

# CIVIL PROCEDURE IN GREECE

THIRD EDITION

PELAYIA YESSIOU-FALTSI  
APOSTOLOS ANTHIMOS



Wolters Kluwer

# **Civil Procedure in Greece**



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**Third Edition**

**Pelayia Yessiou-Faltsi  
Apostolos Anthimos**

This book was originally published as a monograph in the International  
Encyclopaedia of Laws/Civil Procedure.

Founding Editor: Roger Blanpain  
General Editor: Frank Hendrickx  
Volume Editor: Wannes Vandebussche



**Wolters Kluwer**

*Published by:*

Kluwer Law International B.V.  
PO Box 316  
2400 AH Alphen aan den Rijn  
The Netherlands  
E-mail: [lrs-sales@wolterskluwer.com](mailto:lrs-sales@wolterskluwer.com)  
Website: [www.wolterskluwer.com/en/solutions/kluwerlawinternational](http://www.wolterskluwer.com/en/solutions/kluwerlawinternational)

*Sold and distributed by:*

Wolters Kluwer Legal & Regulatory U.S.  
920 Links Avenue  
Landisville, PA 17538  
United States of America  
E-mail: [customer.service@wolterskluwer.com](mailto:customer.service@wolterskluwer.com)

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ISBN 978-94-035-4417-5

e-Book: ISBN 978-94-035-4427-4  
web-PDF: ISBN 978-94-035-4437-3

This title is available on [www.kluwerlawonline.com](http://www.kluwerlawonline.com)

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Printed in the Netherlands.

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# Table of Contents

The Authors	3
List of Abbreviations	23
Prefaces	25
Preface to the 2003 Edition	27
Preface to the 2011 Edition	29
Preface to the 2019 Edition	31
Preface to the 2023 Edition	33
General Introduction	35
§1. GENERAL BACKGROUND	35
I. Historical Evolution	35
II. Classification	36
III. Legal Sources	37
IV. Distinctions and Basic Elements	37
§2. DELIMITATION OF THE SUBJECT MATTER	38
I. Definition of the Term ‘Civil Procedure’	38
II. Distinction from Other Types of Procedure Separate	39
III. Are There Separate Court Systems and Rules of Procedure?	39
§3. SOURCES OF CIVIL PROCEDURAL LAW	40
I. A Brief Historical Perspective	40
A. General Remarks	40
B. Ancient Greek Law	40
C. Period of the Turkish Domination	41
D. Period of the War of Independence	41
E. Period of the Codes of 1835	41
II. Contemporary Sources of Civil Procedural Law	42
A. The Constitution of 1975	42
B. The CPC of 1967/1971: Subsequent Modifications	42
C. The Code on the Organization of the Courts of 1988	45

## Table of Contents

D. Special Laws	46
E. International Conventions	46
F. Customary Law	50
G. Judicial Precedents	50
H. Legal Doctrine	50
§4. GENERAL FEATURES OF THE ADMINISTRATION OF JUSTICE IN CIVIL MATTERS	51
I. Characteristics of the Procedure	51
A. General Remarks	51
B. The Principle of Free Disposition of the Parties (Article 106 CPC)	51
C. The Principle of Party Presentation (Article 106 CPC)	52
D. The Principle of Parties' Motion (Article 108 CPC)	53
E. The Principle of Concentration (Article 269 CPC)	54
F. Oral and Written Procedure	54
G. Role of the Judge	55
II. Fundamental Guarantees	57
A. General Remarks: The Convention of Rome for the Protection of Human Rights	57
B. Establishment of Courts by Law (Article 8 Const.)	58
C. Independence and Impartiality of the Judiciary (Article Const.)	58
D. Review of Unconstitutional Ordinary Legislation (Article 93, §4 Const.)	59
E. Access to Justice (Article 20 §1 Const.)	60
F. Right of Defence (Article 20 §1 Const.)	61
G. Equality of the Parties (Article 4 §1 Const.)	62
H. Publicity (Article 93 §§2, 3 Const.)	62
I. Reasoning of Judicial Decisions (Article 93 §3 Const.)	63
Part I. Judicial Organization	65
Chapter 1. The Courts and Their Members	65
§1. COURTS	65
I. Structure of the Courts' System	65
II. Administration of the Courts	65
A. Separation of the Three Jurisdictions	65
B. Ordinary Civil Courts of First Instance	66
C. The Special Court of 'Mufti'	67
D. The Courts of Appeal	67
E. <i>The Court of Areios Pagos</i>	68
F. The Special Highest Court	69
G. The Limited Role of Lay Participants	70
III. Bench and 'Ministère Public'/Public Prosecutor	70
IV. Appointment of Judges and of Public Prosecutors	71

