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The only way for an individual to seek enforcement of environmental protection rules against private entities is to file a request to the competent authority, according to the rules already prescribed. The administration is obliged to react within the time limits provided by the law.

Silence of the administration: According to Art. 10 par. 3 of the Constitution, the competent authority is obliged to respond to information requests and requests for the issuance of documents, particularly certificates and other supporting documents, within a specified time period not exceeding 60 days, as required by law. In case of non-compliance or illegal denial, in addition to any other sanctions and legal consequences, special monetary compensation is paid to the applicant, as required by law. Citizens may appeal to the administrative courts against the failure of the administrative bodies to respond within the deadlines set by the Administrative Procedure Law (Art. 66 of L 2717/99 as amended). The appeal is filed within a period of sixty (60) days. The deadline begins for those concerned from its legal service to them. In any other case, from the date they were shown to be fully aware of its content and for third parties, from its publication, unless the law provides for a more specific way of its notification, or in any other case, from the date when they were shown to be fully aware of its contents.[1].

However, on 21/11/2013, the Greek Ombudsman noted that the legal framework under which citizens were able to receive monetary compensation for non-response to their written requests, despite explicit constitutional requirement, had been abolished (Article 10 (3)). The Ombudsman submitted a report requesting the competent Minister of Administrative Reconstruction to restore the possibility of financial compensation to citizens when the deadlines set by the administration are not met (Law 2690/1999 - Code of Administrative Procedure), in accordance with the relevant constitutionally guaranteed right.

Non-compliance with court decisions: According to Article 95 par. 5 of the Constitution (as revised in 2001), the administration has an obligation to comply with court decisions. Violation of this obligation gives rise to liability for any competent body, as required by law.

According to Article 50 par. 4 of Presidential Decree 18/1989, the administrative authorities must, in compliance with the obligation arising from Article 95 par. 5 of the Constitution, comply - depending on the case - with positive action towards the content of the decision of the Council of State or to refrain from any action contrary to the judgement.

The offender, in addition to prosecution for breach of duty under Article 259 of the Penal Code, is personally liable for compensation.

Furthermore, Art. 1 of Law 3028/2002 stipulates that the public administration, the local authorities and other legal entities under public law have an obligation to comply without delay with court decisions. Article 2 of the law defines that the responsibility for taking the measures provided in Article 3 on the compliance of the administration with the judicial decisions shall be assigned to a three-member Council. Article 3 provides the measures to be taken by the competent three-member Council where, at the request of the person concerned, a delay, omission or refusal to comply with or failure to comply with the administration's decision is found to have occurred.

From the combination of Article 95 par. 5 of the Constitution and Article 3 par. 1 of Law 3068/2002, it is concluded that the administration, complying with the annulment decision of the Council of State, is obliged not only to consider the legislative act that was deemed contrary to the constitutional provisions or the annulled administrative act null and void, but also to take positive actions to reform the legal situation resulting directly or indirectly from these acts. The administration is required to revoke or amend the acts issued in the meantime or to issue others with retroactive effect, in order to restore things to the previous situation, as if the annulled administrative act had not been in force from the outset.

Despite these obligations, the public administration often refuses to comply. It is difficult to accept decisions that oblige the administration to change a specific policy. A typical example is Decision 2337/2016 of the Council of State concerning objective real estate values.

If the public administration does not comply with the decision within the set time limit, the three-member Council shall certify that the administration has not complied with the court decision and shall determine a sum of money to be paid to the person concerned as a sanction for non-compliance with the court decision.

Other institutional bodies: The Greek Ombudsman is called on to deal with a large proportion of the public's reactions/complaints against the silence of public services or any form of maladministration. The Law 3094/2003 on the Greek Ombudsman's operation states that the mission of the Greek Ombudsman is to mediate between the public sector and private individuals, in order to protect the latter's rights, to ensure the former's compliance with the rule of law, and to combat maladministration.

The Ombudsman intervenes in problems faced by citizens in their dealings with the public sector, such as insufficient provision of, or refusal to provide, information; excessive delay in the processing of requests; infringement of laws or use of illegal procedures; unfair discrimination against citizens.

The Ombudsman is responsible for citizens' issues with the services of a) the public administration; b) primary and secondary level local government authorities (communities - municipalities, prefectures); c) other public law legal entities; d) Private law corporate entities; the enterprises and organisations which are controlled by the state or by public law legal entities.

According to Art 3 par. 3 of the Law, "The Ombudsman shall investigate individual administrative acts or omissions or material actions of public officials, which violate rights or infringe upon the legal interests of physical or legal persons. In particular, the Ombudsman shall investigate cases in which an individual or collective public body: i) by an act or omission, infringes upon a right or interest protected by the Constitution and the legislation; ii) refuses to fulfil a specific obligation imposed by a final court decision; iii) refuses to fulfil a specific obligation imposed by a legal provision or by an individual administrative act; iv) commits or omits a due legal act, in violation of the principles of fair administration and transparency or in abuse of power.

The reluctance of the administration to comply with the court decisions constitutes a real and serious problem for the legislator who, in Art. 3 par. 3 iii) of Law 3094/2003, emphasises the need to monitor the administrative action against the court decisions and, despite the explicit reference of the constitution to this obligation, includes this obligation in the special cases controlled by the Greek Ombudsman.

The Greek Ombudsman institution is well respected by all citizens, as shown by the ever-increasing number of complaints filed to the institution (11,502 complaints in 2015 rising to 16,976 complaints in 2019; see [annual report for 2019](#)).

Finally, the Consumer Ombudsman - an independent state authority - has as his main role to mediate for a friendly settlement of disputes arising between private companies and consumers. It is an extrajudicial body for consensual resolution and regulation of consumer disputes against both the private and the public sector (e.g. green products, public services).

[1] See also The [Greek Ombudsman annual report 2006](#), p. 36-38.

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