

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

THIRD SECTION

CASE OF ORFANIDIS v. GREECE

(Application no. 17638/19)

JUDGMENT

STRASBOURG

26 February 2026

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



In the case of Orfanidis 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") on 20 March 2019.

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

THE FACTS

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

4. The applicant complained of the non-enforcement of a domestic judgment and of the lack of any effective remedy in domestic law to complain about it.

THE LAW

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

5. The applicant complained of the non-enforcement of the domestic judgment given in his favour and of the lack of any effective remedy in domestic law in that regard. The judgment of the Supreme Administrative Court referred to the rejection by an administrative committee of the applicant's objection against fines imposed on him for unauthorised constructions. He relied on Article 6 § 1 and Article 13 of the Convention.

6. The Government argued that the applicant lodged the application prematurely, not having exhausted the available domestic remedies, notably by not waiting for the final ruling on his application provided by Law No. 3068/2002 before the Council of Compliance. They further submitted that the judgement had been enforced on 16 April 2019 and any delay in the enforcement did not infringe the core of the applicant's right of access to court. They argued that the delay in the enforcement was unintentional and

could be justified considering the complexity of the administrative enforcement procedure and that the applicant did not suffer any adverse consequences because of it. They noted that the applicant had an effective remedy in domestic law at his disposal, notably the application provided for by Law No. 3068/2002 before the Council of Compliance.

7. The Court reiterates that the execution of a judgment given by any court must be regarded as an integral part of a "hearing" for the purposes of Article 6. It also refers to its case-law concerning the non-enforcement or delayed enforcement of final domestic judgments (see *Hornsby v. Greece*, no. 18357/91, § 40, *Reports of Judgments and Decisions* 1997-II).

8. In the leading cases of *Kanellopoulos v. Greece,* no. 11325/06, 21 February 2008 and *Bousiou v. Greece,* no. 21455/10, 24 October 2013, the Court already found a violation in respect of issues similar to those in the present case.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints and dismisses the Government's objection. The Court finds it established that the authorities have enforced, in full, judgment no. 1548/2017 of the Supreme Administrative Court in the applicant's favour. However, having regard to the case-law on the subject and the circumstances of the case, the authorities did not deploy all necessary efforts to enforce the judgment in due time. It took the authorities almost two years, without any convincing reason and excuse, to enforce the judgment in full (for further details see the appended table).

10. The Court further notes that the applicant did not have at his disposal an effective remedy in respect of these complaints. The remedy provided for by Law No. 3068/2002 does not constitute an effective remedy as it is not capable of accelerating the execution of the domestic decision in case of the authorities' refusal or delay to comply with it (see *Kanellopoulos*, cited above, § 21).

11. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention and Article 13 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Kanellopoulos,* cited above; and *Bousiou,* cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention and Article 13 of the Convention concerning the delayed enforcement of domestic judgment no. 1548/2017 of the Supreme Administrative Court and the lack of any effective remedy in domestic law in that regard;

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.

Viktoriya Maradudina Acting Deputy Registrar	Diana Kovatcheva President

APPENDIX

Application raising complaints under Article 6 § 1 and Article 13 of the Convention
(non-enforcement or delayed enforcement of domestic decisions and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Name of the court Judgment no. Date of the final judgment	Start date of non-enforcement period	End date of non-enforcement period Total length of non-enforcement	Amount awarded for non-pecuniary damage per applicant (in euros) [1]	Amount awarded for costs and expenses per application (in euros)[2]
17638/19 20/03/2019	**Athanasios ORFANIDIS** 1973	Supreme Administrative Court, Judgment no. 1548/2017, 07/06/2017	13/07/2017	16/04/2019 1 year(s) and 9 month(s) and 4 day(s)	1,500	250

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