## Table of Contents

§2. MEMBERS OF THE JUDICIARY	72
I. Incompatibilities	72
II. End of Functions	73
III. Discipline	74
Chapter 2. The Bar	76
§1. EXERCISE OF THE LEGAL PROFESSION	76
I. Conditions for Admission	76
II. Rights and Duties	77
III. Discipline	78
§2. ORGANIZATIONS OF LAWYERS	79
Chapter 3. The Bailiffs	80
§1. EXERCISE OF THE PROFESSION	80
§2. PUBLIC INSTITUTIONS OF BAILIFFS	81
Part II. Jurisdiction	83
Chapter 1. Domestic Jurisdiction (Article 1 of the CPC)	83
§1. FACTORS TO BE TAKEN INTO ACCOUNT	83
§2. CRITERIA FOR DISTINGUISHING JURISDICTION OF CIVIL AND ADMINISTRATIVE COURTS	83
§3. VOLUNTARY JURISDICTION OF CIVIL COURTS	84
§4. LACK OF JURISDICTION OF CIVIL COURTS	85
§5. SUBJECT MATTER JURISDICTION	85
I. Factors to Be Taken into Account	85
A. Definition of Subject Matter Competence	85
B. Role of the Value of the Claim	86
C. Role of the Nature of the Claim	86
II. Main Claims and Ancillary Claims	86
III. Overview of the Different Rules	87
A. Subject Matter Competence of Justices of the Peace	87
B. Subject Matter Competence of One-Member District Courts	88
C. Subject Matter Competence of Three-Member District Courts	90
D. Subject Matter Competence of Courts of Appeal	91
E. <i>Subject Matter Competence of Areios Pagos</i>	91

## Table of Contents

§6. VENUE (TERRITORIAL JURISDICTION)	92
I. Factors to Be Taken into Account	92
A. Definition and Distinctions of Territorial Competence	92
B. Relevant Connecting Factors and the Conflicting Interests Served	93
II. Overview of the Different Rules	93
A. General Territorial Competence	93
1. Domicile as the Principal Connecting Factor	93
2. Rules Founding General Jurisdiction	94
3. Actions Against the State	95
4. Actions Against Legal Entities	95
B. Jurisdictions Concurrent to the General Territorial Competence	96
1. The Forum Involving Juridical Acts (Article 33 CPC)	96
2. The Forum for Tort Disputes (Article 35 CPC)	97
3. The Forum Related to the Management of Property Other Than under a Court Order (Article 36 CPC)	97
4. The Forum Involving the Joinder of Defendants (Article 37 §1 CPC)	97
5. The Forum Related to Actions Involving Multiple Immovables (Article 37 §2 CPC)	98
6. The Forum for Matrimonial Disputes (Article 39 CPC)	98
7. The Forum Based on Property (Article 40 CPC)	98
C. Exclusive Jurisdictions	99
1. The Exclusive Forum for Company Disputes (Article 27 CPC)	99
2. The Exclusive Forum Related to the Management of Property When This Is Based on a Judicial Order (Article 28 CPC)	99
3. The Exclusive Forum in Actions Involving Real Rights on Immovable Property (Article 29 CPC)	100
4. The Exclusive Forum Concerning Succession (Article 30 CPC)	100
5. The Exclusive Forum for Related Actions (Article 31 CPC)	101
6. The Exclusive Forum for Cross-Actions (Article 34 CPC)	102
7. The Exclusive Forum for Litigation Involving Enforcement Proceedings (Article 933 CPC)	102
III. Prorogation of Territorial Competence	103
A. General Remarks	103
B. Explicit Agreements	103
C. Tacit Agreements	104
§7. RESOLUTION OF JURISDICTION CONFLICTS	104
I. ‘Affirmative’ Conflicts	104
II. ‘Negative’ Conflicts	104

