



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

THIRD SECTION

CASE OF VERVELE v. GREECE

(Application no. 34012/20)

JUDGMENT

Art 13 (+ Art 6 § 1) • Lack of effective remedy in respect of excessive length of civil proceedings • Existing compensatory remedy did not afford appropriate redress and was not effective • Fragmentation of proceedings contrary to the Court's case-law and did not allow an examination of the overall length of proceedings and a consideration of its gravity • Domestic courts' interpretation of length-of-proceedings assessment criteria did not correspond with the Court's case-law • Compensatory awards did not constitute adequate redress, particularly after costs incurred for lodging claims had been taken into account • Failure to demonstrate applicant would not be unduly hampered in lodging a claim for just satisfaction

Art 6 § 1 (civil) • Reasonable time • Excessive length of civil proceedings in respect of applicant's compensation claim regarding employment dispute • Subject-matter of litigation not particularly complex • Applicant showed the "normal diligence" required in civil proceedings • Long periods of inactivity and delay on the part of the judicial authorities indicated proceedings did not proceed with the necessary expedition • Difficulties encountered by the civil courts could not be considered temporary and nothing suggested the situation was exceptional

Prepared by the Registry. Does not bind the Court.

STRASBOURG

26 August 2025

FINAL

26/11/2025

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Vervele v. Greece,

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

Peeter Roosma, *President*,
Ioannis Ktistakis,
Lətif Hüseynov,
Darian Pavli,
Diana Kovatcheva,
Canòlic Mingorance Cairat,
Vasilka Sancin, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 34012/20) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Greek national, Ms Nikoletta Vervele (“the applicant”), on 3 August 2020;

the decision to give notice to the Greek Government (“the Government”) of the complaints under Articles 6 § 1 of the Convention concerning the length of proceedings and 13 of the Convention and to declare inadmissible the remainder of the application;

the parties’ observations;

Having deliberated in private on 24 June 2025,

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

INTRODUCTION

1. The case concerns the length of the proceedings before the civil courts in respect of the applicant’s claim for compensation and the effectiveness of the legal remedy by which just satisfaction owing to excessive length of proceedings may be sought before the national courts.

THE FACTS

2. The applicant was born in 1945 and lives in Athens. She was represented by Ms A. Panousi, a lawyer practising in Athens.

3. The Government were represented by their Agent’s delegate, Ms S. Trekli, Senior Advisor at the State Legal Council (*Νομικό Συμβούλιο του Κράτους*).

4. The facts of the case may be summarised as follows.

5. On 22 June 2001 the applicant brought an action against Ippokrateio General Hospital of Athens, where she had begun employment as a cleaner in 1984. She claimed 75,739.72 euros (EUR) in salary supplements and allowances that the hospital allegedly ought to have paid her from 1 June

1994 until 31 December 2000 under an employment contract of indeterminate duration.

6. Prior to the bringing of the above-mentioned action, by judgment no. 882/2000 another action brought by the applicant on 23 June 1994 against the same hospital concerning a claim for salary supplements and allowances which the hospital allegedly should have paid her from 1 January 1986 until 31 May 1994 was in part allowed, and the hospital was ordered to pay the applicant EUR 15,298. An appeal was lodged by the hospital against judgment no. 882/2000, and that appeal was heard on 15 January 2002. On 15 April 2002, by decision no. 871/2002, the Athens Court of First Instance adjourned the case, as it considered it necessary – in order for it to make a correct assessment and in order to avoid conflicting judgments – to wait (pursuant to Article 249 of the Code of Civil Procedure) until the delivery of a final judgment in respect of the earlier action. The proceedings in respect of that earlier action were concluded by judgment no. 826/2011 of the Athens Court of Appeal, delivered on 24 February 2011, which dismissed the hospital's appeal and confirmed the judgment delivered at first instance.

7. The applicant lodged multiple requests – on 5 April 2004, 7 June 2007, 19 May 2009 and on 23 August 2010 – for a date to be set for the hearing of her latest action. The action was eventually heard on 24 May 2012. On 7 June 2012, by decision no. 1091/2012, the Athens Court of First Instance adjourned the proceedings again, on the grounds that the same court's decision no. 871/2002 and the hospital's observations contained in that case had not been included in the case-file.

8. On 14 December 2012 the applicant asked for a date to be set for the hearing of her action. A new hearing took place on 18 February 2015. By judgment no. 942/2015, which was delivered on 20 April 2015, the Athens Court of First Instance in part upheld the applicant's action. It ordered the hospital to pay her EUR 21,250.66, plus statutory interest, in respect of salary supplements and allowances for the years 1999-2000. It found that her claim (in so far as it concerned the years 1994-1998) had become time-barred in view of the two-year limitation period as set out in Article 48 § 3 of Legislative Decree no. 496/1974 on the Accounting of Public-law Entities in respect of claims lodged by public-law entities' employees for late payment of wages or other allowances.

9. On 18 May 2015 the applicant lodged an appeal against judgment no. 942/2015. On 25 September 2015 she presented it to the Athens Court of Appeal requesting a hearing to be set; a hearing was scheduled for 19 April 2016. However, on that date proceedings were adjourned owing to a lawyers' strike and was rescheduled for 5 December 2017, when the appeal was heard. By decision no. 5366/2018 delivered on 1 November 2018 and finalised at the applicant's own expense on 6 December 2018, the Athens Court of Appeal quashed the first-instance judgment and upheld the action in part. It

ordered the hospital to pay EUR 55,757, plus statutory interest, to the applicant.

10. On 28 November 2018, the applicant lodged an appeal on points of law with the appellate court; on 14 December 2018 she presented it to the Court of Cassation and requested that a hearing be set. The case was heard on 21 May 2019. By judgment no. 246/2020, which was delivered on 27 February 2020, the Court of Cassation dismissed the appeal on points of law. On 10 March 2020 the judgment was finalised, and on 9 April 2020 an official copy of it became available to the applicant.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. RELEVANT DOMESTIC LAW

A. Limitation periods for claims lodged by employees of public-law entities

11. The relevant provisions of Legislative Decree no. 496/1974 on the Accounting of Public-law Entities have been summarised in *Giavi v. Greece* (no. 25816/09, § 20, 3 October 2013).

B. Request for preference

12. Article 226 § 5 the Code of Civil Procedure reads as follows:

“... ”

5. Any request for preference [αίτηση προτίμησης] by a party for the setting of a hearing date ... [that is] different than the date that must be or has already been set pursuant to the lawful sequence must be lodged in writing. If it is not to be ruled inadmissible, such a request must state the reasons for such preference, and the judge in question shall adjudicate [by means of issuing a] reasoned decision.”

C. Time-limits in labour disputes

13. Article 32 of Law no. 1454/1985 reads as follows:

Article 32 of Law no. 1545/1985

“1. In labour disputes ... a hearing must be scheduled within fifteen days of the lodging of the document initiating proceedings ... and the decision [must be] published within one month of the hearing.

... ”

3. These provisions apply to appeals and appeals on points of law [*mutatis mutandis*].”

14. Article 672A of the Code of Civil Procedure read as follows at the material time:

Article 672A of the Code of Civil Procedure (as inserted by Article 24 § 1 of Law no. 1941/1991)

“Decisions on disputes relating to wages that have not been paid on time ... must be delivered, at first instance, within fifteen days and, at second instance, within one month of the [relevant] hearing.”

Article 672A of the Code of Civil Procedure (as amended by Article 15 § 8 of Law no. 4055/2012; entry into force – 2 April 2012)

“1. The hearing of actions and ordinary legal remedies relating to [labour] disputes concerning ... wages that have not been paid on time must be scheduled for within sixty days of their being lodged. If the hearing is adjourned, it must be [scheduled for] within sixty days [of that adjournment] ...

...”

15. Article 621 of the Code of Civil Procedure reads in its relevant part as follows:

Article 621 of the Code of Civil Procedure (as inserted by Article 47 of Law no. 4488/2017; entry into force – 13 September 2017)

“...

3. The hearing of actions and ordinary legal remedies relating to [labour] disputes concerning ... wages that have not been paid on time must be scheduled for within sixty days of their being brought. If the hearing is adjourned, it must be [scheduled for] within thirty days. A decision must be published within thirty days of the hearing ...”

D. Law no. 4239/2014 on length of proceedings

16. The relevant provisions of Law no. 4239/2014 on “just satisfaction in respect of excessive length of proceedings before the civil, criminal courts and the Court of Auditors and other provisions” read:

**Article 1
Persons qualified to claim just satisfaction**

“With the exception of State and legal entities that are not non-governmental organisations within the meaning of Article 34 of the European Convention on Human Rights, any party to civil proceedings or proceedings before the Court of Auditors may claim just satisfaction on the grounds that the proceedings in question were unjustifiably long and, in particular, that they exceeded the reasonable length required for an examination of factual and legal issues arising during those proceedings.”

**Article 2
Jurisdiction**

“1. The following shall have jurisdiction to examine claims for just satisfaction on the grounds of excessive length of proceedings:

- (a) as regards the Court of Cassation – a judge of the Court of Cassation,
- (b) as regards the Court of Auditors – a senior judge or an appeal judge,
- (c) as regards courts of appeal – a president of the appeal court which delivered the decision in question,
- (d) as regards courts of first instance – a president of the court of first instance which delivered the decision in question,

... ,

2. At the beginning of every judicial year the president of the Court of Cassation and the president of the Court of Auditors shall decide on the dates of hearings that should be devoted to examining claims for just satisfaction, and shall appoint ... judges of the Court of Cassation, senior judges and appeal judges of the Court of Auditors to participate in each hearing. The same obligation is incumbent on the presidents of three-member administrative committees or on judges heading the appellate [and] first-instance courts ...”

Article 3

Claims for just satisfaction

“1. Claims for just satisfaction must be lodged separately at each level of jurisdiction. They must be lodged within six months of the delivery of the final decision by the court that conducted the proceedings which in the claimant’s view were excessively lengthy. A claimant cannot claim just satisfaction in respect of the unreasonable length of a set of proceedings at a previous level of jurisdiction in the event that he or she is lodging a claim for just satisfaction on the grounds of the length of proceedings conducted before a superior court.

...

3. A claim [for just satisfaction] shall be lodged against the Greek State, as legally represented by the Minister of Finance.

