

EUROPEAN COURT OF HUMAN RIGHTS

483
21.9.1999

Press release issued by the Registrar

HEARING IN THE CASE OF KLAVDIANOS v. GREECE

Tuesday, 21 September 1999, at 2.30 p.m.

The applicant

The case concerns an application (application no. 38841/97) brought by a Greek national, Georgios Klavdianos, who was born in 1943 and lives in Athens. He is a civil engineer and former Chairman of the Board of Directors and Managing Director of the limited company EDOK, one of the partners of the joint venture EDOK-ETER.

Summary of the facts

The applicant resigned from the Board of Directors of EDOK before it went bankrupt and dissolved. Nevertheless, by virtue of Law No. 542/1977, as interpreted by the Supreme Administrative Court, Mr Klavdianos was held personally responsible for the payment of his company's tax obligation and an order was issued to seize his home. The proceedings, which started in September 1986, are still pending.

Complaints

The applicant complains that the seizure of his house in order to secure the payment of a debt owed by a company from which he had resigned before its dissolution, constitutes degrading treatment and violates his right to property, in breach of Article 3 of the European Convention on Human Rights and Article 1 of Protocol No. 1. The applicant also complains that he was discriminated against in the enjoyment of his rights on the ground of nationality, in breach of Article 14 of the Convention.

The applicant further complains that despite his resignation he was compelled to remain in office against his will. He relies on the interpretation of Article 10 of Law No. 542/1977 in the binding decision of the Supreme Administrative Court, which implies that, as regards the payment of taxes owed by Greek limited companies, resigning managing officers ought to be considered as remaining in place until new managers take office. In the applicant's view this amounts to forced or compulsory labour, in breach of Article 4 § 2 of the Convention.

The applicant lastly complains that his case was not heard within a reasonable time, in breach of Article 6 § 1 of the Convention.

Procedure

The application was lodged with the European Commission of Human Rights on 25 November 1997. On 1 November 1998, following the entry into force of Protocol No 11 to the Convention, the case was transmitted to the Court.

The hearing before the Court concerns the admissibility and merits of the application. After the hearing the Court will begin its deliberations, which will be in private. The decision on the admissibility of the application will be delivered at a later date.

Composition of the Court

The case will be heard by a Chamber composed as follows:

Nicolas **Bratza** (British), *President*,
Christos **Rozakis** (Greek),
Jean-Paul **Costa** (French),
Loukis **Loucaides** (Cypriot),
Pranas **Kūris** (Lithuanian),
Willi **Fuhrmann** (Austrian),
Hanne Sophie **Greve** (Norwegian), *Judges*
Françoise **Tulkens** (Belgian),
Karel **Jungwiert** (Czech),
Kristaq **Traja** (Albanian),
Mindia **Ugrekhelidze** (Georgian), *Substitute Judges*

and also Sally **Dollé**, *Section Registrar*.

Representatives of the parties

Government: Mihail **Apessos**, *Agent*,
Konstantinos **Georgiadis**, *Adviser*;

Applicant: Nikos **Alivizatos**, *Counsel*,
Nikos **Stavropoulos**,
Georgios **Daoutis**,
Eleousa **Kiousopoulou**, *Advisers*.

Registry of the European Court of Human Rights

F – 67075 Strasbourg Cedex

Contacts: Roderick Liddell (telephone: (0)3 88 41 24 92)

or Emma Hellyer (telephone: (0)3 90 21 42 15)

Fax: (0)3 88 41 27 91

The European Court of Human Rights was set up in 1959 in Strasbourg to deal with alleged violations of the 1950 European Convention on Human Rights. On 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Court and Commission.