Identification of the participant
Nationality: French
Functions: auditor at the Council of State, rapporteur at the 1st chamber of the litigation section and the public works section.

Identification of the visit
Host institution: Hellenic Council of State (Συμβούλιο της Επικρατείας)
City: Athens
Country: Greece
Dates of the training: 24 October 2016 – 2 November 2016

SUMMARY
This report presents the plan of the participant’s study visit to the Hellenic Council of State (I), as well as the institution of the host country (II). Then, it discusses the main aspects of Hellenic administrative law and analyses certain points of comparison between this law and the French administrative law, in a European perspective: general principles, organisation of the supreme administrative jurisdiction, contentious administrative procedure, advisory functions of the Council of State (III). It particularly emphasises two domains in which the Greek experience can prove stimulating in this regard: the access to the courts, as well as the links between institution and society (IV). Lastly, it puts forward a few suggestions (V).

Plan of the study visit
The schedule alternated between following hearings (formation with 5 or 7 Judges) or deliberations of several sections, depending on the roles of the sessions, and exchanges or interviews with the members from different grades. On the other hand, the schedule of the sessions during the study visit did not permit attending the examination of a draft decree submitted for the opinion of the Council of State.

I- The institution of the host country
Established in 1929,1 after various attempts in 19th century (1835-18442, 1864-1865), the Council of State is associated with the emergence and affirmation, in the young neo-Hellenic State, “of a rule of law, especially as regards the administration”, as per the approach of its first President Konstantinos Raktivan. Ever since its creation, the institution has always played a prominent role in the life of the country. President Mikhail Stasinópoulos (1903-2002), owing to his attitude during the colonels' regime (1967-1974), became the first President of the III Hellenic Republic, after the fall of dictatorship. The case-law of the jurisdiction, strengthened by European law (it is concerning one of its decisions that the ECHR recognised the right to an enforcement of judgements, refer to ECHR, 19 March 1997, case Hornsby v/ Greece), accompanied the developments of the Greek society and the State, be it concerning the “remarkably bold” affirmations of the control of constitutionality, religious freedom (illegality of the mandatory mention of the religion of those holding identity cards, CEH, full court, case 2283/2001), the balance between the prerogatives of the administration and the rights of the administered (principle of proportionality as regards administrative penalties, CEH, full court, case 1215/2003), or even environmental protection (criteria of creation of a national park, CEH, full court, case 2304/1995 and archaeological sites (construction of the new airport of Athens, CEH, full court, case 2300/1997).

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1 In the context, O. Delorme, La Grèce et les Balkans (t.II), Paris, Gallimard, 2013, pp. 989-1001.
2 D. Skopelitis, D. Zufferey, Construire la Grèce (1770-1843), Lausanne, Antipodes, 2011.
5 International Association of Supreme Administrative Jurisdictions, op. cit., 1997, p. 255.
6 International Association of Supreme Administrative Jurisdictions, op. cit., 2009, p. 205.
Under the Constitution (Σύνταγμα) of 1975, revised in 1986 and 2001\(^7\), the Council of State constitutes one of the three supreme jurisdictions, with the Court of Cassation and the Court of Audit. Set up for a long time in the unicameral Parliament (Βουλή των Ελλήνων) and today established in the building of the Arsakeion, it comprises 10 vice-presidents, presiding over the six sections (Α', Β', Γ', Δ', Ε' and ΣΤ'), 53 State Counsellors, 56 Associate Councillors of the Council of State and 52 auditors under the authority of President Nikolaos Sakellariou. Its jurisdiction is determined by article 95 of the Constitution:

- on the one hand, with respect to its judicial powers, the Council of State is the Supreme court of the administrative branch, which was gradually formed in the second half of the xixe\(^{th}\) century, mainly by the transfer of jurisdiction of the civil courts; this order includes the administrative courts (earlier the “tax courts”) and the administrative courts of appeal, but not the financial courts; today, the dual hierarchy of courts is a result of article 93 of the Constitution; at the top, the Council of State has jurisdiction over the appeals in cassation against the judgements and rulings delivered in final instance as well as the proceedings for abuse of power (αίτηση ακύρωσης), in first instance and final instance, against certain regulatory acts or individuals and even requests for appeal in rare cases; like the other Greek courts, and in the absence of a Constitutional Court,\(^8\) it is also a full-fledged constitutional judicial authority, as its plenary assembly can declare the law unconstitutional;\(^9\) if the Constitution does indeed institute a joint Special Supreme Court (C., art. 100) (the three Presidents of the Supreme Courts, four State Counsellors, four Counsellors of the Court of Cassation and two professors of the Faculties of law), a matter is referred to it only in the event of differences of interpretation between the supreme jurisdictions, as regards a matter of constitutionality, or to settle conflicts of jurisdiction between the hierarchy of courts;

- on the other hand, with respect to its administrative powers, which go back to the prerogatives of the King’s Council of the xixe\(^{th}\) century, the Council of State is consulted for all the regulatory draft decrees; if the opinion formed is a simple opinion, it proves to be compliant, in fact, in almost all the cases;\(^10\) to this day, this double judicial and advisory function has not raised any problems with respect to article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, because, in practice, “the members of the Council that were part of the group to have given the opinion do not participate [...] in the formation of the court” deciding upon the legality of an act, which is in no way related by the previously delivered opinion.\(^11\)

II- The law of the host country and the European and compared aspect of the study visit

In 1991, professor Rivero commented that “there are few administrative laws in Europe that are as similar to one another as that of Greece and France” and that the lawyer “is on familiar territory with the French words exactly corresponding to the Greek words, and the basic concepts being the same on both sides”, even if this “connection [...]”

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8. C. Bacoyannis, loc. cit.
9. On grounds of “internal unconstitutionality” and not “external unconstitutionality”, as the legislative procedure does not undergo a control in this regard (CEH, case 1721/1991).
has nothing to do with an identity that takes away all value on comparison: there certainly are differences and they are not just limited to details”\(^{12}\).

A similar observation can be made twenty-five years later. Even if the dual hierarchy of courts represents a “majority model in Europe”\(^{13}\), Greece, in this regard, is associated to the “group of States that are most similar to the French system”\(^{14}\), mainly with respect to the existence of a Council of State with judicial as well as administrative powers, like the Consiglio di Stato of Rome, the Raad van State of The Hague or the Belgian Council of State. If the differences between the Greek and French systems are not to be underestimated, the French administrative law remains a form of “reference” owing to history and despite the relative decline in the use of the French language\(^{15}\).

There can be several points of comparison in this regard.

1. There are clear similarities as regards the structuring characters of administrative law. If some of these characters, like the law of “civil responsibility of the State”\(^{16}\)(Civil Code, art. 105 and, for the other publ. pers., art. 106), show traces of the influence of German law\(^{17}\), it must be pointed out that the Greek system of enforceable unilateral administrative acts is very close to French law. It thus distinguishes the regulatory acts, which do not need to be justified, from individual measures, which, as per law, must be justified and that the applicant must be allowed to present his/her/its observations in the event that they are unfavourable. This system also recognises the existence of implicit decisions of rejection. The role of the case-law, which can create new responsibilities for the administration (withdrawal of unlawful individual acts, CEH, full court, 26 July 2004, case 2176/2004\(^{18}\)) is a constant in both countries, even if the Hellenic administrative law has undergone progressive codification (urban code of 1999\(^{19}\), contentious administrative procedure code of 1999). In addition, there are parallel changes being observed, which are mainly due to European Union law. The latter has greatly renewed public contracts law and environmental law. It has also led to the creation of numerous independent administrative authorities\(^{20}\) in sectors like communications or financial and banking regulation.