4. The claim, together with the items of information listed in Article 4 § 4 of this Law, must be lodged with the registry of the court that delivered the decision [in question] It must comprise the claimant’s name and address, the date and [the claimant’s] signature, as well as the claimant’s or his or her representative’s email address or telephone or fax number. Together with the original, two copies shall be lodged. The claimant shall [ensure] the serving of the claim on the State Legal Council by any appropriate means. If another remedy has already been used in respect of the decision in question and the case file has been transferred to another court, the latter shall transfer copies of the procedural documents to the court before which the claim is pending.

5. The claim for just satisfaction must be signed by a lawyer. In respect of a power of attorney, Articles 94 et seq. of the Code of Civil Procedure ... are applied by analogy.

6. The court fee for lodging the claim is ... EUR 100 for claims lodged with the courts of first instance and courts of appeal and EUR 150 for claims lodged with the Court of Cassation and the Court of Auditors, [and is paid] in favour of the State. The amount may be adjusted under a joint decision [taken by] the Minister for Justice, Transparency and Human Rights and the Minister of Finance. The claim shall be declared inadmissible and rejected if the court fee is not paid by the hearing of the case.”

Article 4 Procedure

“1. When a claim for just satisfaction is lodged with the Court of Cassation, its president or the president of the division that issued the decision in the impugned proceedings whose length gave rise to the claim for just satisfaction shall appoint by an act [πράξη] a magistrate of the said court with a view to examining the claim. When the claim for just satisfaction is lodged with the Court of Auditors, the president of the division that delivered the decision in the proceedings whose length gave rise to the claim for just satisfaction shall appoint by an act a senior judge or an appeal judge to examine the claim.

2. The aforementioned act shall be transferred to the claimant’s representative, and [the act] together with a copy of the claim [shall be transferred] to the Minister of Finance; it shall set out the date of the public hearing [to be held] to examine the claim, which must take place within five months of the lodging of the claim. The transferral [of the act] shall take place at least thirty days before the hearing. The registry of the court that delivered the decision in question shall submit to the relevant judge a detailed report on the progress of the case and the contents of the case file at least fifteen days before the hearing. The report and the [case-file] contents shall be made available to the parties. The claim shall be examined even if the aforementioned report is not submitted.

3. When the claim for just satisfaction is lodged with the court of appeal [or] the court of first instance ... , the president of the three-member administering committee or the judge heading the court that delivered the decision in the proceedings whose length gave rise to the claim for just satisfaction, in accordance with Article 2 § 1 of this Law, shall appoint by an act, respectively, an appellate-court president, [or] a first-instance-court president ... to examine the case. The provisions of the preceding paragraph shall apply as to the rest.

4. In his or her claim [for just satisfaction], the claimant shall indicate the court that conducted the impugned proceedings, note any adjournments of hearings ordered on the parties’ or the court’s initiative and describe in brief the legal or factual questions that have arisen; the claimant shall also present his or her observations regarding the complexity of those questions.

5. The Greek State shall take a position on the conduct of the parties and the competent authorities during the trial, the complexity of the case and shall present any other element necessary for the adjudication of the claim.

6. The decision [on the claim for just satisfaction] shall be published within two months of the hearing. It is not open to appeal.”

Article 5

Criteria for the excessive length of proceedings and for the award of just satisfaction

“1. The [competent] court shall decide whether the reasonable length was exceeded taking account, in particular, of: (a) any abusive or delaying conduct on the part of the parties during the proceedings ...; (b) the complexity of the factual and legal issues raised; (c) the conduct of the relevant State authorities; and (d) what was at stake in the case for the claimant.

2. If the court finds that the length of the proceedings [in question] was unreasonable and that there was therefore a violation of the right to the prompt administration of justice, it shall decide whether the claimant should be afforded just satisfaction and shall determine the amount of the sum payable. It shall also take into account the period that exceeded the reasonable length of time required for the examination of the case and the

criteria noted in the previous paragraph, as well as the compensation [already afforded to] the claimant by means of other measures provided for in the relevant legislation for the restitution of the damage suffered by him or her, including any increased sum granted to him or her by way of procedural expenses, as set out in the relevant provisions.

3. If the claim for just satisfaction is allowed, the expenses incurred by the claimant for lodging his or her claim and for representation by a lawyer shall be refunded by the State. The amount of such expenses may not exceed the sum officially charged for lodging an appeal with the Supreme Administrative Court. In the event of the dismissal of the claim for just satisfaction, the claimant may be required, depending on the circumstances, to pay costs to the State.”

Article 6 Enforcement of the decision

“1. A decision to afford just satisfaction shall be enforced in accordance with the provisions on the payment order procedure within six months of its being served on the Minister of Finance. The sum payable in respect of just satisfaction may be paid [by the State] by means of enforcement proceedings against the State relating to its private assets. Such enforcement proceedings may be implemented after the expiry of the above six-month deadline.

2. The collection of the sums needed to award individuals just satisfaction for unreasonable length of the proceedings [in question] shall be guaranteed under a special State budget provision. Where this is not the case, or if the sum earmarked is insufficient or exhausted, the budgetary allocation or transfer procedure shall be implemented in accordance with the relevant domestic provisions.”

E. Annex I to Law no. 4194/2013 (Code of Lawyers)

17. Under Annex I the applicable costs for civil proceedings are:
- (i) at first-instance: EUR 102 for the document initiating proceedings, EUR 102 for representation and EUR 117 for written submissions;
 - (ii) on appeal: EUR 112 for the document initiating proceedings, EUR 161 for representation and EUR 256 for written submissions;
 - (iii) on cassation: EUR 235 for the document initiating proceedings, EUR 342 for representation and EUR 310 for written submissions.

F. Law no. 3226/2004 on legal aid for citizens with low income and other provisions

18. The relevant provisions of Law no. 3226/2004 read as follows:

Article 1 Beneficiaries of legal aid

“1. Beneficiaries of legal aid are low-income citizens ...

2. For the purposes of legal aid in civil and commercial matters, low-income citizens are those whose annual family income does not exceed two-thirds of the minimum annual individual income provided for by [the legislation in force] ...

...”

Article 2 Procedure

“1. Legal aid shall be provided upon application by the person entitled. The application shall briefly state the subject matter of the proceedings ... and the evidence establishing that the conditions for the provision of legal aid are met.

2. The application shall be accompanied by the necessary supporting documents proving the financial situation

...

4. Probability shall be sufficient for the application to be accepted. The judge examining the application may hear witnesses, including the applicant, ... gather all necessary information and evidence

5. The acceptance or dismissal of the application must be reasoned. A new application may be submitted in the event of a change in the facts. An additional application is allowed in any case.

...”

Article 8 Competent authority

“1. The competent authority for examining applications for legal aid in civil and commercial matters shall be ... the judge of the Single-Member Court of First Instance or the president of the court before which the proceedings are pending or are to be brought ...

2. The applicant may appeal against the decision of ... the judge of the Single-Member Court of First Instance and the president of the Court of First Instance before the Multi-Member Court of First Instance within five days of its issuance ...”

Article 9 Content of legal aid

“1. Legal aid in civil and commercial cases consists of exemption from the obligation to pay all or part of the costs of the procedure ... and, if specifically requested, the appointment of a lawyer, notary and bailiff with a mandate to defend the beneficiary, represent him in court and provide him with the assistance needed to undertake the necessary acts.

2. The exemption shall include in particular ... stamp duty, court stamp duty, fees for enforcement orders and additional costs, witness and expert fees, the fees or remuneration of the appointed lawyer, notary and bailiff, and the obligation to provide a guarantee for these costs.

3. Legal aid is provided separately in respect of each case [and] applies to each level of jurisdiction for each court, and also applies to the enforcement of the judgment.

4. For the granting of legal aid in respect of the exercise and support of legal remedies, these must be admissible and not manifestly ill-founded or uneconomical. The importance of the case for the claimant shall also be taken into account.

...

6. The granting of legal aid does not affect any obligation to pay costs to the other party.”

II. THE COURT’S PILOT JUDGMENTS ON LENGTH OF PROCEEDINGS

19. The problem of length of proceedings in Greece has already given rise to the pilot judgments *Vassilios Athanasiou and Others v. Greece* (no. 50973/08, 21 December 2010) which concerned administrative proceedings, and *Michelioudakis v. Greece* (no. 54447/10, 3 April 2012) which concerned criminal proceedings. In the pilot judgment *Glykantzi v. Greece* (no. 40150/09, 30 October 2012) the Court found that this issue also affected civil proceedings. It had previously been considered by the Court that the situation constituted a structural problem and that the issue of long and recurrent delays in the administration of justice was a particularly worrying phenomenon that was capable of undermining public confidence in the efficiency of the judicial system. The Court found that the situation in respect of excessive length of proceedings reflected a practice that was incompatible with the Convention; it accordingly indicated that the Greek authorities should introduce – within a period of one year – a remedy or a combination of effective remedies that would genuinely guarantee a sufficient level of redress (*ibid.*, § 81).

20. Following these developments, Greece enacted Law no. 4239/2014 (which entered into force on 20 February 2014) with a view to allowing compensation to be obtained for unjustified delays in proceedings before civil courts, criminal courts and the Court of Auditors. The Court subsequently found in its judgment in the case of *Xynos v. Greece* (no. 30226/09, 9 October 2014) that the introduced remedy was effective for the purposes of Articles 35 § 1 and 13 of the Convention. It held that the remedy offered the requisite level of effectiveness, since it provided for redress *a posteriori* for an existing breach of the right to a hearing within a reasonable time; it regretted, however, the absence of a preventive remedy. The Committee of Ministers closed its supervision of the execution of the pilot judgments in December 2015 (Final Resolution CM/ResDH(2015)231) after the adoption of the compensatory remedy and there are currently no cases against Greece on excessive length of proceedings pending supervision before the Committee of Ministers.

