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

FIRST SECTION

CASE OF MALLIAKOU AND OTHERS v. GREECE

(Application no. 78005/11)

JUDGMENT

STRASBOURG

8 November 2018

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

In the case of Malliakou and Others v. Greece,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ksenija Turković, *President,*
Linos-Alexandre Sicilianos,
Krzysztof Wojtyczek,
Armen Harutyunyan,
Pauliine Koskelo,
Jovan Ilievski,
Gilberto Felici, *judges,*
and Abel Campos, *Section Registrar,*

Having deliberated in private on 9 October 2018,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 78005/11) against the Hellenic Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by eleven Greek nationals ("the applicants"), whose names appear in the annexed list, on 9 December 2011.

2. The applicants were represented by Mr G. Lallas, a lawyer practising in Athens. The Greek Government ("the Government") were represented by their Agent's delegate, Ms A. Magrippi, legal representative A at the State Legal Council.

3. The applicants alleged in particular that the revocation of the license that had been granted to them to exploit a quarry and the classification of the largest part of their land as a zone of absolute protection violated their right to the peaceful enjoyment of their property. In addition, they complained that the length of the proceedings before the domestic courts had been excessive and that they had not had at their disposal an effective remedy to complain in this regard.

4. On 26 April 2017 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

A. The applicants' proprietary status in relation to the disputed land as described by the applicants

5. By virtue of contract no. 12289/19-3-1980, the first two applicants, along with Loukas Kokkinos, the predecessor in title of the third applicant, and Spyridon Kokkinos, the predecessor in title of the fourth applicant, jointly acquired ownership of two adjacent plots of land measuring 30,850 sq. m in total, along with buildings and mechanical equipment for the extraction of inert material situated on that land.

6. In July 1980 the first and second applicants and the predecessors in title of the other applicants formed a company, with view to operating a quarry on the land and selling aggregate material.

7. After the applicants and their predecessors in title started operating the quarry, on the basis of licence no. 205/3-3-1981 issued by the Fokida Prefecture (hereinafter, "the Prefecture"), on 3 June 1981 they bought an adjacent plot of land measuring 18,946 sq. m.

8. On 8 November 1997 Loukas Kokkinos transferred his share of the property to the third applicant via a parental grant. On 11 May 1999 Spyidon Kokkinos transferred his share of the property to the fourth applicant via a parental grant. On 21 January 1997 Konstantinos Karageorgos passed away without leaving a will, and his share was inherited in equal portions by the fifth, sixth, seventh and eighth applicants, who accepted the inheritance. Following the death of Ioannis Karageorgos, on 28 December 1996 the ninth, tenth and eleventh applicants accepted the inheritance in respect of his share of the property.

9. Following the above transfers and inheritances, ownership of the property was as follows: the first applicant owned 20%, the second applicant owned 16.66%, the third and fourth applicants owned 15% each, the fifth, sixth, seventh and eighth applicants owned 4.16% each, the ninth and tenth applicants owned 6.25% each, and the eleventh applicant owned 4.16%.

B. Circumstances surrounding the plot of land

10. From 1974 onwards a company named Latomeia Parnassidos EPE operated a quarry on the plot of land in question.

11. On 5 May 1976, by ministerial decision no. A/Φ31/55679/4945/5-5-1976 issued by the Minister of Culture and Science, a hill named Glas in the

Fokida region was nominated as an "archaeological area", as it had ruins from the Mycenaean period.

12. Following an application by the applicants and their predecessors, on 3 March 1981 the Prefecture issued licence no. 205/3-3-1981 permitting the applicants and their predecessors to operate a quarry for aggregate material. The licence was valid for ten years, with the possibility of renewal. The licence was granted following a decision dated 25 November 1980 issued by the Ephorate of Prehistoric and Classical Antiquities (hereinafter, "the Ephorate"). The decision was positive, provided that the quarry operated within specific designated borders so as to protect the monuments.

13. Following some objections raised by the Ephorate as to the borders within which the applicants could operate their quarry, on 27 May 1985, on the basis of Article 51 of Law no. 5351/1932, the applicants and their predecessors in title asked the Ephorate to expropriate their plot of land if they considered that their activities posed a threat to the monuments in the area. On 16 August 1985 the Ephorate replied to them that their request would be examined by the Local Council of Monuments for the region and by the Legal Department of the Ministry of Culture. It seems that there was no further response.

14. Between 1982 and 1989 on many occasions the Ephorate expressed concerns regarding the way in which the antiquities situated on the land were affected by the quarrying and mining activities, and warned the applicants not to go beyond the borders designated for the operation of the quarry. On 3 October 1989 the Minister of Culture issued ministerial decision no. ΥΠΠΟ/ΑΡΧ/Α1/Φ.10/7732/735/3-10-1989, which revoked the decision of the Ephorate dated 25 November 1980 on the basis of which the applicants' licence to operate the quarry had been granted. The ministerial decision in itself, however, had no effect on the licence granted by the Prefecture. The decision was revoked on the grounds that the applicants had exceeded the limits that had been imposed for the protection of the ancient monuments. Following that decision, on 17 October 1989, 29 January 1990, 9 February 1990 and 11 June 1990 the Ephorate asked the Prefecture to revoke licence no. 205/1981, on the basis of which the quarry was operating, so that the ministerial decision could take effect. However, it appears that the licence was never revoked, even though, according to the applicants, they essentially ceased the quarrying and mining activities. However, some documents indicate that the Ephorate continued to address complaints to the applicants during that period, asking them to stop any mining activities and warning them of the continuing damage to the antiquities.

15. On 24 October 1989, following a complaint lodged by the Ephorate, some of the applicants were convicted by the three-member Amfissa Magistrates' Court of destroying antiquities situated in the archaeological area of Glas, an offence under Article 50 of Law no. 5351/32 on Antiquities.

16. On 3 January 1991 the applicants signed a lease contract by which they rented the quarry to a company called Fokiki AE for 1173.85 euros (EUR) per month. A term of the contract was that the lease would be interrupted if for any reason the licence for operating the quarry was revoked, or the quarry was forced to cease operations.

17. On 3 March 1991, by ministerial decision no. ΥΠΠΟ/ΑΡΧ/Α1/Φ.10/13624/725/27-3-1991 issued by the Minister of Culture and based on Article 91 of Law no. 1892/90, Glas hill, where the applicants' land and quarry was located, was designated a "zone A region" – a region in which any construction or alteration of the ground was absolutely prohibited, with a view to protecting Delphi monuments. The designated land included 45,000 sq. m out of the approximately 49,000 sq. m. owned by the applicants.

