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

FIFTH SECTION

DECISION

Application no. 38948/10
Simeon Borisov SAKSKOBURGGOTSKI and Others against Bulgaria
and 2 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 20 March 2018 as a Chamber composed of:

Angelika Nußberger, *President,*
Erik Møse,
André Potocki,
Síofra O'Leary,
Gabriele Kucsko-Stadlmayer,
Lətif Hüseynov, *judges,*
Maiia Rousseva, ad hoc *judge,*

and Claudia Westerdiek, *Section Registrar,*

Mr Yonko Grozev, the judge elected in respect of Bulgaria, withdrew from sitting in the Chamber (Rule 28). The Government accordingly appointed Ms Maiia Rousseva to sit as an *ad hoc* judge (Article 26 § 4 of the Convention and Rule 29).

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having deliberated, decides as follows:

THE FACTS

1. The numbers and dates of introduction of the present applications and the applicants' particulars are indicated in the appendix.

2. In application no. 38948/10 the applicants were represented by Mr M. Ekimdzhiev and Ms K. Boncheva, lawyers practising in Plovdiv, and Ms E. Hristova, a lawyer practising in Sofia. In the two other applications the applicants were represented by Mr Ekimdzhiev and Ms Boncheva only.

A. The circumstances of the case

3. The facts of the case, as submitted by the applicants and as apparent from documents available to the public, may be summarised as follows.

1. The Bulgarian monarchy

4. The modern Bulgarian State was created in 1878 as a principality (*Княжество*) and after 1908 a kingdom (*Царство*). Its first monarch, Prince Alexander I, ruled until 1886.

5. In 1887 an Austrian prince, Ferdinand, was crowned as Prince (*Княз*) Ferdinand I. In 1908 he became King (*Цар*).

6. Ferdinand I abdicated in 1918 and his son Boris acceded to the throne as King Boris III. In 1930 the King married the Italian princess Giovanna di Savoia. Their daughter, Maria-Luisa (the second applicant), was born in 1933 and their son, Simeon (the first applicant), in 1937.

7. King Boris III passed away on 28 August 1943 and the first applicant acceded to the throne as King Simeon II.

8. In 1944 the communist party took power in Bulgaria. On 15 September 1946 the communist authorities held a referendum on the form of government. After more than 90% of the participants voted for a republic, the monarchy was abolished. The royal family left the country on 16 September 1946. They went to Egypt and after 1951 settled in Spain. The Queen Mother, Giovanna, passed away in 2000.

9. Under the Constitution of the Kingdom, the King received a yearly sum of money to cover his expenses and those of his household. That money became known as “the Civil List”. The Civil List and the properties of the Crown were managed by the Intendancy of the King’s Civil List (hereinafter “the Intendancy”), created in 1890 by King Ferdinand I. The Intendancy would also represent the King in civil transactions.

10. As already mentioned, the first applicant is the former King Simeon II. The second applicant is his sister. The third to seventh applicants in application no. 38948/10 (see the Appendix) are the remaining heirs of Ferdinand I (abdicated in 1918 – see paragraph 6 above), who passed away in exile in 1948.

2. The royal properties after 1946

11. After the abolition of the monarchy in Bulgaria, in December 1947 Parliament passed the Act on Declaring State Property the Properties of the Families of the Former Kings Ferdinand and Boris and Their Heirs (see paragraph 112 below – hereinafter “the 1947 Act”).

12. In September 1946 the Intendancy prepared a list of the royal properties on the basis of which the 1947 Act was later implemented. It was validated by the then Prime Minister Kimon Georgiev and known

subsequently as "the Kimon Georgiev list". The list included a part entitled "Personal properties owned by the former King", which included the properties described in paragraphs 23-47 below and others. It also mentioned 452 hectares of forest land in the Samokov area, but it is unclear whether that land was the subject of the Samokov land commission's decisions described in paragraph 48 below. Lastly, the property referred to in paragraphs 20-22 below was listed separately, as it was considered to have been the personal property of Ferdinand I's daughter, Princess Evdokia.

13. After 1947 the former royal properties were used by the Bulgarian State.

3. Judgment no. 12 of 4 June 1998 of the Constitutional Court

14. In early 1998 the Chief Public Prosecutor, acting under Article 150 § 1 of the 1991 Constitution (see paragraph 117 below), applied to the Constitutional Court to have the 1947 Act declared unconstitutional.

15. In judgment no. 12 of 4 June 1998 (*Решение № 12 от 4 юни 1998 на КС на РБ по к.д. № 13/1998 г.* – hereinafter "the 1998 judgment of the Constitutional Court", see paragraphs 123-24 below) the Constitutional Court allowed the application, holding unanimously that the 1947 Act contradicted certain provisions of the Constitution, namely those guaranteeing the right to property and prohibiting discrimination.

16. According to media reports, after the judgment at issue in the beginning of 2001 the Government discussed a bill, proposing to add to already existing restitution legislation provisions on the restitution of the properties of the former Kings. However, the bill was abandoned.

4. The first applicant's return to Bulgaria

17. The first applicant visited Bulgaria in 1996 and on several occasions thereafter. In 2001 he returned to the country indefinitely.

18. In 2001 he founded a political party, which won the general elections. On 24 July 2001 he was sworn in as Prime Minister. He remained in this post until 2005. The next Government, in power between 2005 and 2009, were formed by a coalition of three parties, including the first applicant's party.

5. Properties claimed by the applicants and the return of some of them

19. After the 1998 judgment of the Constitutional Court the applicants sought the return of some of the properties used previously by the royal family. Their claims concerned the following properties.

(a) Princess Evdokia's house in Sofia

20. Before leaving Bulgaria in 1946 with the first and second applicants and their mother, Princess Evdokia had lived in a two-storey house, built on a plot of land in Sofia measuring 7,185 square metres. She had bought it from a private party in 1937.

21. In a decision of 12 December 1999 (amended by a further decision on 23 November 2000) the mayor of Sofia, referring to the 1998 judgment of the Constitutional Court, removed the property from the list of municipal properties and ordered that possession be transferred to the heirs of Kings Ferdinand I and Boris III.

22. In 2001 the applicants sold the property to a private investor, who demolished the house and constructed residential buildings on the site.

(b) The Vrana Estate

23. The Vrana Estate, on the outskirts of Sofia, consists of a park (a botanical garden) measuring 992,672 square metres, a palace measuring 2,013 square metres and several auxiliary buildings. The estate was created at the beginning of the twentieth century and the palace itself was built between 1909 and 1912. After 1947 it was considered to be State property, and in 1999 it was registered as private municipal property of the Sofia municipality.

24. In a decision of 23 January 2001 (amended on 7 August 2001) the mayor of Sofia, referring to the 1998 judgment of the Constitutional Court, removed the property from the list of municipal properties and ordered that possession be transferred to the heirs of Kings Ferdinand I and Boris III.

25. In August 2001 the first and second applicants donated 968,097 square metres of the park to the Sofia municipality, on condition that it be maintained as a botanical garden and open to the public. On 18 September 2001 they obtained a notary deed, recognising them as owners of a plot of 21,372 square metres and not mentioning buildings.