III. CASE-LAW OF THE DOMESTIC COURTS IN RESPECT OF CLAIMS FOR JUST SATISFACTION

21. The Government submitted that in 2022 the lawyers of the State and the legal advisers of the Legal Council of the State had handled 314 cases relating to excessive length of proceedings; a total amount of EUR 413,680 had been awarded. They also submitted that approximately half of the claims for just satisfaction lodged with the Athens Court of First Instance and Athens

Court of Appeal had been upheld. They further stated that “neither the competent courts nor the Ministry of Justice [had] availed [themselves] of a concrete digitalised system from which relevant data [could] be drawn” and submitted from the available material fifty-nine decisions delivered between 2015 and 2024 where claims for compensation for excessive length of civil proceedings had been deemed to have been lodged in an admissible manner: (i) thirty-four decisions delivered by the Athens Single-Member Court of First Instance where the claims had been upheld and compensation had been granted, and thirteen decisions by which the claims had been dismissed on the merits, (ii) eight decisions delivered by the Athens Single-Member Court of Appeal (in two of which the claims had been allowed and compensation granted, in another three of which the claim had been allowed but no compensation awarded, and three whereby the claim had been dismissed on the merits), (iii) four decisions delivered by the Court of Cassation by which the claims for compensation had been dismissed on the merits.

A. Decisions allowing claims for just satisfaction

22. The Government submitted the following decisions, by which courts had accepted in part claims for just satisfaction and had awarded compensation for proceedings whose undue length had been attributed to the authorities, which had been calculated as described below:

Athens Single-Member Court of First Instance:

1. No. 5314/2023: two years and two months (calculated from the hearing of the action until the time when an official copy of the decision was made available to the parties) – EUR 800;
2. No. 5037/2023: at least four years – EUR 1,500 to each of the two claimants;
3. No. 3113/2023: eight years, eight months and seventeen days – EUR 5,000;
4. No. 1422/2023: at least seven years – EUR 500 to each of the two claimants;
5. No. 357/2023: five years, one month and twenty-seven days – EUR 1,500 to each of the three claimants;
6. No. 202/2023: three years, ten months and five days – EUR 500;
7. No. 13627/2023: at least twelve years – EUR 5,000;
8. No. 1531/2022: at least two years, calculated from the hearing of the appeal – EUR 800 to each of the eleven claimants;
9. No. 587/2022: five years, two months and fourteen days – EUR 1,500;
10. No. 501/2022: two years, one month and three days, for urgent interim proceedings – EUR 1,000;
11. No. 217/2022: two years and two months, calculated from the hearing (after deducting a delay of one year, nine months and nineteen days following

an adjournment prompted by a lawyers' strike that had lasted for four months following the adjournment) – EUR 1,000;

12. No. 11274/2021: four years, five months and twenty-seven days – EUR 1,000;

13. No. 11267/2021: approximately three years – EUR 750;

14. No. 11008/2021: at least six years – EUR 1,000;

15. No. 10729/2021: one year and five months, calculated from the hearing in urgent proceedings relating to car accidents – EUR 500;

16. No. 9099/2021: three years and six months – 1,000 EUR;

17. No. 3731/2021: six years, six months and eighteen days – 1,000 EUR;

18. No. 2161/2021: at least six years – EUR 2,000;

19. No. 1752/2021: at least five years – EUR 1,300;

20. No. 392/2021: eleven years and four months – EUR 3,000;

21. No. 16399/2020: two years, one month and four days – EUR 1,000;

22. No. 15991/2020: six years and seven months – EUR 1,000;

23. No. 147/2020: five years, eight months and twenty-six days – EUR 5,000;

24. No. 14390/2019: approximately three years and five months until the hearing – EUR 1,000;

25. No. 14262/2019: at least nine years – EUR 2,000;

26. No. 7372/2019: at least eight years – EUR 3,000;

27. No. 3698/2019: three years, eleven months and fifteen days – EUR 1,000;

28. No. 13083/2018: two years eleven months and four days – EUR 500;

29. No. 7853/2018: at least three years – EUR 1,000;

30. No. 3095/2016: three years, three months and seventeen days – EUR 1,500;

31. No. 2189/2016: three years, ten months and twenty-eight days – EUR 1,900;

32. No. 5183/2015: at least four years and four months – EUR 1,000;

33. No. 3148/2015: four years, three months and thirteen days – EUR 1,000;

34. No. 3900/2015: ten months and twenty-two days, for urgent interim proceedings – EUR 1,500;

Athens Single-Member Court of Appeal

35. No. 4729/2018: at least four years – EUR 3,000;

36. No. 4296/2019: approximately two years and seven months, for proceedings relating to injuries sustained in a train accident – EUR 1,000.

23. In three decisions the Court of Appeal allowed the claim but did not award any compensation. In decision no. 1973/2022 it calculated the length of proceedings at approximately three years and four months and justified the decision not to award compensation by referring to the particular circumstances of the case and what was at stake for the claimant in the dispute. In decision no. 856/2020 it deemed that in respect of the total period

of nine years and six months during which the actual proceedings in question had lasted, only a period of twelve months was attributable to the authorities. The court had regard to the complexity of the case and the fact that the claimant had not proved the importance of what was at stake for him. In decision no. 424/2023, after it had deducted a period of five years which could not be attributed to the authorities, it held that in respect of the remaining period of more than nine years no compensation was to be awarded. It deemed that the delay in proceedings relating to the claimant's appeal had caused him uncertainty, but the appeal's dismissal was not due to a legislative change that took place during that period, contrary to what the applicant had argued, among others.

24. All thirty-nine decisions upholding claims for just satisfaction did so only "in part". In twenty decisions, the courts ordered the "offsetting of costs and expenses" – that is, the claimant had to bear his or her own costs. In nineteen decisions, expenses were only partially refunded to the claimant by the State (in the amount of between EUR 100 and EUR 350). In eighteen cases court fees were fully paid by the claimants and in twenty-one cases they were partially or fully reimbursed (in amounts of between EUR 50 and EUR 100).

B. Decisions dismissing claims for just satisfaction

25. In twenty cases, the claims for just satisfaction had been dismissed on the merits.

26. In the following decisions delivered by the Athens Single Member Court of First Instance the claims were dismissed for the reasons stated below:

- In decision no. 75/2024 it was deemed that the length of the proceedings was not too long and not all of it could be attributed to the conduct of the authorities.

- In decision no. 3116/2023 the length of the proceedings was mainly due to reasons that could not be attributed to the authorities or it was due to procedural errors on the part of the claimant.

- In decisions nos. 402/2022, 11220/2021, 11221/2021, 2207/2020, 15978/2019, 3468/2017 and 4219/2016 the delay was mainly attributed to the claimant's conduct.

- In decision no. 1201/2017 the court mainly took into consideration the complexity of the case and what was at stake for the claimant.

- In decision no. 4688/2017 the court found that the length of the proceedings (namely, four years and twenty-three days) had indeed lasted for a long time. Nevertheless, it dismissed the claim, finding that (i) the claimant (an experienced lawyer) had not requested an earlier date for a hearing and that (ii) in respect of the case – which had concerned an objection to the

claimant's order for payment – the claimant had not substantiated whether this order had been suspended until the adjudication of the objection.

- In decision no. 2971/2017 concerning proceedings that had lasted for more than ten years, the court considered that it had taken (i) one year and two months to fix the date of initial hearing, (ii) two years and five months for the date of a further hearing to be set (following an adjournment requested by the opposite party), and (iii) two years to fix the date of a further hearing (following the lodging of a request for such a hearing to be held), and found that the reasonable time requirement had not been breached in view of the internal organisation of the court and the volume of the cases pending before it. The date of one of the hearings following an adjournment requested by the claimant was set more than three years after the request for that hearing had been lodged. The court also deemed that the claimant could have requested an earlier date, and noted that the judgment had been delivered in a very short time (two months and twenty days after the hearing) and that what had been at stake had not been of great importance for the claimant.

- In decision no. 3617/2015 which concerned proceedings which had lasted more than five years and three months, the court deemed that the claimant had initially brought the action in a court which had not had jurisdiction and which had delivered a decision within two months (a reasonable time) of the hearing. It further held that the claimant had not requested an earlier date while more than two years and nine months had passed until the hearing had taken place and that within the reasonable time of three months of the hearing the judgment had been delivered. The case had concerned an action brought by a lawyer against a client for infringement of his right to the protection of his personality rights following the latter lodging a complaint against the lawyer, which had prompted the initiation of disciplinary proceedings against the lawyer. The court found that what had been at stake had been of minor importance, given that his claim had been aimed at securing a declaration of infringement; his means of subsistence or his professional career progression had not been affected.

27. As regards decisions delivered by the Athens Single Member Court of Appeal:

- Decision no. 6170/2018 concerned proceedings the total length of which had amounted to two years, seven months and ten days. The court deducted from this period an eleven-month adjournment prompted by a lawyers' strike and justified the length of the proceedings by referring to the complexity of the case, the heavy workload of the court and the fact that the claimant had not substantiated the importance of what was at stake for him.

- Decision no. 304/2023 concerned proceedings relating to a lease agreement and lasted three years, eight months and eleven days. The claimant company argued that what was at stake was important as due to the delay it had to pay higher rent despite its financial difficulties and it suffered due to the prolonged uncertainty. The court dismissed the claim as lacking any

foundation in law (νομικά αβάσιμη) ruling that the claimant company had not substantiated its moral damage through any impact on its reputation or uncertainty for its operations and that any distress or uncertainty would affect only natural persons.

- Decision no. 859/2024 concerned proceedings the total length of which had amounted to three years, eight months and eleven days. The court took into consideration that the hearing of the case had been adjourned in April 2020 and again in April 2021 due to the Covid-19 pandemic.

28. Lastly, as regards decisions delivered by the Court of Cassation:

- In decision no. 1/2019 the court calculated that two years, eight months and twenty-one days had elapsed until the delivery of the judgment; from that period it then deducted seven months for an adjournment prompted by a lawyers' strike. It did not take into account the period that had passed until an official copy of the judgment had been made available in view of the fact that the judgment on the merits had dismissed the appeal on points of law and that no issue of enforcement had arisen.

- In decision no. 1/2021 the court had calculated that three years, nine months and one day had passed until the delivery of the judgment and had deducted from that eight months and fifteen days owing to an adjournment requested by the claimant. It took into account the complexity of the case and what was at stake.

- In decision no. 1/2023 the court calculated that two years, nine months and seventeen days had passed until a judgment allowing the appeal on points of law had become final and an official copy had been made available. It took into account the temporary suspension of the court's work owing to the Covid-19 pandemic and the importance of what had been at stake.

