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Date: 16/02/2026

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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1553rd meeting (March 2026) (DH)

Communication from the authorities (06/02/2026) concerning the United Macedonian Organisation Ilinden and Others group of cases v. Bulgaria (Application No. 59491/00) (application UMO Ilinden 14 July 2025 - judgment of 8 October 2025).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1553^e réunion (mars 2026) (DH)

Communication des autorités (06/02/2026) relative au groupe d'affaires Organisation Macédonienne unie Ilinden et autres c. Bulgarie (requête n° 59491/00) (requête UMO Ilinden 14 juillet 2025 – arrêt du 8 octobre 2025) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.



Превод на английски език

DECISION

No. 499

Sofia, 08 October 2025

DGI

06 FEV. 2026

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

IN THE NAME OF THE PEOPLE

SOFIA COURT OF APPEAL, 13th COMMERCIAL PANEL, sitting in closed session on the seventh day of October two thousand and twenty-five, composed as follows:

Presiding Judge: Hristo Lazarov

Members: Zheni Dimitrova

Zhanna Iv. Markova

having examined the report submitted by Judge Zheni Dimitrova in Appellate Commercial Case No. 202510000654 on the docket for 2025,

The proceedings are conducted pursuant to Article 25(4), sentence two of the Non-Profit Legal Entities Register and Register of Legal Entities Act (ZTRRYULNC).

The proceedings were initiated upon an appellate complaint filed under entry No.

12858/19.08.2025 by K. S. T., in his capacity as elected Chairperson of the Non-Profit Association “United Macedonian Organization – Ilinden,” against Decision No.

130/30.07.2025 rendered in Commercial Case No. 182 on the docket for 2025 of the Blagoevgrad District Court, by which Refusal No. 20250714102819/16.07.2015 of a registration officer at the Registry Agency was upheld.

The appellant claims in his complaint that the contested decision is incorrect, as the argument for its issuance is that, in the application for registration and in the association’s articles of association, the personal composition of the two bodies — the General Assembly and the Managing Board — is entirely identical. These considerations of the court are unlawful, as there is no restriction preventing the founders of an association from being elected as members of the managing board. Following registration, the association will admit new members, and the composition of the General Assembly and the Managing Board will not remain identical. The other argument is that the designation of the association as carrying out

activities in private benefit, while pursuing objectives of public benefit, constitutes circumvention of the law aimed at avoiding compliance with additional restrictions and requirements applicable to legal entities.

The association has set objectives that are consistent with those of a democratic society. Article 11(2) of the European Convention on Human Rights provides that the exercise of this right shall not be subject to any restrictions other than those prescribed by law. The appellant requests that the appellate court set aside the contested decision and instruct the Registry Agency to carry out the registration as applied for.

The Registry Agency has submitted a response requesting confirmation of the contested act on the following grounds: the place and time of the founding assembly were not indicated, which constitutes an absolutely necessary requirement for establishing the simultaneous expression of will by all founders and the validity of the resolutions adopted at the assembly, pursuant to Article 19 of the Non-Profit Legal Entities Act (ZULNC). A discrepancy has been established between the founders' signatures and the text of the minutes and the articles of association, as the signatures were affixed on a separate sheet rather than directly beneath the text of the relevant document, which casts doubt on the authenticity of the document and the moment of its signing, as well as the authority of the signatories, and violates the requirements for proper certification of the founders' will. As a result of an ex officio review, ambiguity was found regarding the association's governing bodies and their powers, as neither the articles of association nor the minutes clearly specify which body exercises representative authority and which body adopts decisions regarding the admission and expulsion of members, which is contrary to Articles 20(10) and 31 of the Non-Profit Legal Entities Act and renders objective verification of the valid establishment and existence of the association impossible. The submitted documents do not contain sufficient data regulating property relations upon termination of membership, including in cases of death, resignation, or expulsion of members, which constitutes an essential requirement under Article 20(10) of the Non-Profit Legal Entities Act and leaves uncertainty as to the rights and obligations of the members and the association's managing bodies. By the issued refusal, the necessity of strict compliance with the substantive legal requirements for registration of a non-profit legal entity has been confirmed.