However, the effect of internal logics, at work for the creation of an independent administrative authority in charge of recruiting civil servants, is obvious in certain domains. Thus, the distinguishing factor of the Hellenic legal system is the importance of certain substantive laws only existing to a lesser extent in France, like that of orthodox worship: its ministers are civil servants and disputes relating to the establishments of worship, legal persons governed by public law are not rare in the administrative courts. Conversely, other substantive laws, like that of the entry and residence of

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16 S. Ktistaki, “L’évaluation du préjudice dans la responsabilité administrative et sa réparation par le juge administratif grec”.
17 M. Fromont, op. cit., p. 337.
18 International Association of Supreme Administrative Jurisdictions, op. cit., 2007, p. 179.
foreigners, appear to be less present. Finally, the scope of the administrative law is not identical: social security law (and mainly the decisions of the Social Insurance Institution created in 1934) falls under the jurisdiction of the administrative law judge\(^2^1\), and the organic criterion is practically the only one used as private individuals in charge of managing a public service are rare.

2. The organisation of the administrative jurisdiction is another striking aspect of the connections between the Greek and French systems, relatively original in the European Union. Beyond the existence of a fully autonomous hierarchy of courts, including separate courts of first instance and courts of appeal, the structure and functioning of the Hellenic Council of State is very similar to its French counterpart. It thus constitutes a body comprising the four grades of Auditor, Associate Councillor of the Council of State, State Counsellor and the Section president. Since the elimination of the examination at the legal adviser’s office in 1994, the auditors are recruited from among the students of the administrative section of the Ecole nationale des magistrats [National School of Magistrates] (Εθνική Σχολή Δικαστικών Λειτουργών) of Thessaloniki. Promotion inside the establishment is based on seniority as the number of jobs per grade is subject to quotas. On average, the legal adviser’s office lasts for 8 to 10 years as a fifth of the State Counsellor jobs are reserved for magistrates of the administrative courts of appeal, since the amendment to the Constitution of 2001. The President is appointed for four years by the government, even if his/her term frequently lasts for a shorter duration due to the age limit of 67 years.

However, there is a prominent difference in the career path of the members of the Council of State. As analysed by Mr Fromont, “something remarkable in the Greek system is that the Council of State is officially a part of the judiciary [...] while it continues to hold its advisory functions”\(^2^2\). The amendment to the Constitution of 2001, led to (C., art. 89 para. 3) a prohibition of secondment of the members to active administration, even if they can be a part of advisory or disciplinary commissions and participate in the formulation of laws, and even if they sometimes play an ideological role owing to academic activities.

3. The differences are more pronounced when it comes to the contentious administrative procedure. Admittedly, the Hellenic administrative proceedings largely follow the categories identified by E. Laferrière. He distinguishes largely open illegality proceedings, for which the court proves to be largely identical to the one shown in France (including in terms of substitution of grounds or legal basis), from various proceedings in which the Court has unlimited jurisdiction, mainly including what E. Spiliotopoulos calls “staff case”\(^2^3\) (proceedings related to certain acts concerning the situation of government officials, opened by the Constitution in the name of the job assurance they enjoy). Similarly, the cassation court does not stand out by refusing to exercise control on matters that fall under the sovereign authority of the courts dealing with the substance of the case, or by reserving the settlement of the case on the merits to rare hypotheses. Neither is the Hellenic legal system singled out by the joint, inquisitorial and written character of the directive, provided by the rapporteur, as well as the hierarchy arrangement of the formations of the court: formation restricted to three judges, ordinary formation with five judges (3 State Counsellors and 2 Associate Councillors of the Council of State), extended formation with seven judges (5 State Counsellors and 2 Associate Councillors of the Council of State) and full court of approx. 30 judges. Finally, the preliminary questions in the Court of Justice of the European

\(^{2^1}\) S. Ktistaki, “Le système hellénique de la sécurité sociale”.
\(^{2^2}\) M. Fromont, op. cit., p. 127.
\(^{2^3}\) E. Spiliotopoulos, op. cit., §533.
Union are regular, without being frequent as, on the other hand, there is no preliminary question mechanism in force in the judicial system.

