



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

FOURTH SECTION

DECISION

Application no. 21345/06

Dimiter Georgiev DIMITROV and Christa Johanna Else Louise ENDER-
DIMITROVA against Bulgaria
and 6 other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on
10 May 2012 as a Committee composed of:

Päivi Hirvelä, *President*,

Ledi Bianku,

Nebojša Vučinić, *judges*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having regard to the applications listed in the table below,
communicated as part of the groups of Karavasileva (II) and 14 other
applications (no. 10450/05 and others) and Miltenovi and 14 other
applications (no. 6358/07 and others),

Having regard to the declarations submitted by the respondent
Government requesting the Court to strike the applications out of the list of
cases,

Having deliberated, decides as follows:

THE FACTS

The applicants are Bulgarian nationals whose names and dates of birth
are specified in the table below. Some of the applicants were legally
represented. The legal representatives involved were Mr R. Giebenrath,
Ms N. Popova, Ms S. Margaritova-Vuchkova and Ms M. Garibova. The

Bulgarian Government (“the Government”) were represented by their Agent, Ms M. Dimova, of the Ministry of Justice.

The essential information as to the length of the proceedings in which the applicants were involved is indicated in the attached table.

COMPLAINTS

The applicants, relying on Article 6 § 1, complained about the length of civil proceedings, and in some cases, relying on Article 13 about the lack of effective remedies in relation to the length and under Article 1 of Protocol No. 1 of the Convention about the impact of the length of the proceedings on property rights.

Some of the applicants also raised additional complaints.

THE LAW

The Court considers that in accordance with Rule 42 § 1 of the Rules of Court, the applications should be joined, given their common legal background.

By a letter dated 2 February 2012 the Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by the applications. By these declarations the Government acknowledged the excessive length of the civil proceedings and, in some cases, the lack of effective remedies in respect of the length and its impact on property rights, and offered the applicants various compensation sums (for the sums, see the table below).

The Government invited the Court to strike the applications out of the list of cases. They suggested that the declarations might be accepted by the Court as “any other reason” justifying the striking out of the case of the Court’s list, as referred to in Article 37 § 1 (c) of the Convention.

The declarations also provided that the compensation sums were to cover any pecuniary and non-pecuniary damage, as well as costs and expenses, and would be free of any taxes that may be applicable, to be converted into the national currency of the respondent State at the rate applicable at the date of settlement. The sums would be payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay these sums within the said three-month period, the Government undertook to pay simple interest on them from 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 applicants either disagreed with the declarations on various grounds and requested the Court to pursue the examination of their cases or did not provide any comments.

The Court recalls that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular 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”.

The Court also recalls that in certain circumstances, it may strike out an application under Article 37 § 1(c) on the basis of a unilateral declaration by a respondent Government even if the applicant wish the examination of the case to be continued.

To this end, the Court will examine carefully the declaration in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey*, [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI); *WAZA Spółka z o.o. v. Poland* (dec.) no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.) no. 28953/03).

The Court has established in a number of cases, including those brought against Bulgaria, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 69-98, ECHR 2006-....; *Majewski v. Poland*, no. 52690/99, 11 October 2005; *Wende and Kukówka v. Poland*, no. 56026/00, 10 May 2007 and *Finger v. Bulgaria*, no. 37346/05, 10 May 2011).

Having regard to the nature of the admissions contained in the Government's declarations, as well as the amounts of compensation proposed – which are consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of these parts of the applications (Article 37 § 1(c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

In view of the above, it is appropriate to strike the applications out of the list in so far as they concern the excessive length of the civil proceedings, the lack of effective remedies in respect of the length and its impact on property rights.

Having carefully examined the applicants' remaining complaints in the light of all 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.

It follows that these parts of the applications should be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations under Article 6 § 1 of the Convention and in some cases under Article 13 and Article 1 of Protocol No. 1 in relation to the applicants' complaints concerning length of proceedings;

Decides to strike the applications out of its list of cases in so far as they relate to the above complaints, in accordance with Article 37 § 1 (c) of the Convention;

Declares the remainder of the applications inadmissible.

Fatoş Aracı
Deputy Registrar

Päivi Hirvelä
President

APPENDIX

No.	Application no.	Lodged on	Applicant's name, year of birth, place of residence	Beginning and end of the domestic proceedings	Subject matter of domestic proceedings	Length of proceedings and instances concerned	Communicated complaints	Date of Government's unilateral declaration	Compensation sums offered by the Government (in euros)
1.	21345/06	18/05/2006	Dimiter Georgiev DIMITROV 1939 Frankenthal Christa Johanna Else Louise ENDER-DIMITROV Frankenthal	24/10/2003 – 29/06/2010	Property dispute	6 years and 8 months (3 levels of jurisdiction)	Art. 6 § 1 (length of proceedings) Art. 13 (lack of effective remedies in respect of length)	2 February 2012	1,700
2.	22459/06	26/05/2006	Rositsa Mircheva PETROVA 01/06/1955 Sofia	1993 – <i>First phase</i> – 09/10/1997 <i>Second phase</i> – 05/05/2006	Partitioning of property proceedings	About 13 years (2 levels of jurisdiction for the first phase and 3 levels of jurisdiction for the second phase)	Art. 6 § 1 (length of proceedings) Art. 13 (lack of effective remedies in respect of length) Art. 1 of Protocol No. 1 (impact of length on property rights)	28 March 2012	3,200
3.	45327/06	23/10/2006	Velko Todorov VELKOV 1948 Sofia	14/03/1995 – 25/09/2006	Civil proceedings concerning copyright payments	11 years and 5 months (3 levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	2 February 2012	4,000

4.	6358/07	12/01/2007	<p>Lilyana Dimitrova MILTENOVA 1945 Sofia</p> <p>Nikolay Atanasov MILTENOV 1970 Sofia</p> <p>Milan Atanasov MILTENOV 1974 Sofia</p>	20/07/1998 – 21/09/2006	Civil proceedings for damages for loss of life of a relative as a result of an air traffic accident	8 years and 2 months (3 levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	28 March 2012	2,800
5.	7777/07	05/02/2007	<p>Petar Savchov BARDAROV 1947 Pleven</p>	19/09/2000 (the date on which the applicant joined the criminal proceedings as a civil claimant) – 22/12/2010	Civil claim for damages in criminal proceedings for fraud	10 years and 3 months (3 levels of jurisdiction)	<p>Art. 6 § 1 (length of proceedings)</p> <p>Art. 13 (lack of effective remedies in respect of length)</p>	2 February 2012	3,500
6.	9570/07	21/12/2006	<p>Savina Tsvetanova NAUMOVA 1949 Varna</p>	05/09/1997 – 14/07/2006	Labour dispute	8 years and 10 months (3 levels of jurisdiction)	<p>Art. 6 § 1 (length of proceedings)</p> <p>Art. 1 of Protocol No. 1 (impact of length on property rights)</p>	28 March 2012	2,800
7.	17216/07	25/03/2007	<p>Violeta Pavlova IVANOVA 1951 Sofia</p>	13/05/1999 – 28/09/2006	Labour dispute	7 years and 4 months (3 levels of jurisdiction)	Art. 6 § 1 (length of proceedings)	2 February 2012	2,100