26. According to the media, the first applicant currently uses the Vrana palace as his principal residence. Its address is also given as his permanent address on his identity card.

27. On 24 March 2011 the State has brought proceedings claiming that it is the owner of the Vrana estate (see paragraph 111 below).

(c) The Banya estate

28. In the Kimon Georgiev list (see paragraph 12 above) it was indicated that the estate consisted of a building measuring 355 square metres and a plot of land. However, in a 2004 decision of the regional governor (see paragraph 31 below), the property was described as consisting of two buildings, one two-storeys and measuring 90 square metres and the other one-storey and measuring 100 square metres. The estate is situated in

Banya, a thermal resort in the vicinity of Karlovo, and includes a plot of land measuring 10,598 square metres. The land was acquired by King Boris III between 1928 and 1935 and the buildings were constructed around 1930. The property was registered as State-owned in 1996.

29. Boris III's property rights to this estate were said to have been "incontestable" in a report prepared by a parliamentary commission set up to inquire into the "royal restitution" and presented to Parliament on 17 August 2006 (see paragraph 52 below).

30. In 2001 the first and second applicants requested the return of this property. According to media reports, they had in fact been allowed to use it even before that. The property's address is given as the second applicant's permanent address on her identity card.

31. In a decision of 28 December 2004 the governor of the Plovdiv region, referring to the 1998 judgment of the Constitutional Court and notary deeds from 1928 and 1929, removed the property from the list of State properties and ordered that possession be transferred to "those entitled".

32. According to media reports, in 2014 the first and second applicants put the property up for sale.

(d) The Bistritsa estate

33. The estate consists of a palace covering an area of 550 square metres, a number of auxiliary buildings and a plot of land measuring 197,923 square metres. It is situated in the resort of Borovets in the foothills of Rila Mountain. The palace was constructed between 1898 and 1914.

34. On an unspecified date the property was registered as public State property. On 14 October 2002 the Government took a decision to register it as private State property.

35. In a decision of 18 October 2002 the governor of the Plovdiv region removed the property from the list of State properties and ordered that possession be transferred to "those entitled". He relied on the 1998 judgment of the Constitutional Court, the Government decision mentioned in the previous paragraph, and the decisions of the Samokov land commission described in paragraph 48 below.

36. On 24 March 2011 the State has brought proceedings claiming that it is the owner of the Bistritsa estate (see paragraph 111 below).

(e) The Sitnyakovo estate

37. The estate consists of a palace covering an area of 580 square metres, auxiliary buildings and land measuring 20,368 square metres. It is situated on Rila Mountain.

38. In 1981 the palace was declared a cultural monument.

39. In 1995 the Government authorised the use of the estate by the Union of Bulgarian Writers.

40. On 19 June 2003 the buildings were registered as private State property.

41. In a decision of 17 November 2003 the governor of the Sofia region, referring to the 1998 judgment of the Constitutional Court, removed the buildings from the list of State properties and ordered that possession be transferred to "those entitled". The decision noted that the buildings had been constructed on forest land, without specifying who owned it.

(f) The Saragyol complex

42. The complex consisted of a hunting lodge covering an area of 292 square metres and two auxiliary buildings. All the buildings were constructed between 1904 and 1914 on land which is currently part of the Rila National Park.

43. After 1947 the property was used by a hunting association, and after 1956 – by a State body. In 1987 it was registered as State property, and in 2001 was once again registered as public State property. The first and second applicants requested the transfer of possession to this property in 1998, but no decision was taken at the time.

44. On 14 October 2002, by a decision of the Government, the complex was registered as private State property. On 18 October 2002, the governor of the Sofia region, referring to that decision and the 1998 judgment of the Constitutional Court, removed the buildings from the list of State properties and ordered that possession be transferred to "those entitled".

(g) The Krichim estate

45. That estate consists of a palace covering an area of 770 square metres, numerous auxiliary buildings and land measuring 371,500 square metres, situated in the foothills of Rhodopi Mountain in the Plovdiv region. It was constructed in 1901.

46. In 2007 the property was registered as public State property. It is currently used by a government body.

47. On an unspecified date the first and second applicants requested the governor of Plovdiv region to remove the property from the lists of State properties. This was refused on 24 July 2007. After the applicants applied for the judicial review of the refusal, in a final judgment of 10 November 2008 the Supreme Administrative Court found their application inadmissible, noting that registration and deregistration of properties as private or public property of the State were "internal" and "technical" actions for the administration and could not in themselves affect any rights the applicants could have had. If the applicants claimed to be the owners of the estate, they had to seise the civil courts of their claims.

(h) Forest land

48. In six decisions adopted between 30 June 2000 and 29 December 2003 the Samokov land commission (after 2002 the Agriculture and Forestry Department) recognised the right of the heirs of Ferdinand I and Boris III to the restitution of plots of forest land in the area measuring approximately 1,650 hectares. For some of the plots restitution in kind was provided, while for the others the heirs were allocated other plots as compensation.

49. In November 2009 the State brought *rei vindicatio* proceedings against the applicants concerning those properties, which are still pending (see paragraph 110 below).

6. Parliamentary motions before 2009 and parliamentary decision of 18 December 2009

50. In January 2004 several members of Parliament introduced a bill which proposed the stay of all procedures concerning the restitution of properties of the former Kings and prohibiting any transfer of the properties already in possession of their heirs and of any commercial exploitation of the forests and the agricultural land. It also stated that any property rights of the heirs of the former Kings were to be regulated by an Act adopted by Parliament. However, the bill was never scheduled for examination by Parliament.

51. In July 2005 members of Parliament introduced another bill declaring null and void all administrative decisions considered to restore property rights to the royal family. This bill was never put up for examination by Parliament as well.

52. In 2006 a parliamentary commission was set up with the task of inquiring into the "royal restitution". Its report, presented to members of Parliament on 17 August 2006, described the properties transferred to the heirs of the former Kings and the administrative procedures concerning them. It presented the conflicting opinions of its members, in particular on two questions: 1) the legal status of the Intendancy and whether it had acquired properties for the State or for the Kings in their private capacity, and 2) any restitution effect of the 1998 judgment of the Constitutional Court. After discussion, Parliament adopted a decision stating that it accepted the report, rejecting proposals on the part of the opposition to conclude on its basis that it considered the "royal restitution" contrary to law.

53. On 18 December 2009 Parliament adopted a decision, ordering the stay of:

> "any transfer[s] of land, agricultural land, forests, buildings and movables for which there are decisions recognising and restoring the property rights, or which are given in compensation to the heirs of the former Kings Ferdinand I and Boris III".

54. It also ordered the stay of any "commercial exploitation and construction" on these properties. In addition, it stated that those in possession of the properties were to take good care of them, or would otherwise be liable for any damage. Lastly, the decision specified that the measures at issue would remain in force until "the enactment of special legislation" regulating the matter.

55. On 28 December 2009 the national Ombudsman challenged the decision before the Constitutional Court. He argued, firstly, that Parliament had not been competent to take a decision concerning specific individuals and that the decision at issue was "purely political". He further argued that the decision had been adopted in breach of the principle of separation of powers, because it was not Parliament but the courts which were competent to order injunctions. He also considered that the decision breached the provisions of the Constitution guaranteeing the right to property and prohibiting discrimination (see paragraph 114 below).

