



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

THIRD SECTION

CASE OF ALEKSIEVA AND OTHERS v. BULGARIA

(Application no. 30915/23)

JUDGMENT

Art 8 • Home • Demolition of a Roma settlement in which the applicants lived without ensuring their participation in the process in which the orders were made and enforced and without an assessment of the demolition's proportionality • Victim status for two applicants whose house was subject to a demolition order but remained standing • Deliberate exclusion of the applicants from the formal process which appeared to be structured in a manner calculated to avoid legal procedural safeguards • Intention to proceed with the demolition concealed from the applicants and other authorities • Failure to consider the applicants were members of a socially disadvantaged group and a community with a long history in the settlement • No procedure enabling the applicants to obtain in advance of the demolition a proper review of the proportionality of the measure in light of their individual circumstances
Art 46 • Execution of judgment • General measures • Respondent State to take steps to ensure that persons with no formal entitlement to inhabit buildings in which they lived and risked losing their home due to an intended demolition even if they were not the addressees of the demolition order, had effective access to a procedure to review the proportionality of the measure in light of their individual circumstances

Prepared by the Registry. Does not bind the Court.

STRASBOURG

25 August 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

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In the case of Aleksieva and Others v. Bulgaria,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis, *President*,
Peeter Roosma,
Darian Pavli,
Úna Ní Raifeartaigh,
Mateja Đurović,
Canòlic Mingorance Cairat, *judges*,
Maiia Rousseva, *ad hoc judge*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 30915/23) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by 56 Bulgarian nationals whose names are set out in the appended table (“the applicants”), on 9 August 2023;

the decision to indicate interim measures to the Bulgarian Government (“the Government”) and the subsequent decision partly to lift and partly to continue those measures;

the decision to give priority to the application;

the decision to give the Government notice of the application;

the parties’ observations; and

the comments submitted by the European Roma Rights Centre, which was granted leave to intervene as a third party;

Noting the decision of the President of the Section to exempt Diana Kovatcheva, the judge elected in respect of Bulgaria, from sitting in this case and his ensuing decision to appoint Maiia Rousseva as *ad hoc* judge in the case;

Having deliberated in private on 23 June 2026,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns the demolition in August 2023 of a Roma settlement in Sofia. The 56 applicants, who lived in that settlement, were not involved in the process in which the authorities made and enforced the demolition orders. Despite their many attempts to obtain specific information about that process, they only managed to obtain copies of the orders when they were already being carried out. Many of the applicants sought injunctions against the local authorities, and four of them also sought judicial review of the demolition orders. All those proceedings were unsuccessful. The main issues in the present case are whether those events were in breach of Articles 3, 8 and 14 of the Convention and of Article 1 of Protocol No. 1.

THE FACTS

2. The 56 applicants were born in the years set out in Table 1 of Appendix One and live in Sofia. They were represented by Ms D. Dragieva, a lawyer practising in Sofia.

3. The Government were represented by their Agent, Ms S. Sobadzhieva of the Ministry of Justice.

I. BACKGROUND

4. All 56 applicants are of Roma ethnic origin; at the relevant time 14 of them were minors. Many of the applicants are related to one another. They all lived – and had their permanent registered addresses¹ – in a small settlement in Orlandovtsi, a neighbourhood on the north-eastern outskirts of Sofia. Members of the Roma community, including members of several of the applicants’ families, had lived at the site since the 1950s. The 60 or so buildings in which the applicants lived stood on four plots owned by the municipality. The age of the individual structures was disputed.

II. STEPS TAKEN BY THE MUNICIPALITY WITH A VIEW TO THE DEMOLITION OF THE APPLICANTS’ HOMES

A. Practical steps

5. In April 2023 the Supreme Administrative Court upheld an order of August 2020 for the demolition of a house located close to the applicants’ homes, with final effect. The Government asserted that shortly after that, in the early summer of 2023, the local municipal administration decided to carry out further building control inspections in the settlement.

6. On 16 June 2023, the settlement was visited by municipal building control officers. They put up unsigned and unnamed notices which read:

“We would like to inform you that from 30 June 2023 steps will be taken to remove all unlawfully erected buildings and clear the plots situated in neighbourhood [no.] 24, ‘Orlandovtsi-Malashevtsi’, and that all those [buildings] must be cleared of inhabitants and movable property.

We would like to apologise in advance for any inconvenience caused and to thank you for your understanding.”

7. On 19 June 2023, the applicants brought the notices to the attention of the Bulgarian Helsinki Committee (“the BHC”), a non-governmental organisation for the protection of human rights. It appears that information about the intended demolition of buildings in the settlement had been

¹ The concepts of “permanent address” and “current address” under Bulgarian law have been explained in paragraph 150 below.

available even before the notices had been put up, since a BHC lawyer acting for the applicants had previously asked the municipal authorities about information on the matter on 8 June 2023 (see paragraph 23 below).

8. On 21 June 2023, the local mayor and the head of the local building control authority went to the settlement to identify the buildings to be demolished, but refused to give any information to the residents.

9. On 4 July 2023, the same persons again visited the settlement and told the residents that on 17 July 2023 the authorities would bring them “the official papers” and that they would come with mechanical diggers.

10. A third visit took place on 6 July 2023, during which those two persons, assisted by two other municipal officials, inspected the buildings and took photographs (see paragraph 14 below). They again told the residents that on 17 July 2023 they would bring them “the official papers”.

11. On 13 July 2023, social workers, accompanied by municipal officials, police, and the representatives of a private charitable foundation, visited the settlement. The social workers gave the residents information about obtaining social assistance and handed out forms to apply for emergency accommodation. According to the applicants, the officials told them that if they did not make formal requests for assistance from the social services, they would remain homeless. A letter dated 11 August 2023 from the social assistance authorities to the local mayor said that as a result of that visit 18 applicants had applied for emergency accommodation in the days preceding the demolition, which took place on 9-10 August 2023 (see paragraph 46 below), but none had presented themselves at an accommodation centre.

12. On 27 July 2023, the head of the local building control authority visited the settlement once again and told the residents that their houses would be demolished on 4 August 2023.

B. Formal process

13. Municipal building control officers put up four notices dated 16 June 2023 on the noticeboard of the local municipality. These announced that the process had begun for making demolition orders for the buildings on the four municipally-owned plots, and that any persons concerned would have seven days from 19 June 2023 to produce written evidence of title to, and the lawfulness of the construction of, those buildings. In the absence of such evidence, the municipality would deem the buildings to have no known owner and would proceed to demolish them. The notices were accompanied by plans of the plots.

14. On 6 July 2023, municipal building control officers inspected the four plots. They drew up four inspection reports (*констативни протоколи*), in which they noted that 27 buildings which were not in the local zoning plan stood on the first plot, 15 such buildings stood on the second plot, 10 on the

third plot, and 10 on the fourth plot. The officers described each of those 62 buildings in general terms – giving their dimensions, the materials of which they were built, and whether they were connected to the electricity, water-supply and sewerage networks.

15. The following day, 7 July 2023, the local municipality’s chief architect drew up four memoranda stating that there were no construction papers or certificates stating that the development had been accepted as lawful on file with respect to any of the buildings.

16. The same day, 7 July 2023, the same officers who had carried out the on-site inspection used those memoranda to draw up four notices of breach (*констативни актове* – see paragraph 132 below), in which they copied the descriptions of the buildings from the inspection reports, and noted the category of each building (see paragraph 131 below) and its presumed year of construction (this was 2001-23 for all the buildings). They also recorded that (a) the owners of the buildings and the persons who had erected them were unknown; (b) the buildings stood on municipal land; and (c) no construction papers or building permits for the buildings had been produced. That meant that the buildings were unlawful and liable to be demolished. Attached to the notices were sketches of the four plots on which the buildings were identified by numbers.

17. A record dated 7 July 2023 and signed by the officers showed that they had attached copies of the notices of breach to the buildings (see paragraph 137 below). Another record of the same date, drawn up by another municipal officer, showed that on that day she had put the notices up on the noticeboard in the municipality’s offices.

18. Another record, dated 14 July 2023 and drawn up by the same municipal officer, showed that on that date she had taken the notices of breach down from the noticeboard (presumably because the seven-day time-limit for making objections to them had expired – see paragraph 132 below).

19. On 17 July 2023, the same municipal building control officers who had drawn up the notices of breach recorded that no objections to those notices had been received.

20. On 18 July 2023, the local mayor sent the four inspection reports and the notices of breach to the municipal building control department. In his covering letter, he stated that the notices had been served on those concerned by being attached to the buildings and by being put up on the noticeboard in the municipality’s offices, as required by law (see paragraph 137 below).

21. On 25 July 2023, the Sofia chief architect made 58 demolition orders pursuant to the notices of breach. Those orders, which repeated verbatim the descriptions of the buildings in the inspection reports and in the notices of breach, were addressed to the local municipality. The orders stated that 14 days was given for voluntary compliance, warning that they would otherwise be enforced as prescribed in regulations (see paragraph 136 below). The orders also included a requirement for them to be served on “all interested

parties”: these were listed as the local mayor, the local electricity company, and the head of the Sofia police.

22. On 25 July 2023, the local municipality put the demolition orders up on its noticeboard. It took them down 14 days later, on 9 August 2023 (presumably because the 14-day time-limit for seeking judicial review of the orders had expired – see paragraph 139 *in fine* below).

III. THE APPLICANTS’ ATTEMPTS TO OBTAIN INFORMATION ABOUT THE DEMOLITION PROCESS

A. Request for access to information

23. On 8 June 2023, a lawyer working with the BHC and acting for the applicants made formal requests under the access-to-information legislation, asking the local mayor and the mayor of Sofia to state (a) whether the demolition of any unlawful buildings had been scheduled for the remainder of 2023; (b) whether any orders for the demolition of such buildings had already been made and were subject to enforcement; and (c) whether any contractors had been engaged to carry out such demolitions. On 22 June 2023, the Sofia chief architect replied that the fully searchable online registers kept by the municipality showed all the demolition orders that had been made and all the agreements for contractors to carry out the demolition. The authorities could only provide available and existing information on the points about which the lawyer had enquired. (After the lawyer lodged a judicial review claim, in January 2024 the Sofia City Administrative Court set the chief architect’s response aside – see *пел. № 342 от 12.01.2024 г. по адм. д. № 6630/2023 г., АдмС-София-град*).

B. Correspondence with the municipal authorities

24. On 28 June 2023, the same lawyer, acting on behalf of 16 of the applicants, asked the mayor of Sofia and the local mayor which plots in the area had had demolition orders made for the buildings on them. The lawyer tentatively listed 12 such plots where those orders had become final and enforceable. On 5 July 2023, the local mayor confirmed that three demolition orders had been made. Only one of the orders related to one of the plots on which the applicants’ homes stood, but that was apparently the August 2020 order about the house located close to the applicants’ homes which had already been dealt with by the Supreme Administrative Court (see paragraph 5 above).

25. On 27 July 2023, the same lawyer, acting on behalf of the same 16 applicants, requested copies of the demolition orders, pointing out that she had been told that day by the head of the building control department of the local municipality that 61 orders had been made in relation to the plots

and that the demolition was scheduled for 4 August 2023. On 3 August 2023, the Sofia chief architect replied that the records had been checked and no orders addressed to any of those 16 applicants had been made. They had to check with the local mayor as to whether the 61 orders referred to had been served. The letter contained a reference to the municipal case file number.

C. Visits to the municipality

26. On 1 August 2023, the lawyer acting for the 16 applicants visited the office of the Sofia chief architect to demand to see the demolition orders, but was denied an appointment with the official in charge of the case.

27. On 3 August 2023, the same lawyer met with a municipal legal officer. He refused to give her copies of the demolition orders and handed her the chief architect's reply of that date (see paragraph 25 above).

D. Complaints to various authorities

28. On 22 and 23 June 2023, the head of BHC's legal defence programme complained on behalf of the applicants about the impending demolition of their homes to the Ombudsman of the Republic, the regional governor of Sofia and the Minister of Justice. Ms Tonka Dimitrova, the fourth applicant, also complained to the Ombudsman of the Republic.

29. On 27 June 2023, the regional governor asked the local mayor to state whether any notices of breach had been drawn up in respect of the plots in question, whether any such notices had been served on the people concerned, whether any demolition orders had been made on the basis of such notices, and whether arrangements had been made to provide alternative accommodation to any people affected.

30. On 30 June 2023, the Minister of Justice also raised the matter with the mayor of Sofia and the local mayor.

31. So did the Ombudsman of the Republic, on 3 July 2023. She noted, in particular, that her inquiries had not revealed any orders for the demolition of the applicants' buildings.

32. On 24 July 2023, the local mayor informed the Ombudsman of the Republic, the regional governor and the Minister of Justice that checks of the records had not revealed any orders for the demolition of any buildings on the four plots in question. He went on to note, in relation to the visits to the settlement by municipal officials, that the municipality had a duty to take care of, and therefore to inspect, its property. The local police had, moreover, recently recorded higher levels of crime being committed by inhabitants of the area, as well as neighbourhood disputes which had degenerated into fights, and this had required an enhanced police presence in the area.

E. Correspondence with the social assistance authorities

33. On 18 July 2023, a lawyer working with the BHC and acting for 16 of the applicants asked the social assistance authorities whether alternative accommodation would be available in the event that their homes were demolished. According to the applicants, those authorities did not reply.

34. On 27 July 2023, the same lawyer, acting on behalf of ten of the applicants, asked the mayor of Sofia to explore the possibility of accommodating them and their families in municipal housing, given the impending demolition of their homes. They asked the mayor to do so before 3 August 2023, since the demolition was scheduled for 4 August 2023.

35. In response to those two requests, on 28 July 2023 the social assistance authorities replied that on 10 July 2023 the municipality had informed them about the impending demolition. That was why social workers had visited the settlement on 13 July 2023 (see paragraph 11 above). The provision of long-term alternative accommodation was however not within their remit, but was the responsibility of the municipality. After the visit on 13 July 2023, several people (including the applicants Ms Gina Drandova, Ms Tanya Mladenova and Ms Yordanka Naydenova) had applied for emergency accommodation, and several others had sought information about it.

IV. FIRST SERIES OF INJUNCTION APPLICATIONS

A. First-instance proceedings in the Sofia City Administrative Court

1. The course of the proceedings

36. Between 22 and 29 June 2023, 14 of the applicants – Ms Ani Aleksieva, Ms Bozhurka Yankova, Ms Dimka Georgieva, Ms Gina Drandova, Ms Iskra Georgieva, Ms Rayna Velichkova, Mr Rumen Kochev, Ms Sebra Raynova, Ms Srebra Stoyanova, Mr Stoyan Mladenov, Ms Tanya Mladenova, Ms Tonka Dimitrova, Ms Trayanka Velichkova and Ms Yordanka Naydenova – applied to the Sofia City Administrative Court under Article 250 § 1 of the 2006 Code of Administrative Procedure (“the 2006 Code”) (see paragraph 153 below) for injunctions against the municipal authorities ordering them not to demolish their homes. They pointed out, in particular, that they had not been duly notified that procedures for demolition had been commenced, but had come to suspect that they might have been from the anonymous notices put up by municipal officers (see paragraph 6 above), which had however not even said what authority had had them put up, or given any particulars about the buildings to be demolished or the legal basis for the demolition. It could therefore be presumed that any actions taken by the municipal authorities with a view to demolishing the buildings in question would be without a legal basis.

37. After receiving the applications, the Sofia City Administrative Court asked the local mayor whether any demolition orders addressed to those applicants had been made. In each of the 14 cases, the local mayor replied (between 27 and 30 June 2023) that no such orders had been made. In some of the cases, he added that no steps had been taken towards the demolition of the applicants' buildings. In two cases, the local mayor stated that it was unclear which buildings in particular the applications related to.

2. Decisions of the Sofia City Administrative Court

38. On the basis of the local mayor's replies, various judges of the Sofia City Administrative Court dismissed the applications in 14 decisions given between 27 June and 3 August 2023 (for full references to those decisions, see Table 2 of Appendix Two). They found that there was no evidence that the municipal authorities intended to demolish the buildings inhabited by those 14 applicants. In some of the cases, the judges also noted that nothing suggested that the anonymous notices (see paragraph 6 above) had been put up by a public authority. There was therefore no need to order the municipal authorities to refrain from such actions. In some of the cases, the court explained that injunctions under Article 250 § 1 of the 2006 Code (see paragraph 153 below) could be granted only in respect of actions by the authorities which were still continuing when the court heard the case, and that no injunctions could be made under that provision about future actions.

B. Appeals to the Supreme Administrative Court

39. Three of the applicants – Ms Gina Drandova, Ms Sebra Raynova and Ms Tonka Dimitrova – appealed against the decisions in their cases. They pointed out, in particular, that there was evidence of an ongoing campaign by the municipal authorities to demolish buildings in the neighbourhood which had been constructed without permits. However, no demolition orders had been made or served. They added that the demolition of the buildings in which they lived would be in breach of their right to respect for their home. In her appeal, Ms Sebra Raynova went on to submit that her application under Article 250 § 1 of the 2006 Code (see paragraph 153 below) had not been premature, because it would be impossible to obtain judicial protection of her home if she waited for mechanical diggers to arrive at her door; the way in which the lower court had construed the provision had stripped it of effectiveness.

40. On 11, 12 and 13 July 2023, various three-member panels of the Supreme Administrative Court upheld the decisions under appeal (for full references to the panels' decisions, see Table 2 of Appendix Two). They held that the judges below had been correct in holding that Article 250 § 1 of the 2006 Code (see paragraph 153 below) did not apply. In Ms Sebra Raynova's case, the panel added that the judge below had been correct to hold

that Article 250 § 1 could only protect an applicant from actions by the authorities which were still continuing when the court heard the case, and that no injunctions could be made under that provision about future actions.

V. SECOND SERIES OF INJUNCTION APPLICATIONS

A. First-instance proceedings in the Sofia City Administrative Court

41. On 4 August 2023, two of the applicants – Mr Stefan Mladenov and Ms Tonka Dimitrova – lodged a fresh application for injunctions against the demolition of their homes by the municipal authorities under Article 250 § 1 of the 2006 Code (see paragraph 153 below) with the Sofia City Administrative Court. They argued, in particular, that the manner in which those authorities were proceeding had been calculated to circumvent the rules of administrative procedure and to deprive them of the opportunity to seek judicial review of any orders to demolish their homes.

42. In his reply, the local mayor stated that demolitions would be carried out on one of the other four plots, but that there were no records of demolition procedures relating to the applicants' houses.

43. On 8 August 2023, a Sofia City Administrative Court judge dismissed the application (for a full reference to the decision, see Table 3 of Appendix Two). She did so chiefly on the basis that (a) there was no indication that the municipal authorities intended to demolish buildings belonging to those two applicants, only buildings standing on a neighbouring plot, and that (b) Article 250 § 1 of the 2006 Code (see paragraph 153 below) only protected from actions of the authorities which were under way when the court heard the case. There was no evidence that such actions had been going on when the application was lodged.

B. Appeal to the Supreme Administrative Court

44. On 9 August 2023, Mr Stefan Mladenov and Ms Tonka Dimitrova appealed to the Supreme Administrative Court. They pointed out that the demolition – whose legal basis had not been specified in the lower court – was already under way (see paragraph 46 below), and that their houses had already been partly demolished and the demolition was scheduled to be completed the following day.

45. On 25 October 2023, a three-member panel of the Supreme Administrative Court upheld the decision under appeal (for a full reference to the decision, see Table 3 of Appendix Two). It held, in particular, that the applicants' assertion that the demolition was under way was irrelevant, since what mattered under Article 250 § 1 of the 2006 Code (see paragraph 153 below) was whether the authorities had been acting unlawfully when the injunction application was lodged.

VI. DEMOLITION OF CERTAIN OF THE APPLICANTS' HOMES

46. On 9 and 10 August 2023, the municipal authorities demolished the houses of 33 of the applicants; it appears that only four houses remained standing, either wholly (those of Mr Stoyan Mladenov and Ms Yordanka Naydenova), or partly (those of Ms Bozhurka Yankova and Ms Tonka Dimitrova). According to the applicants, those houses were saved from demolition by the interim measures indicated by the Court (see paragraph 115 below).

47. In an undated letter, probably sent on 9 August 2023 or shortly after that, the local mayor informed Sofia's chief architect that the demolition orders, which had become final and enforceable, had been enforced on 9 August 2023 because of numerous complaints about offences committed by inhabitants of the settlement and neighbour disputes which had degenerated into fights during which there had been injuries.

48. On an unspecified date after 20 September 2023, the municipal authorities demolished the house of Ms Yordanka Naydenova (in which Mr Georgi Velichkov, Ms Milka Velichkova and Ms Petkana Velichkova also lived), which had not been demolished on 9-10 August 2023.

VII. THIRD SERIES OF INJUNCTION APPLICATIONS

A. First-instance proceedings in the Sofia City Administrative Court

1. *The course of the proceedings*

49. In the morning of 9 August 2023, when the demolition was already under way (see paragraph 46 above), 13 of the applicants – Ms Ani Aleksieva, Ms Bozhurka Yankova, Ms Dimka Georgieva, Ms Gina Drandova, Ms Iskra Georgieva, Ms Rayna Velichkova, Mr Rumen Kochev, Ms Sebra Raynova, Ms Srebra Stoyanova, Mr Stoyan Mladenov, Ms Tanya Mladenova, Ms Trayanka Velichkova and Ms Yordanka Naydenova – again applied to the Sofia City Administrative Court under Article 250 § 1 of the 2006 Code (see paragraph 153 below) for injunctions against the municipal authorities requiring them not to demolish their homes. They pointed out, in particular, that they had not been informed under the Territorial Organisation Act 2001 (see paragraphs 130-134 below) that a process that would lead to the demolition of the buildings in which they lived had been started. They had not been served with any summonses, notices that the buildings were unlawful, or orders for their demolition. The authorities' preparations for the demolition of the buildings therefore appeared to have no legal basis. The applicants also argued those actions would leave them homeless, in breach of their rights under Article 8 of the Convention.

50. Mr Stoyan Mladenov pointed out, in particular, that his house, which had been built without construction papers, stood next to a one-storey house

built by his mother in 1971 (his mother died in 1986) after she had been granted the right to construct a building on State-owned land.

51. On 10 August 2023, the Sofia City Administrative Court directed the applicants to state, by 3 p.m. the same day (in some of the cases) and by 12 noon the following day (in the remaining cases), to which specific buildings on the plots in question their applications related. In some of the cases, the court explained that the applicants could do so by consulting the material in the case file of Mr Stoyan Mladenov's claim for judicial review of one of the demolition orders (see paragraph 67 below), which included the municipal authorities' inspection reports of 6 July 2023 and their notices of breach of 7 July 2023 (see paragraphs 14 and 16 above and paragraph 74 below). The court also directed the local mayor to specify, within the same time-limits, whether orders for the demolition of those buildings had been made and had become final and enforceable, and whether any steps had been taken to enforce those orders. The court also directed the local mayor to describe in detail the actions taken on 9 August 2023 and specify the legal basis for them.

52. In some of the 13 cases in which the time-limit fixed by the court was 3 p.m. the same day the applicants sought an extension of time, and the court extended the deadline for compliance with its directions to 10 or 11 a.m. on 11 August 2023, depending on the case.

53. The same and the following day, 10 and 11 August 2023 (depending on the case), most of the applicants informed the court that their buildings had been demolished on 9 August 2023, and that they had not been informed of any demolition orders that would have allowed that. Ms Bozhurka Yankova and Ms Yordanka Naydenova added that the only further details that they could give about their houses were their dimensions, that they had two or three rooms as the case might be, and that they were brick buildings with wooden or tin-and-tiles roofs. They could not provide further particulars because the surrounding buildings had been demolished.

54. On 9, 10 or 11 August 2023 (depending on the case), two municipal officers informed the court that no demolition orders addressed to any of those applicants had been made. At 9.40 a.m. on 9 August 2023, the municipality had started taking steps to enforce the demolition orders relating to various buildings on the four plots. In the absence of documents confirming the applicants' property rights in respect of the buildings to which their applications related, the municipality could not identify, and therefore could not give specific information about, those buildings. Only in relation to Mr Stoyan Mladenov was there information that a house on one of the plots had been approved in November 2011 and was therefore not subject to demolition.

2. *Decisions of the Sofia City Administrative Court*

55. In 13 decisions, all given on 11 August 2023 (for their full references, see Table 4 of Appendix Two), various judges of the Sofia City Administrative Court declined to hear the applications (and in one case, that of Mr Stoyan Mladenov, dismissed the application).

56. In the 12 cases in which they declined to hear the applications, the judges gave two separate reasons for their decisions.

57. The first reason was that the applicants had not sufficiently complied with the court's directions to state in respect of which specific buildings on the four plots in question they were seeking injunctions. In the judges' view, the applicants could have done so by consulting the inspection reports and the notices of breach, as suggested in the court's directions (see paragraph 51 above). These were part of the material of the case file of Mr Stoyan Mladenov's claim for judicial review of one of the demolition orders (see paragraphs 67 and 74 below). The applicants had not consulted that file. Although the demolition orders had not specified who had erected the buildings, all the orders had assigned numbers to the buildings to be demolished, thus stating which buildings they were referring to. The applicants should have used those numbers to refer to the specific buildings to which each of their applications related.

