



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

THIRD SECTION

CASE OF ZOUVELOS AND OTHERS v. GREECE

(Application no. 42800/18)

JUDGMENT

STRASBOURG

20 October 2026

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

In the case of Zouvelos and Others v. Greece,

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

Peeter Roosma, *President*,

Ioannis Ktistakis,

Lətif Hüseynov, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 42800/18) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 31 August 2018 by five Greek nationals (“the applicants”), whose relevant details are listed in the appended table, who were represented by Ms K. Gouvitsa, a lawyer practising in Amaliada;

the decision to give notice of the complaints concerning Article 1 of Protocol No. 1 to the Convention to the Greek Government (“the Government”), represented by their Agent, Ms N. Marioli, President of the State Legal Council, and their Agent’s delegate, Ms S. Papaioannou, Senior Advisor at the State Legal Council, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 29 September 2026,

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

SUBJECT MATTER OF THE CASE

1. The application concerns the amount of compensation payable to the applicants following the expropriation of their properties.

2. By a joint ministerial decision issued on 11 February 2008 and published in the Official Government Gazette on 25 February 2008, the expropriation of the applicants’ properties, located in Amaliada, was ordered for the construction of a highway.

3. On 24 February 2009 the Greek State lodged an application for the determination of the provisional compensation payable to the applicants.

4. Hearings took place on 15, 29 and 30 October 2009.

5. By judgment no. 53/2010 of 26 April 2010, the Amaliada Court of First Instance determined the provisional unitary amounts of compensation payable to the applicants as follows: 10.08 euros (EUR) per sq. m for plot no. 201 and EUR 5.42 per sq. m for plot no. 206 belonging to the first applicant; EUR 4.74 per sq. m for plot no. 300 and EUR 4.50 per sq. m for plot no. 305 belonging to the second applicant; EUR 101.08 per sq. m for plot no. 078 belonging to the third applicant; EUR 101.08 per sq. m for plot no. 079 belonging to the fourth applicant; and EUR 4.74 per sq. m for plots nos. 316 and 318 and EUR 4.28 per sq. m for plot no. 321 belonging to the fifth

applicant. The calculation was based on the values of the properties on the dates of the hearings before the first-instance court.

6. The Amaliada Court of First Instance further held that the non-expropriated part of the properties would derive a special benefit from the execution of the works, as they would have access to the highway.

7. On 20 October 2010 the Greek State lodged an application for the determination of the final compensation payable to the applicants.

8. After two adjournments, on 12 May 2011 and 21 March 2013, the hearing took place on 15 January 2015.

9. The applicants responded by taking the following legal actions. On 19 January 2011 the first applicant lodged a counterclaim seeking the determination of the final compensation and challenging the presumption that his remaining, non-expropriated properties would benefit from the execution of the works and submitted a written request to intervene in the proceedings. In addition, the first, second and fifth applicants challenged the presumption of benefit by orally requesting leave to intervene in the proceedings at the hearing held on 15 January 2015. The third and fourth applicants challenged the presumption of benefit by way of written submissions filed in the hearing of 15 January 2015. Lastly, on 14 October 2010 the fifth applicant lodged a separate application seeking the determination of the final compensation and challenging the presumption of benefit.

10. By judgment no. 78/2016 of 31 May 2016, the Patras Court of Appeal dismissed as inadmissible the applicants' claims as regards the presumption of benefit. In particular, it held that the first applicant had failed to comply with the provisions of Article 33 § 7 of Law no. 2971/2001, which set out that the presumption of benefit could be challenged within a time-limit of six months from the date of determination of provisional compensation (which, in the case at hand, had occurred on 26 April 2010; see paragraph 5 above). It further held that the oral requests by the first, second and fifth applicants to intervene in the proceedings and the written submissions of the third and fourth applicants had been aimed at extending the scope of the application for the determination of the final compensation, contrary to national procedural rules. Lastly, it held that the fifth applicant's claims lacked factual details as to the parts of his properties to which the presumption of benefit had been applied.

