



National Technical University of Athens
School of Rural and Surveying Engineering

WORKSHOP ON
“FOLLOW-UP OF CONT DELEGATION TO GREECE
HOW TO IMPROVE LAND EXPROPRIATION DECISIONS?”

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Study

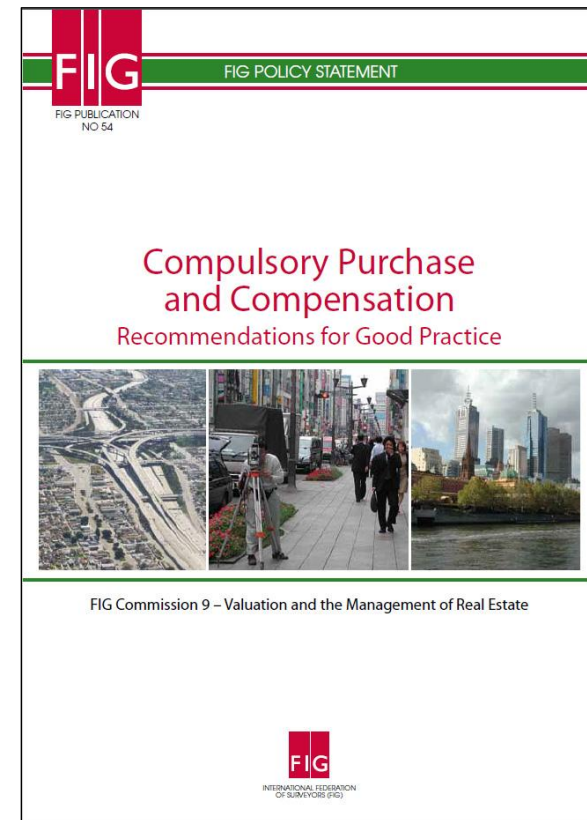


Comparative study on expropriation legislation
in selected Member States (DG REGIO)

January, 2013

European Commission - DG Regional Policy

- Assess the effectiveness of amendments of Law 2882/2001 by Law 4070/2012
- Comparison with legal framework and practices in France and the Netherlands



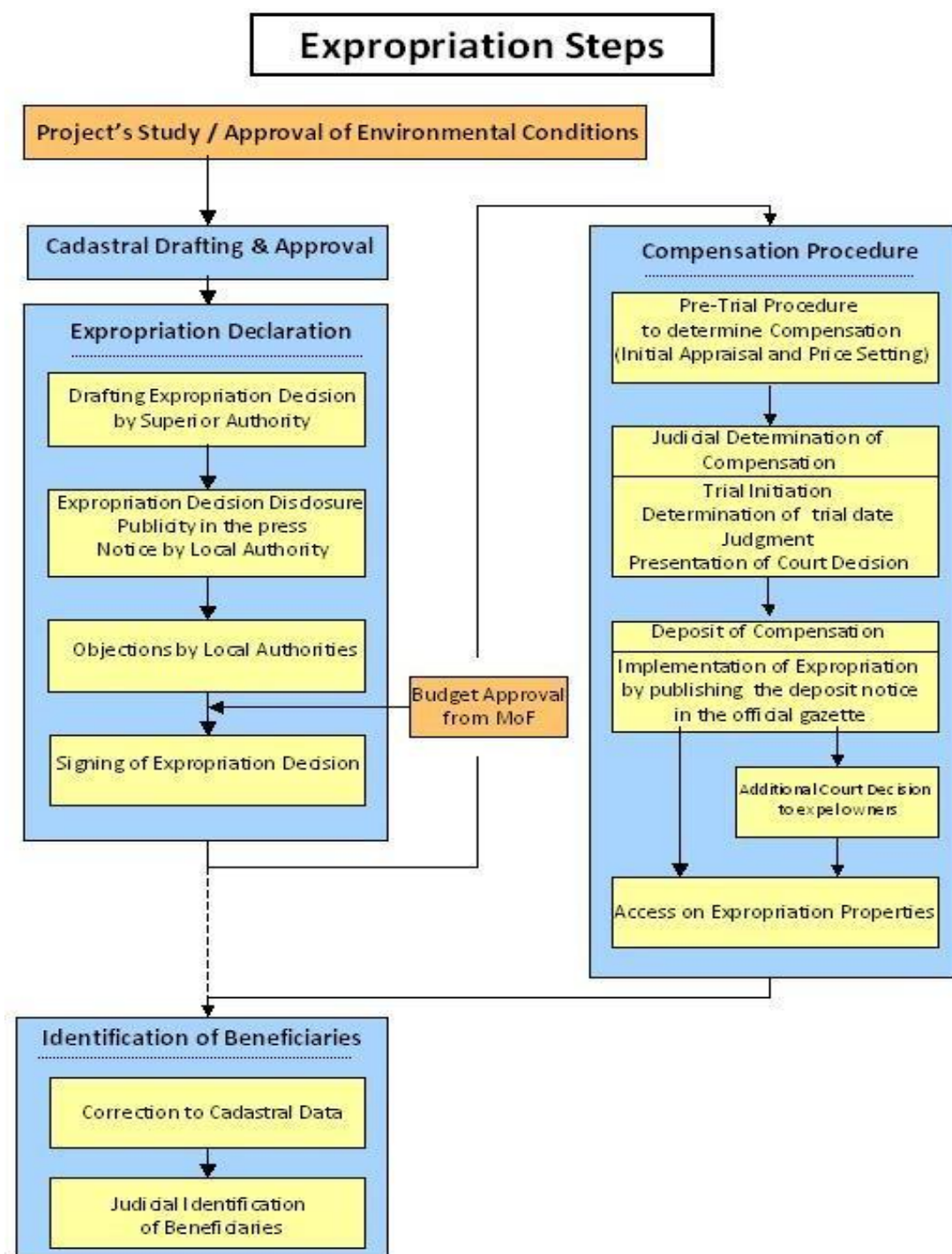
<http://www.fig.net/resources/publications/figpub/pub54/figpub54.pdf>