## Table of Contents

III. Effects of the Ruling	105
IV. Relevant Moment for the Existence of Jurisdiction	105
V. Review of Subject Matter and of Territorial Competence	105
A. Relevant Moment for the Existence of Facts Basing Competence	105
B. Lack of Competence	105
 Chapter 2. International Jurisdiction	 107
§1. RULES APPLICABLE IN THE ABSENCE OF A TREATY	107
I. The Historical Background	107
A. Nationality as a Main Connecting Factor under the CPC of 1834	107
B. Modification of the Critical Factor of Nationality in 1946	107
II. International Jurisdiction According to the Present CPC	107
A. Territorial Competence as the Main Connecting Factor	107
B. Role of Nationality in Exceptional Cases	108
C. International Jurisdiction Based on Public Policy	108
D. International Jurisdiction with Regard to Matters of Voluntary Jurisdiction	109
III. The Impact of Private Agreements on International Jurisdiction	109
A. Prorogation of the International Jurisdiction of Greek Courts	109
1. The Permissibility of Private Agreements	109
2. Explicit Agreements	109
3. Tacit Agreements	110
B. Derogation of Greek Adjudicatory Power	110
IV. Review of International Jurisdiction	111
 §2. INTERNATIONAL TREATIES	 111
I. Multilateral Conventions	111
A. The Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters and Its Successors (EU-Regulations)	111
B. Hague Conference Conventions	113
C. Other Multilateral Conventions	114
D. Conventions Related to Extraterritoriality	115
II. Bilateral Conventions	115
A. The Irrelevancy of Assimilation Clauses in Bilateral Conventions	115
B. Specific Rules in Bilateral Conventions for Jurisdiction in Succession Matters	115
C. Specific Rules for Maintenance Claims and Matters Involving Personal Status	116

## Table of Contents

Part III. Actions and Claims	117
Chapter 1. Actions	117
§1. DEFINITION – TYPES OF ACTIONS – JOINDER	117
I. Definition	117
A. The Action as a Procedural Act	117
B. The Action as a Procedural Document	117
1. Contents of the Complaint	117
2. Sanctions	118
II. Types of Actions	118
A. Criteria of Classification	118
B. Actions for Specific Performance	119
C. Declaratory Actions (Article 70 CPC)	119
D. Constitutive Actions (Article 71 CPC)	120
III. Joinder	120
A. Joinder of Parties	120
1. Permissive Joinder	120
2. Necessary Joinder	121
B. Joinder of Claims	121
1. General Features	121
2. Subsidiary Joinder	122
§2. ADMISSIBILITY	122
I. The Function of Procedural Prerequisites	122
II. Capacity to Be a Party (Article 62 CPC)	123
III. Capacity to Conduct Proceedings in One’s Own Name (Articles 63–67 CPC)	124
IV. Representation by Attorney	124
V. Standing to Sue	125
VI. Legal Interest	126
§3. VEXATIOUS LITIGATION	126
Chapter 2. Claims and Defences	128
§1. DEFINITION	128
§2. DEFENDANT’S ANSWER TO THE ACTION	128
§3. EXCEPTIONS	128
I. Definition	128
II. Distinctions	128
III. Rules Governing Exceptions	129
§4. CROSS-ACTIONS	129

## Table of Contents

Chapter 3. Sanctions on Procedural Irregularities	131
§1. FORMAL REQUIREMENTS	131
I. Definitions	131
II. The Non-existent Judicial Decisions	131
III. Procedural Nullities	131
A. Distinction Among Substantive and Procedural Nullities	131
B. Types and Conditions of Procedural Nullities	132
§2. TIME LIMITS	132
Part IV. Proceedings	133
Chapter 1. Pretrial Proceedings	133
§1. PROVISIONAL REMEDIES	133
§2. PRETRIAL SETTLEMENTS OF THE PARTIES	133
I. Extrajudicial Settlements	133
II. Mandatory/Optional Conciliation Attempt	133
III. Conciliatory Intervention by the Justice of the Peace	134
IV. Practical Relevance	135
§3. PRELIMINARY ADMINISTRATIVE PROCEDURE IN REAL ACTIONS AGAINST THE STATE	135
Chapter 2. Proceedings in First Instance	136
§1. ADVERSARY PROCEEDINGS	136
I. Ordinary Proceedings	136
A. Introduction of the Claim	136
1. Registration by the Court – Method of Initiating the Action	136
2. Notice – Service of the Complaint	136
3. Time Limits	138
4. Procedural Effects: Lis Pendens	139
5. Substantive Effects	140
B. Progress of Proceedings	140
1. Preparatory Measures – Written Pleadings – Production of Evidence	140
2. The Trial	142
3. Third Party Proceedings	144
C. Judgment	148
1. Deliberation	148
2. Different Kinds of Judgment	148
3. Formal Aspects of Judgments	149