- In decision no. 2/2023 the court took as the starting point the hearing of the appeal on points of law and calculated that three years, one month and eighteen days had passed until the delivery of the judgment. The appeal on points of law had been heard in December 2018; the deliberations had taken place in April 2019. The Court of Cassation had dismissed the claim for just satisfaction, referring to the force majeure constituted by the Covid-19 pandemic which had led to suspension of the court's work.

IV. STATISTICAL AND OTHER INFORMATION

A. CEPEJ evaluation report of 16 October 2024

29. On 16 October 2024 an evaluation report prepared by the European Commission for the Efficiency of Justice (CEPEJ) was published; the report measured the effectiveness and quality of European judicial systems on the basis of data relating to 2022. Greece is one of three States occupying the CEPEJ "warning" category in first instance civil and commercial litigious cases owing to their poor clearance rates (the ratio of the number of resolved

cases to the number of incoming cases) and long “disposition time” (the estimated number of days necessary for a pending case to be resolved in a court – that is, the ratio of the number of pending cases to the number of resolved cases, multiplied by 365).

30. As regards civil and commercial cases the clearance rate at first instance evolved as follows: 58% (2012), 80% (2013), 113% (2014), 102% (2015), 99% (2016), 96% (2017), 86% (2018) 86% (2019), 82% (2021) and 93% (2022). The number of incoming cases per hundred inhabitants in each year was, respectively 5.83, 6.23, 2.23, 2.12, 1.36, 1.86, 1.99, 1.92, 1.73 and 1.31.

31. At second instance the clearance rate was 93% (2015), 75% (2016), 113% (2017), 97% (2018), 101% (2019), 102% (2021) and 79% (2022). The number of incoming cases per hundred inhabitants evolved as follows: 0.23 (2012), 0.25 (2014), 0.23 (2015), 0.17 (2016), 0.19 (2017), 0.21 (2018), 0.22 (2019), 0.09 (2021) and 0.15 (2022). Data in respect of the highest instance were not provided for all years, while no data overall were provided for year 2020.

32. As regards the evolution of “disposition time” in respect of first-instance civil and commercial litigious cases, the situation was as follows: 469 days (2012), 330 days (2014), 378 days (2015), 610 days (2016), 479 days (2017), 559 days (2018), 637 days (2019), 728 days (2021) and 746 days (2022). The European median at first instance was 239. “Disposition time” at second instance was respectively 834 days, 509 days, 588 days, 1,149 days, 640 days, 662 days, 638 days, 610 days and 422 days. The European median at second instance was 200 days.

B. EU Justice Scoreboard

33. The 2024 EU Justice Scoreboard (Communication from the Commission to the European Parliament, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions COM(2024)950) provided information on the length of proceedings in the twenty-seven member States of the European Union that was based on data collected by the CEPEJ. According to the EU Justice Scoreboard, as regards the estimated time needed to resolve litigious civil and commercial cases in 2022, of all the twenty-two Member States that provided data for 2022, Greece ranked twenty-second with the highest “disposition time” at first instance and seventeenth in so far as cases at second instance were concerned.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION

34. The applicant complained of the excessive length of the proceedings before the civil courts, citing Article 6 § 1 of the Convention, which in its relevant part reads as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ...”

35. The applicant further complained that the compensatory remedy for excessive length of proceedings before the civil courts, as laid down in Law no. 4239/2014, was not effective. The Government were notified of the complaint under Article 13 in conjunction with Article 6 § 1 in of the Convention. Article 13 reads as follows:

“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. Admissibility

36. The Government argued that the applicant had failed to exhaust the available domestic remedies. Law no. 4239/2014 had introduced an accessible and effective legal remedy by which allegations of a violation of the reasonable time requirement of Article 6 § 1 of the Convention could be raised, and the applicant could have made use of it. In particular, as regards the proceedings at first instance, those had been concluded with the delivery of judgment no. 942/2015 – that is to say at a time when Law no. 4239/2014 had already entered into force. However, she had not availed herself of that possibility.

37. The applicant argued that a claim for just satisfaction could not be regarded as constituting an effective remedy because it did not allow in practice redress for non-pecuniary damage sustained owing to the excessive length of proceedings. The remedy had to be exercised at each level of jurisdiction and it did not allow for complaints about the overall length of proceedings. The applicant submitted that its use also entailed excessive costs, multiplied the number of proceedings and caused further delays in the administration of justice. Additionally, if she had exercised the remedy, it would have been most probably dismissed. Even if it would have been allowed, the awarded compensation would have amounted to less than the amount required to exercise it.

38. The Court finds that the question of exhaustion of domestic remedies is closely linked to the merits of the applicant’s complaint under Article 13 of the Convention that she did not have an effective remedy at her disposal

for the alleged violation of her right to a trial within a reasonable time. Therefore, the Court joins the Government's objection to the merits of that complaint (see, for example, *Altius Insurance LTD v. Cyprus*, no. 41151/20, § 67, 24 October 2023, with further references, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 70, 10 January 2012).

39. The Court notes that the complaints about the length of the proceedings and the lack of an effective domestic remedy are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It also notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

1. Alleged violation of Article 13 in conjunction with Article 6 § 1 of the Convention

(a) The parties' submissions

(i) The applicant

40. The applicant argued that the domestic legal remedy as set out in Law no. 4239/2014 was not effective as it had to be exercised at each level of jurisdiction instead of at the end of the entire proceedings in respect of the total length of those proceedings. The law was structured in such a manner as to discourage citizens from exercising the remedy and so that compensation would not be awarded. Had the applicant availed herself of the said remedy, she could not have complained of the entire length of proceedings over three instances. As the law did not allow to take into account delays arising at previous instances and given that the Court of Cassation dismissed claims where the length of proceedings did not greatly exceed three years, her claim would have certainly been dismissed.

41. The applicant further argued that since its adoption the implementation of the law had convincingly demonstrated that the legal remedy failed, on one hand, to provide redress for damage sustained and, on the other hand, to ensure that proceedings were conducted within a reasonable time. Compensation was rarely awarded; if it was awarded, it was very low and paid only after a long delay. Even if it were to be accepted that 314 cases had indeed been handled by the State Legal Council and that the amount of EUR 413,680.314 had been awarded, that meant that an average of only EUR 1,317.45 had been awarded to each claimant. That amount would not even cover court expenses, court fees, and a lawyer's and a bailiff's remuneration. Over a period of ten years only four claims for just satisfaction had been lodged with the Court of Cassation and they had all been dismissed. Of claims lodged with the Athens Court of Appeal and the Athens Court of First Instance, only 50% had been allowed or allowed in part. The applicant added that according to the data provided by the CEPEJ, in 2012 (when the

domestic remedy in question had not yet been introduced) the average “disposition time” in respect of first-instance civil and commercial cases had been more than 500 days, whereas in 2019 it had been more than 600 days and in 2021 more than 700 days.

42. The construction of the remedy itself had dissuaded litigants from exercising it and had had the effect of increasing costs as claimants pursuing this remedy would incur excessive costs in seeking compensation at each level of jurisdiction. In the event that she had exercised the remedy only before the Court of Cassation, she would have had to pay a total of EUR 2,050: a court fee of EUR 150, lawyer’s fees of EUR 1,399 (plus EUR 335.76 in VAT), stamp duty of EUR 36, bailiff fees of EUR 45, a notarised power of attorney costing EUR 50 and other costs amounting to EUR 34.24. However, she could not have covered those costs with her pension, and even if compensation would have been awarded, this would have amounted to less than the costs incurred. She could also not have availed herself of legal aid as she had received a monthly pension of EUR 866.18; in order to receive legal aid her income should not have exceeded EUR 505.60 – a sum amounting to two thirds of the minimum income stipulated by the national general collective labour agreement. The applicant submitted to the Court her July 2020 pension payslip.

43. The applicant further submitted that in the event that claims for compensation were rejected in part, even by the amount of EUR 1, their legal costs would be offset, meaning that each party had to pay her or his own expenses, and they would be required to pay the court fee. Lawyers – aware of the low average salaries of employees in both the public and private sectors (EUR 600 as of 2010) and of the high costs required to lodge a claim at each instance – did not advise their clients to initiate parallel proceedings and in so doing, incur additional costs and lawyers’ fees when their appeals or appeals on points of law were pending.

44. Additionally, the applicant submitted that in cases such as the instant case the court that had authority to rule on the above-mentioned remedy had been the same as that which had adjudicated the case with delay and that any delay on the part of a judge was handled by judges of an equivalent grade. As a claim would have had been examined by a single judge of the same court it was highly probable that the judge would reject it in order not to expose his or her colleague. This would not be the case if the application were to be examined by three judges of a supreme court or the Court of Claims for Miscarriage of Justice (*Δικαστήριο Αγωγών Κακοδικίας*).

(ii) *The Government*

45. The Government reiterated that the issue of the exercise of the above-mentioned remedy at each level of jurisdiction had been a matter of concern to the Court when it had ruled on the effectiveness of the remedy in the case of *Xynos* (cited above). In its decision in *Techniki Olympiaki A.E. v. Greece*

(dec.), (no. 40547/10, 1 October 2013) the Court had noted that the exercise of the remedy would have been facilitated if claimants in such cases were able to complain of the overall duration of the procedure, which could possibly extend over several instances. It took into account, however, the discretion of the Contracting Parties to organise a domestic remedy in a way that was consistent with their legal system. Referring to the explanatory report of the law, the Government added that the Court had not considered it decisive that the rules for lodging a claim for compensation did not correspond exactly to the Court's criteria. The applicant's allegations were theoretical and irrelevant, since if there had been any delay in the present case, such a delay had taken place during the first-instance proceedings, and her complaint could have been examined by the competent court.

46. The Government maintained that the Court, each time it had assessed the reasonableness of the length of proceedings, had consistently taken into account the importance of what had been at stake for the applicant. They argued that the Court considered that there was a strong but rebuttable presumption that excessively long proceedings would give rise to non-pecuniary damage. In some cases, the length of proceedings could result in minimal or no non-pecuniary damage, and the domestic courts would then have to justify their decision by giving sufficient reasons. Article 41 of the Convention allowed discretion in deciding if just satisfaction should be awarded in the event that the national law of the Contracting Party in question permitted partial reparation and only if this was actually necessary. Moreover, the Court awarded compensation if it considered it "just"; it could rule that the finding of a violation constituted in itself sufficient just satisfaction. In determining the amount (if any) to be awarded, the Court would consider the specific circumstances and context of each case, the nature and gravity of the violations found, its own practice, and the financial conditions in the respondent State.

