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

THIRD SECTION

DECISION

Application no. 20034/18
Grigorios GIKAS
against Greece

The European Court of Human Rights (Third Section), sitting on 30 June 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. 20034/18) 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 23 April 2018 by a Greek national, Mr Grigorios Gikas ("the applicant"), who was born in 1971 and lives in Ioannina, and was represented by Mr I. Kantzios, a lawyer practising in Ioannina;

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

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the decision not to appoint the applicant to a municipal post on the basis of a legislative provision, in accordance with which the permanent residents of municipalities with less than 10,000 inhabitants had absolute priority in competitions for positions in these municipalities, irrespective of their ranking.

2. On 13 April 2006 the Municipality of Delvinaki announced a recruitment competition to one post in the category of "Technological Education (TE), Specialty Economic – Accounting".

3. On 16 June 2006 the applicant submitted his application.

4. The competition was conducted in accordance with Law no. 2190/1994, which governed recruitment in the public sector. Article 18 § 2 (d), as applicable at the material time, contained specific provisions relating to local residency. First, municipal citizens of municipalities or communities with a population of up to 10,000 inhabitants were entitled to receive an additional 150 points, provided that they sought appointment to posts within their municipality or related municipal entities and undertook to serve there for at least ten years. Second, candidates who were both municipal citizens and permanent residents of designated border municipalities were to be ranked in priority over other candidates belonging to the same category, irrespective of the total number of points obtained under the general merit-based criteria and subject to the same ten-year service commitment. The competition notice (Chapter D) reiterated the statutory provisions cited above and further specified the applicable eligibility criteria, the method of calculation of points, and the procedure for drawing up the ranking and appointment lists by the competent municipal committee.

5. On the basis of the above-mentioned notice, by decision no. 2122 dated 16 May 2007 the competent committee of the Municipality of Delvinaki drew up the provisional ranking list of candidates. The final ranking and appointment list was subsequently published in the Official Gazette. According to the ranking list, the applicant was placed ninth with a total of 1,200 points. The candidate ranked first, E.L., had obtained 861 points. Since she was both a municipal citizen and a permanent resident of the Municipality of Delvinaki, she was ranked ahead of the applicant. Candidates ranked second to eighth were likewise municipal citizens and permanent residents of designated border municipalities and were placed ahead of the applicant on the same legal basis. E.L. was declared successful and appointed to the sole post in question.

6. On 22 May 2007 the applicant lodged an objection against the provisional ranking list and the corresponding list of successful candidates with the Supreme Council for Civil Personnel Selection (*Ανώτατο Συμβούλιο Επιλογής Προσωπικού* – "the ASEP").

7. By decision no. 2911 dated 29 October 2007 the ASEP dismissed the objection, holding that the ranking had been carried out in accordance with the applicable legislative and regulatory framework.

8. On 7 January 2008 the applicant brought annulment proceedings in the three-member Ioannina Administrative Court of Appeal, seeking the annulment of both the ranking list and the ASEP's decision.

9. By judgment no. 220/2009, published on 15 September 2009, the Administrative Court of Appeal held that Article 18 § 2 of Law no. 2190/1994 and the corresponding provisions of the competition notice, in so far as they provided for the absolute precedence of municipal citizens and permanent residents irrespective of their total score, were contrary to Article 4 § 1 and

Article 5 of the Constitution. The court annulled the contested acts and remitted the case to the administration for a fresh ranking of the applicant on the basis of his total score, without applying the provision on absolute priority.

10. The applicant submitted that judgment no. 220/2009 had been served on the ASEP on 10 October 2009. He relied on a certificate issued by the registry of the Administrative Court of Appeal, which referred to the registration of the judgment.

11. The Government submitted that the judgment had been formally served on the ASEP on 10 November 2009, as demonstrated by the official service report (*έκθεση επίδοσης*) drawn up by the competent authority.

12. In compliance with judgment no. 220/2009, the ASEP adopted decision no. 873 dated 4 December 2013. It re-examined the applicant's objection and proceeded of its own motion to review the application and supporting documents of another candidate, Th. It held that he was to be ranked first with 1,202 points and that the applicant was to be ranked second with 1,200 points. The ASEP further held that, even absent the annulled decision, the applicant would not have been appointed to the post, given his ranking.

