



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

THIRD SECTION

CASE OF PATSAKA-CHRISTIDOU v. GREECE

(Application no. 30258/24)

JUDGMENT

Art 6 § 1 (civil) • Access to court • Court of Audit's rejection, as lodged out of time, of the applicant's appeal against the tacit refusal of her objection to her pension reduction, considering that it was not "pending" before the Pension Assessment Review Committee after that Committee's abolition • Not unreasonable for the applicant to await the outcome of her objection in order to lodge an appeal • Committee's abolition an unexpected and unforeseeable development leaving the applicant at a disadvantage and without access to a body competent to decide on her claim • Court of Audit's interpretation of "pending objection" was not reasonably foreseeable and placed an undue burden upon the applicant • Very essence of right of access to a court impaired • Art 35 § 1 • Exhaustion of domestic remedies • Lack of evidence attesting to the adequacy and the effectiveness of the applicant's undecided appeal on points of law before the Plenum of the Court of Audit • Established case-law of the Plenum indicated there was no realistic prospect of a different outcome in the applicant's case

Prepared by the Registry. Does not bind the Court.

STRASBOURG

6 October 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Patsaka-Christidou v. Greece,

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

Peeter Roosma, *President*,
Ioannis Ktistakis,
Lətif Hüseyinov,
Diana Kovatcheva,
Mateja Đurović,
Canòlic Mingorance Cairat,
Vasilka Sancin, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 30258/24) 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”) by a Greek national, Ms Olga Patsaka-Christidou (“the applicant”), on 7 October 2024;

the decision to grant priority to the above application under Rule 41 of the Rules of Court;

the decision to give notice to the Greek Government (“the Government”) of the complaints under Article 6 § 1 of the Convention concerning the applicant’s right of access to a court and under Article 1 of Protocol No. 1 to the Convention concerning the applicant’s right to property, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 8 September 2026,

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

INTRODUCTION

1. The case concerns the right of access to a court, in respect of the rejection of the applicant’s appeal before the Court of Audit as having been lodged out of time, and her property rights on account of an allegedly erroneous pension reduction.

2. The President of the Chamber also decided that in the interests of the proper administration of justice, the proceedings in the present case should not be conducted simultaneously with those in application no. 16585/25, which was also lodged with the Court by the same applicant, pursuant to Rule 42 § 2 of the Rules of Court.

THE FACTS

3. The applicant was born in 1939 and lives in Kavala. The applicant was represented by Mr P. Stefanou, a lawyer practising in Thessaloniki.

4. The Government were represented by their Agent, Ms N. Marioli, President of the State Legal Council, who was succeeded by Mr K. Georgiadis, and their Agent's delegates, Ms Z. Chatzipavlou and I. Krompa, Senior Advisers at the State Legal Council.

5. The facts of the case may be summarised as follows.

6. On 8 February 2010, by administrative act no. 03688/2010 of the General Directorate for Salaries and Pensions of the General Accounting Office of the State, the pension of the applicant, a former court clerk, was adjusted with effect from 1 July 2007, pursuant to the applicable provisions concerning the award of civil service pensions.

7. On 25 May 2010 the applicant lodged an objection with the Pension Assessment Review Committee (*Επιτροπή Ελέγχου Πράξεων Κανονισμού Συντάξεων* – hereinafter “the Committee”) of the General Accounting Office of the State (reference no. 71971/2-6-2010), stating that she had been incorrectly classified as falling within the sixth salary bracket instead of the fourth, leading to her pension being calculated at a reduced rate. The Committee never issued an express decision on the applicant's objection.

8. Approximately three years after the applicant's objection was lodged, Law no. 4151/2013 was published and entered into force on 29 April 2013, which abolished the above-mentioned Committee. The same law provided that objections before the Committee which had been pending on the date of its publication were deemed to have been tacitly refused. It also provided that persons with a legitimate interest could appeal against their tacit refusal before the Court of Audit within a period of one year from the date on which they had been notified of that possibility by a document of the Pension Service of the General Accounting Office of the State (see paragraph 17 below).

9. The applicant was informed by a letter of 20 August 2013 addressed personally to her from the General Directorate for Pensions of the General Accounting Office of the State that (a) her objection brought on 2 June 2010 with reference no. 71971, which had not been adjudicated by 29 April 2013, was deemed to have been tacitly refused; and (b) she could bring an appeal against that tacit refusal before the Court of Auditors within one year from the date of the letter. The fees she had paid for the submission of the objection were also returned to her by the same letter. On 30 January 2014 the applicant lodged an appeal with the Third Chamber of the Court of Audit.

