



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

THIRD SECTION

DECISION

Application no. 65976/16
Stavros KARMIRIS and Marios KARMIRIS
against Greece

The European Court of Human Rights (Third Section), sitting on 29 September 2026 as a Committee composed of:

Peeter Roosma, *President*,

Ioannis Ktistakis,

Lətif Hüseynov, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 65976/16) 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 9 November 2016 by two Greek nationals, Mr Stavros Karmiris and Mr Marios Karmiris (“the applicants”), who were born in 1960 and 1964 respectively, live in Thessaloniki and were represented by Mr G. Gesoulis, a lawyer practising in Thessaloniki;

the decision to give notice of the complaints concerning Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention to the Greek Government (“the Government”), represented by their Agent, Ms Z. Chatzipavlou, Senior Advisor, and Ms I. Kotsoni, Legal Representative at the State Legal Council, and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns alleged violations of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention on account of the suspension of the applicants’ building permit by the Thessaloniki Urban Planning Directorate.

A. Background

2. The applicants are the owners of a plot of urban land located in block no. 41 in Sykies, Thessaloniki. Between 1985 and 2009 they acquired several smaller plots and consolidated them into a single property with a total surface area of approximately 736.12 sq. m.

3. On 10 April 1986 the Thessaloniki Prefecture issued decision no. 20584/1986, approving deed no. 5313/1986 on regularisation and the apportionment of compensation (*πράξη τακτοποίησης και αναλογισμού αποζημιώσεως* – “a regularisation and compensation deed”). The deed was approved on an emergency basis to enable construction of a new street to begin immediately. In that context, several expropriations were carried out, including of a small plot of 7.80 sq. m adjacent to the applicants’ property. The municipality of Sykies was designated as provisionally responsible for the payment of compensation in that regard.

4. In 1988, by judgment no. 5004/1988, the Thessaloniki Court of First Instance determined the amount of compensation to be paid in respect of the expropriated properties in block no. 41 – including the 7.80 sq. m plot adjoining the applicants’ land. On 21 November 1989 the municipality of Sykies paid provisional amounts to those entitled to them. In 1990, by judgment no. 1904/1990, the Thessaloniki Court of Appeal established the final amounts of compensation.

5. On 23 November and 20 December 2006 the applicants requested, from the municipality of Sykies, certificates which they required in order to obtain a building permit. On 29 December 2006 the technical department of the municipality rejected the applicants’ request, stating that: (a) the 7.80 sq. m plot of land belonging to the municipality first had to be formally incorporated into the applicants’ property through regularisation (*προσκύρωση*); and (b) the compensation provisionally paid in 1989 had yet to be determined with final effect, as the parties ultimately entitled to compensation had not been identified (decision no. 34938/29.12.2006).

6. On 10 March 2009 the competent department of the Thessaloniki Urban Planning Directorate issued building permit no. 212/2009, authorising the construction of a six-storey residential building with two basements in block no. 41. The applicants subsequently commenced construction work, and by September 2010 they had completed the basements and substantial parts of the ground and first floors.

7. On 20 September 2010 the Urban Planning Directorate issued order no. 29/35106/2009 (*σήμα διακοπής εργασιών*), suspending the applicants’ construction work. The order was prompted by a request from the municipality, which claimed ownership of a 7.80 sq. m plot of land situated within the boundaries of the applicants’ plot. The Directorate found that that plot had not yet been formally incorporated into the applicants’ property by way of a regularisation and compensation deed, as required by the applicable

legislation, and it noted that the previous deed (no. 5313/1986, see paragraph 3 above) – which had been approved on an emergency basis to enable construction of a new street to begin immediately – had not established who owned the plot in question. Accordingly, a new regularisation and compensation deed was deemed necessary before further construction could proceed.

8. On 10 November 2010 the applicants lodged an appeal with the Thessaloniki Administrative Court of Appeal, challenging the suspension order. They argued that the order had lacked reasoning, in breach of Article 17 of the Code of Administrative Procedure. They further submitted that the suspension had been disproportionate, since the relevant regularisation and compensation deed had been in force for 24 years and further development on their property had been blocked because of the unresolved status of a minor adjacent plot. Lastly, they contended that, under Article 43 § 1 of the Legislative Decree of 17 July 1923, the disputed plot had already been incorporated into their property, so no “obstruction to regularisation” could arise in the circumstances at hand.

