

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**



8 August 2005

Case Document No. 2

**Collective Complaint No. 30/2005
Marangopoulous Foundation for Human Rights (MFHR) v. Greece**

**OBSERVATIONS FROM THE GREEK GOVERNMENT
ON THE ADMISSIBILITY**

registered at the Secretariat on 29 July 2005

OBSERVATIONS OF THE HELLENIC GOVERNMENT ON THE
ADMISSIBILITY OF THE COLLECTIVE COMPLAINT 30/2005 FILED BY
THE “MARAGOPOULOU FOUNDATION FOR HUMAN RIGHTS (MFHR)”
AGAINST GREECE

Regarding the collective complaint No.30/2005 of the NGO “Maragopoulos Foundation for Human Rights” filed against Greece for violation of articles 2 para4, 3 para1, 3 para2 and 11 of the European Social Charter, please note the following:

The “Maragopoulos Foundation for Human Rights” is an internationally acknowledged NGO, whose actions relating to human and, especially, individual rights are recognized and well known. In para5 of the 2nd Chapter of the complaint entitled “Admissibility Requirements”, the complainant organization refers to two points, which, as it considers, constitute the particular competence required by the Collective Complaints Protocol (the Protocol in art.3 stipulates that international NGOs may submit complaints only in respect of those matters regarding which they have been recognised as having particular competence) so that this organization be able to lodge a complaint. The two points, which the complainant NGO refers to, are: a publication (the book *“The Right to Environment: Infringements and Protection”*, Editor: P. Karafotias) and the organization of a round table discussion in 1988 (subject: *“Ptolemaida: a case of heavy environmental pollution”*). The Hellenic government considers that these two points are not adequate for the Maragopoulos Foundation, which has developed praiseworthy activity in other fields, to be regarded as having the particular competence required by the Protocol for issues raised in its complaint, such as environmental pollution and its impact on workers’ health, as well as health and safety at work and fair working conditions.

The complaint also raises several issues of international law concerning the present stage of the procedure on admissibility and, in particular, the issue of the state responsibility for actions and omissions on the part of individuals and the issue of the meaning of continuous violation. The Hellenic government has reservations about these arguments and leaves it to the European Committee on Social Rights to decide on whether or not the

abovementioned preconditions exist, which shall allow the imputation to the Hellenic state of actions and omissions on the part of the Public Power Corporation (DEI) that have preceded the ratification in 1998 of the Additional Protocol of Collective Complaints by Greece. If the Committee proceeds with the examination on the merits of the case, provided it decides that the Hellenic state is responsible for actions and omissions on the part of the DEI, what should be examined is the share of responsibility of the Hellenic state only for those actions and omissions that took place after the signing of the present protocol, i.e. after 1998.

We bring these observations to the Committee's knowledge and we are at its disposal for any further information.

29/7/05

THE GENERAL SECRETARY

DIMITRIOS KONTOS