47. The Government further submitted that it could be seen from the statistics of the Athens Court of First Instance that certain claims were allowed, in whole or in part, while others were dismissed. The applicant could not have known whether her own claim would have had a positive outcome or not. Mere doubt as to the effectiveness of a remedy had not relieved her of the obligation to pursue it, and compensation for non-pecuniary damage was not awarded in all cases.

48. The Government also argued that there was a complete system of protection for economically disadvantaged persons that exempted them from paying costs and court fees; the applicant, who had been represented by a lawyer, had not availed herself of that system. Her assertion that she had only a low income had not been substantiated as she had not provided proof of her total annual income, but rather only a pension payslip (even though she had been awarded thousands of euros by court decisions). As regards the costs due for such a claim, the Government referred to Annex I to the Code of

Lawyers (Law no. 4194/2013) and argued that they were not excessive. The court fee amounted to EUR 100 at first and second instance, respectively, and EUR 150 at the cassation stage (Article 6 § 3 of Law no. 4239/2014). A power of attorney did not have to be notarised.

49. The Government lastly submitted that the Court had previously ruled that the procedures set out in law for designating the competent court and the mode of assigning jurisdiction did not in themselves raise any partiality issues. Moreover, in the instant case the applicant's complaint had been expressed in a general and vague manner, without any specific issue regarding the alleged lack of impartiality of any judge being raised. Other possible remedies, such as a request for the recusal of a judge and an action for malpractice against a judge, were provided under Greek law.

(b) The Court's assessment

(i) General principles

50. The obligation provided under Article 35 requires only that an applicant should have normal recourse to remedies likely to be effective, adequate and accessible. In particular, the only remedies that the Convention requires to be exhausted are those that relate to the breaches alleged and are at the same time available and sufficient. The existence of such remedies must be sufficiently certain not only in theory but also in practice, failing which they will lack the requisite accessibility and effectiveness (see *Sejdovic v. Italy* [GC], no. 56581/00, § 45, ECHR 2006-II; *Scordino v. Italy (no. 1)* [GC], no. 36813/97, § 142, ECHR 2006-V; and *Keaney v. Ireland*, no. 72060/17, § 108, 30 April 2020).

51. The relevant principles relating to the application of Article 13 of the Convention to complaints of a violation of the right to a hearing within a reasonable time are set out in a number of judgments (see, among other authorities, *Bara and Kola v. Albania*, nos. 43391/18 and 17766/19, § 105, 12 October 2021; *Vassilios Athanasiou and Others*, cited above, § 55; *McFarlane v. Ireland* [GC], no. 31333/06, § 108, 10 September 2010; *Sürmeli v. Germany* [GC], no. 75529/01, §§ 97-101, ECHR 2006-VII; *Scordino*, cited above, §§ 182-89; and *Kudła v. Poland* [GC], no. 30210/96, § 157, ECHR 2000-XI).

52. A remedy designed to expedite the proceedings in order to prevent them from becoming excessively lengthy is the most effective solution (see *Scordino*, cited above, § 183). However, States may also choose to introduce only a compensatory remedy, without that remedy being regarded as ineffective. The Court has set key criteria for the verification of the effectiveness of a compensatory remedy in respect of the excessive length of judicial proceedings. These criteria are as follows:

- an action for compensation must be heard within a reasonable time;

- the compensation must be paid promptly and generally no later than six months after the date on which the decision awarding compensation becomes enforceable;
- the procedural rules governing an action for compensation must conform to the principle of fairness guaranteed by Article 6 of the Convention;
- the rules regarding legal costs must not place an excessive burden on litigants where their action is justified;
- the level of compensation must not be unreasonable in comparison with the awards made by the Court in similar cases (see *Valada Matos das Neves v. Portugal*, no. 73798/13, § 73, 29 October 2015, and *Brudan v. Romania*, no. 75717/14, § 69, 10 April 2018).

53. Where a State has taken a significant step by introducing a compensatory remedy, the Court must leave a wider margin of appreciation to the State to allow it to organise the remedy in a manner that is consistent with its own legal system and traditions and with the standard of living in the country concerned. The Court is required to verify whether the way in which the domestic law is interpreted and applied produces consequences that are consistent with the principles of the Convention, as interpreted in the light of the Court’s case-law. The principle of subsidiarity does not mean renouncing all supervision of the result obtained from using domestic remedies, as the Convention is intended to guarantee not theoretical or illusory rights, but rights that are practical and effective (see *Cocchiarella v. Italy* [GC], no. 64886/01, §§ 80-83, ECHR 2006-V, and *Scordino*, cited above, §§ 189-192).

(ii) *Application of the above principles to the present case*

54. The Court finds at the outset that the applicant’s complaint relating to the length of the proceedings which lasted for almost nineteen years over three levels of jurisdiction, is “arguable” for the purposes of Article 13 and that she was entitled to a remedy whereby she could have obtained appropriate relief before the domestic courts for the alleged breach of her right to a hearing within a reasonable time under Article 6 § 1 (see, for instance, *Wcisło and Cabaj v. Poland*, nos. 49725/11 and 79950/13, § 142, 8 November 2018).

(α) The “fragmentation” of the proceedings by level of jurisdiction

55. The Court notes that under Article 3 § 1 of Law no. 4239/2014 claims for just satisfaction must be lodged separately at each level of jurisdiction within six months from the delivery of the “final decision” taken by the court in those proceedings (see paragraph 16 above).

56. It further notes that the compensation remedy introduced by Law no. 4239/2014 for civil proceedings provides a procedure that is almost

identical to the remedy introduced by Law no. 4055/2012 following the pilot judgment *Vassilios Athanasiou and Others* (cited above) which concerned the excessive length of proceedings before administrative courts. The effectiveness of the latter was examined in the case of *Techniki Olympiaki A.E.* (cited above), where the Court deemed that the remedy could only concern the length of proceedings at one level of jurisdiction. Having taken into account the margin of appreciation enjoyed by the State Parties in organising a domestic remedy, it accepted the Government's argument that there would be a risk of superfluous claims being lodged for just satisfaction if claimants had the right to complain at each level of jurisdiction of the length of all stages of proceedings (ibid. § 46). The Court observed, however, referring to its own case-law, that the exercise of the right to compensation would be facilitated if a claimant had the possibility of complaining about the length of the proceedings as a whole, extending over several levels of jurisdiction (ibid. § 45). It also noted that the arrangements for using the compensatory remedy did not correspond exactly to the criteria set out by the Court. The Court did not consider this decisive, but stated that its position might be subject to review in the future (ibid. § 49).

57. In a subsequent judgment in the case of *Xynos*, cited above, the Court held that the remedy that had been introduced by Law no. 4239/2014 with a view to allowing compensation to be obtained for unjustified delays in proceedings before civil courts, criminal courts and the Court of Auditors offered the requisite effectiveness for the purposes of Article 35 § 1 and Article 13 of the Convention (see paragraph 20 above).

58. The Court notes that – in view of the fact that the legislature had introduced a new compensatory remedy – when assessing its effectiveness in the above case it had paid due regard to the significance of that development for domestic practice while accepting that it is in the first place for Contracting Parties to assess how to best organise their legal system. It further notes that, at the time of the introduction of the present application, the aforesaid remedy had been in operation for more than six years during which the domestic practice in that regard had developed. In the light of its case-law as confirmed by more recent judgments (see in detail paragraphs 59-62 below) and the information available about decisions delivered by national courts under Law no. 4239/2014, the Court considers it presently necessary to re-examine the effectiveness of that remedy.

59. Following the delivery of the judgment in the case of *Xynos* (cited above) on 9 October 2014 the Court further confirmed its case-law that held that a remedy for raising a complaint about the length of proceedings was “effective” within the meaning of Article 13 and Article 35 § 1 of the Convention only if it was capable of covering all stages of the proceedings complained of – and thus, in the same way as a decision given by the Court, capable of taking into account their overall length (see, for instance, *Lukenda*

v. Slovenia, no. 23032/02, § 79, ECHR 2005-X, and *Koumoutsea and Others v. Greece*, no. 56625/00, § 17, 6 March 2003).

60. In particular, in the pilot judgment of *Rutkowski and Others v. Poland* (nos. 72287/10 and 2 others, 7 July 2015) the Court considered that the domestic practice of “fragmentation of the proceedings” was one of the main elements of the systemic dysfunction of the introduced remedy. The fragmentation consisted of the courts not taking into account proceedings in their entirety which had decisive consequences for the outcome of the applicant’s claims for compensation, which had either been rejected in their entirety as being unjustified or allowed only in part (*ibid.*, §§ 176-181). In the judgment of *Kirinčić and Others v. Croatia* (no. 31386/17, 30 July 2020) the Court found a violation of Article 6 § 1 for excessive length of civil proceedings and of Article 13 for lack of an effective remedy. It reiterated that a relevant remedy available to a litigant at domestic level is “effective” only if it is capable of covering all stages of the proceedings complained of and thus, in the same way as a decision given by the Court, of taking into account their overall length (*ibid.*, § 110). Lastly, in the recent judgment in *Altius Insurance LTD* (cited above, § 79) the Court held that the domestic judicial practice of separating the examination of length-of-proceedings claims by level of jurisdiction was at odds with the Court’s approach to examining the overall length of proceedings and found a violation of Article 13 in conjunction with Article 6 § 1 of the Convention.

61. In view of the foregoing, the Court finds that the construction of the remedy at issue prevents the domestic courts from applying standards that are in conformity with the principle embodied in its case-law and its approach to the matter which consists of examining the overall length of proceedings. Owing to the conditions in respect of the exercise of the remedy at issue, claimants are required to address each court separately – even though proceedings may meanwhile continue at the appeal and cassation level, with no possibility for either court to undertake a review regarding their overall length. This also runs counter to the Court’s consistent approach that although proceedings may be pending at each stage for a period that cannot be considered excessive as such, the overall duration may nonetheless be excessive (see, for instance, *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* [GC], no. 931/13, §§ 210-211, 27 June 2017).