58. The second reason was that, as the municipality had confirmed (see paragraph 54 above), it had acted on the basis of final demolition orders, which meant that its actions should have been challenged by way of claims for judicial review of the enforcement of those orders under Article 294 of the 2006 Code rather than by way of injunction applications under Article 250 § 1 of the Code (see paragraphs 141 and 153 below).

59. In the cases of Ms Bozhurka Yankova and Ms Yordanka Naydenova, the judge added that their additional statements (see paragraph 53 above) had been insufficient to identify the buildings to which their applications related. The only way for them to do so properly would have been to consult the inspection reports and notices of breach drawn up by the municipal authorities, which were part of the material in the case file of Mr Stoyan Mladenov's claim for judicial review of one of the demolition orders (see paragraphs 67 and 74 below).

60. In the case of Mr Stoyan Mladenov, the judge found, on the basis of the information provided by the municipality, that no demolition order had been made in respect of the building that Mr Mladenov owned. In those circumstances, and in the absence of clarity about the building to which Mr Mladenov's application related, the evidence was insufficient to find that the mechanical diggers which had appeared at the site on 9 August 2023 had been there to demolish the building which Mr Mladenov had sought to preserve through his application. The application was therefore unfounded.

B. Appeal to the Supreme Administrative Court

1. The appeals

61. Twelve of the applicants – Ms Ani Aleksieva, Ms Bozhurka Yankova, Ms Dimka Georgieva, Ms Gina Drandova, Ms Iskra Georgieva, Ms Rayna Velichkova, Mr Rumen Kochev, Ms Sebra Raynova, Ms Srebra Stoyanova, Ms Tanya Mladenova, Ms Trayanka Velichkova and Ms Yordanka Naydenova – appealed against the decisions in their cases.

62. They argued, in particular, that it had been wrong to place the burden of identifying their specific buildings on them, and to expect them to so identify the buildings within the short time-limits fixed by the Sofia City Administrative Court, especially since the municipal authorities had been covert in their actions (with the probable intention of frustrating any attempts by the applicants to challenge their actions in the courts), and had failed to give them advance information about the scheduled demolition despite their many attempts to obtain that information. The Sofia City Administrative Court had expected the applicants to deal with material running to about 280 pages without expert assistance within a very short time. The court had taken a formalistic approach which had deprived them of an effective remedy for the breach of their rights under Article 8 of the Convention, contrary to its Article 13. The municipal authorities should instead have checked whether the buildings scheduled for demolition were the only homes of the people living in them. Those authorities had not even attempted to do so, even though they had been fully aware – in particular from their on-site visits – that the buildings were inhabited. In the absence of proper information about the procedure for making the demolition orders, it had been unrealistic for the applicants to challenge their enforcement under Article 294 of the 2006 Code (see paragraph 141 below).

2. Decisions of the Supreme Administrative Court

63. In 12 decisions given on 7 and 8 September 2023 (for full references to them, see Table 4 of Appendix Two), various three-member panels of the Supreme Administrative Court upheld the decisions under appeal, agreeing with the reasons given by the judges below (see paragraphs 57-58 above). The panels went on to say that Article 250 § 1 of the 2006 Code (see paragraph 153 below) ensured protection solely against actions of the authorities which were still under way when the court heard the case, whereas the applicants' buildings had already been demolished by the time the lower court decided the applications. Most of the panels did not comment on the arguments the applicants had made in their appeals.

64. In the case of Ms Tanya Mladenova, the panel added – with express reference to this Court's case-law that an applicant who has exhausted a remedy that is apparently effective cannot be required also to have tried others

that were probably no more likely to be successful – that an application under Article 250 § 1 was the wrong remedy to use in the present situation. The appropriate remedy was a claim for judicial review of the demolition order or of its enforcement. The panel went on to say that Ms Mladenova’s argument that it was unreasonable to expect her to identify the building did not succeed since she could have identified it in the way suggested by the lower court in its directions.

65. The panels in the cases of Ms Ani Aleksieva, Ms Rayna Velichkova and Ms Sebra Raynova added that in practice it would have been impossible for the lower court to deal with their applications quickly enough to stop the demolition of the houses.

66. In the case of Ms Bozhurka Yankova, the panel added that her application under Article 250 § 1 had in any event become irrelevant since her home had not been demolished on 9 August 2023.

VIII. CLAIMS FOR JUDICIAL REVIEW OF THE DEMOLITION ORDERS

1. Initial proceedings in the Sofia City Administrative Court

(a) Claims for judicial review and stay applications

67. In the interim, on 4 August 2023, two of the applicants – Mr Stoyan Mladenov and Ms Yordanka Naydenova – had sought judicial review of two of the demolition orders. They also asked the Sofia City Administrative Court to stay the enforcement of the orders. In their statements of claim, Mr Mladenov and Ms Naydenova merely gave the number of the municipal case file in the framework of which the orders had been made (rather than the numbers of the orders themselves) and the address of the plot to which the orders related. Their lawyer had seen the file number in the chief architect’s reply of 3 August 2023 (see paragraph 25 *in fine* above).

68. On 10 August 2023, Ms Bozhurka Yankova likewise sought judicial review of one of the above-mentioned demolition orders, and asked the Sofia City Administrative Court to stay the enforcement of the order. In her statement of claim, Ms Yankova likewise merely gave the number of the municipal case file in the framework of which the order had been made (rather than the number of the order itself) and the address of the plot to which the order related.

69. On 15 August 2023, Ms Tonka Dimitrova sought judicial review of eight demolition orders. Unlike Mr Stoyan Mladenov, Ms Yordanka Naydenova and Ms Bozhurka Yankova, in her statement of claim Ms Dimitrova did set out the numbers and date of those orders (which she had managed to obtain following further enquiries by her lawyers). She stated that she could not be certain which of the orders was about her house, since

the orders had merely referred to the height of the buildings to which they related rather than to their surface area or other individualising features.

70. In their statements of claim, all four applicants pointed out that the houses in question were their only homes, and argued that enforcement of the demolition orders would leave them and their families homeless, in breach of their right to respect for their home under Article 8 of the Convention.

71. Ms Tonka Dimitrova additionally submitted that the municipal authorities had (a) deliberately failed to serve the orders on her (and had falsely indicated in the orders that the person who had erected the building was unknown), even though they were aware that she had erected the building in which she lived, and (b) had hidden the existence of the orders from her, thus depriving her of the ability to challenge them in due course.

(b) Attempts by the Sofia City Administrative Court to obtain copies of the demolition orders being challenged

72. In the proceedings brought by Mr Stoyan Mladenov and Ms Yordanka Naydenova (see paragraph 67 above), on 7 and 8 August 2023 the Sofia City Administrative Court asked the municipal authorities to send it copies of all relevant documents immediately.

73. On 8 August 2023, the municipality stated that 61 demolition orders had indeed been made in respect of buildings situated on the two streets on which the two applicants lived (those streets run on the two sides of the main area of the settlement), thus repeating the figure previously communicated to the applicant's lawyer (see paragraph 25 above); it is unclear why the municipality then filed with that court only 58 demolition orders (see paragraph 74 below). Those orders had, however, been addressed not to the two applicants but to the local mayor, and the applicants' names did not feature in the municipal case file even as interested parties. Since it was impossible to identify which of the demolition orders had been challenged by Mr Mladenov and Ms Naydenova, the municipality sought an extension of time, saying that it needed more time to provide the court with copies of all the orders and the documents on file relating to each of them.

74. Following further directions from the court on 8 August 2023, the following day the municipality filed the four inspection reports, the four notices of breach, 58 demolition orders (see paragraphs 14, 16 and 21 above), and other documents relating to the case in the proceedings brought by Mr Stoyan Mladenov. It argued that Mr Mladenov had no standing to challenge the demolition orders as they had not been addressed to him and did not affect any property rights of his.

(c) Directions to the applicants by the Sofia City Administrative Court

75. On 9 August 2023, the Sofia City Administrative Court directed Mr Stoyan Mladenov to indicate, by 11 a.m. the following day, which specific demolition order he was challenging. At 10.50 a.m. on 10 August 2023,

Mr Mladenov's lawyer stated that his claim concerned all demolition orders made in relation to matters on the municipal case file referred to in the statement of claim (see paragraph 67 above), until it became possible to identify the order which concerned specifically his home; she also asked the court to obtain an expert report on the point.

76. On 14 August 2023, the Sofia City Administrative Court gave the same directions to Ms Bozhurka Yankova, with a time-limit to comply by 10 a.m. the following day. It appears that she was unable to do so.

77. Having been informed by Ms Yankova that most of the buildings had already been demolished on 9 August 2023 (see paragraph 46 above), on 16 August 2023 the Sofia City Administrative Court directed the local mayor to indicate which of the demolition orders had not yet been enforced. The same day the mayor informed the court that two of the orders remained outstanding, and provided copies of them. In the light of that fresh information, the court again directed Ms Yankova to clarify which specific order she was challenging.

78. On 30 August 2023, Ms Bozhurka Yankova and Mr Stoyan Mladenov specified the two orders that they were challenging, and submitted that the only reason their houses had not been demolished on 9-10 August 2023 had been the interim measures indicated by this Court (see paragraph 115 below).

(d) Refusal of the Sofia City Administrative Court to hear the applications for stay

79. In parallel, in three decisions given on 10, 11 and 15 August 2023 (for full references to them, see Table 5 of Appendix Two), judges of the Sofia City Administrative Court declined to hear the stay applications accompanying the claims of Ms Bozhurka Yankova, Mr Stoyan Mladenov and Ms Yordanka Naydenova respectively (see paragraphs 67-68 above).

80. In the cases of Ms Yankova and Mr Mladenov, the judges did so on the bases that:

(a) despite being directed by the court to do so, the applicants had not properly identified the demolition orders whose enforcement they were asking the court to stay (in the case of Mr Mladenov, the judge also said that expert evidence could not be admitted to identify the order, and that Mr Mladenov and his lawyer had failed to exercise the required diligence in following the court's directions, since they could have identified the order simply by consulting the municipal authorities' inspection reports and the notices of breach, which were already part of the material in the court case file); and

(b) by law, demolition orders were not to be enforced immediately (see paragraph 134 below), and the lodging of a claim for judicial review led to an automatic postponement of their enforcement (and there was no indication that the orders under review had been rendered immediately enforceable by the municipal authorities).

81. In the case of Ms Naydenova, the judge refused to hear the application for stay on the basis that (a) the demolition orders had been addressed to the local mayor rather than to Ms Naydenova, and that (b) there was no evidence that Ms Naydenova had erected the building to be demolished or held any property rights in it.

82. It does not appear that Ms Yankova, Mr Mladenov and Ms Naydenova appealed to the Supreme Administrative Court against those three decisions.

(e) Declarations by the Sofia City Administrative Court that three of the four judicial review claims were inadmissible

(i) The expert report in the case of Mr Stoyan Mladenov

83. In November 2023, the judge dealing with Mr Stoyan Mladenov's claim appointed an expert to assist the court. In December 2023, the expert was given the supplementary task of determining whether the building which was the object of the demolition order that Mr Mladenov was challenging was the building in which he lived.

84. The expert submitted her report in February 2024. She recorded, in particular, that she had inspected the plot in Mr Mladenov's presence and had noted that the features of the building identified by Mr Mladenov as his did not match the features of the building described in the demolition order. This was partly because some buildings had been demolished and new ones had been erected on the plot, and also because the demolition order and the documents on which it was based (the inspection report and the notices of breach – see paragraphs 14 and 16 above) had not clearly stated which building was to be demolished. The expert also recorded that another house stood on the plot: a visibly older one, which featured in the cadastral plan. That house had been erected by Mr Mladenov's mother after she had been granted the right to build on the plot in 1971 (see paragraph 50 above).

(ii) The decisions themselves

85. In three decisions, given on 15 September and 1 November 2023 and 10 April 2024 (for full references to them, see Table 6 of Appendix Two), judges of the Sofia City Administrative Court declined to hear the judicial review claims of Mr Stoyan Mladenov, Ms Yordanka Naydenova and Ms Tonka Dimitrova.

86. In the case of Ms Yordanka Naydenova, the judge did so on the basis that (a) the demolition order was not addressed to Ms Naydenova, and that (b) there was no evidence that she had erected the building to be demolished or held any property rights in it.

87. In Mr Stoyan Mladenov's case, the judge likewise noted that the demolition order that the applicant was challenging (which Mr Mladenov had specified – see paragraph 78 above) was not addressed to him. He then went on to examine in more detail whether the order had affected Mr Mladenov's

rights or legal interests. On the basis of the findings of the expert that she had appointed (see paragraphs 83-84 above), the judge held that it could not be established that the building referred to in the demolition order and the building which Mr Mladenov had identified as his were one and the same. The judge also observed that there had been no demolition order for the house built by Mr Mladenov's mother (see paragraph 83 *in fine* above). She concluded that the order had not affected Mr Mladenov's legal sphere, and that he therefore had no standing to challenge it.

88. In the case of Ms Tonka Dimitrova, the judge observed that the applicant had failed to comply with the court's directions to specify which demolition order she was challenging, although on 23 August 2023 the municipality had produced all the relevant material to the court and that material could have – but had not – been consulted by Ms Dimitrova or her lawyers. It was her responsibility rather than that of the respondent municipality to identify the relevant order. Contrary to Ms Dimitrova's assertions, there was no need to obtain expert evidence to establish which of the many demolition orders that she had challenged related to her building. The orders and the notices of breach had set out sufficient detail of the buildings to which they related to enable Ms Dimitrova to identify the order which specifically concerned her building. She had also failed to produce evidence that she had erected the house in question or had any property rights in it, and had therefore not shown that she had standing to challenge any demolition order relating to the house.

(iii) Upholding of two of the decisions by the Supreme Administrative Court

89. On an appeal by Mr Stoyan Mladenov and Ms Tonka Dimitrova (Ms Yordanka Naydenova apparently did not appeal), on 20 March and 4 June 2024 respectively different three-member panels of the Supreme Administrative Court upheld two of the decisions of the judges below, fully agreeing with the reasons given for them (for full references to the panels' decisions, see Table 6 of Appendix Two).

90. In the case of Mr Mladenov, the Supreme Administrative Court said that although in June 2023 the municipal authorities had announced that they would demolish any unlawful buildings located on the site (see paragraph 6 above), it was still the applicant's responsibility to identify the demolition order referring specifically to his building.

91. In the case of Ms Dimitrova, the Supreme Administrative Court further observed that (a) nine other demolition orders concerned the plot where Ms Tonka Dimitrova claimed to have lawfully erected a building, but those orders were not in issue in the proceedings before it, and that (b) expert evidence would not assist the identification of the buildings to be demolished, in particular because the features of the buildings on the site had changed and no longer matched those set out in the orders.

(f) The Sofia City Administrative Court’s judgment on the merits of Ms Bozhurka Yankova’s judicial review claim

92. By contrast, Ms Bozhurka Yankova did state specifically which demolition order she was challenging (see paragraph 78 above). The Sofia City Administrative Court judge dealing with her case therefore examined her judicial review claim, and on 8 July 2024 set aside the order that she had challenged (for a full reference to the judge’s decision, see Table 6 of Appendix Two).

93. The judge found the claim admissible even though the order was not addressed to Ms Yankova, considering that her assertion that she was the owner of the building to be demolished was sufficient to give her standing to challenge the order.

94. The judge went on to find that that the municipality had – in breach of the rules of procedure and the despite the clear practical possibility of doing so – failed to (a) ascertain who occupied the building that was to be demolished, and (b) establish its exact location and specifications. The judge also found it significant that the sketch of the building in the appendix to the municipal authorities’ notice of breach (see paragraph 16 above) did not match the verbal description of the building in that notice and in the demolition order. The municipality had furthermore accepted that the person who had carried out the construction of the building was unknown without making sufficient efforts to identify that person.

95. For the judge, these failures of the municipality were problematic in two respects.

96. Firstly, by proceeding in the manner that it had the municipality had deprived Ms Yankova of the opportunity to take part in the procedure for making the demolition order. Since Ms Yankova was occupying the building that was to be demolished, her participation in that procedure had been mandatory. The municipality had thus infringed Ms Yankova’s right to be heard.

97. Secondly, the municipality had failed to clarify the object of the demolition order – the exact building to which the order related.

98. Lastly, the municipality had failed to act in a proportionate manner, in breach of Article 6 of the 2006 Code (see paragraph 146 below).

2. First appellate proceedings before the Supreme Administrative Court in Ms Bozhurka Yankova’s case

99. Following an appeal by the municipality, on 18 March 2025 a three-member panel of the Supreme Administrative Court quashed the lower court’s judgment and remitted the case (for a full reference to the panel’s decision, see Table 6 of Appendix Two).

100. The panel did so chiefly on the basis that only the addressee of the demolition order or a person holding property rights in the building to be

demolished had standing to challenge the order; persons who only lived in, occupied or visited the building had no such standing. The judge below had failed to elucidate that point – if necessary by directing Ms Bozhurka Yankova to produce evidence that she had erected the building or held property rights in it. The judge’s finding that the demolition order had affected Ms Yankova’s rights thus lacked a sufficient basis.

101. The judge below had also failed to clarify sufficiently – if necessary by directing Ms Yankova to submit evidence on the point – the circumstances bearing on the proportionality of the order for the purposes of Article 6 of the 2006 Code (see paragraph 146 below) and Article 8 of the Convention (assuming that her judicial review challenge against the order turned out to be admissible). Those circumstances included: the number of people living in the building; whether any of them were minors; how long they had lived there; what their state of health and financial situation was; and whether they could find alternative accommodation, including in municipal housing.

102. The panel went on to say that the judge below had in any event been incorrect to hold that the demolition order was unlawful. The municipal authorities had not seriously disregarded the rules of procedure: having established that the land belonged to the municipality and that there were no construction papers for the buildings, they had correctly addressed the order to the municipality itself. There was no indication that Ms Yankova had sought to participate in the procedure as a person affected by it. Nor had she produced evidence that she had any property rights in the building, and the municipal authorities had accordingly been under no duty to involve her in the procedure. Moreover, it was established case-law that a failure to serve a notice of breach did not amount to a serious breach of the rules of procedure, since the persons concerned could then challenge any demolition order made on the basis of that notice of breach (see paragraphs 132-133 below).

103. The municipal authorities had, moreover, duly established and set out the exact location and specifications of the building.

104. Lastly, the judge below had been wrong to hold that the municipal authorities had acted disproportionately.

3. Proceedings remitted to the Sofia City Administrative Court in Ms Bozhurka Yankova’s case

105. On 10 April 2025 another judge of the Sofia City Administrative Court declared Ms Bozhurka Yankova’s judicial review claim inadmissible.

106. The judge noted that the demolition order had been addressed to the local municipality as owner of the land, that the owner of the building was unknown, and that Ms Yankova had not shown that she had built the building or had any property rights in it. The judge accepted that she lived in the building, but held that that did not mean she had standing to challenge a demolition order relating to it (for a full reference to the judge’s decision, see Table 6 of Appendix Two).

4. Second appellate proceedings before the Supreme Administrative Court in Ms Bozhurka Yankova's case

107. Ms Bozhurka Yankova appealed, arguing, in particular, that she had standing to challenge the demolition order because it directly affected her right to respect for her home under Article 8 of the Convention.

108. On 20 May 2025, a three-member panel of the Supreme Administrative Court upheld the decision of the Sofia Administrative Court.

109. The panel agreed that the only persons who had standing to seek judicial review of demolition orders were the persons to whom the orders were addressed or persons who could show that they had erected the buildings to be demolished or who had property rights in those buildings. Persons who merely occupied or used the buildings – whether as tenants, other types of occupier or otherwise – had no standing unless they were expressly named in the demolition order. Ms Yankova had not been so named, and had not shown that she held any property rights in the building, which had been erected on land owned by the municipality. She had relied solely on being a person who used the building. The judge below had therefore been correct to decline to hear her judicial review claim (for a full reference to the panel's decision, see Table 6 of Appendix Two).

IX. THE APPLICANTS' HOUSING SITUATION AS OF JANUARY 2025

110. In their comments on the Government's statement of facts (which was filed with the Court on 8 January 2025), the applicants stated that: (a) four of them were living in wagons and shacks; (b) two were homeless; (c) fourteen had built primitive shelters near the houses which had not been demolished; and (d) ten had rented rooms in the houses of other Roma families.

X. COMPLAINT TO THE PROSECUTING AUTHORITIES

111. On 1 August 2023, a lawyer from the BHC asked the Sofia district prosecutor's office to open criminal proceedings in respect of the steps taken by the municipal building control officers to demolish the applicants' homes. In her view, those officers appeared to have misused the powers of their office and abused the legal process when exercising a right (offences under, respectively, Articles 282 and 323 of the Criminal Code).

112. On 18 August 2023, the same lawyer additionally submitted that the steps taken by municipal officers to conceal the demolition orders from the applicants by falsely certifying that their buildings were not inhabited and that they had duly served the notices of breach and the demolition orders had amounted to the offence of making false official documents.

113. In January 2024, the Sofia City prosecutor's office (to which the file had been transferred) declined to open criminal proceedings, on the basis that

no offence had been committed. Following an appeal by the lawyer, in April 2024 the Sofia appellate prosecutor's office upheld that decision. Following a judicial review claim, on 19 May 2024 the Sofia City Court confirmed that criminal proceedings should not have been opened (see *onp. № 1498 om 19.05.2024 г. no н. д. № 2290/2024 г., CTC*).

XI. INTERIM MEASURES UNDER RULE 39 § 1 OF THE RULES OF COURT

A. The initial indication of interim measures

114. Fourteen out of the 56 applicants applied for interim measures under Rule 39 § 1 of the Rules of Court in the late afternoon of 9 August 2023, when the demolition was already under way (see paragraph 46 above).

115. At about 12 noon the following day, 10 August 2023, the duty judge of the Court decided to indicate to the Government (a) that they should not proceed with the demolition of the applicants' houses which had not yet been demolished, and (b) that they should immediately provide adequate accommodation to the vulnerable applicants, members of their households and caregivers whose houses had already been affected by the demolition, without any separation of the members of any households, and, in particular, without separating children or people with disabilities from their parents or caregivers.

B. Decision partly to lift and partly to maintain those measures

116. On 1 September 2023, the Government asked the Court to lift the interim measures. On 25 September 2023, the applicants made submissions in reply to that request.

117. On 6 October 2023, the duty judge of the Court partly lifted and partly continued those measures.

118. The second interim measure – to provide adequate accommodation to the persons concerned – was maintained in respect of (a) Ms Srebra Stoyanova; (b) Ms Dimka Georgieva and her three children (Mr Sasho Trayanov, Ms Trayanka Trayanova and Ms Pavlina Georgieva); and (c) Mr Rumen Kochev and his son (Mr Serafim Kochev). The measure was lifted in respect of the remaining applicants whom it had previously included.

119. The first interim measure was maintained in respect of three houses in which Mr Stoyan Mladenov, Ms Bozhurka Yankova and Ms Yordanka Naydenova and their families lived.

120. The duty judge of the Court also noted that the first interim measure had apparently been irrelevant to the remaining applicants from the outset, since the houses in which they had lived had apparently been already demolished when the interim measure had been indicated to the Government.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. BULGARIAN LAW AND PRACTICE

A. Relevant provisions of the Territorial Organisation Act 2001 and of the regulations made under it, and their application by the courts

1. General requirement for buildings to be lawfully erected

121. Section 148(1) of the Territorial Organisation Act 2001 (“the 2001 Act”) provides that buildings may be constructed only if they have been duly authorised in accordance with the Act.

122. By section 225(2)(2) of the 2001 Act, a building or a part of a building constructed without a building permit is unlawful and is subject to demolition.

123. Unless a building falls under the amnesty rules set out in the Act’s transitional provisions (see paragraphs 124-128 below), it cannot be regularised retrospectively.

2. Retrospective regularisation

124. Paragraph 16(1) of the transitional provisions of the 2001 Act, as amended, provides that buildings constructed before 7 April 1987 without the requisite construction papers but were otherwise in line with the building and zoning plans and regulations applicable at the time of their construction, or are in line with the plans and regulations made under the Act, may be tolerated and are not subject to demolition.

125. By paragraph 16(2), unlawful buildings whose construction had started between 8 April 1987 and 30 June 1998 but which had not been regularised before the 2001 Act entered into force (at the end of March 2001) are likewise not subject to demolition, if (a) they were in line with the building and zoning regulations applicable at the time of their construction, or are in line with the plans and regulations made under the Act, and (b) their owners had declared them to the appropriate building authorities before the end of 1998.

126. By paragraph 16(3), unlawful buildings whose construction had started after 30 June 1998 but which had not been regularised before the entry into force of the 2001 Act are also not subject to demolition, but only if their owners had declared them to the appropriate authorities within six months after the Act’s entry into force.

127. By paragraph 184(1) of the transitional and concluding provisions of an Act of July 2003 amending the 2001 Act, buildings constructed unlawfully before the amending Act entered into force can be regularised at the request of their owner if they were in line with the building regulations applicable at

the time of their construction or are in line under the building regulations made under the 2001 Act.

128. By paragraph 127(1) of the transitional and concluding provisions of an October 2012 Act amending the 2001 Act, buildings constructed before 31 March 2001 without the requisite construction papers, but in line with the building regulations applicable at the time of their construction or made under the 2001 Act, may be tolerated and are also not subject to demolition.

