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

THIRD SECTION

DECISION

Application no. 51173/19
A.-I.K.
against Greece

The European Court of Human Rights (Third Section), sitting on 10 February 2026 as a Committee composed of:

Peeter Roosma*, President*,
Ioannis Ktistakis,
Lətif Hüseynov*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the application (no. 51173/19) 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") on 19 September 2019 by a Greek national, Mr A.-I.K. ("the applicant"), who was born in 1980, lives in Athens and was represented by Mr S. Kyvelos, a lawyer practising in Thessaloniki;

the decision to give notice of the application to the Greek Government ("the Government"), represented by their Agent, Ms N. Marioli, President of the State Legal Council and their Agent's delegate, Ms Z. Chatzipavlou, Senior Adviser at the State Legal Council;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The applicant alleged that the refusal to reimburse compulsory lawyers' insurance contributions after suspension of his status violated his right to the peaceful enjoyment of possessions.

2. On 18 February 2008 the applicant was registered as a lawyer with the Thessaloniki Bar Association and was subject to compulsory insurance by the Unified Fund for the Self-Employed – a public legal entity. The Fund was composed of two parts: the main pension with the Lawyers' Insurance Fund

(*Ταμείο Νομικών*) and a supplementary benefit with the Lawyers' Supplementary Insurance Fund (*Κλάδος Επικουρικής Ασφάλισης Δικηγόρων*). The applicant remained affiliated with both schemes until 1 February 2012, when his status as a lawyer was suspended following his enrolment at the National School of Judges.

3. On 7 August 2013 the applicant was re-registered with the Lawyers' Insurance Fund, this time in his capacity as a judge. However, he did not register with the Lawyers' Supplementary Insurance Fund, which applied exclusively to practising lawyers.

4. On 3 February 2014 the applicant requested the reimbursement of the contributions which he had paid to the Lawyers' Supplementary Insurance Fund from 18 February 2008 to 1 February 2012, as he had at that time been deregistered from the Lawyers' Insurance Fund and later re-registered with it in his capacity as a judge. He claimed that he should be refunded in full for the supplementary contributions made for the years 2008 to 2010 and for January 2012 on the grounds that the Lawyers' Supplementary Insurance Fund had been unjustly enriched to the detriment of his property because he would not receive a supplementary benefit on the basis of the contributions he had paid until 1 February 2012. He further requested that he be exempted from payment of the 2011 contributions for which he had previously reached an agreement to pay in instalments. As no formal response was issued within the statutory time limit, his application was considered implicitly dismissed.

5. On 15 September 2014 the applicant challenged the dismissal before the Athens Administrative Court of First Instance. He reiterated his request for reimbursement of the contributions he had paid and for an exemption from paying contributions for 2011. He stated that as he had lost the status of lawyer, he would not have a right to monthly benefits or a supplementary benefit when he retired, as those were awarded to persons who had retired as lawyers. He reiterated his claims that the Lawyers' Supplementary Insurance Fund had been unjustly enriched to the detriment of his property without legitimate cause, and he also restated that point in his additional submissions (*υπόμνημα*). By those submissions he requested the reimbursement of the amount of 736.32 euros (EUR), corresponding to the supplementary contributions paid for the years 2008-2010 and January 2012 as these periods were not recognised as pensionable time and did not provide him with any social security benefit.

6. By judgment no. 3437/2019, notified to the applicant on 17 April 2019, the Athens Administrative Court of First Instance dismissed the applicant's challenge. It held that individuals are insured with the Lawyers' Insurance Fund and the Lawyers' Supplementary Insurance Fund once they acquire the status of lawyer and for as long as they remain registered with a Bar Association, even if they do not actively practise the profession. It found that the applicant had lawfully paid the supplementary contributions in accordance with the relevant statutory provisions, and in view of the

compulsory nature of supplementary insurance established in Article 22 § 5 of the Constitution. The applicant's deregistration from the Supplementary Insurance Fund did not mean that the amounts had been unduly paid, irrespective of whether the period during which he was insured with that Fund and had paid contributions would be taken into account for the award of a supplementary benefit that may be granted in the future, pursuant to the provisions governing subsequent insurance [insurance that may be aggregated if the person is insured in the same or a related scheme]. The court held that the existence of an active insurance link was indeed a condition for the allocation of pension benefits, however this did not mean that the insurance period was invalidated when there was a change in the insurance body. That issue would be assessed at the time the insurance risk materialised.

7. The judgment was not subject to appeal.

8. The applicant complained that contributions amounting to EUR 1,014.60 had not been reimbursed, including the contributions for the year 2011 which he had paid in 2015. He argued that withholding the contributions for 33 years until he reached retirement age amounted to a deprivation of property in violation of Article 1 of Protocol No. 1 to the Convention. He submitted that he was not entitled to a supplementary benefit as he had left the legal profession and it was uncertain whether he would reach retirement age and thus be able to effectively claim and receive a refund of those contributions at that time.

THE COURT'S ASSESSMENT

9. The Government submitted that the applicant had failed to exhaust domestic remedies because he had not made a claim alleging a violation of the right to peaceful enjoyment of possessions in the domestic proceedings. His claim had relied instead on the unjust enrichment of the Lawyers' Supplementary Insurance Fund and the contributions that had been unduly paid. The applicant contended that in the request he had submitted to that Fund, his challenge before the Athens Administrative Court of First Instance and his additional observations, he had specifically argued that the Fund had become richer to the detriment of his property. His arguments had amounted to allegations relating to Article 1 of Protocol No. 1 to the Convention, and even if he had not explicitly referred to that provision, he had given the domestic courts the opportunity to examine his complaints under it. The Court does not need to examine this objection as the complaint is inadmissible for the following reasons.