62. Additionally, an excessive burden is put on claimants to lodge multiple claims for just satisfaction and to initiate parallel judicial proceedings even when the final determination of their case has not yet taken place and the decision settling the dispute has not been yet delivered. It also increases the strain on the already overburdened courts. The problem of lengthy proceedings does not consist of a series of static events but rather of one progressively developing occurrence, the gravity of which progressively increases over time (see *Balogh and Others v. Slovakia*, no. 35142/15, § 58, 31 August 2018) and the cumulative effect of the delay at each level may be

considered (see *Piper v. the United Kingdom*, no. 44547/10, § 68, 21 April 2015, and *Deumeland v. Germany*, 29 May 1986, § 90, Series A no. 100).

63. The Court further notes that in certain decisions relied on by the Government the claimants' argument that the excessive length of proceedings at previous instances should be considered was explicitly dismissed. This is indicative of the remedy's limitations.

(β) Criteria for assessing what constitutes "reasonable" time in decisions dismissing claims for just satisfaction

64. The Government submitted fifty-nine decisions where claims for compensation for excessive length of civil proceedings were examined on the merits, delivered by the Athens courts between 2015 and 2024 (see paragraphs 21-28 above). In twenty cases the claims for just satisfaction were dismissed on the merits. The Court observes that the interpretation of the domestic courts in respect of the application of the criteria for the assessment of the length of proceedings in these examples did not always correspond to the Court's case-law.

65. In this regard the Court will focus on the most illustrative examples where this divergence was decisive for the outcome of claims lodged for just satisfaction. There were instances where the domestic courts found no deficiency in the conduct of the authorities, despite delays of a total period of more than three years for which the litigant could clearly not have been held responsible, while additionally, following an adjournment requested by the latter, the court set a date for a hearing that was more than three years after that adjournment. Even considering the principle that the procedural initiative lies with the parties, the attitude of the parties does not relieve the judges of their duty to ensure the expeditiousness required by Article 6 § 1 (see, for instance, *Kotaridis v. Greece*, no. 205/08, § 27, 15 July 2010, and *Pafitis and Others v. Greece*, 26 February 1998, § 93, *Reports of Judgments and Decisions* 1998-I). The courts must explore any possible ways of making delays due to adjournments shorter by examining whether the circumstances and the reasons for the adjournments would have allowed for an earlier date (see, for instance, *Makrylakis v. Greece*, no. 34812/15, § 61, 17 November 2022).

66. There were also several cases in the material submitted by the Government where the domestic courts found that setting a date for a hearing depended on the internal organisation of the court, that no damage would be caused to the claimant owing to the length of the proceedings and that (under Article 226 § 5 of the Code of Civil Procedure) a hearing at an earlier date could have been requested, even in cases where the proceedings in question were found to be indeed long. The Court has already held that this possibility cannot be considered to constitute an effective remedy allowing the acceleration of proceedings in order to prevent their length from becoming incompatible with the Convention. It can clearly be seen from the wording of

Article 226 § 5 that this only concerns “requests for preference” relating to the examination of a case where this would be required for specific reasons, the relevance of which would be assessed independently by the judge (see *Tziovanis and Others v. Greece*, no. 27462/09, § 56, 19 January 2017). It can also be seen from the decisions submitted by the Government that in the very few cases where claimants have requested an earlier date, their request has not always been granted. Any failure by a claimant to use this means to speed up proceedings does not relieve the State of its obligation to organise its judicial system in such a way that its courts can guarantee to everyone the right to obtain a decision within a reasonable time (see, for instance, *Manios v. Greece*, no. 70626/01, § 28, 11 March 2004). The relevant periods of delay on the part of the authorities cannot therefore be attributed to the claimants in such cases.

67. Furthermore, the Court observes that in other cases cited by the Government the domestic courts followed an excessively restrictive approach to the criterion of what was at stake for the claimant. It was often found that the claimants had not substantiated the importance of what was at stake for them or this had been of minor importance as their means of subsistence had not been affected, although the claimants had expressly raised specific arguments related to the importance of what was at stake which was also clearly supported by the circumstances of the cases. In another case the conclusion that a legal entity had failed to substantiate any moral damage led to the dismissal of the entire claim for lacking any foundation in law.

68. Lastly, in certain instances, domestic courts considered as a starting point the hearing of the cases and not at least the date on which the litigants had requested the court to set a date for a hearing which would have resulted in a delay attributable to the authorities. In another instance the domestic court calculated the length of the proceedings as over three years and dismissed the claim for just satisfaction, referring to the Covid-19 pandemic and its effect on the court’s work. However, based on the time of the hearing and the deliberations, the proceedings could not have been affected by any Covid-19 measures.

69. The Court has previously noted that parties to proceedings do not have full access to the contents of a superior court’s judgment until the date on which they can obtain a certified copy of that judgment and that its finalisation and certification as authentic are necessary before any action can be taken to secure its enforcement. The Court has, however, accepted that setting out in law the delivery of a judgment as the starting date for the time-limit for applying for just satisfaction (Article 3 § 1 of Law no. 4239/2014) was a discrepancy that did not by itself imply the ineffectiveness of the compensatory remedy. It considered on that point that the domestic courts had not considered the delay in the finalisation and certification when judgments were rejecting claims, and that consequently no issues of

enforcement arose for the claimant (see *Techniki Olympiaki A.E.*, cited above, §§ 47-48).

70. The Court has held that stating with sufficient clarity the grounds on which decisions are based enables parties to make effective use of existing remedies (see, for instance, *Hadjianastassiou v. Greece*, 16 December 1992, § 33, Series A no. 252). The Court has also emphasised the importance of the moment at which a decision is reasoned, ruling that the time-limit laid down in Article 35 § 1 of the Convention begins to run from the date on which the applicant and/or his representative has sufficient knowledge of the final domestic judgment, and that this date is, in principle, the date on which that judgment is served on the person concerned (see *Worm v. Austria*, 29 August 1997, § 33, *Reports* 1997, and *Baghli v. France*, no. 34374/97, § 31, ECHR 1999-VIII). Where the domestic law does not provide that a judgment must be so served, the Court has considered it appropriate to take as starting-point the date on which the parties were able to obtain a certified copy of the domestic judgment (see *Papachelas v. Greece* [GC], no. 31423/96, § 30, ECHR 1999-II).

71. As regards the date until when length of proceedings is calculated, the Court notes that there were instances where the period that had elapsed between the delivery of the judgment on the merits and the date on which the claimant had been able to receive an official copy of it had not been taken into account on the grounds that the domestic judgment had rejected the appeal on points of law and that consequently no issues concerning the question of enforcement had arisen for the claimant. The Court finds that in view of the importance of having sufficient knowledge of the final domestic judgment and its full content and reasoning and the rights that are linked to this, including the right to individual application under Article 34 of the Convention and in certain cases to request a reopening before the domestic courts, it is not consistent with the requirement that proceedings be of reasonable length within the meaning of Article 6 § 1 of the Convention that the proceedings may be considered as completed before the person concerned can obtain an official copy of the reasoned decision after its finalisation - even in cases where no issues of enforcement arise.

72. It results from the above analysis of the case-law relied on by the Government that the interpretation of the criteria applied when determining such issues as what constitutes “reasonable” time, the conduct of the applicant or of the authorities, what was at stake for the claimant, the starting point and the point until when length of proceedings is calculated was not in line with the standards as set out in the Court’s case-law.

(γ) Compensation awarded and costs incurred in lodging a claim

73. The Court reiterates that at the time when it had previously examined the effectiveness of the above-mentioned remedy, no award of just satisfaction had been made and the Court was satisfied that the criteria for the

calculation of the just satisfaction were the same as those employed by the Court; simultaneously, the Court held that this did not preclude it from re-examining the issue at a later stage, depending on the practice that would be adopted by domestic courts (see *Xynos*, cited above, §§ 48-49).

74. The Court reiterates that the mere fact that an amount awarded in compensation is low or that no amount is awarded at all does not render the remedy in itself ineffective, although it does have an impact on the Court's assessment of the applicant's victim status concerning the length-of-proceedings complaint in question (see, *mutatis mutandis*, *Zarb v. Malta*, no. 16631/04, § 51, 4 July 2006, and *Śliwiński v. Poland*, no. 40063/06, § 36, 5 January 2010 respectively). In the present case, of the decisions presented by the Government on an indicative basis, claims were upheld in thirty-nine cases and compensation was awarded in thirty-six out of those cases. In three cases the Athens Court of Appeal acknowledged that the proceedings had exceeded a reasonable length, but nevertheless did not award any compensation (see paragraph 23 above).

75. In assessing the amount of compensation awarded by the domestic courts, the Court notes that in more than four fifths of the cases relied on by the Government, the courts made awards that were lower than what the Court would have awarded in those circumstances.

76. Furthermore, as regards the applicant's arguments relating to the costs of lodging a claim, the Court notes that the views of the parties differ, and that the applicant submitted that the costs incurred had been higher than as described by the Government. In making its analysis the Court will base its arguments on the minimum fixed expenses set out in Annex I to the Code of Lawyers to which the Government refers. Those costs – in addition to the court fee of EUR 100 – amounted in total to EUR 421 at first instance and EUR 629 on appeal; in addition to the court fee of EUR 150 they amounted to EUR 1,037 at cassation stage. The Court can accept that these amounts were aimed at discouraging the use of manifestly ill-founded or inadmissible remedies and were not in themselves unreasonable (see *Techniki Olympiaki A.E.*, cited above, § 53).

77. Under Article 5 § 3 of Law no. 4239/2014, if a claim for just satisfaction is allowed, the expenses incurred by a claimant in lodging his or her claim and for representation by a lawyer shall be refunded by the State up to a certain amount; if a claim is dismissed, the claimant may be required to pay costs to the State. The Court notes that the law does not provide for the case where a claim is upheld in part. However, in all the decisions referred to by the Government where the claims were upheld, claims were upheld only in part. In slightly more than half of those decisions the courts ordered that each party pay her or his own expenses. In the rest of the decisions, expenses were partially refunded to the claimant by the State in an amount between EUR 100 and EUR 350. The court fee was either withheld or reimbursed in

part or entirely (see paragraph 24 above). All claimants were consequently required to pay costs.