129. The Supreme Administrative Court has held that it is for the person concerned to show that a building was erected during a period which permits it to benefit from those amnesty provisions (see *peuu. № 2611 om 06.03.2024 г. no адм. д. № 11051/2022 г., BAC, II о.*).

3. Orders for the demolition of unlawful buildings

(a) Authority competent to make a demolition order

130. The mayor or an official to whom the mayor has delegated the power may order the demolition of a building or part of a building which falls within categories four to six and is unlawful (section 225a(1) of the 2001 Act, added with effect from November 2012). The mayor of Sofia delegated that power to the chief architect in March 2021.

131. Low-rise residential and mixed-use buildings fall into category five (section 137(1)(5)(a)).

(b) Procedure

132. A demolition order is made on the basis of a notice of breach (*констативен акт*) drawn up by municipal building control officers. The notice must be served on the interested persons (for the method of service, see paragraph 137 below), who may then object to it within seven days. If, however, the person responsible for the unlawful construction is unknown, copies of the notice and order must be attached to the building to be demolished and displayed in a designated spot in the municipality itself (section 225a(2) read in conjunction with section 223(2)).

133. The Supreme Administrative Court has held that a breach of the rules governing the manner of service of notices of breach is not a material one and does not justify setting aside the ensuing demolition order (see *peuu. № 4343 om 05.04.2021 г. no адм. д. № 13172/2020 г., BAC, II о.*, and *peuu. № 10981 om 01.11.2021 г. no адм. д. № 4722/2021 г., BAC, II о.*).

(c) No immediate enforceability

134. Demolition orders under section 225a(1) of the 2001 Act are not immediately enforceable by operation of law (section 217(1) of the Act). The making of a claim for judicial review of a demolition order therefore automatically suspends any implementation of the order under the general rule in Article 166 § 1 of the 2006 Code, unless the authority which made the

order has directed that it should be made immediately enforceable under Article 60 §§ 1 or 3 of the Code (in which case the court before which the order has been challenged may stay its enforcement pursuant to an appeal against the immediate-enforceability direction under Article 60 § 5 of the Code or a stay application under Article 166 § 2 of the Code).

4. Enforcement of orders for the demolition of unlawful buildings

135. If an order for the demolition of an unlawful building is not complied with within the time fixed in it, the municipality must enforce it in accordance with its own regulations (section 225a(3) of the 2001 Act).

136. In Sofia, regulations of that sort were made in June 2014. They lay down the following procedure:

(a) Three days after the time-limit for compliance has expired, municipal building control officers must inspect the site and draw up a record of any failure to comply with the order (regulation 4(4)).

(b) Within seven days of the making of that record, the local mayor must send the file to the municipality's building control department, with a specific proposal on how to carry out the demolition (regulation 6(1)).

(c) Within a month, the official who made the demolition order must make a direction for the demolition to be carried out by a private contractor (to be engaged by the municipality following a public procurement procedure), and fix the date and time when the demolition is to take place; the date and time must be notified to all interested parties (regulations 7 and 8).

(d) On the appointed date, municipal building control officers must draw up a record describing the condition of the building (regulation 9(1)).

(e) If the demolition order concerns a home, its enforcement must be preceded by a judicial authorisation to enter that home under Article 272 § 2 of the 2006 Code (which requires that someone's home can only be entered for enforcement purposes on the authorisation of an administrative judge, which can be given only if there is no other way of proceeding with the enforcement) (regulation 9(2)).

(f) If the building has not been emptied of movable property, the contractor engaged to carry out the demolition must take that property out of the building with the assistance of the police; the property must then be handed over to its owners, and if they refuse to accept it (or if the owners cannot be established), an inventory of it must be drawn up, and it must be placed in storage (regulation 10(1), (2) and (3)).

(g) When carrying out the demolition, the contractor must follow the relevant technical and safety rules, and is liable for any material damage and any harm caused to third parties (regulation 11(2)).

(h) After the demolition, a record of it is to be drawn up (regulation 12).

5. *Notification of decisions and documents to interested parties*

137. Paragraph 4(1) of the additional provisions of the 2001 Act says that if the Act requires a certain kind of notification to interested parties which is generally required under the 2006 Code to be made under the rules laid down in that Code (see paragraphs 149-152 below), that notification must be effected by sending them a written notice. Paragraph 4(2) says that if the Act does not specifically require a certain kind of notification to be done under the rules laid down in the Code, it must likewise be effected by sending the interested party a written notice. However, if the address of that person is unknown or he or she has not been found at the address held for him or her, the notice is to be attached to the building to which it relates and also put up on the noticeboard and on the municipality's website for the period during which objections and representations can be made; that latter sort of notification is to be certified by two officials.

B. Judicial review of demolition orders and their enforcement

1. *Judicial review of demolition orders*

138. Section 215(1) of the 2001 Act provides that decisions and orders made under the Act (and orders setting aside or confirming orders made under the Act) may be challenged in the appropriate first-instance administrative court by way of a claim for judicial review. The court must hear the claim in accordance with the relevant provisions of the 2006 Code (section 219(1)).

139. Article 147 § 1 of the 2006 Code provides that an administrative decision may be challenged by way of a claim for judicial review by individuals or organisations whose rights, freedoms or legal interests have been threatened or harmed by it or in respect of whom the decision gives rise to obligations. Article 149 § 1 says that any claim for judicial review of an individual administrative decision must be made within 14 days of its notification. The statement of claim must state the decision being challenged (Article 150 § 1 (5)). If a claimant fails to rectify an omission to do so as directed by the court, review will be declined; if an omission is found later in the proceedings, the court must discontinue them (Article 158 § 3).

140. In decisions on claims for judicial review of demolition orders, the Supreme Administrative Court has held that in general only the persons to whom the demolition orders are addressed, the persons who had constructed the building, or persons whose property rights may be affected by the orders are entitled to challenge them (see, for instance, *onp. № 4478 om 22.04.2015 г. no адм. д. № 3662/2015 г., BAC, II о.; onp. № 4898 om 17.04.2018 г. no адм. д. № 4453/2018 г., BAC, II о.; onp. № 13754 om 16.10.2019 г. no адм. д. № 11482/2019 г., BAC, II о.; onp. № 8598 om 01.07.2020 г. no адм. д. № 6338/2020 г., BAC, II о.; onp. № 8002 om 21.09.2022 г. no адм. д. № 8236/2022 г., BAC, II о.; onp. № 394*

om 13.01.2023 г. no адм. д. № 121/2023 г., BAC, II о.; and onp. № 10358 om 02.10.2024 г. no адм. д. № 8720/2024 г., BAC, II о.). As in the case of Ms Bozhurka Yankova (see paragraphs 100 and 109 above), that court has adhered to that position even in relation to people living in a building to be demolished, and has refused to grant them standing to challenge the demolition order (see onp. № 2791 om 06.03.2018 г. no адм. д. № 2377/2018 г., BAC, II о.; onp. № 3240 om 14.03.2018 г. no адм. д. № 2729/2018 г., BAC, II о.; and onp. № 15833 om 20.11.2019 г. no адм. д. № 13162/2019 г., BAC, II о.).

2. Judicial review of the enforcement of demolition orders

141. Article 294 of the 2006 Code provides for the judicial review of decisions, actions or omissions of an administrative enforcement authority. A claim may be made by a party to the enforcement proceedings (in the present case, the administrative authority which made the decision being enforced and any person to whom that decision was addressed – Article 274 §§ 1 and 2) or any third party whose rights, freedoms or lawful interests have been affected by those proceedings (Article 295). The claim is to be heard by the first-instance administrative court in the area (Article 296 § 1). The court's judgment on the merits of the claim is not subject to appeal (Article 298 § 4), but under a general rule of procedure that any decision to declare a judicial review claim inadmissible is amenable to appeal (Article 229 § 1 (1)), where a court declines to hear such a claim, an appeal will lie to the Supreme Administrative Court (Article 228 read in conjunction with Article 211 § 1).

142. The lodging of a judicial review claim under Article 294 has no automatic suspensive effect, but the court which deals with the claim may order a stay of the enforcement of the administrative decision pending its final determination of the claim (Article 297 § 4).

143. The case-law (up to 2019) of some first-instance administrative courts – those in Blagoevgrad, Dobrich, Haskovo, Lovech, Pazardzhik, Plovdiv, Silistra and Varna – under Article 294 in relation to the enforcement of orders for the demolition of unlawful buildings has been set out in *Ivanova and Cherkezov v. Bulgaria* (no. 46577/15, §§ 36-40, 21 April 2016), *Aydarov and Others v. Bulgaria* ((dec.), no. 33586/15, § 43, 2 October 2018) and *Simonova v. Bulgaria* (no. 30782/16, § 26, 11 April 2023).

144. In the present case, it should be added that the Supreme Administrative Court has consistently held that, as general rule, only the addressees of demolition orders or persons whose property rights may be affected by them are entitled to challenge their enforcement (see, for instance, onp. № 7946 om 16.06.2009 г. no адм. д. № 3935/2009 г., BAC, II о.; onp. № 4883 om 25.04.2016 г. no адм. д. № 4800/2016 г., BAC, II о.; onp. № 553 om 17.01.2017 г. no адм. д. № 9709/2016 г., BAC, II о.; onp. № 11400 om 27.09.2018 г. no адм. д. № 11229/2018 г., BAC, II о.; onp. № 394 om 13.01.2023 г. no адм. д. № 121/2023 г., BAC, II о.; and

*onp. № 8208 om 28.07.2025 г. no адм. д. № 6428/2025 г., BAC, II о.). That court has adhered to that position even in relation to people living in the building to be demolished, and has thus refused to grant them standing to challenge the enforcement (see *onp. № 7232 om 15.06.2016 г. no адм. д. № 6744/2016 г., BAC, II о.*, and *onp. № 4068 om 28.03.2018 г. no адм. д. № 3446/2018 г., BAC, II о.*). However, in certain earlier cases the court accepted that people who stood to lose their only homes as a result of the enforcement of demolition orders had standing to challenge their enforcement (see *onp. № 15289 om 21.11.2011 г. no адм. д. № 11371/2011 г., BAC, II о.*, and *onp. № 10153 om 05.07.2013 г. no адм. д. № 6609/2013 г., BAC, II о.*).*

145. In a June 2024 judgment under Article 294, the Sofia City Administrative Court held, in particular, that alleged irregularities in the procedure by which a demolition was made (for example that it was not duly notified to a person who might be affected by it) cannot be considered in proceedings for judicial review of the enforcement of the order under Article 294, and can only be raised in proceedings for judicial review of the order itself (see *пew. № 8376 om 12.06.2024 г. no адм. д. № 10629/2023 г., АдмС-София*, final).

C. Other relevant provisions of the 2006 Code

1. Principle of the proportionality of administrative action

146. Article 6 of the 2006 Code sets out several general principles of administrative law and procedure:

- (a) that the administrative authorities must carry out their duties reasonably, in good faith and justly (§ 1);
- (b) that an administrative decision and its enforcement must not affect rights or lawful interests more than strictly necessary (§ 2);
- (c) that if an administrative decision affects the rights of private persons or gives rise to duties for them, the authorities must choose the course of action which would be most favourable to those private persons but which still permits the administrative purpose to be achieved (§ 3);
- (d) that out of two or more possible courses of action, the authorities must opt for the one which is most economical and favourable for the State and society (§ 4); and
- (e) that the administrative authorities must refrain from decisions or actions which could cause obviously disproportionate harm (§ 5).

2. Participation of affected persons in the making of an administrative decision

147. Article 12 § 1 of the 2006 Code requires the authorities to ensure the openness, accuracy and completeness of the information about the administrative process.

148. By Article 15 § 1 of the 2006 Code, any individual or organisation whose rights, freedoms or legal interests have been or could be affected by an administrative decision is party to that administrative procedure. Article 26 § 1 provides that all known interested individuals or organisations must be informed that a procedure for the issuing of an administrative decision has been opened, and Article 61 § 1 goes on to specify that the decision itself must be served on all interested parties, including those who have not participated in the proceedings leading up to the decision.

3. Notification of individuals about administrative procedures

149. Article 18a of the 2006 Code as amended, in force from late 2019, lays down comprehensive rules on, *inter alia*, the notification of private individuals about administrative procedures.

150. The general rule is that they are to be notified at the most recent address given or otherwise known (Article 18a § 8). If there is no such address, they are to be notified at their current address (an individual's current address is the address at which that individual lives, and each individual can only have one current address – section 94(1) and (2) of the Civil Registration Act 1999 – “the 1999 Act”). If they have no current address or cannot be found there, they are to be notified at their permanent address. An individual's permanent address is the address where he or she chooses to be entered in the population register. An individual can only have one permanent address (section 93(1) and (3) of the 1999 Act), and that address constitutes that person's official address for the purposes of correspondence with the authorities (section 93(5)). That address may be the same as the current address (section 93(7)). If no one is available to be notified at the permanent address, the notification is served at a person's place of work (Article 18a § 8 *in fine*).

151. If a person cannot be found at any of those addresses, or no one at that person's address agrees to receive a notification, the notification is to be attached to the front door or the post box, or, if they cannot be accessed, near them. If the post box is accessible, the notice is to be dropped into it (Article 18a § 9).

152. As a last resort, when the notification cannot be made in any of the above ways, it is to be put up on the relevant authority's noticeboard or its website for at least seven days (Article 18a § 10).

4. Prohibitive and mandatory injunctions against the authorities

153. By Article 250 § 1 of the 2006 Code, any person who has the requisite legal interest may apply for an order that an administrative authority or a public official cease actions that have no basis in law or in an administrative decision. The application is to be made to the appropriate first-instance administrative court (Article 251 § 1), which must deal with it

immediately (Article 252 § 1) and, having made the necessary inquiries (Article 252 §§ 2-4), rule forthwith (Article 253 § 1). The court's decision is subject to appeal, but the appeal has no suspensive effect (Article 254 §§ 1 and 2).

5. Liability for damage caused by the enforcement of administrative decisions

154. Article 299 § 1 of the 2006 Code says that the State, where an authority enforcing decisions is a State authority, or a municipality where the enforcement authority is a municipal one, is liable for any damage caused to individuals or organisations by the unlawful enforcement of, *inter alia*, administrative decisions.

155. Under the settled case-law of the Supreme Administrative Court (see, for instance, *peu. № 4578 om 27.03.2019 г. no адм. д. № 8883/2018 г., BAC, III о.*; *peu. № 12138 om 26.11.2021 г. no адм. д. № 12875/2020 г., BAC, III о.*; and *peu. № 6443 om 15.06.2023 г. no адм. д. № 6351/2022 г., BAC, III о.*), a court hearing a compensation claim under Article 299 § 1 cannot itself inquire whether a decision or action taken in the course of enforcement proceedings was unlawful; any unlawfulness must have been established in prior judicial review proceedings under Articles 294 et seq. of the 2006 Code (see paragraph 141 above).

156. In July 2021, the Supreme Administrative Court allowed a compensation claim under Article 299 § 1 for damage to movable property which was inside a building when that building was demolished (see *peu. № 8947 om 30.07.2021 г. no адм. д. № 9859/2020 г., BAC, III о.*).

157. By Article 299 § 2 of the Code, the State, or where appropriate a municipality, is liable for damage caused to third parties by the enforcement of a decision.

158. The Supreme Administrative Court has had occasion to explain that, (a) unlike liability under Article 299 § 1, liability under Article 299 § 2 can arise even in relation to the lawful enforcement of an administrative decision, and is premised simply on proof of damage caused by that enforcement to a party who has not participated in the enforcement process and was not specifically targeted by the enforcement of the decision, and (b) accordingly, a claimant in proceedings under Article 299 § 2 is not required to base the claim on a prior judicial decision under Articles 294 et seq. of the Code (see paragraph 141 above) which set aside enforcement measures (see *onp. № 8434 om 29.06.2020 г. no адм. д. № 5659/2020 г., BAC, III о.*).

159. The Supreme Administrative Court has also clarified that claims under Article 299 are a vehicle for obtaining redress in respect of the unlawful enforcement of a lawful administrative decision, and that the mere fact that the administrative decision was final and subject to enforcement is no bar to the bringing of such a claim (see *peu. № 4578 om 27.03.2019 г. no адм. д. № 8883/2018 г., BAC, III о.*).

D. Relevant provisions of the State and Municipalities Liability for Damage Act 1988 and case-law under those provisions

1. Liability for damage caused by unlawful decisions, acts or omissions by State or municipal authorities

160. Section 1(1) of the State and Municipalities Liability for Damage Act 1988 (“the 1988 Act”) provides that the State is liable for damage suffered by individuals or legal entities as a result of the unlawful decisions, acts or omissions of State or municipal authorities or civil servants committed in the course of or in connection with administrative action. Under Article 204 § 1 of the 2006 Code, a claim relating to damage allegedly caused by an unlawful administrative decision may be made only if that decision has been set aside. However, Article 204 § 2 provides that a compensation claim may be lodged together with a claim for judicial review of the decision, and Article 204 § 4 provides that if the compensation claim relates to an unlawful act or omission, the unlawfulness of that act or omission may be established as a preliminary point by the court hearing the claim.

161. Thus, one of the prerequisites under section 1(1) of the 1988 Act for compensation in respect of damage caused by an administrative decision such as a demolition order is that that order has been set aside in prior judicial review proceedings (see, for instance, *peu. № 7589 om 10.07.2023 г. no адм. д. № 8053/2022 г., BAC, III о.*, and *peu. № 9405 om 09.08.2024 г. no адм. д. № 4492/2024 г., BAC, III о.*). In a recent case of that type, the Plovdiv Administrative Court went on to explain that alleged irregularities in the notices of breach on which a demolition order was based could not be examined in proceedings under section 1(1); any such irregularities fell to be examined in prior proceedings for the judicial review of the demolition order itself (see *peu. № 1578 om 13.09.2022 г. no адм. д. № 2426/2020 г., АдмС-Пловдив*, apparently final).

2. Liability for damage caused by a breach of European Union law

162. Section 2c of the 1988 Act, which was added in December 2019, sets out how the Bulgarian courts should deal with claims for compensation for an alleged breach of European Union (EU) law by Bulgaria as a EU Member State, in the light of the rules of liability developed by the Court of Justice of the European Union (“the CJEU”) (see CJEU, judgment of 19 November 1991, *Francovich and Others*, C-6/90 and C-9/90, EU:C:1991:428; judgment of 5 March 1996, *Brasserie du pêcheur and Factortame*, C-46/93 and C-48/93, EU:C:1996:79; and judgment of 30 September 2003, *Köbler*, C-224/01, EU:C:2003:513).

163. Point 1 of section 2c(1) provides that if the damage alleged is of the sort set out in section 1(1) of the 1988 Act or is damage resulting from the way in which the administrative courts or the Supreme Administrative Court

have dealt with a case, the claim is to be examined by the courts in the manner laid down in the 2006 Code. By section 2c(2), if the claim has been brought jointly against several defendants, it is to be examined in the manner laid down in the 2006 Code if one of those defendants is an administrative court, the Supreme Administrative Court, or an authority alleged to have caused the damage through its administrative action.

164. In its case-law under section 2c, the Supreme Administrative Court has held that claims pursuant to that provision relating to situations falling outside the scope of the Charter of Fundamental Rights of the European Union by virtue of its Article 51(1) (see paragraph 180 below) cannot be allowed (see, for instance, *пел. № 1529 от 18.02.2025 г. по адм. д. № 7500/2024 г., BAC, III о.*).

E. Relevant provisions of the Protection from Discrimination Act 2003

1. Prohibition of discrimination

165. The Protection from Discrimination Act 2003 (“the 2003 Act”), in force since 1 January 2004, was put in place to create a comprehensive machinery for protection against discrimination. Its section 4(1) prohibits any direct or indirect discrimination on the basis of sex, race, nationality, ethnicity, human genetic features, citizenship, origin, religion or belief, education, personal belief, political affiliation, personal or social status, disability, age, sexual orientation, marital status or property status, or any other characteristics laid down by statute or by an international treaty to which Bulgaria is party.

166. Section 6(1) of the 2003 Act applies that prohibition to the exercise of all rights and freedoms enshrined in the Constitution and the laws of the country.

2. Remedies for infringements of the 2003 Act

167. The 2003 Act lays down two avenues of redress: a complaint to Commission for Protection from Discrimination under section 50, and a court claim under section 71(1). Those are alternatives between which those concerned may choose freely (see *тълк. пост. № 1 от 16.01.2019 г. по тълк. д. № 1/2016 г., BKC, ОЧК, и BAC, OCC на I и II к.*).

(a) Proceedings before the Commission for Protection from Discrimination and follow-up claims for compensation

168. The authority chiefly responsible for ensuring compliance with the 2003 Act is the Commission for Protection from Discrimination (section 40). It can act on its own initiative, or pursuant to complaints made by aggrieved parties or reports by concerned persons or authorities (section 50).

169. If the Commission finds that there has been a breach of the 2003 Act, it can order that that breach be prevented or stopped, or that the previous position be restored (section 47(2)). It can also impose sanctions (such as fines), order coercive measures, or give binding directions (section 47(3) and (4)). Its decisions may be judicially reviewed (section 68(1) and section 84(2)).

170. People who have obtained a favourable decision by the Commission and wish to obtain compensation for damage suffered as a result of the breach established by it may lodge a claim with the civil courts against the persons or authorities that have caused the damage in question (section 74(1)).

(b) Proceedings directly before the civil courts

171. Those complaining of discrimination may, alternatively, lodge a claim with a civil court seeking (a) a judicial declaration that there has been a breach of the Act, (b) an injunction against the party committing the discrimination requiring him or her to cease committing the breach, to restore the previous position and to refrain from committing any further breach; and/or (c) damages (section 71(1)(1) to (1)(3)).

172. A claim may also be lodged on behalf of the aggrieved person by a non-governmental organisation (section 71(2)). If the alleged discrimination has affected many people, the non-governmental organisation may lodge the claim in its own name, in which case those directly affected may join in the proceedings as third parties (section 71(3)).

173. After some hesitation on the point, in January 2019 the courts confirmed that claims under section 71(1) directed against public authorities or officials fall under the jurisdiction of the civil courts, not the administrative courts (see *тълк. п. № 1 от 16.01.2019 г. по тълк. д. № 1/2016 г., БКС, ОЧК и OCC и БАС, I и II к.*).

F. Relevant property-law provisions

174. Section 92 of the Property Act 1951 (“the 1951 Act”), read in conjunction with sections 55 and 63(1) and (2), says that the owner of a plot of land is also the owner of any buildings standing on it, except where the right to construct a building on that plot (a type of limited property right under section 63 of the 1951 Act, not to be confused with a building permit) has been lawfully acquired by someone else.

175. Before 9 November 1999, it was not possible to acquire any sort of municipal property by way of adverse possession (*придобивна давност* or “acquisitive prescription”) (section 86 of the 1951 Act, as worded until the end of May 1996, and section 7(1) of the Municipal Property Act 1996, as worded between 1 June 1996 and 9 November 1999). Since November 1999, municipal property, if it falls into the category of “private municipal property”, may in principle be acquired by private persons by way of adverse

possession (section 7(1) of the Municipal Property Act 1996, as amended in August 1999) (for an explanation of the distinction between “private municipal property” and “public municipal property”, see *Yavashev and Others v. Bulgaria*, no. 41661/05, §§ 31-32, 6 November 2012).

176. Section 79(1) of the 1951 Act sets the period of adverse possession necessary to acquire the ownership of a piece of immovable property or a limited right over it at ten years. That period is shortened to five years if the property or the limited right has been possessed in good faith (section 79(2)). By section 70(1), a person who possesses a property in good faith is someone who, unaware of a procedural defect in his or her title, has used the property as though it belonged to them. The courts have set out a number of conditions as to what constitutes the possession required (in particular, uninterrupted and unchallenged physical possession with an intention to use the property as one’s own) which can be taken into account for the purposes of section 79.

177. A transitional provision to the 1951 Act put in place with effect from 1 June 2006 suspended the running of the general ten-year adverse possession period in respect of State and municipal properties. The suspension was extended in December 2006, December 2007, December 2008, December 2011 and December 2014 – altogether until the end of 2017. A further extension was put in place in late January 2018, which had retrospective effect for the period 31 December 2017 – 19 January 2018 and was supposed to run until the end of 2022. However, it was declared unconstitutional in February 2022. The Constitutional Court confirmed that its judgment would only apply prospectively from the time of its entry into effect (on 8 March 2022) (see *peu. № 3 om 24.02.2022 г. no к. д. № 16/2021 г., КС, обн., ДВ, бр. 18 om 04.03.2022 г.*).

II. EU LAW

A. Relevant provisions

178. Article 7 of the Charter of Fundamental Rights of the European Union (OJ 2016/C 202/02, p. 389 – “the Charter”), which came into force on 1 December 2009, provides, in particular, that “[e]veryone has the right to respect for his or her ... home”.

179. Article 52(3) of the Charter provides:

“In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.”

180. Article 51(1) of the Charter says that its provisions “are addressed ... to the Member States only when they are implementing Union law”, and Article 51(2) goes on to specify that the Charter “does not extend the field of

application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties”.

