

EN  
E-004411/2019  
Answer given by Mr Reynders  
on behalf of the European Commission  
(10.3.2020)

Access to justice is a fundamental right guaranteed by Article 47 of the Charter of Fundamental Rights of the European Union.<sup>1</sup> The right of access to a court is however not an absolute right and consequently, it may involve proportionate restrictions that pursue a legitimate aim and do not adversely affect the very essence of that right, including restrictions linked to the payment of court costs.<sup>2</sup>

As regards the situation in Greece and on the basis of the information provided for by the Honourable Members, the judicial stamp duty to be paid for bringing declaratory actions before a Multi-Member Court of First Instance amounts to 0,8% of the value of the action. The obligation to pay a judicial stamp duty amounting to 0,8% of the value of the action does not appear to be excessive. In that connection it may be noted that the Court of Justice has held, in the area of public procurement, that court fees to be paid for bringing an action in administrative proceedings, which do not exceed 2% of the value of the contract concerned are not liable to render practically impossible or excessively difficult the exercise of rights conferred by EU law.<sup>3</sup>

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<sup>1</sup> It should be borne in mind in accordance with its Article 51.1, the provisions of the Charter of Fundamental Rights apply to the Member States only when they are implementing Union law.

<sup>2</sup> *Orizzonte Salute*, C-61/14, EU:C:2015:655, paragraphs 72 and 79.

<sup>3</sup> Case C-61/14, paragraph 58.