



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

THIRD SECTION

CASE OF KULIÇI v. ALBANIA

(Application no. 35801/23)

JUDGMENT

Art 6 § 1 (civil) • Access to court • Lack of judicial review of the applicant's complaints in respect of the evaluation of a fellow candidate in a promotion procedure for the post of head of a local prosecution office owing to the Administrative Court of Appeal's refusal to grant him standing • Art 6 applicable • Genuine and serious dispute over "right" in domestic law to a lawful and fair promotion procedure • Second condition of the *Eskelinen* test not met • Very essence of right of access to a court impaired

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 Kuliçi v. Albania,

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

Ioannis Ktistakis, *President*,

Lətif Hüseynov,

Darian Pavli,

Diana Kovatcheva,

Úna Ní Raifeartaigh,

Mateja Đurović,

Canòlic Mingorance Cairat, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 35801/23) against the Republic of Albania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by an Albanian national, Mr Albert Kuliçi (“the applicant”), on 22 September 2023;

the decision to give notice to the Albanian Government (“the Government”) of the complaints concerning the right of access to a court and to declare the remainder of the application inadmissible;

the decision to grant the applicant leave to represent himself (Rule 36 § 2 *in fine* of the Rules of Court);

the parties’ observations;

Having deliberated in private on 15 September 2026,

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

INTRODUCTION

1. The case concerns the applicant’s right of access to a court under Article 6 § 1 of the Convention, in relation to the dismissal for lack of standing of his complaint in respect of the evaluation of a fellow candidate in a promotion procedure for the post of head of a local prosecution office.

THE FACTS

2. The applicant was born in 1984 and lives in Tirana.

3. The Government were represented by Mr O. Moçka, General State Advocate.

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

I. BACKGROUND TO THE CASE

5. The applicant is an Albanian national who has the status of judicial officer (*magjistrat*) and currently serves as a prosecutor at the prosecution office attached to the Vlorë District Court.

6. On 17 November 2020 the High Prosecutorial Council (*Këshilli i Lartë i Prokurorisë* – “the KLP”), acting pursuant to Law no. 115/2016 on the governing bodies of the judicial system and Law no. 96/2016 on the status of judges and prosecutors in the Republic of Albania, both as amended, adopted decision no. 259 announcing recruitment procedures for vacant head prosecutor positions at district and appellate level. The relevant eligibility criteria were published on its official website.

7. The applicant applied for the position of head of the prosecution office attached to the Vlorë District Court.

8. On 17 December 2020 the KLP approved the list of candidates who satisfied the eligibility criteria, including prosecutors E.Ç., A.Z., and the applicant (KLP decision no. 285).

9. On 3 June 2021 the KLP terminated the procedure in respect of E.Ç. following his withdrawal. Subsequently, it completed the asset and background checks for the remaining candidates – namely the applicant and A.Z. – and allowed them to advance to the next phase of the selection procedure.

10. On 24 January 2022 the KLP approved the grades obtained by the candidates in respect of their “specific professional skills” applicable to candidates for promotion to the position in question (KLP decision no. 16).

11. The KLP conducted the assessment of the two candidates by way of written and oral procedures. On 3 February 2022, by decision no. 21, it approved the final ranking of the candidates on the basis of the points awarded, placing A.Z. first and the applicant second. The procedure was carried out in three stages. In the first stage, the KLP looked at the candidates’ two most recent annual performance evaluations, noting that both had obtained an “excellent” grade. In the second stage, the KLP assessed the overall level of each candidate on the basis of four sets of skills defined by law (see paragraph 32 below). The grades obtained by the two candidates at this stage of the assessment were also identical: “medium” for the first category (organisational and management skills) and “low” for the three remaining categories (legislative drafting skills; media interaction skills; and other skills).

12. The KLP then proceeded to assign points for each component of the assessment, according to a scale provided by KLP regulations (see paragraph 35 below); points were also awarded in respect of a fifth criterion (“vision for establishing a functional and effective prosecution office”), which was assessed on the basis of presentations by the candidates and their performance during the interviews. Ultimately, A.Z. obtained 218 points and the applicant 178 points. The decision could be appealed against within five days of its delivery.

II. PROCEEDINGS BEFORE THE ADMINISTRATIVE COURT OF APPEAL

13. The applicant brought proceedings before the Administrative Court of Appeal. He alleged that the KLP's decisions had been unlawful and sought their annulment, asking the court to direct the KLP to remedy the alleged violations through a reassessment of the candidates. His claims concerned, in particular, the inclusion of A.Z. in the list of candidates deemed to have met the legal eligibility criteria, the evaluation of A.Z.'s professional skills and the grades awarded to him, and the final ranking of the candidates and its approval by the KLP.

14. Regarding the first claim, the applicant alleged that his fellow candidate, A.Z., had lacked the required work experience and managerial skills (in accordance with sections 47(6) and 52(9) of Law no. 96/2016), which had made him ineligible to qualify as a candidate for the position of head prosecutor. In particular, the applicant challenged the legality of the KLP's assessment of two sub-criteria – namely, that A.Z. had had “prior management experience”, despite having never served as deputy head of office or section chief; and that he had had an “above-average workload for the past three years”. On both counts, the KLP had taken into account the fact that A.Z. had served, following the opening of the competition, as acting head of the prosecution office attached to the Vlorë District Court – a choice which the applicant argued had been devoid of legal basis and had constituted a conflict of interest for the KLP, as the appointing body. He further argued that section 14 of the relevant KLP regulation was *ultra vires* in so far as it allowed experience as acting head of office to count as “prior management experience”, whereas the relevant statutory provision did not (see paragraphs 32 and 35 below).

15. Regarding organisational and managerial skills, four sub-criteria were applicable: (a) managerial experience in prosecution; (b) an above-average workload during the past three years; (c) managerial experience in public or judicial administration, or prior experience as a member of the KLP; and (d) experience as part of the secondment scheme or as an inspector in the Office of the High Inspector of Justice (section 13 of the relevant regulation – see paragraph 35 below).