78. In respect of the minimum costs and court fees that the claimants had to pay to the State in each case, in nineteen out of the thirty-six decisions awarding compensation, the net amounts that the claimants would actually receive were significantly lower (between 19% and less than 50%) – or even manifestly unreasonably lower (as low as 9% and 10%) – than what the Court would have awarded in those circumstances. This means that were a claimant to be awarded compensation, it was very probable, on the basis of the practice of the courts, as is evident from the material submitted by the Government, that such compensation could be significantly reduced or even absorbed by the obligation to pay costs (see *Marshall and Others v. Malta*, no. 79177/16, § 87, 11 February 2020).

79. As regards the applicant's argument that the associated costs impede access to the remedy, the Court finds that there is no clarity on whether claimants would be reimbursed the costs if their complaint is considered justified and allowed in part and that, at the very least, they often have a significant impact on compensation awarded. The Court cannot accept the Government's argument that the costs relating to the remedy could have been covered by legal aid as this was a possibility granted only under certain financial criteria to financially disadvantaged citizens, as the Government acknowledged. Additionally, claimants would have to request legal aid at each instance if the length of proceedings were to last over several instances, while should a claimant be unsuccessful, legal aid would not cover the costs incurred by the opposite party unless the court ordered differently (Article 9 § 6 of Law no. 3226/2004, see paragraph 18 above).

(δ) Impartiality

80. As regards the applicant's argument regarding lack of impartiality, the Court notes that Article 4 of Law no. 4239/2014 lays down a specific procedure for designating the judicial body at each level of jurisdiction responsible for examining a claim for compensation. It has already considered the issue which might be raised by the fact that claims for compensation must be examined by a court at the same level of jurisdiction as that which adjudicated on the merits. It does not see any reason to change its position that this procedure and the mode of apportionment of jurisdiction do not in themselves raise any partiality issue (see the above-cited cases of *Xynos*, §§ 43-44, and *Techniki Olympiaki A.E.*, § 44).

81. The Court reiterates, however, that judicial bodies responsible for examining claims for compensation must ensure compliance with the guarantee of impartiality, using both a subjective approach (by endeavouring to ascertain the personal conviction or interest of a given judge in a particular case) and an objective approach (by determining whether he or she offered

sufficient guarantees to exclude any legitimate doubt on this matter) (*ibid.*, § 44).

(ε) Conclusion

82. The Court notes that the parties have not argued (and therefore, for the purposes of the present case, it has no reason to doubt) that claims for just satisfaction are examined in practice with the necessary expeditiousness, as also required by Article 4 § 6 of Law no. 4239/2014. As regards the applicant's argument that compensation awards are not paid promptly, no information has been provided by the Government.

83. The Court further observes that the fragmentation of proceedings is contrary to its case-law and does not allow an examination of the overall length of proceedings and a consideration of its gravity, which progressively increases over time. In a significant number of instances where domestic courts dismissed claims for just satisfaction their interpretation of the criteria for the assessment of the length of proceedings does not correspond to the Court's case-law (see paragraphs 65-72 above). When the domestic courts made an award, the cases submitted for consideration by the Government indicate that the sums awarded do not constitute adequate redress even considering the standard of living in the country and, in particular, when the costs incurred in lodging claims for damages are taken into account. The above considerations, taking carefully into account the material and arguments submitted by the respondent Government, are sufficient to conclude that the remedy at issue does not afford appropriate redress and cannot be considered as effective, as a result in part of the legal framework and in part due to its application by domestic courts.

84. The Government have, therefore, not shown that any form of effective relief was available and that the applicant would not be unduly hampered in lodging a claim for just satisfaction. The Court therefore dismisses their objection of non-exhaustion of domestic remedies.

85. There has accordingly been a violation of Article 13 of the Convention in conjunction with Article 6 § 1 of the Convention.

2. Alleged violation of Article 6 § 1 of the Convention

(a) The parties' submissions

86. The applicant maintained that the length of the civil proceedings which she had instituted on 22 June 2001 and which were concluded on 9 April 2020 had been excessive. She further argued that her case had not been complex, and submitted in this regard that her claim had arisen out of an employment dispute relating to a dependent employment relationship and that it had concerned a legal matter that had in fact been resolved (as the authorities were not contesting the remuneration system applicable to her). Additionally, the applicant relied on the very short statutory time-limits in

respect of actions and other legal remedies relating to labour claims (see paragraphs 13-14 above). She had also shown proper diligence as regards her previously submitted action of 23 June 1994 (see paragraph 6 above), which had led to the Court's strike-out decision in the case of *Vervele and Others v. Greece* ((dec.) [Committee], no. 63575/10, 18 October 2016) following a friendly settlement of the case, by which the Government had undertaken to pay compensation in respect of non-pecuniary damage for excessive length of proceedings.

87. She maintained that the Athens Court of First Instance should not have adjourned the examination of the case by decision no. 871/2002 as the legal question was solved. Neither should decision no. 1091/2012, by which the Athens Court of First Instance had again adjourned the proceedings, have been issued, as the court could have asked the parties by means of a phone call to submit decision no. 871/2002 and the hospital's observations, as provided in Article 227 § 1 of the Code of Civil Proceedings.

88. As regards the appeal proceedings, the applicant argued that they had started on 6 May 2015 and had ended on 6 December 2018, when she, and not the court, had finalised at her own expense judgment no. 5366/2018. She further argued that she could not be held responsible for the delay that had arisen owing to the lawyers' strike and that that delay should be attributed to the State. As regards the cassation proceedings, she pointed out that they had started on 6 December 2018 and ended on 9 April 2020.

89. The Government maintained that there had been delays only during the first-instance proceedings and not in the course of the appeal and cassation proceedings, the length of which had been short. Very short intervals had elapsed between the different stages of the proceedings such as the determination of the hearing dates, the hearings themselves and the delivery of the judgments. They further observed that it could not be determined from the elements at their disposal whether the applicant had shown diligence in the adjudication of her previous action to which the present action had been linked.

90. As regards the proceedings at first instance, the Government maintained that, although its length did not appear in principle to have met the criteria set out in the Court's case-law, the specific circumstances of the case should be considered. The applicant had brought several consecutive similar actions seeking salary supplements that had allegedly not been paid by the hospital; those actions had differed only in respect of the periods at issue. The delivery of a final judgment regarding her previous action of 23 June 1994 was a preliminary matter for the adjudication of her action in the present case.

91. As regards the appeal proceedings, they had been concluded after three years and one month, in essence one year and six months, given that the State could not be held responsible for the period from 19 April 2016 until 5 December 2017, during which time the case had been adjourned owing to

the lawyers' strike. Lastly, the cassation proceedings had started on 24 January 2019 when the applicant had requested that a hearing be set and had been concluded on 10 March 2020 when judgment no. 246/2020 had been finalised. Those proceedings had lasted one year and two months.

(b) The Court's assessment

(i) The general principles

92. The reasonableness of the length of proceedings must be assessed in the light of the circumstances of the particular case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities, and what was at stake for the applicant in the dispute (see, among others, *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 209, 25 June 2019, and *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 143, 29 November 2016, with further references).

93. Article 6 § 1 of the Convention imposes on the Contracting States the duty to organise their judicial systems in such a way that their courts can meet each of the requirements of this provision – including the obligation to hear cases within a reasonable time (see, the above-cited cases of *Rutkowski and Others*, § 128, and *Glykantzi*, § 47).

94. States are responsible for delays attributable to the conduct of their judicial or other authorities. They are also responsible for delays in the presentation of the reports and opinions of court-appointed experts. A State may be found liable not only for delay in the handling of a particular case, but also for a failure to increase resources in response to a backlog of cases, or for structural deficiencies in its judicial system that cause delays. Tackling the problem of unreasonable delay in judicial proceedings may thus require the State to take a range of legislative, organisational budgetary and other measures (see *Bieliński v. Poland*, no. 48762/19, § 44, 21 July 2022, and *Finger v. Bulgaria*, no. 37346/05, § 95, 10 May 2011, with further references).

95. The Court further reiterates that even in legal systems that apply the principle that the procedural initiative lies with the parties, the latter's attitude does not absolve the courts from the obligation to ensure the expeditious trial required by Article 6 § 1 (see, *inter alia*, *Gioka v. Greece*, no. 44806/07, § 24, 16 April 2009, and *Pafitis and Others*, cited above, § 93). The concept of "reasonable time" requires the courts also to monitor the progress of proceedings and to be attentive to the lapse of time between hearings or other procedural acts (see *Glykantzi*, cited above, § 47).

96. The persons concerned are required only to show diligence in carrying out the procedural steps relating to them, to refrain from using delaying tactics and to avail themselves of the scope afforded by domestic law for shortening the proceedings. They are under no duty to take any action that is not apt for

that purpose (see, for instance, *Jann-Zwicker and Jann v. Switzerland*, no. 4976/20, § 95, 13 February 2024).

97. In civil proceedings, the “reasonable time” referred to in Article 6 § 1 of the Convention normally begins to run from the moment at which proceedings were instituted before the relevant court. It normally covers the whole of the proceedings in question – including appeal proceedings – and extends right up to the decision that disposes of the dispute (*ibid.*, § 96, with further references).

(ii) *Application of these principles to the present case*

(α) Period to be taken into consideration

98. The proceedings complained of commenced on 22 June 2001, when the applicant brought her action, and were concluded on 9 April 2020, when after its finalisation, an official copy of final judgment no. 246/2020 of the Court of Cassation became available to the applicant (see paragraphs 70-71 above; see also *Kosmopolis S.A. v. Greece*, no. 40434/98, §§ 15 and 22, 29 March 2001). The proceedings thus lasted eighteen years, nine months and eighteen days over three levels of jurisdiction.

(β) Reasonableness of the length of the proceedings

99. The Government did not contest the applicant’s allegation that the case was not complex. The Court notes that the subject matter of the litigation at issue, which concerned a claim regarding the remuneration of the applicant for her employment, cannot be considered particularly complex.