181. The relevant parts of the Explanations Relating to the Charter of Fundamental Rights (OJ 2007/C 303/17) read:

“As regards the Member States, it follows unambiguously from the case-law of the Court of Justice that the requirement to respect fundamental rights defined in the context of the Union is only binding on the Member States when they act in the scope of Union law ...

... The fundamental rights as guaranteed in the Union do not have any effect other than in the context of the powers determined by the Treaties. ...”

182. The relevant part of Article 6(1) of the Treaty on European Union (OJ 2016/C 202/01, p. 13 – “TEU”) says that “[t]he provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties”.

B. Relevant case-law of the CJEU

183. The CJEU has noted that Article 51(1) of the Charter confirms its case-law on the applicability of the fundamental rights of the EU as general principles of the EU law that was developed before the Charter entered into force (which held that the fundamental rights guaranteed in the legal order of the EU apply in all situations governed by EU law, but not outside such situations). The CJEU has also noted that that position has been confirmed by the above-mentioned explanations relating to Article 51 of the Charter (see CJEU, judgment of 26 February 2013 (Grand Chamber), *Åkerberg Fransson*, C-617/10, EU:C:2013:105, paragraphs 18-20). In *Åkerberg Fransson*, the CJEU also stated that these considerations correspond to those underlying Article 6(1) of the TEU and Article 51(2) of the Charter (*ibid.*, paragraph 23).

184. In its subsequent case-law, the CJEU clarified that EU Member States are “implementing Union law” within the meaning of Article 51(1) of the Charter in two situations.

185. The first situation is when EU law places specific obligations on EU Member States, or the national situation in issue is covered by a specific rule of EU law. The determination of that point depends on (a) whether the national legislation in question is intended to implement a provision of EU law; (b) the nature of that legislation and whether it pursues objectives other than those covered by EU law, even if it is capable of indirectly affecting matters that are covered by EU law; and (c) whether there are specific rules of EU law on the issue or which are capable of affecting it (see, among others, CJEU, judgment of 6 March 2014, *Siragusa*, C-206/13, EU:C:2014:126, paragraph 25; judgment of 10 July 2014, *Julián Hernández and Others*, C-198/13, EU:C:2014:2055, paragraph 37; and judgment

of 5 May 2022, *BPC Lux 2 and Others*, C-83/20, EU:C:2022:346, paragraph 27).

186. The CJEU has also explained in that regard that (a) the concept of “implementing Union law” in Article 51(1) of the Charter presupposes a degree of connection between the measure of EU law and the national measure in issue which goes beyond the matters covered being closely related or one of those matters having an indirect impact on the other, and that (b) the mere fact that a national measure comes within an area in which the EU has powers cannot bring it within the scope of EU law so that the Charter applies (see CJEU, *Julián Hernández and Others*, cited above, paragraphs 34 and 36).

187. The second situation in which an EU Member State is “implementing Union law” within the meaning of Article 51(1) of the Charter is when it relies on exceptions provided for by EU law to justify a restriction on a fundamental freedom guaranteed by the Treaty on the Functioning of the European Union (OJ 2016/C 202/01, p. 47 – “TFEU”) (see CJEU, judgment of 30 April 2014, *Pfleger and Others*, C-390/12, EU:C:2014:281, paragraph 36). The CJEU has however held that, where a legal situation does not come within the scope of EU law, it does not have jurisdiction to rule on it and any provisions of the Charter relied upon cannot, of themselves, form the basis for such jurisdiction (see, among other authorities, CJEU, *Åkerberg Fransson*, cited above, paragraph 22; judgment of 6 October 2015 (Grand Chamber), *Delvigne*, C-650/13, EU:C:2015:648, paragraph 27; and judgment of 14 January 2021, *Okrazhna prokuratura-Haskovo and Apelativna prokuratura-Plovdiv*, C-393/19, EU:C:2021:8, paragraph 32).

RELEVANT COUNCIL OF EUROPE MATERIAL

I. MATERIAL FROM THE COMMITTEE OF MINISTERS

188. The Committee of Ministers of the Council of Europe has so far examined the execution of the Court’s judgments in *Yordanova and Others v. Bulgaria* (no. 25446/06, 24 April 2012), *Ivanova and Cherkezov* (cited above) and *Simonova* (cited above) in June 2016, September 2017, September 2018, June 2019, March and December 2020, November-December 2021, September 2022, December 2024 and December 2025. The Committee is supervising that execution under its enhanced procedure, and the proceedings before it are still pending.

189. In its examination in December 2020, the Committee noted, in particular, that “the authorities [had] prepared a draft bill in 2019, which provide[d] as a whole an adequate basis for proportionality assessments by the administration and by the courts of eviction and demolition orders, but [did] not provide for proportionality assessment of demolition orders in situations where the affected persons or their household members ha[d] no

property rights and ha[d] not carried out construction work”. The Committee urged the Bulgarian authorities to “rapidly finalise the legislative process initiated in 2019, and to ensure that all persons affected by a demolition order [could] benefit from a proportionality assessment (even if they or their household members ha[d] no property rights and ha[d] not carried out construction work)” (see CM/ResDH(2020)357).

190. In its examination in September 2022, the Committee “strongly urged” the authorities to “rapidly finalise the legislative process announced in 2019, and to ensure that all persons affected by a demolition order [could] benefit from a proportionality assessment (even if they or their household members ha[d] no property rights and ha[d] not carried out the construction)” (see CM/Del/Dec(2022)1443/H46-8, point 4). In December 2024 and December 2025, the Committee reiterated that position (see CM/Del/Dec(2024)1514/H46-14, point 3, and CM/Del/Dec(2025)1545/H46-11, point 3).

191. In its most recent examination in December 2025, the Committee noted, in particular, that the case-law of the Bulgarian administrative courts “still appear[ed] not to be entirely settled in some respects despite the existence of general legal principles on proportionality” and was therefore “insufficient to create a clear legal framework for comprehensive proportionality assessment”, and “reiterated its invitation to the authorities to consider ways for further improving the judicial practice” (CM/Del/Dec(2025)1545/H46-11, point 4).

192. The notes on the basis of which the Committee made that assessment (CM/Notes/1545/H46-11) stated, in particular (footnotes omitted):

“... On standing to lodge an appeal, the March 2024 Analysis indicated that the prevailing judicial practice gave such standing only to the persons who had constructed the building and excluded persons who resided in the building but were not addressees of the order. Judicial practice of 2025 also points to existence of (consistent) domestic case-law of not recognising standing of occupants, but only of persons with ownership rights or rights to build on the plot or those who have carried out the construction.

...

The Committee has previously noted that the case-law remained not entirely settled in some respects. A perusal of more recent case-law examples appears to show that this conclusion is still valid. It still appears that the personal situation of the persons affected by [...] removal orders is not always sufficiently discussed and that standing to appeal is granted only to persons who have property rights or have carried out constructions works, but not to persons who merely use an illegal dwelling, claiming it to be their only home. The judicial review is therefore still insufficient to create a clear legal framework on comprehensive proportionality assessment, despite the existence of general legal principles on proportionality. ...”

II. MATERIAL FROM THE ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

193. In its Fifth Opinion on Bulgaria, adopted on 29 May 2024 and published on 10 October 2024 (ACFC/OP/V(2024)2), the Advisory Committee on the Framework Convention for the Protection of National Minorities noted in paragraph 60 on page 17 (footnotes omitted):

“... During its monitoring visit, the Advisory Committee visited the neighbourhood of Orlandovtsi in Sofia, where it witnessed an ongoing eviction of the entire Roma community, without a proper legal notice (only an informal notice was published in the neighbourhood without any stamp indicating the institution issuing the notice). Roma, who became homeless as a result of the demolition of their homes in Orlandovtsi, were placed in temporary substandard accommodation for homeless but only for three months to be renewed once, meaning that after half a year, these persons could be effectively homeless. The Advisory Committee visited the alternative ‘accommodation’ offered to those whose houses were demolished in Orlandovtsi and it witnessed the inhumane living conditions (i.e. an old wagon with a leaking roof, no insulation, and the absence of different services, such as access to schools, health centres, transportation facilities and employment opportunities. Interlocutors of the Advisory Committee stated that these wagons had been full of garbage when the Roma families were to move there and they had to empty the wagons before they were even able to use them as shelters. As a result of the demolition of their homes in Orlandovtsi, Roma families lost their addresses, leading to the loss of their school district. Subsequently, children who attended schools in the Orlandovtsi district no longer have a possibility to attend them.”

THE LAW

I. VALIDITY OF THE AUTHORITIES ENCLOSED WITH THE APPLICATION

A. The parties’ submissions

1. *The Government*

194. The Government expressed a number of concerns about the authorities to act which were enclosed with the application:

(a) that the signatures inside the signature boxes of many of those forms resembled scribbles which did not fit well with the conventional notion of a signature;

(b) that the signatures were accompanied by names visibly handwritten by a person different from the person signing (presumably, based on the handwriting, by the applicants’ representative);

(c) that the names handwritten inside the signature boxes were not full names, but a first name and patronymic, or alternatively a first name and

family name, which made it difficult to identify the applicants, especially since many of them were relatives and had the same name;

(d) that in several instances the names handwritten inside the signature boxes could not be deciphered. For instance, the Government had been unable to identify an authority signed by Mr Vasil Georgiev.

195. According to the Government, all of that led to serious doubts about the identity of the persons who had signed the authorities, and therefore about whether they genuinely wished to be represented before the Court. They submitted in that connection that it was well established that where a written form was required – for instance where notarised documents were required in Bulgaria – the signatory had himself or herself to handwrite his or her name. If the signatory was illiterate or unable to sign, under Bulgarian law he or she had to make a thumbprint in the presence of two witnesses. It was in any event unacceptable for the signatory's name to be handwritten by someone else.

196. The Government went on to submit in relation specifically to Ms Petya Kirova and Ms Pamela Stoyanova that they had been 17 and 16 years old respectively at the time of lodging the application, which in the Government's view meant that they could authorise a representative to act on their behalf only if (a) they had personally signed an authorisation, and (b) that authorisation had also been co-signed by a parent.

197. The Government invited the Court to declare the application inadmissible on account of those alleged irregularities in the authorities.

2. The applicants

198. The applicants pointed out that, despite their specific allegations, the Government had not asserted that any particular applicant had failed to sign an authority, nor had they presented evidence on the point. The applicants explained that since the demolition operation had affected many people, had placed them at an imminent risk of remaining homeless, and had generated much confusion, almost the entire team of the BHC had become involved in preparing the papers for their representation before the Court. The applicants' names had been handwritten inside the signature boxes of the authorities for the sole purpose of avoiding mistakes when filling in the forms. No provisions of domestic law or of the Convention or the Rules of Court had been breached. Most importantly, the staff of the BHC and the lawyers working with them had always acted in the best interests of the applicants.

199. The applicants went on to oppose the Government's objection in relation to Ms Petya Kirova and Ms Pamela Stoyanova, and supplied fresh authorities from those two applicants.

3. Reply by the Government

200. The Government made supplementary observations in reply. They submitted that nothing had required the applicants' names to be handwritten

in the signature boxes of the authorities. In their view, nobody except the applicants could do that, since the signature box on the form had to be filled in personally by the applicant so as to demonstrate his or her intention to authorise the representative to act for him or her. That matter was governed by specific rules in the interest of legal certainty, and the filling in of the applicants' names by other persons could be a way of circumventing the rules in cases of illiteracy or disability.

201. The Government also pointed out, in relation to Ms Petya Kirova and Ms Pamela Stoyanova, that in their fresh authorities (whose validity the Government acknowledged) those two applicants had not expressly indicated that the representative had acted in accordance with their wishes from the outset of the proceedings. There had therefore been no valid authorisation at the time when the application had been lodged, which meant that the complaints on behalf of those two applicants had been raised before the Court outside the four-month time-limit under Article 35 § 1 of the Convention.

B. The Court's assessment

202. The Government did not allege in express terms, and there is no reason to suppose, that the application was lodged with the Court without or against the applicants' consent (see *Velikova v. Bulgaria*, no. 41488/98, § 49, ECHR 2000-VI, and *Zabelos and Others v. Greece*, no. 1167/15, § 65, 17 May 2018, and contrast *Cazacliu and Others v. Romania* (dec.), no. 63945/09, § 94, 4 April 2017, and *O.G. and Others v. Greece*, nos. 71555/12 and 48256/13, § 76, 23 January 2024, where no authority whatsoever had been supplied in respect of one applicant). Their objection appears to be centred on the question of whether the signatures on the authorities sent with the application were legally valid.

203. In this respect, it should be noted at the outset that the Court is not bound by domestic rules governing the signature of legal documents (see *Isayeva and Others v. Russia* (dec.), nos. 57947/00 and 2 others, 19 December 2002). Neither the Convention nor the Rules of Court impose specific requirements on the way in which the authority is to be signed, or require its certification by a domestic authority (see *Ryabov v. Russia*, no. 3896/04, § 40, 31 January 2008, and *Hirsi Jamaa and Others v. Italy* [GC], no. 27765/09, § 53, ECHR 2012).

204. The Convention itself does not lay down specific requirements as to the content of individual applications lodged with the Court under Article 34. The matter is regulated in the Rules of Court and in the Practice Direction on the Institution of Proceedings.

205. There are three texts which deal with the authority to be supplied by an applicant who is represented and with the signature on that authority: Rules 45 § 3 and 47 § 1 (c) of the Rules of Court, and paragraph 9 of the above-mentioned Practice Direction.

206. Rule 45 § 3 provides that “[w]here applicants are represented in accordance with Rule 36, a power of attorney or written authority to act shall be supplied by their representative or representatives”.

207. The relevant part of Rule 47 § 1 (c), as amended on 1 June 2015 and in force since 1 January 2016, provides that “where the applicant is represented, [the application form must contain] the dated and original signature of the applicant on the authority section of the application form”.

208. The relevant part of paragraph 9 of the Practice Direction on the Institution of Proceedings, as amended on 5 October 2015, says that “[i]f [the applicant] does instruct a lawyer, the authority section on the application form must be filled in” and that “[b]oth the applicant and the representative must sign the authority section [of the application form]”.

209. It follows from the above that there is no requirement for the applicant’s name to be filled in in the authority section of the application form. Indeed, the relevant box (box no. 33) is called “Signature of applicant”, and the “Notes for filling in the application form”, as most recently amended in 2022, instruct applicants simply to sign inside that box, and state that this section of the application form must contain original signatures.

210. The fact that in the present case those signature boxes contain, alongside the applicants’ signatures, their handwritten names (in whatever configuration, and filled in by whomever), cannot therefore affect the validity of the authorities supplied by them. A visual inspection of the application form as a whole makes it plain that those names were written in pencil in those boxes so as to make it easier to identify, other than by the page sequence, which of the 56 authorities related to which of the 56 applicants.

211. Nor is there any requirement for the applicant’s signature itself to be in any particular form (see *Zabelos and Others*, cited above, § 66). Any mark that is made with the intention of showing that the will expressed in the document is genuine, irrespective of its shape, can amount to a signature for the purposes of proceedings before the Court. It does not have to be a full name, or even legible writing; it can consist of initials, a pseudonym, a squiggle, a symbol, or a string of letters, as long as it is put on the authority with the intention of demonstrating that it is genuine. The exact form of the signature can be of importance only for evidential purposes (compare *O.O. v. Russia*, no. 36321/16, § 35, 21 May 2019; *Zikatanova and Others v. Bulgaria*, no. 45806/11, § 70, 12 December 2019; and *Bulić v. Croatia* [Committee], no. 32997/15, §§ 11-12, 26 September 2023).

212. The overarching consideration for the Court when applying the above-mentioned provisions is that the authority should clearly indicate that the applicant wants to be represented before the Court and that the representative has accepted that commission (see *Ryabov*, cited above, §§ 40 and 43, 31 January 2008; *Lotarev v. Ukraine*, no. 29447/04, § 69, 8 April 2010; and *Hirsi Jamaa and Others*, cited above, § 53). If special difficulties obstruct communications between the applicants and their representative, that

can also be taken into account in that assessment (see *J.R. and Others v. Greece*, no. 22696/16, §§ 67-74, 25 January 2018).

213. Having carefully examined the signature boxes in all 56 authorities supplied by the applicants (including that relating to Mr Vasil Georgiev), and having considered the circumstances in which the application was lodged, the Court finds no reason to suspect that the applicants did not want to be represented before it by their appointed representative. There is no evidence that their signatures in those boxes are not genuine or that the application was lodged without their understanding and consent (compare, *mutatis mutandis*, *Velikova*, cited above, § 50 *in fine*). It is also noteworthy in that respect that the lawyer whose name appears on the disputed authorities – Ms D. Dragieva – represented many of the applicants at the domestic level (compare, *mutatis mutandis*, *Velikova*, § 51 *in fine*).

214. As regards Ms Pamela Stoyanova specifically, it does not appear from an inspection of her signature on the authority enclosed with the application that someone else, such as a parent, signed on her behalf (and the applicants stated in the application form that she had signed the authority herself). In so far as the Government may be taken to be arguing that a parent should have co-signed the authority (given that Ms Stoyanova was less than 18 years old when the application was lodged with the Court), it should be noted that the Court has already accepted applications where the authority to be represented before it was provided by a minor applicant (see *Darboe and Camara v. Italy*, no. 5797/17, § 101, 21 July 2022, with further references). It sees no reason to depart from that approach in the present case. As already noted, it is not bound by domestic rules governing the signature of legal documents.

215. If, on the contrary, the alleged defect in the authority enclosed with the application is that it was in fact (and contrary to the applicants' assertions on the application form) signed by a parent rather than Ms Pamela Stoyanova herself, it should be noted that the Court's consistent position in relation to applications brought on behalf of minors has been that a restrictive or technical approach is to be avoided, and that the key consideration in such cases is that any serious issues concerning respect for a minor's rights should be examined (see *C. and D. v. the United Kingdom* (dec.), no. 34407/02, 31 August 2004; *Tonchev v. Bulgaria*, no. 18527/02, § 31, 19 November 2009; *C v. Croatia*, no. 80117/17, § 55, 8 October 2020; and *Biba v. Albania*, no. 24228/18, § 32 *in fine*, 7 May 2024). The Court has also stated that the most appropriate person to bring a case on behalf of a child, particularly where – as in the present case – there is no conflict of interest, will be a parent (see *C. and D. v. the United Kingdom*, cited above), and that where an application has been lodged by the parents of a minor applicant, there is a presumption that they are acting on the minor's behalf in a representative capacity, irrespective of any formal statement to that effect (see *W.S. v. Poland*, no. 21508/02, § 42 *in fine*, 19 June 2007). It should also be

noted that the present case does not raise questions of family law, in relation to which conflicts of interest might arise (see *Hudorovič and Others v. Slovenia*, nos. 24816/14 and 25140/14, § 89, 10 March 2020).

216. The same considerations apply to Ms Petya Kirova, whose authority has plainly been signed by her mother, Ms Bistra Kirova (who is also an applicant in the case).

217. In any event, both Ms Pamela Stoyanova and Ms Petya Kirova enclosed with their observations fresh authorities which they had signed personally and whose validity the Government acknowledged. Contrary to the Government's implications, the production of those authorities after the lodging of the application and the lack of an express validation by Ms Stoyanova and Ms Kirova of the earlier procedural steps taken by their representative before the Court do not mean that their complaints were only raised before the Court when those authorities were lodged with it. The date on which an authority is supplied is normally not decisive for assessing compliance with the time-limit under Article 35 § 1 of the Convention (see *W.S. v. Poland*, cited above, § 42, and *Post v. the Netherlands* (dec.), no. 21727/08, 20 January 2009).

218. The Court therefore finds that the application has been validly lodged by all 56 applicants, despite the objection raised by the Government on the point, and that it cannot be rejected as incompatible *ratione personae* with the provision of the Convention within the meaning of Article 35 § 3 (a).

II. ALLEGED VIOLATION OF ARTICLE 8, ALONE AND IN CONJUNCTION WITH ARTICLE 14 OF THE CONVENTION

219. The applicants complained about an interference with their right to respect for their private and family life and their home resulting from the steps taken by the authorities to demolish their homes. They pointed out that neither the municipal authorities nor the courts had reviewed the proportionality of those measures or taken into account the various factors bearing on that issue (in particular the vulnerability of Roma as a social group), and that they had excluded the applicants from the process. The applicants relied on Article 8 of the Convention, alone and in conjunction with Article 14 of the Convention.

220. The relevant parts of Articles 8 and 14 read:

Article 8 (right to respect for private and family life)

“1. Everyone has the right to respect for his private and family life [and] his home ...

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

Article 14 (prohibition of discrimination)

“The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

A. Admissibility

1. Exhaustion of domestic remedies

(a) The parties’ and the third-party intervener’s submissions

(i) The Government

221. The Government submitted that the applicants had not exhausted domestic remedies, citing five procedures that they should have attempted:

(a) A procedure for the retrospective regularisation of unlawful buildings (see paragraphs 124-128 above) – which was in the Government’s view still available in respect of the buildings which had not already been demolished.

(b) So far as the complaints under Article 14 were concerned, the special anti-discrimination remedies under the 2003 Act (see paragraphs 165-173 above): (i) a complaint to the Commission for Protection from Discrimination, possibly followed by a court claim for compensation, or (ii) a claim lodged directly with a court under section 71 of the 2003 Act. The Government pointed out that in previous similar cases the Court had rejected complaints under Article 14 as inadmissible because the applicants had not attempted those remedies.

(c) Properly substantiated claims for judicial review of the demolition orders (see paragraphs 67-109 and 138-139 above) or of the steps taken to enforce them (see paragraph 141 above). Such claims could have enabled the applicants firstly to obtain a suspension of the enforcement of the orders affecting their houses pending the determination of their claims and secondly to have the orders set aside because of the failure of the municipal authorities to ensure their participation in the process. That, rather than applications for injunctions under Article 250 § 1 of the 2006 Code (see paragraph 153 above), had been the correct remedy in their situation – something of which the applicants, who had been assisted by professional lawyers, should have been aware. The Government pointed out in that connection that the courts had observed that (i) the remedy attempted by the applicants – applications under Article 250 § 1 – had not been the appropriate one under the circumstances (given that the demolition had been based on demolition orders), and that (ii) the applicants had failed to conduct the domestic proceedings with the requisite diligence. Those were the reasons why the Sofia City Administrative Court had declared three of the four judicial review claims lodged by them inadmissible (see paragraphs 85-88 above). In the case in which the applicant had sufficiently identified the demolition order being

challenged, the court had heard the claim on its merits (see paragraphs 92-98 above). Lastly, the Government questioned why only some of the applicants, rather than all of them, had sought judicial review of the demolition orders.

(d) Claims for compensation for unlawful administrative actions and decisions, in particular under section 1(1) of the 1988 Act (see paragraph 160 above). Previous decisions of the courts in similar cases suggested that such claims could be effective and the applicants could have obtained compensation not only for the demolition of their houses but also for any damage to movable property that had been in those houses at the time of the demolition. Allegations that decisions made or actions taken by the authorities were unlawful could have been examined either in prior judicial review proceedings or in the compensation proceedings themselves.

(e) Claims for compensation for a breach of EU law under section 2c of the 1988 Act (see paragraphs 162-163 above), which in the Government's view would have been effective since the Charter enshrined rights which corresponded to those guaranteed under the Convention – including those in issue in the present case, in particular the right to respect for one's home. The Government pointed out in that connection that in such proceedings the Bulgarian courts had, albeit in different contexts, made awards in respect of breaches of EU law which also constituted breaches of the Convention. In support of their assertion, the Government referred to:

(i) a case in which the Bulgarian civil courts had allowed such a claim, finding that the enactment of a statutory provision in the area of post-privatisation control and its application by the relevant agency, plus the ensuing failure of the civil courts to apply Article 63 of the TFEU and the failure of the Supreme Court of Cassation to seek a preliminary reference from the CJEU had infringed Article 49 (which guarantees freedom of establishment), Article 63 (which prohibits restrictions on the movement of capital) and Article 267 (which requires final courts of EU Member States to make preliminary references to the CJEU under certain conditions) of the TFEU (see *peu. № 260 om 26.11.2015 г. no зп. д. № 407/2014 г., ОС-Ямбол*, upheld with *peu. № 44 om 26.04.2016 г. no в. зп. д. № 96/2016 г., БАС*, and with *peu. № 14 om 15.02.2021 г. no в. зп. д. № 5165/2016 г., БКС, IV г. о.*);

(ii) two cases in which the Supreme Court of Cassation had held that claims for compensation for a breach of EU law could be brought under the 1988 Act and even in respect of final judicial decisions (see *onp. № 269 om 08.05.2015 г. no ч. зп. д. № 1867/2015 г., БКС, III г. о.*, and *onp. № 45 om 03.02. 2016 г. no зп. д. № 4823/2015 г., БКС, III г. о.*);

(iii) a case in which the Supreme Court of Cassation had allowed such a claim, finding that a search and seizure alleged to have been in breach of Article 63 of the TFEU had infringed the principle of proportionality enshrined in EU law (see *peu. № 16 om 02.03.2021 г. no зп. д. № 1914/2020 г., БКС, IV г. о.*);

(iv) a case in which the Bulgarian civil courts had allowed such a claim against a criminal court, finding that its order for the confiscation of cash not declared at the border had been in breach of Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ 2005 L 309, p. 9), as interpreted by the CJEU (see *peuu. № 261716 om 23.05.2022 z. no zp. d. № 2553/2021 z., CFC*, upheld in its relevant part with *peuu. № 1029 om 25.07.2023 z. no v. zp. d. № 45/2023 z., CAC*, appeal on points of law not admitted with *onp. № 2742 om 05.06.2024 z. no zp. d. № 4428/2023 z., BKC, III z. o.*).

