

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

THIRD SECTION

# CASE OF LIVADITIS v. GREECE

*(Application no. 24662/17)*

JUDGMENT

STRASBOURG

26 February 2026

*This judgment is final but it may be subject to editorial revision.*



**In the case of Livaditis v. Greece,**

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

Diana Kovatcheva*, President*,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 5 February 2026,

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

# PROCEDURE

1. The case originated in an application against Greece lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention").

2. The application form, dated 2 March 2017, reached the Court on 24 March 2017. The postmark was illegible, and the application was registered as having been introduced on 24 March 2017.

3. The applicant was represented by Ms A. Nasi, a lawyer practising in Nafplio.

4. The Greek Government ("the Government") were given notice of the application.

# THE FACTS

5. The applicant's details and information relevant to the application are set out in the appended table.

6. The applicant complained of the length of proceedings before the administrative courts. He also raised other complaints under Article 6 § 1 of the Convention.

# THE LAW

## I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION ON ACCOUNT OF THE LENGTH OF PROCEEDINGS

### A. First set of proceedings

7. The applicant complained that the length of proceedings before the Nafplio Administrative Court of First Instance (see appended table) had been incompatible with the "reasonable time" requirement. He relied on Article 6 § 1 of the Convention.

8. The Government submitted that the application was lodged out of time, as more than six months had elapsed between the date on which the final

domestic decision was served on the applicant, namely 13 September 2016, and the date when the application was lodged, 24 March 2017. The applicant contested the above.

9. The Court notes that the postmark on the envelope containing the application form was illegible. However, it was established that the application reached the Registry on 24 March 2017 and was therefore registered as having been introduced on that date. In his observations, the applicant stated that he had dispatched the application the latest by 13 March 2017, and submitted that postal delays should not be imputed to him. The Court considers that a period of twelve days corresponds to the usual postal delivery time. In the absence of any element to the contrary, it cannot conclude that the application form was dispatched after 13 March 2017, date on which the six-month time-limit expired. Accordingly, the Government's objection must be rejected (see *Bulinwar OOD and Hrusanov v. Bulgaria*, no. 66455/01, §§ 29-33, 12 April 2007).

10. The Court further reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the 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 many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

11. In the pilot judgment *Vassilios Athanasiou and Others v. Greece* (no. 50973/08, §§ 26-29, 21 December 2010), the Court already found a violation in respect of issues similar to those in the present case.

12. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings before the Nafplio Administrative Court of First Instance was excessive and failed to meet the "reasonable time" requirement.

13. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

### B. Second set of proceedings

14. The applicant in addition complained under Article 6 § 1 of the Convention that the length of the proceedings before the Tripoli Administrative Court of Appeal had also been excessive.

15. The Government objected that the applicant had failed to submit an application in accordance with Law No. 4055/2012. The applicant argued that the remedy in question could not cover the entire damage he had suffered, as it was only applicable to the appeal proceedings.

16. The Court notes that when judgment no. 201/2016 of the Tripoli Administrative Court of Appeal was published on 31 March 2016,

Law no. 4055/2012 had already entered into force (2 April 2012). The remedy under Law no. 4055/2012 has been found to be effective in circumstances identical to those of the present case (see *Techniki Olympiaki A.E. v. Greece* (dec.), no. 40547/10, §§ 32-58, 1 October 2013). As the applicant did not make use of it, it follows that the applicant has not exhausted domestic remedies as required by Article 35 § 1. This part of the application is inadmissible and should therefore be rejected pursuant to Article 35 §§ 1 and 4 of the Convention.

## II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AS REGARDS THE APPLICANT'S ACCESS TO A COURT

17. The applicant further complained under Article 6 § 1 of the Convention that he was deprived of access to a court. In particular, he alleged that as his action lodged with the Tripoli Administrative Court of Appeal was dismissed for lack of jurisdiction twelve years after it had been lodged, he was no longer able to pursue his claim with the civil courts, as the claim had become time-barred in the meantime.

18. The Government objected that the application had been lodged out of time and that the applicant had failed to exhaust domestic remedies and lacked victim status. The applicant disagreed. The Court does not find it necessary to address the above-mentioned objections, given that the complaint is inadmissible for the following reasons.

19. The Court observes that, as noted by the Government, the applicant retained the possibility of bringing his action to civil courts after the administrative courts declined jurisdiction. Pursuant to Article 9 of Law No. 1649/1986 and Article 41 of Law No. 3659/2008, had the applicant applied to the civil courts within two months from 13 September 2016 when the decision of the Tripoli Administrative Court of Appeal was served on him, his action would have been deemed to have been lodged on the date on which the initial action was filed with the Nafplio Administrative Court of First Instance on 14 September 2004. The applicant did not argue otherwise. He merely maintained that the administrative courts had jurisdiction to decide his case and that initiating proceedings before the civil courts would have been burdensome and costly. While the applicant maintained that the civil courts would decline jurisdiction in his case, he did not substantiate his claim.

20. The Court considers that these circumstances do not disclose a disproportionate restriction on the applicant's right of access to a court. It follows that this complaint is manifestly ill-founded in accordance with Article 35 § 3 (a).

21. Accordingly, this part of the application must be rejected in accordance with Article 35 § 4.

## III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

22. Regard being had to the documents in its possession and to its case-law (see, in particular, *Vassilios Athanasiou and Others,* cited above, §§ 60-62), the Court considers it reasonable to award the sums indicated in the appended table.

## FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 concerning the length of the proceedings before the Nafplio Administrative Court of First Instance admissible, and the remainder of the application inadmissible;

2. *Holds* that this complaint discloses a breach of Article 6 § 1 of the Convention concerning the length of the proceedings before the Nafplio Administrative Court of First Instance;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table;
   (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.

Done in English, and notified in writing on 26 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Diana Kovatcheva<br>President |

# APPENDIX

## Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Start of proceedings | End of proceedings | Total length<br>Levels of jurisdiction | Amount awarded for non-pecuniary damage (in euros)[1] | Amount awarded for costs and expenses (in euros)[2] |
|---|---|---|---|---|---|---|---|
| 24662/17<br>24/03/2017 | **Anastasios LIVADITIS**<br>1967 | Nasi Aikaterini<br>Nafplio | 14/09/2004 | 31/05/2011 | 6 years and 8 months and 18 days<br>1 level of jurisdiction | 5,200 | 1,250 |

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.