56. In a decision of 9 February 2010 (*Определение № 1 от 09/02/2010 г. по к.д. № 19 от 2009 г.*) the Constitutional Court declared the challenge inadmissible, reasoning that the Ombudsman was only competent to challenge legislative acts and not decisions of Parliament.

7. Judicial proceedings

(a) Concerning the Krichim estate

(i) The applicants' claims

57. On 29 May 2008 the first and second applicants brought *rei vindicatio* proceedings against the State, contending that they owned the Krichim estate, the only property claimed by them for which possession had not been transferred to them (see paragraph 47 above).

58. The applicants relied mainly on the 1998 judgment of the Constitutional Court. They argued that the quashing of the 1947 Act meant that the State had ceased to be the owner of the properties concerned by it, and that their own property rights had been restored. They further argued that the 1947 Act had been aimed at the expropriation of the properties "specifically enumerated" in the Kimon Georgiev list (see paragraph 12 above), which had placed the Krichim estate in the group of "personal properties owned by the former King". In addition, they claimed that the 1947 Act had represented recognition on the part of the State that the properties concerned had not until then been State property, but personal property of the King.

59. The applicants also claimed that their father, King Boris III, had acquired ownership through adverse possession, the property having been in the possession of the Intendancy in his name after his accession to the

throne in 1918. The applicants argued that the Intendancy had not been a State body, but had only represented the "civil personality" of the King.

(ii) Judgment of the Plovdiv Regional Court

60. The Plovdiv Regional Court gave a judgment on 9 July 2010, dismissing the applicants' claims.

61. It dealt, firstly, with the legal effects of the 1998 judgment of the Constitutional Court. It pointed out that section 22(4) of the Constitutional Court Act stipulated that the consequences of the quashing of a legal provision found to contradict the Constitution had to be regulated by the body having enacted that provision (see paragraph 118 below), which in the case at hand meant Parliament. Accordingly, in the absence of an Act of Parliament dealing with the possible restitution of the former Kings' property, the 1998 judgment could not in itself provide a basis for the restoration of any property rights the applicants could have had. It was also significant in that regard that the Constitution provided for no right to restitution, and restitution was possible only in the scope and manner decided on by Parliament, as stated in judgment no. 15 of the Constitutional Court of 9 June 1998 (see paragraph 125 below).

62. The Plovdiv Regional Court then turned to the question of the legal status of the Intendancy. It dismissed claims that the Civil List (see paragraph 9 above) represented a kind of "salary" or private revenue of the King, pointing out that its purpose was to "guarantee the representativeness and dignity" of the monarchy. In addition, the claimants had not even shown that the construction of the buildings claimed by them had been financed by the Civil List; on the contrary, there was evidence that they had been financed by the State, through the Ministry of Public Works. While there had been occasions where the King could acquire property through the Intendancy only in his private capacity, his intention to do so had been specifically stated. This had not been the case with the property claimed by the applicants. It had been in the possession of the Intendancy, which could have acquired it through adverse possession, but on behalf of the State.

63. Lastly, the domestic court dismissed the applicants' claim that the Kimon Georgiev list mentioning that the estate at issue was personal property of the King (see paragraph 12 above), could be valid and sufficient proof of their property rights. It pointed out that the "incorrect" classification in the list had been disproved by the remaining evidence in the case.

(iii) Judgment of the Plovdiv Court of Appeal

64. The applicants lodged an appeal.

65. In a judgment of 10 March 2011 the Plovdiv Court of Appeal dismissed it, confirming the findings of the Plovdiv Regional Court. It pointed out that the 1947 Act had not affected the status of the property

claimed, because it had been and remained State property. As to the 1998 judgment of the Constitutional Court, it had merely declared that the 1947 Act was unconstitutional, and this declaration meant that the Act was no longer applicable afterwards, but could not substitute the legislature's decision on the former Kings' properties. Such a conclusion also took into account judgment no. 15 of the Constitutional Court of 9 June 1998, according to which the scope and manner of restitution could only be decided on by Parliament and no right to restitution stemmed directly from the Constitution (see paragraph 125 below).

66. The Plovdiv Court of Appeal also dealt with the legal status of the Intendancy, concluding that it had been a State body with its own legal personality, which meant that not all properties managed by it were private properties of the King. Lastly, referring to the Kimon Georgiev list (see paragraph 12 above), it noted that the property's characterisation as personal property of the King could have been "propaganda", "typical for that historical moment".

(iv) Judgment of the Supreme Court of Cassation

67. The applicants lodged an appeal on points of law.

68. In a decision of 2 February 2012 the Supreme Court of Cassation (hereinafter "the Supreme Court") accepted it for examination, considering it necessary to adjudicate on the question concerning the legal status of the Intendancy.

69. In a judgment of 8 June 2012 the Supreme Court dismissed the appeal and upheld the judgment of the Plovdiv Court of Appeal. On the question accepted for examination, it held:

> "Under section 3 of the Rules of the Intendancy ... the Intendancy is the body representing the royal Court under civil law ... It is tasked with a wide range of functions aimed at ensuring the activities of the King, as Head of State, which means that it is a State body ... and that it has acquired, since the moment of its creation, legal personality and capacity enabling it to secure and carry out the rights and obligations assigned to it under its Rules as the body responsible for the maintenance and upkeep of the King, precisely as Head of State, and his family."

70. Pointing out that the Intendancy's budget was usually much higher than the Civil List (see paragraph 9 above) and the apanage provided to the other members of the King's family, the Supreme Court continued:

> "This undoubtedly means that the Intendancy ... cannot be equated to the Civil List itself and does not operate merely with the amount representing the Civil List. The Intendancy ... which, among many other functions related to the maintenance of the monarch as Head of State, managed his Civil List, should be distinguished from the Civil List itself – the sum paid by the State budget for the King's personal expenses, for his upkeep as a private individual and [that] of his family. [Thus] the Intendancy was not created merely and only to manage the King's Civil List".

71. On the basis of the above general considerations, the Supreme Court concluded that in the case at hand the applicants had not shown that the Intendancy had been in adverse possession of the property claimed by them for the King and not for the State. Their claims thus had no merit.

(b) Concerning the Saragyol complex

(i) The State's claims against the applicants

72. On 30 May 2011 the Minister of Public Works, acting on behalf of the State, brought an action against all heirs of Ferdinand I and Boris III (all seven applicants in application no. 38948/10) for a declaratory judgment to the effect that the State owned the Saragyol complex, occupied by the first and second applicants on the strength of the decision of the regional governor of 18 October 2002 (see paragraph 44 above). The claim was specifically based on the fact that the buildings had been constructed on State land and had thus become the property of the State (*приращение*). The Minister also brought a *rei vindicatio* action, seeking that the State recover possession of the property. In addition, he sought damages from the first and second applicants for their use of the property between 2006 and 2011.

73. The first and second applicants contested the claims. They brought a counterclaim asking, were they to be ordered to surrender possession, to be allowed to retain the property until the State reimbursed the expenses incurred by them for maintaining the property.

