

Comments of the Association of Greek Administrative Judges on the rule of law in Greece.

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- **Working conditions**

We refer to the Statement of AEAJ “ON THE INDEPENDENCE AND WORKING CONDITIONS OF ADMINISTRATIVE JUDGES IN GREECE”.

As also noted in the European Commission’s 2025 Rule of Law country chapter on Greece, the disposition time for administrative cases at first-instance courts improved to 439 days in 2023 (from 464 days in 2022) - among the highest in Europe. While this shows progress and reflects the sustained efforts of administrative judges to deliver decisions within a reasonable timeframe, it does not justify the intensification of their workload through a “management” approach that prioritises speed over the quality of judicial decisions, restricts effective access to leave, and links a judge’s efficiency to the threat of salary reduction. Judicial functions cannot be exercised subject to statistical targets and “case-management” mechanisms adopted in line with the executive branch’s stated commitment to accelerating the administration of justice, as such pressure undermines judicial independence. A judge must remain free to decide cases in accordance with the law and conscience, rather than subordinate adjudication to efficiency benchmarks under the constant threat of a financial sanction may be imposed by the General Commissioner—particularly when the judge is on leave, as this further violates his or her basic social rights (statement of AEAJ and Opinion 28 tou CCJE: contribution of judicial well-being to the rule of law). In practical terms, the significance of Article 50 of Law 4938/2022 (Code on the Organisation of Courts and the Status of Judicial Officers), according to which repeated unjustified delays in delivering draft decisions or case files may be treated as “non-provision of service” and may lead to a salary reduction imposed by the General Commissioner, is that it places judges under continuous informal disciplinary pressure, capable of leading to a disciplinary sanction, may be imposed by an authority appointed by the executive for administrative justice (the General Commissioner of State for administrative justice), outside the ordinary disciplinary framework and safeguards, with immediate enforceability and ex post review.

It must also be taken into account that the conditions under which judicial work is carried out are not commensurate either with the judges’ status or with what applies elsewhere in Europe. There are buildings that are unsafe for judges, cases in which courts face eviction, significant gaps in court staff (one clerk for every three judges), and a lack of equipment (although digitalisation is progressing, there are no computers in the courts). Most of the courts lack courtrooms, as well as judges’ offices or offices for lawyers, while some do not even have air conditioning or Wi-Fi. There is absence of an occupational physician.

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All of the above undermine judicial independence, the quality of judicial protection, and public confidence in the justice system, and therefore weaken the rule of law.

- **Judicial remuneration**

The Association of Administrative Judges has co-signed, together with all the other judicial associations of the country, the joint memorandum dated 4 September 2025 that was submitted to the Minister of Finance, in which we express our strong protest at the long-standing freeze (since 2009) of our judicial remuneration at levels that are far both from the European average and from the level required by the constitutional mandate arising from Article 88(2) of the Constitution, which provides for salaries commensurate with the judicial office. Taking into account the country's fiscal capacities as well as the rapid increase in the cost of living, we request that the Ministry of Finance satisfy the following demands, in the direction of a fair salary readjustment, in order to restore the losses dating from the memorandum era, which, as the government maintains, has now passed:

- Reinstatement of holiday and leave bonuses (13th and 14th salary) for the entire public sector.
- A 20% increase in the reference basic salary of a Court of First Instance judge (Protodikis).
- Restoration of the “fast-track processing” and “library” allowances to their pre-crisis levels (Article 57 of Law 3691/2008).
- Abolition of the special solidarity contribution for combating unemployment (Article 38(2)(a) of Law 3986/2011).
- Incorporation of pay differentials vis-à-vis the remuneration of the Legal Council of the State (NSK) for all judges and prosecutors, in line with settled case-law.
- Introduction of a special monthly allowance to cover accommodation/living expenses.
- Recognition of a salary increment for former magistrates (eirēnodikes) upon completion of 18 and 20 years of service.

- **Judicial-executive relations**

A second factor that casts a shadow over the rule of law in Greece is the existence of provisions that allow the judiciary to become entangled with the executive branch.