## Table of Contents

4. Notice and Service	149
5. Res Judicata	150
6. Interpretation and Rectification of Judgments	152
II. Provisional Remedies	153
A. Introductory Remarks	153
B. General Prerequisites	154
1. Substantive Conditions	154
2. Procedural Prerequisites: Subject Matter and Territorial Competence	155
3. International Jurisdiction	156
C. Procedure for Granting Provisional Remedies	156
1. Commencement of Proceedings	156
2. Main Hearing	156
3. Decision on the Application	157
4. The Provisional Res Judicata	158
5. Non-availability of Methods of Review	158
6. Enforcement	158
D. Revocation of Provisional Remedies	158
1. Mandatory Revocation	158
2. Revocation on the Discretionary Power of the Judge	159
E. Provisional Orders	159
§2. DEFAULT PROCEEDINGS	160
I. General Conditions	160
A. A Default Judgment in Case of Failure of Appearance	160
B. The Judge Is Obligated on His Own Motion to Examine If Service Was Duly Effected	160
C. Remedy of Initial Default by a Party's Later Appearance	160
II. The Defendant's Default at the Hearing	161
III. The Plaintiff's Default at the Hearing	161
IV. Absence of the Parties at Later Hearings	161
V. Failure of All Parties to Appear	162
§3. EX PARTE PROCEEDINGS	162
I. Voluntary Jurisdiction	162
II. Orders of Payment	163
III. Provisional Remedies	163
Chapter 3. Review Proceedings	164
§1. INTRODUCTORY REMARKS	164
I. Definition	164
II. Distinctions	164
III. General Rules	164
IV. Initiation	165
V. Admissibility	165

## Table of Contents

§2. OPPOSITION AGAINST DEFAULT	166
I. General Aspects: The Abandonment of the Institution of ‘Unjustified’ Opposition	166
II. Requirements and Effects	167
§3. APPEAL	167
I. General Aspects	167
II. Conditions to Admissibility	168
A. Appealability	168
B. Appeal Period	168
III. Grounds for Appeal	169
IV. Effects	169
V. Proceeding	170
§4. CASSATION	171
I. General Aspects	171
II. Conditions	172
A. Decisions Which Are Subject to Cassation	172
B. Time Period	172
C. Grounds for Cassation	172
III. Proceeding	175
IV. Cassation in ‘The Interest of the Law’	176
§5. REOPENING OF JUDGMENTS	176
I. General Aspects	176
II. Conditions	177
A. Decisions Which Are Subject to a Reopening	177
B. Time Period	177
C. Grounds for Reopening	177
III. Proceeding	178
§6. GENERAL OPPOSITION AND THIRD-PARTY OPPOSITION	179
I. General Opposition	179
II. Third-Party Opposition (Tierce-Opposition)	179
A. General Features	179
B. Requirements	180
C. Proceeding	180
D. Effects	181
Part V. Incidents	183
Chapter 1. Decision on Incidental Matters	183
§1. DEFINITION AND DISTINCTIONS: PROCEDURAL TREATMENT	183
§2. INCIDENTAL ACTIONS	184

## Table of Contents

Chapter 2. Withdrawal and Discontinuance of Action	185
§1. THE STRUCTURE OF THE CODE WITH REGARD TO THE SUBJECT	185
I. Possibilities of Terminating the Proceedings on Parties' Volition	185
II. Revocation of Other Procedural Acts	185
§2. ABANDONMENT OR WITHDRAWAL OF ACTION	185
I. Substantive and Formal Requirements	185
A. Withdrawal of an Action by the Plaintiff Not Including Abandonment of the Substantive Claim	185
B. Abandonment of an Action by the Plaintiff, also Including the Substantive Claim	186
C. Termination of Proceedings Through a Plaintiff's Act Needs to be Formal	186
II. Consequences	186
A. Withdrawal of an Action Not Including the Substantive Claim	186
B. Abandonment of an Action also Including the Substantive Claim	187
§3. ADMISSION	187
§4. CONCILIATION	188
I. Distinctions	188
II. Legal Nature	188
III. Formal and Substantive Requirements	188
IV. Consequences	189
Chapter 3. Challenge of Judges	190
§1. DISQUALIFICATION OF A JUDGE IN GENERAL	190
§2. DISQUALIFICATION OF A JUDGE ON THE CHALLENGE OF A PARTY	190
Part VI. Legal Aid and Legal Costs	191
Chapter 1. Legal Aid	191
Chapter 2. Legal Costs	193
§1. GENERAL ASPECTS	193
§2. APPLICATIONS OF AND DEVIATIONS FROM THE 'DEFEAT PRINCIPLE'	193
Part VII. Evidence	195