10. On 24 September 2020 the Minor Panel of the Plenum (*Ελάσσονα Ολομέλεια*) of the Court of Audit delivered judgment no. 2118/2020 in respect of another case, by which it held that the right of appeal provided under Law no. 4151/2013 did not extend to objections that had already been tacitly refused and in respect of which the time-limit for lodging an appeal had elapsed prior to the Law's entry into force, as they could not be regarded as “pending”.

11. On 21 November 2023 the Major Panel of the Plenum (*Μείζονα Ολομέλεια*) of the Court of Audit delivered judgment no. 1581/2023, which was issued following two preliminary questions referred by one of its chambers, reiterating the findings of judgment no. 2118/2020, namely that objections that had already been tacitly refused, and in respect of which the time-limit for lodging an appeal had expired prior to the entry into force of Law no. 4151/2013, could not be regarded as pending.

12. By judgment no. 816/2024, delivered on 20 June 2024, the Third Chamber of the Court of Audit rejected the applicant's appeal as inadmissible. It held that the appeal had been lodged out of time, on the grounds that the objection in question had already been tacitly refused prior to the entry into force of Law no. 4151/2013, namely on 2 September 2010, as three months had passed without a reply after the objection had been submitted on 2 June 2010, as provided by Article 63 § 2 of the Code of Administrative Procedure. It further found that the one-year time-limit for appealing against the tacit refusal in accordance with Article 66 § 6 of Presidential Decree no. 169/2007, also taking into account the period of judicial holidays, had expired on 18 November 2011. As a result, the applicant's objection could not have been considered as pending and her pension details had become final before the entry into force of Law no. 4151/2013. The Court of Audit also held that the letter sent to the applicant, expressly stating that she had had the right to appeal within one year, had been informative in nature and not a binding administrative act.

13. On 5 September 2024 the applicant lodged an appeal on points of law against judgment no. 816/2024 with the Plenum of the Court of Audit. The hearing of the case took place on 11 June 2025, but no judgment has yet been delivered.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. RELEVANT DOMESTIC LAW

A. Code of Administrative Procedure

14. Article 63 of the Code of Administrative Procedure, which at the material time was applicable to proceedings before the Court of Audit, reads as follows:

“...

2. An omission occurs when the administrative authority, although legally obliged to do so, does not issue an enforceable individual administrative act to regulate a legal relationship. The omission shall be deemed to have occurred upon expiry of the time-limit set by law for the issuance, either *ex officio* or at the request of the person concerned, of such an act. In that case (tacit refusal), if no such time-limit is set by law, the omission occurs after a period of three months without action has elapsed since the submission of the relevant application to the administrative authorities ...

...

5. A challenge is admissible even before the omission or the tacit refusal of the objection (*ενδικοφανής προσφυγή*) has occurred, provided that it has occurred by the first hearing of the challenge.

6. An express [administrative] act delivered after the omission or after the tacit refusal of the objection has occurred and up to the first hearing of the challenge, shall be deemed to be jointly challenged. However, it may also be challenged independently.

... ”

B. Legal framework prior to the abolition of the Pension Assessment Review Committee

15. The relevant provisions of Presidential Decree no. 169/2007 as in force at the material time read as follows:

Article 66 Pension assessment and legal remedies

“1. ...

The pension assessment [administrative] act is subject to appeal on any grounds before the Pension Assessment Review Committee ...

2. The objection may be lodged:

...

(b) by any person who has a legitimate interest within one year from the notification of the [administrative] act.

...

6. The pension assessment act and the decision of the Pension Assessment Review Committee are subject to an appeal before the competent chamber of the Court of Audit, which may be brought ... by any person with a legitimate interest within one year from his or her notification ...”

C. Law no. 4151/2013

16. (a) Explanatory Report to Law no. 4151/2013

“...

The abolition of this Committee was considered necessary for the following reasons:

(a) Almost all the Committee’s decisions were unfavourable to the persons concerned, resulting in them having to appeal against the decisions before the competent chamber of the Court of Audit, while a long period of time had already elapsed (on average approximately two years) waiting for the Committee’s decision.

...

In view of the above, because the function of the above-mentioned Committee did not provide any substantial benefit for the individual concerned, with the proposed provisions [the individual concerned] is able to lodge an appeal directly with the Court

of Audit (see paragraphs 1 and 3) and receive a final ruling on his or her request within a shorter period of time.

...

The pending objections before this Committee on the date of entry into force of this Law shall be deemed as tacitly refused for the purposes of expediting the proceedings. The relevant fees shall be returned to the individual concerned at his or her request and the tacit refusal can be appealed against to the competent chamber of the Court of Audit ...”

