

# Role of the European Convention for the Protection of Human Rights in Enhancing the Protection of Fundamental Civil and Economic Rights in Europe

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In the international legal system for the protection of human rights, a number of universal and regional international acts have been adopted, each of which contributes to achieving a higher level of protection of basic human rights and values. Undoubtedly, one of the most important acts in this system is the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Convention is an international treaty by virtue of which the member states of the Council of Europe that have joined it have both obligations to observe the recognized rights and positive obligations. Subsequently, Additional Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms were adopted, which expanded the list of recognized fundamental rights and freedoms and introduced additional guarantees for their observance. The

European Convention for the Protection of Human Rights and Fundamental Freedoms guarantees, in addition to the protection of a number of civil rights, also economic rights, such as the right to property. This fundamental economic right is protected in Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Important for the correct application of the European Convention for the Protection of Human Rights and Fundamental Freedoms is the jurisprudence of the Strasbourg Court ruling on various violations of its provisions, thanks to which, in recent decades the improvement of the national legislation of the countries parties to the international act and real effective protection of basic human rights has been achieved rights and freedoms at the national level. This report will present the positive impact of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the protection of human rights and freedoms in Europe and its particular importance for guaranteeing the right to property

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through the lens of the jurisprudence of the Strasbourg Court.

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## Introduction

Protecting the economic rights of citizens is essential in order for everyone to be able to achieve the minimum standard of living. These rights reflect the fact that everyone needs the right conditions to fulfil their potential in every sphere of society, where it should be the responsibility of the state to provide these conditions. The execution of economic rights is inherently connected to other fundamental rights. Therefore, economic rights should receive equal protection under the legal framework. The significance of economic rights has long been acknowledged; decades ago, the international community began efforts to incorporate guarantees for their realization in the legal system. In this sense, within the international legal system for the protection of human rights a number of universal and regional international instruments were adopted, each of which contributed to achieving a higher level of protection of fundamental human rights and values. Undoubtedly, one of the most important instruments in this system is the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Council of Europe, 1950). "Since the Second World War, the political and socio-economic situation, both in individual countries and at international level, has been extremely favorable for the adoption of new treaties that would guarantee adequate protection of

citizens' fundamental rights and freedoms. The severe violations of human rights during the Second World War, along with the war's devastating consequences, prompted the international community to reassess existing human rights protection mechanisms. In this context, twelve states, which were then members of the Council of Europe, signed the European Convention on Human Rights (ECHR) in Rome in 1950" (Kovacheva, 2017, p. 7). The European Act entered into force in 1953, and in its preamble the European Community states that, taking into account the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly on 10 December 1948 (United Nations General Assembly, 1948), the purpose of the ECHR is "to ensure the universal and effective recognition and observance of the rights proclaimed therein" (Council of Europe, 1950, preamble). The adoption of the ECHR and its subsequent implementation over the decades have significantly transformed the European system for protecting fundamental rights and freedoms in a positive way. Firstly, this impact has been achieved through the recognition of several fundamental human rights within the provisions of the European Convention on Human Rights (ECHR), which is binding on States Parties. As an international treaty, the ECHR imposes both obligations to respect recognized rights and positive obligations on Council of Europe member states that accede to it. One of the ECHR's main strengths is its broad list of recognized fundamental human rights. Such are, for example: the right to life; the right to liberty and security; the right to a fair trial; the prohibition of torture and inhuman or degrading treatment or punishment; the prohibition of slavery, servitude and forced or compulsory labour; and protection against the retroactive effect of criminal law; freedom

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of thought, conscience and religion; the right to respect for private and family life, the home and the secrecy of correspondence; the right to marry and found a family, the prohibition of discrimination, the right to an effective remedy and other rights (Van Dijk & Van Hoof, 2000, Kamenova & Drumeva, 2000). Subsequently, Additional Protocols to the ECHR have been adopted which expand the list of recognised fundamental rights and freedoms and introduce additional safeguards for their respect (Buckley, Harris, Bates & O'Boyle, 2015). **Protocol No. 1 to the ECHR is particularly significant as it established the protection of the right to property.**