11. Furthermore, the Patras Court of Appeal determined the final unitary amounts of compensation payable to the applicants as follows: EUR 8 per sq. m for plot no. 201 and EUR 2.60 per sq. m for plot no. 206 belonging to the first applicant; EUR 2 per sq. m for plots nos. 300 and 305 belonging to the second applicant; EUR 6.50 per sq. m for plot no. 078 belonging to the third applicant; EUR 6.50 per sq. m for plot no. 079 belonging to the fourth applicant; and EUR 2.50 per sq. m for plots nos. 316, 318 and 350 and EUR 2 per sq. m for plot no. 321 belonging to the fifth applicant. It based its judgment on Article 17 § 2 (c) of the Greek Constitution and Article 13 § 1 (b)

of Law no. 2882/2001, which set out that the final compensation should be calculated on the basis of the values of the expropriated properties on the date of the hearing before the appellate court (15 January 2015 in the case at hand), where more than one year has passed from the date of the hearing concerning the provisional compensation. It further based its judgment on the depreciation of property values from 2009 onward. As regards plots nos. 078 and 079, they had been recorded as lying within the settlement boundaries, an error that had subsequently been rectified, thus aligning their unit prices with the remainder of the plots in question.

12. The applicants lodged an appeal on points of law, complaining that the appellate court had taken the date of the hearing before it, rather than the date of the hearing on the determination of the provisional compensation, as the critical date for determining the final compensation, resulting in lower amounts awarded to them. They further argued that the appellate court had erred in dismissing as inadmissible their claims regarding the presumption of benefit.

13. The Court of Cassation examined the applicants' arguments on the merits and dismissed them by way of judgment no. 2062/2017, which became final on 1 March 2018. With respect to the critical date for determining the final compensation, the Court of Cassation ruled that Article 17 § 2 (c) of the Greek Constitution and Article 13 § 1 (b) of Law no. 2882/2001 applied regardless of any increase or decrease in property values occurring between the hearing in respect of the provisional compensation and that in respect of the final compensation. With respect to the applicants' claims challenging the presumption of benefit, the Court of Cassation upheld the findings of the appellate court and further held that, in any event, all of the applicants' claims lacked sufficient factual details concerning the parts of their properties which, allegedly, would not benefit from the execution of the works.

14. The applicants complained of a violation of Article 1 of Protocol No. 1 to the Convention, reiterating the arguments they had made before the domestic courts.

THE COURT'S ASSESSMENT

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

A. Admissibility

15. The Government argued that the applicants had not raised their complaints before the domestic courts in accordance with national procedural rules.

16. In particular, the Government emphasised that the applicants' claims as regards the presumption of benefit had not been declared inadmissible by

the appellate court for non-exhaustion of the prior administrative procedure prescribed by Article 33 of Law no. 2971/2001, as had been the situation in *Alfa Glass Anonymi Emboriki Etairia Yalopinakon v. Greece* (no. 74515/13, §§ 7-12, 28 January 2021). These claims had rather been examined jointly with the Greek State's application for the determination of the final compensation in a single set of proceedings. Nevertheless, the claims were declared inadmissible for not complying with the general procedural requirements under the Greek Code of Civil Procedure or with the special time-limit provided by Article 33 § 7 of Law no. 2971/2001.

17. The applicants maintained that the above-mentioned requirements had undermined the single nature of the proceedings for the determination of the expropriation compensation.

18. The Court is of the view that the present application is different from *Alfa Glass Anonymi Emboriki Etairia Yalopinakon* (cited above, §§ 40-44), *Bibi v. Greece* (no. 15643/10, §§ 77-79, 13 November 2014) and *Koutsokostas v. Greece* (no. 64732/12, §§ 47-50, 13 June 2019). In the case at hand, the applicants failed either to fulfil general procedural requirements under domestic law (challenging the presumption of benefit by way of an individual application or a counterclaim with sufficient factual substantiation) or to observe the six-month time-limit set out in Article 33 § 7 of Law no. 2971/2001. This issue is materially different from that of determining the expropriation compensation in a single set of proceedings. In fact, the requirement to challenge the presumption of benefit by way of a substantiated individual application or counterclaim lodged within the specified time-limit was aimed at reconciling the obligation under the Court's case-law to examine all matters relating to expropriation in a single set of proceedings with the proper administration of justice.

19. In view of the considerations above, the Government's objection must be accepted and, thus, the applicants' complaint that the appellate court erred in declaring inadmissible their claims by which they had challenged the presumption of benefit must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies (see *Gäfgen v. Germany* [GC], no. 22978/05, § 143, ECHR 2010).

20. Furthermore, the Government submitted that the applicants had not raised before the appellate court the issue of the critical date for determining the final compensation, instead having raised it for the first time in their appeal on points of law, contrary to national procedural rules.

21. However, the Court takes note of the fact that the Court of Cassation examined in substance and dismissed the relevant plea (see paragraph 13 above) (see *Gäfgen*, cited above, § 143).