International practice for land acquisition:

- Direct purchase, amicable agreement
- Compensation prior to land taking, advance payment
- Land exchange
- Land consolidation and land readjustment
- Expropriation

Greek practice:

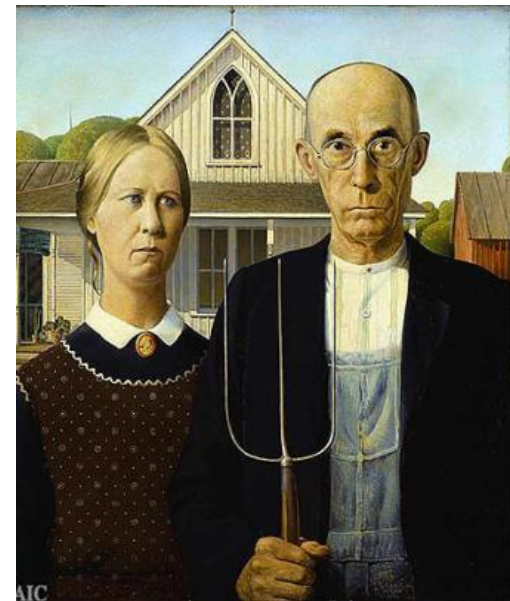
- High land-use restrictions, no compensation
- Expropriation
- Self-compensation
- Land consolidation, land readjustment (urban plan)
- Direct purchase (practically non existent)
- Land exchange ?



Problems and weaknesses in Greece



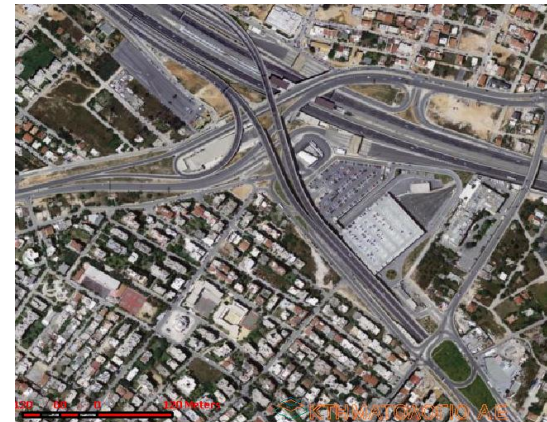
- Judicial adjudication of owners & definition of compensation through civil court hearing (many appeals)
- Lack of a coordinated spatial planning regime
- Weaknesses of Law 2882/2001 in procedures, deadlines; poor public consultation and information
- Lack of transparency in valuation & property market
- Poor administrative capacity (awareness, efficiency, empowerment for decision-making, coordination)
- Lack of state funding; high level of public distrust
- Overloaded courts, shortage of experience, instability
- Special amendments for the Olympic infrastructure and the strategic investments
- Law 4070/2012 builds on this experience



Improvements made by Law 4070/2012



- Reduction of the number of agencies involved regarding the declaration
- Changes to the process of cadastral mapping (allowing to run in parallel, requirement to take account of existing latest data, mandatory check of the competent Chief Forester's Office)
- Allowing valuation by certified independent appraisers , also in support of amicable agreement for sales
- Allowing works for projects of national significance to commence prior to the determination and payment of the full compensation
- Tightening of the conditions and criteria and reducing times, better preparation prior to court hearings



