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

THIRD SECTION

DECISION

Application no. 51897/21
TITA 04 EOOD
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 2 June 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. 51897/21) 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 8 October 2021 by a Bulgarian limited liability company, Tita 04 EOOD ("the applicant company"), which was registered in 2017, has its registered seat in the village of Elhovets, and was represented before the Court by Mr M. Ekimdzhiev, Ms K. Boncheva and Ms M. Dokova-Kostadinova, lawyers practising in Plovdiv;

the decision to give notice of the complaint concerning access to court to the Bulgarian Government ("the Government"), represented by their Agent, Ms M. Tsocheva, from the Ministry of Justice;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns access to a court.

2. The applicant company owned a plot of land in the village of Elhovets that it used for lumber production, storage, and transportation. Its operations required heavy-load trucks to enter, manoeuvre, and exit the property. According to the company, these trucks could access the plot only because

there was an open area in front of it, which was due to the street intersecting the property line at an angle.

3. In March 2020 the local mayor decided to incorporate 47 square metres of the open area at issue to the neighbouring plot, and ordered the respective amendments to the village's detailed development plan. According to the applicant company, the reduction of the open area meant that its trucks would no longer be able to enter its plot and access its facilities.

4. The applicant company applied for judicial review of the mayor's decision. Under section 131(2) of the Territorial Organisation Act, amendments to detailed development plans can in the first place be contested by the owners of the lots affected. Neighbours can also challenge such amendments, but only in exhaustively listed situations, such as where the function of the neighbouring plot is being modified, or where reduced setbacks are allowed.

5. In the proceedings brought by the applicant company, the administrative courts held, with a final decision of the Supreme Administrative Court of 8 April 2021, that it did not have legal standing. The courts noted that the amendments to the detailed development plan concerned the property lines of the neighbouring plot, and did not change its designation (for residential use) or provide for reduced setbacks. There were no adjustments of the property lines or changes in the designation of the applicant company's plot (for production and storehouses). Accordingly, the applicant company did not fall under any of the categories of subjects entitled to contest the amendments, as defined under section 131(2) of the Territorial Organisation Act. Its claims that access to its plot by heavy-load trucks would be impossible were "irrelevant" in that regard.

6. It is unclear whether the applicant company has continued using the plot of land after the developments above.

7. The applicant company complained under Article 6 § 1 of the Convention that its application for judicial review had not been examined on the merits.

THE COURT'S ASSESSMENT

8. The Government argued that Article 6 § 1 of the Convention was not applicable. In their view, the amendments to the detailed development plan challenged by the applicant company had not directly affected or altered its property rights. Any economic disadvantage or logistical inconvenience resulting from those amendments did not concern the applicant's "civil rights and obligations".

9. The applicant company pointed out that the disputed amendments had restricted the manner in which its plot could be accessed, and that its property was inaccessible by vehicles from any other direction. This meant that the

impugned amendments – and the dispute surrounding them – had been of a decisive importance for its own property rights.

10. The Court has held that for Article 6 § 1 in its "civil" limb to be applicable, there must be a dispute over a "right" which can be said, at least on arguable grounds, to be recognised under domestic law (see, among other authorities, *Boulois v. Luxembourg* [GC], no. 37575/04, § 90, ECHR 2012).

11. In the present case, the domestic courts found that the amendments to the detailed development plan for the village where the applicant company's land was located did not directly affect its property. In particular, the amendments did not alter the boundaries of the applicant's plot or its urban-planning designation. Nor has it been shown that the amendments prevented normal access to the plot or resulted in a street width below the regular standard.

12. Before the Court, the applicant company argued that its property rights were nonetheless affected because heavy-load trucks could no longer access its land (see paragraph 9 above).

13. However, the Court observes that the domestic dispute concerned the use of a naturally occurring open area in front of the applicant's plot, created by the angle between the street and the property lines. There is no basis for concluding that the use of this area constituted a "right" of the applicant company that could be said, even on arguable grounds, to be recognised under domestic law. The land in question appears to have been municipally owned; although the applicant company benefited from its use, it does not appear to have had any legally defensible entitlement to it.

14. It cannot therefore be said that the case at hand concerned a dispute about a "right" within the meaning described in paragraph 10 above, triggering the application of Article 6 § 1 of the Convention.

15. Accordingly, the application 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.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 25 June 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President