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

THIRD SECTION

DECISION

Application no. 4545/19
Ioannis MOYSIDIS
against Greece

The European Court of Human Rights (Third Section), sitting on 7 July 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. 4545/19) 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 10 January 2019 by a Greek national, Mr Ioannis Moysidis ("the applicant"), who was born in 1979, lives in Nea Tyroloi and was represented by Mr S. Konstantopoulos, a lawyer practising in Thessaloniki;

the decision to give notice of the complaints concerning Article 6 § 2 of the Convention and Article 4 § 1 of Protocol No. 7 to the Convention to the Greek Government ("the Government"), represented by their Agent, Ms N. Marioli, President of the State Legal Council, and their Agent's delegates, Ms Z. Chatzipavlou, Senior Adviser at the State Legal Council, and Ms K. Konsta, Legal Representative at the State Legal Council, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the applicant's complaint that the administrative courts upheld fines imposed on him for infringements of the obligations of pharmacists relating to the dispensing of prescription medication, despite his criminal acquittal for fraud.

2. The applicant is a pharmacist. On 24 June 2008 an inspection was carried out by inspectors of the Agricultural Insurance Organisation (hereinafter "the OGA") and a report was submitted to the competent department of the OGA. Following the annulment of an initial decision for having been adopted without proper authorisation, by decision no. 997 of 22 August 2011 several administrative fines amounting to 82,766.61 euros (EUR) and a severe warning were imposed on the applicant on account of seven infringements of the obligations of pharmacists relating to the dispensing of prescription medication, as provided for in his contract with the OGA. These infringements included, among other things, failing to provide necessary dates or signatures on the prescriptions (infringement B1), partially dispensing prescriptions or failing to deliver medicine, despite charging the insurer and receiving payment for that medicine (infringement B2), and collecting prescription booklets from insured individuals, forwarding them to doctors to write prescriptions, and then dispensing these prescriptions in his pharmacy (infringement C).

3. The applicant lodged an administrative recourse against decision no. 997, which was dismissed by decision no. 1350 of 1 December 2011 of the OGA Board of Directors. On 29 February 2012 he challenged the decisions with the Thessaloniki Administrative Court of Appeal.

4. In parallel with the proceedings before the administrative courts and authorities, the applicant was charged with the offence of fraud. By final judgment no. 2339/2013, delivered on 7 November 2013, the single-member Serres Criminal Court for misdemeanours acquitted the applicant. It held that he had not issued any fictitious prescriptions or falsified prescriptions. On the contrary, regardless of any violations of his duties as a pharmacist, the applicant had dispensed genuine prescriptions and had not committed acts of fraud, as he had submitted the prescriptions to the authorities as they had been – whose responsibility it was to examine them – without attempting to hide or change anything.

5. Following his acquittal, on 10 September 2014 the applicant submitted additional grounds for his challenge before the Thessaloniki Administrative Court of Appeal. He argued that since he had been acquitted of fraud, the sanctions imposed on him in respect of the above-mentioned infringements (see paragraph 2 above) were unlawful. By judgment no. 142/2018, delivered on 29 January 2018, the Thessaloniki Administrative Court of Appeal upheld the appeal in part and annulled part of the fines. It dismissed the remainder of the appeal, however, holding that it had not been proved before the criminal court that the infringements attributed to the applicant with regard to the dispensing of prescription medication within the framework outlined by the OGA for the operation of pharmacies had not taken place.

6. On 12 November 2018 the applicant lodged an appeal on points of law with the Supreme Administrative Court (hereinafter "the SAC"). Initially allocated to a five-member judicial formation, on 12 January 2024 the case

was referred to the enlarged seven-member formation of the Sixth Section of the SAC, owing to its importance. The appeal on points of law was heard on 1 April 2024 and a judgment is still pending.

7. Relying on Article 6 § 2 of the Convention and Article 4 § 1 of Protocol No. 7 to the Convention, the applicant complained that the *ne bis in idem* principle and the presumption of innocence stemming from his criminal acquittal for fraud had not been respected in the subsequent administrative proceedings.