Secondly, the main objective set out in the preamble of the ECHR is achieved through the control mechanism it establishes. The ECHR is 'the *first Convention to establish a European supranational judicial body to monitor compliance by States Parties with their commitments under this Convention*' (Kovacheva, 2017, p. 7), namely the European Court of Human Rights (ECtHR), based in Strasbourg, France. The jurisprudence of the Strasbourg Court regarding violations of the provisions of the ECHR has played a crucial role in positively shaping the national legislations of States Parties and enhancing the effective protection of fundamental human rights at the national level. An example of this is the Republic of Bulgaria<sup>2</sup>, which has made numerous amendments to its national legislation following several conviction judgments from the Strasbourg Court (Ministry of Justice of the Republic

of Bulgaria, 2017). For instance, in order to comply with the requirement of Article 13 of the ECHR to guarantee the right to an effective remedy, and in implementation of the ECtHR's conviction judgments in *Kitov v. Bulgaria* (2003) and *Dzhangozov v Bulgaria* (2004), the Bulgarian legislator adopted amendments to Article 28 of the Law on Statutory Acts (ZNA) in 2016. In particular, the new paragraph 3 of Article 28 stipulates that: "*A draft law or code that is to be considered by the Council of Ministers shall be accompanied by a report on its conformity with the Convention for the Protection of Human Rights and Fundamental Freedoms and the case law of the European Court of Human Rights, which report shall be prepared by the Ministry of Justice.*" The analysis of the ECtHR case law signifies that the Republic of Bulgaria has been repeatedly found in violation of one of the most important human rights, namely the right to a fair trial under Article 6 of the ECHR (for the right to a fair trial and the case law of the ECtHR, see *Khristozova*, 2016, 2017, 2018, 2019). In order to cease and limit this negative tendency, the Bulgarian legislator has introduced a number of amendments to the Criminal Procedural Code (CPC) (Criminal Procedure Code, 2005/2020). For instance, the amendments made in July 2017 to Chapter 26 of the Criminal Procedure Code (CCP) introduced a new procedure designed to expedite criminal proceedings in both the pre-trial and trial phases. This aims to ensure that proceedings are conducted within a reasonable timeframe

<sup>2</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe was ratified by a law passed by the National Assembly on July 31, 1992 - State Gazette, No. 66 of 1992. It has been in force for the Republic of Bulgaria since September 7, 1992; amended by Protocol No. 2 of May 6, 1963, with changes from Protocol No. 3 of May 6, 1963, Protocol No. 5 of January 20, 1966, Protocol No. 8 of March 19, 1985, published in State Gazette, No. 80 of October 2, 1992, amended in State Gazette, No. 137 of November 20, 1998, corrected in State Gazette, No. 97 of November 9, 1999, and amended in State Gazette, No. 38 of May 21, 2010.

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while upholding the right to a fair trial. In the process of execution of the two ECtHR pilot conviction judgments in *Dimitrov and Hamanov v. Bulgaria* (2011) and *Finger v. Bulgaria* (2011) cases in 2013 "a *preventive and compensatory measure was introduced in Bulgarian national legislation in the Act on the Judiciary and in the Liability of the State and Municipalities for Damages Act. These measures have significantly influenced and drastically reduced the number of cases related to slow justice at the EctHR.*" (Bulgarian Helsinki Committee, n.d.). The examples mentioned above illustrate some of the positive changes made to Bulgarian legislation as a direct result of the case law established by the European Court of Human Rights.

Additionally, the ECHR has positively influenced the development of European Union law regarding the protection of fundamental rights and freedoms. It should be noted that "*the original founding treaties did not contain explicit provisions on fundamental rights and their protection. They were first recognised by the Court of Justice as a general principle of law in the late 1960s of 20<sup>th</sup> century: 'fundamental human rights are held sacred in the general principles of Community law.'*" (Marcheva, 2018; *Stauder v. Stadt Ulm*, 1969). "The foundation of the European Union is built upon common principles and values accepted by all Member States, as proclaimed in the Preamble of the Treaty on European Union (TEU). In this Preamble, the States reaffirm their commitment to the principles of liberty, democracy, and respect for human rights and fundamental freedoms. Fundamental rights are a core value of the Union and a principle that governs its foundation" (Draganov, 2012; Treaty on European Union,