74. The other defendants (the third to seventh applicants in application no. 38948/10) made an admission acknowledging that the State owned the disputed property. They pointed out that they were not in possession of it.

(ii) Judgment of the Sofia Regional Court

75. The Sofia Regional Court gave a judgment on 28 August 2014, supplemented by an additional judgment on 22 December 2014.

76. Analysing the legislation in force at the time when the disputed buildings had been constructed, namely between 1904 and 1914 (see paragraph 42 above), it concluded that the land they had been constructed on had been State property. Even though there were no documents certifying its rights, the State enjoyed "residual" ownership, as there were no claims that the land had been private or municipal. The applicants' predecessors had not acquired the right to construct on the land (*право на строеж*), which would have allowed them to gain ownership of the buildings. This meant that at the time of their construction the buildings had become State property as well. The former Kings could not have acquired them through adverse possession; even if it could be acknowledged that they had established such possession, the running of the relevant time-limits (twenty years at the time) had been interrupted by law and had not expired by the time the royal family had left Bulgaria.

77. The Sofia Regional Court then dealt with the effect of the quashing of the 1947 Act by the Constitutional Court in 1998. It pointed out that the 1947 Act had had a one-off effect, which meant that the 1998 judgment, which only had an effect *ex nunc*, could not retroactively annul its consequences and thus had "no legal effect in practice".

78. As to the first applicant's argument that he and his sister had acquired the disputed property on the basis of other restitution legislation, namely section 2(2) of the Restitution of Ownership of Nationalised Immovable Property Act (hereinafter "the Restitution Act", see paragraphs 119-20 below), the Regional Court pointed out that the provision was inapplicable, as it spoke of the taking of property "not under statutory conditions", which was not the case, the State having passed the 1947 Act.

79. Lastly, the first and second applicants claimed that they could have acquired the disputed property through adverse possession, having occupied it since 2002. The Sofia Regional Court dismissed this argument as well. It pointed out that the 2002 decision of the regional governor to transfer possession of the property to the applicants (see paragraph 44 above) could not have given rise to property rights, which meant that the first and second applicants could not claim to be *bona fide* possessors and the period of adverse possession applicable to them was ten years (compared to five years if the applicants had indeed been *bona fide* possessors); that period had not expired by the time the State had brought its action.

80. On the basis of the considerations above, the Sofia Regional Court found, in respect of all defendants, that the State owned the disputed property. It ordered the first and second applicants to surrender possession.

81. As to the State's claim for damages against the first and second applicants (see paragraph 72 above), the domestic court dismissed it, noting that the State had itself taken the erroneous decision to allow them to use the property. Lastly, it also dismissed the first and second applicants' claim to be allowed to retain the property until the reimbursement of the expenses incurred by them for maintaining the buildings after 2002.

(iii) Judgment of the Sofia Court of Appeal

82. The first and second applicants brought an appeal. The Minister of Public Works also lodged an appeal, contesting the dismissal by the Sofia Regional Court of the State's tort claim against them. The remaining defendants did not appeal and in respect of them the Regional Court's judgment became final.

83. The Sofia Court of Appeal gave a judgment on 30 July 2015, upholding the lower court's findings as to the State's property rights.

84. In contrast, it reversed the lower court's judgment in so far as it concerned the State's claim for damages. It allowed this claim, awarding the State 30,000 Bulgarian levs (BGN). In addition, it acknowledged that the first and second applicants had incurred expenses necessary for maintaining

the buildings, amounting to BGN 13,099. Deducting this from the sum awarded to the State, it ordered the first and second applicants to pay the State BGN 16,901.

(iv) Judgment of the Supreme Court

85. The first and second applicants lodged an appeal on points of law.

86. In a decision of 8 February 2016 the Supreme Court accepted it for examination, noting that it had to examine several questions raised by them.

87. The Supreme Court gave a judgment on 14 July 2016. On the first question raised by the applicants, concerning the State's property rights to forest land under the legislation in force between 1904 and 1914, it held that it had not been necessary for a particular plot of land to have been formally registered as State property; it was such in all cases where it was not the property of private individuals or a municipality. Thus, in the case at hand, the land on which the disputed buildings were constructed was State property. The Supreme Court was prepared to accept that those buildings could have been constructed with King Ferdinand I's own money. However, as he had not acquired the right to construct on the land allowing him to gain ownership of the buildings, the buildings had nevertheless become State property.

88. The Supreme Court then examined whether, under the Constitution and the legislation of the Kingdom, the King could, in principle, acquire any property through adverse possession. It held that this was possible, but only where the King was acting in a private capacity and not as Head of State. In addition, after a King had abdicated, any adverse possession established by him could not be continued by the next King, the abdication having only public-law and not private-law implications. Applied to the facts of the present case, this meant that any adverse possession established by Boris III could not be joined to that of Ferdinand I, and that when Boris III acceded to the throne in 1918 the relevant time-limits started running anew. Neither of the two Kings had been in adverse possession of the property for the period of time required by statute (twenty years), after 1918 due in particular to the different interruptions of the running of the time-limits by operation of the law.

89. On the next question, concerning the legal effect of the 1998 judgment of the Constitutional Court, the Supreme Court held that that judgment could not "undo" any property rights acquired by the State on the basis of the 1947 Act and could not restore the situation existing prior to the enactment of that Act. This was so because the 1947 Act had had a one-off effect, which had been completed at the time of its enactment. Only the body having passed the 1947 Act, Parliament, could take a new decision on the question of the former Kings' property, where it judged it appropriate and in the manner it judged appropriate. The subject matter of the 1947 Act, the former Kings' property, had not been expressly regulated prior to that

Act's adoption and that is why the only legal provisions applicable after its being found incompatible with the Constitution were the general provisions of civil law, which did not guarantee the right to restitution of property in all cases, but only where Parliament had legislated on it; this had been clearly stated in the Constitutional Court's judgment no. 15 of 9 June 1998 (see paragraph 125 below). Accordingly, the 1998 judgment of the Constitutional Court relied on by the applicants could not, alone, restore any rights that their predecessors might have had. When legislating on the matter, Parliament could take its conclusions into account, but it remained more akin to a "moral assessment" ("*морална декларация*"), demonstrating the Constitutional Court's view on the "historical compatibility or incompatibility of an Act which is no longer applicable with the values of the modern Constitution".

90. The Supreme Court held further that the applicants could not claim to have had their rights restored on the basis of section 2(2) of the Restitution Act (see paragraph 120 below), as its preconditions had not been met: the applicants had not shown that their predecessors had owned the property claimed, and in any event that property had not been taken by the State "not under statutory conditions", as required by that section.

91. The 1998 judgment of the Constitutional Court could not lead to the first and second applicants being considered as *bona fide* possessors of the property after 2002, justifying, arguably, the application of the shorter, five-year period of adverse possession, which would have expired in 2007. This was so because the 1998 judgment could not restore any property rights the applicants could have lost, and the 2002 decision of the regional governor transferring possession of the property to them (see paragraph 44 above) was even less capable of doing so. Thus, the applicants' possession after 2002 was based on no valid legal grounds and the longer, ten-year period of adverse possession applied, which had not expired by 2011 when the State had brought an action against them.