16. In addition, the applicant contested the KLP's scoring methodology as regards A.Z.'s professional skills. He alleged that, in accordance with the relevant regulation (*ibid.*), A.Z. should have received a score of zero points for those components for which his skills had been graded as “low”, as it was unreasonable to award any points when the candidate met none of the indicated sub-criteria (as opposed to meeting one of them). The criteria which the applicant contested included organisational and managerial skills, and legal and administrative drafting and decision-making.

17. The main gist of the applicant's allegations related to A.Z.'s lack of prior management experience and his temporary secondment as head prosecutor on five occasions. In particular, the applicant argued that A.Z.'s experience as acting head prosecutor should not have counted towards sub-criterion (a) above, noting that the inclusion of experience in temporary roles had not been provided for in the relevant regulation (section 13) or in the law (section 52 of Law no. 96/2016) (see paragraphs 32 and 35 below). Moreover, he alleged that A.Z.'s temporary appointment as acting head prosecutor had come after the confirmation of his candidature in the promotion procedure and that he had held that position while the procedure was ongoing. Such experience should therefore not have counted towards sub-criterion (a), as it had been acquired after the promotion procedure had started. Lastly, in that connection the applicant alleged that the fact that A.Z. had been temporarily seconded to the position for which they were competing had created an unfair advantage and bias in his favour.

18. Furthermore, regarding the sub-criterion of "above-average workload in the last three years", the applicant alleged that A.Z. had underperformed (having handled 11 criminal charges in 2011, whereas the average was 200 per year). In accordance with the regulations, he had therefore merited zero points.

19. As to the skills related to legal and administrative drafting and decision-making, the applicant also alleged that A.Z. had lacked the experience required by the provisions of the relevant regulation, and therefore should have received zero points.

20. On 28 April 2022 the Administrative Court of Appeal dismissed the applicant's claim. As regards the challenge to the KLP's decision approving the list of candidates who had met the legal eligibility criteria for the promotion in question, in so far as it concerned the evaluation of a third party, A.Z., the court found that the applicant lacked a legitimate interest within the meaning of section 15 of Law no. 49/2012 on administrative courts and the adjudication of administrative disputes. This was because the contested decision had not directly concerned him and had not affected his rights as a prosecutor involved in the selection procedure. It concluded that the applicant had failed to demonstrate a direct link between the allegedly infringed right and the administrative act in question.

21. Similarly, with regard to the applicant's challenge to the KLP's decision on the evaluation of A.Z.'s professional skills, the court observed that the applicant's arguments had related exclusively to the assessment of a third party, holding that that assessment had not concerned the applicant directly and that he therefore lacked standing to challenge the decision. Consequently, the court concluded that the claim, in so far as it concerned the evaluation of another candidate, could not be examined and should be dismissed for lack of a legitimate interest.

22. Lastly, as regards the challenge to the KLP's decision approving the final ranking of candidates, the court found that it did not relate to the procedure followed or the criteria applied, but rather to the assessment of A.Z.'s professional skills. The court considered that such an assessment fell within the administrative discretion of the KLP and could not be subject to judicial review.

23. One judge of the Administrative Court of Appeal dissented.

III. PROCEEDINGS BEFORE THE SUPREME COURT AND CONSTITUTIONAL COURT

24. On 6 June 2022 the applicant lodged a cassation appeal with the Supreme Court, complaining, among other things, about the restriction of his right of access to a court in respect of the Administrative Court of Appeal's refusal to assess the merits of his complaints in relation to the promotion procedure and, in particular, the assessment of his fellow candidate, A.Z.

25. On 6 October 2022 the administrative bench of the Supreme Court declared the applicant's appeal inadmissible, holding that the appeal did not raise any of the grounds provided by law on which the decision of the Administrative Court of Appeal could be reviewed.

26. The Supreme Court further found that the conclusions reached by the Administrative Court of Appeal had been based on a proper observance and application of the principles governing administrative adjudication and the requirements of procedural law. In these circumstances, its reasoning and conclusions remained uncontested in law, as the applicant had failed to put forward any concrete arguments concerning violations of substantive or procedural laws, or serious procedural flaws. In respect of the applicant's standing to contest the assessment of other candidates, it confirmed the stance of the Administrative Court of Appeal and its interpretation of section 52 of Law no. 96/2016. Lastly, the Supreme Court observed that, in so far as the appeal raised issues relating to the assessment of evidence, it fell outside its jurisdiction, which was limited to matters of law.

27. One of the judges of the bench issued a dissenting opinion, arguing that the Administrative Court of Appeal had wrongly dismissed the appeal for lack of standing. According to that opinion, a candidate in a competitive promotion procedure had a legitimate interest in challenging the assessment of competing candidates when alleged irregularities might have affected the final ranking and appointment. The opinion further emphasised that alleged favouritism towards one candidate necessarily disadvantaged others, justifying review by the courts. The KLP was required to apply objective criteria in its evaluation of candidates, and allegations that another candidate had received preferential treatment had to be substantively examined.

28. On 9 March 2023 the applicant lodged an individual constitutional complaint with the Constitutional Court.

29. On 17 May 2023 the Constitutional Court dismissed the applicant's complaint as not raising any constitutional questions.

30. Three judges of that court issued a joint dissenting opinion, arguing that the applicant's case should have been examined on the merits in the light of the principles of independence, professionalism, integrity, and public trust in the judiciary. According to the opinion, the Court of Appeal's reasoning had excluded any review by the courts of the evaluation procedure in its entirety, including on the basis of alleged arbitrariness. Any alleged irregularity in the assessment of one candidate directly affected the outcome for others, giving each candidate a legitimate interest in challenging the procedure as a whole.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. DOMESTIC LAW

A. The Constitution of Albania

31. The relevant provisions of the Constitution of Albania are as follows.

Article 148

"1. The Prosecution Service conducts criminal prosecutions and presents the case (*përfaqëson akuzën*) against accused individuals in court on behalf of the State. The Prosecution Service performs other duties defined by law.

2. The Prosecution Service is an independent body which ensures the coordination and oversight of its actions, as well as respecting the internal independence of prosecutors to investigate and prosecute, in accordance with the law.

