

Seminar organised by the Hellenic Council of State and ACA-Europe

Rhodes, 15-16 May 2026

New elements in the organisation and functioning of the Public Administration and Administrative Justice

Questionnaire

Responses from the **Hellenic Council of State**

I. New models of organisation and functioning in the Public Administration

The aim and scope of Part I of this questionnaire is:

- (A) To examine collaboration with private individuals (who are not public servants) in the unilateral action taken by the Administration, and more specifically to study the delegation to private individuals of tasks traditionally performed by public servants during the procedure of issuing an administrative act. Participation, in general, of citizens/interested parties in administrative proceedings (e.g. preliminary hearings, participation and all forms of consultation), collaboration with private individuals in the Administration's contractual activity (works, supply and service contracts, concession contracts, public-private partnerships, etc.), privatisation of public-sector bodies and creation of legal entities governed by private law are not covered by this questionnaire.
- (B) To study the integration of private-sector organisational models into the tools and operating methods of the Public Administration.

A. Delegation of administrative tasks to private individuals

1. General provisions

Does your legal system recognise the following forms of collaboration between private individuals and the Public Administration?

Tasks assigned to private individuals during the procedure of issuing [adopting] an administrative act √

Recruitment of private individuals who are not civil servants within the Administration's structure, e.g. executive managers, senior managers √



2. Regarding the involvement of private individuals in administrative proceedings

i. If the involvement of private individuals in administrative proceedings (as indicated above) is provided for in your legislation, please mention specific provisions.

- Constitutional provision
- General provision of a legislative nature
- Specific legislation

Specific legislative provisions govern the involvement of private individuals in administrative proceedings. Such provisions are, by way of illustration, the following:

(a) Article 255 in conjunction with Article 257 of Law 4798/2021 provides that certified professionals (lawyers and accountants) may collaborate with the Electronic National Social Security Agency [“e-EFKA”], a legal person governed by public law, in the process of awarding main and supplementary pension benefits. In that context, certified professionals (i) ascertain the insured persons’ period of insurance and issue a relevant certificate, (ii) ascertain any payable social security contributions and issue a relevant certificate, (iii) calculate the amount due for the recognition of substitute qualifying periods and issue a relevant certificate, (iv) draw up a draft pension decision, (v) issue [adopt] an administrative act (referred as “pre-retirement certification”) for the certification of the total insurance period (**Council of State, Plenary Session, decisions nos. 750-752/2023, as specified below**).

(b) Article 90(7)(c) of Law 4368/2016, as replaced by Article 34 of Law 5086/2024, provides that the real-time clinical administrative audit and the validation of specific health expenditure may be assigned by decision of the Board of Directors of National Organization for the Provision of Health Services, a legal person governed by public law, to private auditing bodies specializing in clinical control and health expenditure audit, in accordance with public procurement provisions.

(c) Article 78 of Law 5104/2024 “Tax Procedure Code and other provisions” provides that certified public accountants and auditing companies registered in the public register under Law 4449/2017 (which incorporates Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, in the version currently in force), may issue an annual tax certificate. This certificate details any tax violations, as well as instances of non-payment or inaccurate payment of taxes identified from the accounting records maintained during the audit.

(d) Article 41(1)(B) of Law 1249/1982, as replaced by Article 51(3) of Law 4646/2019, provides that certified appraisers are assigned by decision of the Minister of Economy and Finance, following a public notice of vacancy, to draft recommendations regarding the starting prices of immovable property Article 41(1)(B) of Law 1249/1982, as replaced by Article 51(3) of Law 4646/2019, provides that certified appraisers are assigned by decision of the Minister of Economy and Finance, following a public notice of vacancy, to draft recommendations regarding the starting prices of

immovable property for the purpose of determining its taxable value (**Council of State, decision no. 928/2023**).

(e) Articles 28-51A of Law 4495/2017 provide that the building permit is issued "automatically" by an electronic system, on the initiative and "responsibility" of a private engineer or technical company, following the electronic submission of the relevant file as well as a review procedure of the application of a building permit by building inspectors, who are private engineers (see also the relevant provisions of Law 4030/2011).

ii. Does national case-law or legislation define criteria pursuant to which the delegation of administrative tasks to private individuals is authorised?

