SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

Date: 06/11/2026

DH-DD(2026)1502

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

Meeting: 1577th meeting (December 2026) (DH)

Item reference: Action Report (06/11/2026)

Communication from Greece concerning the case of Theodoros Vavoulas & Sia OE v. Greece (Application No. 27916/19)

* * * * * * * * * * * *

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

Réunion : 1577e réunion (décembre 2026) (DH)

Référence du point : Bilan d'action (06/11/2026)

Communication de la Grèce concernant l'affaire Theodoros Vavoulas & Sia OE c. Grèce (Requête n° 27916/19) ***[anglais uniquement]***

DH-DD(2026)1502: Communication from Greece
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Theodoros VAVOULAS & Sia OE v. Greece
(application no 27916/19, judgment of 08/07/2025, final)
Action Report

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

I) CASE DESCRIPTION

1. This case concerns a violation of the applicant company's right of access to a court on account of the rejection in 2015 as inadmissible of its application for annulment of an administrative decision, because of late completion of the court fees due, following the referral of the case from the Administrative Court of Appeal to the Supreme Administrative Court (Greek *Conseil d'État* - ΣτΕ).

2. The Court noted that the expiry of the relevant deadline for the completion of the court fees was dependent on a factor entirely outside the applicant company's knowledge and control, that is the moment the physical file had reached the Supreme Administrative Court. In the absence of any information as regards the time of receipt of the physical file by the Supreme Administrative Court, it was practically impossible for the applicant company to calculate the one-month time-limit to be complied with for the timely completion of the court fee due (§ 21, violation of Article 6§1).

II) INDIVIDUAL MEASURES

Payment of just satisfaction

3. The European Court awarded the applicant the sum of 6.000 euro, as just satisfaction in respect of non-pecuniary damage. The relevant amount was paid timely, as indicated in our letter with registration no 103-4514/A2768/13-10-2025. The deadline for the applicant to complain has expired.

Other measures

4. The applicant company lodged no E2238/2025 request for reopening of the case, before the Supreme Administrative Court (D Chamber), pursuant to Article 69A of PD 18/89, which was heard on 9/6/2026. Although a decision has not been rendered yet, it is stressed that on 25/9/2026, judgment no 1397-8/2026 of the Plenary Session of the Supreme Administrative Court was issued on a similar case which, by reference to the Court's judgment in the present case, fully aligned its case law with the Court's (see below §7). It is indicated that in practice the case-law of the Plenary effectively binds the Chambers in similar cases regarding the interpretation of the law. The Plenary serves precisely to consolidate case-law and prevent contradictory interpretations between the various Chambers.

DH-DD(2026)1502: Communication from Greece
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

5. Taking into account that the relevant application had been communicated to the Government only in connection with the applicant company's complaints as regards violation of its right of access to a court and had been declared by the Court inadmissible as regards the rest of the complaints raised[1], combined with the fact that access in now secured to the applicant, through the judicial shift (the above-mentioned judgment of the Plenary Session of the Supreme Administrative Court), the Government considers that no further individual measures are necessary.

10) GENERAL MEASURES

Translation and Dissemination

6. The Court's judgment has been translated into Greek and published on the official web site of the Legal Council of the State (www.nsk.gov.gr). Moreover, the judgment's translation, together with a letter drafted by the Government Agent, highlighting the Court's findings and the root cause of the violation, was sent to the President of the Supreme Administrative Court and the General Commissioner of the Administrative Courts, for further dissemination to all competent judicial authorities. The latter forwarded the judgment's translation, together with the Agent's letter to the Presidents and Directors of the country's Administrative Courts for further dissemination to all judges.

Case law alignment to the Court's findings

7. It is recalled that in the present case the Court noted the following:

The rejection as inadmissible of the applicant company's application for annulment was based on a case-law rule based on well-established case-law of the Supreme Administrative Court, consisting in the combined interpretation of Articles 35 and 36 of Presidential Decree 18/1989. According to this rule, the one-month time-limit for the completion of the court fee due could start to run from three alternative starting points: (a) from the notification to the applicant of the referral decision; (b) from the moment the physical file had reached the Supreme Administrative Court, if the latter occurred after the notification of the referral decision; or (c) from the notification to the applicant of the date of the hearing before the Supreme Administrative Court, if it could not transpire from the case file when the physical file reached the Supreme Administrative Court or if it could not be ascertained whether the notification to the applicant of the referral decision had been lawful (§17). In the present case, the Supreme Administrative Court found that the time-limit in question started to run when the physical file had reached the court's registry, as that had taken place after the

[1]Invoked violation of presumption of innocence and of the right to property.

referral decision had been served on the applicant (§18). However, the applicant company was formally informed that the physical file had reached the Supreme Administrative Court when the notice of the scheduled hearing was served to it, therefore after the time-limit had already expired, and after the applicant company had, on its own initiative, completed the court fee due. Before that, the dispatch and the receipt of the physical file by the Supreme Administrative Court seemed to have been subject of an exclusively internal procedure (§20). The Court concluded that this amounted to having made the expiry of the relevant deadline dependent on a factor entirely outside the applicant company's knowledge and control. In the absence of any information as regards the time of receipt of the physical file by the Supreme Administrative Court, it was practically impossible for the applicant company to calculate the one-month time-limit to be complied with for the timely completion of the court fee due (§21).

8. Following abovementioned dissemination, as indicated above, the Supreme Administrative Court, in its Plenary Session, issued decision no 1397-8/2026 stating the following: « *In view of the findings set out in the judgment of the European Court of Human Rights of 7 July 2025, Vavoulas & Co. v. Greece (application no. 27916/2019), the provisions of Articles 36(1) and (3) and 35(3) of Presidential Decree 18/1989, interpreted in accordance with the principles of legal certainty and proportionality, require that, in the event of a legal remedy or appeal being referred to the* Supreme Administrative Court *by a decision of an administrative court, the applicant must be informed that the case file has been transferred to the* Supreme Administrative Court. *The monthly time limit set out in Article 36(1) of Presidential Decree 18/1989 for the payment or completion of the fee due begins on the day following the notification, irrespective of when the referral decision was served on the applicant. It is advisable for this notification to be made by serving, in accordance with Article 20 of Presidential Decree 18/1989, the act of the President of the relevant chamber of the Supreme Administrative Court appointing the hearing date and the rapporteur, which also specifies the applicant's obligation to pay or make up the outstanding court fee, as well as the relevant deadline. This is because, given the formal nature of the service (service by a bailiff, drawing up of a report of service), the application of Articles 35(3) and 36(1) and (3) of Presidential Decree 18/1989 becomes entirely foreseeable for the party, not dependent on events or practices beyond their control and which impede their right of access to the courts*». Said decision received wide publicity in the legal media[2].

[2] E.g. https://lawnet.gr/law-news/ellada/ste-olom-1397-8-2026-ypochreosi-enimerosis-tou-aitountos-os-pros-to-ofeilomeno-paravolo-kai-tin-prothesmia-katavolis-aftou/ , https://www.lawspot.gr/etiketes/parapompe-sto-ste/

DH-DD(2026)1502: Communication from Greece
Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

9. It is therefore evident that the above-mentioned judgment essentially brings the Supreme Administrative Court's practice in line with the Court's case-law, deeming it mandatory to inform applicants about the court fee when a case is transferred to another court.

10. The Government considers that said measure is capable of preventing similar violations.

V. CONCLUSION

11. The Greek Government deems that it has complied with its obligations under article 46 of the European Convention on Human Rights and consequently requests the Committee of Ministers of the Council of Europe to terminate the supervision of the execution of the judgment at issue.