222. In the Government's view, there had been no special circumstances capable of absolving the applicants from the duty to exhaust those remedies.

(ii) The applicants

223. The applicants did not comment specifically on the question of exhaustion of domestic remedies. In their comments on the manner of application of section 1(1) of the 1988 Act (see paragraph 160 above), they pointed out that a finding that an administrative decision or action was unlawful was a key prerequisite for pursuing a compensation claim under that provision, and argued that financial compensation could not remedy the breaches of which they had been victims. The applicants commented on the domestic proceedings that they had in fact brought in their submissions under Articles 6 § 1 and 13 of the Convention (see paragraphs 340 and 346 below).

(iii) The third-party intervener

224. The third-party intervener, the European Roma Rights Centre, submitted that very few demolition orders in Bulgaria affecting Roma people were being challenged in the courts because of limited resources and the lack of legal aid. It argued that when Roma were being forced to leave their homes with little or no advance notice, their complaints should be accepted as admissible irrespective of whether they had brought domestic proceedings before or after their eviction. Only remedies with automatic suspensive effect could be seen as effective in such situations. It was unrealistic to expect people to pursue domestic remedies in advance of an eviction which took place at short notice or on no notice at all, while a remedy given after the event could not make good the damage resulting from being forced to leave their homes.

225. The intervener went on argue that it was unrealistic to separate the issues arising under Article 8 and under Article 14 of the Convention when considering whether domestic remedies had been exhausted, and that it was artificial to expect applicants who were evicted at short notice or without any notice in a process tainted by anti-Gypsyism to pursue anti-discrimination remedies separately.

(b) The Court's assessment

(i) General principles

226. The general principles governing the requirement under Article 35 § 1 of the Convention for applicants to have exhausted domestic remedies were set out in detail in *Vučković and Others v. Serbia* ((preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-77, 25 March 2014). They were reiterated more recently in *Duarte Agostinho and Others v. Portugal and 32 Others* ((dec.) [GC], no. 39371/20, § 215, 9 April 2024, with further references) and *Mansouri v. Italy* ((dec.) [GC], no. 63386/16, § 84, 29 April 2025).

227. It is not necessary to re-state them fully here, but six specific points do need to be underlined:

(a) In the domestic proceedings, applicants must make reasonable efforts to use any procedural means capable of preventing or remedying, as the case may be, the breach of the Convention, including requests for evidence (see, in particular, *Cardot v. France*, 19 March 1991, § 34, Series A no. 200, and *G.S. v. Bulgaria*, no. 36538/17, § 71 *in fine*, 4 April 2019).

(b) domestic remedies have not been exhausted when a claim or an appeal has not been accepted because of a procedural mistake by the applicant (see, among other authorities, *Gäffen v. Germany* [GC], no. 22978/05, § 143, ECHR 2010).

(c) An applicant cannot be blamed for failing to exhaust a remedy if that could not be done because of a situation voluntarily created by the respondent State's authorities (see *G.S. v. Bulgaria*, cited above, § 73). Indeed, as a corollary to that, under Article 13 of the Convention State authorities have a duty not to unjustifiably hinder, through acts or omissions, the exercise of domestic remedies (see, among other authorities, *Aksoy v. Turkey*, 18 December 1996, § 95 *in fine*, *Reports of Judgments and Decisions* 1996-VI; *Iatridis v. Greece* [GC], no. 31107/96, § 66, ECHR 1999-II; and *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, § 508, 9 July 2025).

(d) When a remedy has been pursued, use of another remedy which has essentially the same objective is not required (see, among other authorities, *Kozacioğlu v. Turkey* [GC], no. 2334/03, § 40 *in fine*, 19 February 2009; *Micallef v. Malta* [GC], no. 17056/06, § 58, ECHR 2009; and *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 177, 25 June 2019). In other words, if domestic law provides for several parallel remedies in different fields of law, an applicant who has sought redress for an alleged breach of the Convention through one of those remedies is not necessarily required to use others which have essentially the same objective (see, among other authorities, *Gracia Gonzalez v. Spain*, no. 65107/16, § 63, 6 October 2020;

Zustović v. Croatia, no. 27903/15, § 77 *in fine*, 22 April 2021; and *Nadir Yıldırım and Others v. Türkiye*, no. 39712/16, § 58, 28 November 2023).

(e) When one or more applicants have attempted a remedy without success, the remaining applicants are not required to attempt to use that remedy (see, *mutatis mutandis*, *Laska and Lika v. Albania*, nos. 12315/04 and 17605/04, § 47, 20 April 2010; *Vasilkoski and Others v. the former Yugoslav Republic of Macedonia*, no. 28169/08, § 46, 28 October 2010; *Maktouf and Damjanović v. Bosnia and Herzegovina* [GC], nos. 2312/08 and 34179/08, § 59, 18 July 2013; *Bagdonavicius and Others v. Russia*, no. 19841/06, § 62, 11 October 2016; and *Paketova and Others v. Bulgaria* (nos. 17808/19 and 36972/19, § 128 *in fine*, 4 October 2022).

(f) The ultimate question in each case is whether, in all the circumstances, the applicants have done everything that could reasonably be expected of them to exhaust domestic remedies (see *İlhan v. Turkey* [GC], no. 22277/93, § 59 *in fine*, ECHR 2000-VII; *D.H. and Others v. the Czech Republic* [GC], no. 57325/00, § 116 *in fine*, ECHR 2007-IV; and *Kozacıoğlu*, cited above, § 40).

(ii) *The remedies cited by the Government*

(α) Procedure for the regularisation of unlawful buildings

228. An application to the building control authorities for the retrospective legalisation of buildings erected without the requisite construction papers and building permits (see paragraphs 124-128 above) would have allowed the applicants to seek to cure the underlying illegality which gave rise to the situation of which they complained. It would not have permitted them to complain that the demolition of their homes would be in breach of Articles 8 and 14, but would have simply provided an opportunity to ensure there was no possibility of the demolition taking place. Such an application cannot therefore be seen as a domestic remedy within the meaning of Article 35 § 1 of the Convention. A possibility of retrospectively legalising the buildings that the applicants failed to use would be relevant at the merits stage, for the purpose of assessing whether the demolition was “necessary in a democratic society” (compare, *mutatis mutandis*, *Ivanova and Cherkezov v. Bulgaria*, no. 46577/15, § 56, 21 April 2016; *Kaminskas v. Lithuania*, no. 44817/18, § 61, 4 August 2020; and *Longo v. Italy* (dec.), no. 35780/18, § 84, 27 August 2024).

229. It is in any event far from certain that any of the applicants would have been able to obtain a retrospective legalisation. The municipal building control officers had estimated that the buildings had been built between 2001 and 2023 (see paragraph 16 above), which takes them outside the time-limits of most of the transitional rules providing for retrospective legalisation (see paragraphs 124-128 above). More importantly, there is no evidence that those buildings were in line with the relevant building and zoning plans and

regulations as required under those rules. Their description in the inspection reports and the notices of breach on which the demolition orders were based (see paragraphs 14 and 16 above) suggests otherwise.

230. It follows that the first limb of the Government's non-exhaustion objection (see paragraph 221 (a) above) must be dismissed.

(β) Remedies for discrimination under the 2003 Act

231. In two earlier cases, the Court found that proceedings under the 2003 Act (see paragraphs 165-173 above) could have been an effective remedy in respect of:

(a) complaints under Articles 2, 3, 6 § 1, 8, 13 and 14 of the Convention that the eviction of Roma from their houses in winter and the subsequent failure to provide them with adequate alternative accommodation had resulted in the death of an infant and had constituted degrading and discriminatory treatment (see *Dimitrova and Others v. Bulgaria* (dec.), no. 39084/10, §§ 53 and 73-74, 11 July 2017); and

(b) a complaint under Article 14 of the Convention that the steps taken by the authorities to demolish houses in which Roma lived had been taken under the influence of anti-Roma protesters (see *Aydarov and Others v. Bulgaria* (dec.), no. 33586/15, §§ 82-83, 2 October 2018).

232. However, it should be noted that in the former case the Court was careful to specify that it was not called upon to examine the different legal options available to the applicants under Bulgarian law in the abstract. Since they had in fact brought proceedings in the administrative courts under the 2003 Act, the question before the Court was rather whether those proceedings could be seen as a proper attempt to exhaust domestic remedies (see *Dimitrova and Others*, cited above, § 60)

233. In the latter case, the complaint under Article 14 of the Convention in relation to which the Court found that proceedings under the 2003 Act would have been an effective remedy was seen as a standalone complaint, based on somewhat different facts and requiring separate consideration from the other issues in the case (see *Aydarov and Others*, cited above, § 82). The remaining complaints under Article 14, which were closely linked to the complaints under Article 8 of the Convention and were based on the same facts – and which were similar to the complaint under Articles 8 and 14 raised in the present case (compare *Aydarov and Others*, cited above, § 55 (b)-(e), with paragraph 219 above) – were rejected as out of time with reference to the proceedings in which the applicants had sought judicial review of the demolition orders (*ibid.*, §§ 73 and 81).

234. Indeed, in previous cases against Bulgaria relating to other matters, proceedings under the 2003 Act have been regarded as an effective or possibly effective remedy solely in respect of complaints raising standalone discrimination or discriminatory harassment issues (see *Halil Adem Hasan v. Bulgaria*, no. 4374/05, § 71, 10 March 2015; *Fartunova and Kolenichev*

v. Bulgaria (dec.), no. 39017/12, §§ 55-60, 16 June 2020; *Budinova and Chaprazov v. Bulgaria*, no. 12567/13, §§ 73-75, 16 February 2021; and *T.H. v. Bulgaria*, no. 46519/20, § 95, 11 April 2023).

235. It follows that neither *Dimitrova and Others* nor *Aydarov and Others* (both cited above) are authority for the proposition that solely proceedings under the 2003 Act amount to an effective remedy, to the exclusion of other remedies, for situations and complaints of the sort raised in the present case, in which the applicants have not raised a standalone complaint under Article 14 of the Convention.

236. The present case presents closer parallels with the more recent case of *Paketova and Others* (cited above). In that case, the applicants were Roma frightened into leaving their village by hostile anti-Roma protests coupled with menacing statements by public officials. Like the applicants in the present case, they had unsuccessfully applied for injunctions under Article 250 § 1 of the 2006 Code (*ibid.*, §§ 39-57). The Government claimed that they should have also brought proceedings under the 2003 Act (*ibid.*, § 113). The Court held that the applicants could not be criticised for not having done so, since any proceedings under the 2003 Act would have been directed essentially towards the same end as those under Article 250 § 1 of the Code, and would not have appeared to offer a better prospect of redress at the time when the applicants had been confronted with the choice of which remedy to attempt. The Court also noted that proceedings under the 2003 Act would have likely taken years to complete, which would have meant that, in the specific circumstances, they would have been insufficient and incapable of affording the applicants adequate redress (*ibid.*, § 129).

237. The same considerations apply in the present case. The applicants were faced with an unusual situation, in which the municipal authorities had not involved them in a procedure leading to orders for the demolition of their homes, and actively resisted their attempts to obtain information about those orders so as to be able to challenge them in the courts. Many of the applicants opted to bring proceedings under Article 250 § 1 of the 2006 Code, which concerns actions carried out by an administrative authority that have no basis in the law or in an administrative decision (see paragraphs 36-45, 49-66 and 153 above). When the applicants managed, somewhat belatedly, to obtain specific information about the demolition orders, some of them additionally challenged the orders by way of claims for judicial review, and then three of them pursued those proceedings to a conclusion (see paragraphs 67-109 above).

238. In those circumstances, the applicants cannot be criticised for not also attempting proceedings under the 2003 Act. In paragraphs 240-253 below, the Court will examine in more detail the manner in which the applicants pursued the proceedings under Article 250 § 1 of the 2006 Code and the proceedings for judicial review of the demolition orders.

239. It follows that the second limb of the Government's non-exhaustion objection (see paragraph 221 (b) above) must likewise be dismissed.

- (γ) Claims for judicial review of the demolition orders or of the steps taken to enforce them

240. The same considerations apply to the criticism made by the Government (and some of the domestic judges who dealt with the applicants' cases): that instead of applying for injunctions under Article 250 § 1 of the 2006 Code (see paragraph 153 above) the applicants should have brought claims for judicial review of the demolition orders.

241. It is true that (a) judicial review of the demolition orders under section 215(1) of the 2001 Act read in conjunction with Article 147 § 1 of the 2006 Code (see paragraphs 138-139 above), and (b) judicial review of the enforcement of such orders under Articles 294 et seq. of the same Code (see paragraph 141 above) would be the usual remedies under Bulgarian law in situations similar to those in the present case (see *Ivanova and Cherkezov*, cited above, §§ 56 and 58; *Aydarov and Others*, cited above § 66 and 70; and *Simonova v. Bulgaria*, no. 30782/16, §§ 35-36, 11 April 2023).

242. However, in the present case the applicants were faced with highly unusual circumstances, which had been created deliberately, through a combination of acts and omissions, by the municipal authorities which made the orders (see paragraph 227 (c) above).

243. While it may sometimes be challenging for the authorities to identify the persons who have constructed makeshift informal houses with a view to notifying them of procedures for their demolition, it cannot be said that in the present case the municipal authorities in Sofia were faced with such difficulties. All the applicants had their registered addresses at the houses in question (see paragraph 4 above), and municipal officers visited their settlement in connection with the intended demolition six times while the procedure was pending – three of those visits with the local mayor – without apparently making any efforts to ascertain the identities of the people who lived in the settlement and whose houses they were planning to demolish (see paragraphs 6 and 8-12 above). The Court notes particularly that in the course of one of those visits, on 6 July 2023, municipal officers made detailed records about the houses in which the applicants lived without making any notes of information about the applicants themselves or about whether some of them were the persons who had erected the buildings, although the planned demolition orders would need to be addressed to them. The day after one of those visits, the municipal officers recorded that the persons who had erected the buildings were unknown – a finding which was apparently based solely on the fact that no one had reacted within the seven-day deadline to the four notices that they had put up on the municipality's noticeboard three weeks earlier without otherwise bringing them to the applicants' attention (see paragraphs 13, 14 and 16 above).

244. Indeed, the judge of the Sofia City Administrative Court who dealt in the first instance with the judicial review claim of Ms Bozhurka Yankova found that the municipal authorities had had a clear practical opportunity to ascertain who was using the building that was about to be demolished, and had not made sufficient efforts to identify the person who had built it (see paragraph 94 above).

245. The applicants can hardly be reproached for taking a passive approach. In June and July 2023, lawyers acting for them made at least five attempts to obtain information about the demolition procedure, and were met with answers which can be described as evasive at best (see paragraphs 23-27 above).

246. In those circumstances, it was not unreasonable for the applicants to surmise – in the event, erroneously – that the steps which were being taken by the municipal authorities with a view to the demolition of their homes had no legal basis, and to seek protection against those steps by way of applications for injunctions under Article 250 § 1 of the 2006 Code (see paragraphs 36, 41 and 49-50 above). Under Bulgarian law, such applications are the appropriate remedy for administrative action that has no basis in the law or in an administrative decision (see paragraph 153 above).

247. In any event, when on 3 August 2023 the lawyer acting on behalf of the applicants finally managed to obtain the municipal case file number under which the demolition orders had been made, she almost immediately lodged claims for judicial review of those orders on behalf of two applicants, even though she had not yet obtained copies of the orders themselves or specific information about what was in them. Seven days later, on 10 August 2023, she lodged a further claim on behalf of one more applicant (see paragraphs 67-68 above). A fourth applicant also lodged a judicial review claim on 15 August 2023 (see paragraph 69 above).

248. However, in those proceedings those applicants faced further hurdles resulting from the manner in which the municipal authorities had proceeded. The authorities did produce all the demolition orders and the material on which they had been based to the court (see paragraph 74 above), but that was far from sufficient to enable the court to consider the applicants' judicial review claims. None of the many demolition orders had been addressed to, or had even mentioned, the people who had erected or who lived in the houses in question, and the orders contained only fairly general descriptions of the houses they referred to (see paragraph 21 above).

249. That made it difficult for the applicants to comply with the procedural requirement to state which order(s) specifically they were challenging in their statements of claim (see paragraph 139 *in fine* above), especially at the outset of the judicial review proceedings, when the Sofia City Administrative Court had to deal with the stay applications accompanying the applicants' judicial review claims (see paragraphs 79 and 80 (a) above). As a result, the normal effect of a judicial review claim

under Bulgarian law – to suspend automatically the enforcement of the decision under challenge, to which one judge of the Sofia City Administrative Court referred when refusing the stay application accompanying one of the claims (see paragraphs 80 (b) and 134 above) – could not arise in the applicants’ case. Although two of the claims were lodged on 4 August 2023 (see paragraph 67 above), by 9 August 2023 the municipal authorities regarded all of the demolition orders as final and enforceable and went on to carry them out (see paragraphs 22 and 46-47 above).

250. For their part, the administrative courts did not appear to appreciate the applicants’ difficulties in identifying the orders, and insisted throughout the proceedings that it was nonetheless incumbent on them to identify the demolition orders relating specifically to each of their houses (see paragraphs 75-77, 80 (a), 87-88 and 89-90 above). In some of the cases, those courts dismissed suggestions that the burden of doing so might be shifted to the respondent authority and that expert evidence might be required to enable identification (see paragraphs 80 (a), 88 and 91 above). However, as demonstrated by the subsequent developments in Mr Stoyan Mladenov’s judicial review case, insuperable difficulties could remain with that identification even when expert evidence became available, in particular because the municipal authorities had already carried out the demolition (see paragraphs 84 and 87 above).

251. As a result of that practical obstacle, which was due to the manner in which the municipal authorities had proceeded, three of the four judicial review claims were never examined on their merits (see paragraphs 85 and 89 above).

252. For the Government, that was because of the applicants’ failure to make sufficient efforts to identify the demolition orders that they were challenging (see paragraph 221 (c)(ii) above). It is true that to fulfil the requirement to exhaust domestic remedies, an applicant must comply with the domestic procedural requirements and make reasonable efforts to use whatever procedural means are capable of preventing or remedying, as the case may be, the breach of the Convention (see paragraph 227 (a) and (b) above). However, the developments discussed above show that those four applicants did make such efforts, and that their failure to identify the demolition orders as required under the domestic rules of procedure was not a procedural mistake on their part.

253. Even if the applicants had managed to identify which of the many demolition orders related specifically to them, they would not have been able to obtain judicial review of those orders. The orders were not addressed to them. Some of the rulings of the administrative courts in the three cases in which the orders could not be properly identified (see paragraphs 81, 86 (b) and 88 *in fine* above) showed that the applicants could only challenge the orders if they could prove they held property rights in the houses in question or that they had constructed them; the fact that they lived in them was

insufficient. The decisions in the case in which the relevant order was identified demonstrated that even more clearly (see paragraphs 100, 106 and 109 above). Indeed, that appears to be the settled case-law of the Supreme Administrative Court on the point (see paragraph 140 above).

254. In the event, therefore, the judicial review claims brought by those four applicants turned out not to be an effective remedy for their grievances under Articles 8 and 14 of the Convention.

255. Having unsuccessfully attempted that remedy, those applicants cannot be reproached for not attempting to also seek judicial review of the enforcement of the orders (see paragraph 227 (d) above). There is no indication that that remedy would have offered better prospects of success in respect of their complaint under Articles 8 and 14.

256. Furthermore, in view of the reasons for which the courts dismissed the judicial review claims that four of the applicants did bring, nothing suggests that those courts would have decided similar claims brought by any of the remaining applicants differently. The remaining applicants cannot therefore be reproached for not using that remedy (see paragraph 227 (e) above).

257. It follows that the third limb of the Government's non-exhaustion objection (see paragraph 221 (c) above) must be dismissed as well.

(δ) Claims for compensation for unlawful administrative action under section 1(1) of the 1988 Act

258. Even assuming that claims for compensation under section 1(1) of the 1988 Act (see paragraph 160 above) would, if successful, have been capable of redressing the alleged breach of Articles 8 and 14 of the Convention after the event, it does not appear that it would have been open to the applicants to pursue such claims in relation to their grievance under those provisions. They could only do so if the demolition orders had been set aside in prior judicial review proceedings (see paragraph 161 above), which had not happened in their cases. As noted in paragraphs 247-253 above, none of the four applicants who brought claims for judicial review of demolition orders was able to have the merits of the claim determined, through no fault of their own.

259. It follows that the fourth limb of the Government's non-exhaustion objection (see paragraph 221 (d) above) must be dismissed as well.

(ε) Claims for compensation for a breach of EU law under section 2c of the 1988 Act

260. As regards the alleged possibility for the applicants to claim compensation in proceedings pursuant to section 2c of the 1988 Act (see paragraphs 162-163 above), it should be noted that in their submissions on this point (see paragraph 219 (e) above) Government did not even argue that when they were taking steps to demolish the buildings in which the applicants

lived, the relevant national authorities were “implementing Union law” within the meaning of Article 51(1) of the Charter, as interpreted by the CJEU (see paragraphs 180 and 183-187 above), and could thus engage Bulgaria’s liability as a EU Member State for damage caused by a breach of EU law under the relevant case-law of the CJEU. All of the examples cited by the Government in support of their assertion that a claim under section 2c of the 1988 Act would have had reasonable prospects of success concerned situations in which the Bulgarian courts had accepted that EU law applied (see paragraph 221 (e) (i)-(iv) above). The Government have therefore failed to demonstrate that a claim under section 2c of the 1988 Act would have been an effective remedy in the present case (contrast *Laurus Invest Hungary KFT and Others v. Hungary* (dec.), nos. 23265/13 and 5 others, §§ 34-44, ECHR 2015 (extracts)).

261. It follows that the fifth limb of the Government’s non-exhaustion objection (see paragraph 221 (e) above) must equally be dismissed.

2. *Victim status of Mr Stoyan Mladenov, Ms Zvezda Mladenova and Mr Serafim Kochev*

(a) **The Government’s submissions**

262. In their supplementary observations, the Government submitted that Mr Stoyan Mladenov and his wife Ms Zvezda Mladenova – whose house had been left standing and, as established in the domestic proceedings, had not even been the object of a demolition order – could not claim to be victims of a violation. Mr Serafim Kochev could also not claim victim status because at the material time he was living elsewhere with his mother, as demonstrated by the evidence enclosed with the Government’s request of 1 September 2023 for the Court’s interim measures to be lifted (see paragraph 116 above).

(b) **The Court’s assessment**

263. There is no need to examine whether the Government are estopped from objecting about the victim status of those three applicants, since that objection concerns a matter which goes to the Court’s jurisdiction and which it is not prevented from examining of its own motion (see, among other authorities, *Buzadji v. the Republic of Moldova* [GC], no. 23755/07, § 70, 5 July 2016; *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, § 88, 17 January 2023; and *Kovačević v. Bosnia and Herzegovina* [GC], no. 43651/22, § 163, 25 June 2025).

(i) *Mr Stoyan Mladenov and Ms Zvezda Mladenova*

264. The points raised in the Government’s objection in relation to Mr Stoyan Mladenov and Ms Zvezda Mladenova – that their house had not been the subject of a demolition order and had in any event remained standing – are closely bound up with the question of whether there has been

an interference with the rights of those two applicants under Article 8, which goes to the merits of their cases.

265. This objection must therefore be joined to the merits.

(ii) *Mr Serafim Kochev*

266. The question of whether Mr Serafim Kochev can claim to be a victim of a breach of Article 8 (and of Article 14) turns on whether he was living in the house when it was made the object of a demolition order and was demolished in July and August 2023 (see *Bagdonavicius and Others*, §§ 87-92, and *Paketova and Others*, § 133, both cited above, and, *mutatis mutandis*, *Hudorovič and Others*, cited above, § 88, and *Carême v. France* (dec.) [GC], no. 7189/21, §§ 81-83, 9 April 2024).

267. On 1 September 2023, when the Government asked that the interim measures indicated by the Court on 10 August 2023 be lifted (see paragraph 116 above), they stated in their submissions that there existed records of two minor children recognised by the father of Mr Serafim Kochev (Mr Rumen Kochev), who lived with their mother elsewhere. The children, named in the Government's submissions as "[D.]" and "[A.]", moreover had different permanent and current addresses. A printout from the official population database enclosed with those submissions indicated that one of those children, D., had a different permanent and current address. In their submissions in reply to the Government's request, the applicants stated that since the demolition on 9 August 2023 Mr Rumen Kochev had been living with his son Seraphim on the site of their demolished house, that Seraphim had been admitted to the pre-school of a nearby school, and that his father was worried about letting him attend that pre-school as he could not bathe him. The duty judge of the Court considered that evidence and those submissions and was not satisfied that Mr Serafim Kochev was living elsewhere with his mother. The duty judge therefore declined to lift the interim measure in respect of Mr Serafim Kochev (see paragraph 118 (c) above). The Government have not produced any fresh evidence capable of calling the finding of the duty judge on the point into question, and the Court sees no reason to come to a different finding (compare, *mutatis mutandis*, *Bagdonavicius and Others*, cited above, § 92).