According to settled case-law of the Council of State, administrative tasks may be delegated, under the supervision of the Administration, to private individuals, who have demonstrated the necessary qualifications, relevant specialization, and expertise, provided that these tasks are not inherently connected to the core functions of state authority or the exercise of sovereignty. In this context, the Court examines, case-by-case, the nature and the characteristics of the delegated administrative tasks, the performance of which may result in the issuance [adoption] of an administrative act, whether explicit or implicit. In any case, it is crucial that individuals affected by a final administrative act are not deprived of the right to lodge an appeal against it.

iii. How are administrative tasks delegated to private individuals? Please provide specific examples.

- | | |
|--------------------------------|---|
| Directly by law | √ |
| By an administrative act | √ |
| By contract | √ |
| Other | □ |

Administrative tasks are delegated to private individuals

(a) *directly by law*: The above-mentioned provisions of Law 4798/2021 directly entrust certified professionals with the aforesaid tasks related to pension benefits.

(b) *by an administrative act*: According to the above-mentioned provisions of Law 1249/1982, in the version currently in force, the drafting of recommendations regarding the starting prices of immovable property is assigned to certified appraisers by a decision of the Minister of Economy and Finance.

(c) *by contract*: When the competent administrative authority lacks the technical capacity for effective environmental control, it may, in accordance with the provisions of Law 4412/2016 ["Public works contracts, public supply contracts and public service contracts (adaptation to Directives 2014/24/EU and 2014/25/EU)"], conclude a service contract with qualified economic operators possessing the requisite expertise and experience to carry out the required environmental control (**Council of State, decision no. 1740/2023**).

iv. Which administrative tasks can be entrusted to private individuals [content of the tasks]?

Please provide specific examples from legislation and case-law.

- | | |
|---|--------------------------|
| Preparation of the administrative act | √ |
| Issuance [adoption] of the administrative act | √ |
| Implementation of the administrative act | √ |
| Other | <input type="checkbox"/> |

The tasks most commonly delegated to private individuals involve preparing administrative acts, which are subsequently issued (adopted) by the competent administrative authority (see the specific administrative tasks referenced below). Regarding the issuance [adoption] of the administrative act, the Council of State ruled that the authority to issue a building permit belongs, in principle, to the urban planning administrative authority; however, under special circumstances, the authority of an independent engineer to issue a certificate equivalent to a building permit is not prohibited. This is the case when the following conditions are met: (a) the aforesaid administrative authority retains the power to investigate unauthorized construction, (b) the building pertains to minor works subject to environmental licensing procedure, (c) the State has the opportunity to submit comments and objections and, in the event of disagreement with the engineer, may appeal to the Technical Disputes Resolution Committee, and (d) third parties concerned are not deprived of effective judicial protection (**Council of State, decision no. 2589/2014**). The implementation of an administrative act in the form of a physical act, such as the demolition of illegal buildings, may also be entrusted to private individuals.

v. What is the extent [range] of administrative tasks that can be entrusted to private individuals?

Please provide specific examples from legislation and case-law.

- | | |
|--|--------------------------|
| Advisory tasks | √ |
| Decision-making tasks | √ |
| Control and verification tasks: | |
| Establishment of the facts | √ |
| Legal qualification of the facts | √ |
| Other | <input type="checkbox"/> |

Private individuals may be assigned advisory, control, and verification tasks. Such tasks include:

(a) collecting and processing real estate market data and formulating, based on their assessment, recommendations or opinions on property starting prices (**Council of State, decisions nos. 928/2023, 1865/2019**).

(b) preparing inspection reports following on-site evaluations by building inspectors. The audit report functions as an inspection report and must clearly state the audit findings, documenting both the existence and the absence of any violations (**Article 46 of Law 4495/2017**).

(c) gathering data on companies subject to audit, in accordance with the instructions and questionnaire provided by the Capital Market Commission, a legal person governed by public law, and drafting the corresponding audit report (**Article 36(11) of Law 2324/1995 and Council of State, decision no. 2825/2014**).

Decision-making functions, such as issuing certificates equivalent to building permits, are permitted by case-law only under specific conditions, subject to judicial review (**see the above-mentioned Council of State, decision no. 2589/2014**).

vi. Are there any cases where the involvement of private individuals in administrative proceedings is prohibited?