## Table of Contents

Chapter 1. Burden of Proof	195
§1. THE ALLOCATION OF THE BURDEN OF PROOF	195
I. General Aspects	195
A. 'Subjective' and 'Objective' Burden of Proof	195
B. Significance of the Rules Governing the Burden of Proof	195
C. The Burden of Alleging the Relevant Facts	195
II. Rules Regarding the Allocation of the Burden of Proof	196
III. Characterization of Rules Related to the Allocation of the Burden of Proof	196
IV. The Right to Counterproof	196
§2. RELATIONSHIP BETWEEN LEGAL PRESUMPTIONS AND BURDEN OF PROOF	197
Chapter 2. Admissibility of Evidence	198
§1. INTRODUCTORY REMARKS	198
I. General Features of the Law of Evidence	198
II. Types of Evidence	198
A. Rigid, Free, and 'Partly Free' Evidence	198
B. Direct and Indirect Evidence	199
C. 'Preservative' Evidence	199
III. Free Evaluation of Evidence	199
IV. Degree of Persuasion	200
§2. THE MEANS OF PROOF IN PARTICULAR	200
I. General Aspects	200
A. Enumeration in Article 339	200
B. Illegally Obtained Evidence	201
II. Confession	201
A. Definition and Distinctions	201
B. Prerequisites	202
C. Probative Effect of a Confession	202
D. Revocation of Confessions	203
III. Tangible or Direct Evidence	203
A. Definition	203
B. Obligation to Cooperate	203
C. Probative Effect of Tangible Evidence	204
IV. Expert Reports	204
A. Definition and Distinctions	204
B. Appointment of Experts: Extent of the Discretionary Power of the Judge	205
C. Probative Weight of Expert Reports	205
D. Technical Consultants	205
E. Extrajudicial Private Opinions	206
V. Testimony	206

## Table of Contents

A. Definition	206
B. Statutory Restrictions of Testimony	206
C. Competence to Give Evidence	207
D. Obligation to Give Evidence	208
E. Probative Weight of Testimony	208
VI. Examination of the Parties	209
A. General Aspects	209
B. The Subsidiary Character of the Examination of the Parties: The Amendment of 1984	209
C. Distinction from Other Interrogatories of the Parties and from Testimony	210
D. Probative Weight of the Examination of the Parties	210
VII. Party Oath	210
VIII. Documentary Evidence	211
A. Definitions and Distinctions	211
B. Authenticity of Documents	212
1. Presumption of Authenticity of Public Acts	212
2. Authenticity of Private Writings	212
C. Persons as to Whom a Document can Produce Evidence	212
D. Certainty of Date: Authentication of Private Writings	212
E. Probative Effect of Documentary Evidence	213
1. Public Documents	213
2. Private Writings	213
3. Foreign Public Acts	214
F. Mechanical Reproductions	214
G. Bookkeeping Records of Enterprises or of Other Professionals	215
IX. Presumptions as Self-Standing Means of Evidence	215
A. The Dual Meaning of the Term Presumption	215
B. Admissibility of Presumptions	215
C. Probative Effect	216
X. ‘Sworn Attestations’	216
Chapter 3. Administration of Evidence Before and After the 2015 Amendment	218
§1. THE EVIDENTIARY PROCEEDINGS BEFORE 2001	218
§2. EVIDENTIARY PROCEEDINGS BEFORE THE 2015 AMENDMENT	218
I. Abolishment of the Decision Ordering Evidence in 2001	218
II. The Taking of Evidence	218
III. Introduction of Documentary Evidence	219
A. Time of Introduction	219
B. Forced Production of Documents	219
IV. Evidentiary Proceedings Before One-Member Courts	219
§3. EVIDENTIARY PROCEEDINGS AFTER THE 2015 AMENDMENT	220