However, pursuant to the contentious administrative procedure code, there are several aspects that appear relatively original to the eyes of the French practitioner:

- as the Hellenic courts do not have public rapporteurs and have only one public prosecutor, the rapporteur must present the facts of the case at the hearing along with the questions put forward; his/her report, which is provided to the parties in the week before the session, provides details about the pleas raised, if need be even as a matter of regular procedure when they are public. It would earlier include his/her opinion on the solution to be provided for the case but the requirements as a result of article 6 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, as well as the desire to prevent later withdrawals led to this opinion, which is no longer made public, being removed;

- when the case is pleaded, the public hearing places additional emphasis on the oral proceedings, even in cassation; this essentially has to do with the presence, in the active administration, of a body of “State lawyers”, civil servants recruited through a strict examination; among ministers, they constitute a form of legal affairs directorate; they also ensure the representation of the State in all the courts where they are authorised to speak; in addition, the observation of several hearings suggests that the lawyers of the parties are more inclined to plead, without this situation necessarily being a result of the absence of the specialised bar for the supreme jurisdictions; in fact, only the advocates who are specially authorised to plead considering their professional experience (of 10 years), by the bar to which they belong (“avocats à la Cour de Cassation”) can do so before the Council of State; lastly, like in the European Court of Human Rights, there are questions that are frequently asked to the lawyers of the parties at the hearing by the members of the formation of the court;

- the public hearing comes in at an earlier stage and, consequently, the decision is read in the longer term; just like in the Court of Justice of the European Union, the rapporteur drafts the draft decision only at the end of the deliberations, which take place following the hearing or in the following days; during the deliberations, only the State Counsellors are entitled to vote, while the Associate Councillors of the Council of State have a right of discussion only, including when they submit the case; the auditors, who assist the State Counsellors during the preparation of their reports (without being allotted to any one of them in particular), are not present during the deliberations;

- it is mandatory for the decision, whose degree of substantiation tends to be similar to that of the rulings given by the Court of Justice of the European Union, to include the report of the dissenting opinions in the formation of the court as well as the identity of the members concerned, pursuant to the third paragraph of article 93 of the Constitution; if the doctrinal contribution of these dissenting opinions cannot be denied, the result is a regularly emphasised paradox: due to the rules governing the vote during the deliberations, the dissenting opinion can be shared by the majority of the members of the formation of the court, without winning it;

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finally, Hellenic administrative proceedings have not undergone changes equivalent to those brought on by the law of 30 June 2000, the use of emergency procedures seems lesser, even if significant stay of execution (SOE) orders are regularly given by the Council of State; if pre-contractual and contractual summary procedures have been set up, in the context of the transposition of directives, the implementation criteria of the standard SOE procedures remain relatively strict.

4. The advisory functions of the Council of State, to which the members remain very committed, can provide a last point of comparison between the two institutions. In both cases, the prior notices that are issued play a significant role for the quality of positive law. They can be compared to “a policy for the administration” according to President Pikrammenos’s approach25. But the paths taken by the advisory benches of the two institutions differ in several aspects.