No

Yes (please specify)

If yes, which legal instrument provides for the corresponding prohibitions?

Constitution

Legislation

Other

Please indicate any relevant case-law.

The Council of State held that, within the meaning of Articles 1(3) [“All powers derive from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution”] and 26(2) [“The executive powers shall be exercised by the President of the Republic and the Government”] of the Constitution, police power, as the highest form of public authority and an expression of sovereignty, is exercised, through police authority, exclusively by the state and legal entities governed by public law, and not by private individuals (**Council of State, Plenary Session, decisions nos. 1934/1998, 15, 16/2015, etc.**).

Furthermore, it has been held that, given the public purpose of ensuring that employees enjoy a standard of living comparable to that enjoyed during their working life, it is justified under Article 22(5) of the Constitution [“The State shall care for the social security of the working people, as specified by law”] to establish social security as compulsory (by introducing an obligation to pay insurance contributions) and, therefore, the provision of social security benefits exclusively by the state or by legal entities governed by public law. The assignment of compulsory social insurance, both main and supplementary, to public bodies under the above constitutional provision serves the public interest, particularly by guaranteeing the protection of persons who are compulsorily insured or pay insurance contributions against the business risks associated with private insurance entities (**Supreme Special Court, decision no. 87/1997, Council of State, Plenary Session, decisions nos. 5024/1987, 1889, 1890/2019, 750-752/2023, etc.**).

3. Qualifications and selection procedure for private individuals

i. What is the procedure provided for in the legislation for the certification of private individuals?

Please mention specific examples.

- | | |
|-------------------------------------|--------------------------|
| Participation in examinations | √ |
| Selection based on criteria | √ |
| Other | <input type="checkbox"/> |

National legislation provides for the certification of private individuals -either through participation in examination, e.g., the aforesaid Article 255(7)(a) of Law 4798/2021 in conjunction with 45891/2.7.2021 decision of the Minister of Labor and Social Affairs, as amended, concerning certified professionals involved in the process of awarding pension benefits, as well as Articles 8-10 of the aforesaid Law 4449/2017 regarding statutory auditors, -or through entry into a register based on prescribed criteria, e.g., Article 1(C)(C.2) of the Law 4152/2013 regarding certified appraisers entrusted with determining the starting prices of properties.

ii. How are selected the private individuals who will be entrusted with a specific administrative task? Please give examples.

- | | |
|--|--------------------------|
| Random selection from a list/register | √ |
| Selection from a list/register based on criteria | √ |
| Absolute discretionary power of the Administration | √ |
| Selection by the citizen [upon a declaration] | √ |
| Other | <input type="checkbox"/> |

Private individuals entrusted with specific administrative tasks may be selected through random procedures, such as the lottery system outlined in Article 45(2) of Law 4495/2017 for building inspectors. Furthermore, selection may be based on the Administration's evaluation of qualifications, as specified in Article 6 of the Presidential Decree 71/2020 regarding the formation of committees of private individuals responsible for examining lifeguard certification candidates (**Council of State, decision no. 461/2023**). In some instances, selection is determined by citizens' assignment, e.g., Article 255(3)(a) of Law 4798/2021 concerning certified professionals involved in the process of awarding pension benefits, where the assignment precedes the declaration of the insured person. Additionally, there are cases where no specific assignment procedure is established, granting the Administration discretionary authority in selecting private individuals, e.g., Article 36(11) of Law 2324/1995, regarding the assignment of administrative tasks to private individuals by the Capital Market Commission.

iii. Is there a legal provision and/or other instrument governing the actions of private individuals when performing administrative tasks? Please indicate specific provisions.



- No
- If yes,
- General normative act (e.g. Code of Administrative Procedure)
- Specific normative acts
- Codes of Conduct, good practices (soft law)
- Other

Specific normative acts contain provisions regarding the actions of private individuals when performing administrative tasks (e.g., particularly Article 78 of Law 5104/2024 in conjunction with 29A and 29B of Law 4449/2017 regarding the independence and prohibition of non-audit services by certified public accountants). Moreover, certain legislation may provide the application of the provisions of Code of Administrative Procedure, e.g., Article 11(2) of Law 4003/2011 regarding the application of Article 7 of the above Code regarding the independence of building inspectors. Additionally, specific Codes of Conduct may apply to private individuals, such as the 19928/292/10.5.2013 Order of the Minister for Finance, titled "Establishment of a Code of Conduct for Certified Appraisers".

iv. How are the impartiality and integrity of private individuals guaranteed under the law? Please indicate specific provisions.