17. (b) The relevant provisions of Law no. 4151/2013

Article 2

“1. a. The committee referred to ... in Article 66 § 1 of Presidential Decree no. 169/2007 shall be abolished from the day following the date of entry into force of this Law.

...

5. a. Objections which, on the date of publication of this law, are pending before the Pension Assessment Review Committee, which is abolished by the provisions of paragraph 1, shall be deemed to have been tacitly refused, and the relevant administrative fees shall be refunded to the beneficiaries upon their request. Anyone with a legitimate interest may appeal against this tacit refusal before the competent chamber of the Court of Audit, exceptionally within a period of one year from the date of the document issued by the Pension Service of the General Accounting Office of the State, by which the said service must inform the person concerned.”

D. Code of Procedure before the Court of Audit (Law no. 4700/2020)

18. The Code of Procedure before the Court of Audit came into force on 29 June 2020. The relevant articles read as follows:

Article 162

Preliminary question

“1. A chamber of the Court of Audit, when hearing a case in which a question of general interest arises that has consequences for a wider circle of persons, or when it considers that a provision of a law is contrary to a provision of higher legal authority, without this issue having been decided by a previous judgment of the Plenum, may, by a judgment that is not subject to legal remedy, submit a relevant preliminary question to the Plenum. Paragraphs 4 and 6 of Article 163 shall also apply in this case ...

2. The judgment of the Plenum shall be binding on the chamber that submitted the question and shall be binding on the parties intervening before the Plenum.”

Article 163

Model trial (Πρότυπη δίκη)

“1. Any legal remedy or appeal before any chamber may, upon request ... be referred for adjudication before the Plenum by a decision of a three-member panel when it raises an issue of general interest that has consequences for a wider circle of persons ...

4. The decision of the three-member panel issued upon request ... shall result in the suspension of pending cases in which the same issue is raised, whether a hearing of those cases has taken place or not ...

...

6. Any party to pending proceedings in which this issue is raised is entitled to intervene in the proceedings. No court costs are charged for intervention and failure to exercise this right does not give rise to the right to file an objection by default or a third-party appeal.

...”

II. RELEVANT PRACTICE

19. By judgment no. 244/2017, the Major Panel of the Plenum (*Μείζονα Ολομέλεια*) of the Court of Audit held that its judgments have *de facto* broader consequences for a wider circle of persons. This case-law has been consistently reiterated in the Court of Audit’s judgments, reflecting well-established case-law and holding that the rulings of the Plenum give rise to a legal obligation in the broad sense, being in practice binding for both the lower courts and agents of the State (see, for instance, recent judgments nos. 298, 305, 696 and 712/2025 of the Court of Audit).

20. By judgment no. 2018/2020, the Minor Panel of the Plenum (*Ελάσσονα Ολομέλεια*) of the Court of Audit considered that the pension details of an individual had already become final prior of the entry into force of Law no. 4151/2013, owing to the failure to lodge an appeal within the one-year time-limit provided by Article 66 § 6 of Presidential Decree no. 169/2007, as in force at the material time, following the tacit refusal of the objection. The provisions of Law no. 4151/2013 were therefore inapplicable since the objections which could be deemed to have been *already* tacitly refused, because no reply had been provided within the three months after the objection had been lodged, could not be considered as “pending cases” for the purposes of the Law.

21. By judgment no. 1581/2023, which was issued following two preliminary questions referred by a chamber, the Major Panel of the Plenum (*Μείζονα Ολομέλεια*) of the Court of Audit held that the findings of judgment no. 2018/2020 constituted consolidated and settled case-law, reiterating that the provisions of Law no. 4151/2013 were inapplicable. The dissenting opinions of several judges noted that the concept of the tacit refusal could not be construed against the persons concerned in situations where the competent authority had been abolished and that the law intended for the persons concerned to be granted a right of appeal. Otherwise, there would be no need for the provision of Article 2 § 5 (a) of Law no. 4151/2013, since for the objections that could not be considered as tacitly refused, the persons concerned could in any event lodge an appeal with the Court of Audit. It was

further noted that objections for which the Committee had not issued an express decision should have been considered as pending.

THE LAW

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

22. Relying on Article 6 § 1 of the Convention, the applicant complained of a violation of her right of access to a court owing to the abolition of the administrative Committee and the refusal of the Court of Audit to adjudicate her case on the merits. She complained in particular that the interpretation adopted by the Court of Audit had deprived her of access to a court, notwithstanding that the law had expressly afforded her the possibility of lodging an appeal following the abolition of the Committee, a remedy which she had exercised in good faith relying on the relevant legislative framework. Article 6 § 1 of the Convention, in its relevant part, reads as follows:

“In the determination of his civil rights and obligations or of any criminal charge against him ... everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law.”