92. On the basis of the above, the Supreme Court confirmed the lower courts' judgments, in so far as they had allowed the State's *rei vindicatio* action against the applicants.

93. Unlike the Sofia Court of Appeal, the Supreme Court held that the first and second applicants were not liable to pay compensation to the State for having used the property at issue after 2002. It reasoned that even if the State had allowed them to use the property without valid legal grounds, this was its own error, and holding the applicants liable for damage would have amounted to a disproportionate measure, contrary to Article 1 of Protocol No. 1.

94. Lastly, the Supreme Court confirmed that the State was to reimburse the first and second applicants the expenses incurred by them for maintaining the buildings after 2002, and authorised them to retain the property until that sum was paid to them.

(c) Concerning the Sitnyakovo estate

(i) The State's claims against the applicants

95. On 24 March 2011 the Minister of Public Works, representing the State, brought a *rei vindicatio* action against all heirs of Ferdinand I and Boris III (all seven applicants in application no. 38948/10), claiming that the Sitnyakovo estate buildings had been constructed "to meet the needs of the Bulgarian State and not to be private property of the ruling Kings". He further argued that the State had acquired those buildings through adverse possession, established by a State body, the Intendancy. The Minister pointed out that the land the buildings were standing on was wrongly considered to be property of the Samokov municipality. In addition, he sought damages from all heirs of Ferdinand I and Boris III in compensation for their use of the property between 2003 and 2011.

96. The first and second applicants contested the claims. They brought a counterclaim asking to be reimbursed for the expenses incurred by them for maintaining the property after 2003, and requesting to be allowed to retain the property until payment was made by the State.

97. The other defendants (the third to seventh applicants in application no. 38948/10) made an admission acknowledging that the State owned the disputed property. They pointed out that they were not in possession or liable to pay damages to the State because they had not used it.

98. Following a request by the claimant, in a decision of 20 June 2011 the Sofia Regional Court imposed an interim injunction preventing the defendants from transferring or damaging the disputed property. It considered that the 2009 parliamentary decision phrased in similar terms (see paragraphs 53-54 above) was unspecific and did not preclude the need for an injunction, with the legal effects provided for by law.

(ii) Judgment of the Sofia Regional Court

99. In a judgment of 31 October 2014 the Sofia Regional Court acknowledged, in respect of all defendants, that the State owned the disputed property, and ordered the first and second applicants to surrender possession.

100. It held, firstly, that it had not been proved that the land of the estate was owned by the Samokov municipality, because the latter had sought the restitution of plots of land in the area, but not this one. The applicants had not claimed to be the owners of that land and it was State property.

101. As to the buildings, the Sofia Regional Court pointed out that the State claimed to have become their owner on the strength of adverse possession. The buildings had been in the possession of the Intendancy, whose status had already been examined by the Supreme Court in its judgment of 8 June 2012 (in the proceedings concerning the Krichim estate, see paragraphs 69-71 above). The Intendancy had been a State body,

exercising rights on behalf of the State. Thus, the State had become the owner of the property after the expiry of the relevant period of adverse possession. It had not been established that Ferdinand I or Boris III had themselves been in adverse possession of the property.

102. In any event, the royal family had lost any right to property that they might have had with the enactment of the 1947 Act. Their rights had not been restored by virtue of the 1998 judgment of the Constitutional Court, as it only applied *ex nunc* and could not "wipe out" the effects of the 1947 Act. In addition, restitution could only be decided on by Parliament. Moreover, the applicants could not claim to have had their property rights restored to them under section 2(2) of the Restitution Act introduced in 1997 (see paragraph 120 below), as its preconditions had not been met. Neither could the first and second applicants rely on adverse possession running after 2003, because they had not been *bona fide* possessors of the disputed property and the ten-year prescription period applied to them, which had not expired by 2011.

103. The Sofia Regional Court also held that the first and second applicants were entitled to retain the property until the State reimbursed the expenses incurred by them for maintaining the disputed property. It dismissed the State's claim for damages brought against all heirs of the former Kings (see paragraph 95 above *in fine*), pointing out that they had not profited from the use of the property (in 2003, when the first and second applicants had entered into possession, the buildings had been in such a bad state of repair that they had been deemed unusable) and in any event the first and second applicants had occupied it with the knowledge and consent of the rightful owner, the State.

(iii) Judgment of the Sofia Court of Appeal

104. The first and second applicants brought an appeal. The Minister of Public Works also lodged an appeal, contesting the dismissal by the Sofia Regional Court of the State's claim for damages. The remaining defendants did not appeal and in respect of them the Regional Court's judgment became final.

105. The Sofia Court of Appeal gave a judgment on 2 July 2015, upholding the lower court's findings as to the State's property rights. It also discussed the legal effect of the Sofia regional governor's decision of 17 November 2003 to remove the disputed property from the list of State properties (see paragraph 41 above), holding that removal from the list could not in itself transfer or create property rights.

106. The Sofia Court of Appeal reversed the lower court's judgment in so far as it concerned the State's claim for damages. It allowed the claim, awarding the State BGN 13,064, deducting that sum from the amount due to the first and second applicants for maintaining the building after 2003.

(iv) Judgment of the Supreme Court

107. The first and second applicants lodged an appeal on points of law.

108. In a decision of 29 July 2016 the Supreme Court accepted it for examination, only in so far as it concerned their liability for damage.

109. It gave a judgment on 28 December 2016. Referring to its findings in the previous judgment, given in the proceedings concerning the Saragyol complex (see paragraph 93 above), and once again to Article 1 of Protocol No. 1, it held that the applicants were not liable to pay damages to the State.

(d) Other proceedings

110. In November 2009 the Minister of Agriculture, acting on behalf of the State, brought *rei vindicatio* proceedings against all heirs of Ferdinand I and Boris III, seeking the return of some of the plots of forest land returned to them by the Samokov land commission (see paragraph 48 above). The course of these proceedings is unclear.

111. On 24 March 2011 the State also brought proceedings claiming the Vrana and Bistritsa estates (see paragraphs 23 and 33 above), but the applicants have not provided any further information on the matter.

B. Relevant domestic law and practice

1. The 1947 Act

112. After the abolition of the monarchy in Bulgaria, in December 1947 Parliament passed the Act on Declaring State Property the Properties of the Families of the Former Kings Ferdinand and Boris and Their Heirs (*Закон за обявяване държавна собственост имотите на семействата на бившите царе Фердинанд и Борис и на техните наследници* – "the 1947 Act"). It comprises two sections, which read as follows:

> "1. All movable and immovable properties, located on the territory of Bulgaria and owned by the families of the former Kings Ferdinand and Boris and their heirs, personally acquired or inherited, shall be the property of the People's Republic of Bulgaria.
>
> 2. The use of those properties shall be governed by Regulations, adopted by the Council of Ministers upon a proposal by the Minister of Finance."

2. The 1991 Constitution and the Constitutional Court Act

113. In 1991, after the fall of communism, a new Constitution entered into force.

114. Article 17 guarantees the right to property, while Article 6 § 2 guarantees the right to freedom from discrimination.