In the appellate complaint, a request was made for the recusal of the reporting judge on grounds of alleged bias, on the basis that the judge has previously ruled in matters relating to

the registration of associations of Macedonians.

The judicial panel finds that the request thus made must be dismissed, since in these proceedings, which are protective (non-contentious) in nature, the court is not bound by the reasoning set out by the registration officer in the refusal, but instead carries out its own review in accordance with the requirements of the law and the articles of association. In rendering its decision, the court either grants or dismisses the request for registration; unlike adversarial proceedings, such decision does not have the force of *res judicata*. Consequently, in respect of each specific application, the court is bound solely by the particulars stated in the application and the documents attached thereto, and it therefore cannot be held that the court is biased in the present application.

The appeal was lodged by a duly entitled party, within the statutory time-limit, against an appealable judicial act and is procedurally admissible; examined on the merits, however, it is unfounded.

The proceedings in Commercial Case No. 182 on the docket for 2025 of the Blagoevgrad District Court were initiated following an appeal against Refusal No.

20250714102819/16.07.2015 issued by a registration officer at the Registry Agency, rendered upon an application submitted by K. S. T., in his capacity as elected Chairperson of the non-profit association “United Macedonian Organization – Ilinden”.

In assessing the lawfulness of the refusal issued by the registration officer, the court proceeds on the basis of the provisions of the Commercial Register and Register of Non-Profit Legal Entities Act and Regulation No. 1/2007 on the maintenance, preservation, and access to the Commercial Register and the Register of Non-Profit Legal Entities. Pursuant to Article 21 of the said Act, the registration officer is required to assess whether the submitted application formally complies with the prescribed form and procedure; whether the circumstance applied for registration falls within the category of circumstances subject to entry in the Commercial Register (or, respectively, whether the act is subject to publication); whether the application originates from an authorised person; whether all required documents have been attached, evidencing both the existence of the circumstance applied for registration and its conformity with the law; whether the declarations required under Article 13 of the Commercial Register Act have been submitted; and whether the prescribed state fee has been paid, where applicable.

In these proceedings, which are protective in nature, the court is not bound by the reasoning

stated by the registration officer in the refusal, but again conducts its own review in accordance with the requirements of the law and the articles of association.

In the absence of any of the requirements set out in Article 21 of the Commercial Register and Register of Non-Profit Legal Entities Act, the registration officer shall issue a refusal. Following an ex officio assessment of the evidence, the court establishes the following facts and legal conclusions:

By application on Form A15, registration No. 20250714102819/14.07.2025, a request was submitted for the initial registration of the non-profit association “UNITED MACEDONIAN ORGANIZATION – ILINDEN”. The application was accompanied by the documents required by law, namely: a declaration under Article 13(4) of the Commercial Register Act signed by K. S. T.; consent and specimen signature of K. S. T.; minutes of the founding assembly of the non-profit association “United Macedonian Organization – Ilinden” dated 27 April 2025; a list of founders; the articles of association of the non-profit association “UNITED MACEDONIAN ORGANIZATION – ILINDEN”; and a receipt evidencing payment of the registration fee.

It is apparent from the submitted documents that on 27 April 2025 a founding assembly of the non-profit association “United Macedonian Organization – Ilinden” was held, at which a resolution was adopted to establish an association under the stated name to pursue activities for private benefit. At the same assembly, as evidenced by the minutes, a Management Board and a legal representative of the association were elected, who were duly authorised to submit the application for registration of the newly established association.

However, the minutes of the founding assembly do not specify the time and exact place at which it was held. The indication of the exact place and time of the founding assembly is absolutely necessary in order to assess whether a simultaneous expression of will by all seven founders was present, in accordance with the requirements of Article 19 of the Non-Profit Legal Entities Act.

The minutes of the founding assembly, as well as the articles of association, were signed by the chairperson and the recording secretary of the assembly, respectively by the founders, on a separate page rather than directly beneath the text of the assembly minutes or, respectively, the provisions of the articles of association. This circumstance casts doubt on whether the signatures form an integral part of the relevant documents and on the time at which they were affixed.