A. Admissibility

23. The Government argued that the applicant had failed to exhaust the available domestic remedies by lodging the present application prematurely, as on 5 September 2024 she had lodged an appeal on points of law against judgment no. 816/2024 before the Plenum of the Court of Audit and had not waited for the outcome.

24. The applicant argued that the appeal on points of law in her case lacked practical and effective value, given that the case-law of the domestic courts on the issue under examination was firmly established at the highest judicial level. The applicant cited judgments nos. 2018/2020 and 1581/2023 of the Plenum of the Court of Audit in support of her arguments, noting that the second of those judgments was issued following preliminary questions and settled the legal issue in question. The applicant also cited her advanced age (over 85 years old) and the excessive duration (more than 10 years) of the first-instance proceedings in support of her argument that in practice no effective domestic remedy existed.

25. 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 not only relate to the breaches alleged but are also available and sufficient. The Court also reiterates that it is incumbent on the Government pleading non-exhaustion to satisfy it that the remedy was an effective one available in theory and in practice at the relevant time, that is to say that it was accessible, was capable of providing redress in respect of the applicant's

complaints and offered reasonable prospects of success (see, among others, *Molla Sali v. Greece* [GC], no. 20452/14, § 89, 19 December 2018; *Scoppola v. Italy* (no. 2) [GC], no. 10249/03, § 71, 17 September 2009; and *Sejdovic v. Italy* [GC], no. 56581/00, § 46, ECHR 2006-II). Once this burden of proof has been satisfied it falls to the applicant to establish that the remedy advanced by the Government was in fact used or was for some reason inadequate and ineffective in the particular circumstances of the case, or that there existed special circumstances absolving him or her from the requirement (see *Prencipe v. Monaco*, no. 43376/06, § 93, 16 July 2009, and *Akdivar and Others v. Turkey*, 16 September 1996, § 68, *Reports of Judgments and Decisions* 1996-IV).

26. The Court notes at the outset that on 11 June 2025 a hearing of the appeal on points of law took place. However, no judgment had been issued by the time the Court was last informed. It further observes that the applicant, already when lodging her application with the Court, argued that her appeal on points of law before the Plenum of the Court of Audit did not constitute an effective remedy available to her, since there was well-established domestic case-law on the matter which was clearly and consistently unfavourable in respect of her claim. The Court further notes that the Government's argument of non-exhaustion was not supported by any evidence attesting to the adequacy and effectiveness of the domestic remedy. Such evidence in the particular circumstances of the case would be judgments that departed from the rulings in judgments nos. 2018/2020 and 1581/2023 of the Court of Audit, which, according to the applicant, reflected established case-law. In those judgments the Plenum of the Court of Audit held that the appeals of individuals in situations similar to the applicant's had been lodged out of time (see paragraphs 20-21 above) leaving no realistic prospect of a different outcome in the applicant's case. It is also noted that, in particular, judgment no. 1581/2023 was given by the Major Panel of the Plenum (*Μείζονα Ολομέλεια*) following preliminary questions in order to interpret and clarify an issue of general interest with consequences for a wider circle of persons, being, in practice, binding on the lower courts (see paragraphs 18 and 19 above; see also, *mutatis mutandis*, on the role of a supreme court in the harmonisation of domestic case-law, *Frantzeskaki and Others v. Greece* (dec.), no. 57275/17 and 14 others, § 34, 12 February 2019, and *Sine Tsaggarakis A.E.E. v. Greece*, no. 17257/13, § 49, 23 May 2019). Hence, in the absence of any such evidence the Government's objection of non-exhaustion should be dismissed.

27. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *The parties' submissions*

28. The applicant alleged that for the purposes of Article 6 § 1 of the Convention, the Committee constituted a tribunal and its abolition while her objection was still pending before it constituted a complete and disproportionate limitation amounting to a denial of her right of access to a court. The right of appeal before the Court of Audit provided in Article 2 § 5 (a) of Law no. 4151/2013 had been exceptionally granted in order to justify and counterbalance the situation that would be created upon the abolition of the Committee. The applicant argued that that appeal had served a restorative purpose, aimed at permitting her claim to be adjudicated by the Court of Audit, since the Committee had been abolished without ever examining her case. If the legislature had not intended to grant such a remedy, the provision of Article 2 § 5 (a) of Law no. 4151/2013 would not have been enacted, as the legislature would merely have relied on the regular procedural rules of the Court of Audit to resolve the matter, and there would have been no need to establish the specific one-year time-limit for the appeal.