..."

B. Law no. 96/2016 on the status of judges and prosecutors in the Republic of Albania

32. The relevant provisions are as follows.

Section 2 Definitions

"In the present Law, these terms shall have the following meaning:

...

(e) 'Appointee' (*i emëruar*) means a person who has graduated from the School of Magistrates (*Shkolla e Magjistraturës*) and has been appointed as a judicial officer (*magjistrat*) by the [High Judicial or High Prosecutorial] Council, ... but has not yet been assigned to a [specific] position;

...

(gj) ‘Judicial officer’ (*‘magjistrat’*) means a judge (excluding judges of the Constitutional Court), a prosecutor, or the head [of a court or prosecution office] within the meaning of point (g) hereof.

...”

Section 3

Fundamental values

“1. A judicial officer shall perform his or her duties in accordance with the Constitution and the law.

2. A judicial officer shall perform his or her duties independently, on the basis of an assessment of facts and an interpretation of the law, in accordance with his or her inner conviction, free of any extraneous influences, direct or indirect, from any side or for any reason.

3. A judicial officer shall not conduct inappropriate relationships and shall not be under the influence of the executive or legislative power. He or she shall take all measures [necessary] to be – and to be seen to be – free therefrom. He or she shall immediately notify the [High Judicial or High Prosecutorial] Council and the [head of office] upon identifying any attempt to interfere with or unduly influence him or her.

4. A judicial officer shall perform his or her judicial duties in an impartial manner, without bias and without prejudice.

5. The conduct of a judicial officer shall, both in the course of performing his or her duties and beyond the scope thereof, guarantee the preservation and strengthening of the confidence of the public, of the legal profession and of the parties to the proceedings in the justice system. The judicial officer shall perform his or her duties in a fair, accurate, timely, reasonable, conscientious, cautious, dedicated and systematic manner, with objectivity, self-restraint and maturity.”

Section 41

Rights and obligations of an appointee

“...

2. The appointee shall have a right of appeal against a decision on his or her assignment to a [specific] position. The appeal shall not suspend the execution of that decision, which shall be implemented within five days from the notification of the [High Judicial or High Prosecutorial] Council’s decision. The competent court shall issue a decision within two weeks from the date of the appeal. The decision of the competent court shall be final.

...

4. In cases where the court allows the appeal and annuls the [High Judicial or High Prosecutorial] Council’s decision, the latter shall, within two weeks from the notification of the court’s decision, revise the decision on the appointee’s assignment to a [specific] position, to the extent necessary to implement the court’s ruling.”

Section 47
Minimum criteria of professional experience for promotion

“...

6. A judicial officer may be promoted to the position of head of a court or a prosecution office at the first or second instance if he or she:

(a) has held the status of judicial officer for no less than seven years, including at least four years at the same level and including experience as a seconded officer;

(b) meets the requirements in respect of organisational and managerial skills, such as:

(i) experience as deputy head of office, head of a division, or officer responsible for press-related matters;

(ii) experience in managerial positions in public administration or the justice system, or experience as a member of [the High Judicial or High Prosecutorial] Council, obtained more than three years ago;

(iii) knowledge of organisational structures and different management models, as a judicial officer within the secondment scheme or as an inspector in the Office of the High Inspector of Justice;

(c) has not been a member of the [High Judicial or High Prosecutorial] Council in the last three years.”

Section 52
Appointment of Other Heads of Office

“...

9. The [High Judicial or High Prosecutorial] Council shall assess whether the candidate meets the criteria set out in subsection 6 of section 47. It shall carry out verifications in accordance with subsections 2 to 7 of section 32 of this Law [asset and background checks]. Candidates who do not meet the criteria established by law or who do not successfully pass the asset and background checks shall be excluded from running.

10. The [High Judicial or High Prosecutorial] Council shall review the applications and rank the candidates who meet the criteria, according to the following:

(a) firstly, on the basis of their two most recent [performance] evaluations. Where there are several candidates with the same evaluation grades, judicial officers within the group of candidates with the highest evaluation grade shall be ranked according to the points system determined by the High Judicial Council;

(b) secondly, where, after the evaluation referred to in point (a) of subsection 10 of this section, there is more than one candidate with the highest number of points, the [High Judicial or High Prosecutorial] Council shall rank these candidates according to the specific professional experience required for the vacant position;

(c) thirdly, where, after the evaluation referred to in point (b) of subsection 10 of this section, there is more than one candidate with the highest number of points, the [High Judicial or High Prosecutorial] Council shall rank these candidates according to their seniority as judicial officers.

11. The [High Judicial or High Prosecutorial] Council shall appoint to the position of head of office the highest-ranked candidate. The rules provided for in section 41(2-4)

concerning the assignment of new appointees to [specific] positions shall apply in so far as relevant (*për aq sa gjejnë zbatim*).

12. The [High Judicial or High Prosecutorial] Council shall adopt more detailed rules, which shall determine:

- (a) the criteria for ethical and professional performance evaluation among judicial officers with equal evaluation grades;
- (b) the criteria for assessing organisational and managerial skills;
- (c) the procedure to be followed in cases of equal results.”

Section 64 Tenure of judicial officers

“1. The status of judicial officer shall end upon:

- (a) resignation;
 - (b) establishment of circumstances demonstrating his/her ineligibility for or incompatibility with the performance of duties;
 - (c) reaching the retirement age, in accordance with the provisions of this Law;
 - (ç) dismissal as a result of a disciplinary liability, in accordance with this Law;
 - (d) [inability] to perform the duties.
- ...”

C. Law no. 115/2016 on the governing bodies of the justice system

33. The relevant provisions are as follows.

Section 192 Appeals against decisions of the Council

“1. An individual administrative act of the Council may be appealed against, within 15 days from the date of notification, with the Administrative Court of Appeal, unless otherwise provided by law. Individual administrative acts imposing disciplinary measures on prosecutors may be appealed against before the Constitutional Court.

...”