9. On 16 May 2011 the Thessaloniki Administrative Court of Appeal dismissed the applicants’ appeal (judgment no. 1519/2011). The court held that the building permit had been unlawfully issued, since the disputed 7.80 sq. m plot belonging to the municipality of Sykies had not been formally incorporated into the applicants’ land by way of a new regularisation and compensation deed. It emphasised that the earlier deed of 1986 had been approved only on an emergency basis and had not definitively established who owned the plots of land within block no. 41. The court further considered that, irrespective of whether the applicants’ property met all the relevant zoning requirements and was suitable for development, the lack of definitive regularisation had prevented the authorities from issuing them a valid building permit. It therefore concluded that suspending the construction work had been lawful and proportionate.

10. On 1 March 2012 the applicants lodged an appeal with the Supreme Administrative Court.

11. On 11 May 2016 the Supreme Administrative Court delivered judgment no. 1105/2016, dismissing the appeal as inadmissible in accordance with Article 12 § 2 of Law no. 3900/2010.

B. Further developments

12. Following the suspension order of 20 September 2010, the authorities informed the applicants that a new regularisation and compensation deed in respect of block no. 41 would be required. In March 2011 the Thessaloniki Urban Planning Directorate sent the applicants a letter to that effect.

13. On 5 March 2012 the applicants submitted a written request to the municipality of Sykies for the acquisition of the 7.80 sq. m plot. By a letter

of 30 March 2012, the municipal technical department replied that municipal property could not be sold directly to private individuals and that the 1986 deed would have to be annulled and replaced with a new one.

14. On 23 July 2018 the applicants contacted the municipality of Sykies regarding the regularisation of the disputed parcel. On 14 August 2020 they formally requested that a new regularisation and compensation deed be issued in respect of block no. 41. The municipality subsequently initiated the relevant procedure. According to the information provided by the parties on 15 July 2026, a new regularisation and compensation deed (no. ΝΣ-ΣΝ6/2024) has been initiated but has not yet been finalised.

15. Relying on Article 6 § 1 of the Convention, the applicants complained that they had been denied access to a tribunal capable of conducting a full and effective review of their case, alleging that the domestic courts had lacked “full jurisdiction” on two grounds. The applicants further argued that the suspension of their building permit one year and a half after the issuance of the building permit had amounted to a disproportionate interference with their property rights under Article 1 of Protocol No. 1.

THE COURT’S ASSESSMENT

A. Alleged violation of Article 6 § 1 of the Convention

16. The applicants argued, first, that the Administrative court of Appeal had failed to examine the substance of their factual and legal arguments, in particular their allegation that the construction work had been unlikely to obstruct the regularisation of the neighbouring municipal plot. Second, they maintained that even if the court had upheld their claims, it had lacked the power to issue the relevant administrative act and would have had to transfer the matter to the competent authority.

17. The general principles under Article 6 § 1 concerning the scope of the Court’s review of the reasoning of domestic decisions have been summarised in *Ruiz Torija v. Spain* (9 December 1994, § 29, Series A no. 303-A). The principles concerning the requirement that a tribunal exercise “sufficient jurisdiction” for the purposes of Article 6 § 1 have been summarised in *Sigma Radio Television Ltd v. Cyprus* (nos. 32181/04 and 35122/05, §§ 151-56, 21 July 2011).

18. As to the first ground of the complaint, the Administrative court of Appeal examined the factual and legal aspects of the dispute and delivered a reasoned judgment based on the applicable urban-planning legislation (see paragraphs 9-11 above). It addressed, in particular, the applicants’ argument that the construction work in question had not obstructed the regularisation of the neighbouring municipal plot. Referring to the 1986 regularisation and compensation deed, the court found that it had been approved on an emergency basis and had not definitively settled certain issues relating to land

adjustment and proportional allocation within the block where the applicants' plot was located. It therefore held that in the circumstances – irrespective of whether the applicants' plot technically met all the relevant zoning requirements, was suitable for development, and did not obstruct adjacent plots – the building permit had been issued prematurely and would not be lawful until a new deed was approved. The court thus considered that the decisive issue was not the physical obstruction of neighbouring land but the absence of a definitive urban-planning framework governing the area. In those circumstances, the reasoning of the judgment addressed the essence of the applicants' submissions and cannot be regarded as insufficient or arbitrary for the purposes of Article 6 § 1 of the Convention (see *Ruiz Torija*, cited above, § 29).