The most striking difference, directly resulting from the Constitution, lies in the absence of consulting the Council of State regarding the draft laws of the government before they are submitted to the Parliament, except for the special case of the draft laws concerning the administrative jurisdiction26. This legislative jurisdiction, which had been considered by the Constitution of 1911, was ultimately rejected by the Constitution of 1927. Only a commission of the Government office of secretary general is called upon to provide a non-public opinion on the draft laws before they are submitted. In addition, the advisory benches of the Council of State can be referred to for matters related only to a draft text: the opinions on “the difficulties that arise in administrative matters” fall within the jurisdiction of the “State lawyers”. Another significant difference, also a result of the Constitution, is that the regulatory power, reserved for the President of the Republic (C., art. 43 para. 1), proves to be strictly restricted. As the Hellenic legal system seems logocentric, article 43 of the Constitution states that “the enactment of regulatory decrees is permitted upon proposal of the competent minister pursuant to a special legislative delegation and within the limits of the same” (“legislative delegation” mechanism27). Therefore, the advisory benches of the Council of State ensure compliance with the limits laid down by the “enabling statute”, if need be, by recommending severances or even the non-enactment, as it is, of the draft decree. Above all, and in a relatively original manner, they monitor the constitutionality of this “enabling statute”, mainly in the event of a form of “negative incompetence” of the legislator.

Other characteristic traits are more the result of the organisation of the institution and practice. This is the case with the composition of the advisory benches of the Council of State, which are not distinct from its court formations: thus, only the fifth section (Ε’) is in charge of delivering an opinion on the draft decrees (formation with three or five judges, with referral to the full Court for any matter relating to constitutionality). It then deliberates without the Government commissioners being present. The same applies to the nature of the delivered opinion: necessarily in writing, but not made public, it is comparable to a “prior audit of legality”28 (compliance with higher standards, mainly the European ones, preliminary procedure, etc.) as well as legislative drafting. However, the Council of State seemed to undertake an audit of the grounds for the draft decree in 200729, in spite of there being no requirement of justification of regulatory acts, or even an audit of the suitability of the choices of the administration, through what the members of the advisory benches call “remark concerning suitability”.

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25 P. Pikrammenos, ibid.
26 Consultation resulting from practice, and not the Constitution.
27 E. Spiliotopoulos, op. cit., §48-60.
28 P. Pikrammenos, ibid.
29 Refer to opinion of 2007 cited by P. Pikrammenos (ibid.): in some cases, “it is essential that the reasons for the administration to opt for rules with a certain content be highlighted for the legal preparation of draft decrees to be made possible […] ».
III- Benefits of the study visit

From a European point of view, the Greek experience can prove to be enlightening with respect to two aspects in particular, which the supreme administrative jurisdictions are compared to in various degrees: access to the courts, on the one hand, and connections between the institution and society, on the other.

1. Access to the supreme administrative courts is a particularly serious issue in Greece: mainly with respect to sentences delivered by the European Court of Human Rights, the reduction in the time taken to deliver judgements is a recurring concern. If the creation of a mandatory preliminary administrative appeal in the trial courts relating to a fiscal matter only ended in limited results, the innovative procedure of “the pilot judgment”30, created in 2011, allows an administrative court to, upon request by a party, refer a major legal issue, which is likely to arise in numerous disputes, to the Council of State. Similar to the legal branch opinion, this procedure requires the other administrative courts dealing with disputes involving the same issue to stay the proceedings while waiting for “the pilot judgment”. Once the latter is delivered, the trial courts are called upon to give an expedited ruling on these cases, which allows for a better administration of justice.

The gradual transfer of first and final instance jurisdictions continued before the Council of State over the last years: the administrative courts of appeal have seen a growing number of illegality proceedings, jurisdiction which goes back to a law of 1977, even if the supreme administrative courts still have, as a rule, the jurisdiction of ordinary law in this regard.

In addition, some contentious administrative procedure rules have been adapted to deal with the challenge of reducing the time taken to deliver judgements. Thus, in response to the lengthening of pleadings, a law of 2012 requires the applicants to make a summary of their arguments. Similarly, if the requests to adjourn cases at the hearing remain frequent, the possibility of exemption from oral arguments has helped to reduce the length of hearings, which was particularly long in the past.