D. Law no. 49/2012 on administrative courts and the adjudication of administrative disputes

34. The relevant provisions are as follows.

Section 15 Right to bring a complaint

“The right to bring a complaint shall belong to:

- (a) any person who claims that a right or a lawful interest has been infringed by an action or omission of a public body;

...

(c) an employee or employer in disputes in the field of employment relationships, where the employer is a public administration body;

(ç) any person who claims that their lawful rights and interests have been infringed on account of unlawful actions of a public body that do not take the form of an administrative act;

...

(dh) any other person to whom this right is expressly granted by law.”

E. Regulation of the KLP on the criteria and procedures for promotion to the position of head of a prosecution office of general jurisdiction

35. The relevant provisions are as follows.

Section 8

Criteria for promotion to the position of head of office

“Prosecutors may take part in a procedure for promotion to the position of head of a prosecution office of general jurisdiction, provided that they meet the following legal criteria:

(a) they are a prosecutor of the Republic of Albania;

(b) they are not subject to any disciplinary measure in force;

(c) they have not been a member of the [KLP] in the preceding three years;

(ç) they have exercised the function for no less than seven years, including at least four years at the same level and including any experience acquired as a seconded officer;

(d) at the time the vacancy is announced, they are serving as a prosecutor in the prosecution office where the vacant position of head arises. This requirement shall not apply where permanent vacancies arise in that prosecution office within two months prior to, and up to three months following, the expiry of the term of office of the head;

(dh) their application constitutes their first candidature for the position of head of that prosecution office.”

Section 13

Criteria for the special evaluation

“1. The ethical and professional evaluation shall consist of the following five criteria:

(a) ‘organisational and managerial skills’;

(b) ‘skills in drafting and adopting administrative and legal acts’;

(c) ‘skills in interacting with the media’;

(ç) ‘other skills’;

(d) ‘vision for establishing a functional and effective prosecution office’.

2. Organisational and managerial skills in a prosecution office shall consist of:

(a) prior experience as a manager within the prosecution system;

KULIÇI v. ALBANIA JUDGMENT

(b) above-average performance during the last three years of exercising the function;
(c) prior experience in managerial positions in public administration or in the justice system, or experience as a member of the [KLP];

(ç) experience within the secondment scheme or as an inspector in the Office of the High Inspector of Justice.

3. Skills in drafting and adopting administrative and legal acts shall consist of:

(a) being the principal drafter or co-drafter of legal acts;
(b) being the principal drafter or co-drafter of administrative acts;
(c) participating or having an advisory role in working groups for drafting legal acts;
(ç) participating or having an advisory role in working groups for drafting administrative acts.

4. Skills in interacting with the media shall consist of:

(a) prior experience as a prosecutor assigned to press/media matters;
(b) participation in criminal cases that have attracted high public attention;
(c) long-term training of no less than two weeks in the field of public relations;
(ç) short-term training in the field of public relations.

5. Other skills shall consist of:

(a) involvement in organisational structures and [knowledge of] various management models;
(b) experience as a mentoring officer for candidate prosecutors, or as an expert or facilitator at the Training College for Judicial Office;
(c) holding a scientific degree or academic titles, long-term studies and specialisations, and knowledge of foreign languages;
(ç) demonstrated ability to work in teams and in multidisciplinary and/or multicultural environments.

6. The vision for establishing a functional and effective prosecution office shall consist of:

(a) a detailed plan on how to exercise managerial skills during the conduct of criminal prosecution;
(b) a credible plan regarding the organisation and functioning of the prosecution office for administrative activities related to the exercise of criminal prosecution;
(c) a credible and highly detailed plan for managing the office, improving its functioning and effectiveness in administrative terms, and representing it in relations with third parties.”

Section 14 Special evaluation

“1. The evaluation of organisational and managerial skills shall be based on a comparative analysis of each candidate’s experience in the exercise of managerial functions, such as head, deputy head, or head of section within a prosecution office, or director of a directorate or department within the Prosecutor General’s Office; the

KULIÇI v. ALBANIA JUDGMENT

workload of the candidate in relation to the average workload of the prosecution office where the function was exercised; any experience in managerial roles outside the prosecution system; and experience as a member of the [KLP], within the secondment scheme, and as an inspector at the Office of the High Inspector of Justice.

2. The evaluation of skills in drafting and adopting administrative acts shall be based on documented information evaluating the candidate's involvement and role in specific activities.

3. The evaluation of media interaction skills shall be based on documented evidence of the candidate's experience in press-related matters, cases that have attracted high public attention, and long-term and short-term training in the field of public relations.

4. The evaluation of other skills shall be based on documented information concerning the candidate's engagement in various organisational structures (such as membership of the Judicial Appointments Council or the governing board of the School of Magistrates), experience as a mentoring officer for candidate prosecutors or as an expert or facilitator at the School of Magistrates, possession of scientific degrees or academic titles, long-term studies and specialisations, knowledge of foreign languages, and experience of working in a team and in multidisciplinary and/or multicultural environments.

5. The evaluation of the plan for establishing a functional and effective prosecution office shall be based on the outline submitted by the candidate, having regard, *inter alia*, to the candidate's understanding of his or her role as head of a prosecution office, his or her vision concerning the principal organisational challenges and substantive legal issues faced by the relevant prosecution office, and the candidate's views on those challenges and his or her proposals for addressing them. Consideration shall also be given to the language used, the structure of sentences, and their clarity and comprehensibility.

6. The candidate shall be responsible for submitting the documents necessary for the assessment of the criteria referred to in this specific evaluation."

Section 15 Grades and scoring

"1. For the purposes of this regulation, the special evaluation of candidates shall be carried out using evaluation grades and scoring.

2. For evaluation purposes, three evaluation grades shall be applied: high, medium, and low.

3. A candidate shall receive a high grade for the respective criterion if he or she meets at least three of the relevant sub-criteria; a medium grade if he or she meets at least two sub-criteria; and a low grade if he or she meets one or none of the sub-criteria.

4. For the high grade, a score of 8 to 10 points shall be awarded; for the medium grade, a score of 4 to 7 points shall be awarded; and for the low grade, a score of 0 to 3 points shall be awarded."