## Table of Contents

Part VIII. Particular Proceedings	221
Chapter 1. General Aspects	221
Chapter 2. The Main Characteristics of Each Particular Proceeding	223
§1. THE PROCEEDING FOR FAMILY LAW DISPUTES	223
§2. THE PROCEEDING FOR ORDERS OF PAYMENT	224
§3. THE PROCEEDING FOR CERTAIN CATEGORIES OF MONEY CLAIMS	224
§4. SPECIAL RULES FOR CERTAIN TYPES OF DISPUTES: SMALL CLAIMS	225
Part IX. Conservatory Measures and Enforcement of Judgments	227
Chapter 1. Conservatory Attachment	227
§1. GENERAL REMARKS	227
§2. THE CONSERVATORY MEASURES	227
I. Judicial Security	227
A. Definition	227
B. Proceeding	228
C. Effects	228
II. Pre-notice of Mortgage	228
A. Definition and Requirements	228
B. Proceeding	229
C. Effects	230
III. Conservatory Attachment	230
A. Definition and Requirements	230
B. Proceeding	231
C. Effects	231
IV. Custody	232
A. Definition and Proceeding	232
B. Effects	232
V. Sealing, Unsealing, Inventory and Public Deposit of Property	232
§3. JUDICIAL REVIEW	233
Chapter 2. Enforcement of Judgments	234
§1. ENFORCEMENT OF DOMESTIC JUDGMENTS	234

## Table of Contents

I. Introductory Remarks	234
A. Methods of Enforcement in the Greek Law of Execution	234
B. Specific Performance	235
C. Means of Enforcement of Money Claims: Attachment, Compulsive Administration of Property, Imprisonment	235
D. 'Oath of Manifestation'	236
II. Main Organs of Execution	236
III. The Executory Title as a General Prerequisite of Execution	237
A. General Remarks	237
B. Judicial Decisions	237
1. Kind of Decision	237
2. Final Judgments Which Are a Formal Res Judicata	238
C. Provisionally Enforceable Judgments	238
1. General Remarks	238
2. General Requirements	238
3. Kinds of Provisional Execution	239
4. Exclusion of Provisional Execution	239
5. Suspension of Provisional Execution	240
D. Arbitral Awards	240
E. Orders of Payment	241
F. Foreign Judgments	242
G. Foreign Arbitral Awards	242
H. Provisional Remedies	242
I. Notarial Documents	243
J. Awards Issued by Administrative Authorities for the Collection of Public Revenues	243
K. Orders for the Return to the Lessor of a Leased Immovable	243
IV. The Executory Formula	244
V. Other Prerequisites to Execution	244
A. Prerequisites Involving the Enforced Claim	244
B. Prerequisites Involving Persons Entitled to or Subject to Enforcement	244
C. Service of the Copy of the Instrument to Be Enforced	245
VI. Initiation of the Main Enforcement Proceedings	245
VII. Proceedings in Enforcement for Money Claims	245
A. General Remarks	245
B. The Various Types of Attachments	246
C. Distribution of Sale Proceeds	246
1. The Principle of Proportional Distribution	246
2. General and Special Priorities	246
VIII. Judicial Review	247
A. The Court Is Not an Organ of Execution	247
B. Opposition to Enforcement	248
1. General Remarks on the Opposition of the Debtor	248
2. Subject Matter Competence	249
3. Territorial Competence	249
4. Grounds of Opposition	249

## Table of Contents

5. Time Limitations	250
6. Rules of Procedure	250
C. Third Party Opposition	251
1. Particular Features	251
2. Grounds of a Third-Party Opposition	252
3. Subject Matter and Territorial Competence	253
4. The Compulsory Parties	253
5. Time Limitations	253
D. Suspension of Enforcement	253
1. Conditions	253
2. Procedure: Provisional Order	254
3. Effects	254
§2. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS	254
I. Rules Applicable in the Absence of a Treaty	254
A. General Remarks	254
1. The Doctrinal Foundation of the Recognition and Enforcement of Foreign Judgments	254
2. Distinction Between Recognition and Enforcement	255
3. Characterization of the Foreign Judgment	255
B. The Basic Provisions of the CPC on Recognition and Enforcement of Foreign Judgments – EU Regulations	256
C. The Prerequisites to Recognition	257
1. The Res Judicata Effect of the Foreign Judgment	257
2. The International Jurisdiction of the Foreign Court	258
3. Protection of the Right of Defence	258
4. Inconsistent Decisions	258
5. Violation of Public Policy	259
6. No Re-Examination of the Merits	260
7. No Reciprocity	260
8. No Examination of the Applicable Law	260
D. Enforcement of a Foreign Judgment	261
1. Prerequisites	261
2. The Enforceability of the Foreign Judgment in Particular	261
3. The <i>Exequatur</i> Proceeding	262
E. Enforcement of Other Executory Instruments	262
F. The Specific Proceeding for the Recognition of Decisions Involving Personal Status	263
G. Recognition of the Effects of Foreign Decisions on Voluntary Jurisdiction	263
II. International Treaties	263
A. Multilateral Conventions	263
B. Other Multilateral Conventions	265
C. Bilateral Conventions	265