22. The Government's objection in this respect must therefore be rejected, and the Court finds that the applicants' complaint regarding the critical date for determining the final compensation is not manifestly ill-founded within

the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

23. The applicants submitted that Article 17 § 2 of the Greek Constitution restricted the domestic courts, when determining the final amount of compensation, to only considering any increases in property values which occurred after the date of the hearing concerning the provisional compensation. Conversely, in the event of a decrease, the applicants argued that the expropriation compensation was to be calculated on the basis of the property values on the date of the hearing concerning the provisional compensation.

24. The Government rejected this interpretation and argued that Article 17 § 2 of the Greek Constitution expressly specified that when more than one year had passed from the date of the hearing concerning the provisional compensation, the values of the expropriated properties had to be considered on the date of the hearing concerning the final compensation. This provision was intended to ensure that the expropriation compensation corresponded to the actual value of expropriated properties and to prevent unjust enrichment of their owners.

25. Furthermore, the Government argued that the appellate court had determined higher final unitary amounts of compensation than those proposed in the 2009 valuation report which had been submitted to the first-instance court. Lastly, they submitted that the applicants had only argued in broad terms that the post-2009 financial crisis had led to a decrease in the values of their expropriated properties and that they had not substantiated an increase in those values between October 2009 and 15 January 2015.

2. The Court's assessment

26. The general principles concerning the critical date to be taken for determining the final compensation in expropriation cases have been summarised in *Poulimenos and Others v. Greece* (no. 41230/12, §§ 43-53, 20 July 2017), as well as *Tsigaras v. Greece* [CTE] (no. 12576/12, §§ 32-39, 14 November 2019), *Bacht AE v. Greece* [CTE] (no. 49215/18, §§ 38-47, 2 June 2022) and *Siozopoulos v. Greece* [CTE] (no. 50261/16, §§ 33-36, 8 July 2025).

27. The Court notes at the outset that it is not required to decide on the exact final unitary amounts of compensation payable to the applicants, which depend on several factors, such as fluctuations in market prices and inflation. Instead, the Court is of the opinion that, because of their direct knowledge of financial, market and social conditions, the national authorities are in

principle better placed to make such an assessment (see *Malama v. Greece*, no. 43622/98, §§ 51-52, ECHR 2001-II).

28. Moreover, the Court takes note of the fact that Article 17 § 2 of the Greek Constitution expressly prescribes the date of the hearing concerning the final compensation as the critical date in cases where more than one year has passed from the date of the hearing concerning the provisional compensation. The Court considers that the aim of that provision is to take the date closest to the payment of the expropriation compensation as the critical date for determining its exact amount.

29. Lastly, the Court has regard to the provisions of Article 20 §§ 3 and 6 of Law no. 2882/2001, pursuant to which (a) the hearing before the Court of Appeal must be fixed within 30 to 40 days from the date on which the application for the determination of the final compensation was lodged and (b) the judgment of the Court of Appeal must be adopted no later than one year from the date on which the application for the determination of the final compensation was lodged.

30. Turning to the circumstances of the present case, the Court observes that the hearings before the Amaliada Court of First Instance for determining the provisional unitary amounts of compensation payable to the applicants took place on 15, 29 and 30 October 2009. Following an application lodged by the Greek State on 20 October 2010, the hearing before the Patras Court of Appeal for determining the final unitary amounts of compensation took place on 15 January 2015.

31. It is thus evident that the time-limits prescribed by Article 20 §§ 3 and 6 of Law no. 2882/2001 had already expired in the present case (see, in the same vein, *Bacht AE*, cited above, § 41, and *Siozopoulos*, cited above, § 34).

32. Regard must also be had to the fact that the hearing before the appellate court was adjourned twice at the request of the Greek State from 12 May 2011, the initial date of the hearing, to 21 March 2013 and, eventually, to 15 January 2015 (see paragraph 8 above). Despite the civil nature of the proceedings in question, governed by the principle that the parties are responsible for the conduct of their case, the domestic courts are not absolved of their obligation to ensure the conclusion of the proceedings within a reasonable time (see *Bacht AE*, cited above, §§ 42-45, and *Siozopoulos*, cited above, §§ 34 and 36).

33. In addition, the appellate court determined the unit prices of most of the applicants' plots at values which were approximately half of those determined by the first-instance court. It is evident from the judgment of the appellate court that this depreciation was due to the deteriorating financial situation from 2009 onward (see *Bacht AE*, cited above, § 46, and *Siozopoulos*, cited above, § 35).