art. 2) states that the Union is founded on the values of **respect for** human dignity, freedom, democracy, equality, the rule of law, **and human rights**, including the rights of individuals belonging to minorities. These values are shared among Member States in a society characterized by pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men (European Parliament, n.d.) and Article 6 (3) TEU states that "**Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they derive from the common constitutional traditions of the Member States, are part of the law of the Union as general principles.**" This view has been repeatedly confirmed in the case-law of the Court of Justice of the European Union (CJEU), the Community's judicial authority expressly stating that, according to settled case-law, **fundamental rights are an integral part of the general principles of law**, that the Court of Justice monitors for compliance. In this context, the Court of Justice draws inspiration from the constitutional traditions common to the Member States and from international human rights instruments to which these States have acceded or participated in drafting. The **ECHR, in particular, holds significant importance in this regard** (*Internationale Handelsgesellschaft v. Einfuhr- und Vorratsstelle für Getreide und Futtermittel*, 1970). In its jurisprudence, the ECJ has repeatedly referred to the ECHR and to the case law of the Strasbourg Court, an approach that reaffirm the importance of the ECHR for the European Union.

The nature, content, and application of the European Convention on Human Rights (ECHR) have been analyzed by several

scholars within Bulgarian doctrine, including Prof. Zhivko Draganov, Prof. Tsvetana Kamenova, Prof. Irena Ilieva, and Prof. Diana Kovacheva. In their scholarly works, they emphasize the exceptional positive significance and contribution of the ECHR in ensuring the effective protection of citizens' fundamental rights. I support the statements of the cited scholars and maintain that the adoption of the ECHR and the subsequent jurisprudence of the European Court of Human Rights (ECtHR) have resulted in a higher level of protection for European values and fundamental human rights. This is evidenced by the amendments made to Bulgarian legislation in response to ECtHR judgments against the country.

### **The role of the ECHR in guaranteeing economic and property rights in Europe**

The significant impact of the ECHR on the development of the international legal system for the protection of human rights is a fact that any scholar and jurist would confirm. The Convention is an unprecedented international treaty which introduces, at the highest level, a number of guarantees for the protection of human rights and freedoms which are effective in the territory of all Member Countries. **In addition to a wide list of civil rights, the ECHR also enshrines economic rights, namely the right to the peaceful enjoyment of possessions.** Economic rights are enshrined in a way that may seem marginal, but they are not ignored for all that - if only because they are often an extension of civil and political rights. **With the adoption of Protocol No. 1**

**to the ECHR<sup>3</sup> one of the most fundamental economic rights of citizens has also been protected: the right to property.** In this sense, under Article 1 of the Protocol, every natural or legal person has the right to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and in accordance with the conditions laid down by law and the general principles of international law. The provisions of the ECHR are in no way prejudicial to the right of States to enact such laws as they may deem necessary to control the enjoyment of possessions in accordance with the general interest or to secure the payment of taxes or other revenues or fines. In this regard, "Article 1 of Protocol No. 1, which concerns the right to peaceful enjoyment of possessions, guarantees the right of property in substance, intangible property also being covered by this protection. The concept of property, which is independent in scope, is interpreted broadly and denotes all property constituting assets: any economic interest constituting an asset is a possession for the purposes of the First Protocol." (Renucci, 2005).

Both natural persons and legal entities are the addressees of the above stated legal provision and are entitled to seek and obtain protection in case of violations of their property rights. The State, on the other hand, has an obligation to respect the property rights of the above-mentioned legal entities, which obligation is manifested in the following forms:

- the state must refrain from actions that violate property rights and

<sup>3</sup> ECHR Protocol No. The Additional Protocol to the ECHR was ratified by a law adopted by the National Assembly on 31st of July 1992, published in State Gazette No. 66 of 1992 and entered into force for the Republic of Bulgaria on 7 September 1992

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- adopt and implement the necessary administrative, legislative and/or organisational measures to protect property rights.

The provision of Article 1 of Protocol 1 explicitly establishes **three separate rules**.

The first rule is general in nature and refers to the **principle of peaceful and free enjoyment of property**. In case the interference with property rights cannot be qualified under the second or third rule, the first rule (the so-called universal formula) applies (Council of Europe & European Court of Human Rights, 2021, pp. 21, 27). The term "possession" has a key meaning for the provision, where it has an autonomous meaning under the ECHR and a much broader content than in the national laws of Member Countries. In this sense, according to the ECtHR case law, the content of the term "possession" includes not only immovable and movable property, but also tangible and intangible interests, such as: intellectual property such as trademarks, copyrights and patents (Alatulkkila and Others v. Finland, 2005), pension rights, contractual rights, claims and other rights (Buckley at. al., 2015, p. 1032). Given this specificity, in each case the ECtHR first assesses whether the applicant's interest is covered by that concept and, accordingly, could it be protected under the ECHR in the event of its violation by public authorities. In the event of a positive finding in this respect, the ECtHR carries out a substantive analysis of the circumstances complained of.