## Table of Contents

Part X. Out-of-Court Dispute Resolution	267
Chapter 1. Arbitration	267
§1. CURRENT RELEVANCE	267
§2. TYPES OF ARBITRATION: CONSTITUTIONALITY	268
§3. INSTITUTIONAL ARBITRATION	269
§4. ARBITRABLE DISPUTES	270
Chapter 2. Arbitration Agreement and Party Autonomy	271
Chapter 3. Composition of Arbitral Tribunal	272
Chapter 4. Interim Measures and Preliminary Awards	274
Chapter 5. Conduct of Arbitral Proceedings	275
Chapter 6. Arbitral Award	277
Chapter 7. Recourse Against Arbitral Award	278
Chapter 8. Recognition and Enforcement of Awards	279
§1. CHARACTERIZATION OF AN AWARD AS FOREIGN	279
§2. RECOGNITION OF FOREIGN ARBITRAL AWARDS UNDER THE CPC	279
§3. ENFORCEMENT OF FOREIGN ARBITRAL AWARDS	280
§4. INTERNATIONAL TREATIES	280
I. Multilateral Conventions	280
II. Bilateral Conventions	281
III. Relationship to Domestic Law	282
Chapter 9. Mediation	283
§1. LEGISLATION/DEFINITIONS	283
§2. RIGHTS THAT CAN BE SUBJECT TO MEDIATION-MEDIATION AGREEMENT-MEDIATION PROCEDURE-SETTLEMENT AGREEMENT	283

## Table of Contents

§3. JUDICIAL MEDIATION	284
§4. PRACTICAL RELEVANCE OF MEDIATION	284
Bibliography in Languages Other Than Greek	287
Index	309

**Table of Contents**

# List of Abbreviations

In the interest of greater clarity and for the convenience of foreign readers, the citation forms of the Greek Codes or other legislative materials (Legislative Decrees, Presidential Decrees, etc.) of the different types of Greek courts and legal periodicals include their entire title, rather than an abbreviation, as in most instances a uniform system of citation forms in English is still absent.

The names of the Greek statutes, courts and legal periodicals are exclusively cited in an English translation, with the exception of the Greek Supreme Court for civil and criminal matters, which is referred to by its original Greek name (*Areios Pagos*).

Abbreviations listed below are of frequent recurrence:

B.C.	Before Christ
CC	Civil Code
cf.	<i>confer</i> (compare with)
Const.	Constitution
CPC	Civil Procedure Code
Czech Yb Int'l	Czech Yearbook of International Law
ed.(s)	edited, editor(s)
e.g.	<i>exempli gratia</i> (for example)
etc.	et cetera (and so forth)
EU	European Union
ff.	following
gen. ed.(s)	general editor(s)
GPR	European Union Private Law Review
i.e.	<i>id est</i> (that is)
IDME (IΔME)	Institute for Procedural Studies
IPRax	Praxis des Internationalen Privat- und Verfahrensrechts
MDR	Monatsschrift für Deutsches Recht
Min. Dec.	Ministerial Decision
n.	Note
No.(s)	number(s)
p., pp.	Page, pages

## List of Abbreviations

RHDI	Revue hellénique de droit international
RIW/AWD	Recht der Internationalen Wirtschaft
Vol.(s)	volume(s)
YPIL	Yearbook of Private International Law
ZfRV	zeitschrift für Europarecht Intern. Privatrecht und Rechtsvergleichung
<u>ZZP</u>	Zeitschrift für Zivilprozess
<u>ZZZ</u>	Schweizerische Zeitschrift für Zivilprozess- und Zwangsvollstreckungsrecht

# Prefaces

In Greece, some of the most eminent legal scholars are known for their works on procedure. Thus, a great part of the discussions of European legal doctrine in the nineteenth and early twentieth centuries, introduced in Greece by the founder of modern Greek Civil Procedural Law, V. Oikonomidis, and further developed by leading scholars such as G. Rammos, Ch. Fragistas and G. Mitsopoulos have been implemented in the present Civil Procedure Code (CPC) of 1967/1971. This Code, a modernized and refined version of the Code of 1835, which was modelled on a mixture of both German and French prototypes, is still continually supported by an active and influential legal scholarship, which, as a rule, has a considerable impact on the interpretation and practice followed in the courts. Traditionally, Greek procedural doctrine strongly relies on the comparative method, and the institutions of domestic procedure are most often examined in light of the German, Austrian, French, Belgian, Italian and Swiss Codes.