268. It follows that Mr Serafim Kochev can claim to have been affected by the demolition orders of 25 July 2023 and the demolition on 9 August 2023 and therefore to be a victim of the alleged breach.

3. *Conclusion as to the admissibility of the complaint*

269. The Government's objection concerning the exhaustion of domestic remedies has been dismissed. Their objection concerning Mr Serafim Kochev's victim status has likewise been dismissed, whereas the objection concerning the victim status of Mr Stoyan Mladenov and Ms Zvezda

Mladenova has been joined to the merits. The complaint is, furthermore, not manifestly ill-founded or inadmissible on other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' and the third-party intervener's submissions

(a) The applicants

270. The applicants submitted that the Roma community to which they belonged has a long history of settlement in Sofia. Many of them had been born in their now demolished houses, which constituted their “homes” within the autonomous meaning of Article 8. The actions of the authorities had unjustifiably interfered with their right to private and family life and to respect for their homes. Those actions had not been “provided for by law”, as the municipal authorities had failed to follow proper procedures, to involve the applicants in them, or to give the applicants information about the process, even when they had asked for it. The courts had failed to remedy those deficiencies.

271. The demolition had not been “necessary in a democratic society” either. After it, part of the land had been cleared, but a site visit on 6 January 2025 had revealed that the land was neglected and overgrown with weeds. A check in the cadastral records showed that at least one of the plots currently had a private owner. The Government had not explained the aims of the demolition or provided evidence that the applicants had had alternative accommodation available to them. The municipal authorities had not assessed the proportionality of the measure (in particular that the applicants were members of a socially disadvantaged group and risked being made homeless) before proceeding with the demolition, and the applicants’ arguments on the point had not been taken into consideration by the courts. Nor had the authorities offered decent alternative accommodation, even to the vulnerable people among the applicants such as the children, the elderly, and those with disabilities. They had excluded the applicants from the decision-making process and had not taken into account their housing needs.

272. Lastly, the applicants submitted that the available statistics revealed that in Bulgaria such mass demolitions were being carried out mostly in respect of houses inhabited by Roma, often in response to anti-Roma protests organised by nationalist parties and groups. At the same time, there was evidence that no action was taken against other unlawfully constructed buildings in Bulgaria, but that instead solutions were sought to preserve them.

(b) The Government

273. The Government left it to the Court to decide whether the facts of the case disclosed a breach of Article 8.

(c) The third-party intervener

274. The third-party intervener, the European Roma Rights Centre, drew attention to the pervasiveness of discrimination against Roma in Europe in general and in Bulgaria in particular (and in particular in relation to forced mass evictions from informal housing, which in its view was the most visible tool of social control used by the authorities to intimidate Roma people); their disadvantaged social position; and the widespread use of racist rhetoric against them, in particular by politicians and in the media, which it described as “anti-Gypsyism”. It cited a number of examples of such conduct by politicians, and urged the Court to use that term in its case-law.

275. The intervener also referred to reports that 50% to 70% of Roma in Bulgaria live in informal homes or shelters, which in its view was the product of generations of exclusion. That, coupled with the lack of proper remedies for evictions, made Roma exceptionally vulnerable to such measures as a form of collective punishment. The intervener referred in that connection to a report citing research showing that (based on data from over half of all municipalities) almost nine out of ten demolitions in Bulgaria since 2012 had been directed against Roma homes.

2. The Court’s assessment**(a) Existence of an interference***(i) In general*

276. For the most part, it has not been disputed that the demolition orders amounted to an interference with the applicants’ right to respect for their “home”. The Court sees no reason to find otherwise (see *Aydarov and Others*, cited above, § 65, with numerous further references). The seriousness of what was at stake for the applicants is not in doubt: they were evicted from the site where they had lived all their lives, with consequent difficulties in finding alternative accommodation and in ensuring continuation in the children’s education. Many of them were in effect rendered homeless, with all the adverse consequences on security and well-being which that entails (see *Connors v. the United Kingdom*, no. 66746/01, § 85, 27 May 2004).

(ii) In relation to Mr Stoyan Mladenov and Ms Zvezda Mladenova

277. However, in their supplementary observations, the Government submitted that Mr Stoyan Mladenov and his wife Ms Zvezda Mladenova could not claim to be victims of a violation, since their house had remained standing and, as established in the domestic proceedings, had not been the object of a demolition order (see paragraph 262 above). That objection was joined to the merits (see paragraphs 264-265 above).

278. Under the Court’s settled case-law, an order for the demolition of someone’s home amounts to an interference with the right to respect for that

“home” irrespective of whether it has already been enforced (see *Aydarov and Others*, cited above, § 65, with many further references). The fact that the house of that Mr Stoyan Mladenov and Ms Zvezda Mladenova remained standing – which according to them was solely because of the interim measures indicated by this Court (see paragraph 46 *in fine* above) – is therefore not decisive. The real question is whether an order was made for the demolition of that house.

279. The material in the case file shows that the house that was the subject of Mr Stoyan Mladenov and Ms Zvezda Mladenova’s complaint stands next to a house which was built by Mr Mladenov’s late mother, after she had been granted the right to build on State-owned land in 1971. In the proceedings for judicial review of the demolition order that were brought by Mr Mladenov, the judge observed that that adjacent house was not an object of a demolition order (see paragraph 87 *in fine* above).

280. However, that does not mean that the house built by Mr Mladenov himself without construction papers, and which stood next to his mother’s house, was not the object of a demolition order (see paragraph 50 above). The judge dealing with Mr Mladenov’s judicial review claim against the order was not satisfied that this was the case, since the expert evidence that she had obtained on the point had not managed to confirm with certainty that the house in which he claimed to live was the house described in the demolition order (see paragraphs 83-84 and 87 above).

281. However, the uncertainty was to a great extent the result of the way in which the municipal building control authorities had framed the demolition orders. Firstly, those authorities did not make any particular efforts to ascertain who had erected any of the approximately 60 buildings in the settlement that they intended to demolish: all they did for that purpose was to put up notices calling for information on the point on the local municipality noticeboard (see paragraph 13 above). Secondly, the buildings to be demolished were identified only by fairly general descriptions (see paragraphs 14 *in fine* and 21 above). Even though informal housing can bring special difficulties in that respect, the problems with identifying the house referred to in the demolition order challenged by Mr Mladenov was largely a foreseeable consequence of the manner in which the authorities approached the situation.

282. In the light of all that, and bearing in mind that the demolition operation was directed against the entire informal settlement in which the applicants lived, the Court is satisfied that there was an order for the demolition of the house in relation to which Mr Stoyan Mladenov and Ms Zvezda Mladenova complained. It therefore finds that there has been as interference with their right to respect for their “home”, and accordingly dismisses the Government’s preliminary objection as to the victim status of those two applicants, which was joined to the merits (see paragraphs 264-265 above).

(b) Justification for that interference

283. Under the second paragraph of Article 8, such an interference can be justified only if it was “in accordance with the law” and “necessary in a democratic society” to attain one or more of the legitimate aims set out in that paragraph. It otherwise entails a breach of that Article.

(i) “[I]n accordance with the law”

284. The demolition orders were based on section 225a(1) of the 2001 Act (see paragraph 130 above); they thus had a basis in Bulgarian law. However, the applicants contended that the orders were unlawful because the municipal authorities had failed to follow the proper procedures and had not involved them in the process. In the Court’s view, the manner in which the municipal authorities in Sofia proceeded in the present case raises a serious question as to whether the interference was “in accordance with the law” within the meaning of Article 8 § 2 of the Convention. Those authorities excluded the applicants – by all appearances deliberately – from the formal process in which the demolition orders were made and enforced, and appear to have structured that process in a manner calculated to do away with the procedural safeguards available under Bulgarian administrative law in relation to such matters, while giving the process a veneer of legality (see paragraphs 13-22 above). While that process was well under way, the municipal authorities furthermore concealed from the applicants, and from various other authorities (in particular, the Ombudsman of the Republic), their intention to proceed with the demolition of the buildings in question, giving evasive and misleading answers to the numerous queries addressed to them (see paragraphs 23-32 above). Such a manner of proceeding is a matter of serious concern from a rule-of-law perspective. That said, the Court does not, however, need to come to a definitive conclusion on whether it rendered the interference not “in accordance with the law”. The examination of that question would require interpreting the detailed rules of Bulgarian administrative law in the domain of unlawful construction, including the participation rights of interested parties and how they should be notified (see paragraphs 137 and 148-152 above). It would also require investigating in some detail the actions of the relevant municipal officials, and the designs and policies animating those actions. Those are matters which should be resolved in the first place by the Bulgarian administrative courts, which did not address them in the present case because they did not deal with the merits of the applicants’ claims for judicial review (see paragraphs 85-91, 105-106 and 108-109 above).

285. The Court will instead examine the failure to involve the applicants in the process of making the demolition orders when it considers whether the interference that they entailed was “necessary in a democratic society”.

(ii) *Legitimate aim*

286. All the demolition orders were stated to have been made in pursuit of the statutory requirement that no buildings should be erected without the requisite construction papers and permits (see paragraphs 121-122 above). In the present context, that may be seen as falling under the heading of “prevention of disorder” and as promoting the “economic well-being of the country” (see *Ivanova and Cherkezov*, § 51, and *Simonova*, § 47, both cited above).

287. However, the applicants claimed that in reality – given that the plots had not been redeveloped after the demolition of their homes – no legitimate aim had been pursued by the orders. In their statement of facts to the Court, they also referred to the letter in which the local mayor had stated that the orders had been enforced because of complaints from individuals and because of offences committed by inhabitants of the settlement (see paragraph 47 above). That raises serious questions about the legitimacy of the use of powers bestowed upon the municipal authorities to tackle unlawful construction as a tool to control alleged anti-social behaviour (compare, *mutatis mutandis*, *Connors*, cited above, § 89).

288. That issue has not been tested in domestic proceedings since none of the four claims for judicial review lodged by the applicants was ultimately heard. Although the Court has significant reservations about the main aim or aims pursued by the demolition orders, it does not need to come to a definitive conclusion on the point since the interference that those orders entailed was in any event not “necessary in a democratic society” (compare, *mutatis mutandis*, *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, §§ 388 and 432, 11 December 2025).

(iii) “[N]ecessary in a democratic society”

(α) General principles

289. The general principles bearing on the necessity of interferences of the type in issue in the present case – which concern the demolition of unlawfully erected buildings that are someone’s only “home” – were set out in detail in *Ivanova and Cherkezov* (cited above, §§ 53-55). There is no need to re-state them in full here, except to emphasise that they require that people who stand to lose their only home as a result of its demolition must be able to obtain, at some point in the proceedings which lead to that demolition, a proper examination of the proportionality of the demolition in the light of their individual circumstances.

290. In the present case, it should also be noted that it is implicit in the Court’s case-law on this issue (see, in particular, *Connors*, cited above, § 83; *Yordanova and Others v. Bulgaria*, no. 25446/06, § 118 (iii) and (iv), 24 April 2012; *Winterstein and Others v. France*, no. 27013/07, § 76 (γ) and (δ), 17 October 2013; *Buckland v. the United Kingdom*, no. 40060/08,

§§ 64-65, 18 September 2012; and *J.L. v. the United Kingdom* (dec.), no. 66387/10, § 47, 30 September 2014) that the requisite proportionality assessment must take place before the actual demolition, and the consequent loss by those concerned of their “home”, has taken place. In appropriate cases, that may call for the availability of interim relief capable of staying the demolition pending the examination of its proportionality.

291. Furthermore, in cases such as the present one – where a demolition stands to affect the members of a socially disadvantaged group such as Roma and to dislodge from their homes a whole community whose presence at the site has not been opposed for a long period – the individual situations of the people whose homes are to be demolished must be one of the factors in the proportionality assessment and must be of some importance in considering approaches to dealing with their unlawful settlement (see *Yordanova and Others*, cited above, §§ 121, 129 *in fine* and 133). Indeed, although the fact of belonging to a minority whose lifestyle differs from that of the majority does not confer an immunity from general laws intended to safeguard the assets of the community as a whole, it may have an effect on the manner in which such laws are to be implemented (see *Chapman v. the United Kingdom* [GC], no. 27238/95, § 96, ECHR 2001-I, and, more recently, *Faulkner and McDonagh v. Ireland* (dec.), nos. 30391/18 and 30416/18, § 97, 8 March 2022).

(β) Application of those principles

292. No assessment of the proportionality of the demolition took place in the present case.

293. The municipal authorities did not seek to identify the people who lived in the buildings which they had set out to demolish, or to examine their individual circumstances before making and enforcing the demolition orders (see paragraphs 13-22 above). Indeed, those authorities excluded the applicants – by all appearances deliberately – from the formal process in which the demolition orders were made and enforced, and appear to have structured that process in a manner calculated to do away with the procedural safeguards available under Bulgarian administrative law in relation to such matters. In particular, none of the demolition orders made by the Sofia chief architect were addressed to, or even mentioned, the people who had erected or who lived in the houses in question (see paragraph 21 above). While that formal process was well under way, the municipal authorities furthermore concealed from the applicants, and from various other authorities (in particular, the Ombudsman of the Republic), their intention to proceed with the demolition, giving evasive and misleading answers to the numerous queries addressed to them (see paragraphs 23-32 above).

294. The administrative courts did not examine the proportionality of the demolition either. When four of the applicants sought judicial review of some of the demolition orders, those courts insisted throughout the proceedings that

it was incumbent on the applicants to identify the orders relating specifically to each of their houses, with no apparent appreciation for the difficulties faced by them in that respect – which stemmed to a considerable extent from the manner in which the municipal authorities had gone about drawing up, serving and then enforcing the orders (see paragraphs 247-251 above, and compare *Caldarar and Others v. Poland*, no. 6142/16, §§ 152-53, 16 January 2025). Separately, the courts also made it plain that the applicants could only challenge the orders if they could prove they held property rights in the houses in question or that they had constructed them, and that the fact that the houses were their homes was insufficient to confer standing upon them to mount such a challenge; the decisions in the case in which the relevant order was identified demonstrated that even more clearly (see paragraph 253 above).

295. Neither the municipal authorities nor the courts (when dealing with the applicants' judicial review claims) saw it as relevant to the issues before them that the applicants were members of a socially disadvantaged group and of a community which had a long history in the settlement. Indeed, it appears that for the municipal authorities the fact that the buildings were inhabited was of no consequence to the process of demolishing them. At the same time, those authorities were plainly aware of the effects of the impending demolition on the applicants' housing situation, since three days after they had drawn up the notices of breach on which the demolition orders were based, they contacted the social assistance authorities, and three days later municipal officials accompanied social workers on their visit to the settlement (see paragraphs 11, 16 and 35 above). It is also safe to presume that those authorities were aware that the sudden demolition of the entire settlement would disrupt the applicants' community life and render them more vulnerable.

296. Earlier cases against Bulgaria suggest that, depending on the line of case-law relied on by the respective first-instance administrative court, a proportionality assessment could be obtained in proceedings for judicial review of the enforcement of the demolition orders under Articles 294 et seq. of the 2006 Code (see paragraphs 141-143 above, with the cases cited). In the circumstances of this case, however, that was not an effective alternative, for two reasons. Firstly, the applicants would have had the same difficulties in establishing standing (see paragraph 144 above). Secondly, even if they had managed to have their claims heard, that would be unlikely to have happened before the demolition took place (compare, *mutatis mutandis*, *Hirtu and Others v. France*, no. 24720/13, §§ 74 *in fine* and 88 *in fine*, 14 May 2020), whereas a claim under Article 294 has no automatic suspensive effect (see paragraph 142 above).

297. In sum, the applicants did not have at their disposal a procedure enabling them to obtain, in advance of the actual demolition of the houses in which they lived, a proper review of the proportionality of the measure in the light of their individual circumstances – and in particular of the fact that they

were members of a socially disadvantaged group and of a community which had a long history in the settlement.

298. There has therefore been a breach of Article 8 of the Convention.

299. The applicants' grievance under Article 14 read in conjunction with Article 8 of the Convention comprised two elements: the failure to take account of their particular vulnerability as Roma, and the allegation that demolition measures of the sort in issue were being selectively directed against Roma housing. The first element was taken into account in the Court's analysis of the necessity of the interference with the applicants' rights under Article 8 (see paragraphs 291 and 295 above), and does not need to be considered also under Article 14 in conjunction with Article 8. Furthermore, the Court has found that the demolition orders appear to have been used as a tool for controlling alleged anti-social behaviour within a minority community, which raises serious questions as to whether they can be considered to have served a legitimate aim (see paragraphs 287-288 above). As regards the second element, although the statistical and contextual material suggests a disproportionate impact of measures of the sort in issue in the case on Roma housing, the evidence before the Court does not contain sufficient comparable information concerning similarly situated non-Roma occupants of unlawfully erected buildings. In the absence of domestic proceedings under the 2003 Act, no findings on the point have been made at national level either. The Court therefore finds that no separate issue arises under Article 14 (see *Connors*, § 97, and *Caldarar and Others*, §§ 159-60, both cited above).

III. ALLEGED VIOLATION OF ARTICLE 3, ALONE AND IN CONJUNCTION WITH ARTICLE 14 OF THE CONVENTION

300. The applicants alleged that the abrupt and furtive way in which the municipal authorities had gone about the procedure resulting in the demolition of their homes, and had carried out the demolition itself, not letting them take their furniture out and leaving them without proper shelter, had amounted to inhuman and degrading treatment, especially since in Bulgaria only Roma were being treated in that manner. They relied on Article 3 of the Convention, alone and in conjunction with Article 14 of the Convention.

301. Article 3 of the Convention reads:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

302. The text of Article 14 of the Convention has been set out in paragraph 220 above.

A. The parties' submissions

1. The Government

303. The Government's submissions on the admissibility of the complaint have been summarised in paragraphs 221-222 and 262 above.

304. On the merits, the Government invited the Court not to examine the complaint separately under Article 3.

2. The applicants

305. The applicants submitted that the Roma community of which they were members had been established at the site, with the authorities' knowledge, for more than 70 years. They disputed the municipal officers' estimate that all of the individual structures had been erected between 2001 and 2023. They went on to note that in 2023, within about a month, the authorities had orchestrated the demolition of the houses in secret proceedings of which none of the applicants had duly been notified so as to be able to participate. Their houses, together with their belongings – which they had not been permitted to take out – and in some cases even pets, had then been destroyed before their eyes within two days. Some of the applicants who were sick, elderly and underage had then been left to sleep under the open sky, amid the rubble; others had sheltered in uninhabitable constructions such as old wagons with leaking roofs and no insulation. Some of them had been offered, and some placed in temporary substandard accommodation for the homeless, but only for three months, to be renewed once. As a result of the demolition, they had lost access to schools, health and transportation facilities, and employment opportunities. According to the applicants, in Bulgaria only Roma were being treated in that way, in a climate of overt anti-Gypsyism.

B. The Court's assessment

1. The way in which the demolition was carried out

306. In so far as the applicants complained about the practical aspects of the demolition operation (which did not directly affect Mr Stoyan Mladenov and Ms Zvezda Mladenova, whose house was not demolished – see paragraphs 46 and 278 above), they have not exhausted domestic remedies.

307. The facts underlying this complaint under Article 3 – the manner in which the demolition was carried out – are distinct from those underlying the complaint under Articles 8 and 14 of the Convention. It follows that the Court's conclusion that the applicants have exhausted domestic remedies in respect of their complaint under Articles 8 and 14 (see paragraphs 226-261 above) does not dispose of the matter in respect of the complaint under examination. Under the Court's case-law, the question whether a remedy is

effective, and needs to be used, must be answered with reference to the specific complaint (see *Tsaava and Others*, cited above, § 261), whereas the factual allegations underpinning a complaint are one of its essential elements (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 110, 20 March 2018).

308. In Bulgaria, there exists a specific remedy for damage caused by the enforcement of administrative decisions, even when those decisions themselves are regarded as lawful and have not been set aside – compensation claims under Article 299 §§ 1 or 2 of the 2006 Code (see paragraphs 154, 157 and 159 above). Claims under the first paragraph are premised on a prior judgment under Articles 294 et seq. of the same Code declaring enforcement decisions or actions unlawful (see paragraph 155 above), but claims under the second paragraph can be brought even in the absence of such a prior judgment, and are premised simply on proof that a person who was not party to the enforcement proceedings was caused damage by them (see paragraph 158 above).

309. Nothing suggests that in such proceedings the Bulgarian courts would be unable or unwilling to deal properly with the allegations on which the applicants base their complaint. The twin remedies under Article 299 §§ 1 and 2 of the 2006 Code are geared towards providing redress for any sort of irregularities in the administrative enforcement process. They therefore appear to have been an available remedy for the applicants' grievances under Articles 3 and 14 about the way the demolition was carried out. In dealing with such claims, the Bulgarian courts would have had to assess whether any of the enforcement actions taken by the municipal authorities had been lawful. Those courts have recently engaged more broadly with arguments based on the Convention, including in compensation proceedings against the State, by reason of its being directly applicable in Bulgarian law. There is therefore no reason automatically to presume that in such proceedings they would treat arguments based on Articles 3 and 14 as irrelevant (see, *mutatis mutandis*, *Stefanov v. Bulgaria* (dec.), no. 51127/18, § 80, 8 September 2020, and *Zlatanov v. Bulgaria* (dec.), no. 53050/21, § 227, 30 January 2024).

310. Even if the applicants could not have successfully pursued claims for judicial review under Articles 294 et seq. of the 2006 Code because of standing issues (see paragraphs 144 and 294 above), and so become able to pursue compensation claims under Article 299 § 1, they could have brought claims under Article 299 § 2. Such claims are specifically designed for third parties to enforcement proceedings who suffer damage as a result of them.

311. Such compensation claims would constitute a sufficient remedy for the present complaint. The nature of the alleged breach of Articles 3 and 14 is not such as to render a compensatory remedy insufficient. In *Winterstein and Others* (cited above, § 181), a similar complaint was dismissed for non-exhaustion of domestic remedies (see also, by way of

illustration, *Bekir and Others v. North Macedonia* (dec.) [Committee], no. 46889/16, §§ 34-35, 24 June 2021).

312. Mere doubts about the prospects of a remedy which appears to offer a reasonable possibility of redress are not a sufficient ground to eschew it (see, among many other authorities, *Zlatanov*, cited above, § 192).

313. It follows that this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

2. *The process, issuing and effects of the demolition orders*

314. In so far as the applicants complained about the manner in which the municipal authorities had gone about the procedure in which the demolition orders were made and about the effects of those orders and their enforcement on their housing situation, the Court considers that those matters, which were examined in detail under Article 8 of the Convention, raise no separate issues under Article 3, alone or in conjunction with Article 14 (see *Cazacliu and Others*, §§ 104-05, and *Caldarar and Others*, § 97, both cited above, and, *mutatis mutandis*, *Costache v. Romania* (dec.), no. 25615/12, § 19, 27 March 2012).

IV. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1

315. The applicants complained that the authorities had destroyed their houses and the movable property inside those houses at the time of their demolition, thus depriving them of their “possessions”, in breach of Article 1 of Protocol No. 1.

316. Article 1 of Protocol No. 1 reads:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. The parties’ submissions

1. *The Government*

317. In the Government’s view, the applicants had not exhausted domestic remedies. Their detailed submissions on the point have been summarised in paragraphs 221-222 above. The Government also questioned the victim status of Mr Stoyan Mladenov, Ms Zvezda Mladenova and Mr Serafim Kochev (see paragraph 262 above).

318. In their comments on the applicants’ claims in respect of pecuniary damage (see paragraph 357 below), the Government pointed out, in

particular, that the applicants had had no title to the properties in question; that their houses had been knowingly built without a permit and in breach of the domestic building regulations; that, as evidenced by an expert report and photographs provided by the applicants, the houses had been very simple, and in all probability unstable, unsanitary and unsafe; and that their demolition had therefore been justified for the protection of public safety and health, and by way of deterrence against the pervasive illegal construction in Bulgaria.

2. *The applicants*

319. The applicants submitted that Article 1 of Protocol No. 1 did not require property to be formally registered under domestic law; it applied to “possessions”, a term interpreted broadly by the Court to include certain property interests even in cases of legal irregularities, in particular where the authorities had failed to enforce property regulations for a long time, thereby creating legitimate expectations of stability. Although the houses had been constructed unlawfully, they should be treated as “possessions” because (a) the applicants had lived in them for many years, establishing deep personal and economic ties to them, and (b) that situation had been tolerated by the authorities for a long time, thus creating a *de facto* recognition of the applicants’ interest in the houses and a reasonable expectation that they could continue living in them.

320. In the applicants’ view, the demolition of their houses had therefore amounted to a deprivation of their possessions. That deprivation had been unlawful, since the authorities had excluded the applicants from the process of making and enforcing the demolition orders. It had not pursued a legitimate aim and had been disproportionate, since the authorities had demolished the houses without providing the applicants with adequate alternative accommodation and without considering the social vulnerability of the Roma community.

321. The applicants also submitted that in the course of the demolition they had lost much of their movable property (furniture, clothing, jewellery, bicycles, medical devices, decorations, pets, and so on). The secrecy and speediness of the demolition had not allowed them to collect and properly store those items.