- Incompatibilities
- Impediments
- Criminal or disciplinary liability
- Other

The impartiality and integrity of private individuals are guaranteed under the law by specific provisions regarding (a) incompatibilities: According to Article 10(2) of the above-mentioned Law 4030/2011, the status of building inspector is incompatible with that of civil servant, employee of a public entity or employee in the broader public sector under public or private law, (b) impediments: According to Article 5 in conjunction with Article 6(2)(c) of the above-mentioned Law 4449/2017, individuals convicted by a final criminal court decision for offenses such as theft, embezzlement, fraud, extortion, forgery, etc., cannot be approved by the competent authorities to carry out statutory audits, (c) disciplinary liability: Article 78(1) of Law 5104/2024 stipulates that the disciplinary penalties set out in Law 4449/2017 for violations of legislation governing the work of certified public accountants also apply when they issue a tax certificate.

v. What are the legal consequences in the event of an error, offence or failure on the part of the private individual?

- Withdrawal of the certification
- Disbarment from the professional association
- Imposition of a fine or other penalty

Personal liability of the private individual (civil, criminal, disciplinary)	√
Revocation of the administrative act in the issuance of which the private individual collaborated	√
Civil liability of the State	√
Other	<input type="checkbox"/>

4. Administrative checks [controls]

i. Does the Administration carry out checks on private individuals when they perform administrative tasks?

Yes	√
No	<input type="checkbox"/>

ii. If yes, at what stage are the checks carried out?

A priori	√
A posteriori	√
At any time	√

iii. How are checks activated?

Following a complaint/administrative appeal	√
Ex officio	√

iv. How extensive are the checks?

Checks based on sampling	√
Mandatory checks for all actions	<input type="checkbox"/>

v. What is the nature of the checks?

Of legality	√
Of the substance, of appropriateness	√

vi. What is the type of checks?

On persons	<input type="checkbox"/>
On actions	√

vii. Are the conclusions of private individuals binding on the Administration?

Yes	<input type="checkbox"/>
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No

√

5. Judicial review

i. Can the actions of private individuals be subject to judicial review? Please indicate specific provisions or the relevant case-law.

No

Yes

√

If yes, what is the scope of the judicial review?

The review directly targets the action of the private individual (per se)

The review indirectly targets the action of the private individual (appeal lodged against the final act of the Administration, whether explicit or implicit, e.g. appeal lodged against the tacit acceptance of the actions of private individuals by the Administration) √

ii. What types of disputes arise when challenging the actions of private individuals?

administrative disputes

√

private disputes

iii. Please mention typical cases from national case-law concerning the delegation of administrative tasks to private individuals.

In the decisions nos. 750-2/2023, the Plenary Session of the Council of State determined that Articles 255 and 257 of Law 4798/2021 are not in conflict with Articles 1(3), 26(2), 103(1) ["Civil servants shall be the executors of the will of the State and shall serve the people, owing allegiance to the Constitution and devotion to the Fatherland. [...]"], 22(5), 93(1), 94(1), 95(1)(a) and (5) (the three latter regarding the distinction between jurisdictions), as well as 4(1) ["All Greeks are equal before the law"] and 103(4) ["Civil servants holding posts provided by law shall be permanent so long as these posts exist. [...]"] of the Constitution. This conclusion is based on the following considerations:

(a) The aforementioned provisions of Law 4798/2021 and the contested ministerial decision do not alter the social security provider, as the powers granted to certified professionals under Article 255(1)(b) of Law 4798/2021 are exercised within e-EFKA, a legal person governed by public law.

(b) Certified professionals, registered in a register maintained and supervised by e-EFKA, must successfully complete a training seminar and pass examinations in relevant thematic areas corresponding to the decisions they are required to draft. These professionals possess the necessary qualifications, expertise, and experience to fulfill their duties and are subject to increased liability even after their work is completed.