Section 27 Decision on the ranking of candidates and the right to appeal

"1. The [KLP]'s decision on the ranking of candidates shall be reasoned by the Rapporteur no later than ten days after its approval. The decision shall be signed by all members of the [KLP] who participated in the voting.

2. The [KLP]'s reasoned decision shall be communicated to the candidates.

3. The [KLP]'s decision may be appealed against before the Administrative Court of Appeal within five days from the date of notification of the decision. The court shall deliver its decision within two weeks from the date of the appeal. The court's decision shall be final."

II. DOMESTIC PRACTICE

36. Judgment no. 00-2-22-751 of the Administrative Division of the Supreme Court, dated 25 March 2022, concerned the refusal to admit a candidate to the School of Magistrates owing to a previous road traffic offence. The relevant part of the decision read as follows:

"Matters of career promotion in connection with the performance of duties as a judge are also to be included within the concept of 'civil rights and obligations'. The assessment of the legal criteria for the appointment of judges forms part of an administrative procedure, which operates as an indispensable precondition in the appointment process and, as such, must be guaranteed through due legal process. The bench considers it necessary to reiterate that no decision-making body may be exempt from review regarding the manner in which it exercises its administrative investigative activity and the validity of the actions it undertakes."

37. Judgment no. 62 (86-2024-1210) of the Administrative Court of Appeal, dated 19 June 2024, concerned a challenge to the transfer of judges to posts at the same level, in accordance with Law no. 96/2016. The challenge was brought by two judges participating in the competition, on the grounds that two fellow candidates had not met the requisite legal eligibility criteria to be allowed to run for the position at stake. In its judgment, the Administrative Court of Appeal held that the appellants had standing to bring the action. It considered that, despite the fact that the impugned acts of the High Judicial Council had not concerned them directly, the applicants had demonstrated that, at the relevant stage of the proceedings, their rights had been adversely affected – rights which needed to be safeguarded throughout the administrative procedure in question. The court further observed that participants in a competitive procedure were entitled to seek the exclusion of other candidates who allegedly failed to meet the applicable eligibility criteria. It emphasised that the proper conduct of a competition, and the existence of a genuine contest between participants, presupposed that participants were afforded the possibility of effectively vindicating their right to a fair competition. The judgment of the Administrative Court of Appeal was amended by the Supreme Court on the merits (judgment no. 00-2024-3840 (404)), but without the reasoning on the appellants' standing to bring the action being affected.

III. COUNCIL OF EUROPE MATERIAL

38. Opinion No. 13 (2018) of the Consultative Council of European Prosecutors (CCPE) on the independence, accountability and ethics of prosecutors provides, in its relevant part, as follows:

“23. The mission of prosecutor is demanding and difficult: it requires professionalism, character, courage, balance and determination. The possession of these qualities must be a determining criterion in the recruitment of prosecutors and throughout their career. The process of legal education, selecting candidates and in-training should seek to ensure respect for such criteria. However, these personal requirements are not sufficient to ensure the independence of prosecutors. The status and independence of prosecutors should be clearly established and guaranteed by law.

24. In this regard, it is particularly desirable that, while ensuring respect for gender balance, the process of appointment, transfer, promotion and discipline of prosecutors be clearly set out in written form and be as close as possible to that of judges, particularly in member States which uphold the principle of the unity of the judiciary and which have links between the functions of judges and prosecutors throughout their careers. In such cases, provisions should preferably be established by law and applied under the control of an independent professional authority (for instance, composed of a majority of judges and prosecutors elected by their peers) such as a Council for the judiciary or for prosecutors, competent for the appointment, promotion and discipline of prosecutors ...”

39. The relevant extracts from the appendix to Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe to member States on judges’ independence, efficiency and responsibilities, adopted on 17 November 2010, read as follows:

Chapter VI – Status of the judge Selection and career

“44. Decisions concerning the selection and career of judges should be based on objective criteria pre-established by law or by the competent authorities. Such decisions should be based on merit, having regard to the qualifications, skills and capacity required to adjudicate cases by applying the law while respecting human dignity.”

40. In Opinion No. 24 of 5 November 2021 on the evolution of the Councils for the Judiciary and their role in independent and impartial judicial systems, the Consultative Council of European Judges (CCJE) made the following observations (footnotes omitted):

“...

15. Like other bodies of state, no Council for the Judiciary is above the law. Certain decisions of a Council affect rights protected by the [Convention]; for example when decisions in relation to judges’ careers are made, decisions must be reasoned and judges must have a right to judicial review.

...

20. The [European Court of Human Rights] and the [Court of Justice of the European Union] have decided that the appointment of judges is of great importance for an independent judiciary. The CCJE has always taken that view. Consequently, the

selection or recommendation of new judges for appointment and promotion based on merit is a crucial task. Where this is a responsibility for the Council for the Judiciary, it must be exercised independently and accountably. Decisions with respect to the career of judges must not be taken because of loyalty to politicians or other judges. Through the selection and promotion of judges or the composition of a court, these decisions have great influence on future court decisions. Therefore, the majority of those who make decisions or recommendations should be judges. However, the CCJE welcomes that lay members are involved in such decisions as a safeguard against cronyism and cloning among judges.

21. Unfortunately, many judges in Europe consider that decisions regarding the selection and promotion of judges are not based on merit alone. Therefore, it is crucial that Councils work on the basis of ethical rules and, so far as possible, specific objective criteria for appointments and promotions and evaluate each candidate in a transparent procedure concluding with a reasoned decision. Judges who think that their rights have been disregarded must have a right to judicial review.

...”