B. The Court’s assessment

322. The complaints about the houses and about the movable property that was in those houses at the time of their demolition raise different questions and must be examined separately.

1. *The houses*

323. The first question which arises in respect of the houses is whether they fall under the protection of Article 1 of Protocol No. 1 and whether the complaint relating to them is compatible *ratione materiae* with the provisions of the Convention (in effect, Protocol No. 1) within the meaning of Article 35 § 3 (a). The Court must examine that question on its own initiative – even in the absence of a (timely) plea on the point by a party – because the matter concerns its jurisdiction *ratione materiae* (see, among other authorities, *Tănase v. Moldova* [GC], no. 7/08, § 131, ECHR 2010; *Grosam v. the Czech Republic* [GC], no. 19750/13, § 107, 1 June 2023; and *Fabbri and Others v. San Marino* [GC], nos. 6319/21 and 2 others, § 54, 24 September 2024).

324. No argument has been advanced before the Court to the effect that the applicants were owners of the houses under Bulgarian law (contrast *Chiragov and Others v. Armenia* [GC], no. 13216/05, §§ 122 and 146-47, ECHR 2015; *Tumeliai v. Lithuania*, no. 25545/14, § 65, 9 January 2018; and *Zela v. Albania*, no. 33164/11, § 55, 11 June 2024). That question does not relate to the illegal status of the houses under the building regulations; it appears that under Bulgarian law illegally constructed buildings can be objects of the right to property (see *Ivanova and Cherkezov*, cited above, §§ 9 *in fine* and 68). However, under Bulgarian law, the owner of a plot of land – in the present case, the municipality – is also the owner of any buildings standing on it, except where the right to construct a building on that plot (a type of limited property right, not to be confused with a building permit) has been lawfully acquired by someone else (see paragraph 174 above). There has been no assertion that the applicants have acquired such a right, whether because the municipality granted it to them or because they acquired it by way of adverse possession.

325. Under Bulgarian law, no municipal property could be acquired by way of adverse possession until November 1999. The general ten-year period for acquiring title by adverse possession was later suspended in respect of municipal properties between 1 June 2006 and the end of 2017, and then between 19 January 2018 and 8 March 2022 (see paragraphs 175-177 above, and compare *Bölükbaş and Others v. Turkey*, no. 29799/02, § 26, 9 February 2010). By the time the houses were demolished in August 2023, any adverse possession by the applicants could therefore not have exceeded eight years and one month. Nor is there any evidence from which the Court can determine whether the applicants' possession of the property would have qualified for the purposes of section 79 of the 1951 Act (see paragraph 176 above).

326. In any event, any arguments on those points properly belong in domestic proceedings, not in proceedings before the Court (compare *Kaynar and Others v. Turkey*, nos. 21104/06 and 2 others, §§ 34-36, 7 May 2019). The Court is not a national civil court, and it is normally not for it to decide, with reference to the rules of domestic law, whether a property right exists (see, in general, *Matos e Silva, Lda., and Others v. Portugal*, 16 September

1996, § 75, *Reports* 1996-IV, and *Iatridis*, cited above, § 54, and, specifically with regard to the question of whether property has been acquired by way of adverse possession, *Bagdonavicius and Others*, cited above, § 114).

327. It is true that in several cases concerning the occupation of land not belonging to the applicants the Court has held that the applicants had a proprietary interest in homes built on that land that was sufficiently recognised at domestic level to constitute a “possession” (see *Öneryıldız v. Turkey* [GC], no. 48939/99, §§ 127-29, ECHR 2004-XII, *Hamer v. Belgium*, no. 21861/03, § 76, ECHR 2007-V (extracts); and *Depalle v. France* [GC], no. 34044/02, §§ 65-68, ECHR 2010).

328. However, the present case differs from those in several respects (compare *Bagdonavicius and Others*, cited above, § 117; *Barahona Guachamin and Others v. Italy* (dec.), nos. 33295/15 and 8 others, § 67, 4 December 2018; *Ahmadova v. Azerbaijan*, no. 9437/12, §§ 32-33, 18 November 2021; and *Alif Ahmadov and Others v. Azerbaijan*, no. 22619/14, §§ 43-44, 4 May 2023):

(a) The applicants held no title to the houses in question, which stood on land owned by the municipality (which, under Bulgarian law, would normally make them the property of the municipality – see paragraph 174 above). That distinguishes the present case from *Ivanova and Cherkezov* (cited above, § 68), where the national courts had established that the relevant applicant was a co-owner both of the plot on which the house stood and of the house itself. There is also no suggestion that the applicants had entered into legal arrangements capable of conferring title on them (contrast *Ceni v. Italy*, no. 25376/06, §§ 42-43, 4 February 2014). They could not therefore have reasonably been certain that they held those houses as economic assets (contrast, *mutatis mutandis*, *Valle Pierimpiè Società Agricola S.P.A. v. Italy*, no. 46154/11, § 48, 23 September 2014). The informal resettlement of their families in that area by the local authorities in the 1950s does not alter that, especially since Bulgaria underwent profound changes in its economic and legal system in the 1990s, when it transitioned from a wholly State-owned and centrally planned economy to private property and a market economy (see *Credit Bank and Others v. Bulgaria* (dec.), no. 40064/98, 30 April 2002).

(b) There is no assertion or evidence that the applicants have regularly paid property taxes on the houses or that the State has treated the houses as assets for fiscal purposes (contrast *Hamer*, § 76, and *Valle Pierimpiè Società Agricola S.P.A.*, § 49 *in fine*, both cited above).

(c) There was no uncertainty as to the application of section 225(2)(2) of the 2001 Act (which makes a building or a part of a building constructed without a building permit unlawful and subject to demolition – see paragraph 122 above) that could have given the applicants hope that the houses would fall outside its scope. The authorities’ failure to act for a certain period could not have given the applicants a legitimate expectation that the

houses in which they lived would not be subject to a demolition procedure like that brought in 2023.

(d) Under Article 8 § 1 of the Convention, the classification of a property as a “home” does not depend on the lawfulness of its occupation under domestic law but turns on whether the occupier has sufficient and continuous links with it (see, as a recent authority, *Ghailan and Others v. Spain*, no. 36366/14, § 55, 23 March 2021, with further references). However, the position under Article 1 of Protocol No. 1 is different. The fact that someone (in the present case, the applicants and in some cases apparently their parents or grandparents) may have lived in a dwelling for a prolonged period does not give rise to a recognised property interest except where an interest is acquired under the domestic law of adverse possession. To hold otherwise would obscure the fundamental distinction between having *de facto* control of property and having a financial interest in that property entitled to protection under the law. The Court has consistently held, albeit in other contexts, that the right to live in a particular property not owned by the applicant does not as such constitute a “possession” within the meaning of Article 1 of Protocol No. 1 (see *J.L.S. v. Spain* (dec.), no. 41917/98, ECHR 1999-V; *Kovalenok v. Latvia* (dec.), no. 54264/00, 15 February 2001; *H.F. v. Slovakia* (dec.), no. 54797/00, 9 December 2003; *Ivan Panchenko v. Ukraine*, no. 10911/05, § 50, 10 December 2009; and *Ceni*, cited above, § 41). That provision cannot be construed to require the Contracting States to treat as “possessions” situations which constitute an ongoing breach of their property laws, or to impose on those States what in effect would amount to a parallel property law – by treating as “possessions” situations which the domestic legal system refuses to recognise at all. There is a considerable difference between occupying a property and being encouraged by State authorities over long periods of time to believe that one has a right to stay in it indefinitely and to act in the belief that one has a financial interest in the property (for an example of such actions, see, for instance, *Saghinadze and Others v. Georgia*, no. 18768/05, § 107, 27 May 2010).

329. The fact that some of the applicants had apparently renovated the houses cannot alter the above conclusion (see *Ahmadova*, § 34, and *Alif Ahmadov and Others*, § 45, both cited above).

330. In the light of all those considerations, the applicants’ interests in their houses cannot be seen as “possessions” within the meaning of Article 1 of Protocol No. 1 (compare *Bagdonavicius and Others*, § 118; *Barahona Guachamin and Others*, § 68; *Ahmadova*, § 33 *in fine*; and *Alif Ahmadov and Others*, § 44 *in fine*, all cited above).

331. It follows that this complaint is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 35 § 3 (a), and must be rejected in accordance with Article 35 § 4. There is, then, no need to examine whether Mr Stoyan Mladenov and Ms Zvezda Mladenova, whose

house was not demolished (see paragraphs 46 and 278 above) can claim to be victims of a violation of Article 1 of Protocol No. 1 in relation to that.

2. *The movable property*

332. The applicants also complained that their movable property had been damaged in the course of the demolition. However, they again have not exhausted domestic remedies.

333. The analysis here must – like that in relation to the complaint under Article 3 of the Convention about the practical manner in which the demolition was carried out (see paragraphs 306-313 above) – start with the observation that the facts underlying this complaint are distinct from those underlying the complaint under Articles 8 and 14 of the Convention (compare, *mutatis mutandis*, *Aydarov and Others*, cited above, § 90). It follows that, here too, the Court's conclusion that the applicants have exhausted domestic remedies in respect of their complaint under Articles 8 and 14 (see paragraphs 226-261 above) does not dispose of the matter in respect of the complaint under examination.

334. As noted in paragraph 308 above, in Bulgaria there exists a specific remedy for damage caused by the enforcement of administrative decisions, even when those decisions themselves are regarded as lawful and have not been set aside – compensation claims under Article 299 §§ 1 or 2 of the 2006 Code (see paragraphs 154, 157 and 159 above). The way in which those compensation claims operate and the applicants' opportunity to bring them have already been analysed in paragraphs 308-310 above. Here, it should be added that on at least one reported occasion, such a claim has resulted in an award of compensation in respect of damage to movable property which was inside a building when that building was demolished (see paragraph 156 above).

335. Compensation would have been an adequate and sufficient remedy for the present complaint (see *Bagdonavicius and Others*, § 120, and *Barahona Guachamin and Others*, § 66, both cited above).

336. It follows that the complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

V. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

337. The applicants complained that the furtive way in which the municipal authorities had gone about the demolition orders, coupled with the approach of the administrative courts – which had required the applicants to show that there were orders about their houses specifically – had frustrated their attempts to safeguard their rights under Articles 3 and 8 of the Convention. They relied on Article 13 of the Convention.

338. Article 13 reads:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A. The parties’ submissions

339. The Government made no submissions in relation to Article 13. Their detailed submissions on the question of the exhaustion of domestic remedies have been summarised in paragraphs 221-222 above.

340. The applicants submitted that they had not been involved in the process in which the demolition orders had been made, and had twice attempted to obtain injunctions against the municipal authorities – first after being told by the authorities that the demolition was about to happen, and then when the demolition had begun. On both occasions, the courts had refused to grant an injunction, putting the burden of proof to the applicants to show which of the demolition orders related to their houses specifically. It had been objectively impossible for them to do that, since those orders had not been made available to them until the last moment, had been drafted in broad terms, and had not identified the person(s) responsible for the unlawful construction. A remedy relating to the proposed demolition of a home had to have automatic suspensive effect for it to be effective within the meaning of Article 13. Forcing the applicants to leave their homes before they could access the courts to seek a remedy was in breach of that requirement.

B. The Court’s assessment

341. In the present case, the above breach of Article 8 stemmed from the absence of an appropriate procedure for the applicants to challenge the demolition of their homes (see paragraphs 292-298 above). On that basis, it was already found that no separate issues arise under Article 3 in relation to the manner in which the municipal authorities went about the procedure in which the demolition orders were made (see paragraph 314 above). By the same token, there is no need to examine the complaint under Article 13, in so far as it concerns the effects of the manner in which the municipal authorities went about that procedure on the possibilities for the applicants to access a remedy (compare *Yordanova and Others*, § 152; *Ivanova and Cherkeзов*, § 81; and *Caldarar and Others*, § 163, all cited above).

342. To the extent that the complaint under Article 13 may be taken to concern the alleged lack of an effective remedy in relation to the practical manner in which the demolition was carried out, it was already established that the applicants had at their disposal such a remedy (see paragraphs 308-311 above). In view of the close affinity between Article 35 § 1 and Article 13 of the Convention, that finding is equally valid with regard

to the present complaint (see, as a recent authority, *Ninova v. Bulgaria* (dec.), no. 10351/18, § 67, 5 March 2024). It follows that the complaint is manifestly ill-founded, and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

VI. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

343. The applicants complained that by proceeding furtively with the demolition orders and by deliberately excluding them from the process in which those orders were made, the municipal authorities had made it impossible for them to obtain effective access to a court to vindicate their rights to respect for their homes and their possessions. They relied on Article 6 § 1 of the Convention.

344. The relevant part of Article 6 § 1 reads:

“In the determination of his civil rights and obligations ..., everyone is entitled to a fair and public hearing ...”

A. The parties’ submissions

345. The Government made no submissions in relation to Article 6 § 1. Their detailed submissions on the question of exhaustion of domestic remedies have been summarised in paragraphs 221-222 above.

346. The applicants argued that the authorities had deliberately excluded them from the process in which the demolition orders had been made and enforced. They had therefore been unable to obtain a proper examination of their applications under Article 250 § 1 of the 2006 Code. That had breached their right of access to a court. The courts’ refusal to hear those applications had also deprived the applicants of an opportunity to seek compensation, which was only possible after a finding that the authorities’ actions had been unlawful.

B. The Court’s assessment

347. In the present case, the breach of Article 8 stemmed from the absence of an appropriate judicial procedure in which the applicants could challenge the demolition of their homes (see paragraphs 292-298 above). There is therefore no need to examine the complaint under Article 6 § 1 (see, *mutatis mutandis*, *Connors*, cited above, § 103).

VII. APPLICATION OF ARTICLE 46 OF THE CONVENTION

348. Under Article 46 §§ 1 and 2 of the Convention, a judgment in which the Court finds a violation of the Convention or its Protocols imposes on the respondent State a legal obligation to choose, subject to supervision by the

Committee of Ministers, the general and/or, if appropriate, individual measures to be adopted in its domestic legal order to put an end to that violation and redress so far as possible its effects. It also follows from the Convention, and from its Article 1 in particular, that in ratifying it the Contracting States undertook to ensure that their domestic laws would be compatible with it (see, as a recent authority, *Tsaava and Others*, cited above, § 463).

349. The breach of Article 8 of the Convention – which flowed from the impossibility for the applicants of obtaining a proper review of the proportionality of the intended demolition of the houses in which they lived in the light of their individual circumstances – appears to be of a systemic character and to be of a kind that has a strong impact on Roma communities in particular. It did not result solely from the specific way in which the Sofia municipal authorities acted in relation to the demolition of those houses, but also from the way in which the administrative courts construed and applied, consistently with their settled case-law on the point, the rules governing standing to challenge demolition orders or their enforcement (see paragraphs 86 (b), 88 *in fine*, 89, 100, 102, 106, 109, 140 and 144 above).

350. More generally, this is the fourth judgment against Bulgaria which concerns the impossibility for the applicants of obtaining a proper proportionality assessment of orders for the demolition of their homes or for their removal from their homes, in breach of Article 8 (the previous three being *Yordanova and Others*, *Ivanova and Cherkezov* and *Simonova*, all cited above). As demonstrated by the status of the execution of those earlier judgments (see paragraph 188 above), and indeed by the facts of the present case, the issue is still not fully resolved in Bulgaria, even though in *Yordanova and Others* (cited above, §§ 162-66) the Court already indicated general measures under Article 46 of the Convention.

351. It is therefore appropriate for the Court to give some further indications under Article 46 on how such breaches are to be avoided in the future.

352. The breach of Article 8 of the Convention resulted, depending on how the matter is seen, either from a lacuna in the rules governing standing to challenge demolition orders or their enforcement, or from the manner in which the administrative courts construed and applied the relevant provisions (see paragraphs 189-192 above). It is not for the Court to say which of these must change so that future breaches of this kind can be avoided. It would nevertheless note that in Bulgaria, reforms bringing domestic remedial practice into line with Convention requirements have usually proceeded by way of dedicated legislation (see *Neshkov and Others v. Bulgaria*, nos. 36925/10 and 5 others, § 286, 27 January 2015, with further references), and that the manner in which the domestic case-law on the point has evolved so far suggests that it would be preferable, in terms of efficiency and clarity, to proceed by means of special legislative amendments (see, *mutatis*

mutandis, *Harakchiev and Tolumov v. Bulgaria*, nos. 15018/11 and 61199/12, § 280, ECHR 2014 (extracts), and *Simeonovi v. Bulgaria* [GC], no. 21980/04, § 150, 12 May 2017). Be that as it may, Bulgaria should take steps to ensure that people who, like the applicants, have no formal entitlement to inhabit the buildings in which they live and at the same time risk losing their only home owing to the intended demolition of those buildings, can nevertheless have effective access to a procedure permitting them to obtain a proper review of the proportionality of the intended demolition in the light of their individual circumstances, notwithstanding that they are not the addressees of the relevant demolition orders.

VIII. APPLICATION OF RULE 39 OF THE RULES OF COURT

353. In accordance with Article 44 § 2 of the Convention, the present judgment will not become final until:

- (a) the parties declare that they will not request that the case be referred to the Grand Chamber; or
- (b) three months after the date of the judgment, if referral of the case to the Grand Chamber has not been requested; or
- (c) the panel of the Grand Chamber rejects any request to refer the case to it under Article 43 of the Convention.

354. Given this, the indication made to the Government under Rule 39 § 1 of the Rules of Court on 10 August 2023, as partly maintained on 6 October 2023 (see paragraphs 114-120 above), is to remain in effect until the present judgment becomes final or until the Court takes a further decision in respect of that indication.

IX. APPLICATION OF ARTICLE 41 OF THE CONVENTION

355. Article 41 of the Convention reads:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Pecuniary damage

1. *The applicants’ claim and the Government’s comments on it*

356. The applicants claimed compensation for the damage resulting from the alleged breach of Article 1 of Protocol No. 1 and consisting of the destruction of their houses and of the movable property inside those houses. They claimed 30,000 euros (EUR) per household (there were 22 households in total, some of them being households of one person). They stated that they could not provide documentary evidence of the damage, and considered that

the sums sought were the minimum they could claim for their lost possessions.

357. The Government contested the claims in their entirety. They pointed out that some of the houses were still standing, and observed that the applicants had supplied no details on which their losses could be calculated, although their houses had differed in size, construction, materials, and so on. The Government also observed that the applicants' submissions about the specific members of the households in their claim differed from those in their submissions in relation to the request for interim measures that they had made in August 2023 (see paragraph 114 above).

2. *The Court's assessment*

358. All of the applicants' complaints under Article 1 of Protocol No. 1 were found inadmissible, on the basis that, respectively, the houses could not be regarded as the applicants' "possessions" and that the applicants had failed to seek compensation for the damage caused to their movable property in the course of the demolition (see paragraphs 324-331 and 332-336 above). The claims made in connection with those complaints must therefore be dismissed (see *Caldarar and Others*, cited above, § 172 *in fine*). Moreover, as regards specifically the movable property, no relevant supporting documents have been provided (see *Hasanali Aliyev and Others v. Azerbaijan*, no. 42858/11, § 56, 9 June 2022).

B. Non-pecuniary damage

1. *The applicants' claim and the Government's comments on it*

359. The applicants claimed EUR 20,000 each for the mental and physical suffering resulting from the alleged breaches of Articles 3, 8, 14, 13 and 6 § 1 of the Convention.

360. The Government contested those claims. They reiterated that the applicants had failed to bring compensation proceedings under the 1988 Act. They also argued that none of the applicants except Ms Tonka Dimitrova had ever sought to find a solution that would have enabled them to end their unlawful occupation of municipal land.

361. In the alternative, the Government invited the Court to make awards consistent with its case-law in that area, and in particular to make awards to households rather than individuals. They referred in some detail to the family circumstances of certain of the applicants, asserting that some of them had claimed to live separately but had in fact lived together in extended households.

2. *The Court's assessment*

362. In the light of the Government's argument set out in paragraph 360 above, the first point to be made is that under the Court's settled case-law, the requirement to exhaust domestic remedies does not apply to just satisfaction claims under Article 41 (former Article 50) of the Convention (see, among other authorities, *De Wilde, Ooms and Versyp v. Belgium* (Article 50), 10 March 1972, § 15, Series A no. 14; *Jalloh v. Germany* [GC], no. 54810/00, § 129, ECHR 2006-IX; and *Nagmetov v. Russia* [GC], no. 35589/08, § 66, 30 March 2017).

363. The Court cannot speculate as to whether the demolition of the buildings in which the applicants lived would have been avoided if the requisite balancing exercise had been undertaken by the authorities. The fact remains, however, that the applicants have suffered a real interference with their homes without having the opportunity to have such an exercise carried out. They have therefore sustained non-pecuniary harm which cannot be sufficiently compensated for by the finding of a violation (see *Simonova*, cited above, § 61, with further references).

364. The extent of that harm cannot be calculated precisely. Usually, in cases of that type the Court makes its award in respect of non-pecuniary damage to households rather than to individuals (see *Hirtu and Others*, § 97; *Paketova and Others*, § 176; and *Caldarar and Others*, § 172, all cited above). However, that does not appear to be possible in the present case given the dispute between the parties about the precise delineation of the household units of which the 56 applicants – many of whom are related – are members (see paragraphs 357 and 361 *in fine* above). Resolving that dispute would require a detailed investigation of the family and other links between the applicants and of their living arrangements at the relevant time, which cannot be done on the basis of the material available to the Court, and would significantly delay the final resolution of the case without a commensurate benefit to the interests of justice.

365. It must be noted in that connection that the Court's awards in respect of non-pecuniary damage merely serve to give recognition to the fact that moral damage has occurred as a result of a breach of a fundamental human right, and to reflect in the broadest of terms the severity of that damage (see, among other authorities, *Varnava and Others v. Turkey* [GC], nos. 16064/90 and 8 others, § 224 *in fine*, ECHR 2009; *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, § 182, ECHR 2011; and *Chiragov and Others v. Armenia* (just satisfaction) [GC], no. 13216/05, § 57 *in fine*, 12 December 2017; see also paragraph 10 of the Practice Direction on Just Satisfaction Claims). Those awards are only intended to give a very approximate reflection of the damage suffered by each individual applicant.

366. More generally, awarding of sums of money to applicants by way of just satisfaction is not one of the Court's main functions, but is incidental to its task under Article 19 of the Convention of ensuring the observance by the

Contracting States of their obligations under the Convention (see *Nagmetov*, cited above, § 64 *in fine*; *Yüksel Yalçınkaya v. Türkiye* [GC], no. 15669/20, § 422, 26 September 2023; and *Pindo Mulla v. Spain* [GC], no. 15541/20, § 188, 17 September 2024). Nor is the Court's role under Article 41 to function as a domestic tort mechanism (see *Varnava and Others*, § 224; *Al-Skeini and Others*, § 182; and *Chiragov and Others*, § 57, all cited above).

367. In the light of all that, in the present case it is appropriate to award compensation in respect of non-pecuniary damage on a per-applicant basis.

368. As for the precise amount of compensation to be awarded to each of the 56 applicants, the Court notes that the practical consequences of the contested measures were not identical for all of them, in particular because some of the houses remained wholly or partly standing (see paragraphs 46 and 48 above), and also because the housing situations of the various applicants in the wake of the demolition operation appear to vary (see paragraph 110 above). That said, the breach of Article 8 of the Convention found in the case concerns the common denial of a procedure enabling the applicants to obtain a proper review of the proportionality of the intended demolition of the houses in which they lived in the light of their individual circumstances. In the absence of material enabling the Court reliably to differentiate between the non-pecuniary harm suffered by each of the 56 applicants on that account, it considers that a uniform award is appropriate.

369. Ruling in equity, as required under Article 41, and having regard in particular to (a) the distress and frustration caused to the applicants by the way in which the municipal authorities acted in the case and by the reasons for which the applicants were deprived of the requisite proportionality assessment, as well as (b) the effects of the demolition operation on their life as a community, the Court awards each of the 56 applicants EUR 10,000, plus any tax that may be chargeable.

C. Costs and expenses

1. The applicants' claim and the Government's comments on it

(a) The applicants' claim

370. The BHC claimed:

(a) EUR 30,300 for 182 hours of work in the various domestic proceedings and 121 hours of work in the proceedings before the Court by (i) two lawyers working with the BHC's legal defence programme, and by (ii) the director of that programme and three other members of staff of the BHC, all charged at an hourly rate of EUR 100;

(b) EUR 2,121 for administrative expenses; and

(c) EUR 33 for postage.

371. The BHC asked for any award made under this head to be paid into its own bank account.

372. In support of the claim, the following documentation was produced:

(a) a time sheet recording the number of hours spent by the lawyers and the members of staff of the BHC on the various domestic proceedings and on those before the Court;

(b) legal services contracts between each of the applicants and the BHC in relation to the proceedings before the Court and “legal actions at the domestic level to exhaust domestic remedies”, under clause 4(1) and (3) of which the applicants owe the BHC for (i) the work of the lawyers and the BHC staff members (in accordance with hourly rates “fixed in accordance with the Court’s usual practice at the time when the case comes to an end”); (ii) administrative expenses; and (iii) postage and fax expenses. Clause 4(1) also specifies that the applicants owe the BHC such sums only if the case before the Court ends in their favour, and only up to the amount that the Court awards in respect of costs and expenses; and

(c) postage receipts.