The second rule, outlined in the second sentence of the first paragraph, includes only **deprivation of "possessions"** and makes it subject to certain conditions (only when it is in the public interest and in accordance with the conditions laid down in law and in

general principles of international law), and the third rule, set out in the second paragraph, recognizes that contracting parties have the right, inter alia, to **control the use of property in accordance with the general interest** (Council of Europe & European Court of Human Rights, 2021, p. 21).

In the event that the ECtHR finds in a particular case that there has been an interference with a protected right, in order to be considered compatible with Article 1 of the Protocol, such interference must meet **certain criteria, namely:**

- **the intervention must comply with the principle of legality and**
- **pursue a legitimate objective, by means reasonably proportionate to the aim pursued** (Council of Europe & European Court of Human Rights, 2021, p. 21).

The principle of legality is the first and most important requirement of Article 1 of Protocol No. 1 and any interference with the rights protected by the provision must meet the requirement of legality (Vistiņš and Perepjolkins v. Latvia, 2014). The second sentence of the first paragraph permits deprivation of "possession" under the conditions prescribed by law, and the second paragraph recognizes that States have the right to regulate the exercise of the right to property by enacting laws" (Council of Europe & European Court of Human Rights, 2021, p. 28). The interpretation of these expressions should be consistent with the objectives of the principle of legality, which requires that national legal rules governing specific legal relations have to be accessible, precise and foreseeable for legal persons. The term 'law' within the meaning of Article 1 of the Protocol should also be interpreted in its substantive and not its formal sense.

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Another requirement within the provision stemming from the phrase "provided by law" is predictability - the relevant law must be formulated with sufficient precision to enable citizens to regulate their conduct by predicting, to the extent that is reasonable in the circumstances, the consequences that an action may lead to. Such consequences should not be predicted with an absolute certainty, as an excessive inflexibility in application is undesirable (Council of Europe & European Court of Human Rights, 2021, p. 28). The requirement of predictability is often linked to the requirements of non-arbitrariness and procedural safeguards (Council of Europe & European Court of Human Rights, 2021, p. 29).

To be consistent with the general rule of the provision analyzed above, interference with the right to peaceful enjoyment of "possessions", must strike a "fair balance" between the general interest of the community and the requirement to protect the fundamental rights of a particular person in addition to being provided for by law and being in the public interest (Council of Europe & European Court of Human Rights, 2021, p. 33). In a number of cases, the ECtHR has indicated that the question of whether a fair balance has been achieved is only raised once it has been established that the interference in question serves the public interest, meets the requirement of lawfulness and is not arbitrary (Council of Europe & European Court of Human Rights, 2021, p. 34).

The third rule concerning the control of use (control actions of the state) refers to measures of a different type and nature, the content of which is found in the case law of the ECtHR. These include, for example: the revocation or modification of the conditions of licences affecting the carrying

on of a business (*Tre Traktörer Aktiebolag v. Sweden*, § 55; *Rosenzweig and Bonded Warehouses Ltd. v. Poland*, § 49; *Bimer S.A. v. Moldova*, §§ 49 and 51; *Megadat.com SRL v. Moldova*, § 65); the introduction of a State monopoly on the textbook market (*Könyv-Tár Kft and Others v. Hungary*, §§ 43 and 59); systems of rent control (*Mellacher and Others v. Austria*, § 44; *Hutten-Czapska v. Poland [GC]*, § 160; *Anthony Aquilina v. Malta*, § 54; *Bittó and Others v. Slovakia*, § 101); statutory suspension of the execution of re-entry orders in respect of tenants who have ceased to pay rent (*Immobiliare Saffi v. Poland, no. Italy [GC]*, § 46); limitations imposed by law on the maximum amount of rents which landlords may demand from tenants and the indefinite extension of such contracts on the same terms as those freely agreed by the landlords when the lease was signed, with the possibility of the sale of the property but followed by the lease (*Lindheim and Others v. Norway*, § 75-78; *Council of Europe & European Court of Human Rights*, 2021, p. 25) and other cases.