Expropriation Timetable

	1st Year	2nd Year	3rd Year	4th Year
PROCEDURE	DURATION (months)			
0. APPROVALS	4 MONTHS			
I. CADASTRE	24 MONTHS			
I.1 CADASTRAL SURVEY AND BUDJET APPROVAL	10 MONTHS			
I.2 CORRECTION TO CADASTRAL DATA		9 MONTHS		
II. DIRECT PURCHASE OR EXCHANGE OF PROPERTIES		16 MONTHS		
II.1 DIRECT PURCHASE		14 MONTHS		
II.2 EXCHANGE OF PROPERTIES		16 MONTHS		
III. DECLARATION OF EXPROPRIATION		10 MONTHS		
IV. COMPENSATION			23,5 MONTHS	
IV.1 VALUATION -TRIAL INITIATION			6 MONTHS	
IV.2 COURT DECISION FOR THE PRELIMINARY COMPENSATION			7 MONTHS	
IV.3 FINAL COURT DECISION FOR THE COMPENSATION				12,5 MONTHS
IV.4 DEPOSIT OF COMPENSATION - IMPLEMENTATION OF EXPROPRIATION				6 MONTHS
IV.5 ACCESS ON EXPROPRIATION PROPERTIES				3 M
VI. JUDICIAL IDENTIFICATION OF BENEFICIARIES			10,5 MONTHS	

Important recommendations of the study

- Increase the role of public consultation and information; re-thinking content and implementation; Educate citizens
- Coordinate technical specifications; Keep expropriation and valuation records; Survey all boundaries of affected properties and remaining parts
- Political solution for a fast compilation of forest maps
- Organize training seminars to improve culture and knowledge
- Consider expropriation costs more critically during project preparation
- Adopt international valuation methods; improve availability of data
- Establish an inter-professional independent valuation committee including representatives of both sides for amicable agreements; court should simply ratify decisions
- Increase capacity of expropriation judges, freeing up time, consider the establishment of a specific expropriation or land court with a specialised judge
- Promote the land exchange principle

Amendments following Law 4070/2012



- **Law 4122/2013, article 26**
amends the articles 1, 2, 14, 16 of Law 2882/2001
- **Law 4146/2013, article 76**
amends the articles 1, 3, 7, 9, 15, 18, 19, 20, 21, 27 of Law 2882/2001
- **Law 4199/2013, article 97**
amends the articles 9, 11, 12, 27 of Law 2882/2001
- **Law 4313/2014, article 72**
amends the article 7A of Law 2882/2001
- **Law 4314/2014, article 31**
amends the article 2 of Law 2882/2001
- **Law 4364/2016, article 280**
amends the article 7A of Law 2882/2001



Provisions to shorten the length of the process



The following activities have been moved prior to the declaration for expropriation (Article 3 Law 2882/2001):

- ❑ Title controls and implementation
- ❑ Property valuation
- ❑ Reports from State Property Service and Forest Service about the state's rights on the properties

Very positive

Access on expropriation properties (valid for strategic investments of significant importance for the national economy, Article 7A):

- ❑ Fast acquisition of the properties by court decision
- ❑ Immediate determination of the court hearing date
- ❑ Postponement of the court decision and other legal remedies are not possible
- ❑ Deadlines cannot change

May be very positive as long as the occupants are fully compensated

Provisions to shorten the length of the process



Access on expropriation properties (Article 9):

- For cases not dealt by Article 7A, Permanent eviction of the occupants by the determination of preliminary compensation

Mandatory enforcement of the deadlines for a court decision for compensation (article 19)





Amendments for more fair valuation

Article 15 of Law 2882/2001:

- ❑ **Requirement for special justification of court decision** in case there is a deviation of the decision on the value from the estimated proposed value

(objective valuation, report from the Valuation Committee, report from an independent appraiser)

Very positive

- ❑ **Report from the Valuation Committee and Independent Appraiser** for projects co-financed by EU

Very positive

Article 19:

- ❑ **Preliminary & Final compensation defined by higher in the hierarchy courts**

Positive, more experienced judges



Other amendments

- **Amendments in the responsibilities** for
 - Declaration of expropriation (article 1)
 - Administrative adjudication of right holders (article 27)
 - ?
- **Increase of the maximum value of a property for an administrative adjudication of right holders**, from 5,870 € to 10,000 € (article 27)
Positive but....?!
- **A direct purchase of the property is possible !** (article 2)
 - instead of
 - Obligatory public invitation prior to the declaration of expropriation for title submission and discussion on amicable agreement for direct purchase of the property
 - Very negative change !*

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Greece is a beautiful country



Thank You

