

Administrative Law Briefing: Special Edition

Amendments to the procedure before the Council of State and the jurisdiction of the Administrative Courts under Law 5119/2024

A. Introduction

B. Amendments to the Procedure Before the Council of State

C. Amendments to the Jurisdiction of the Administrative Courts

A. Introduction

1. Law 5119/2024 (the **New Law**) aims to modernize and streamline the process before the Council of State by introducing a pre-trial stage as a rule, restructuring the deadlines, expanding the process in judicial council and upgrading the role of the reporting judge.
2. The distribution of judicial cases within administrative justice is also changing by the transferring of certain categories of disputes from the Council of State to the Ordinary Administrative Courts.
3. The goal of the New Law is to make the trial of administrative disputes faster and more efficient.

B. Amendments to the Procedure Before the Council of State

1. Until now, cases were brought directly to hearing without any pre-trial procedure. According to the New Law, a case is to be brought directly to the hearing only in cases of urgency, in exceptional circumstances or under special proceedings (eg disputes arising from the award of public contracts and investment strategies).
2. Cases are immediately assigned to an assistant judge or reporting judge in charge of preparing the case to be brought before a judicial council, namely gathering the necessary documents, completing the case file and drawing up a report on the history of the dispute, the elements established by the documents and the issues arising.
3. Under the New Law, the service of the application initiating proceedings is conducted by the

applicant within two months from the date of filing. Previously, service was conducted by the court.

4. The administration's opinion report and the administrative case file are sent to the court within three months from the date of the service of the application initiating proceedings. Within the same deadline, all parties must provide evidence to prove their legal interest and claims.
5. After the judge's report is drawn up, the case is brought before a judicial council, which either issues a decision, as long as the case does not present particular factual or legal difficulties, or refers the case to a hearing.
6. The hearing of a case may be adjourned at the written request of a party only due to a significant reason and a second request for adjournment for the same or a similar reason is inadmissible. The Court may also adjourn the hearing of a case of its own motion if there is a significant reason.
7. The above provisions are valid from 16 September 2024.

C. Amendments to the Jurisdiction of the Administrative Courts

1. Certain categories of disputes that previously fell under the jurisdiction of the Council of State have been transferred to the jurisdiction of the Ordinary Administrative Courts (Administrative Courts of First Instance or Administrative Courts of Appeal).
2. Disputes arising from the adoption of individual administrative acts under the legislation on the imposition of rebates, claw backs or other similar measures against companies operating in the healthcare services, medicines, medical devices and special nutrition supplements sectors, now fall under the jurisdiction of the Administrative Court of Appeal. Pending cases the subject matter of which dates to a time after the end of 2018, are to be referred to the court with jurisdiction by the Council of State.
3. Disputes arising from the legislation on individuals' change of surname and civil status now fall under the jurisdiction of the Administrative Court of Appeal.
4. Disputes arising from:
 - a. the application of the legislation on weapons and explosives;
 - b. the application of the legislation on the repair of damage to public works and the imposition of costs on liable persons; and
 - c. acts of the Tax Authorities relating to tax residence, registration, deletion or alteration of data in the tax register, passkeys, tax identification numbers (AFM) and activity code numbers (KAD),fall under the jurisdiction of the Administrative Court of First Instance.
5. Disputes arising from administrative acts relating to the imposition of all kinds of fees or other revenues in favor of legal persons governed either by public or private law now fall under the jurisdiction of either the Administrative Court of First Instance or the Administrative Court of

Appeal, depending on the monetary scope of the dispute. Pending cases will also be referred to the court with jurisdiction by the Council of State.

6. Tax and customs disputes and monetary disputes with a value of up to €40,000 fall under the jurisdiction of the Single-Member Administrative Court of First Instance, whereas the limit for the above jurisdiction has until now been €60,000.



KEY CONTACTS

Dimitris Roussis
Partner
droussis@bernitsaslaw.com



Lina Mastrogiannopoulou
Senior Associate
lmastrogiannopoulou@bernitsaslaw.com

This Briefing is intended to provide general information and is not meant to constitute a comprehensive analysis of the matters set out herein or to be relied upon as legal advice. It is not meant to create a lawyer-client relationship. Legal and other professional advice should be sought before applying any of the information in this Briefing to a specific situation.

Bernitsas Law Firm is a partnership of attorneys regulated by Presidential Decree 81/2005 and Law 4194/2013, as currently in force, with its registered address at 5 Lykavittou Street, Athens 106 72, Greece. If you no longer wish to receive Briefings from us, please click here to [Unsubscribe](#).