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Date: 20/112026

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Meeting:	1577th meeting (December 2026) (DH)
Item reference:	Action Report (19/11/2026)

Communication from Bulgaria concerning the case of Panayotov v. Bulgaria (Application No. 5883/18)

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Réunion :	1577e réunion (décembre 2026) (DH)
Référence du point :	Bilan d'action (19/11/2026)

Communication de la Bulgarie concernant l'affaire Panayotov c. Bulgarie (Requête n° 5883/18) ***[anglais uniquement]***

DH-DD(2026)1575: Communication from Bulgaria
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.

ACTION REPORT

On the Execution of the Judgment of the ECHR in the case of
PANAYOTOV V. BULGARIA
No. 5883/18
Final on 21 January 2025

DGI
19 NOV. 2026
SERVICE DE L'EXECUTION DES ARRETS DE LA CEDH

I. Case description:

The case concerns the Supreme Administrative Court's dismissal as premature of the applicant's judicial challenge to an administrative decision (an order issued following a sealed bid auction for a State-owned property) on the ground that the time-limit for bringing a challenge began to run on the date when the applicant received formal notice of the administrative act by post.

The European Court found that right of access to a court of the applicant was infringed mainly because the decision of the Supreme Administrative Court to reject the applicant's claim as premature lacked clear and consistent precedential support and was therefore unforeseeable for the applicant, resulting in excessive formalism (violation of Article 6 § 1 of the Convention).

II. Individual measures

The sums awarded in this case in respect of pecuniary damage, as well as in respect of costs and expenses (plus interest for the default period) were duly wired to the applicant on 28 April 2025.

As regards the pecuniary damage, the European Court observed that the applicant may request the reopening of the civil proceedings in respect of which the Court had found a violation of the Convention. It considered that in the given circumstances this was the most appropriate way for him to obtain compensation for any pecuniary damage he might had sustained (see § 28 of the judgement). In view of that, during the pending proceedings before the Court, the Government has notified the respective national court of the need to keep the case file intact as long as needed in the event that the applicants decide to take advantage of the above possibility.

By letter of June 2025 the Varna Administrative Court notified that the applicant has sought the reopening of his case. On 15 May 2025 the case was referred to the Supreme Administrative Court (SAC). In a judgment of 25 June 2026, a five-member bench of the Supreme Administrative Court set aside Decision No. 15408 of 14 December 2017, handed down in Administrative Case No. 1419/2017 by a three-member bench of the Supreme Administrative Court. [1] It held that the annulment of the above decision was necessary in order to erase the consequences of the violation found by the European Court. It referred the case for examination by another three-member bench of the Supreme Administrative

[1] https://info-adc.justice.bg/courts/portal/edis.nsf/e_case.xsp?id=527039&code=vas&guid=1565208214

Court, indicating that the findings of the European Court should be taken into account in the context of the reopened judicial proceedings.

It is noted that the applicant's appeal was examined on the merits and granted at first instance and that the violation stemmed from the unforeseeable interpretation of a time-limit for filing an appeal against an administrative decision by a three-member bench of the Supreme Administrative Court. In the particular circumstances of this case, the Government considers that the reopening of the judicial proceedings, the clear instructions by a five-member bench of the Supreme Administrative Court regarding the need to take into account the findings of the European Court, as well as the available information on the domestic judicial practice on such procedural matters (see below), guarantee that the applicant's appeal will not be treated as premature in the reopened proceedings.

III. General measures

The ECHR's judgment was translated in Bulgarian and is available on the Ministry of Justice official website, as well as on humanrights.bg. The judgment was disseminated to the relevant courts. The National Institute of Justice was also appraised of the judgment in view of considering its inclusion where appropriate in the curricula of the initial and continuous trainings of magistrates.

The European Court observed that domestic case-law supported the examination of claims on the merits even if they had been brought before the formal notice had been delivered to the applicants (for example (опр. № 12764 от 22.10.2018 г. по адм. д. № 11160/2018, ВАС, and опр. № 2950 от 12.03.2024 г. по адм. д. № 2175/ 2024 г., ВАС). The Court also noted that three of the applicant's other claims against similar orders were considered on the merits despite having been brought before formal notice of the orders had been received. (§ 21).

The Government is therefore of the opinion that the case is isolated, given the established judicial practice that the submission of an appeal against an administrative act before the formal notice of the latter does not have bearing on admissibility of the appeal.

Sofia, November 2026