A monograph of this length on the Greek Civil Procedure appears for the first time in English or in any language other than Greek. It could not be our intention, however, to present a detailed study. Rather, we have chosen to describe the basic elements of Greek Procedural Law, with emphasis on those institutions that are of particular interest to a foreign lawyer. The reader will thus find more comprehensive presentations in the area of International Procedural Law. Territorial competence, since this currently functions as a basis for the determination of the international jurisdiction of Greek courts, and recognition and enforcement of foreign judgments are two examples. In the context of international litigation, enforcement proceedings also had to be treated rather extensively, as foreign instruments continue to be executed through the operation of domestic institutions.

Since the exclusive objective of this monograph is to present the national system of Civil Procedure rather than to deal with comparative law aspects, the exposition mainly encompasses the system of the Greek Code of 1967/1971. On some occasions, however, it seemed necessary to also highlight the historical and comparative perspectives. Moreover, the chapters on the Fundamental Guarantees and on the Organization of the Courts had to primarily cover their constitutional backbones.

References to works written in Greek state the English translation of their original title. Works written in languages other than Greek are always referred to with their original titles. Special care has been taken to indicate the books, essays or articles written by Greek scholars in foreign languages.

During the preparation of this monograph, the Greek CPC underwent rapid changes. An effort was undertaken to take due account of these modifications even

## **Prefaces**

as regards chapters that had been already completed. The book is now based on the CPC as most recently revised by Laws 2145/1993, 2172/1993, 2207/1994, 2298/1995 and 2331/1995. These Laws have been respectively enacted on 28 May and 16 December 1993, on 25 April 1994, on 4 April 1995 and on 4 September 1995.

The author is sincerely grateful to Mr Geoffrey H. Mead, Lecturer in Law at the Faculty of Law of the University of Southampton, UK, and Barrister at Law, for his precious assistance in improving the English text. The author is also indebted to Miss Lena Pipinika for her skill and efforts during the technical preparation of the English manuscript.

*Pelayia Yessiou-Faltsi*  
*Professor of Law, Aristotle University of Thessaloniki*  
*October 1995*

## Preface to the 2003 Edition

The 2003 edition of this monograph presents all the successive modifications of the Greek CPC through several recent Laws (2207/1994, 2298/1995, 2447/1996, 2462/1997, 2479/1997, 2521/1997, 2721/1999, 2741/1999, 2819/2000, 2915/2000 and 3043/2002). In addition, it takes due account of the amendments of the Greek Const. in 2001 and the pieces of legislation which have been issued to implement the newly introduced constitutional provisions.

Among the Laws mentioned above, Law 2915/2001 in particular, in force since 1 January 2002, as revised by Law 3043/2002, has brought about a momentous change to the structure of the CPC. To achieve acceleration and immediacy, this Law has now established a unified model of normal proceedings in all Greek civil courts based on the attempt to concentrate all relevant material in one single oral hearing.

*Pelayia Yessiou-Faltsi*  
*Professor of Law*  
*October 2003*

## **Preface to the 2003 Edition**

## Preface to the 2011 Edition

The main purpose of this 2011 edition is to update the 2003 monograph. In the process, the opportunity has been taken to improve its contents and add some important references to recent legislation and court decisions, as well as to recent legal scholarship.

*Pelayia Yessiou-Faltsi*  
*Professor of Law*  
*January 2011*

**Preface to the 2011 Edition**

## Preface to the 2019 Edition

The 2019 edition of the monograph ‘Civil Procedure in Greece’ presents the major changes of the Greek CPC 1968/1971, imposed in the midst of the country’s economic crisis, as a measure to treat its side-effects by achieving simplification and, thus, acceleration of civil trials.

Although the basic institutions and concepts of the Code have remained intact, there has been a radical revision regarding the mode of conducting the first-instance proceeding as well as the means of evidence to be produced. Ordinary first instance, as well as, in principle, second instance proceedings, are now purely written, while testimony may be allowed only in exceptional cases. In addition, the enforcement proceeding for money claims has been almost totally revised. Most of the enforcement acts must now be conducted through electronic means since February 2018, including the auction. Beyond the simplification of the revised proceedings, the possibilities of debtors opposing execution have been considerably eliminated.

*Pelayia Yessiou-Faltsi*  
*Professor of Law*  
*January 2019*