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AS REGARDS ACCESS TO A COURT

41. The applicant complained under Article 6 § 1 of the Convention about the dismissal for lack of standing of his complaint in respect of the evaluation of a fellow candidate in a promotion procedure for the post of head of a prosecution office. Article 6 § 1, in so far as relevant, reads as follows:

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

A. Admissibility

1. *The parties’ submissions*

42. The Government submitted that the application was inadmissible *ratione materiae* as there was no “right” recognised under domestic law to an appointment or promotion to a particular position. Even if such a right existed, it was not “civil” within the meaning of Article 6 § 1 of the Convention, since domestic law excluded access to a court for challenges such as those in the present case, including in relation to the KLP’s assessment and ranking of candidates during a promotion procedure. Moreover, they maintained that the limitation of the right of access to a court was justified by objective grounds in the State’s interest, namely the need to ensure the uninterrupted functioning and institutional stability of the judiciary, with decision-making in respect of managerial positions in the prosecution service clearly falling into this category. In addition, the principle of judicial self-governance required that decisions on the leadership of

judicial institutions be taken by specialised bodies with a degree of autonomy and discretion. Article 6 § 1 was therefore not applicable.

43. The Government also contended that, in any event, the application was manifestly ill-founded. The applicant's rights had been respected throughout the contested judicial proceedings and his claims had been subjected to judicial scrutiny in accordance with the law. Regarding the applicant's standing, the nature of the KLP's powers and of the challenged acts had put limits on judicial scrutiny, as they pertained to the discretion of that body.

44. The applicant reiterated his grievances and submitted that domestic law allowed for judicial scrutiny, and that the domestic courts had violated his right of access to a court by refusing to examine the merits of his complaints.

2. *The Court's assessment*

(a) **Applicability of Article 6 of the Convention (civil head)**

(i) *General principles*

45. The Court reiterates that for Article 6 § 1 in its civil limb to be applicable, there must be a "dispute" ("*contestation*" in French) regarding a "right" which can be said, at least on arguable grounds, to be recognised under domestic law, irrespective of whether it is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and, finally, the result of the proceedings must be directly decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play (see *Denisov v. Ukraine* [GC], no. 76639/11, § 44, 25 September 2018; *Grzęda v. Poland* [GC], no. 43572/18, § 257, 15 March 2022; and *Grosam v. the Czech Republic* [GC], no. 19750/13, § 108, 1 June 2023, all with further references). Lastly, the right must be a "civil" right (see *Grzęda*, cited above, § 257, and *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, § 595, 9 April 2024).

46. Article 6 § 1 does not guarantee any particular content of "civil rights and obligations" in the substantive law of the Contracting States: the Court may not create through the interpretation of Article 6 § 1 a substantive right which has no legal basis in the State concerned (see, for example, *Grzęda*, cited above, § 258).

47. It is the right as asserted by the applicant in the domestic proceedings that must be taken into account in order to assess whether Article 6 § 1 is applicable. Where there was a genuine and serious dispute about the existence of that right, a decision by the domestic courts that there was no such right does not remove, retrospectively, the arguability of the claim (see *Károly*

Nagy v. Hungary [GC], no. 56665/09, § 63, 14 September 2017, with further references).

48. The rights conferred by the domestic legislation can be substantive, or procedural, or, alternatively, a combination of both (see *Regner v. the Czech Republic* [GC], no. 35289/11, § 101, 19 September 2017, with further references).

49. In some cases, national law, while not necessarily recognising that a person has an individual right, does confer the right to a lawful procedure for examination of his or her claim, involving, for example, a ruling by a competent court as to whether a decision was arbitrary or *ultra vires* or whether there were procedural irregularities. This is true of certain decisions where the authorities have a purely discretionary power to grant or refuse an advantage or privilege, and where the law confers on the person concerned the right to apply to the courts, which may set the decision aside if they find that it was unlawful. In such a case Article 6 § 1 of the Convention is applicable, on condition that the advantage or privilege, once granted, gives rise to a civil right (*ibid.*, § 105, with further references).

50. As regards officials employed in the civil service, according to the criteria established in *Vilho Eskelinen and Others v. Finland* ([GC], no. 63235/00, ECHR 2007-II) the respondent State cannot rely before the Court on an applicant's status as a civil servant to exclude the protection embodied in Article 6 unless two conditions are fulfilled. First, the State in its national law must have excluded access to a court for the post or category of staff in question. This condition is satisfied where domestic law contains either an explicit exclusion from access to a court or an implicit one, in particular where the latter stems from a systemic interpretation of the applicable legal framework or the whole body of legal regulation (see *Grzęda*, cited above, § 292). Secondly, the exclusion must be justified on objective grounds in the State's interest. In order for the exclusion to be justified, it is not enough for the respondent State to establish that the civil servant in question participated in the exercise of public power or that there existed a special bond of trust and loyalty between the civil servant and the State, as employer. It is also for the respondent State to show that the subject matter of the dispute in issue was related to the exercise of State power or that it had called into question the special bond. Thus, there can in principle be no justification for the exclusion from the Article 6 guarantees of ordinary labour disputes, such as those relating to salaries, allowances or similar entitlements, on the basis of the special nature of the relationship between the particular civil servant and the State in question. There will, in practice, be a presumption that Article 6 applies. It will be for the respondent State to demonstrate, first, that a civil servant applicant did not have a right of access to a court under national law and, secondly, that the exclusion of the Article 6 rights was justified in the case of that civil servant (see *Grzęda*, cited above, § 261, with further references; see also §§ 291, 292, 296 and 299).

*(ii) Application of those principles to the present case**(α) Existence of a right*

51. The Court observes that the applicant's complaints before the domestic courts essentially related to the evaluation of a fellow candidate, A.Z., in a promotion procedure in which the applicant had also taken part and had been unsuccessful. In particular, he alleged that the KLP's evaluation of A.Z.'s candidature, which in turn had been successful, had been unlawful and inconsistent with clear criteria laid down in law and the KLP's own regulations. The Court therefore considers that the crux of the applicant's grievances does not relate to a right to be appointed or promoted to the post of head prosecutor *per se*, but rather the right to a fair promotion procedure (see *Regner*, cited above, § 105; *Frezadou v. Greece*, no. 2683/12, § 28, 8 November 2018; *Gloveli v. Georgia*, no. 18952/18, § 37, 7 April 2022; and *Konstantinou v. Cyprus*, no. 36862/23, § 65, 7 May 2026). Thus, the issue is whether there was an arguable basis on which the right to be protected against arbitrary decisions of the body deciding on prosecutorial promotions could be claimed.