THE COURT'S ASSESSMENT

8. The Government argued that the applicant had failed to exhaust domestic remedies and had lodged his application with the Court prematurely, as his appeal on points of law was still pending before the SAC. They submitted that the applicant's pending appeal on points of law was an effective remedy since, along with the administrative fines, he had also received a "severe warning" – a non-monetary sanction which would render the *ratione valoris* threshold of EUR 200,000 provided for in Article 53 § 4 of Presidential Decree no. 18/1989 on disputes arising from administrative contracts (*διοικητικές συμβάσεις*) inapplicable, thereby permitting the SAC to examine the case on the merits. In support of this assertion, they provided several relevant judgments of the SAC in cases where both fines and a non-monetary sanction had been imposed and yet the SAC had not dismissed them on the basis of the *ratione valoris* threshold. They further emphasised that the applicant's appeal had been referred to the seven-member judicial formation on account of its importance.

9. The applicant argued that his dispute did not exceed the *ratione valoris* admissibility threshold of the SAC and that his appeal on points of law was therefore not an effective remedy. He submitted a judgment of the SAC by which it had rejected an appeal on points of law on the grounds that the amount in dispute had fallen below the applicable statutory threshold. In his submissions, he contended that accepting the Government's objection would place him in a situation incompatible with the principle of legal certainty. Had he awaited the delivery of the SAC judgment, in the event that his appeal on points of law would be declared inadmissible, he would have risked missing the four-month time-limit for lodging an application with the Court. He further urged the Court to await the delivery of the SAC's judgment.

10. The Court reiterates that under Article 35 § 1 of the Convention, it may only deal with an application after the exhaustion of those domestic remedies that relate to the breaches alleged and are also available and sufficient. In order to be effective, a remedy must be capable of remedying directly the impugned state of affairs and must offer reasonable prospects of success (see *Sejdovic v. Italy* [GC], no. 56581/00, § 46, ECHR 2006-II, and *Balogh v. Hungary*, no. 47940/99, § 30, 20 July 2004). Mere doubts on the

part of the applicant regarding the effectiveness of a particular remedy will not absolve him or her of the obligation to try it (see, for instance, *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 69-84, 25 March 2014).

11. The Court observes that the Government submitted several relevant judgments of the SAC demonstrating that in cases similar to that of the applicant, where both monetary and non-monetary sanctions had been imposed, the *ratione valoris* threshold of EUR 200,000 had not necessarily rendered an appeal on points of law inadmissible, the SAC having held that the subject matter of such cases did not relate to monetary value alone. It further notes that on account of its importance, the applicant's case was referred to an enlarged seven-member judicial formation. In these circumstances, the Court is not persuaded that the applicant's appeal on points of law will be declared inadmissible under the *ratione valoris* admissibility criteria. The domestic proceedings must therefore be considered still pending before the national courts.

12. The Court accepts that the last stage of domestic remedies may be reached after the application has been lodged but before its admissibility has been determined (see, for instance, *Wróbel v. Poland* (dec.), no. 6904/22, §§ 50-53, 25 March 2025; *Dimech v. Malta*, no. 34373/13, §§ 45-47, 2 April 2015; and *Karoussiotis v. Portugal*, no. 23205/08, § 57, 1 February 2011). In the present case, the applicant's complaints in respect of Article 6 § 2 of the Convention and Article 4 § 1 of Protocol No. 7 to the Convention were raised in his appeal on points of law with the SAC, and if accepted, would lead to the quashing of the impugned judgment and the cancellation of the fines (see, for instance, *Venieris v. Greece* [Committee] (dec.) no. 62048/15, §§ 8-9, 26 March 2024). The Court observes that the applicant did not argue that if his appeal on points of law was considered admissible, the SAC would be unable to relieve the applicant from paying the fines.

13. The Court observes that applications are rejected as being premature when proceedings are still pending (see, *mutatis mutandis*, *Dimech*, cited above, § 48). It finds no reason to consider otherwise in the present case. Without prejudice to the applicant's ability to bring new proceedings before it, the Court finds this application to be premature.

14. It follows that the applicant has not exhausted domestic remedies as required by Article 35 § 1 of the Convention and that the application must be rejected pursuant to Article 35 § 4 of the Convention.

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