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

THIRD SECTION

DECISION

Application no. 35477/20
Ekaterina Ivanova TODOROVA
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 16 May 2024 as a Committee composed of:

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

Having regard to the above application lodged on 10 August 2020,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases and the applicant's comments in reply,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Ekaterina Ivanova Todorova, was born in 1971 and lives in Sofia. She was represented before the Court by Mr M. Ekimdzhiev, Ms K. Doncheva and Ms M. Dokova-Kostadinova, lawyers practising in Plovdiv.

The applicant's complaints under Article 1 of Protocol No. 1 and Article 13 of the Convention concerning the lengthy duration of a restitution procedure were communicated to the Bulgarian Government ("the Government").

THE LAW

On 26 February 2024 the Government submitted a unilateral declaration with a view to resolving the issues raised by the application. They invited the Court to strike out the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention.

The Government acknowledged violations of Article 1 of Protocol No. 1 and Article 13 of the Convention. They offered to pay the applicant EUR 7,500 (seven thousand five hundred euros), to cover any pecuniary and non-pecuniary damage and costs and expenses, plus any tax that might be chargeable to the applicant. The amount 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 above-mentioned 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 Government stated that such payment would constitute the final resolution of the case.

The applicant was sent the terms of the Government's unilateral declaration; she objected to it. She pointed out that the problems raised by her application were systemic and contended that the restitution procedure would never be completed, meaning that her case concerned deprivation of property and that the damage sustained by her was therefore "significant". The applicant submitted recent documents, in particular letters from the relevant authorities informing her of the advancement of the procedure.

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

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

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

The Court has established clear and extensive case-law on cases against Bulgaria raising issues with the lengthy duration of restitution proceedings (see, for example, *Lyubomir Popov v. Bulgaria*, no. 69855/01, 7 January 2010; *Zikatanova and Others v. Bulgaria*, no. 45806/11, 12 December 2019; *Sheytanova v. Bulgaria* [Committee], no. 42218/13, 1 September 2020; *Gechevi v. Bulgaria* [Committee], no. 54909/14, 22 June 2021).

Noting the existence of such case-law, the admissions contained in the Government's declaration and 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 relation to the applicant's objections summarised above, the Court observes that the applicant remains entitled to restitution at the domestic level, and nothing in the documents submitted suggested that such an

entitlement would be denied. The present case concerns only the delays in the restitution procedure and any damage sustained in that regard.

The Court is also 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 6 June 2024.

Viktoriya Maradudina Acting Deputy Registrar	Peeter Roosma President