The three rights listed above, forming the content of the right under Article 1 of the Protocol, are closely interrelated and should be interpreted in logical unity in order to achieve the purpose of the provision: to provide effective guarantees for the exercise of the right to peaceful and free enjoyment of property by legal persons. It should also be noted that the vertical effect of the right to property is the one that traditionally receives attention within the ECHR and its Protocols: the issue arises primarily in relations between private individuals and the State, but the right to property can also be considered in view of the relations between private individuals, particularly in the residential sphere (Renucci, 2005,

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p. 52). Another important rule is that the principle of peaceful enjoyment of property cannot prevent States from exercising their power of taxation. However, the ECtHR ensures that the principle of fair balance is respected and the Court reviews the proportionality of the amount of the tax to the financial situation of the person concerned: the Court establishes that there is an interference with the peaceful enjoyment of property if the taxation imposes an excessive burden on the person concerned or drastically compromises his financial situation (Council of Europe & European Court of Human Rights, 2021, pp. 50-53).

The review of the ECtHR case law signifies that one of the most frequent violations committed by Member States is precisely the right to peaceful enjoyment of property under Article 1 of Protocol No. 1 to the ECHR. The Republic of Bulgaria makes no exception and has often been convicted for non-compliance with this particular norm. Some of the examples include the Bulgarian cases *Kirilova and Others v. Bulgaria* (2007); *Basarba OOD v. Bulgaria* (2011) ; *Tomov and Nikolova v. Bulgaria* (2016) ; *Velikovi and Others v. Bulgaria* (2007) ; *Dimitar and Anka Dimitrovi v. Bulgaria* (2009) and other cases (Margaritova, 2018) in which there have been significant violations of the analyzed right. An example of this can be found in the case of **Ganchevi v. Bulgaria** (2022) , in which the ECtHR delivered a judgment of conviction against the Republic of Bulgaria at the end of 2022 for violating Article 1 of Protocol No. 1 to the ECHR. The case concerned a complaint by Bulgarian citizens about the excessive delay in providing compensation for their heirs' property, which had been expropriated in 1983 by the municipal

authorities of Dobrich city for town-planning purposes. In this connection, the ECtHR has repeatedly stated in its judgments that the deprivation of property within the meaning of the second sentence of the first paragraph of Article 1 of Protocol No. 1 without payment of an amount reasonably related to its value normally constitutes a disproportionate interference and that the total absence of compensation can be regarded as justified only in exceptional circumstances (Former King of Greece and Others v. Greece, 2000). In the above-cited Bulgarian case, the appellants argued that they should have been compensated with an apartment in the building that the authorities intended to build on the property. Construction work for the building began in 2010 but was suspended in 2014 due to the municipality's lack of sufficient financial resources. It was not until six years later that construction work on the building was resumed and, despite considerable delays, it was not completed until September 2022, when the applicants made their final submissions in the case they had brought before the ECtHR. For decades (from 1983 to 2022) Bulgarian citizens have been deprived of their right to property, have not received an apartment as a compensation, and have not received any other alternative compensation. Consequently, in its judgment on the case, the ECtHR unequivocally held that the Bulgarian State violated Article 1 of Protocol No. 1 to the ECHR.

Another similar case is the one of the Bulgarian citizens Mrs. Pavlinka Paneva Bozhilova and Mr. Krasimir Bozhidarov Bozhilov, who also have not received compensation for the property of their ancestor, expropriated by the municipal authorities in Sofia in 1985 for urban development (*Bozhilovi v. Bulgaria*, 2022).

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In the latter case, the ECtHR held that the established delay for granting compensation in this case was twenty-nine years (from 1992 to 2013, i.e. from the entry into force of Protocol No. 1 to the Convention for Bulgaria in 1992) which amounted to a violation of Article 1 of Protocol No. 1 of the ECHR.

A similar example of violation of the analyzed provision is the case of *Stoyan Nikolov v. Bulgaria* (2021). The facts of the case are as follows: the applicant was a farmer who went to Sofia airport on 9 February 2009 where he was to board a flight to London. He was carrying with him the sum of EUR 34 300 in cash, which was intended for the purchase of a tractor for the applicant's business. After going through the identity check, the appellant was approached by a customs officer who asked him whether he was carrying foreign currency. The appellant replied affirmative and showed the money he was carrying. Notwithstanding the appellant's notification of his cash holdings, the customs officer drafted an administrative offence report the same day, in which the appellant was accused of failing to declare the sum of EUR 34 300 and of failing to provide a certificate for lack of delayed payment of debts showing that he had no debts to the Treasury, the said sum of money was being confiscated. As soon as those events occurred, criminal proceedings were brought against the appellant for failure to comply with the obligation to declare to customs and the administrative proceedings were suspended. In the course of the criminal proceedings, the gathered evidence justified the conclusion of the supervising public prosecutor that the appellant had not committed an offence and the proceedings were suspended. The prosecutor's decision was not challenged and therefore became