In Greece, the leadership of the judiciary is appointed by Presidential Decree issued upon the proposal of the Council of Ministers, i.e., the executive branch. Under a recent legislative arrangement, candidates for the leadership of the supreme courts are selected through a vote of the plenary bodies of those courts; More specifically, Law 5123/2024 provides for an opinion of the Plenary Session

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of each supreme court, following a secret ballot, regarding promotions to the posts of President or Vice-President, as well as to the post of the General Commissioner of State at the Court of Audit; it also provides for the appointment of the Prosecutor of the Supreme Court (Areios Pagos) following an opinion of the Plenary Session of the Prosecutor's Office of the Supreme Court. However, this opinion remains consultative in nature, as the outcome of the plenary vote does not bind the Government's final proposal and appointment decision, as was recently demonstrated, since the Cabinet disregarded the opinion of the Plenary Session of the Supreme Court (Areios Pagos). We have the opinion that promotions to the offices of Presidents and Vice-Presidents of the supreme courts should be decided by Parliament, which would be bound to choose from among a small number (e.g., three) of those judges who meet the qualifications for holding one of these posts, having been preselected by a broader electoral body (e.g., the judges of the relevant branch, the judges of the supreme court, or another body).

Judges should not be appointed to authorities, committees, or other public positions for a certain period (1–3 years) after their retirement. We should also point out that the current practice—where judges, including senior judges, assume significant public posts (such as, for example, Presidents of Independent Authorities, etc.) after retirement—puts judicial independence at risk, since, among other things, it creates the impression that certain judicial actions are linked to the prospect of obtaining such positions.

- **Consolidation of administrative courts**

The time required for cases to be processed by courts of first instance does not justify the consolidation of courts on the grounds of speeding up proceedings, as it is provided for in law 5028/2023. It is evident that the consolidation of 30 administrative courts of first instance into 7 appellate districts (according to the proposal of the working group) is driven by a cost–benefit rationale and will lead to a further reduction in citizens' access to the courts—an issue already reflected in the diminished flow of cases. It is self-evident that in areas where administrative courts will be abolished, citizens' access to judicial protection will be diminished, given the country's severely underdeveloped transport network and the fact that transfers impose costs and time burdens on citizens and risk deterring meritorious claims—especially for vulnerable litigants and residents of remote or island regions—thereby weakening access to justice and public confidence.

Given these obstacles, the establishment of telematics offices in areas where administrative courts will be abolished will become the only means of access to

justice for a very large majority of citizens, and this constitutes a serious restriction on judicial access. This is because remote hearings cannot be considered an equivalent substitute for in-court proceedings, since they do not provide comparable guarantees for ensuring the publicity of hearings and, at the same time, they effectively compel private litigants to retain a lawyer who is better equipped to navigate the procedural formalities, thereby increasing the cost of litigation. It entails not only an additional financial burden on access to justice, but also inequality between the parties, given that the Administration, as a rule, has superior digital skills and infrastructure compared with the private litigant. Until now, under our procedural system, private litigants could appear in person—without legal representation—in social security cases and for claims with a monetary value of up to EUR 1,500. In this sense, the principle of proximity is not strengthened but, in effect, weakened. Taken together, all of the above restrict access to justice and therefore undermine the rule of law.

The Association of Administrative Judges is deeply concerned about the decline in citizens' access to justice, as shown by statistical data. We consider this to be the result of the high cost of litigation and the procedural obstacles introduced as a “preparatory stage” to judicial proceedings.

- **Lack of institutional dialogue with the Ministry of Justice**

We also express our serious concern regarding the Ministry of Justice's continued erosion of structured, institutional dialogue with the Association of Administrative Judges, most recently illustrated by the forthcoming revision of the principal legislative instrument governing administrative litigation, the Code of Administrative Procedure. To date, we have received no clear information as to when exactly the draft will be submitted to a parliamentary committee for discussion—beyond the Minister of Justice's oral commitment that the Association of Administrative Judges will have a representative on that committee—and no representative of the country's legal community, other than those who drafted the bill to be put to the vote, has been invited to participate in the committee's work. We consider that pursuing such a far-reaching reform without transparency as to its timetable and without meaningful, inclusive participation in the legislative process raises serious concerns for access to justice and, ultimately, for the rule of law.

Athens,

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For the Board of the Association:

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