29. The Government maintained that the interpretation of the Court of Audit had pursued the aim of equality and legal certainty, noting that the applicant's pension details had become final and the retrospective revival of such claims was possible only in exceptional cases in accordance with the *res judicata* principle. The requirement that only pending cases fell within the scope of Law no. 4151/2013 was foreseeable and accessible, and the applicant ought to have known that her objection had been tacitly refused within three months from being lodged, in accordance with Article 63 § 2 of the Code of Administrative Procedure. According to the Government, it was therefore the applicant's inaction that had led to her pension details becoming final. In their view, she had not provided any reason to explain why she had not lodged an appeal within the one-year time-limit following the tacit refusal of her objection.

30. The Government argued that there were no indications that the national legislature had envisaged the provided remedy as a balancing measure, whilst the Committee had been abolished because its operation had not been providing any substantial benefit to the persons concerned. That right of appeal had been given to enable those who had lodged objections before the Committee in the last three months before the entry into force of Law no. 4151/2013 and had not received an express reply, to appeal before the Court of Audit against the tacit refusals under the same conditions as those who had already had the opportunity to appeal against a tacit refusal which had occurred within three months from lodging an objection. Article 2 § 5 (a) of Law no. 4151/2013 had therefore not granted a new right of appeal, in addition to the ordinary right of appeal available to the individuals concerned under the regular procedural rules. It had granted the right of appeal against

the tacit refusal to those who would lose it owing to the sudden abolition of the Committee. The applicant had therefore been deprived of the right to have her appeal examined on the merits not because of judgment no. 816/2024 of the Court of Audit, but because she had allowed the one-year time-limit from the tacit refusal of her objection to expire without lodging an appeal despite being entitled to do so. According to the Government, the applicant's pension details had at that point become final and the Court of Audit's interpretation of the law had been in accordance with the principles of equality, proportionality and legal certainty.

31. The Government also added that the letter of 20 August 2013 which had stated that the applicant could bring an appeal before the Court of Audit within a year from the letter's date could not be considered as having created a legitimate expectation, since it had not constituted an administrative act, but an informative letter at a time when her right to appeal had already elapsed. Even if the letter had given the applicant the false impression that she had still had the possibility to challenge the tacit refusal of her objection, the authorities could not be held liable for the applicant's failure to exercise due diligence in pursuing her claim within the appropriate time-limit nor could such a letter alter the standing of the claim brought by the applicant.

2. *The Court's assessment*

(a) **General principles**

32. The Court reiterates that the right of access to a court was established as an aspect of the right to a fair hearing guaranteed by Article 6 § 1 of the Convention in *Golder v. the United Kingdom* (21 February 1975, §§ 28-36, Series A no. 18). In that case, the Court found the right of access to a court to be an inherent aspect of the safeguards enshrined in Article 6, referring to the principles of the rule of law and the avoidance of arbitrary power which underlay much of the Convention. Thus, Article 6 § 1 secures to everyone the right to have a claim relating to his or her civil rights and obligations brought before a court (see *Grzęda v. Poland* [GC], no. 43572/18, § 342, 15 March 2022; see also *Zubac v. Croatia* [GC], no. 40160/12, § 76, 5 April 2018).

33. The right of access to a court must be "practical and effective", not "theoretical or illusory". This observation is particularly true in respect of the guarantees provided for by Article 6, in view of the prominent place held in a democratic society by the right to a fair hearing (see *Zubac*, cited above, § 77, with further references). For the right of access to be effective, a person must have a clear, practical opportunity to challenge a decision that interferes with his or her rights. Equally, the right of access to a court includes not only the right to institute proceedings but also the right to obtain a determination of the dispute by a court (see *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 86, 29 November 2016, with further references).

34. In respect of matters that fall within the ambit of the Convention, the Court's case-law has tended to show that where there is no access to an independent and impartial court, the question of compliance with the rule of law will always arise (see *Grzęda*, cited above, § 343, with a further reference). However, the right of access to a court is not absolute but may be subject to limitations; these are permitted by implication since the right of access by its very nature calls for regulation by the State, regulation which may vary in time and in place according to the needs and resources of the community and of persons. In laying down such regulation, the Contracting States enjoy a certain margin of appreciation. Whilst the final decision as to the observance of the Convention's requirements rests with the Court, it is not part of the Court's function to substitute for the assessment of the national authorities any other assessment of what might be the best policy in this field. Nonetheless, the limitations applied must not restrict the access left to the person concerned in such a way or to such an extent that the very essence of the right is impaired. Furthermore, a limitation will not be compatible with Article 6 § 1 if it does not pursue a legitimate aim and if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (see *Zubac*, cited above, § 78, with further references; see also *Nicolae Virgiliu Tănase v. Romania* [GC], no. 41720/13, § 195, 25 June 2019, with further references; *Grzęda*, cited above, § 343; and *Makrylakis v. Greece*, no. 34812/15, § 33, 17 November 2022). Similarly, the Court's role is not to resolve disputes over the interpretation of domestic law regulating such access but rather to ascertain whether the effects of such an interpretation are compatible with the Convention (see *Zubac*, cited above, § 81, with further references).

