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Meeting: 1318th meeting (June 2018) (DH)

Item reference: Action report (23/04/2018)

Communication from Bulgaria concerning the case of Stefanovi v. Bulgaria (Application No. 65688/12)

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Réunion : 1318^e réunion (juin 2018) (DH)

Référence du point : Bilan d'action (23/04/2018)

Communication de la Bulgarie concernant l'affaire Stefanovi c. Bulgaria (requête n° 65688/12) (**anglais uniquement**)

ACTION REPORT

on the implementation of the judgment of the ECtHR in the case of

STEFANOVI v. BULGARIA

Application no. 65688/12
Judgment of 30 March 2017
Final on 30 March 2017



The Facts

The case concerns the unjustified deprivation of the applicants of their property and the lack of adequate compensation in that regard. The applicants bought property, which had previously been nationalised. After the entry into force of the Restitution Law in February 1992 the heir of the pre-nationalisation owner successfully sued the applicants for recovery of the property. The Court found that the interference with the applicants' rights was in accordance with the law and pursued a legitimate aim, however the authorities failed to strike a fair balance between the applicants' rights and the public interest since: i) the domestic courts declared the applicants' title null and void due to administrative omission which had not been imputable to the applicants, and ii) the applicants could not benefit from an adequate compensation scheme. Consequently, the Court found a violation of Article 1 of Protocol No 1.

Individual measures

a) On 16 June 2017, the awarded compensation was transferred to the applicants' account.

No further individual measures seem to be applicable in the case.

General measures

a) *Publication of the judgment*

The translation of the judgment in Bulgarian is available on the Ministry of Justice website at <http://www.justice.government.bg/47/2673/>.

b) *Legislative amendments*

In June 2006 the National Assembly amended section 7 of the Restitution Law, introducing new paragraphs 2 and 3. The amendment only concerns persons who have not sold the compensation bonds they had received. A new paragraph 2 provides that persons who lost their property under section 7 are entitled to compensation in bonds and have priority when applying to buy municipal apartments. New paragraph 3 provides that if no apartment is offered by the relevant municipality within three months, the person concerned is entitled to receive in cash the face value of the bonds from the Ministry of Finance. In May 2007 the Government published regulations implementing section 7 (3) of the Restitution Law (State Gazette no. 37 of May 2007).

The regulations enabled persons currently in possession of housing compensation bonds to obtain payment at face value from the Ministry of Finance.

These measures were considered sufficient by the Committee of Ministers in regard to cases which do not involve deviation from the transitional nature or extensive application of the restitution legislation, thus leading to the closure of the examination of the cases *Velikovi and others against Bulgaria* (see Resolution CM/ResDH(2017)31) and *Dimitar and Anka Dimitrovi and 12 others against Bulgaria* (see Resolution CM/ResDH(2014)198), similar to the present one.

In view of the above, the Government consider that no additional general measures are necessary and the supervision of the execution of the present case should be closed.

Sofia, April 23rd, 2018