18. On 15 July 1991, by decision no. ΤΒΝΦ/Φ.23/Α.88/15-7-1991, the Prefecture decided to renew the operating licence for the applicants' quarry for another two years, until 2 March 1993. The decision was based on Article 33 § 1 (b) of Law no. 1428/84. By the same decision, the name of the licensee was officially changed from the applicants' company to Fokiki AE, the company to which they had leased the quarry. The new licence included terms obliging those who exploited the quarry to comply with all the conditions set by the Archaeological Service. Both the Ministry of Culture and the Ephorate objected to the renewal of the licence, and requested its revocation.

19. On 28 December 1996 the applicants' company was dissolved (act no. 10551/28-12-1996) and the land was divided up between the applicants according to the percentages set out above.

C. Domestic proceedings

20. On 2 August 2000 the applicants lodged an application for compensation with the Athens Administrative Court of First Instance, based on Article 24 § 6 of the Constitution. In that application, they requested compensation for the damage they had allegedly suffered due to the restrictions imposed on their plot of land, namely: the value of their plot of land, the value of the existing facilities and equipment in their quarry, and the income they would have gained if they had been allowed to continue their operations. The total claim was EUR 1,904,622.15. The applicants argued that, owing to the rocky soil, their land was only suitable for quarrying.

21. On 25 June 2002 the Athens Administrative Court of First Instance published judgment no. 5568/2002 dismissing the applicants' application for compensation. In particular, the domestic court held that Article 24 § 2 of the Constitution referred to the regulatory competence of the State only in respect of cities and urban areas, and therefore only exceptionally could a

non-urban area be built on, and, in principle, only for uses assisting its main purpose, namely agricultural activities. It was possible to change the purpose of a property and implement further secondary measures limiting the property's intended use, in order to achieve constitutionally foreseen aims, such as increased protection of the cultural environment, on the condition that the relevant property did not disappear or become inactive in relation to its purpose. The imposition of such limitations on the right of property meant that an owner had a right to compensation under Article 24 § 6 of the Constitution when the limitations caused essential, temporary or definitive deprivation of the use of a property in relation to its purpose, for example in the event of construction on land situated on a town plan being completely prohibited. In order to assess compensation, only the primary purpose of the land was taken into account, and not any other secondary uses that were exceptionally allowed. The use of the property was designated either directly by the Constitution, or by the legislature or the administration. As regards the applicants' plot of land, it was situated outside the town plan and therefore its main purpose was agricultural. Agricultural activities were not impeded by the limitations imposed by the ministerial decisions. The above-mentioned findings were not affected by the fact that the plot of land had been used as a quarry from 1981 until 1993, because the provisions of Law no. 1428/1984 had only exceptionally allowed that use.

22. All applicants except for Mr Panagiotis Karageorgos, the seventh applicant, lodged an appeal with the Athens Appeal Administrative Court, arguing that the distinction made by the lower court concerning the primary and secondary use of the land was arbitrary, and that no provision of the Constitution or law provided that the use or purpose of land was a factor determining the right to compensation. On 21 November 2003 the appeal court published judgment no. 4634/2003 dismissing the applicants' appeal, which contained similar reasoning to that of the first-instance court. The appeal court upheld the lower court's conclusions concerning the primary and secondary use of a plot of land. Based on a document prepared by the Directorate of Agriculture of Fokida Prefecture – which said that the plot of land was to be used for agricultural activities and not as a quarry – and taking into account that the land was not in a quarrying region, the domestic court held that the core of the applicants' right to their property was not affected, nor was their land excessively restricted according to its purpose, which would have been the case if the limitations imposed had concerned prohibiting the cultivation of olive trees or the grazing of sheep, for example. Based on the above factors, the applicants did not have a right to be compensated for the restrictions imposed on the use of their land.

23. Apart from the seventh applicant, all the applicants lodged an appeal on points of law with the Supreme Administrative Court, arguing that the domestic courts had erroneously made their right to compensation

dependent on the purpose of the land. On the contrary, the use of the plot of land and its purpose should only have been taken into account in relation to the assessment of the amount of compensation. In an additional memorandum, the applicants argued that the ministerial decisions had deprived them of the right to build on the remaining part of their land, which measured 3,800 sq. m, less than the statutory limit defined by law in order to be able to build. On 28 March 2011, by judgment no. 925/2011, the Supreme Administrative Court dismissed the applicants' appeal on points of law, holding that it was not competent to rule on what the purpose of the plot of land was, and that that was within the competence of the Administrative Court of Appeal. Given that the lower court had ruled that the land was to be used for agricultural activities, it had correctly applied the law concerning compensation, and had rightly dismissed the applicants' action for compensation. The decision was finalised (*καθαρογράφηκε*) on 28 June 2011.

II. RELEVANT DOMESTIC LAW AND PRACTICE

24. The relevant domestic law and practice are described in the Court's judgments in *Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece* (no. 35332/05, §§ 18-22, 21 February 2008) and *Varfis v. Greece* (no. 40409/08, §§ 12-18, 19 July 2011).

25. In addition, the following legislative provisions are relevant:

A. Legislative provisions concerning antiquities

26. Article 50 of Law no. 5351/1932 on Antiquities, as in force at the relevant time, read as follows:

Article 50

> "The following acts cannot be performed without authorisation from the Ministry ... (1) quarrying and mining operations to obtain construction material and [excavate] the ancient ruins of cities, settlements, and necropolises [within] 500 metres of any visible ancient monument ... (2) any operation that may directly or indirectly harm [those monuments]..."

B. Legislative provisions concerning quarries

27. The relevant provisions of Law no. 1428/1984 on the Exploitation of Inert Material and Other Provisions, as in force at the relevant time, read as follows:

Article 3

“1. Any public, municipal, communal or private areas, as well as areas belonging to legal persons operating under public law, that are suitable, based on the quality of stone [in those areas], their morphology, the existence of sufficient material and their accessibility ..., may be designated quarrying areas.

2. Quarrying areas in each prefecture shall be designated within five years by a decision of the competent prefect ... that is, issued following consent being given by the committee provided for in paragraph 3...”