13. In parallel to the above, on 7 January 2010 the ASEP lodged an appeal with the Supreme Administrative Court against judgment no. 220/2009. In his submissions, the applicant argued that the appeal was inadmissible as it had been lodged out of time. The appeal was heard on 24 October 2013.

14. By judgment no. 2741/2017, delivered on 26 October 2016, the Supreme Administrative Court examined the constitutionality of the impugned legislative framework. Setting aside the reasoning and the conclusions adopted by the Ioannina Administrative Court of Appeal in judgment no. 220/2009, it held that the preferential arrangements in favour of municipal citizens and permanent residents of designated border municipalities pursued a legitimate public-interest objective, namely the promotion of regional and border-area development, as reflected in Article 106 § 1 of the Constitution. It emphasised that the principle of equality under Article 4 § 1 of the Constitution did not preclude differential treatment where it was based on objective criteria and justified by reasons of general interest. Accordingly, it held that Article 18 § 2 of Law no. 2190/1994 was constitutional.

15. On 14 April 2018 the applicant lodged a claim for just satisfaction on account of excessive length of the proceedings. By judgment no. 1663/2018, the Supreme Administrative Court held that, since the ASEP's decision no. 873 had been delivered, the subject matter of the proceedings before the Supreme Administrative Court had ceased to be of significant importance for the applicant and that his state of uncertainty had ended.

16. The applicant complained, under Article 6 § 1 of the Convention, that the Supreme Administrative Court had failed to examine his objection

concerning the admissibility of the appeal lodged by the ASEP. He further complained, under Article 14 of the Convention taken in conjunction with Article 8, that his non-appointment, on the basis of residence-related priority criteria laid down in the applicable legislation, had amounted to discriminatory treatment.

THE COURT'S ASSESSMENT

A. Preliminary objection regarding the admissibility of the application as a whole

17. The Government raised two preliminary objections. Firstly, they submitted that the applicant could no longer claim to be a "victim" within the meaning of Article 34 of the Convention. Secondly, they argued that the application constituted an abuse of the right of application.

18. The Court does not find it necessary to examine those objections, since the complaints are in any event inadmissible for the reasons provided below.

B. Alleged violation of Article 6 of the Convention

19. The applicant complained that he had not received a reply to his objection concerning the admissibility (see paragraphs 10 and 11 above) of the appeal lodged with the Supreme Administrative Court, in breach of his right to a fair hearing (see paragraph 13 above).

20. In this connection, the Court reiterates that Article 6 § 1 cannot be understood as requiring a detailed answer to every argument raised by the parties (see *Perez v. France* [GC], no. 47287/99, §§ 80-81, ECHR 2004-I). In the present case, the Supreme Administrative Court examined the appeal and, by proceeding to determine the merits, implicitly accepted its admissibility, relying on the date of service indicated in the official service report. Furthermore, the Court notes that under the applicable domestic procedural law, the official service report constituted a public document with full evidential force as to the matters certified therein. The applicant did not challenge the authenticity or accuracy of the service report, including by alleging that it was false or forged, through the procedural avenues available under domestic law.

21. Accordingly, the Court does not consider that the absence of an explicit reply to the applicant's objection rendered the proceedings, taken as a whole, unfair.

22. It follows that this complaint is manifestly ill-founded and must be rejected pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

C. Alleged violation of Article 8 of the Convention taken in conjunction with Article 14

23. The applicant complained that his non-appointment to a post, and the allegedly adverse consequences of that decision for his employment prospects, had resulted from the allegedly discriminatory nature of the legislative framework governing the recruitment procedure, in so far as it had accorded absolute priority to candidates on the basis of residence-related criteria, in breach of Article 14 of the Convention taken in conjunction with Article 8.

24. In order for Article 14 of the Convention to be applicable, it is both necessary and also sufficient for the facts of the case to fall "within the ambit" of one or more of the Convention Articles (see *Carson and Others v. the United Kingdom* [GC], no. 42184/05, § 63, ECHR 2010, and *Ahmed v. the United Kingdom* (dec.), no. 28540/20, § 84, 17 August 2024).