(c) Assigning these responsibilities to certified professionals facilitates the issuance of e-EFKA pension award acts, thereby ensuring that pensioners receive benefits supporting a dignified

standard of living. This measure is intended to expedite pension awards and reinforce the Agency's pension awarding system until full digitization is achieved. The assignment is therefore temporary.

(d) Pension award decisions (explicit or implicit), as acts of e-EFKA, are generally subject to administrative appeals as provided by current legislation before the competent authorities. The same procedure applies to pre-retirement certificates.

(e) Mandatory sampling checks and discretionary reviews by the responsible service are established for pension award decisions. Revocation or amendment is permitted if it is determined that the certificates or draft decisions underlying the pension award are incorrect or incomplete.

(f) Insured persons retain judicial protection, as pension award decisions, and any decisions to revoke or amend them are considered individual administrative acts and may be appealed on the merits before the ordinary administrative courts.

(g) The issuance of a pension award act with the involvement of a certified professional remains, in all cases, at the discretion of the insured person.

B. Integration of private-sector methods and organisational models into the functioning of the Administration

1. Recruitment of senior managers outside the hierarchy of the civil service

i. What are the objectives of recruiting private individuals as senior managers within the Administration?

Mainly, the objectives of effectiveness and efficiency in the organization and functioning of the Public Administration.

ii. In which sectors of the Public Administration is it permissible to recruit senior managers who do not belong to the hierarchy of the civil service, and in which sectors is it prohibited?

The Council of State (decisions nos. 511-514/2024) held that the Constitution does not prohibit the recruitment of private individuals as senior managers within the Administration. This is permitted only if their recruitment is justified by the particular nature, the specific mission and the content of the responsibilities of a certain service or position.

iii. What criteria does the Administration use to select external senior managers?

Mainly, previous experience and specialized expertise.



iv. What is the nature of the duties of external senior managers?

- | | |
|-----------------|---|
| Decision-making | √ |
| Advisory | √ |
| Other | □ |

v. Does error on the part of a senior manager give rise to:

- | | |
|---|---|
| Civil liability of the State | √ |
| Personal liability of the manager (civil, criminal, disciplinary) | √ |

2. Organisational models

i. Does your country use New Public Management, Public Value Management, Digital Era Governance, or New Public Governance policies in the organisation of its Public Administration, for example, to digitise procedures, achieve objectives, ensure accountability, evaluate efficiency, promote the rational use and distribution of resources, control expenditure and ensure compliance with budget restrictions, codify legislation, promote career progression, train staff, etc.? Please provide specific examples.

For example, laws regulating digital governance (L. 4727/2020), objectives setting (L. 4940/2022) or evaluation and accountability of public servants (L. 4369/2016).

ii. Is there a specific provision for the organisation of the Administration based on the above-mentioned models (Constitution, legal provision, etc.)?

According to Article 103 of the Constitution, "1. [...] 2. No one may be appointed [as a civil servant] to a post not provided by law. Special statutes may provide for exceptions in order to fill unforeseeable and urgent needs with personnel hired for a certain period of time on a private law contract. 3. Posts of specialized scientific and technical or auxiliary personnel provided by law, may be filled by personnel hired on private law contracts. [...] 4. Civil servants holding posts provided by law shall be permanent so long as these posts exist. Their salaries shall evolve in accordance with the provisions of the law; with the exception of those retiring upon attainment of the age limit or when dismissed by court judgement, civil servants may not be transferred without an opinion or lowered in rank or dismissed without a decision of a service council consisting of at least two-thirds of permanent civil servants. [...] 5. Highest civil servants holding posts outside of the civil service hierarchy, persons directly appointed on an ambassadorial rank, employees of the Presidency of the Republic and the offices of the Prime Minister, Ministers and Under-secretaries may by law be exempted from permanency. 6. [...]"

iii. In which public services and agencies is this type of organisation used?



- | | |
|----------------------------------|--------------------------|
| The Administration stricto sensu | ✓ |
| Public enterprises | ✓ |
| Other public entities | <input type="checkbox"/> |

iv. Are the policies for achieving the objectives designed:

- | | |
|---|--------------------------|
| At national level | ✓ |
| At regional level | <input type="checkbox"/> |
| By subject-matter | ✓ |
| By taking into account specific public entities | ✓ |
| Other | <input type="checkbox"/> |

v. Have specific objectives been set out for the action of the Administration? Please provide examples.