35. As regards rules setting time-limits for bringing appeals, the Court reiterates that they must not be applied in a way which prevents litigants from using an available remedy and a claim from being examined on the merits, in breach of the right to the effective protection of the courts (see *Supergrav Albania Shpk v. Albania*, no. 20702/18, § 22, 9 May 2023; *Zborovský v. Slovakia*, no. 14325/08, §§ 44-48, 23 October 2012; see also, *mutatis mutandis*, *Zvolský and Zvolská v. the Czech Republic*, no. 46129/99, § 51, ECHR 2002-IX; and *Miragall Escolano and Others v. Spain*, nos. 38366/97 and 9 others, §§ 33 and 37, ECHR 2000-I).

(b) Application of the above principles to the present case

36. The Court notes that at first the applicant lodged an objection against the administrative act of the General Directorate for Salaries and Pensions of the General Accounting Office of the State before the Pension Assessment Review Committee, provided for by Article 66 of Presidential Decree no. 169/2007 (see paragraph 7 above), as she had a legitimate interest to challenge the adjustment of her pension. While waiting for an express reply to her objection, Law no. 4151/2013 entered into force and abolished the

Committee. She then appealed to the Court of Audit following receipt of the letter of 20 August 2013 informing her of that possibility within one year from the date of the letter (see paragraph 9 above). However, the Court of Audit did not examine her appeal on the merits as it found by its judgment no. 816/2024 that the appeal had been lodged out of time (see paragraph 12 above). The Court therefore considers that in declaring her appeal inadmissible, the Court of Audit, by its judgment, imposed a substantive restriction on the applicant, preventing her from having her challenge of the reduction in her pension examined on the merits.

37. The Court should therefore examine whether the Court of Audit in finding that the applicant's appeal had been lodged out of time – because of its interpretation that “pending” cases for the purposes of Law no. 4151/2013 after the abolition of the Committee could only be considered those that had not already been tacitly refused – served a legitimate aim. It should further examine whether the means employed were proportional to the aim sought to be achieved or whether the very essence of the right was impaired.

(i) Legitimate aim

38. The Court reaffirms that the right of access to a court is impaired when the rules cease to serve the aims of “legal certainty” and the “proper administration of justice” and instead form a sort of barrier preventing the litigant from having his or her case determined on the merits by the relevant court (see *Zubac*, cited above, § 98).

39. The Court notes that the Explanatory Report to Law no. 4151/2013 indicated that a substantial backlog of cases had been pending before a body whose decisions had been overwhelmingly unfavourable. It may be assumed that in a significant number of cases, the persons concerned would in any event subsequently lodge an appeal with the Court of Audit against the Committee's decision. The Committee's involvement had therefore been considered counterproductive and the appeal before the Court of Audit was regarded as a more efficient means for the persons concerned to obtain a determination on their claims within a shorter period of time (see paragraph 16 above).

40. The Court of Audit then found that the applicant's appeal had been lodged out of time. The Court of Audit reasoned that the applicant should have exercised her right of appeal within one year following the tacit refusal of her objection, noting that after the lapse of the time-limit her pension details had become final, prior to the abolition of the Committee by Law no. 4151/2013.

41. Having regard to the above and the parties' submissions, the Court is convinced that the interpretation of the law adopted by the Court of Audit in respect of the applicant's appeal following the abolition of the Committee served a legitimate aim, namely the proper administration of justice (see,

mutatis mutandis, *Makrylakis*, cited above, § 38, and *Zouboulidis v. Greece* (no. 3), no. 57246/21, § 72, 4 June 2024).

(ii) *Proportionality*

42. The Court observes at the outset that the concept of “tacit refusal” occurring, in the absence of a specific statutory time-limit, after a period of three months without action, was intended to enable the persons concerned to seek judicial protection in cases where the administrative authorities, although legally obliged to issue an administrative act, delayed or failed to do so (see Article 63 § 2 in paragraph 14 above). It was therefore, first and foremost, a legal notion constructed as a procedural safeguard in favour of a person who was faced with administrative inaction, rather than a mechanism capable of absolving the relevant authorities from their obligation to provide an express reply to the requests, objections or applications lodged with them.