Article 8

Exploitation of quarries

“1. The exploitation of quarries for inert material across the country shall be permitted only in quarrying areas as defined in Article 3.2. In the following cases, the exploitation of quarries for inert material outside quarrying areas shall exceptionally be permitted by a decision of the prefect, following a reasoned opinion of the Prefecture Council: ...”

Article 11

Withdrawal of an exploitation licence – Unilateral termination of a contract

“1. The prefect may withdraw the exploitation licence or terminate the leasing contract in the following cases:

(a) Following a fully reasoned recommendation by the competent quarry inspector, if there are risks to the safety of buildings or public works and to the life and health of employees or residents or passers-by that cannot be prevented in any other way;

(b) following a fully reasoned recommendation by one of the competent services referred to in paragraph 3 of Article 10 if, during the exploitation, reasons prohibiting mining emerge which did not exist when the exploitation licence was issued or when the leasing contract was signed, or for reasons relating to the public interest;

(c) following a fully reasoned recommendation by the competent authority or service, owing to the licensee breaching the terms of the exploitation licence, the leasing agreement, or the approved environmental terms. In this case, the competent quarry inspector shall submit certification that all sanctions provided for by this law have been exhausted.

(d) Following the authorisation to intervene provided for by Law no. 998/1979 being withdrawn with final effect. Before the withdrawal of the licence or termination of the leasing contract, the prefect shall invite the interested party to a hearing scheduled to take place within five (5) working days of that invitation being served.”

Article 33

“1. Quarries for inert material operating under an exploitation licence shall continue to operate until the expiry of the licence. Such quarries may continue to operate for a period not exceeding two years after the expiry of the exploitation licence, in accordance with a decision of the competent prefect issued following an assessment of the needs of the prefecture as regards inert material, and on the condition that a study of environmental effects has been approved by the Ministry of Land Planning, Housing and Environment. Quarries that are situated in particularly sensitive zones shall cease their operation in accordance with a reasoned decision of the competent Ministers of Energy and Natural Resources, Land Planning, Housing and Environment and Culture and Sciences."

28. The relevant provisions of Law no. 2115/1993 on the Amendment, Replacement and Completion of Law. no. 1428/1984 on the Exploitation of Inert Material and Other Provisions, issued on 2 February 1993, read as follows:

Article 20

"1. Quarries for inert material that operate outside quarrying areas under an exploitation licence or leasing contract or decision ... shall continue to operate until the expiry of the licence or the termination of the contract.

2. By a decision of the competent prefect, and following an opinion delivered by the Prefecture Council, a licence to exploit municipal, communal or private quarries ... may be renewed for five years each time, until thirty years has passed from the time the initial licence was issued, in accordance with the procedure and conditions set out in Articles 9 and 10 of Law no. 1428/1984 ...

9. In any event, the competent archaeological service shall ensure that quarries operating within archaeological sites shall cease to operate within two years."

C. Legislative provisions concerning the designation of archaeological areas

29. The relevant provisions of Law no. 1892/1990, as in force at the relevant time, read as follows:

Article 91

"By a decision published in the Government Gazette and following an opinion by the Central Archaeological Council, the Minister of Culture may determine zones in which construction shall be fully prohibited (zone A) or permitted under terms and restrictions (zone B) within archaeological sites situated outside the limits of lawfully existing settlements. [These zones] shall be defined by the Ministry of Environment, Land Planning and Public Works according to urban planning provisions and following a recommendation by the Minister of Culture. The above-mentioned procedure of designating zones and determining building terms and restrictions must be completed within six months of the relevant proposal by the competent archaeological service being submitted."

D. The Supreme Administrative Court's case-law

30. According to the case-law of the Supreme Administrative Court, Article 24 of the Constitution provides that the cultural environment has the benefit of increased protection, and the State may impose restrictions or take measures to avoid its destruction or degradation or alteration. These

restrictions may be wider than those provided for by Article 17 of the Constitution relating to property, and oblige the State to compensate persons whose property is affected by measures if those measures essentially bind the property in relation to its intended use (judgment no. 3224/2009). Paragraphs 1 and 2 of Articles 17 and 24 of the Constitution state that property and other rights *in rem* are protected in the context of the intended use of the property, which includes a range of permitted uses. These uses are determined either directly by constitutional provisions, or by the legislature or the administration in accordance with the Constitution. The immovable property could be categorised according to its intended use, property located in urban areas and property located outside urban areas. Property located outside urban areas, if not protected by special provisions such as those concerning forests or archaeological sites, is intended, in principle, for agricultural activities. Construction on such land is possible, under stricter conditions than those relating to land situated in urban zones (judgment no. 2036/2011).

31. Following the Court's judgments in *Theodoraki and Others v. Greece* (no. 9368/06, 11 December 2008), *Z.A.N.T.E. – Marathonisi A.E. v. Greece* (no. 14216/03, 6 December 2007) and *Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece* (no. 35332/05, 21 February 2008), the Supreme Administrative Court issued a series of judgments by which it modified its previous case-law, according to which every plot of land situated outside urban areas was intended to be used for agricultural activities. Following the change in the case-law, the owner of a plot of land may rely on and prove the fact that even though his or her property is situated outside an urban area, its intended use, before the imposition of restrictions, was residential, in accordance with the conditions laid down by law which applied to that region (judgments nos. 3224/2009 and 415/2006).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

32. The applicants complained that the revocation of the license that had been granted to them to exploit a quarry and the classification of the largest part of their land as a zone of absolute protection had violated their right to the peaceful enjoyment of their property. They further complained that the remaining part of their land that had not been designated as a zone of absolute protection had been under the statutory minimum surface set for building land.

Article 1 of Protocol No. 1 provides:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

A. Admissibility

33. The Government contested the admissibility of the complaint on a number of grounds under Articles 34 and 35 § 1 of the Convention.

Article 34 provides:

> "The Court may receive applications from any person ... claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. ... "

Article 35 § 1 states:

> "The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken."

1. Non-exhaustion of domestic remedies

(a) The parties' arguments

34. The Government argued that the complaint should be rejected as regards the seventh applicant, Mr Panagiotis Karageorgos, on account of the fact that he had not lodged an appeal with the Court of Appeal against decision no. 5568/2002 issued by the Administrative Court of First Instance. In particular, the action brought by the rest of the applicants had not affected the seventh applicant, who had not pursued any legal remedy following the publication of the decision of the first-instance court, and therefore the complaint should be rejected as far as he was concerned.