19. As regards the second ground, concerning the Administrative court of Appeal's alleged lack of jurisdiction to issue the relevant administrative act, Article 6 § 1 does not require administrative courts to substitute their own decisions for those of the competent authorities. It is sufficient that the judicial review available enables an assessment of the lawfulness and proportionality of the administrative measure and provides adequate safeguards against arbitrariness (see *Sigma Radio Television Ltd*, cited above, §§ 151–56). In the present case, the Court is satisfied that the judicial review which was carried out met those requirements (see, *a contrario*, *ibid.*, § 157, with further references).

20. It follows that this complaint is manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and must be declared inadmissible pursuant to Article 35 § 4.

B. Alleged violation of Article 1 of Protocol No. 1 to the Convention

21. The Government raised two preliminary objections regarding the admissibility of that complaint. First, they argued that the applicants, by failing to apply for a new regularisation and compensation deed until 2020, had lost their victim status. Second, they contended that the application should be declared inadmissible for non-exhaustion of domestic remedies, on the grounds that the applicants had not brought an action for damages under Article 105 of the Introductory Law to the Civil Code.

22. The applicants contested those objections. They argued that the obligation to initiate the procedure for approving a new deed had laid with the authorities. As regards the second objection, they submitted that an action for damages would in any event have been ineffective, since the Supreme Administrative Court had already upheld the lawfulness of the contested administrative measures, thereby creating a binding precedent in respect of them.

23. The Court considers that it is not necessary to examine the Government's preliminary objections separately, as the complaint is in any event inadmissible on the following grounds.

24. The general principles regarding the peaceful enjoyment of possessions, deprivation of possessions, and control of the use of property have been summarised in *Sporrong and Lönnroth v. Sweden*, §§ 61–63, 23 September 1982, Series A no. 52; *Beyeler v. Italy* [GC], no. 33202/96, § 98, ECHR 2000-1; and *Vistiņš and Perepjolkins v. Latvia* [GC], no. 71243/01, § 93, 25 October 2012.

25. In the present case, the applicants owned a plot of land and on 10 March 2009 they had obtained a building permit (see paragraph 6 above). These elements constitute a “possession” within the meaning of Article 1 of Protocol No. 1. On 10 September 2010, the competent authority issued an order suspending the applicants' construction work (see paragraph 7 above). The suspension of their building permit prevented them from continuing to develop their land and therefore amounted to an “interference” with their peaceful enjoyment of their possessions. The interference in question was aimed at ensuring compliance with the general rules concerning the restrictions on construction and amounted to a control of the use of property and falls to be examined under the second paragraph of Article 1 of Protocol No. 1 (see *Tumeliai v. Lithuania*, no. 25545/14, § 73, 9 January 2018, and the case law cited therein). The Court is satisfied that the impugned interference was based on domestic urban-planning legislation governing regularisation and compensation deeds and that it pursued a legitimate aim of ensuring compliance with building regulations, which is in accordance with the general interest (see *Ivanova and Cherkezov v. Bulgaria*, no. 46577/15, § 71, 21 April 2016). It therefore remains to be determined whether the measure was proportionate to the aim pursued.

26. The relevant general principles concerning the proportionality of interference with property rights have been summarised in *Beinarovič and Others v. Lithuania* (nos. 70520/10 and 2 others, §§ 138–42, 12 June 2018). In the field of urban and regional planning, the Court has recognised that the State enjoys a wide margin of appreciation, given the complex considerations of public interest typically involved (see *Gorriz Lizarraga and Others v. Spain*, no. 62543/00, § 70, ECHR 2004-III, and *Matczyński v. Poland*, no. 32794/07, § 106, 15 December 2015).