Above all, a 2010 law put in a relatively strict filter as regards the access to the court of cassation31: the appeal is considered inadmissible if the administrative court of appeal has made an exact application of an established case-law of the Council of State or if, in financial matters, the dispute involves an amount less than 40,000 Euros (barring some exceptions). The members of the Council of State agree to recognise the significant effects of this new approach of the court of cassation: even if, in practice, the filter leads to examining the merits of the appeal at the level of its admissibility, it enabled to focus the appeal discussion on the matters of law, by requiring the appellants to show the inaccurate implementation of the case-law by the trial courts. This mechanism has been recently accepted by the European Court of Human Rights (ECHR, 2 June 2016, case Papaionannou v/Greece, no. 18880/15).

2. For a foreign observer, the connections between the Hellenic Council of State and society form another special field of observation, particularly owing to the crisis that the country is going through for several years.

Truth be told, the issue holds nothing particularly new for Greece considering how the creativity of the administrative case-law has led, for a long time now, to the strength of the debates that it inevitably creates. This is mainly the case as regards the environment, a domain in which the Council of State “has often seemed to want to take the place of the

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31 Law no. 3900/2010 on the streamlining of procedures and acceleration of administrative justice.
legislative power to fill in the gaps and shortages of a legislation that is considered to be unsatisfactory”32. As regards the control of constitutionality, a strict case-law relating to protection of forest areas or water courses (concerning the diversion of the Achelous river, CEH, case 2759/1994 and 2760/1994) has been established, at the same time as the development of Community law. Similarly, the case-law proved to be particularly attentive to cases involving constructions that are likely to affect the protection associated to the coastal region33. This led to contentious annulments of local planning operations, like the ring road of Athens (CEH, full court, case 1035/1993), or mining licences, like the Halkidiki gold mines (CEH, full court, case 613/2002), which had a deep impact.

Today, the crisis brings up this very question in new terms given the numerous and multiform implications of the recession and new public policies for administrative law. They are particularly related to the quality of the law, which the observers agree has significantly deteriorated since 2010: lexical ambiguities, provisions that are more aspirational than normative, etc. With regard to emergency, major laws (whose length sometimes exceeds 200 pages) had to be adopted at very short notice, without any assessment of their impact on positive law. This results in frequent inconsistencies, as well as a certain scattering of the applicable law. This development directly affects the court of administrative law, which needs to work to bring out the consistency of the laws in force, by frequently seeking to understand the legislator’s intention. In addition, the court is necessarily modified by the huge increase in the number of appeals in certain domains, like pensions, social welfare system (greatly reformed by the laws of 2010 and 2016), or even the remuneration of civil servants.

In this context, the Hellenic Council of State has been led to give its opinion on certain major decisions, like the delegations of management to private operators of regional airports or ports34, as well as the organisation of the referendum of 5 July 2015 concerning the draft agreement submitted to the Greek government by the European Commission, European Central Bank and the International Monetary Fund.

Following the delivered rulings, observers highlighted the changes in the concept of public interest owing to the crisis. While the administrative case-law seemed hesitant to accept that it could just be a purely budgetary interest of the State35, the full court of the Council of State accepted the legality of the pay cuts provided for by “Memorandum I “ of 2010 (CEH, full court, case 668/2012), by considering that the law “does not seek to simply satisfy a lucrative goal of the State, but that it is in line with a major plan of budgetary adjustment and structural reforms to support and re-establish the Greek economy, a plan, which when fully implemented, seeks to address the immediate need of meeting the financial requirements of the country, as per the assessment made by the legislator, as well as an improvement in the future budgetary and financial situation of the country, i.e. the purposes that essentially constitute serious grounds of public interest” (§35). The plenary assembly also considered the objectives of public interest pursued by the law in a

European perspective, by considering that it seeks “to maintain the stability of the euro area in its entirety” (trans. C. Moukiou36). Even if some could describe the approach used as “prudent control”37, it has been confirmed by the European Court of Human Rights, with regard to the first additional protocol to the Convention (ECHR, 7 May 2013, case Koufaki and ADEDY v/Greece, no. 57665/12). Later, the Council of State also accepted (CEH, case 1507/2014) the partial default of the State (Private Sector Involvement of 2012, called “haircut”), approach that was again confirmed by the Strasbourg Court (ECHR, 21 July 2016, case Mamatas et al v/Greece, no. 63066/1438).