For example, the Regulatory Authority for Waste, Energy and Water has set specific objectives about the resources management (Government Gazette B 4585/2013).

If yes, is their accomplishment:

- | | |
|-----------|--------------------------|
| Optional | <input type="checkbox"/> |
| Mandatory | ✓ |

Does failure to meet these objectives lead to:

- | | |
|--|--------------------------|
| Personal consequences for the senior managers | <input type="checkbox"/> |
| Legal consequences for the assessed organisation | <input type="checkbox"/> |
| Financial consequences for the assessed organisation | <input type="checkbox"/> |

Are incentives of any kind provided for civil servants (e.g. remuneration) or public entities to ensure that these objectives are achieved? ✓

vi. Are there any indicators for evaluating the action of the Administration in relation to the following factors:

- | | |
|--|--------------------------|
| Compliance with the regulatory framework | ✓ |
| Effectiveness | ✓ |
| Efficiency | ✓ |
| Economy | ✓ |
| Achievement of strategic objectives | ✓ |
| Other | <input type="checkbox"/> |

II. Alternative methods for resolving administrative disputes

1. General provisions

i. Does your legislation provide for alternative dispute resolution (ADR) in cases involving public law/administrative law?

Arbitration	<input checked="" type="checkbox"/>
Mediation	<input type="checkbox"/>
Other	<input type="checkbox"/>

ii. Are there categories of administrative disputes that are excluded from ADR by law or according to case-law?

* Please elaborate on your answer, citing any relevant legislation and/or case-law

The legislator does not explicitly exclude a specific category of administrative disputes from arbitration or mediation.
According to relevant case law, the submission of administrative disputes to arbitration is not prohibited by the Constitution. However, according to the same line of case-law and pursuant to the principle of legality, for a specific category of administrative disputes to be subject to arbitration, an explicit statutory provision is required.
Regarding mediation, there is no case law available.

2. Settlement and Mediation

* Please elaborate on your answers, citing any relevant legislation and/or case-law.

i. In administrative disputes, is it permissible for the Administration and private individuals/legal entities to sign a settlement agreement or other similar document (without prior mediation)?

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

ia. If yes,

Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

No general provisions regulating settlement are in place, but rather special provisions, such as Article 126B of the Code of Administrative Procedure as well as Article 176 of Law 4412/2016 and Article 63 of Law 4413/2016.

Does this option only apply to the settlement of administrative disputes that are already under way, or can it also be used to prevent administrative disputes from arising in the first place?



Article 126B of the Code of Administrative Procedure regulates settlement proceedings in administrative disputes that are already under way, while Articles 176 of Law 4412/2016 and 63 of Law 4413/2016 regulate settlement proceedings in order to prevent administrative disputes from arising in the first place.

Do the law or case-law distinguish between application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)?

Such a distinction is not provided by the law.

Is there a special procedure for initiating and conducting this alternative dispute resolution method, or are all matters left to the discretion of the parties involved?

Article 126B of the Administrative Procedure Code regulates settlement proceedings before the Court, while Articles 176 of Law 4412/2016 and 63 of Law 4413/2016 provide the parties with the opportunity to reach a settlement agreement without resorting to the Court.

After signing a settlement agreement (or other similar document), is ratification by a court required?

Yes

No

If yes, by which court?

According to Article 126B of the Code of Administrative Procedure, once a settlement agreement is signed between the litigant parties before the competent judge, the Court issues a decision and the relevant dispute is considered resolved.

According to Articles 176 of Law 4412/2016 and 63 of Law 4413/2016, ratification of a settlement agreement by the Court is not required.

If no, can the legality of the settlement agreement (or other similar document) be examined by the judge on an incidental basis? Under what circumstances could the settlement be considered null and void and without legal effect?

After being signed and/or validated, as applicable, does the settlement agreement have the force of res judicata? Can the enforcement of this document be pursued?

The decision issued by the Court pursuant to Article 126B of the Code of Administrative Procedure is irrevocable and constitutes an enforceable title.

Which court has jurisdiction over disputes concerning such enforcement?