35. The Government further argued that the part of the application concerning the alleged violation of Article 1 of Protocol No. 1 to the Convention in respect of the alleged damage which the applicants had suffered owing to their inability to build on the remaining part of their land should be rejected. In particular, the applicants had never referred to any relevant damage before the domestic courts. They had requested compensation solely in respect of the damage they had allegedly suffered due to the restrictions imposed on their plot of land, and in particular they had requested the value of their plot of land, the value of the existing facilities and machines which had been in their quarry, and the income they would have gained if they had been allowed to continue their operations.

Lastly, the Government submitted that the applicants had never invoked Article 1 of Protocol No. 1 to the Convention before the domestic courts.

36. The applicants contended that they had exhausted all available domestic remedies. In particular, as regards the seventh applicant, his non-participation in the appeal proceedings had had no bearing on his standing before the appeal court, as, pursuant to the Code of Civil Procedure, the initiation of proceedings by one co-owner affected all co-owners. Turning to the Government's argument that they had not requested compensation for their inability to build on the remaining part of their land, they submitted that their action for damages had included a request in respect of any damage they had suffered as a result of both the licence to exploit the quarry being revoked and their land being designated a zone of absolute protection. That request had therefore implicitly referred to the damage caused by their inability to build on the remaining part of their land. Lastly, they had not invoked Article 1 of Protocol No. 1 to the Convention directly, but they had put forward all their arguments before the domestic courts, which had rejected their action for damages, thus violating the Convention.

(b) The Court's assessment

37. The general principles relating to the rule of exhaustion of domestic remedies are set out in *Vučković and Others v. Serbia* ([GC], no. 17153/11, §§ 69-77, 25 March 2014; see also *Gherghina v. Romania* [GC] (dec.), no. 42219/07, §§ 83-89, 9 July 2015).

38. The Court notes firstly that the seventh applicant did not lodge an appeal against the first-instance decision, even though there were available remedies, namely an appeal to the Court of Appeal and an appeal on points of law to the Supreme Administrative Court. That failure cannot be compensated for by the rest of the applicants lodging an appeal. It follows that this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies as far as the seventh applicant is concerned.

39. Turning to the second part of the Government's objection, the Court notes that the applicants lodged an action for compensation with the domestic courts, requesting damages for the damage which they had allegedly sustained as a result of the ministerial decisions. In particular, they argued that such damage comprised the value of the land that had been classified as a zone of absolute protection, the value of the buildings and machines on it, and the profits they would have made by exploiting their quarry. The applicants did not mention that the surface area of the remaining part of their land was under the statutory limit for land which could be built on until their memorandum before the Supreme Administrative Court, nor did they claim that they had suffered any damage as a result of that fact. In view of the above, the Court considers that the applicants did not give the domestic authorities the opportunity to put

matters right through their own legal system as far as this part of the application is concerned. As a result, the part of the applicants' complaint concerning any damage they may have suffered owing to their inability to build on the remaining part of their land must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

40. Lastly, as regards the Government's argument that the applicants did not invoke Article 1 of Protocol No. 1 to the Convention before the domestic courts, the Court reiterates that it is sufficient that complaints intended to be made subsequently before it are made to the appropriate domestic body at least in substance (see *Vučković and Others*, cited above, § 72). Having regard to the content of the applicants' action for compensation, the Court rejects this part of the Government's objection as to non-exhaustion of domestic remedies.

2. *The applicants' victim status*

(a) The parties' arguments

41. The Government argued that the applicants were not victims of a violation of the Convention. In particular, the first and second applicants had acquired ownership of the plot of land in 1980, that is after ministerial decision Φ31/55679/4945/5-5-1976 – designating the area as an "archaeological area" – had been published. The rest of the applicants had acquired ownership of the plot of land after ministerial decision no. ΥΠΠΟ/ΑΡΧ/Α1/Φ.10/13624/725/27-3-1991 – designating the area as a zone of absolute protection – had been published, and after the licence to exploit the quarry had been revoked. Therefore, the domestic authorities had not interfered with the applicants' property, as at the time the ministerial decisions had been published the applicants had not owned that property, and thus could not claim to be victims of a violation of the Convention. In addition, the applicants or their predecessors in title had been fully aware from 1979 onwards, that is from the date the first ministerial decision had been published, that their land was situated in an archaeological area to which restrictions applied, such as a prohibition on constructing buildings without a prior licence from the Archaeological Service. They had also been aware that their licence to exploit the quarry had been granted under strict conditions, and had been susceptible to revocation. Having regard to the above-mentioned factors, the Government claimed that the applicants could not claim to be victims of a violation of the Convention.

42. The applicants contested the above-mentioned arguments. In particular, they claimed that the first and second applicants and the predecessors in title of the rest of the applicants had become owners of the disputed land in 1980 and 1981, years before the area had been designated as an area of absolute protection. The first decision which had designated

the area as an archaeological area had not included a topographic plan and had not been clear as to whether all or part of the applicants' property had been included in the protected area. In addition, the violation of the applicants' rights under Article 1 of Protocol No. 1 to the Convention had started with the ministerial decisions, but had been completed by the decisions of the domestic courts which had rejected their action for damages. If the domestic courts had acceded to their request, then the restriction imposed on their property would have been proportionate, as they would have received compensation for the damage they had suffered.

(b) The Court's assessment

43. The Court reiterates that, in order to rely on Article 34 of the Convention, an applicant must meet two conditions: he or she must fall into one of the categories of petitioners mentioned in Article 34, and must be able to make out a case that he or she is the victim of a violation of the Convention. According to the Court's established case-law, the concept of "victim" must be interpreted autonomously and irrespective of domestic concepts such as those concerning an interest or capacity to act (see *Gorraiz Lizarraga and Others v. Spain*, no. 62543/00, § 35, ECHR 2004-III), even though the Court should have regard to the fact that an applicant has been a party to domestic proceedings (see *Micallef v. Malta* [GC], no. 17056/06, § 47, ECHR 2009). The word "victim", in the context of Article 34 of the Convention, denotes the person or persons directly or indirectly affected by the alleged violation (see *Sarl du Parc d'Activités de Blotzheim v. France*, no. 72377/01, § 20, 11 July 2006). Hence, Article 34 concerns not just the direct victim or victims of the alleged violation, but also any indirect victims to whom the violation would cause harm or who would have a valid and personal interest in seeing it brought to an end (see *Vallianatos and Others v. Greece* [GC], nos. 29381/09 and 32684/09, § 47, ECHR 2013 (extracts)).