52. The Court notes in this connection that for a "right" to trigger the application of Article 6 § 1 of the Convention it is sufficient to show that the applicant could arguably claim an entitlement under national law. In determining whether there was a legal basis for the right asserted by the applicant, the Court needs to ascertain only whether the applicant's arguments are sufficiently tenable, not whether he or she would necessarily have been successful had he or she been given access to a court (see *Gloveli*, cited above, § 38, and the references cited therein).

53. In the present case, the Court notes that domestic law (including specific regulations governing such matters) regulated, in considerable detail, the promotion criteria and procedure for prosecutors (see paragraphs 32 and 35 above). Candidates who satisfied the legal eligibility criteria specified in the relevant provisions had the right to apply for the vacancy of head prosecutor. Furthermore, those provisions provided extensive guidance on how the criteria for promotion, including those related to the so-called "specific professional skills", were to be applied, including the weight to be attached to each criterion and the respective range of scores to be awarded. There can therefore be no doubt that prosecutors in Albania may claim, on the basis of the provisions of that legal framework, a right to a fair promotion procedure safeguarding against arbitrariness or the improper use of discretion (see, *mutatis mutandis*, *Konstantinou*, cited above, § 67).

54. The applicant was one of three candidates who was deemed to have met the statutory eligibility requirements and to possess the necessary qualifications to run for the position of head prosecutor; he was ranked second in the final list. He subsequently challenged the lawfulness of the KLP's decision before the domestic courts with regard to its evaluation of his fellow

candidate, A.Z., who had been ranked first (see paragraphs 13-19 above). In particular, he argued that the manner in which the KLP had applied the criteria of “prior management experience” and “above-average workload” in respect of A.Z. had been inconsistent with their statutory definition. Given that the application of the latter criteria was, most likely, decisive for the outcome of the competition, the applicant could argue that the promotion procedure as a whole had not been in compliance with the law. From the records available to the Court, it appears that, in evaluating the candidates, the KLP made some general references to their qualifications and relevant past experience. However, the decision was not reasoned as regards the grade or scores awarded to each candidate under the four categories of “specific professional skills”.

55. It thus follows that, under domestic law, candidates for the position of head prosecutor can be considered to have a right not to be subjected to arbitrary promotion decisions or procedures. In the Court’s view, neither the fact that the KLP exercised some degree of discretion in respect of the final step of confirming the appointment, nor the fact that that discretion itself may not be reviewed by the courts, negates the arguability of the applicant’s claims (see *Oktay Alkan v. Türkiye*, no. 24492/21, § 41, 20 June 2023; see also, in the context of judicial transfers, *Biliński v. Poland*, no. 13278/20, §§ 60-76, 15 January 2026).

56. In the light of the above considerations, the Court is satisfied that there was in domestic law a “right” to a lawful and fair promotion procedure, and one that the applicant was able to assert.

(β) “Genuine” and “serious” dispute

57. The Court considers that the dispute was “genuine” and “serious” as it concerned the fairness of the promotion procedure and could have led to the annulment of the contested decision, a reassessment of the candidates, and a potentially different outcome. Accordingly, the judicial proceedings at issue were directly decisive for the applicant’s right as they could have affected his career prospects (see *Bara and Kola v. Albania*, nos. 43391/18 and 17766/19, § 58, 12 October 2021, and the references cited therein).

(γ) “Civil” nature of the right: the Eskelinen test

58. The next issue to be determined is whether the “right” claimed by the applicant was “civil” within the autonomous meaning of Article 6 § 1 in the light of the criteria developed in *Vilho Eskelinen and Others* (cited above).

– *The first condition of the Eskelinen test*

59. In the present case, the Court notes that section 52 of the Law on the status of judges and prosecutors, read in conjunction with its section 41, and section 192 of the Law on the governing bodies of the justice system (see

paragraphs 32 and 33 above) appear to provide for a right to challenge KLP decisions regarding a promotion procedure – a right which was exercised by the applicant. Specifically, section 52(11) provides for a right of appeal, “in so far as relevant”, in the context of a prosecutorial promotion procedure, by reference to section 41 of the same law, which provides for the right to appeal against a decision of the High Judicial or High Prosecutorial Council regarding the initial assignment of an appointee (a judge or prosecutor) who has recently graduated from the School of Magistrates (*Shkolla e Magjistraturës*). In this regard, the Court considers that the phrase “in so far as relevant” adds a layer of uncertainty as to how the right to appeal is to be construed in relation to a prosecutorial promotion procedure such as that in the present case. In addition, there may be important differences between the initial assignment of a judicial officer to a particular office and promotion procedures for mid-career officers.

60. Furthermore, the Court cannot overlook the fact that domestic courts appear to have adopted different interpretations of the applicable provisions of domestic law in similar circumstances (see paragraphs 36 and 37 above). In particular, despite the common status (as judicial officers) of judges and prosecutors in the national system, domestic case-law appears to have granted standing more extensively to judges seeking to challenge competitive career procedures, compared to that granted to prosecutors such as the applicant in the present case.

61. The Court reiterates that it is not its role to resolve problems of interpretation of domestic legislation. In the light of the foregoing, given the wording of the relevant provisions of the law as well as the inconsistent domestic practice, the Court is unable to conclude that domestic law expressly excluded access to a court for the type of dispute concerned. However, even if the Government’s argument that domestic law expressly excluded such access were to be accepted, the Court still has to satisfy itself that that exclusion was justified on “objective grounds in the State’s interest” (see *Vilho Eskelinen and Others*, cited above, § 62, and *Gloveli*, cited above, § 47). It will, therefore, proceed with the examination of the second condition of the test.

– *The second condition of the Eskelinen test*

62. The Court has emphasised that there is a clear link between the integrity of the judicial appointment process and the requirement of judicial independence (see *Thiam v. France*, no. 80018/12, §§ 81-82, 18 October 2018). The Court would also refer to the principle that judges should be selected on the basis of merit and objective criteria, not only to ensure public confidence in the judiciary but also as a supplementary guarantee of the personal independence of judges (see *Oktay Alkan*, cited above, § 57, with further references).