43. It follows from the Explanatory Report to Law no. 4151/2013 that it was not unusual for the Committee to issue decisions beyond the three months following the submission of an objection and even after a considerable lapse of time, the average waiting period being approximately two years (see paragraph 16 above). The relevant legislation also provided that in any event the explicit reply could be challenged independently (see Article 63 § 6 of the Code of Administrative Procedure in paragraph 14 above). In these circumstances, the Court is not convinced by the Government’s argument that the applicant was under an obligation to appeal against the tacit refusal of her objection, which was deemed to have occurred when the authorities failed to respond within three months from the objection being lodged. The Court acknowledges that a considerable period of time elapsed before the applicant lodged her appeal. However, as the Committee could issue decisions on the objections even after the lapse of long periods of time, it was not unreasonable for the applicant to await the outcome of her objection in order to lodge an appeal, should that outcome be unfavourable for her.

44. Moreover, the Court cannot accept the Government’s argument that, owing to the applicant’s failure to lodge an appeal in time following the tacit refusal of her objection after three months without a response, her pension details had become final. This is all the more so since, had the Committee expressly accepted the applicant’s objection, that decision would have been binding, amending her pension details irrespective of the period of time lapsed.

45. The Court reiterates that where inaccurate information about time-limits has been supplied by the authorities, the domestic courts should take sufficient account of the particular circumstances of the case and not apply the relevant rules and case-law too rigidly (compare *Gajtani v. Switzerland*, no. 43730/07, §§ 65-75, 9 September 2014, and *Clavien v. Switzerland* (dec.), no. 16730/15, §§ 21-29, 12 September 2017). The Court attaches significance to the letter addressed to the applicant which expressly referred to her

objection by its unique reference number and precise date of submission of the objection, and specifically mentioned the possibility of lodging an appeal under the provisions of Law no. 4151/2013. The Court takes note of the Government's argument regarding the purely informative nature of the letter. It observes, however, that the letter cannot be regarded of negligible importance or devoid of legal significance. It contained information relating to the exercise of a remedy provided by a law that had only recently entered into force and in respect of which no settled administrative practice or case-law had yet been established. This consideration is further strengthened by the existence of two judgments by the Plenum of the Court of Audit, delivered in order to clarify the provided appeal's scope of application (see paragraphs 20-21 above). The applicant could therefore reasonably and in good faith have understood that at that stage she was entitled to appeal against the refusal of her objection within the time-limit precisely indicated in the letter (see paragraph 9 above). The interpretation of the law by the domestic courts should have taken those considerations into account.

46. The Court also notes that, in judgment no. 816/2024, the Court of Audit held that the applicant's appeal had been lodged out of time, since her objection had already been tacitly refused after three months without a response, before the entry into force of Law no. 4151/2013. The Court observes, however, that Article 2 § 5 (a) of that Law referred to objections which were "pending before the Pension Assessment Review Committee" on the date of its publication and provided that they were to be deemed tacitly refused, with a special one-year time-limit for appeal. The fact that an objection may previously have been regarded as tacitly refused on account of administrative inaction did not necessarily mean that it was "non-pending" particularly in view of the Committee's practice of issuing decisions after a considerable amount of time had passed (see paragraph 16 above). By treating the prior tacit refusal as decisive, and finding that the lapse of three months without a reply on an objection meant that it was no longer pending, the Court of Audit adopted an interpretation which does not appear to have been supported by the grammatical, systematic or teleological reading of Law no. 4151/2013, or for that matter, by the notion of "tacit refusal" itself (as illustrated in paragraph 42 above).

47. Such a conclusion is also consistent with the fact that the Law aimed to accelerate the judicial examination of the claims of the persons concerned by abolishing an ineffective body, and not by excluding them from judicial review altogether. In that regard, the Committee's abolition was an unexpected and unforeseeable development, which undoubtedly left the applicant at a disadvantage and without access to a body competent to issue a decision regarding her claim.

48. The Court is not persuaded by the Government's argument relying on legal certainty, since the interpretation in question resolved in essence the alleged uncertainty by excluding the majority of the accumulated backlog of

objections from judicial review. In those circumstances, the Court cannot accept that the Court of Audit's interpretation of a "pending objection" was reasonably foreseeable.

49. The interpretation by the Court of Audit placed an undue burden upon the applicant who was waiting for an express reply for a long period of time owing to no fault of her own, lodged her objection within the time-limit set in the relevant letter from the authorities, and was deprived of an examination of her claim on the merits following the abolition of the Committee and the lack of any other available domestic remedy. The failure to issue a decision could not be held against the applicant so as to reject her appeal as lodged out of time following the Committee's abolition, an event over which she had no control and which she could not have been expected to predict.