44. In the present case, the Court notes that the first and second applicants became owners of the disputed plot of land in 1980, after the ministerial decision dated 1976 classifying it as an archaeological area was published. The rest of the applicants acquired the land through inheritance or by gift over the next few years. As legal owners, all the applicants brought proceedings before the domestic administrative courts, which accepted their legal standing but rejected their action for compensation. Moreover, it has not been contested that the applicants were the rightful heirs of their ancestors. The Court also notes that in addition to the interference with their right to the peaceful enjoyment of their property, the applicants' complaint extends to the failure to pay them compensation. The above-mentioned factors are sufficient for the Court to conclude that the applicants have standing to lodge the present application. The Government's objection is thus dismissed.

3. *Other issues of admissibility*

45. The Court notes that the applicants' complaint under Article 1 of Protocol 1 is comprised of two distinct parts: on the one hand, the applicants complained about the ministerial decision issued in 1989 revoking the decision of the Ephorate dated 25 November 1980 which had granted the applicants a licence to operate the quarry, and on the other hand, they complained about the ministerial decision issued in 1991 designating the largest part of their land as a zone of absolute protection. They argued that both these decisions had violated their right to the peaceful enjoyment of their property. The Court considers that these two complaints should be examined separately.

46. As regards the first part of the complaint, namely the one concerning the ministerial decision issued in 1989 revoking the applicants' license, the Court notes that the documents in its possession indicate that even though on many occasions the Ephorate asked the Prefect to revoke licence no. 205/1981 so that the ministerial decision could take effect, not only was the licence not revoked, but in fact it was renewed. On the basis of the above-mentioned information, the Court fails to see how the first ministerial decision affected the applicants' right to the peaceful enjoyment of their property, as it was never enforced in a way that impacted on the operation of the quarry. It follows that the relevant complaint raised by the applicants is manifestly ill-founded and must therefore be rejected as inadmissible in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

47. As regards the part of the complaint relating to the largest part of the applicants' land being classified as a zone of absolute protection, the Court notes that it is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. *The parties' arguments*

48. The applicants claimed that their right to the peaceful enjoyment of their property had been violated by the ministerial decision published on 3 March 1991 which had classified 45,000 sq. m. of their property – measuring approximately 49,000 sq. m in total – as a zone of absolute protection. That decision had resulted in the domestic authorities refusing to renew the licence to exploit the quarry situated on their land. Even though Glas hill had been designated as an archaeological area in 1976, that earlier decision had not included a topographic plan defining the exact area that was considered an archaeological area. Therefore, the decision dated 3 March 1991 designating the largest part of their land as a zone of absolute protection had delimited their land for the first time.

49. The applicants stressed that the licence to exploit the quarry had been renewed between 1991 and 1993, that is to say after their zone had been classified as a zone of absolute protection. That proved that their activities had been compatible with protecting the antiquities situated on their land.

50. The applicants also complained about the domestic decisions rejecting their action for compensation holding that their land's primary use was agricultural. Neither Article 24 of the Constitution nor any other legal provision provided for there being a distinction between a plot of land's primary intended use and its exceptional uses. In the instant case, the applicants had exploited their land as a quarry, which was the only suitable use for it, given its rocky composition. The domestic courts had erroneously rejected their action for compensation by applying an irrefutable strict presumption with no legal basis — namely that the intended use of any plot of land situated outside a town plan was agricultural — which had resulted in the applicants bearing the burden for the protection of the ancient ruins situated on their land.

51. The Government argued that there had been no interference with the applicants' right to the peaceful enjoyment of their property. In particular, ministerial decision Φ31/55679/4945/5-5-1976 had designated the area as "archaeological area" because of the presence of ruins dating from Mycenaean period, before the applicants had acquired ownership of their land. Following that classification, the first and second applicants had become owners of the land. After the area had been classified as a zone of absolute protection by ministerial decision no. ΥΠΠΟ/ΑΡΧ/Α1/Φ.10/13624/725/27-3-1991, the third to eleventh applicants had become owners of the land. Therefore, the domestic authorities had not interfered with the applicants' property, as at the time the ministerial decisions had been published, the applicants had not owned that property. In addition, the applicants or their predecessors in title had been fully aware from 1976 – the date the first ministerial decision had been published – that their land was situated in an archaeological area to which restrictions applied.

52. In any event, even assuming that there had been an interference with the applicants' property, that interference had been in accordance with the conditions laid down in the Convention. In particular, it had been provided for by law, namely Article 24 § 6 of the Constitution and the relevant legislation, it had served the public interest in protecting the antiquities and cultural heritage of the country, and it had struck a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.

53. In particular, as regards proportionality, the Government argued that the implemented measures had constituted control of the use of property, and therefore, according to the Court's case-law, compensation would not

have been necessary. In addition, the applicants had not been deprived of their right to exploit their plot of land, which they had been free to use in accordance with its intended use as proved before the domestic courts. More specifically, the domestic courts had examined the available evidence without being bound by any presumption, and had concluded that the rocky part of the plot of land was intended to be used for livestock, and the non-rocky part was intended to be used for crops. That conclusion had been based on a document prepared by the Prefecture stating that the plot of land was not situated in a quarrying region and could be used as described above. While it was true that domestic courts had previously applied the presumption that the intended use of any plot of land situated outside a town plan was agricultural, following the Court's judgment in *Z.A.N.T.E. – Marathonisi A.E. v. Greece* (no. 14216/03, 6 December 2007), that case-law had been changed and domestic courts were free to assess the relevant evidence in order to make conclusions about the intended use of a plot of land (see paragraphs 30 - 31 above in the "Relevant domestic law and practice" section). In view of the above, the domestic courts had rightly concluded that the core of the applicants' right to the peaceful enjoyment of their property had not been violated, and that the measures for control of use had not excessively bound the applicants' plot of land in relation to its intended use.