100. As to the conduct of the applicant, who had to lodge her civil claims within the statutory limitation period, the Court does not find that she can be considered as having contributed to the length of proceedings by bringing consecutive similar actions corresponding to different periods of employment. It notes in that respect that when the applicant lodged her action on 23 June 1994, she could not claim wages and allowances for her employment after that date (see paragraph 6 above). Moreover, as evidenced by the fact that in judgment no. 942/2015 the applicant’s claim was found to be time-barred in so far as it concerned years 1994 to 1998 (Article 48 § 3 of Legislative Decree no. 496/1974, see paragraphs 8 and 11 above), she had no other option than bringing separate claims in respect of different periods of employment.

101. The Government argued that it could not be seen from the elements at their disposal whether the applicant had shown diligence in seeking the adjudication of her previous action (to which the action at issue had been linked). However, the Court notes that the Government could have access to the necessary elements in order to substantiate a relevant argument, as the applicant had previously lodged application no. 63575/10, which had concerned the allegedly excessive length of those proceedings, and the Court

had struck the case out of its list following a friendly settlement reached between the parties (see *Vervele and Others*, cited above).

102. The applicant was in general active in respect of the proceedings and she undertook a number of procedural actions aimed at having hearings scheduled in respect of her case (see paragraphs 7-9 above). The Court observes that she showed the “normal diligence” required in civil proceedings (see, for instance, *Nicolle v. France*, no. 51887/99, § 30, 25 November 2003).

103. With regard to the conduct of the judicial authorities during the proceedings at first-instance, the Court notes that the case was adjourned on 15 April 2002 until the delivery of a final judgment on the applicant’s previous action for the correct assessment of the case and in order to avoid conflicting judgments (see paragraph 6 above). Although Article 6 § 1 of the Convention requires judicial proceedings to be conducted expeditiously, it also lays down the more general principle of the proper administration of justice. It is however noteworthy that after the parallel proceedings had been concluded on 24 February 2011, the case was heard again on 24 May 2012, namely more than ten years and one month after the case was adjourned, which constituted a considerable prolongation of the proceedings. While it is for the judges hearing the case to assess the need to stay proceedings pending the outcome of other proceedings, it is for the authorities to keep a close watch on the progress of such proceedings, in the knowledge that they have run the risk of significantly delaying the main proceedings (see *I.D. v. Romania*, no. 3271/04, § 45, 23 March 2010, and *Cioviță v. Romania*, no. 3076/02, § 75, 31 March 2009). The need for adjournment alone is not - given all the circumstances of the case and in the light of the considerably lengthy delay until these proceedings were concluded - compatible with the fair balance that has to be struck between the various aspects of the right to a fair trial (see, for instance, *Koutrouba v. Greece*, no. 27302/03, §§ 5-6 and 18, 4 August 2005, and *Potiri v. Greece*, no. 18375/03, §§ 6 and 19, 23 June 2005, where proceedings were adjourned pending the outcome of other proceedings during much shorter periods, of up to three years and seven months and a breach of Article 6 § 1 was found).

104. On 7 June 2012, by decision no. 1091/2012, the Athens Court of First Instance adjourned the case for the second time on rather trivial grounds: the fact that judgment no. 871/2002 of the same court (adjourning the case for the first time) and the hospital’s observations included therein had not been included in the case-file (see paragraphs 7-8 above). However, this adjournment resulted in a delay of more than six months for the completion of elements which were known to the court or information which it could have easily accessed.

105. The Court further notes that the hearing of the appeal (which was originally scheduled for 19 April 2016) was postponed owing to a lawyers’ strike, and the case was scheduled to be heard on 5 December 2017 (see paragraph 9 above). An event of that kind cannot render a Contracting State

liable with respect to the “reasonable time” requirement. However, the efforts made by the State to reduce any resultant delay are to be taken into account for the purposes of determining whether the requirement was complied with. Although the appellate court could not reasonably have known when the end of the strike would be, and the Government have not provided any indication of the strike’s duration, it did set a new hearing date that fell more than one year and seven months after the initial hearing date. Given that Article 6 § 1 requires that cases be heard “within a reasonable time”, a delay of this length is hard to reconcile with the need to render justice with the effectiveness and credibility required by the Convention (see *Milionis and Others v. Greece*, no. 41898/04, § 58, 24 April 2008; *Savvidou v. Greece*, no. 38704/97, § 18, 1 August 2000; and *Papageorgiou v. Greece*, 22 October 1997, §§ 47-48, *Reports* 1997-VI).

106. This being the case, the fact remains that even if eleven months in total – which it took the applicant to ask for a date to be set for the hearing of the action after its adjournment (see paragraphs 7-8 above) and to bring the appeal and the appeal on points of law before the competent courts and to request dates for hearings (see paragraphs 9-10 above) – are deducted from the duration of the proceedings, the remaining period lasted seventeen years, ten months and eighteen days over three instances. This cannot be considered reasonable.

107. Lastly, the Court reiterates its relevant case-law according to which employment disputes by their nature call for expeditious decisions (see, for instance, *Tabouret v. France*, no. 43078/15, § 84, 12 May 2022), and notes that the present case concerned a labour dispute. The Greek courts cannot be said to have been prompt in this case, also in the light of the express provisions of Greek law setting very short time-limits for the progress of such proceedings of a maximum of two months which were considerably exceeded on numerous occasions (see paragraphs 6-10 above, see *Gioka*, cited above, §§ 22-25, and *Nichifor v. Romania (no. 1)*, no. 62276/00, § 28, 13 July 2006). For instance, after the case had been adjourned by decision no. 1091/2012, more than two years and two months elapsed following the applicant’s request for a hearing to be scheduled.

(γ) Conclusion

108. The Court emphasises that a temporary backlog of court business does not entail a Contracting State’s international liability if it takes appropriate remedial action with the requisite promptness. However, according to the Court’s established case-law, a chronic overload of cases within the domestic system cannot justify an excessive length of proceedings (see *Probstmeier v. Germany*, 1 July 1997, § 64, *Reports* 1997-IV), nor can the fact that backlog situations have become commonplace (see *Mikuljanac and Others v. Serbia*, no. 41513/05, § 39, 9 October 2007, and *Unión Alimentaria Sanders S.A. v. Spain*, 7 July 1989, § 40, Series A no. 157).

109. The information provided in the CEPEJ evaluation report shows that certain efforts were made upon the introduction of the remedy that entered into force in February 2014; those efforts probably reflected a genuine willingness to tackle the problem of length of proceedings during that period. That said, these seem to have only produced temporary and not sustainable results (see paragraphs 29-33 above; see also the relevant ranking of Greece in comparison to other states). The courts of first instance cleared more cases than they received during 2014 and 2015. However, the clearance rate remained below 100% from 2016 until 2022, while the number of incoming cases significantly dropped as of 2014. “Disposition time” at first instance improved between 2012 (469 days) and 2014 (330 days), but significantly deteriorated during the following years until 2022 – more than doubling over that period (746 days in 2022 which was more than three times higher than the European median of 239 days).

At second instance, the clearance rate dropped below 100% over several years (especially in 2016 and 2022 with a significant drop at 75% and 79% respectively) while in certain years when it was above 100% (2017, 2019 and 2021) this was paired mainly with a declining number of incoming cases. Lastly, “disposition time” significantly decreased between 2016 (1,149 days) and 2017 (640 days) and further in 2022 (422 days). However, despite the drop in incoming cases, it remained in the period 2017-2021 more than three times higher than the European median of 200 days, and in 2022 it was more than twice as high (see paragraphs 30-32 above).

110. The Court observes that the present case lasted eighteen years, nine months and eighteen days over three instances. Even discounting a delay of eleven months that cannot be attributed to the Government (see paragraph 106 above), there were long periods of inactivity and several periods of delay on the part of the judicial authorities which, taken together, indicate that the proceedings were not conducted with the necessary expedition. The Court, assessing the circumstances of the case and having regard to the overall duration of the proceedings, finds this lapse of time to have been excessive. The difficulties civil courts may be admitted to have encountered cannot be considered to have been temporary and nothing suggests that the situation was exceptional.

111. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

112. Article 41 of the Convention provides:

“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. Damage

113. The applicant sought compensation in the amount of 47,376.26 euros (EUR) in respect of pecuniary damage plus legal interest. She argued that if the delays in the proceedings had not taken place and if those proceedings had been concluded within a reasonable time, her action relating to the claimed wages would have been upheld. She also claimed EUR 30,000 in respect of non-pecuniary damage, arguing that she has suffered non-pecuniary damage caused by the violation of her right to a fair trial.

114. The Government submitted that the applicant had claimed compensation for damage in a vague manner, without giving a sufficient explanation and that there was no causal link between the violation complained of and the pecuniary damage allegedly sustained. With regard to the claim in respect of non-pecuniary damage the Government submitted that a finding of a breach of the Convention would constitute sufficient just satisfaction.

115. The Court cannot speculate on what the outcome of the proceedings on the applicant's appeal on points of law would have been if it had been accepted. It therefore rejects the claim in respect of pecuniary damage. However, as the applicant must have sustained non-pecuniary damage as a result of the violation of Article 6 § 1 relating to the length of proceedings, the Court, making its assessment on an equitable basis, as required by Article 41, awards the applicant EUR 11,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

116. The applicant also claimed EUR 943.30 for the costs and expenses incurred before the Court of Cassation. She submitted invoices for payments to her representative dated in 2018 and 2019. She also claimed EUR 6,853 for costs and expenses incurred before the Court, which she stated that she owed to her representative because of her low pension income. She submitted an invoice for payment of EUR 235.60, issued by a translation company in the name of her representative, for the translation of the observations submitted to the Court.

117. The Government maintained that the amounts claimed were not supported by any evidence or valid justification and that they were excessive, also taking into account the fact that the proceedings had been conducted in writing. They also contested the applicant's allegation that she had a low income.

118. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its

possession and the above criteria, the Court considers it reasonable to award the sum of EUR 240 for costs and expenses for the proceedings before it, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Joins* to the merits of the complaint under Article 13 of the Convention in conjunction with Article 6 § 1 the Government's preliminary objection concerning non-exhaustion of domestic remedies and *dismisses* it;
2. *Declares* the complaints under Articles 6 § 1 and 13 of the Convention admissible;
3. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
4. *Holds* that there has been a violation of Article 13 in conjunction with Article 6 § 1 of the Convention;
5. *Holds*
 - (a) that the respondent State is to pay the applicant, 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) EUR 11,000 (eleven thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 240 (two hundred and forty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (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;
6. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 26 August 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Peeter Roosma
President