Administrative or civil courts depending on the nature of the dispute.

ib. If the signing of a settlement agreement or other similar document between the Administration and private individuals/legal entities is not permitted in your country, this prohibition results from:

a legislative provision

a general principle of law

ii. Does your country provide for a mediation procedure between the Administration and private individuals/legal entities for administrative disputes?

** The term 'mediation' is used here to refer to a procedure conducted by an independent and impartial third party, and not to administrative appeal procedures addressed to the Administration or to a body that is hierarchically dependent on the Administration.*

Yes

No

ii.a. If yes,

Is it expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Is it mandatory or optional?

If it is optional, does it require:

The mutual agreement of the parties

Only the intention of the Administration

Only the intention of the private individual/legal entity



Specifically with regard to the State as a party to the dispute, is mediation initiated:

After approval by a special committee

By the administrative authority involved in the dispute

Other

At what stage can a case be referred for mediation?

Necessarily before the introduction of legal proceedings

At any stage of the litigation proceedings

Is there a specific piece of legislation governing the mediation process?

Yes

No

If yes, please specify:

Which principles of trial apply to the mediation process (hearing of the parties, adversarial principle, equality of arms, publicity, representation by a lawyer?)

How is the impartiality of the mediator ensured?

Is there any interim relief (stay of execution, etc.) during the mediation process? If yes, who is competent to hear the case?

At the end of the mediation process,

If an agreement is concluded:

A document is drawn up

Other possibility (please specify)

If an agreement is not concluded:

Is a time limit set for bringing the matter before the competent court?

Are the litigation proceedings already under way (if applicable) continued?

In the event that a document is drawn up following mediation, do the rules concerning the settlement procedure (see above) apply, or are there differences? If yes, please specify.

ii.b. If no mediation process is provided for, is this exclusion provided for in:

a legislative provision

a general principle of law

Article 6(2) of Law 4640/2019 about mediation.

3. Arbitration

** Please elaborate on your answers, citing any relevant legislation and/or case-law.*

i. In administrative disputes, is arbitration between the Administration and private individuals/legal entities permitted in your country?

Yes

No

ia. If yes,

Is this option expressly provided for in a legislative text (Constitution, law) or does it derive from a general principle of law?

Arbitration in administrative disputes is not prohibited by the Constitution, as confirmed by decision no. 24/1993 of the Supreme Special Court. However, according to the same line of case-law, for a specific category of administrative disputes to be subject to arbitration, an explicit statutory provision is required. Given that there is no general statutory framework permitting arbitration in administrative disputes, arbitrability is recognized only where expressly provided for by special legislative provisions, such as Article 176 of Law 4412/2016 and Article 65 of Law 4413/2016 concerning public procurement.

Does it concern both application for annulment (judicial review limited to the legality) and appeal on the merits (full judicial review of both legality and substance)? Are there any exceptions provided for by law or established by case-law?

Such a distinction is not provided by the law.

However, case-law does not recognize annulment powers vested in arbitral tribunals. Accordingly, even where arbitration is expressly provided for by law in relation to certain administrative disputes, arbitral tribunals lack jurisdiction to annul administrative acts.

Is it mandatory or optional?

Optional.

ib. If arbitration is not permitted, is this prohibition due to

A legislative provision

A general principle of law

ic. If arbitration is optional, does it require:

The mutual agreement of the parties

The sole intention of the Administration

The sole intention of the private individual/legal entity

On the part of the State, is arbitration initiated:

After approval by a special committee

By the administrative authority involved in the dispute

Other

The competent authority for signing the contract.

ii. For disputes arising from contracts between private individuals/legal entities and the State, do the common provisions relating to commercial arbitration (domestic or international) apply, or is there a special regime?

If there is a special regime, please briefly mention the elements that differentiate it from the commercial arbitration regime.

According to Article 176(2) of the above Law, in such disputes the common provisions relating to commercial arbitration (domestic or international) are applicable, with some exceptions in matters determined by the contract.

iii. Is arbitration provided for in contracts falling within the scope of Directives 2014/24/EU and 2014/25/EU?

If yes, have any issues been raised regarding the application of the rules governing the performance of these contracts? How have the courts addressed such issues in the relevant case-law?

Yes, arbitration in contracts falling within the scope of Directives 2014/24/EU and 2014/25/EU is provided for (Articles 176 of Law 4412/2016 and 65 of Law 4413/2016, respectively).

iv. How are the independence and impartiality of the arbitrator ensured?

