



# Greece

## e-manual appendix





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## **What is enforced**

Enforceable titles in Greece include:

- reclusive decisions, as well as provisionally enforceable judgments,
- arbitration awards,
- minutes of Greek courts containing a settlement or determination of costs,
- notarial documents,
- orders for the payment and orders for abandonment of a leasehold issued by Greek judges,
- foreign titles declared enforceable in Greece,
- administrative acts pertaining to satisfying pecuniary claims issued by other administrative bodies,
- orders and deeds recognized by law as enforceable.

An exequatur is needed for a title to become enforceable. This refers to a specific seal which proves that it is issued in the name of the Hellenic People and orders every entitled entity to proceed with the enforcement.

The exequatur is appointed by the authority that issued the title. If the title is order for payment, order for abandonment of a leasehold or provisionally enforceable judgments, the exequatur is appointed directly with the title. In final decisions, servicing of the document is requested prior to the provision of an exequatur. Provisional measures do not request exequatur and may be enforced directly.

Once the exequatur is appointed, the proceedings begin with the service of a copy of the enforceable title, that includes an execution order, to the debtor. The execution order must accurately define the requirement and appoint a proxy. The Attorney who signs the execution order is regarded as proxy by the Law. Any notifications or payments regarding the enforcement can be made to the proxy.

Following the service of the execution order, no other enforcement act may be effected- by a penalty of nullity - until three (3) working days have elapsed since notification. If the enforceable title is an order for abandonment of a leasehold, the period of voluntary fulfillment increases to twenty (20) days.

The Judicial Officer has the power, if required, to enter the dwelling or any other place in the possession of the person against whom execution is acted, to open the doors and make inquiries, to search closets, locked

furniture, utensils and containers. He/she is also authorized to conduct inquiries in public registers in order to obtain information on debtor's assets.

If resistance is met during enforcement, Judicial Officer may use violence to defend and at the same time call the Police or Port Authority for the restoration of the order. The Judicial Officer during the enforcement must always be accompanied by two adult witnesses or another Judicial Officer.

During the night, weekend and days excepted by law, enforcement acts cannot be implemented, unless the Magistrate of the place of enforcement has given permission. Night is considered to last from 7pm to 7am. During the month of August, no enforcement acts or auctions may be conducted, under the exception of attachment on ships and airplanes.

### **Who enforces**

The Judicial Officer is the entity entitled to enforce an enforcement act in civil cases in Greece.

Judicial Officers are civil servants, self-employed, remunerated by fees provided for any act they implement. Their duties are

- Servicing of judicial and extrajudicial documents,
- Enforcement of enforceable titles,
- Enforcement of any other duty that has been assigned to them under the law.

The profession is supervised by the Ministry of Justice and more specifically by the Prosecutor at the Court of Appeals in the area the Judicial Officer operations. Each Judicial Officer operates strictly within the geographical jurisdiction of the Appeal Court he/she is appointed. Judicial Officers appointed at the Appeal Courts of Athens and Piraeus are permitted to exert their duties in both territories.

## Enforcement procedure and duration

Enforcement Act	Judicial Officer	Witness or 2nd J.O.	Appraisal of assets	Escrow Agent	Other entity	Notification needed	Other
Attachment on movable assets <sup>1</sup>	Yes	Yes	Not necessary	Yes	Notary	Yes	
Attachment on real estate, ships, aircrafts	Yes	Yes	Obligatory	Yes	Notary	Yes	
Attachment on savings, shares & bank accounts	Yes	No	Under circumstances	No	Notary	Yes	Third party attachment <sup>2</sup>
Attachment on wages	Yes	No	No	No	Notary	Yes	Third party attachment
Mandatory administration	Yes				Judge	Yes	Specific provisions <sup>3</sup>
Detainment	Yes	Yes	No	No	Judge under circumstances <sup>4</sup>	No	
Handling movable assets	Yes	Yes	No	No	No	No	
Eviction	Yes	Yes	Not	Not necessary	Not necessary <sup>5</sup>	Yes	
Obligation to act, refrain, suffer	Yes	Yes	No	No	No	Yes	
Auction <sup>6</sup>	Yes	No	No	No	Notary	Yes	

<sup>1</sup> Duration: From the day of seizure until the day of auction a 7-8 months period must occur. Same provision exists in the attachment on immovables.

<sup>2</sup> Duration: From the day of notification of the attachment, third party must reply within 8 days.

<sup>3</sup> This is a procedure regulated by the Judge of the First Instance Court of the region where the asset is. The Judicial Officer is involved only in order to service any documents dealing with the case.

<sup>4</sup> In case objections arise during the arrest, the Judicial Officer leads the debtor to the President of First Instance Court.

<sup>5</sup> In eviction a notary might be needed only in the case s permission is given by the Magistrate to sell by auction, movables found during the eviction, that weren't requested by their owner.

<sup>6</sup> The auction is conducted only by electronic means, by a Notary certified as an auctioneer.

## Cost of enforcement procedure

Servicing of Documents: a four-zone pricing system exists in servicing of documents. Each zone includes a specific area and the starting point is the place where the premises of the Judicial Officer are located. For the Judicial Officers based in the region of Athens and Piraeus the starting point is the building of the Appeal Court of Athens.

Prices and distance (in km) for each zone are:

	Zone	km	Fee
1	ZONE A	0 - 12 km	35,00 €
2	ZONE B	13 - 32 km	55,00 €
3	ZONE C	32 - 62 km	73,00 €
4	ZONE D	62 + km	95,00 €

The above prices in zones A, B and C include every expense the Judicial Officer might need, such as transportation costs, tolls, witness or mailing cost in case of posting up the document.

Zone D does not include transportation cost if the document needs to be served in an island different to the one the Judicial Officer is based.

When multiple documents on the same case need to be served at the same date and time, in the same Municipal section, which is not located in zone A, then the first document follows the charges stipulated for the applicable zone, and every document after that is charges following the fees stipulated for zone A. All the above prices are subject to V.A.T. 24% (Not included).

Enforcement: for every seizure or conservatory arrest, the charge is six hundred and sixty euros (660,00 €). Should the Judicial officer confiscate more than one immovable, ships or aircrafts in the same act then:

- for the first asset, he/she charges the above fee.
- for the second up to the fourth asset, he/she charges half (1/2) of the above price.
- for the fifth up to the tenth asset, he/she charges 1/3 of the above price.
- for the eleventh and up, he/she charges 1/4 of the above price.

- for every other enforcement act the Judicial Officer charges three hundred euros (300,00 €) for each action. All the above prices are subject to V.A.T. 24% (Not included)

General issues:

- for every inquiry in public registers the Judicial Officer charges thirty euros (30,00 €). This price is subject to V.A.T. 24% (Not included)
- in case of posting up or denial to receive a document, the witness that participates will receive ten euros (10,00 €). This amount is included in the Judicial Officer's reward, as above.
- any witness that will participate in an enforcement act will receive fifty euros (50,00 €). This amount is not included in the Judicial Officer's fees and is not subject to V.A.T.

The following categories of expenses of 3rd persons exist:

- Expenses to personnel which may need to support the enforcement procedure.
- Expenses to personnel which by law should participate in the enforcement.
- Expenses provided by law.

Every cost related to enforcement is pre-paid by the creditor and included at the final amount the debtor is liable to pay.