final after the expiry of the statutory seven-day appeal period. Consequently, the administrative proceedings which had been suspended were resumed (para. 10 of the ECtHR judgment). The final act of those proceedings was a decision of 25 November 2009 of the head of the customs office at Sofia Airport, in which it was stated that the appellant had failed to comply with his obligation to declare the sum of EUR 34 300 laid down by national law, which constituted a breach of Article 11(1)(a) of the ECHR, Article 11(3) of the Monetary Law of 1999 and Article 2(2) and (4) of Decree No 10 of the Council of Ministers of 16 December 2003. Following the act of the head of the customs office, the abovementioned amount was confiscated and a fine of BGN 1 000 was imposed on the appellant. Subsequently, the appellant appealed against that act before the national courts, the final act in the proceedings being a decision of 13 April 2011 of the Sofia Administrative Court upholding the decision taken by the head of the customs office on 25 November 2009. Dissatisfied with the outcome of the national proceedings, the Bulgarian citizen referred the case to the ECtHR alleging violations of the provisions of the ECHR, one of which is Article 1 of Protocol 1. In the course of the proceedings before the ECtHR, the applicant died and the case was continued by his heirs.

In its judgment in the latter case, the ECtHR held that there had been an interference with the appellant's right to peaceful enjoyment of his possessions, that the appealed measures fell within the scope of the provisions on the control of the enjoyment of possessions and that this situation fell within the scope of the second paragraph of Article 1 of Protocol No. 1. Taking into account the particular

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circumstances of the case and in accordance with its previous case-law in similar cases, the ECtHR held that the confiscation of 100 per cent of the undeclared amount imposed on the applicant for failure to comply with his obligation to declare was disproportionate and that it imposed an excessive burden on him, which amounted to a violation by the Bulgarian State of Article 1 of Protocol No. 1 to the Convention.

In order to cease and limit future infringements of the legal norm analyzed, it is necessary for national courts to pay close attention to the interpretation of the ECtHR and to take into account the principles and provisions adopted in the European act when rendering their decisions.

## Conclusion

The analysis presented above strongly confirms the thesis that the ECHR has had a significant positive impact on the development of inter-national, European and national human rights protection systems. The Convention is an unprecedented international treaty which introduces, at the highest level, a number of safeguards for the protection of human rights and freedoms which are effective on the territory of all Member Countries. By adopting and continuously implementing over the years this unprecedented international treaty, Europe has demonstrated to the whole world that respect for and observance of fundamental human rights and freedoms, among which the right to property is a central, is a fundamental principle for the European community. Guided by this principle and the desire to avoid mistakes of the Second World War, the European Community and the governments of the Member Countries of the Council of Europe are adopting specific

policies, measures and actions to improve the legal framework for the protection of human rights and freedoms. This approach deserves support and encouragement, because only joint efforts and coordinated action can ensure that the fundamental human rights and values established for decades will be safeguarded for both current and future generations in Europe. A history review shows that the maintenance of peace and security in Europe can only be achieved if this principle is respected. **The ECHR has played a significant role in the effective protection of citizens' economic rights, in particular the right to property. An example of this positive trend can also be found in the Republic of Bulgaria, which has been repeatedly condemned by the ECtHR for violating this economic right. Although more efforts are needed to improve Bulgarian legislation concerning the exercise of economic rights, the contribution of the ECtHR is undeniable.** Therefore, Bulgarian and European authorities and institutions should focus their efforts on establishing guarantees for the protection of fundamental rights under the ECHR, as well as on adopting other instruments such as the Convention. The Strasbourg Court should be encouraged and supported by the whole of society. Member States should improve their national legal norms and the judiciary should closely follow the ECtHR's case law on the application of the provisions of the international treaty, especially with regard to the provision of Article 1 of Protocol No. 1, which is most commonly violated. Given the fundamental importance of the right to property for all legal subjects, national legislative and judicial authorities should be particularly vigilant to ensure that the right is respected and that legal persons are

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afforded the highest level of protection in accordance with the principles of the ECHR.

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