In case mutual agreement is not met, the arbitrator is selected by the Court (Article 878 of the Code of Civil Procedure, Article 16 of Law 5016/2023). Other than that, special provisions are in place regulating matters of the arbitrator's exclusion in case doubts are raised about his/her independence and impartiality (Articles 871A(7), 883(2) of the Code of Civil Procedure, Article 18 of the above Law).

v. Is there any interim relief when an administrative dispute has been submitted to arbitration? If yes, which body is competent to hear the case?

Arbitrators cannot order interim measures (Article 889(1) of the Code of Civil Procedure), with the exception of the case of international arbitration (Article 25 of Law 5016/2023).

vi. In arbitration concerning administrative disputes:

	yes / no
Is there an obligation to make publicly available the basic information and documents relating to the proceedings?	✓ <input type="checkbox"/>
Is the participation of third parties permitted?	✓ <input type="checkbox"/>
Is legal representation mandatory?	<input type="checkbox"/> <input type="checkbox"/>
If yes, is legal aid available?	<input type="checkbox"/> <input type="checkbox"/>
Is the hearing public?	✓ <input type="checkbox"/>
Is the arbitral tribunal obliged to give reasons for its award?	✓ <input type="checkbox"/>
Is the arbitral award made publicly available?	<input type="checkbox"/> <input type="checkbox"/>

According to article 176 par. 4 of the above Law the conduct of the arbitration is subject to the "Rules on Transparency in Treaty based Investor-State Arbitration" issued by the United Nations Commission on International Trade Law (UNCITRAL).



vii. During the proceedings, the applicable system is:

- the adversarial system
- the inquisitorial system

viii. What powers does the arbitral tribunal have?

- Reviews the legality of administrative acts of a non-pecuniary nature
- Reviews the legality of an administrative act of a pecuniary nature (fine, etc.)
- Annuls/amends an administrative act of a non-pecuniary nature
- Annuls/amends an administrative act of a pecuniary nature
- Addresses only recommendations to the Administration
- Restricts itself to awarding compensation for damages

Does the arbitral award have effect:

- Erga omnes (with regard to all)
- Inter partes (between the parties)

Is it considered 'case-law' for other cases?

If the answer to the last question is yes, please explain.

Can the validity of the arbitral award be challenged in court?

- Yes
- No

If yes, is the validity of the arbitral award reviewed directly or incidentally?

The arbitral award can be directly challenged via a petition for annulment according to Articles 897-900 of the Civil Procedure Code.

In case of an incidental control, the courts can only examine whether the arbitral award was issued within the limits of its competence, that is to say limited to interpretation of contractual terms. In the affirmative case, they are bound by the arbitral award.

Is it possible to waive the right to judicial review?

No (Article 900 of the Civil Procedure Code).

Which courts have jurisdiction?

Civils courts.

What is the scope of the judge's review according to case-law?

In case of a petition for annulment, the civil court can only examine specific faults of the arbitral award (Article 897 of the Code of Civil Procedure).

In arbitration, is the concept of public policy different, according to case-law, in cases where the State (or a legal person governed by public law) is a party to the arbitration? If yes, what are the differences compared with the concept of public policy in arbitral proceedings between private individuals?

No.

In arbitration, in addition to the rules of European competition and consumer protection law (see C-126/97, *Eco Swiss China Time Ltd v Benetton International NV* and C-168/05 *Mostaza Claro v Centro Móvil Milenium SL*, respectively), has case-law recognised other rules of EU law as rules of international public policy? If yes, please mention the relevant cases.

The Council of State, in decisions nos. 246–259/2022, without making an explicit reference to the concept of international public order, held that the submission of VAT disputes to arbitration may call into question the specific nature of EU law and undermine its autonomy. The Court further found that such arbitration is incompatible with the principle of sincere cooperation between the Member States and is contrary to Articles 267 and 344 TFEU.

Which body has jurisdiction to hear disputes arising during the enforcement of an arbitral award? Has case-law dealt with special cases where enforcement has been contested on the grounds of the administrative nature of the dispute?

Given that the arbitral award constitutes an enforceable title under Article 904 of the Code of Civil Procedure, the civil courts of execution have jurisdiction in this regard.