25. Employment-related disputes are not *per se* excluded from the scope of "private life" within the meaning of Article 8 of the Convention. There are some typical aspects of private life which may be affected in such disputes by dismissal, demotion, non-admission to a profession or other similarly unfavourable measures (see *Guliyev v. Azerbaijan*, no. 54588/13, § 40, 6 July 2023, with further references). There are two ways in which a private-life issue would usually arise in such a dispute: either because of the underlying reasons for the impugned measure (in that event the Court employs the reason-based approach) or – in certain cases – because of the consequences for private life (in that event the Court employs the consequence-based approach). If the consequence-based approach is at stake, the threshold of severity with respect to all the above-mentioned aspects assumes crucial importance. It is for the applicant to show convincingly that the threshold was attained in his or her case by presenting evidence substantiating consequences of the impugned measure. The Court will only accept that Article 8 is applicable where these consequences are very serious and affect his or her private life to a very significant degree (see *Denisov v. Ukraine* [GC], no. 76639/11, §§ 115-16, 25 September 2018).

26. In the present case, the applicant complained of his non-appointment to a post and of the allegedly negative consequences of that decision for his employment prospects, which he attributed to the allegedly discriminatory character of the legislative framework governing the recruitment procedure, in so far as it had granted priority to candidates on the basis of residence-related criteria. The Court considers that neither the reason-based nor the consequence-based approach leads to the conclusion that Article 8 is applicable.

27. As regards the first approach, the Court observes that the applicant was aware of the eligibility criteria established by the applicable legislation and nonetheless decided to take part in the recruitment procedure (see

paragraphs 3 and 4 above). It further notes that the impugned provisions applied generally to all candidates participating in the recruitment procedure and were not based on elements relating to the applicant's private life, but pursued the objective of promoting staffing and development in border and remote areas, which the Supreme Administrative Court regarded as a legitimate public-interest consideration (see paragraph 14 above). It follows that the impugned measure cannot be considered to have been grounded in considerations relating to his private life (compare *Yokuşlu v. Türkiye*, no. 489/24, § 61, 6 January 2026, and contrast *Versaci v. Italy*, no. 3795/22, § 84, 15 May 2025).

28. As regards the second approach, the Court observes that the applicant did not put forward, either before the Court or in the domestic proceedings, any specific personal circumstances indicating that the impugned measure had a serious impact on his private life. In this connection, the Court notes that the applicant remained eligible to participate in other recruitment procedures and was not prevented from reapplying for posts in the civil service (contrast *Naidin v. Romania*, no. 38162/07, § 34, 21 October 2014). The applicant did not argue, nor is there any indication in the case file, that the impugned measure restricted his access to employment in general or prevented him from seeking or obtaining employment in the private sector (see *Ballıktaş Bingöllü v. Turkey*, no. 76730/12, § 56, 22 June 2021, with further references, and contrast *Sidabras and Džiautas v. Lithuania*, nos. 55480/00 and 59330/00, §§ 48-49, ECHR 2004-VIII), or in another post in the public sector. Lastly, the impugned measure did not prevent the applicant from practising a specific profession corresponding to his qualifications (see *Ballıktaş Bingöllü*, cited above, § 60; contrast *Thlimmenos v. Greece* [GC], no. 34369/97, § 41, ECHR 2000-IV).

29. Finally, the applicant referred only briefly to the alleged effects of the impugned measure on his private life and did not present any specific evidence as to its concrete repercussions. Consequently, he has not shown that the threshold of severity required to trigger the applicability of Article 8 was attained (see, *mutatis mutandis*, *Denisov*, cited above, §§ 116-17).

30. In the absence of these elements, it cannot be said that the domestic courts' decisions affected the applicant's opportunities for establishing and maintaining his professional life to the extent that is deemed necessary under the consequence-based approach. The applicant has, furthermore, not demonstrated that, on the facts of his particular case, the consequences of the impugned decision crossed the threshold of seriousness required to raise an issue under Article 8 of the Convention.

31. Given that the reasons for the applicant's non-admission to the recruitment procedure were not linked to his "private life" and given that the applicant did not demonstrate that the consequences of the impugned measure affected his private life within the meaning of Article 8 of the Convention, the Court finds that this provision is neither applicable, nor does the

complaint fall "within the ambit" of Article 8 of the Convention. Article 14 of the Convention is not, therefore, applicable (compare *Ahmed*, cited above, §§ 89-91). It follows that the complaint must be dismissed as incompatible *ratione materiae* with the Convention pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 27 August 2026.

Olga Chernishova Deputy Registrar	Peeter Roosma President