



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

THIRD SECTION

DECISION

Application no. 16430/22
Todorka Berova DIMITROVA and Others
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 8 September 2026 as a Committee composed of:

Darian Pavli, *President*,

Diana Kovatcheva,

Vasilka Sancin, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 16430/22) 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”) on 23 March 2022 by 10 Bulgarian nationals (“the applicants”), whose relevant details are listed in the appended table, and who were represented by Mr A. Kashamov and Ms D. Mihaylova, lawyers practising in Sofia;

the decision to give notice of the complaints concerning the reservation of the applicants’ land for the creation of a park in Sofia to the Bulgarian Government (“the Government”), represented by their Agent, Ms B. Simeonova from the Ministry of Justice, and to declare inadmissible the remainder of the application;

the decision by a Chamber of the Court to reject the Government’s request for the recusal of Ms Diana Kovatcheva, the judge elected in respect of Bulgaria (Rule 28 § 4 of the Rules of Court);

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. At the relevant time, the applicants owned shares in four plots of land located in Gorublyane, a south-eastern suburb of Sofia. Most applicants acquired their land through restitution, as heirs of the pre-collectivisation

owners, pursuant to several decisions issued by the competent State authority between 1993 and 2000. The four plots together cover approximately 5,600 square metres and are classified as agricultural land.

2. In 2006 the Bulgarian Parliament adopted the General Urban Development Plan (“GUDP”) for Sofia, by means of the Development and Construction on the Territory of the Sofia Municipality Act (“the Development of Sofia Act”). Following approval of the plan’s graphic elements by the Council of Ministers, the GUDP entered into force on 28 January 2007. Shortly thereafter, the Sofia Municipal Council initiated amendments to the GUDP, to reflect population growth and the increasing number of vehicles. The amendments were approved by the Council of Ministers and entered into force in December 2009.

3. Under those amendments, most of the land covered by the applicants’ plots, as well as other land in the area, was designated as part of an “urban parks and gardens” zone. It was later specified that a new “Eastern Park” would be created in that location.

4. The Development of Sofia Act permits “urban parks and gardens” zones to include privately owned land. The areas designated for extensive public use – which have to be public property – are to be determined by a detailed development plan (“DDP”). A DDP expands upon the provisions of a GUDP and specifies the exact designation, characteristics and permitted use of each individual plot of land. Construction in “urban parks and gardens” zones is permitted, but only the construction of buildings and structures with recreational purposes covering up to 1% of the surface area. Under section 11 of the Development of Sofia Act, land included in the capital’s so-called “green system” may only be reassigned to another category within the same system; redesignation for different purposes is not permitted.

5. Following the 2009 amendments to Sofia’s GUDP, the applicants repeatedly petitioned the authorities. They sought either modification of the boundaries of the future Eastern Park to exclude their plots or, alternatively, prompt expropriation by the Sofia municipal authorities. For example, during a public consultation on the Eastern Park project in 2018, some applicants requested that the park be built on publicly owned rather than privately owned land, arguing that their property had been effectively blocked without compensation, in violation of their property rights. An association formed by the applicants submitted similar requests, stating that the restrictions imposed on landowners were “equivalent to nationalisation”. On another occasion, the association requested immediate preparation of a DDP for the Eastern Park, insisting that any expropriation should occur within a reasonable time and with adequate compensation. The association further advocated amendments to section 11 of the Development of Sofia Act (see paragraph 4 above) and other legislative provisions concerning the deadlines for expropriation of privately owned land designated for public projects.

6. In April 2024 the Sofia municipality confirmed that work on a DDP for the Eastern Park had not yet begun. Maps of the future Eastern Park show that it will cover approximately 120 hectares of land, and will be surrounded by residential areas. According to media reports, the project has been “frozen” owing to a lack of funds for the expropriation of the privately owned plots of land.

7. The applicants complained under Article 1 of Protocol No. 1 to the Convention of the restrictions stemming from the 2009 amendments to the GUDP for Sofia. Their land had been designated for the creation of a park but the authorities had not yet initiated expropriation proceedings. As a result, the applicants were unable to make proper use of their property.

THE COURT’S ASSESSMENT

8. In their submissions after the communication of the application, the applicants criticised the authorities for failing to consider alternative solutions for Gorublyane, such as purchasing the land designated as a green area or amending their plans for the future Eastern Park. In the applicants’ view, it was unfair that they should bear what they described as a “substantial burden” as a result of the authorities’ efforts to create a green environment for the capital. In response to the Government’s arguments on the land’s agricultural use (see paragraph 9 below), the applicant stated that their land was not suitable for such use because it was located “within the peripheral urban zone of the city”.

9. The Government pointed out that the applicants had not been deprived of their possessions and remained free to sell or otherwise dispose of their land, or to use it in accordance with its designated purpose as agricultural land. The applicants had not therefore experienced any significant adverse consequences as a result of the land being reserved for the creation of a park in the future. The applicants’ expectations of developing the land for construction were unrealistic and did not amount to a legitimate expectation. Nor, in the Government’s view, did the applicants have a legitimate expectation that the status of their land would change. The Government referred in that regard to the Protection of Agricultural Land Act 1996, which permits the redesignation of agricultural land to other uses only exceptionally, and provides for the preconditions and the procedure to be followed. The Government pointed out finally that the inclusion of the applicants’ land in the “urban parks and gardens” zone did not necessarily presuppose its eventual expropriation, since such zones could also comprise privately owned land.

10. The Court notes that the complaint under Article 1 of Protocol No. 1 does not concern the justification or the lawfulness of the decision to designate the applicants’ land for the creation of the Eastern Park. The Court’s analysis is confined to the situation that arose after the designation.