2. *The Court's assessment*

(a) Applicability of Article 1 of Protocol No. 1 and the existence of an interference

54. The Court reiterates that Article 1 of Protocol No. 1, which guarantees in substance the right of property, comprises three distinct rules. The first rule, which is set out in the first sentence of the first paragraph, is of a general nature and enunciates the principle of peaceful enjoyment of property. The second rule, contained in the second sentence of the first paragraph, covers deprivation of possessions and subjects it to certain conditions. The third rule, stated in the second paragraph, recognises that the Contracting States are entitled, amongst other things, to control the use of property in accordance with the general interest, by enforcing such laws as they deem necessary for the purpose. However, the rules are not "distinct" in the sense of being unconnected. The second and third rules are concerned with particular instances of interference with the right to peaceful enjoyment of property, and should therefore be construed in the light of the general principle enunciated in the first rule (see, among many other authorities, *Fábián v. Hungary* [GC], no. 78117/13, § 60, ECHR 2017 (extracts)).

55. The Court notes that the Government contested that the classification of the largest part of the applicants' land as a zone of absolute protection

had amounted to an interference within the meaning of the Court's case-law. However, the Court observes that the Government merely repeated their arguments as regards the applicants' victim status. In view of the conclusion relating to the Government's objection as far as this matter is concerned, the Court considers that the classification of the largest part of the applicants' land as a zone of absolute protection amounted to interference with their right to the peaceful enjoyment of their property.

56. The Court notes that the parties have diverging views on whether the interference in question amounted to being deprived of a possession within the meaning of the second sentence of the first paragraph of Article 1 of Protocol No. 1 to the Convention, or control of the use of property in accordance with the general interest within the meaning of the second paragraph of that Article. The Court considers that, although the applicants could not carry on their business or exploit their land as they wished, they were still owners of the land and retained economic rights in the form of the premises and assets of their business. In these circumstances, the classification of their land as a zone of absolute protection is to be seen not as deprivation of possessions for the purposes of the second sentence of Article 1 of Protocol No. 1, but as a measure of control of use of property, which falls to be examined under the second paragraph of that Article (compare *Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece*, no. 35332/05, § 46, 21 February 2008; see also *Megadat.com SRL v. Moldova*, no. 21151/04, § 65, ECHR 2008). The interference therefore falls to be examined under the second paragraph of Article 1 of Protocol No. 1.

(b) Lawfulness and aim of the interference

57. With regard to the lawfulness of the measure, the Court notes that there is no dispute between the parties. It also notes that the measure in question served a legitimate aim, namely the protection of antiquities and cultural heritage. The Court has already held that the conservation of cultural heritage and, where appropriate, its sustainable use, pursue the legitimate aim of maintaining a certain quality of life and preserving the historical, cultural and artistic roots of a region and its inhabitants, and as such are an essential value, the protection and promotion of which are incumbent on the public authorities (see *Kozacıoğlu v. Turkey* [GC], no. 2334/03, § 54, 19 February 2009, and *Petar Matas v. Croatia*, no. 40581/12, § 35, 4 October 2016).

(c) Whether there was a fair balance

58. It is well-established case-law that the second paragraph of Article 1 of Protocol No. 1 must be construed in the light of the principle laid down in the first sentence of the Article (see, among other authorities, *James and Others v. the United Kingdom*, 21 February 1986, § 37, Series A no. 98;

Broniowski v. Poland [GC], no. 31443/96, § 134, ECHR 2004-V; and *Brosset-Triboulet and Others v. France* [GC], no. 34078/02, § 80, 29 March 2010). Consequently, a law interfering with the right to the peaceful enjoyment of possessions must achieve a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. The search for this balance is reflected in the structure of Article 1 as a whole, and therefore also in the second paragraph thereof: there must be a reasonable relationship of proportionality between the means employed and the aim pursued. In determining whether this requirement is met, the Court recognises that the State enjoys a wide margin of appreciation with regard both to choosing the means of enforcement and to ascertaining whether the consequences of enforcement are justified in the general interest for the purpose of achieving the object of the law in question (see *Chassagnou and Others v. France* [GC], nos. 25088/94 and 2 others, § 75, ECHR 1999-III; *Schneider v. Luxembourg*, no. 2113/04, § 45, 10 July 2007; and *Depalle v. France* [GC], no. 34044/02, § 83, ECHR 2010).

59. Turning to the circumstances of the present case, the Court notes that in essence the applicants complained that the classification of the largest part of their land as a zone of absolute protection had resulted in their licence to operate the quarry not being renewed, which had caused them financial damage for which they had received no compensation. In this regard, the Court notes at the outset that the applicants did not adduce a request to renew the exploitation licence which they allegedly submitted to the Prefecture, nor did they adduce a rejection decision in respect of such a request. Having regard to the above, the Court cannot establish whether there was a causal link between the largest part of the applicants' land being classified as a zone of absolute protection and the non-renewal of their licence, or whether that was the result of repeated breaches of the terms of the first exploitation licence or simply the result of the assessment of the Prefecture's needs for inert material. In particular, it is not for this Court to speculate on the reasons why the applicants' licence was not renewed. For the purposes of the proportionality assessment, it is sufficient to ascertain that the classification of the applicants' land as a zone of absolute protection achieved a "fair balance" between the demands of the general interest of the community and the requirements of the protection of the applicants' fundamental rights.

60. The Court further notes that the land on which the quarry was situated was designated an archaeological area in 1976, that is long before any of the applicants or their predecessors in title acquired ownership of the land. The Court takes note of the applicants' argument that the ministerial decision of 1976 did not designate specific borders demarcating the area considered to be an archaeological area; however, from the content of that decision, it is clear to the Court that the whole area of Glas hill was

considered to be an archaeological area. In addition, that must have been clear to the applicants and their predecessors in title, given that the Prefect's licence for the quarry operation was granted following the decision of the Ephorate, which had acceded to the request on the basis that the quarry would operate within specific designated borders so as to protect the monuments, terms which were specifically mentioned in the licence. Moreover, the Court notes that each decision of the Prefecture authorising the exploitation of the quarry specified limits within which the quarry could operate. The first one also included the term that the applicants should take all measures necessary to protect the environment from dust, failing which the licence could be revoked and there would be no grounds whatsoever for the applicants to acquire any right to claim compensation if exploitation of the quarry was forbidden. Furthermore, the second decision of the Prefecture included explicit terms that the applicants should strictly adhere to the terms and conditions set by the Archaeological Service. The Court therefore accepts that when the applicants and their predecessors in title acquired possession of their land, they were aware that it had already been designated an archaeological area.