115. By virtue of Article 86 § 1, the National Assembly (Parliament) is competent to enact legislative acts and adopt decisions and declarations. In a case where it was argued that Parliament had not had the competence to take a decision on a specific matter, the Constitutional Court pointed out in a judgment of 28 September 1998 that decisions of Parliament could concern a wide range of issues, its competence in that regard not being defined in the Constitution (*Решение № 25 от 28 септември 1998 на КС на РБ по к.д. № 22/1998 г.*).

116. Article 143 of the Constitution provides that regional governors are to be appointed by the Council of Ministers (Government). One of their functions is to implement governmental policies at local level.

117. Articles 147 to 152 deal with the role and functions of the Constitutional Court. Article 150 § 1 contains a list of the bodies competent to refer a question to it. It includes the Chief Public Prosecutor, without any requirement limiting his competence, for instance, to matters of criminal law.

118. Article 151 § 2 of the Constitution provides that any legal provision found by the Constitutional Court to be unconstitutional ceases to apply from the moment the relevant judgment enters into force (three days after its publication in the Official Gazette). The Constitutional Court Act 1991 (*Закон за Конституционен съд*) also provides, in section 22(2), that legislative acts found to be unconstitutional will not apply. In addition, section 22(4) provides that:

> "the legal effect of any such act shall be regulated by the body which has enacted it."

3. The 1992 Restitution Act

119. The Restitution of Ownership of Nationalised Immovable Property Act (*Закон за възстановяване собствеността върху одържавени недвижими имоти* – "the Restitution Act") was passed in 1992. It provided that former owners of certain immovable property nationalised after 1945, or their heirs, would regain ownership of their nationalised properties if a number of conditions were met. Restitution under the Restitution Act was by operation of law and there was no need for an administrative or judicial decision in that regard.

120. In 1997 a new subsection 2 was added to section 2 of the Act, providing for the restitution of movable and immovable property:

> "taken without justification or expropriated not under statutory conditions by the State, the municipalities and the People's Councils in the period from 9 September 1944 to 1989".

4. Restitution of agricultural and forest land

121. Restitution of agricultural and forest land was provided for in the Agricultural Land Act 1991 (*Закон за собствеността и ползването на земеделските земи*) and the Forests Restitution Act 1997 (*Закон за възстановяване на собствеността върху горите и земите от горския фонд*). Decisions on restitution under these Acts were to be taken by so-called land commissions, replaced in 2002 by Agriculture and Forestry Departments, which are State bodies and whose members are appointed by the Minister of Agriculture.

5. Judgments and decisions of the Constitutional Court

(a) Judgment no. 12 of 4 June 1998

122. In early 1998 the Chief Public Prosecutor applied to the Constitutional Court to have the 1947 Act declared unconstitutional.

123. In judgment no. 12 of 4 June 1998 (*Решение № 12 от 4 юни 1998 г. на КС на РБ по к.д. № 13/1998 г.* – "the 1998 judgment of the Constitutional Court") the Constitutional Court deemed the application admissible and considered itself competent to examine the compatibility of the 1947 Act with the current Constitution, despite it having entered into force under a previous legal regime.

124. On the merits of the case, the Constitutional Court held, in particular, as follows:

> "The taking of [the royal family's] properties under [section 1 of the 1947 Act] is equivalent to forcible deprivation of property without any compensation. Seeing its nature and effects, it is no different from confiscation. ... It has not been justified by the needs of the State or municipalities, the existence of which is a prerequisite for any expropriation. All this means that [section 1 of the 1947 Act] impinges upon the right to property guaranteed by the Constitution.
>
> ...
>
> The persons in respect of whom [section 1 of the 1947 Act] is applicable are defined by reference to two criteria: (a) these persons being members of the families of the former Kings Ferdinand and Boris, and (b) their capacity as heirs. Both criteria are linked to the origins and personal status of these persons ... The above means that this provision is incompatible with Article 6 § 2 of the Constitution.
>
> ..."

(b) Other relevant decisions

125. On 9 June 1998 the Constitutional Court gave judgment no. 15 (*Решение № 15 от 9 юни 1998 г. на КС на РБ по к.д. № 12/1998 г.*), concerning the compatibility of provisions of the Agricultural Land Act with the Constitution. The judgment included the following comments:

> "The restitution of properties, speaking generally, is not provided for under the Constitution. There are no constitutional provisions on restitution. It cannot be

> considered or ranked among the fundamental rights of citizens, or treated as an obligation on the part of the State stemming from rights guaranteed under the Constitution. Whether it should be carried out and in which manner, as well as in respect of which properties, which owners and on which scale, are questions whose expediency is to be assessed by the legislature. The legislature is competent to rule on these matters, subject to its obligation to take into account, of course, the principles and requirements of [the Constitution]".

126. In two decisions given on 14 July 1994 and 19 January 1999 respectively (*Определение № 3 от 14 юли 1994 г. по к.д. № 7/94 г.*; *Определение № 1 от 19 януари 1999 г. по к.д. № 37/1998 г.*) the Constitutional Court declined to examine the compatibility with the Constitution of two legislative acts adopted in the 1940s (namely concerning the proclamation of a republic and the creation of an extraordinary tribunal to judge the people responsible for Bulgaria's participation in the Second World War), on the ground that these acts had been adopted under a previous Constitution, had had a one-off effect and had "ceased to be applicable" by the time of the adoption of the current Constitution.

6. State and municipal properties

127. By section 2(2) of the State Property Act 1996 (*Закон за държавната собственост*), public State property includes in particular properties of "national significance", properties used by State bodies and other properties indicated as such by the Government. Section 2(3) of the Act stipulates that the State properties not included in the list above are to be considered private. Similar provisions are contained in section 3 of the 1996 Municipal Property Act (*Закон за общинската собственост*).

128. The procedures related to the entry of properties onto the lists of State and municipal properties and their removal from such lists are set out in sections 68 to 79 of the State Property Act and sections 56 to 64 of the Municipal Property Act. It is in addition provided that any dispute as to property rights is to be determined by the courts (section 79(3) of the State Property Act and section 64(2) of the Municipal Property Act), and that certificates of State and municipal property cannot in themselves give rise to property rights (section 5(3) of the State Property Act and section 5(3) of the Municipal Property Act).

129. The national courts have also consistently held that a decision of the relevant administrative body entering a property onto or removing it from the lists only has a declaratory effect and cannot give rise to, or affect, any property rights (for example, *Решение № 2167 от 17.12.2004 г. на ВКС по гр. д. № 1958/2003 г., IV г. о.*; *Решение № 270 от 15.01.2004 г. на ВАС по адм. д. № 7926/2003 г., IV о.*; *Решение № 4728 от 5.05.2006 г. на ВАС по адм. д. № 8809/2005 г., III г. о.*).