27. Turning to the circumstances of the present case, the Court notes that the applicants gradually acquired the various plots constituting the property between 1985 and 2009 (see paragraph 2 above). It further notes that the emergency regularisation and compensation deed had already been approved in 1986 (see paragraph 3 above) and that the planning status of the disputed 7.80 sq. m parcel remained unresolved throughout the period during which the applicants assembled the property (compare *Allan Jacobsson v. Sweden*

(*no. 1*), 25 October 1989, §§ 60-61, Series A no. 163; *Łącz v. Poland* (dec.), no. 22665/02, 23 June 2009; and *Matczyński*, cited above, § 106).

28. The Court further notes that, in 2006, when the applicants requested the certificates necessary for the issuance of a building permit, the Municipality of Sykies refused their request on the ground, *inter alia*, that the disputed parcel had first to be formally incorporated into their property by means of a regularisation and compensation deed (see paragraph 5 above). Furthermore, on 10 March 2009 the competent urban planning authority issued the building permit and the applicants commenced construction (see paragraph 6 above). On 20 September 2010 the construction works were suspended after the competent authority found that the permit had been issued before completion of the regularisation procedure required under the applicable planning legislation (see paragraph 7 above). The domestic courts subsequently upheld that measure, finding that, in the absence of a new regularisation and compensation deed, the building permit had been unlawfully issued (see paragraph 9 above).

29. In those circumstances, the applicants were aware, before the building permit was issued, that the planning status of the disputed parcel had not been definitively settled and that the completion of the regularisation procedure remained outstanding. In assessing whether the impugned measure imposed an excessive burden, regard must be had, *inter alia*, to whether the persons concerned knew or ought reasonably to have known of the restrictions affecting the exercise of their property rights (see, *mutatis mutandis*, *Matczyński*, cited above, § 106, and *Werra Naturstein GmbH & Co KG v. Germany*, no. 32377/12, §§ 50-52, 19 January 2017). In the present case, the applicants could not reasonably proceed on the assumption that the issuance of the building permit had dispensed with the requirement to complete the regularisation procedure. The present case is therefore distinguishable from cases concerning the retrospective invalidation of administrative decisions on which applicants had legitimately relied (see, for example, *Gladysheva v. Russia*, no. 7097/10, §§ 79-80, 6 December 2011; *Tunaitis v. Lithuania*, no. 42927/08, § 39, 24 November 2015; and *Tumeliai*, cited above, §§ 78-79).

30. While the Court accepts that the applicants carried out substantial construction works during the approximately eighteen months which elapsed between the issuance of the building permit and the suspension order, the fact that they were initially entitled to rely on that permit cannot, in itself, alter the above conclusion. The Court observes that the suspension was ordered on the ground that the planning status of the disputed parcel remained unresolved and that the regularisation procedure required under domestic law had not been completed. In those circumstances, the fact that the applicants had been allowed to carry out the construction works for approximately eighteen months does not, in the Court's view, suffice to establish that the suspension imposed a disproportionate burden on them.

31. The Court further notes that the suspension of the construction works was not definitive, since the applicants could pursue the regularisation procedure under domestic law. It observes in that connection that the procedure for the adoption of a new regularisation and compensation deed has since been initiated.

32. The Court is mindful of the applicants' submission that the planning situation remained unresolved for a considerable period. While the authorities were required to act in good time, in an appropriate manner and with the requisite consistency (see *Beyeler*, cited above, §§ 114 and 120, ECHR 2000-I), it also notes that the applicants took no steps to pursue the completion of the regularisation procedure for several years (see paragraph 14 above). This circumstance cannot be overlooked in the Court's assessment of the proportionality of the impugned measure.

33. Having regard to the foregoing considerations, the Court considers in the particular circumstances of the case that the suspension of the applicants' construction works did not impose an individual and excessive burden on them. Accordingly, the complaint does not disclose any appearance of a violation of Article 1 of Protocol No. 1 to the Convention.

34. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 October 2026.

Olga Chernishova
Deputy Registrar

Peeter Roosma
President