However, on this occasion, the Council of State recalled the requirements resulting mainly from the principle of equal treatment, especially as regards the reforms of fiscal laws (CEH, full court, case 4021/2012) or labour laws (CEH, full court, case 2307/2014), in the context of “Memorandum II”. It also had to cancel certain pension cuts or, as regards broadcasting, partially suspend the closing of the public broadcasting group under the SOE procedure (CEH, ord., case 236/201339). Thus, the study visit coincided with the declaration of unconstitutionality by the plenary assembly of the law determining the procedure of allocating new broadcast licences for television services, in the name of the prerogatives assigned by the Constitution to the Radio and Television Council, an independent administrative authority of regulation of the sector. While the procedure should significantly contribute to the reduction of public debt, this decision which was widely commented upon, even by the members of the government40, witnessed the attention sparked off by the decisions of the administrative law judge, as well as the difficulties of the court during the crisis.

Thus, the activity of the Council of State is regularly discussed and debated. This sparks off discussions among its members regarding the relationship to be built with the press, the institution not publishing statements, or with the public opinion, the standard mechanisms of dissemination of the case-law not sufficiently addressing these aspects. However, it is important to underline that this relationship between institution and society is still likely to change in the medium term: if the dual hierarchy of courts does not appear to be really threatened, constitutional draft revisions refer to the creation of a supreme court41: a commission, whose report is expected in spring 2017, has thus been created by the government in this regard.

IV - Suggestions

If the members of the Hellenic Council of State have already been hosted in the Council of State of France, this study visit, which was the first in Athens by a member of the French Council of State as part of the judge exchange programme, witnessed the special interest that these exchanges presented in terms of mutual understanding of the administrative laws and supreme administrative jurisdictions, as well as the dissemination of case-law. Their continuation and further development are very welcome.

At the end of this study visit, it is possible to express the desire for an increase in the efforts of translating the decisions delivered by the supreme jurisdictions of the European Union given how the access to the case-law seems decisive. In fact, if the decisions of the Hellenic Council of State have already been cited by public rapporteurs of the French Council

36 C. Moukiou, ibid.
38 Subject of an application for judicial reference before the grand chamber.
41 C. Bacoynannis, loc. cit.
of State (concl. M. Guyomar, ass., 8 February 2007, Sté Arcelor Atlantique et Lorraine et al., Rec., no. 287110)\textsuperscript{42}, and if the elements of Greek law are mentioned sometimes\textsuperscript{43}, these references are often a result of the rulings delivered by the European courts. In this regard, it can only be regretted that the main decisions of the Hellenic Council of State delivered following the crisis, as well as the major decisions delivered earlier in relation to the environment were not translated very often.

\textsuperscript{42} Refer to not. concl. F. Aladjidi, 9/10 SSR, 17 July 2013, Min. c/ Sté Coopérative Bressor, T., no. 352273.
\textsuperscript{43} For a few recent examples, relating to financial regulation, concl. X. de Lesquen, 6/1 CHR, 8 June 2016, Ass. fr. des usagers des banques, unpublished, 392717, relating to bioethics, concl. A. Bretonneau, ass., 31 May 2016, Gonzalez-Gomez, Rec., no. 396848, concl. X. Domino, 2/7 SSR, 12 December 2014, Guillaume e.a., Rec., no. 365779, relating to health regulation, concl. A. Lallet, 1/6 SSR, 27 February 2015, Ass. Collectif des SEL de pharmaciens e.a., unpublished, 369949, relating to power, concl. M.-A. de Barmon, 9/10 SSR, ANODE, unpublished, no. 370321.