Administrative Law Briefing: Special Edition

University Legal Entities in Greece: Consolidated Legal Framework Following Council of State Judgments

A. **Introduction**
B. **Organizational Structure and State Supervision**
C. **Licensing and Accreditation**
D. **Council of State Judgements No. 1918-1920/2025 and 284/2026**
E. **Conclusion**

A. Introduction

1. Greek Law 5094/2024 (the **New Law**)[1], entitled 'Strengthening of the Public University – Framework for the Operation of Non-Profit Branches of Foreign Universities', for the first time introduced a comprehensive legal framework for the establishment and operation of branches of foreign higher education institutions in Greece in the form of University Legal Entities (**ULE**) (*Νομικά Πρόσωπα Πανεπιστημιακής Εκπαίδευσης – Ν.Π.Π.Ε.*).
2. The New Law sets out the legal nature, governance structure, licensing procedure, academic organization and supervisory framework applicable to ULEs.
3. Two years after the enactment of the New Law, the Greek Council of State which is the Supreme Administrative Court, issued a series of judgments confirming the compliance of this regulatory framework with the provisions of the Greek Constitution and EU Law.

B. Organizational Structure and State Supervision

1. A ULE is a special-purpose legal **non-profit** entity, the **exclusive purpose** of which is the provision of higher education services.
2. A ULE is a branch of a foreign higher education institution (the **Parent Institution**) originally established in an EU or a General Agreement on Trade in Services (GATS) Member State.

[1] The New Law has been subsequently amended by Law 5224/2025 and Law 5264/2025.

3. The Parent Institution controls academic administration and guarantees the proper observance of academic standards. Control is exercised either through an educational agreement or through holding an absolute majority of the capital and governance bodies of the ULE.
4. The degrees awarded by a ULE are academic titles of the Parent Institution which are recognized by the Greek State and have full professional and academic equivalence with degrees awarded by Greek Public Universities, with no further academic recognition procedures required.
5. ULEs are subject to the supervision of:
   a. the Greek Ministry of Education, Religious Affairs and Athletics, which has overall supervisory responsibility and is the authority that grants, suspends and revokes licenses;
   b. the Hellenic Authority for Higher Education (ETHAAE), which is an independent academic authority that evaluates and accredits study programs and assesses the academic and strategic conditions for licensing; and
   c. the National Organization for the Certification of Qualifications and Vocational Guidance (EOPPEP), which assesses compliance with building and infrastructure requirements as part of the licensing process.

C. Licensing and Accreditation

1. The establishment and operation of a ULE in Greece requires:
   a. an establishment and operation license issued by the Minister of Education; and
   b. accreditation of the study programs by ETHAAE.
2. Key requirements to obtain an establishment and operation license include:
   a. a minimum of three Schools each offering at least one undergraduate program (or one School if the parent institution is ranked among the top 20 universities globally);
   b. a minimum of 30 full-time teaching staff, at least 90% of whom must hold a doctoral degree;
   c. appropriate premises meeting safety, accessibility and infrastructure standards; and
   d. significant financial commitments including a bank guarantee of €2m (plus €500k per additional School) and a filing fee of €600k, both reducible by 50% for ULEs established outside Athens or Thessaloniki.
3. To obtain an establishment and operation license, the Parent Institution must apply to the Ministry of Education. The license is granted by decision of the Minister of Education, following a positive opinion from ETHAAE, as well as the opinion of EOPPEP. If the Parent Institution is based outside the EU, the opinion of the Minister of Foreign Affairs is also required.
4. In addition to the institution-level establishment and operation license, each study program must be separately accredited by ETHAAE before it can commence. The purpose of the accreditation is to ensure the quality of the higher education services, as well as the

effectiveness and transparency of the overall operation of the ULE Accreditation, is assessed against European quality assurance standards and covers both the ULE's internal quality systems and its individual programs at undergraduate, postgraduate and doctoral levels.

D. Council of State Judgments No. 1918-1920/2025 and 284/2026

1. Council of State Judgment no. 1918/2025 ruled that the New Law complies with the provisions of the Greek Constitution, interpreted in the light of recent EU case law providing for the free establishment of higher education service providers and the right to establish private higher education institutions.
2. Council of State Judgments no. 1919-1920/2025 ruled further that:
    a. The New Law's framework for the evaluation and accreditation of study programs, as well as the guarantees of academic freedom for faculty members, are of equivalent rigor with the system for public universities.
    b. The New Law's system for student admission complies with the principles of equality and meritocracy.
    c. ETHAAE's competence to determine the specific criteria, indicators and conditions that each ULE study program must meet for its accreditation is lawful.
    d. The New Law's framework ensures the Parent Institution's oversight over the provision of education by the ULE.
3. Council of State Judgment no. 284/2026 ruled that the restrictions imposed by the New Law, aiming at a high level of higher education in Greece, comply with the freedom of establishment of higher education service providers under EU law. In particular, it ruled on the legality of the following provisions:
    a. The obligatory operation of ULEs as non-profit legal entities.
    b. The high cost for the establishment and operation of ULEs.

E. Conclusion

1. Recent Council of State Judgments ruled on the lawfulness of the New Law's system as a whole, and of various specific provisions. In this way, it consolidated the legal framework for the establishment and operation of ULEs in Greece.
2. The discussion on amending the Greek Constitution, in view of the upcoming constitutional revision, to explicitly allow for the establishment of private universities in Greece has begun. However, this requires broader political consensus, and it is not yet clear whether or when such consensus will be reached.



KEY CONTACTS

Dimitris Roussis
Partner
droussis@bernitsaslaw.com



Lina Mastrogiannopoulou
Senior Associate
lmastrogiannopoulou@bernitsaslaw.com

This Briefing was prepared with the assistance of Trainee Attorney Maria Kollia

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