COMPLAINTS

A. Application no. 38948/10

130. In that application the seven applicants complained under Article 1 of Protocol No. 1 about the parliamentary decision of 18 December 2009 (see paragraphs 53-54 above) imposing a moratorium on the commercial exploitation and any transfer of the properties which are the subject of the application. The applicants pointed out that they had "possessions" within the meaning of Article 1 of Protocol No. 1, and relied in that regard on the Supreme Court's findings that they were the possessors of the Saragyol complex and the Sitnyakovo estate in the proceedings concerning those two properties. They argued furthermore that the restrictions imposed on them with the decision of 18 December 2009 amounted to an unlawful interference with their property rights, for the reasons invoked by the Ombudsman in his application to the Constitutional Court to have the decision declared unconstitutional (see paragraph 55 above). Moreover, they submitted that the decision imposed a disproportionate burden on them, in particular because it applied for an indefinite period of time and prevented them from benefiting from the properties in their possession while at the same time obliging them to take "good care" of those properties.

131. The applicants also complained, relying on Article 6 § 1 and Article 13 of the Convention, of the impossibility to contest before a tribunal or any other body the parliamentary decision of 18 December 2009.

132. Lastly, they complained under Article 14 of the Convention that the decision at issue was discriminatory.

B. Application no. 55777/12

133. In that application the first and second applicants complained, relying on Article 1 of Protocol No. 1 and Article 13 of the Convention, about the domestic courts' refusal to declare them the owners of the Krichim estate. They were of the view that they had become such owners on the basis of the 1998 judgment of the Constitutional Court. They argued that after the authorities had "recognised their rights" in respect of many other properties, they had had a legitimate expectation for the same to happen with the property at issue. They considered it established that their predecessors, the former Kings Ferdinand I and Boris III, had owned the Krichim estate as private persons. In that respect the applicant relied on the Court's judgment in the case of *Former King of Greece and Others v. Greece* [GC] (no. 25701/94, ECHR 2000-XII), specifically on its findings that the properties which were the subject of the application had been the private property of the Greek royal family (§§ 60-66 of the judgment). The applicants referred in addition on the fact that the Krichim estate had been

mentioned as "personal property of the former King" in the 1946 Kimon Georgiev list (see paragraph 12 above).

134. The applicants raised a number of additional complaints under Article 6 § 1 of the Convention related to the fairness and outcome of the judicial proceedings concerning the Krichim estate. They also complained under Article 46 of the Convention of the authorities' alleged refusal to apply the Court's case law, in particular the case of *Former King of Greece and Others* (cited above).

C. Application no. 8954/17

135. In that application the first and second applicants complained under Article 1 of Protocol No. 1, relying in addition on Article 13 of the Convention, of the decisions of the domestic courts recognising the State as the owner of the Saragyol complex and the Sitnyakovo estate. They contended that the 1998 judgment of the Constitutional Court, the administrative decisions transferring to them the possession of these properties and the fact that that possession had remained undisturbed until 2009 meant that they had become the owners of the properties at issue, which had thus been the subject of "fresh expropriation" without any compensation. The applicants relied once again on the case of *Former King of Greece and Others* (cited above). Furthermore, they reiterated their complaints related to the parliamentary decision of 18 December 2009, pointing out that it was still in force and arguing that it imposed a disproportionate burden on them.

136. The applicants complained under Article 6 § 1 of the Convention of the fairness and outcome of the judicial proceedings concerning the Saragyol complex and the Sitnyakovo estate. They claimed in particular that the national courts had failed to correctly take into account the 1998 judgment of the Constitutional Court.

THE LAW

A. Joinder of the applications

137. In accordance with Rule 42 § 1 of the Rules of Court, the Court decides to join the applications, given their similar factual and legal background.

B. Applications nos. 38948/10 and 8954/17

1. Complaints of the first and second applicants

138. The first and second applicants complained that the parliamentary decision of 18 December 2009, imposing a moratorium on the use and transfer of the properties they had received, and still in force, interfered with their property rights in a manner incompatible with Article 1 of Protocol No. 1. They relied in addition on Article 14 of the Convention. They complained furthermore under Article 6 § 1 and Article 13 of the Convention of the impossibility to challenge the decision of 18 December 2009 before a tribunal or any other body (see paragraphs 130-32 and 135 above). The Court is of the view that it suffices to examine the complaints under Article 1 of Protocol No. 1 and Article 6 § 1 and Article 13 of the Convention.

139. The first and second applicants complained furthermore, under Article 1 of Protocol No. 1 and Article 6 § 1 and Article 13 of the Convention, of the court decisions finding that not they, but the State, was the owner of the Saragyol complex and the Sitnyakovo estate, despite the fact that possession of these properties had been ceded to them years earlier (see paragraphs 135-36 above).

140. The Court considers that it cannot, on the basis of the case file, determine the admissibility and merits of the above complaints and that it is therefore necessary, in accordance with Rule 54 § 2 (b) of the Rules of Court, to give notice of them to the respondent Government.

2. Complaints of the third to seventh applicants in application no. 38948/10

141. Those applicants complained of the parliamentary decision of 18 December 2009 (see paragraph 130 above).

142. However, while that decision mentioned all heirs of the former Kings Ferdinand I and Boris III, namely all seven applicants in this application, preventing them from transferring or commercially exploiting the properties claimed by the royal family (see paragraphs 53-54 above), the Court is not satisfied that the third, fourth, fifth, sixth and seventh applicants were actually affected by these restrictions.

143. It has not been shown that those applicants were ever in possession of or used the properties at issue, and in the domestic proceedings described above they expressly stated that they were not in possession of the Saragyol complex or the Sitnyakovo estate (see paragraphs 73 and 97 above). In the proceedings concerning the Sitnyakovo estate they were held not liable to pay damages to the State for having allegedly used the property between 2003 and 2011 (see paragraph 103 above).

144. Furthermore, the third to seventh applicants did not claim to have become the owners of the Saragyol complex and the Sitnyakovo estate in the proceedings concerning those properties (see paragraphs 74 and 97 above). Nor did they claim to have become the owners of the Krichim estate together with the first and second applicants in the proceedings concerning that property (see paragraphs 47 and 57-71 above). Lastly, while in application no. 8954/17 the first and second applicants reiterated their complaint related to the effects of the decision of 18 December 2009 (see paragraph 135 above *in fine*), the third to seventh applicants did not join in. In view of these considerations, it has not been demonstrated before the Court that those applicants continued to seek the restitution of the other properties claimed initially.

145. Moreover, it has not been shown that the third to seventh applicants suffered any other disadvantage, in particular as a result of the obligation imposed on the heirs of the former Kings in the decision of 18 December 2009 to take good care of the properties claimed by the royal family or otherwise be liable for any damage (see paragraph 54 above). It is apparent from the submissions of the parties and the decisions of the national courts in the domestic proceedings described above that only the first and second applicants incurred expenses for maintaining the Saragyol complex and the Sitnyakovo estate; moreover, the State had to reimburse those expenses (see paragraphs 94, 103 and 106 above). The third to seventh applicants did not claim that they had incurred expenses with regard to any of the other properties concerned by their complaints, or that they could not eventually seek reimbursement.