61. Furthermore, the Court notes that the applicants did not respect the borders as defined in the licence to operate the quarry. From the documents adduced by the Government, it seems that on multiple occasions the applicants were warned for performing mining activities outside the allowed area, which resulted in serious damage to the monuments situated on their land. That led to the applicants' criminal conviction for the destruction of antiquities in 1989. The Court additionally takes note of the multiple efforts made by the Ephorate to protect the antiquities between the time when the quarry started its operations and the time when it finally ceased to function in 1993, including the revocation in 1989 of its decision dated 25 November 1980 which had granted the applicants' licence to operate the quarry. As noted by the domestic courts, the revocation was the result of the applicants having exceeded the limits imposed to protect the ancient monuments.

62. The Court notes that, pursuant to domestic law, an exploitation licence to quarry outside areas designated as quarrying areas was allowed only exceptionally and following a specific procedure which required the consent of several competent authorities (see paragraph 27 above).

63. Having regard to the above, the Court is not convinced that the applicants exploited the quarry in a manner which was unobstructed or that the administration gave them the legitimate expectation that they could continue operating the quarry (compare *Paratheristikos Oikodomikos Synetairismos Stegaseos Ypallilon Trapezis Tis Ellados v. Greece* (just satisfaction), no. 2998/08, § 22, 29 January 2013). The Court therefore concludes that the applicants always knew that the decisions authorising exploitation of the quarry were precarious and revocable, and that they

disregarded the terms under which the exploitation licence was granted (compare *Depalle v. France* [GC], no. 34044/02, § 86, ECHR 2010). On the contrary, it cannot be said that the competent authorities, notably the Ephorate and the competent ministry, demonstrated any negligence as regards the exploitation of the quarry and the impact of this on the antiquities situated in it. While admittedly the Prefecture did not show the same concern at the outset, the Court notes that, having regard to the authorities' stance as a whole, they started acting as early as 1981 in relation to the risk to the antiquities posed by the applicants' activities, including by means of criminal law. In this regard, the ministerial decision designating the area as a zone of absolute protection corresponded to a concern about protecting the antiquities that had been severely affected by the mining activities, and to a more general concern for the preservation of the historical, cultural and artistic roots of the region and its inhabitants – essential values, the protection and promotion of which are incumbent on the public authorities (see *Kozacıoğlu*, cited above, § 54).

64. Lastly, the Court reiterates that where a measure controlling the use of property is in issue, a lack of compensation is a factor to be taken into consideration in determining whether a fair balance has been achieved, but is not of itself sufficient to constitute a violation of Article 1 of Protocol No. 1 (see *Anonymos Touristiki Etairia Xenodocheia Kritis v. Greece*, no. 35332/05, § 45, 21 February 2008). In the instant case, having regard to the rules governing the protection of historic and cultural monuments, the applicants' conduct, and the fact that the applicants must have been aware that their quarry was operating in a non-quarrying area that had been designated as an archaeological area prior to their acquiring ownership of the land, the lack of compensation cannot, in the Court's view, be regarded as a measure disproportionate to the control of use of the applicants' property, which was carried out in pursuit of the general interest.

65. In addition, the Court observes that, contrary to the applicants' allegations, the domestic courts fully examined their arguments. Their claims for compensation were rejected on the basis that the exploitation licence had been granted exceptionally, and thus the applicants could not claim compensation on the basis of that exceptional use, which had been granted under specific conditions and for a specific period of time. The Court takes note of the applicants' argument that the domestic courts applied an irrefutable presumption as regards the intended use of the plot of land, and thus erroneously rejected their claims for compensation. While it is true that the Court found a violation of Article 1 of Protocol No. 1 to the Convention in a series of judgments on the grounds that the domestic courts had applied an irrefutable presumption in respect of the intended use of a plot of land, the Court notes that, following those judgments, the domestic case-law changed. In particular, it is clear from the domestic decisions relied on by the Government that, since the change in case-law, a domestic

judge has been free to take into consideration the specific circumstances of the case when considering the intended use of a plot of land, and examine the cases on an *ad hoc* basis (see paragraphs 30 - 31 above). As regards the circumstances of the present case, the domestic courts examined the intended use of the plot of land and found that the land was not situated in a quarrying area and that the exploitation licence had been granted exceptionally. They based their judgment on, *inter alia*, a document describing the morphology of the land and the permitted uses in the area. In this regard, the Court reiterates that according to its well-established case-law, it is not its task to take the place of the domestic courts, which are in the best position to assess the evidence before them and establish the facts. In principle, the Court will not intervene unless the decisions reached by the domestic courts appear arbitrary or manifestly unreasonable (see *OAO Neftyanaya Kompaniya Yukos v. Russia*, no. 14902/04, § 589, 20 September 2011). Having examined the case material, the parties' submissions and the domestic decisions, the Court does not discern any arbitrary or manifestly unreasonable reasoning in those decisions, which seem to have taken into account all the available evidence and made conclusions on the intended use of the applicants' land.

66. Having regard to all the foregoing considerations, the Court considers that the applicants did not bear an individual and excessive burden as a result of their land being designated as a zone of absolute protection. Accordingly, the balance between the interests of the community and those of the applicants was not upset.

67. Consequently, there has not been a violation of Article 1 of Protocol No. 1.

II. ALLEGED VIOLATION OF ARTICLES 6 AND 13 OF THE CONVENTION ON ACCOUNT OF THE LENGTH OF THE PROCEEDINGS AND THE LACK OF AN EFFECTIVE REMEDY IN THAT RESPECT

68. The applicants complained that the length of the proceedings before the domestic courts had been incompatible with the "reasonable time" requirement laid down in Article 6 § 1 of the Convention. They also complained that, at the time, there had been no effective remedy in Greece for their complaint concerning the length of the proceedings. They relied on Article 6 § 1 and Article 13 of the Convention, the relevant parts of which read as follows:

Article 6 § 1

> "In the determination of his civil rights and obligations ... everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal ..."

Article 13

> “Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A. Admissibility

69. The Court notes at the outset that the seventh applicant did not lodge an appeal against the first-instance decision issued in 2002 (see paragraph 38 above). Therefore his complaints under Articles 6 and 13 can only refer to proceedings before the Athens Administrative Court of First Instance which ended with the delivery of judgment no. 5568/2002. However, that judgment was published on 25 June 2002, that is more than six months before the date on which the application was lodged with the Court. It follows that these complaints have been introduced out of time and must be rejected pursuant to Article 35 §§ 1 and 4 of the Convention insofar as the seventh applicant is concerned.