50. Lastly, the Court considers that the argument in respect of the principle of equality raised by the Government (see paragraph 29 above) does not seem relevant to the present case. The Government referred to situations where the persons concerned had availed themselves of the possibility to appeal against the tacit refusal – as was their right – instead of waiting for an express reply, but had failed to comply with the time-limits applicable at the material time. That argument does not concern cases where the persons affected waited for an express reply in order to decide whether or not to appeal before the Court of Audit, and where the abolition of the Committee deprived them of this possibility. As a result, neither the Committee nor the Court of Audit ruled on the merits of the applicant's claim.

51. In the light of the above, by rejecting the applicant's appeal for having been lodged out of time on the basis that it considered that her objection had not been pending, the domestic court impaired the very essence of the right of access to a court.

52. There has accordingly been a violation of Article 6 § 1 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

53. The applicant complained that she had been unlawfully deprived of part of her pension owing to the administrative act amending her pension and the subsequent failure of the Committee and the Court of Audit to examine her case on the merits. She alleged a violation of Article 1 of Protocol No. 1, which provides as follows:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance

with the general interest or to secure the payment of taxes or other contributions or penalties.”

54. The Government submitted that the alleged infringement of Article 1 of Protocol No. 1 was closely linked to the alleged infringement of Article 6 § 1 of the Convention, considering that the applicant based her complaint on the fact that she had been deprived of the opportunity to have her claim adjudicated on the merits, owing to the rejection of her appeal by the Court of Audit as inadmissible. The Government further submitted that it was far from certain that the reduction in her pension had not been based on legal grounds and that her appeal would not have been dismissed, had it been adjudicated on the merits. The applicant could therefore not assert a “legitimate expectation” of obtaining a property right. In any event, according to the Government, the applicant had not demonstrated that such a reduction had been disproportionate.

55. The applicant contested those arguments.

56. Having regard to the facts of the case, the parties’ submissions and its findings under Article 6 § 1 of the Convention (see paragraphs 36-52 above), and taking into account that the applicant has the possibility to request the reopening of the proceedings before the domestic court (see paragraph 59 below) – without overlooking, however, the applicant’s advanced age and the time that any such proceedings might take –, the Court considers that it has examined the main legal question raised in the present application and that it is not necessary to examine the admissibility and merits of the complaint raised under Article 1 Protocol No. 1 (see, for example, *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, § 228, 11 December 2025; *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014; and *Kamil Uzun v. Turkey*, no. 37410/97, § 64, 10 May 2007).

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

57. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

58. The applicant claimed 64,800 euros (EUR) in respect of pecuniary and non-pecuniary damage, namely EUR 32,400 for the alleged violation of Article 6 § 1 of the Convention and EUR 32,400 for the alleged violation of Article 1 of Protocol No. 1 to the Convention.

59. The Government stated that the applicant's claims were excessive and unproven. The Government submitted that the applicant's claim in respect of pecuniary damage should be rejected owing to a lack of a causal link with the alleged violations of the Convention. They further submitted that in respect of non-pecuniary damage a finding of a breach of the Convention would constitute sufficient just satisfaction. They noted that in such an event the applicant would be able to apply for a reopening of the proceedings before the Court of Audit.

60. The Court cannot speculate on what the outcome of the proceedings on the applicant's appeal on points of law would have been if it had been examined on the merits. It therefore rejects the claim in respect of pecuniary damage. However, as the applicant must have sustained non-pecuniary damage as a result of the violation of Article 6 § 1, the Court, making its assessment on an equitable basis, as required by Article 41, awards the applicant EUR 6,000 under that head, plus any tax that may be chargeable.

B. Costs and expenses

61. The applicant also claimed EUR 1,000 for the costs and expenses incurred before the Court.

62. The Government contested that the applicant had not provided evidence that those costs and expenses had been actually and necessary incurred and reasonable as to quantum.

63. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, the Court notes that the applicant's claim is not accompanied by any supporting documents. It therefore dismisses the applicant's claim in respect of costs and expenses (see *Merabishvili v. Georgia* [GC], no. 72508/13, §§ 370-73, 28 November 2017, and *Altay v. Turkey* (no. 2), no. 11236/09, §§ 87-89, 9 April 2019).

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning Article 6 § 1 of the Convention admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *Holds* that there is no need to examine the admissibility and merits of the complaint under Article 1 of Protocol No. 1 of the Convention;

4. *Holds*

- (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 6 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Peeter Roosma
President