146. In view of the above, the Court concludes that the complaints of the third to seventh applicants are incompatible *ratione personae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

C. Application no. 55777/12

1. Complaint under Article 1 of Protocol No. 1

147. In application no. 55777/12 the first and second applicants complained about the domestic courts' refusal to declare them the owners, on the basis of restitution, of the Krichim estate. They relied on Article 1 of Protocol No. 1 and Article 13 of the Convention (see paragraph 133 above).

148. The Court is of the view that it suffices to examine the complaint under Article 1 of Protocol No. 1, which reads as follows:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

149. Under the Court's case law, an applicant can allege a violation of Article 1 of Protocol No. 1 only in so far as the case relates to his or her "possessions" within the meaning of this provision. "Possessions" can be either "existing possessions" or assets, including claims, in respect of which the applicant can argue that he or she has at least a "legitimate expectation" of obtaining effective enjoyment of a property right (see, among other authorities, *Kopecký v. Slovakia* [GC], no. 44912/98, § 35, ECHR 2004-IX, and *Von Maltzan and Others v. Germany* (dec.) [GC], nos. 71916/01 and 2 others, § 74, ECHR 2005-V).

150. An applicant can claim to have a "legitimate expectation" attracting protection under Article 1 of Protocol No. 1 where it has sufficient basis in national law, for example where there is settled domestic case-law confirming that this is the case. In contrast, no legitimate expectation can be said to arise where there is a dispute as to the correct interpretation and application of domestic law and the applicant's submissions are subsequently rejected by the national courts (see *Anheuser-Busch Inc. v. Portugal* [GC], no. 73049/01, § 65, ECHR 2007-I, and, in the specific context of restitution of property, *Jantner v. Slovakia*, no. 39050/97, §§ 29-33, 4 March 2003, and *Velikin and Others v. Bulgaria* (dec.), no. 28936/03, §§ 63-64 and 67-69, 1 December 2009).

151. Turning to the circumstances of the present case, the Court observes that, unlike other properties claimed by them, the applicants never received the possession of the Krichim estate on the basis of their alleged restitution rights, nor did the authorities otherwise recognise their property rights (see paragraphs 46-47 above). Accordingly, the applicants did not have "existing possessions", and the Court has to determine whether they could have acquired a "legitimate expectation" to have become the owners of the property at issue on the basis of restitution.

152. In that regard, the applicants relied on two circumstances which they considered established (see paragraph 133 above). Firstly, they argued that the Krichim estate had been the private property of their predecessors, the former Kings Ferdinand I and Boris III, prior to the enactment of the 1947 Act. In that connection they relied on the Courts' findings in the case of *Former King of Greece and Others* (cited above) and the inclusion of the property in the Kimon Georgiev list. Secondly, the applicants considered that the property at issue had been subject to restitution on the basis of the 1998 judgment of the Constitutional Court, as had been, in their view, the other properties claimed by them.

153. Indeed, in the case of *Former King of Greece and Others* (cited above) the Court concluded that, prior to their expropriation by the Greek State, the properties which were the subject of the application had been owned by members of the royal family "as private individuals". In order to reach that conclusion, it took into account the manner in which the individual properties had been acquired, their subsequent transfer, in accordance with Greek civil law, between members of the royal family or to third parties, and the actions of the Greek State, which had on several occasions treated the properties as private (see §§ 60-66 of the judgment).

154. However, in the present case the circumstances are different. The question whether the former Kings Ferdinand I and Boris III had owned the Krichim estate in their private capacity was examined by the domestic courts, which concluded that they had not, giving detailed, adequate and sufficient reasons with reference to the relevant provisions of domestic law (see paragraphs 60-71 above). The case was accepted for examination by the Supreme Court of Cassation, which examined one of the central issues in the case, namely the statute of the Intendancy (see paragraphs 69-71 above).

155. The national courts thus found that after the creation of the Krichim estate and the construction of the buildings the property had been in the adverse possession of the Intendancy, a State body, meaning that it had acquired the properties at issue for the State. The Plovdiv Regional Court noted also that it had not been established that the buildings had been paid for with the Kings' own money; on the contrary, it appeared that they had been financed by the State. Lastly, both the Plovdiv Regional Court and the Plovdiv Court of Appeal dismissed the applicants' argument that the 1946 Kimon Georgiev list could have represented valid or sufficient proof of their predecessor's property rights.

156. The Court reiterates, as also stated by it in the *Former King of Greece and Others* case (cited above, § 82), that it is in the first place for the domestic authorities, notably the courts, to interpret and apply domestic law (see also, among other authorities, *Kopecký*, § 56, and *Velikin and Others*, § 71, both cited above). In the present case the Court sees no appearance of arbitrariness in the way in which the domestic courts determined the matter, and no basis on which to reach a different conclusion as to the rights of the applicants' predecessors to the property at issue.

157. This is sufficient for the Court to conclude that the applicants could not have had any "legitimate expectation" of obtaining the restitution of the Krichim estate and of being recognised as its owners. It is thus unnecessary to determine also whether that property had been the subject of restitution on the basis of the 1998 judgment of the Constitutional Court, as additionally argued by the applicants (see paragraph 152 above).

158. It follows that the complaint under examination is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a) and must be rejected in accordance with Article 35 § 4.

2. Remaining complaints

159. The applicants raised a number of additional complaints under Article 6 § 1 and Article 46 of the Convention (see paragraph 134 above).

160. However, in the light of all the material in its possession, and in so far as the matters complained of are within its competence, the Court finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention or its Protocols.

161. Accordingly, this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to adjourn the examination of the first and second applicants' complaints in applications nos. 38948/10 and 8954/17;

Declares application no. 55777/12 and the complaints of the third, fourth, fifth, sixth and seventh applicants in application no. 38948/10 inadmissible.

Done in English and notified in writing on 12 April 2018.

Claudia Westerdiek
Registrar

Angelika Nußberger
President

APPENDIX

No.	Application no. and date of lodging	Applicant Date of birth Place of residence
1.	38948/10 Lodged on 16 June 2010	1. **Simeon Borisov Sakskoburggotski** ("the first applicant") Bulgarian national, born in 1937, living in Sofia 2. **Maria-Luisa Borisova Chrobok** ("the second applicant") Bulgarian and German national, born in 1933, living in Banya 3. **Ferdinand von Württemberg** ("the third applicant") German national, born in 1925, living in Friedrichshafen, Germany 4. **Alexander von Württemberg** ("the fourth applicant") German national, born in 1933, living in Munich, Germany 5. **Eugen von Württemberg** ("the fifth applicant") German national, born in 1930, living in Frankfurt am Main, Germany 6. **Sophie Eudoxie Maria Luise de Württemberg** ("the sixth applicant") German national, born in 1937, living in Paris, France 7. **Margarèthe Luce-Bailly de Chevigny** ("the seventh applicant") German national, born in 1928, living in Paris, France
2.	55777/12 Lodged on 2 August 2012	1. **Simeon Borisov Sakskoburggotski** 2. **Maria-Luisa Borisova Chrobok** Nationalities, years of birth and places of residence as above
3.	8954/17 Lodged on 13 January 2017	1. **Simeon Borisov Sakskoburggotski** 2. **Maria-Luisa Borisova Chrobok** Nationalities, years of birth and places of residence as above