70. As regards the rest of the applicants, the Court notes that these complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

71. The applicants maintained that the length of the proceedings before the domestic courts had been incompatible with the “reasonable time” requirement laid down in Article 6 § 1 of the Convention.

72. The Court notes that the period to take into consideration began on 2 August 2000 (the date on which the applicants lodged the action for compensation with the Athens Administrative Court of First Instance) and ended on 28 June 2011 (when judgment no. 925/2011 of the Supreme Administrative Court was finalised). Therefore, the impugned proceedings lasted ten years and ten months.

73. The Court reiterates that the reasonableness of the length of proceedings must be assessed, in accordance with well-established case-law, in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicants and the relevant authorities and what was at stake for the applicants in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Lupeni Greek Catholic Parish and Others v. Romania* [GC], no. 76943/11, § 143, ECHR 2016 (extracts); and *Vassilios Athanasiou and Others v. Greece*, no. 50973/08, 21 December 2010).

74. On many occasions the Court has examined cases raising questions of duration of administrative proceedings and found a breach of Article 6 § 1 (see *Vassilios Athanasiou and Others*, cited above, § 48, and the cases cited therein).

75. Even accepting the Government's argument that the case was of some complexity, the Court notes that the proceedings lasted almost eleven years over three levels of jurisdiction. Having regard to its case-law on the subject, the Court considers that the Government have advanced no fact or argument justifying the length of the proceedings in the present case.

76. Accordingly, there has been a breach of Article 6 § 1 of the Convention.

77. Turning to the applicants' complaint under Article 13 of the Convention, the Court reiterates that Article 13 guarantees an effective remedy before a national authority for an alleged breach of the requirement under Article 6 § 1 to hear a case within a reasonable time (see *Kudła v. Poland* [GC], no. 30210/96, § 156, ECHR 2000-XI).

78. Moreover, the Court has already observed that, at the material time, the Greek legal system did not offer interested parties an effective remedy within the meaning of Article 13 of the Convention to complain about the length of proceedings (see, among many other authorities, *Vassilios Athanasiou and Others*, cited above, § 34). In the light of the foregoing considerations, the Court finds that there has been a violation of Article 13 of the Convention, in that the applicants had no domestic remedy whereby they could enforce their right to a "hearing within a reasonable time" as guaranteed by Article 6 § 1 of the Convention.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

79. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Damage

80. The applicants claimed 5,000 euros (EUR) each in respect of non-pecuniary damage.

81. The Government contested the sums requested by the applicants and argued that they were excessive and unjustified.

82. Taking into consideration the nature of the violation found and the need to determine the amount to be awarded in such a way that the overall sum is compatible with the relevant case-law and is reasonable in the light of what was at stake in the proceedings in question (see *Arvanitaki-Roboti*

and Others v. Greece [GC], no. 27278/03, § 36, 15 February 2008), the Court awards each of the applicants – except for the seventh applicant, in respect of whom the complaints under Articles 6 § 1 and 13 have been dismissed as having been lodged outside the time-limit of six months – EUR 5,000 in respect of non-pecuniary damage.

B. Costs and expenses

83. The applicants also claimed EUR 2,270 for costs and expenses incurred before the domestic courts, and EUR 3,767 for those incurred before the Court, attaching the relevant receipts. They requested that that amount be deposited directly in the bank account of their representative.

84. The Government argued that the applicants had failed to prove that all the costs and expenses claimed had been necessary. In addition, they submitted that the amount requested for the proceedings before the Court was excessive.

85. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court does not discern any causal link between the violation found and the costs and expenses incurred before the domestic courts, and therefore rejects the claim for costs and expenses incurred in the domestic proceedings. On the contrary, the Court considers it reasonable to award the sum of EUR 350 for costs and expenses incurred in the proceedings before the Court, to be deposited directly in the bank account indicated by the applicants' representative.

C. Default interest

86. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 1 of Protocol No. 1 to the Convention concerning the violation of all but the seventh applicant's right to the peaceful enjoyment of their property due to the classification of the largest part of their land as a zone of absolute protection admissible;

2. *Declares* all but the seventh applicant's complaints under Article 6 and 13 of the Convention admissible;

3. *Declares* the remainder of the application inadmissible;

4. *Holds* that there has been no violation of Article 1 of Protocol No. 1 to the Convention;

5. *Holds* that there has been a violation of Article 6 § 1 of the Convention;

6. *Holds* that that there has been a violation of Article 13 of the Convention;

7. *Holds*
(a) that the respondent State is to pay all but the seventh applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
(i) EUR 5,000 (five thousand euros) each, plus any tax that may be chargeable, in respect of non-pecuniary damage;
(ii) EUR 350 (three hundred fifty euros) jointly, plus any tax that may be chargeable to the applicants, in respect of costs and expenses, to be deposited in the bank account indicated by the applicants' representative;
(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

8. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 8 November 2018, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Abel Campos Registrar	Ksenija Turkovic President

ANNEXED LIST

1. Athanasia MALLIAKOU is a Greek national who was born in 1944, lives in Amfissa
2. Eleni KARAGEORGOU is a Greek national who was born in 1939, lives in Amfissa
3. Asimakis KOKKINOS is a Greek national who was born in 1974, lives in Amfissa
4. Efthymia BECHLIVANOPOULOU is aGreek national who was born in 1962, lives in Itea
5. Athanasios KARAGEORGOS of Konstantinos is a Greek national who was born in 1959, lives in Amfissa
6. Evaggelos KARAGEORGOS is a Greek national who was born in 1961, lives in Amfissa
7. Panagiotis KARAGEORGOS is a Greek national who was born in 1969, lives in Amfissa
8. Zoï KARAGEORGOU is a Greek national who was born in 1932, lives in Amfissa
9. Athanasios KARAGEORGOS of Ioannis is a Greek national who was born in 1961, lives in Nea Smyrni
10. Konstantinos KARAGEORGOS is a Greek national who was born in 1963, lives in Amfissa
11. Dimitra KARAGEORGOU is a Greek national who was born in 1939, lives in Monastira Doridos