irregular parking, combined with the removal of five control points from that applicant's license, had had a punitive and deterrent character and had thus constituted a criminal charge.

13. Both sets of proceedings in the present case arose from the same road accident (see paragraph 1 above). The breach of road traffic rules was essential to the administrative-offence proceedings (see paragraph 2 above) and also formed a key element of the criminal conviction (see paragraphs 3-6 above). Accordingly, the *idem* element of the *ne bis in idem* principle was also present (compare with *Bajčić*, cited above, §§ 35-36).

14. The Court has held that there is no duplication of trial or punishment (*bis*) as proscribed by Article 4 of Protocol No. 7 if the dual proceedings were "sufficiently closely connected in substance and in time"; in other words, they must have been combined in an integrated manner so as to form a coherent whole (see *A and B v. Norway*, cited above, §§ 131-34). In *Bajčić* (cited above, § 39), the Court summarised the material factors for determining whether there was a sufficiently close connection in substance.

15. Similarly to *Bajčić* (cited above, § 41), in the case at hand, both sets of proceedings pursued complementary purposes and addressed different aspects of the applicant's misconduct. The administrative-offence proceedings sanctioned him for failing to maintain a safe distance with the vehicle ahead (see paragraph 2 above), aiming to deter breaches of road safety rules, while the criminal proceedings addressed the consequences of that conduct, namely, the negligent causing of G.D.'s death (see paragraph 3 above).

16. The duality of proceedings was a foreseeable consequence, both in law and in practice, of the same conduct. Under Bulgarian legislation, fatal road traffic accidents cannot be addressed administratively and must be prosecuted through criminal proceedings (compare with *Bajčić*, cited above, § 42).

17. The establishment of the facts in the administrative-offence proceedings was replicated in the criminal case to avoid duplication in the collection and assessment of evidence. The criminal courts incorporated the administrative-offence case file in the body of evidence in the criminal case (see paragraph 4 above). That coordination between the administrative authorities and the criminal courts ensured that the two sets of proceedings were substantively and procedurally integrated.

18. Considered together, the sanctions imposed in both sets of proceedings did not exceed what was strictly necessary in the light of the seriousness of the offences and the applicant did not bear an excessive burden. The criminal courts expressly took into account the administrative fine of approximately EUR 51 imposed in the earlier administrative-offence proceedings (see paragraph 6 above). They imposed lenient probation measures for 18 months and a driving ban (ibid., and compare with *Bajčić*, cited above, § 44).

19. In addition, there was a sufficiently close temporal link between both sets of proceedings – they were both initiated on the day of the accident (see paragraph 1 *in fine* above) and were conducted in parallel (see paragraphs 2-3 above).

20. For those reasons, the Court finds that, in the present case, the aims of punishment were achieved through two foreseeable and complementary sets of proceedings which were sufficiently connected in substance and in time, as required by the Court's case-law. Those proceedings formed a coherent and proportionate whole. Accordingly, the applicant's complaint under Article 4 of Protocol No. 7 is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

C. Complaint under Article 13 in conjunction with Article 4 of Protocol No. 7 to the Convention

21. In the absence of any defendable claim under Article 4 of Protocol No. 7, the complaint under Article 13 should also be declared inadmissible as manifestly ill-founded in accordance with 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 19 February 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President