10. The applicant claimed to have been deprived of his property owing to the non-reimbursement of the compulsory contributions paid to the Lawyers' Supplementary Insurance Fund for the period from 2008 to January 2012. The obligation to pay the contributions to the relevant social security scheme constituted an interference with the applicant's right to the peaceful

enjoyment of his possessions. It falls under the second paragraph of Article 1 of Protocol No. 1, which recognises that the Contracting States are entitled to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions (see *Wallishauser v. Austria (no. 2)*, no. 14497/06, § 63, 20 June 2013, and *Frátrik v. Slovakia* (dec.), no. 51224/99, 25 May 2004)

11. According to the Court's well-established case-law, an interference including one resulting from the payment of taxes or other contributions, must strike a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The desire to achieve this balance is reflected in the structure of Article 1 as a whole, including the second paragraph: there must therefore be a reasonable relationship of proportionality between the means employed and the aims pursued (see *James and Others v. the United Kingdom*, 21 February 1986, § 50, Series A no. 98, and *Iofil AE v. Greece* (dec.), no. 50598/13, § 34, 7 September 2021).

12. Furthermore, a wide margin of appreciation is usually allowed to the State under the Convention when it comes to general measures of economic or social strategy, and the Court will generally respect the legislature's policy choice unless it is "manifestly without reasonable foundation" (see *Stec and Others v. the United Kingdom* [GC], nos. 65731/01 and 65900/01, § 52, ECHR 2006-VI, and *Iofil AE*, cited above, § 36).

13. The Court notes that lawyers who had legally acquired the right to practise had to be compulsorily insured with the Lawyers' Insurance Fund (Article 7 § 1 of Law no. 4114/1960 on the Lawyers' Insurance Fund) from the date of their registration with the relevant Bar Association until they were deregistered or until their status as a lawyer was automatically revoked. Compulsory insurance started upon registration with the relevant Bar Association, and ended on the date of any departure from the legal profession or death (Article 14 § 1(b) of Royal Decree no. 428/1961 on the Lawyers' Supplementary Insurance Fund). Furthermore, in accordance with Article 28 § 1 of Law no. 4114/1960, payments made by insured persons to cover any of their insurance obligations were not refundable, provided that they were lawfully made, even if the insured persons or their family were not entitled to a pension. Pursuant to Article 28 § 2 of the same Law, the relevant amounts should be refunded as unduly paid only when the persons were not lawfully insured during a period of time.

14. There was therefore a clear legal basis in domestic law to foresee that the lawful compulsory supplementary contributions would not be reimbursed when the applicant left the legal profession to join the judiciary. The interference complained of, which was "provided for by law", pursued a legitimate aim "in accordance with the general interest" by ensuring the proper functioning of the Lawyers' Supplementary Insurance Fund, and protecting its financial stability and insurance capital.

15. The Court will now turn to the question whether the interference was proportionate to the legitimate aim pursued.

16. As to the conditions for the award of a supplementary benefit, in accordance with Article 30 § 3 of Law no. 4114/1960, lawyers subject to compulsory insurance by the Lawyers' Insurance Fund who left the legal profession on or after 1 January 1961 and were awarded a pension by that Fund, were to be granted a supplementary benefit, determined by ministerial decision and with the approval of the governing board. Article 9 of Royal Decree no. 428/1961 provided that insured persons were entitled to a supplementary benefit, if they had completed certain conditions (including years in the legal profession or age). Additionally, lawyers who had already retired under the Lawyers' Insurance Fund but had ended their supplementary insurance without qualifying for a supplementary benefit could still receive such a benefit, upon application, if at that time they met at least one of the eligibility conditions for the main pension.

17. Particular emphasis needs to be placed on the fact that the applicant complained about the non-reimbursement of contributions made to the Lawyers' Supplementary Insurance Fund and not about the contributions to his main pension. The Lawyers' Supplementary Insurance Fund had been established as a special account on 1 January 1961 and had ceased to exist from 2020, as it was integrated into a new unified social security entity. Its resources consisted of a monthly contribution paid by insured lawyers and special contributions such as those raised from appointment, promotion, marriage, recognition of previous service (Article 1 § 1 of Royal Decree no. 428/1961). The Fund was structured on the principle of solidarity (compare *Valkov and Others v. Bulgaria*, nos. 2033/04 and 8 others, § 98, 25 October 2011). The Court has held on several occasions that Article 1 of Protocol No. 1 places no restriction on the Contracting States' freedom to decide whether or not to have in place any form of social security scheme, or to choose the type or amount of benefits to provide under any such scheme (see, for instance, *Béláné Nagy v. Hungary* [GC], no. 53080/13, § 82, 13 December 2016).

18. Lastly, the applicant did not allege that the refusal to have the contributions reimbursed deprived him of all pension entitlements after lifelong contributions (compare *Klein v. Austria,* no. 57028/00, §§ 55-57, 3 March 2011), of the means of subsistence or otherwise constituted an excessive burden in view of his financial situation (see, *mutatis mutandis*, *Fábián v. Hungary* [GC], no. 78117/13, § 78, 5 September 2017).

19. Having regard to the above, and the wide margin of appreciation allowed to the State under the Convention, the Court cannot find that the applicant has been made to bear an excessive individual burden.

20. It follows that the application must be rejected for being manifestly ill-founded in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 12 March 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President