11. Although the Government did not explicitly dispute that there had been an interference with the applicants' rights under Article 1 of Protocol No. 1, their arguments (summarised in paragraph 9 above) may be construed as raising that objection. The Court will therefore address it.

12. The applicants complained of prolonged "restrictions" on the use and enjoyment of their land following its designation as a green area in 2009 (see paragraph 7 above). They did not raise any additional issues, such as the absence of compensation (contrast *Skrzyński v. Poland*, no. 38672/02, § 45, 6 September 2007, and *Buczkiwicz v. Poland*, no. 10446/03, § 40, 26 February 2008).

13. The Court observes, however, that the applicants remain legal owners of the land and the case does not concern deprivation of property. As to the nature of interference, the 2009 amendments to the GUDP for Sofia did not impose any specific new restrictions on the applicants. Although the land was earmarked for the future Eastern Park (see paragraph 3 above), its legal status remained unchanged, and no new limitations were introduced. This situation differs from cases before the Court where construction was prohibited on land previously designated for building (see *Skibiński v. Poland*, no. 52589/99, §§ 75–76, 14 November 2006; *Perinelli and Others v. Italy* (dec.), no. 7718/03, 26 June 2007; and *Hakan Ari v. Turkey*, no. 13331/07, § 35, 11 January 2011). It also differs from a case where any use and even access to the applicants' land were prohibited after its inclusion in a protection zone (see *Bērziņš and Others v. Latvia*, no. 73105/12, § 81, 21 September 2021). The applicants' land has retained its use as agricultural (see paragraph 1 above), and is subject to the protection regime under the 1996 Protection of Agricultural Land Act (see paragraph 9 above; compare *Bilgin and Others v. Türkiye* (dec.), no. 23550/22, § 97, 20 May 2025).

14. The applicants argued – in particular in their submissions at the domestic level – that the plans for the Eastern Park should be amended in order to allow construction on their land (see paragraph 5 above). However, they had no "legitimate expectation" of such a change. Before the 2009 amendments, the applicants' land was designated for agricultural use, and this designation remains valid. Its designation as part of Sofia's future "green system" is guaranteed under section 11 of the Development of Sofia Act (see paragraph 4 above). There is no indication that the municipal authorities intended to revise their plans for the Eastern Park or to authorise construction on any portion of its designated area (outside what is permitted by law – see paragraph 4 above). Nor is there any evidence that the applicants had any realistic expectation of such an amendment (compare, for similar considerations, *Özsoy and Others v. Türkiye* (dec.), no. 2727/21, § 52, 23 May 2023).

15. The applicants' general assertion that they could no longer use the land for agricultural purposes because it lies "within the peripheral urban zone of the city" (see paragraph 8 above) – which is unsupported by any

concrete explanation of the land's current condition or any specific impediments – is insufficient to rebut the Government's position regarding its potential use (see paragraph 9 above).

16. The Court also notes that any future expropriation, which would be possible only after the adoption of a DDP definitively establishing the boundaries and elements of the Eastern Park, remains uncertain. Land in zones such as the one at issue may, in principle, remain in private ownership (see paragraph 4 above). Moreover, the applicants have not shown that there exists any imminent “threat” of expropriation affecting the land's current status or potential use. Given the uncertain and remote prospect of future expropriation, the applicants' property rights cannot be considered “precarious” or “defeasible” at this stage (contrast, for example, *Skrzyński*, cited above, § 74).

17. The Court therefore concludes that the applicants have not shown that the circumstances complained of – the reservation since 2009 of their agricultural land for the creation of a future park – amount to an interference with their “possessions” within the meaning of Article 1 of Protocol No. 1 to the Convention, whether in respect of existing rights or “legitimate expectations”.

18. It follows that the complaint under Article 1 of Protocol No. 1 is incompatible *ratione materiae* with the provisions of the Convention and the Protocols thereto within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4.

19. The applicants also complained under Article 13 of the Convention that they had been unable to contest the designation of their land under the GUDP.

20. At the time there was no possibility of a judicial review of a GUDP; such a possibility was introduced in domestic law in 2021. Consequently, the 2009 amendments constituted the final decision for the purposes of calculating the six-month time-limit under Article 35 § 1 of the Convention, as it stood before the entry into force of Protocol No. 15. The present application, lodged in 2022, was submitted many years after the expiry of that time-limit.

21. The above means that this complaint has been lodged out of time and must be rejected in accordance with Article 35 §§ 1 and 4 of the Convention (see, for similar findings, *GBM Metal EOOD and Norex TK OOD v. Bulgaria* [Committee], no. 10843/14, §§ 5-13, 17 May 2022).

For these reasons, the Court, unanimously,

Declares the application inadmissible.

DIMITROVA AND OTHERS v. BULGARIA DECISION

Done in English and notified in writing on 1 October 2026.

Olga Chernishova
Deputy Registrar

Darian Pavli
President

APPENDIX

List of applicants:

No.	Applicant's Name	Year of birth	Place of residence
1.	Todorka Berova DIMITROVA	1954	Targovishte
2.	Ivan Dimitrov MINCHEV	1947	Sofia
3.	Ventsislav Ivanov SPASOV	1981	Sofia
4.	Anna Todorova TSANOVA	1943	Sofia
5.	Rumen Georgiev VUCHEV	1963	Sofia
6.	Valentin Georgiev VUCHEV	1960	Sofia
7.	Vasil Stoyanov VUCHEV	1950	Sofia
8.	Yordan Stoyanov VUCHEV	1947	Sofia
9.	Tsvetanka Andreeva VUCHEVA	1935	Sofia
10.	Yordanka Berova VUCHEVA	1950	Sofia