63. Admittedly, the above findings are, in principle, applicable only in respect of judges, whose status is not in all respects identical to that of prosecutors. Nevertheless, the Court has previously held that, as regards the need for protection against arbitrary interference by public authorities in the exercise of their duties, in particular as to whether the absence of access to independent review was justified on objective grounds relating to the interests of the State, one cannot draw a clear distinction between judges and prosecutors. Furthermore, and of particular relevance to the present case, it is especially difficult to accept that limitations on a prosecutor's access to court may be justified on objective grounds relating to the interests of the State, where the legislation of that member State grants both judges and prosecutors the status of "judicial officers", with similar protection as to their status, tenure and other functional safeguards (see *Stoianoglo v. the Republic of Moldova*, no. 19371/22, § 38, 24 October 2023, and the references cited therein). Indeed, under Albanian law all judicial officers (*magjistratët*) enjoy similar functional guarantees, including in respect of matters relating to their appointment, promotion and tenure (see paragraph 32 above).

64. Against this background, and keeping in mind the implications for the independence of judicial officers, the Court is not persuaded that the subject matter of the applicant's dispute was related to the exercise of State power or called into question any special bond of trust and loyalty with the State. The Court therefore finds that the Government have not put forward grounds capable of justifying a finding that the second criterion of the *Eskelinen* test was satisfied in the present context.

65. It therefore follows that Article 6 § 1 is applicable *ratione materiae* to the present case.

(b) Conclusion as to admissibility

66. 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

67. The applicant essentially reiterated his grievances, notably with regard to the lack of any judicial review of his complaints owing to the Court of Appeal's refusal to grant him standing, which he argued had impaired the essence of his right of access to a court.

68. The Government submitted that the applicant had had an effective mechanism by which to seek a judicial review of the KLP decision.

69. The relevant general principles have been summarised in *Oktay Alkan* (cited above, §§ 64-66, with further references).

70. In the present case, the applicant's complaints about the lawfulness of the KLP decision were not reviewed by the Administrative Court of Appeal

on the merits. The court declared the applicant's complaint inadmissible for lack of standing, in view of the fact that it concerned another candidate (A.Z., the successful candidate, to whom the applicant came second). In coming to that conclusion, the court reasoned that the applicant had no legal interest in pursuing such proceedings, considering that the KLP's decision had neither concerned the applicant nor violated his rights. It found that there was no direct correlation between the applicant's rights and the contested administrative act, and that the latter had not restricted any of his rights as a prosecutor or those in relation to the competition procedure (see paragraphs 20-22 above).

71. The Court reiterates that exclusions from access to a court must remain exceptional and be supported by weighty reasons (see *Oktay Alkan*, cited above, § 67, and *Bilgen v. Turkey*, no. 1571/07, § 96, 9 March 2021). The question that the Court must answer is therefore whether, in the context of the promotion procedure for the position of head prosecutor, the effective denial of any judicial review as regards the evaluation of A.Z., including his eligibility for the vacant position and the assessment of certain key statutory criteria for ranking candidates, was compatible with Article 6 § 1 of the Convention.

72. The Court notes that the applicant contested the evaluation and ranking of a fellow candidate within the same competition. The KLP made the appointment on the basis of a ranking, appointing the candidate ranked first. Accordingly, since the evaluation of the successful candidate had obvious repercussions for the applicant's own career prospects, this alone would suffice for him to have a genuine legal interest in challenging the KLP decision, in particular as to the grounds on which it had found the successful candidate to be eligible for the position and the application of the specific professional criteria. This does not exclude the possibility that certain elements of the assessment may legitimately fall within the discretion of the decision-making body, within the limits thus recognised by domestic law. At the same time, the Court observes that in the present case the applicant was deemed to have had no legal interest whatsoever in challenging, in any form, the evaluation of his fellow candidate in the promotion procedure.

73. The Court considers that by dismissing his complaint for lack of standing, the Administrative Court of Appeal made the relevant decision-making of the KLP largely immune to review. By comparison, the Court has found the complete absence of a judicial remedy against a decision of a judicial governance body regarding an individual's career to be of particular concern, impairing the very essence of that individual's right of access to a court (see *Mnatsakanyan v. Armenia*, no. 2463/12, §§ 64-66, 6 December 2022). The Court notes in this connection "the existing consensus on the necessity to have in place procedural safeguards and the possibility of appeal against decisions affecting the career of a judge" (see *Bilgen*, cited above, § 96). Similar considerations apply to prosecutors, at

least in circumstances where they enjoy, under domestic law, similar guarantees of tenure and professional status.

74. In this connection, the Court notes the importance which Council of Europe instruments (see paragraphs 38-40 above) have attached to procedural fairness in cases involving the career of prosecutors (see *Gloveli*, cited above, § 59 with further references, and *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, §§ 207, 215, and 226-27, 1 December 2020). Bearing this in mind, the Court considers that by depriving itself of jurisdiction to examine the applicant's appeal against the decision of the KLP as regards any and all aspects involving the evaluation of his fellow candidate, the Administrative Court of Appeal impaired the very essence of his right of access to a court. The Government have not sufficiently demonstrated the existence of weighty reasons justifying the exclusion of access to a court, particularly given that decisions concerning the careers of judicial officers are directly linked to the guarantees of independence and public confidence in the justice system.

75. The foregoing considerations are sufficient to enable the Court to conclude that the determination that the applicant lacked standing to challenge material aspects of the promotion procedure impaired the very essence of his right of access to a court.

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

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

77. 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.”

78. The applicant did not submit a claim for damages. Accordingly, the Court considers that there is no call to award him any sum on that account.

79. The applicant claimed EUR 150 for the costs and expenses incurred before the domestic courts and EUR 123 for those incurred before the Court.

80. The Government did not make any submissions in this connection.

81. 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, regard being had to the documents in its possession and the above criteria, the Court accepts the claim for costs and expenses and considers it reasonable to award the sum of EUR 273, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention;
3. *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 273 (two hundred and seventy-three euros) in respect of costs and expenses, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable to the applicant;
 - (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.

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

Ioannis Ktistakis
President