(b) The Government’s comments on the claim

373. The Government submitted that only one of the people the applicants claimed had worked on the case, Ms D. Dragieva, had represented the applicants and signed submissions on their behalf, both domestically and in the proceedings before the Court. Furthermore, one of the members of staff of the BHC was not admitted to the Bar, and her role in the proceedings remained unclear. It was also unclear whether two other members of the BHC team working on the case, who were not lawyers, met the requirements of Rule 36 § 4 (a) of the Rules of Court.

374. In any event, there was no reason to allow the same hourly rates for all the members of the BHC team. The claim was therefore excessive. It was excessive also in the light of the volume of work truly required by the case. Although the case involved many applicants, the bulk of the filings and submissions made on their behalf had been repetitive.

375. Lastly, the postage costs were part of the general claim for administrative expenses, which meant that the claim for postage costs had been made twice under two separate heads. The Government also asserted that the overall claim for administrative expenses was exorbitant.

2. The Court’s assessment

(a) General points

(i) Person(s) on whose behalf the claim has been made

376. Under the Court’s settled case-law, representatives cannot seek just satisfaction for themselves since they are not an “injured party” within the

meaning of Article 41 (former Article 50) of the Convention (see *Luedicke, Belkacem and Koç v. Germany* (Article 50), 10 March 1980, § 15, Series A no. 36; *Airey v. Ireland* (Article 50), 6 February 1981, § 13, Series A no. 41; *Campbell and Cosans v. the United Kingdom* (Article 50), 22 March 1983, § 14 (a), Series A no. 60; and *Simonova*, cited above, § 68 *in fine*). The same thing applies to organisations such as the BHC which assist applicants to bring their application before the Court.

377. However, on the facts of the present case the Court is willing to accept that the claim was inappropriately drafted and that the costs and expenses claimed by the BHC are in reality being sought on behalf of the applicants. It would be unduly formalistic to proceed otherwise.

(ii) *General principles*

378. Under the Court's settled case-law, successful applicants are entitled to the reimbursement of their costs and expenses – including those incurred at domestic level to prevent or redress the breach – but only to the extent that these costs and expenses have been actually and necessarily incurred and where they are reasonable as to quantum (see, as regards specifically domestic costs, *König v. Germany* (Article 50), 10 March 1980, § 23, Series A no. 36; *Lingens v. Austria*, 8 July 1986, § 52, Series A no. 103; and *Kingsley v. the United Kingdom* [GC], no. 35605/97, § 49, ECHR 2002-IV).

(iii) *Difference between the representation of an applicant and legal assistance provided to that applicant*

379. Since the Government expressly objected on this point (see paragraph 373 above), it is necessary to underline that the representation of the applicants under Rule 36 of the Rules of Court and the legal assistance provided to them in connection with the case – although these often coincide in practice – are not the same thing. As borne out by the language of Rule 36 §§ 3 and 4 (c), there is a difference between a lawyer assisting and a lawyer representing an applicant. Formal representation refers to the persons designated to act on an applicant's behalf in all communications, submissions, and hearings before the Court, whereas legal assistance can encompass any legal work necessary to prepare the case – including research, gathering evidence, consulting with the applicant, and drafting submissions – and can be, and in practice often is, provided by a team rather than by the formal representative alone (see *Sargsyan v. Azerbaijan* (just satisfaction) [GC], no. 40167/06, § 62, 12 December 2017, and *Tarman v. Turkey*, no. 63903/10, § 32, 21 November 2017).

(iv) *Fees under conditional fee agreements*

380. Legal fees have been actually incurred if the applicants have paid them or are liable to pay them pursuant to a legal or contractual obligation

(see, as a recent authority, *Danileț v. Romania* [GC], no. 16915/21, § 211, 15 December 2025). If those fees are payable under a conditional fee agreement, those fees have been actually incurred if that agreement is enforceable in the domestic jurisdiction (see, among other authorities, *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-71, 28 November 2017).

381. Conditional fee agreements are enforceable in Bulgaria (see *Ivanova and Cherkezov*, cited above, § 89, and *Krachunova v. Bulgaria*, no. 18269/18, § 211, 28 November 2023), and the legal services contracts between the applicants and the BHC (see paragraph 372 above) appear to be of that nature.

(b) Domestic costs

382. Under their legal services contracts with the BHC, the applicants owe it for “legal steps [taken] at national level to exhaust domestic remedies” (see paragraph 372 (b)(i) above). The various proceedings under Article 250 § 1 of the 2006 Code and the proceedings in which four of the applicants sought judicial review of the demolition orders (see paragraphs 36-45 and 49-109 above) plainly constituted such “legal steps”.

383. By contrast, the other proceedings mentioned in the time sheet enclosed with the claim (see paragraph 372 (a) above) – the complaints to the prosecuting authorities and the ensuing proceedings for judicial review of the refusal to open criminal proceedings (see paragraphs 111-113 above), and proceedings in which judicial review was sought of the de-registration of the applicants from their addresses in the settlement – did not constitute such “legal steps”. In any event, costs referable to those two sets of proceedings do not constitute costs incurred in seeking redress for the breaches found in the present case (compare, *mutatis mutandis*, *Nikolova v. Bulgaria* [GC], no. 31195/96, § 79, ECHR 1999-II; *E.M.K. v. Bulgaria*, no. 43231/98, § 153, 18 January 2005; and *Kashavelov v. Bulgaria*, no. 891/05, § 59, 20 January 2011).

384. The contracts between the applicants and the BHC further specify that remuneration is determined at an hourly rate fixed “in accordance with the Court’s usual practice at the time when the case comes to an end”. The hourly rate quoted by the BHC (EUR 100 – see paragraph 370 (a) above) is not inconsistent with those accepted as reasonable by the Court in recent cases against Bulgaria. The time claimed for (157 hours) can also be accepted as reasonable.

385. It has not been contested that the BHC is liable to pay – and in turn entitled to seek from the applicants under the legal services contracts with them – the hourly fees that it presumably owes to the two lawyers who worked on the case. It can therefore be accepted that the corresponding sum has been actually incurred by the applicants. The same goes for the hourly fees charged by the BHC for the services of its own members of staff.

386. It is not in doubt that the resulting total sum – EUR 15,700 – has been necessarily incurred. However, it cannot be regarded as fully reasonable

as to quantum. In particular, a certain reduction is called for to account for the significant overlap in the submissions made on behalf of the various applicants who pursued domestic proceedings.

387. Taking all of that into account, and deciding on an equitable basis, the Court awards EUR 10,000 to all of the applicants jointly under this head, plus any tax that may be chargeable to the applicants.

388. As requested (see paragraph 371 above), the award is to be paid into the bank account of the BHC.

(c) Costs in the proceedings before the Court

389. It has not been contested that the BHC is liable to pay to the lawyer who worked on the proceedings before the Court – and in turn entitled to seek from the applicants under its legal services contract with them – the full amount of the legal fees claimed under this head. It can thus be accepted that this sum has been actually incurred by the applicants. The same goes for the hourly fees charged by the BHC for the services of its own members of staff.

390. However, it cannot be accepted that the entirety of that sum (EUR 12,100) has been necessarily incurred – in particular because some of the applicants' complaints were declared inadmissible (see paragraphs 313, 331 and 336 above, and compare, for instance, *Glass v. the United Kingdom*, no. 61827/00, § 91, ECHR 2004-II). Nor can the claim as a whole be accepted as reasonable as to quantum. Although the facts of the case were complex, the issues raised were novel only to a limited extent.

391. Taking all of that into account, and deciding on an equitable basis, the Court awards EUR 8,000 to all the applicants jointly under this head, plus any tax that may be chargeable to them.

392. As requested (see paragraph 371 above), the award is likewise to be paid into the bank account of the BHC.

(d) Administrative expenses and postage

393. The claim in respect of administrative expenses (see paragraph 370 (b) above) must be dismissed. Such expenses are in principle recoverable under Article 41 (see, among other authorities, *The Sunday Times v. the United Kingdom (no. 1)* (Article 50), 6 November 1980, § 40, Series A no. 38; *Dudgeon v. the United Kingdom* (Article 50), 24 February 1983, § 25, Series A no. 59; and *Özgür Gündem v. Turkey*, no. 23144/93, §§ 85-87, ECHR 2000-III). Moreover, under the terms of their legal services contracts with the BHC, the applicants are liable to cover the administrative expenses incurred by the BHC in connection with the case (see paragraph 372 (b)(ii) above). However, no documents have been produced in support of the claim in respect of such expenses.

394. By contrast, the postal receipts enclosed with the claim (see paragraph 372 (c) above) attest the expenses incurred by the BHC in respect

of postage: BGN 64.60 (equivalent to EUR 33.03). Under the terms of their legal services contracts with BHC, the applicants are liable to cover such postal expenses (see paragraph 372 (b)(iii) above). The claim in that respect must therefore be allowed, and the applicants must be awarded EUR 33 (the full sum claimed on their behalf under this head – see paragraph 370 (c) above), plus any tax that may be chargeable to them on this sum.

395. As requested (see paragraph 371 above), the award is also to be paid into the bank account of the BHC.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins to the merits* the Government's objection that Mr Stoyan Mladenov and Ms Zvezda Mladenova cannot claim to be victims of a violation of a breach of Article 8 of the Convention, alone and in conjunction with Article 14 of the Convention;
2. *Declares*
 - (a) admissible the complaint under Article 8 of the Convention, alone and in conjunction with Article 14;
 - (b) inadmissible (i) the complaint under Article 3, alone and in conjunction with Article 14 of the Convention, relating to the practical manner in which the demolition was carried out; (ii) the complaints under Article 1 of Protocol No. 1; and (iii) the complaint under Article 13 of the Convention, in so far as it concerns the alleged lack of an effective remedy in relation to the practical manner in which the demolition was carried out;
3. *Holds* that there has been a violation of Article 8 the Convention, and *dismisses* the Government's objection that Mr Stoyan Mladenov and Ms Zvezda Mladenova cannot claim to be victims of a violation;
4. *Holds* that no separate issue arises under Article 14 of the Convention, in so far as it has been raised in conjunction with Article 8 of the Convention;
5. *Holds* that no separate issue arises under Article 3 of the Convention, alone or in conjunction with Article 14, in relation to the manner in which the municipal authorities went about the procedure in which the demolition orders were made and about the effects of those orders and their enforcement on the applicants' housing situation;
6. *Holds* that there is no need to examine the complaint under Article 13 of the Convention in so far as it concerns the alleged lack of an effective remedy in respect of the manner in which the municipal authorities went about the procedure in which the demolition orders were made;

7. *Holds* that there is no need to examine the complaint under Article 6 § 1 of the Convention;
8. *Decides* to continue to indicate to the Government under Rule 39 § 1 of the Rules of Court that it is desirable in the interests of the proper conduct of the proceedings (a) not to proceed with the demolition of those of the applicants' houses which have not yet been demolished, and (b) to provide adequate accommodation to Ms Srebra Stoyanova, Ms Dimka Georgieva and her three children (Mr Sasho Trayanov, Ms Trayanka Trayanova and Ms Pavlina Georgieva), and Mr Rumen Kochev and his son (Mr Serafim Kochev), until such time as the present judgment becomes final, or until a further decision is made;
9. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) individually to each of the 56 applicants, EUR 10,000 (ten thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) jointly to all applicants, EUR 18,033 (eighteen thousand and thirty-three euros), plus any tax that may be chargeable to them, in respect of costs and expenses, to be paid into the bank account of the Bulgarian Helsinki Committee;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
10. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 25 August 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Ioannis Ktistakis
President

APPENDIX ONE

Table 1: List of the applicants (sorted by family name):

No.	Name	Year of birth	Nationality
1.	Ms Ani Milanova ALEKSIEVA	1957	Bulgarian
2.	Mr Sasho Metodiev ASENOV	1971	Bulgarian
3.	Ms Kotsa Trayanova ASENOVA	2004	Bulgarian
4.	Ms Tonka Filipova DIMITROVA	1964	Bulgarian
5.	Ms Gina Metodieva DRANDOVA	1963	Bulgarian
6.	Mr Zare Stoyanov DRANDOV	1960	Bulgarian
7.	Mr Avram Traykov FILIPOV	1999	Bulgarian
8.	Mr Krasimir Traykov FILIPOV	1990	Bulgarian
9.	Mr Isus Trayanov GEORGIEV	2002	Bulgarian
10.	Mr Mladen Iskrov GEORGIEV	2010	Bulgarian
11.	Mr Sashko Spasov GEORGIEV	1998	Bulgarian
12.	Mr Spas Trayanov GEORGIEV	1998	Bulgarian
13.	Mr Tsetso Iskrov GEORGIEV	2011	Bulgarian
14.	Mr Vasil Spasov GEORGIEV	2005	Bulgarian
15.	Ms Dimka Trayanova GEORGIEVA	1990	Bulgarian
16.	Ms Iskra Raynova GEORGIEVA	1995	Bulgarian
17.	Ms Pavlina Ilieva GEORGIEVA	2021	Bulgarian
18.	Mr Nikolay Bistrov KIROV	2009	Bulgarian
19.	Ms Bistra Yordanova KIROVA	1980	Bulgarian
20.	Ms Petya Bistrova KIROVA	2006	Bulgarian
21.	Mr Rumen Rumenov KOCHEV	1994	Bulgarian
22.	Mr Serafim Rumenov KOCHEV	2018	Bulgarian
23.	Mr Danail Muhammad MALAK	2019	Bulgarian
24.	Mr Svetoslav Muhammad MALAK	2022	Bulgarian
25.	Mr Hristo Filipov MLADENOV	1969	Bulgarian
26.	Mr Krasimir Filipov MLADENOV	1975	Bulgarian
27.	Mr Stefan Filipov MLADENOV	1969	Bulgarian
28.	Mr Stoyan Filipov MLADENOV	1959	Bulgarian
29.	Ms Fidanka Ankova MLADENOVA	1987	Bulgarian
30.	Ms Tanya Metodieva MLADENOVA	1958	Bulgarian
31.	Ms Tonka Stoyanova MLADENOVA	1981	Bulgarian
32.	Ms Zvezda Gorcheva MLADENOVA	1958	Bulgarian
33.	Ms Yordanka Velichkova NAYDENOVA	1976	Bulgarian
34.	Mr Aleksandar Sebrov RAYNOV	2013	Bulgarian
35.	Mr Damyan Sebrov RAYNOV	2012	Bulgarian

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No.	Name	Year of birth	Nationality
36.	Mr Isus Damyanov RAYNOV	2003	Bulgarian
37.	Mr Kosta Sebrov RAYNOV	2016	Bulgarian
38.	Ms Sebra Damyanova RAYNOVA ¹	1994	Bulgarian
39.	Mr Georgi Raynov STOYANOV	1953	Bulgarian
40.	Mr Stoyan Tonkov STOYANOV	2000	Bulgarian
41.	Ms Pamela Filipova STOYANOVA	2006	Bulgarian
42.	Ms Srebra Trendafilova STOYANOVA	1955	Bulgarian
43.	Ms Trayanka Genova STOYANOVA	1983	Bulgarian
44.	Mr Sasho Dimkov TRAYANOV	2012	Bulgarian
45.	Ms Trayanka Dimkova TRAYANOVA	2015	Bulgarian
46.	Mr Gosho Tsenov VASILEV	1991	Bulgarian
47.	Mr Georgi Yordanov VELICHKOV	2002	Bulgarian
48.	Mr Ivan Raynov VELICHKOV	2005	Bulgarian
49.	Mr Serafim Georgiev VELICHKOV	1968	Bulgarian
50.	Ms Gena Stoyanova VELICHKOVA	1949	Bulgarian
51.	Ms Milka Yordanova VELICHKOVA	2003	Bulgarian
52.	Ms Petkana Yordanova VELICHKOVA	1998	Bulgarian
53.	Ms Rayna Georgieva VELICHKOVA	1977	Bulgarian
54.	Ms Trayanka Georgieva VELICHKOVA	1974	Bulgarian
55.	Mr Trayan Violetov VELINOV	2003	Bulgarian
56.	Ms Bozhurka Anova YANKOVA	1968	Bulgarian

¹ According to an excerpt from the population database, submitted by the Government in the course of the interim measure proceedings under Rule 39 of the Rules of Court in the present case, on 10 August 2023 Ms Raynova married her partner and took his family name, becoming Ms Vasileva.

APPENDIX TWO

Table 2: Decisions of the Bulgarian courts in relation to the first series of injunction applications by some of the applicants

Applicant	Decision of the Sofia City Administrative Court	Decision of the Supreme Administrative Court
Ms Ani Milanova ALEKSIEVA	опр. № 5721 от 04.07.2023 г. по адм. д. № 6085/2023 г., АдмС-София-град	—
Ms Bozhurka Anova YANKOVA	разп. № 5632 от 30.06.2023 г. по адм. д. № 6104/2023 г., АдмС-София-град	—
Ms Dimka Trayanova GEORGIEVA	опр. № 5724 от 04.07.2023 г. по адм. д. № 6132/2023 г., АдмС-София-град	—
Ms Gina Metodieva DRANDOVA	разп. № 5545 от 28.06.2023 г. по адм. д. № 6088/2023 г., АдмС-София-град	опр. № 7656 от 11.07.2023 г. по адм. д. № 6651/2023 г., ВАС, II о.
Ms Iskra Raynova GEORGIEVA	разп. № 5574 от 29.06.2023 г. по адм. д. № 6131/2023 г., АдмС-София-град	—
Ms Rayna Georgieva VELICHKOVA	разп. № 5688 от 03.07.2023 г. по адм. д. № 6175/2023 г., АдмС-София-град	—
Mr Rumen Rumenov KOCHEV	разп. № 5691 от 03.07.2023 г. по адм. д. № 6172/2023 г., АдмС-София-град	—
Ms Sebra Damyanova RAYNOVA	разп. № 5548 от 28.06.2023 г. по адм. д. № 6044/2023 г., АдмС-София-град	опр. № 7829 от 13.07.2023 г. по адм. д. № 6751/2023 г., ВАС, II о.
Ms Srebra Trendafilova STOYANOVA	разп. № 5174 от 04.07.2023 г. по адм. д. № 6089/2023 г., АдмС-София-град	—
Mr Stoyan Filipov MLADENOV	разп. № 5577 от 29.06.2023 г. по адм. д. № 6045/2023 г., АдмС-София-град	—
Ms Tanya Metodieva MLADENOVA	разп. № 6672 от 03.08.2023 г. по адм. д. № 6171/2023 г., АдмС-София-град	—
Ms Tonka Filipova DIMITROVA	разп. № 5519 от 27.06.2023 г. по адм. д. № 5939/2023 г., АдмС-София-град	опр. № 7745 от 12.07.2023 г. по адм. д. № 6717/2023 г., ВАС, II о.
Ms Trayanka Georgieva VELICHKOVA	разп. № 5855 от 07.07.2023 г. по адм. д. № 6130/2023 г., АдмС-София-град	—
Ms Yordanka Velichkova NAYDENOVA	разп. № 5633 от 30.06.2023 г. по адм. д. № 6086/2023 г., АдмС-София-град	—

Table 3: Decisions of the Bulgarian courts in relation to the second series of injunction applications by some of the applicants

Applicant	Decision of the Sofia City Administrative Court	Decision of the Supreme Administrative Court
Ms Tonka Filipova DIMITROVA and Mr Stefan Filipov MLADENOV	разп. № 6772 от 08.08.2023 г. по адм. д. № 7584/2023 г., АдмС-София-град	опр. № 10189 от 25.10.2023 г. по адм. д. № 9424/2023 г., ВАС, II о.

Table 4: Decisions of the Bulgarian courts in relation to the third series of injunction applications by some of the applicants

Applicant	Decision of the Sofia City Administrative Court	Decision of the Supreme Administrative Court
Ms Ani Milanova ALEKSIEVA	опр. № 6871 от 11.08.2023 г. по адм. д. № 7623/2023 г., АдмС-София-град	опр. № 8525 от 07.09.2023 г. по адм. д. № 8043/2023 г., ВАС, II о.
Ms Bozhurka Anova YANKOVA	опр. № 6893 от 11.08.2023 г. по адм. д. № 7625/2023 г., АдмС-София-град	опр. № 8527 от 07.09.2023 г. по адм. д. № 8046/2023 г., ВАС, II о.
Ms Dimka Trayanova GEORGIEVA	опр. № 6902 от 11.08.2023 г. по адм. д. № 7624/2023 г., АдмС-София-град	опр. № 8534 от 08.09.2023 г. по адм. д. № 8120/2023 г., ВАС, II о.
Ms Gina Metodieva DRANDOVA	опр. № 6897 от 11.08.2023 г. по адм. д. № 7633/2023 г., АдмС-София-град	опр. № 8540 от 08.09.2023 г. по адм. д. № 8123/2023 г., ВАС, II о.
Ms Iskra Raynova GEORGIEVA	опр. № 6877 от 11.08.2023 г. по адм. д. № 7622/2023 г., АдмС-София-град	опр. № 8528 от 07.09.2023 г. по адм. д. № 8047/2023 г., ВАС, II о.
Ms Rayna Georgieva VELICHKOVA	опр. № 6875 от 11.08.2023 г. по адм. д. № 7621/2023 г., АдмС-София-град	опр. № 8526 от 07.09.2023 г. по адм. д. № 8045/2023 г., ВАС, II о.
Mr Rumén Ruménov KOCHEV	опр. № 6898 от 11.08.2023 г. по адм. д. № 7620/2023 г., АдмС-София-град	опр. № 8537 от 08.09.2023 г. по адм. д. № 8125/2023 г., ВАС, II о.
Ms Sebra Damyanova RAYNOVA	опр. № 6900 от 11.08.2023 г. по адм. д. № 7636/2023 г., АдмС-София-град	опр. № 8536 от 08.09.2023 г. по адм. д. № 8121/2023 г., ВАС, II о.
Ms Srebra Trendafilova STOYANOVA	опр. № 6896 от 11.08.2023 г. по адм. д. № 7627/2023 г., АдмС-София-град	опр. № 8538 от 08.09.2023 г. по адм. д. № 8124/2023 г., ВАС, II о.
Mr Stoyan Filipov MLADENOV	опр. № 6831 от 11.08.2023 г. по адм. д. № 7635/2023 г., АдмС-София-град	—
Ms Tanya Metodieva MLADENOVA	опр. № 6870 от 11.08.2023 г. по адм. д. № 7628/2023 г., АдмС-София-град	опр. № 8539 от 08.09.2023 г. по адм. д. № 8044/2023 г., ВАС, II о.
Ms Trayanka Georgieva VELICHKOVA	опр. № 6899 от 11.08.2023 г. по адм. д. № 7626/2023 г., АдмС-София-град	опр. № 8535 от 08.09.2023 г. по адм. д. № 8122/2023 г., ВАС, II о.
Ms Yordanka Velichkova NAYDENOVA	опр. № 6891 от 11.08.2023 г. по адм. д. № 7638/2023 г., АдмС-София-град	опр. № 8522 от 07.09.2023 г. по адм. д. № 8042/2023 г., ВАС, II о.

Table 5: Decisions of the Bulgarian courts in relation to the stay applications by three applicants

Applicant	Decision of the Sofia City Administrative Court	Decision of the Supreme Administrative Court
Ms Bozhurka Anova YANKOVA	опр. № 6972 от 15.08.2023 г. по адм. д. № 7780/2023 г., АдмС-София-град	—
Mr Stoyan Filipov MLADENOV	опр. № 6864 от 10.08.2023 г. по адм. д. № 7664/2023 г., АдмС-София-град	—
Ms Yordanka Velichkova NAYDENOVA	опр. от 11.08.2023 г. по адм. д. № 7663/2023 г., АдмС-София-град	—

Table 6: Decisions and judgments of the Bulgarian courts in relation to the claims for judicial review of demolition orders by four applicants

Applicant	Judgment or decision of the Sofia City Administrative Court	Judgment or decision of the Supreme Administrative Court
Ms Tonka Filipova DIMITROVA	опр. № 9431 от 01.11.2023 г. по адм. д. № 8165/2023 г., АдмС-София-град	опр. № 3452 от 20.03.2024 г. по адм. д. № 2200/2024 г., ВАС, II о.
Mr Stoyan Filipov MLADENOV	опр. № 3780 от 10.04.2024 г. по адм. д. № 7664/2023 г., АдмС-София-град	опр. № 6828 от 04.06.2024 г. по адм. д. № 4999/2024 г., ВАС, II о.
Ms Yordanka Velichkova NAYDENOVA	опр. № 7801 от 15.09.2023 г. по адм. д. № 7663/2023 г., АдмС-София-град	—
Ms Bozhurka Anova YANKOVA	реш. № 11118 от 08.07.2024 г. по адм. д. № 7780/2023 г., АдмС-София-град	реш. № 2778 от 18.03.2025 г. по адм. д. № 8164/2024 г., ВАС, II о.
Ms Bozhurka Anova YANKOVA ²	опр. № 12610 от 10.04.2025 г. по адм. д. № 8164/2025 г., АдмС-София-град	опр. № 5225 от 20.05.2025 г. по адм. д. № 4851/2025 г., ВАС, II о.

² Those were the proceedings following the decision of the Supreme Administrative Court to remit the case to the Sofia City Administrative Court cited at the end of the previous row of the table.