Further, a seventh founder — A. A. — was added to the list of founders of the association, with his name handwritten, without proper certification of the authorship of the addition made. In respect of the other six founders, their names are entered in block (printed) letters. The submitted list of founders is not certified by the chairperson and the recording secretary of the assembly and therefore does not attest that those persons were present at the assembly. The articles of association submitted with the application do not comply with the requirements of Article 20(10) of the Non-Profit Legal Entities Act. Pursuant to that provision, the articles of association must contain rules governing the establishment and termination of membership, as well as the procedure for regulating property relations upon termination of membership. The articles provide that membership is terminated by expulsion of a member of the association (Article 11(4)(3)). However, they do not lay down rules as to how property relations with expelled members are to be settled, including in cases where membership is terminated on other grounds, such as death, placement under guardianship, and the like. There is also an additional ambiguity concerning the admission of new members. Article 10(1) of the articles states that admission to membership in the association is effected by means of a written application to the Management Board. At the same time, paragraph 3 of the same article provides that members are admitted on the basis of a resolution of the General Assembly. Under these provisions as formulated, it is unclear which body is vested with the authority to admit new members — the General Assembly or the Management Board.

In exercising its statutory function of reviewing the lawfulness of the refusal of the Registry Agency to carry out the requested registration of a non-profit association, the court is required to assess the content of the articles of association and is not limited to a purely formal examination of the objectives and means stated therein, insofar as only such an assessment allows the true intention of the founders to be ascertained, which must not be contrary to the law.

Pursuant to the Convention for the Protection of Human Rights and Fundamental Freedoms, the right to freedom of association is a fundamental and inalienable human right and may not be subject to restrictions other than those prescribed by law and set out as exceptions in Article 11(2) of the Convention.

Article 4 of the articles of association states that the association pursues the objective of “protecting the Macedonian national intangible cultural heritage, which is subject to

ethnocide by Bulgarian cultural institutions,” as well as promoting the social integration of Macedonians in the Republic of Bulgaria; ensuring the right of Macedonians to respond to propagandistic manipulation concerning Macedonian history and culture; and supporting the creation and implementation of educational programmes related to Macedonian culture and ethnicity. Among the means for achieving these objectives, it is stated that symposia will be organised to discuss the reasons for the policies of forced assimilation, discrimination, and xenophobia against Macedonians in Bulgaria; that demands concerning the national rights of Macedonians will be submitted to Bulgarian state institutions and to the competent international organisations; and that peaceful marches will be organised to commemorate historical dates from Macedonian national history. Objectives and means thus formulated create the impression of the existence of a Macedonian ethnic group within the territory of the Republic of Bulgaria that is deprived of rights or whose rights have been infringed, is opposed to the rest of Bulgarian citizens, and is subjected to repression by the State.

Consequently, the establishment of an association pursuing such objectives is aimed at dividing the nation and creating preconditions for ethnic confrontation, and therefore runs contrary to Article 44(2) of the Constitution of the Republic of Bulgaria.

In view of the foregoing, the conditions are met for reliance on the exceptions provided for in Article 11(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as in Article 22(2) of the International Covenant on Civil and Political Rights, ratified by and in force for Bulgaria since 1976, which allow the registration authority to refuse entry of the association in the register and, correspondingly, the court to uphold such refusal as lawful.

As the legal conclusions reached by the two judicial instances coincide, the contested decision must be upheld.

Guided by the foregoing, the Sofia Court of Appeal

HEREBY DECIDES:

DISMISSES the request for recusal.

UPHOLDS Decision No. 130/30.07.2025 rendered in Commercial Case No. 182 on the docket for 2025 of the Blagoevgrad District Court, by which Refusal No. 20250714102819/16.07.2015 issued by the registration officer at the Registry Agency was confirmed.

This decision is final and not subject to appeal.

Presiding Judge: _____

Members:

1. _____
2. _____

Подписаната Ани Христова Атанасова удостоверявам верността на извършения превод от български на английски език на приложения документ. Преводът се състои от 7/седем/ страници.