34. Taking into account that the considerable postponement of the hearing was attributable to the State, that the statutory time-limits designed to ensure

the prompt determination of the final compensation were substantially exceeded and that, during that delay, property values declined significantly, the Court considers that the applicants were made to bear the financial consequences of a delay for which they were not responsible. In those circumstances, the application of the later valuation date, resulting in substantially lower compensation, upset the fair balance required under Article 1 of Protocol No. 1 (see *Poulimenos and Others*, cited above, § 53, and *Bacht AE*, cited above, § 47).

35. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

36. The applicants claimed the following amounts in respect of pecuniary damage: the first applicant claimed 41,347.04 euros (EUR); the second applicant claimed EUR 15,434.42; the third applicant claimed EUR 208,076; the fourth applicant claimed EUR 113,968.90; and the fifth applicant claimed EUR 30,490.78. According to the applicants, these amounts reflected the difference between the provisional and final compensation awarded to them by the domestic courts.

37. The Government submitted that the above-mentioned figures had been miscalculated, that the divergence in the figures for plots nos. 078 and 079 had been due to the rectified error as regards their classification, that the mere finding of a violation of Article 1 of Protocol No. 1 to the Convention would constitute sufficient redress and that the applicants could instead request the reopening of the proceedings before the Court of Cassation.

38. The Court notes that the material in the case file does not show whether the applicants received the amount of the provisional compensation or whether they were required to pay the difference between the provisional and final compensation (compare *Siozopoulos*, cited above, § 42). Furthermore, the applicants' claims included inaccurate figures, they were only submitted with the application form, they were not elaborated on in the applicants' observations and they were not accompanied by any supporting documents. In any event, the applicants may request the reopening of the proceedings before the Court of Cassation and thereby achieve a recalculation of the value of their properties.

39. Under these circumstances, the requirements under Rule 60 of the Rules of Court as regards the award of just satisfaction in respect of pecuniary damage have not been fulfilled. Therefore, the Court dismisses the applicants' claims under this head.

40. The applicants further claimed EUR 15,000 each with 6% interest (the interest to be paid by the State of Greece) in respect of non-pecuniary damage. The Government submitted that the amount was excessive and that the mere

finding of a violation of Article 1 of Protocol No. 1 to the Convention would constitute sufficient redress.

41. The Court considers that the applicants undoubtedly sustained non-pecuniary damage on account of the breach of Article 1 of Protocol No. 1 to the Convention. Ruling on an equitable basis, having regard to the circumstances of the case and the quantified claim submitted to it, the Court considers it reasonable to award each applicant EUR 2,500 in respect of non-pecuniary damage plus any tax that may be chargeable, and dismisses the remainder of the claims under this head.

42. Lastly, the applicants claimed EUR 5,000 each in respect of costs and expenses incurred in the domestic proceedings and in the proceedings before the Court.

43. The Government contended that the applicants had received an amount equal to 3% of the expropriation compensation in costs and expenses incurred in the domestic proceedings. They further observed that the amount claimed by the applicants was excessive and that the applicants' claim had not been accompanied by the necessary supporting documents.

44. The Court observes that the applicants only submitted a copy of the Greek Lawyers' Code indicating the reference fees for procedural acts and court filings. No invoices or receipts of payment were submitted to the Court.

45. Thus, having regard to Rule 60 §§ 1-3, its case-law (see *Iatridis v. Greece* (just satisfaction) [GC], no. 31107/96, § 54, ECHR 2000-XI, and *Singh and Others v. Greece*, no. 60041/13, § 72, 19 January 2017) and the documents in its possession, the Court dismisses the applicants' claim under this head.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint concerning the critical date for determining the final compensation for the applicants' expropriated properties admissible and the remainder of the application inadmissible;
2. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention;
3. *Holds*
 - (a) that the respondent State is to pay each applicant, within three months, the amount of EUR 2,500 (two thousand five hundred 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;

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4. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 20 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President

APPENDIX

List of applicants:

Application no. 42800/18

No.	Applicant's Name	Year of birth	Nationality	Place of residence
1.	Konstantinos ZOUVELOS	1964	Greek	Athens
2.	Andreas FARMAKIS	1960	Greek	Amaliada
3.	Aggeliki PAPAVALIOU	1928	Greek	Amaliada
4.	Maria TASSOPOULOU	1986	Greek	Amaliada
5.	Athanasios THEODOROPoulos	1955	Greek	Amaliada