



Greece

Narrative National Report

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Table of Contents

PART I: LEGAL FRAMEWORK	6
I.1 Legislation affecting civil enforcement.....	6
I.2 Enforceable titles.....	6
I.3 Service of documents to parties and third parties	7
I.4 Legal remedies, appeal and objection.....	10
I.5 Postponement, suspension and termination of enforcement	11
I.6 Counter enforcement	12
I.7 Objects and exemptions on enforcement	12
I.8 (Court) penalties and fines	12
I.9 Access to information on the domicile and assets of the debtor	13
PART II: ORGANIZATION OF ENFORCEMENT.....	13
II.1 The status of the judicial officer.....	13
II.2 Supervision over enforcement	16
II.3 Access to the premises.....	17
II.4 Obstructing the judicial officer from carrying out enforcement	17
II.5 Time of enforcement	17
II.6 Mediation	18
PART III: ENFORCEMENT PROCEDURES	18
III.1 Initiation and end of the enforcement procedure	18
III.2 Enforcement against movable assets to settle pecuniary claims	18
III.3 Attachment on the bank account of the debtor.....	22
III.4 Enforcement against savings deposits and current accounts.....	23
III.5 Enforcement on immovable property	23
III.6 Enforcement against wages and other permanent pecuniary income	27
III.7 Attachment under the debtor’s debtor.....	27
III.8 Enforcement against shares	27
III.9 Other attachment procedures	28
III.10 Handing over movable assets	29
III.11 Enforcement in reinstatement of employee to work	29
III.12 Eviction	29
III.13 Enforcement of obligations to act, refrain from acting or suffer action.....	31
III.14 Sequestration of goods	31
III.15 Enforcement of foreign enforceable documents from non-EU States	31





PART IV: ENFORCEMENT COSTS	32
IV.1 The costs of enforcement	32
PART V: LINKS, LITERATURE AND SOURCES	35





TABLE OF ABBREVIATIONS	
CCP	Code of Civil Procedure
PRCC	Public Revenue Collection Code
HFJO	Hellenic Federation of Judicial Officers
JO	Judicial Officer



INTRODUCTORY INFORMATION ON ENFORCEMENT SYSTEM IN GREECE

In Greece Judicial Officer (Δικαστικός Επιμελητής – Dikastikos Epimelitis) is the entity entitled to proceed a specific enforcement act in civil cases. In various legal texts concerning enforcement, is often referred as enforcement agent (όργανο εκτέλεσης – organo ektelesis) meaning the person responsible to enforce¹.

Enforcement act	Judicial Officer	Witnesses or 2nd JO	Appraisal of assets	Escrow Agent	Other entity	Notification needed	Other
Attachment on movable assets	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
Attachment on wages	Yes	No	No	No	Notary	Yes	Third party attachment
Mandatory administration	Yes				Judge	Yes	Specific provisions
Detainment	Yes	Yes	No	No	Judge under circumstances	No	
Handling movable assets	Yes	Yes	No	No	No	No	
Eviction	Yes	Yes	No	Not necessary	Not necessary	Yes	
Obligation to act, refrain, suffer	Yes	Yes	No	No	No	Yes	
Auction	Yes	No	No	No	Notary	Yes	

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

¹ In order to avoid any misunderstanding, as far as CCP is concerned enforcement agent is only a synonym to Judicial Officer who is the only entity entitled to proceed enforcement acts in civil cases.



The Judicial Officer is also entitled to proceed enforcement acts according to the Public Revenue Collection Code (hereinafter PRCC) but these acts can also be proceeded by the staff of the Revenue Department. PRCC refers to the collection of tax and social security obligations, pecuniary claims by State entities and penalties and fines imposed by the Court in criminal cases.

PART I: LEGAL FRAMEWORK

I.1 Legislation affecting civil enforcement

The enforcement legislative framework is described in the Code of Civil Procedure² (hereinafter CCP). State claims are collected according to the PRCC. Enforcement according to this code is generally following the procedures described in CCP. Provisional measures are also proceeded according to the enforcement legislation.

A general rule is that every other procedure that deals with claim settlements is enforced according to CCP provisions.

I.2 Enforceable titles

Enforceable titles are:

1. the final decisions, as well as provisionally enforceable judgments,
2. arbitration awards,
3. the minutes of Greek courts containing a settlement or determination of costs,
4. notarial documents,
5. orders for the payment and orders for abandonment of a leasehold issued by Greek judges,
6. foreign titles declared enforceable in Greece,
7. administrative acts pertaining to satisfying pecuniary claims issued by other administrative bodies,
8. 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 Hellenic Public and orders every entitled entity to proceed the enforcement. The exequatur is provided by the authority that issued the title. If the title is an order for payment, an order for abandonment of a leasehold or a provisionally enforceable judgment, the exequatur is given directly with the title. In final decisions, servicing of the document is requested prior to the provision of an exequatur.

Enforcement proceedings must begin with the service of the 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 Law. Any notifications or payments regarding

² CCP 8th book – Enforcement.



the enforcement can be made to the proxy. Following the service of the execution order, no other enforcement act may be proceeded 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.

Provisional measures do not require exequatur and can be enforced directly.

I.3 Service of documents to parties and third parties

Pursuant to CCP³ the service of every document, including extrajudicial ones, shall be effected by a Judicial Officer appointed to the Appeal Court in whose district the domicile or residence of the person or entity to whom it is addressed is located.

Servicing of a document ordered by the Court may also be carried out by a court bailiff⁴ of the region or a police officer or the forester, or by the secretary of the municipality. The same procedure is implemented in case there are no Judicial Officers in the area, or their access is not feasible.

Servicing of documents by post, telegram or telephone can be valid and the manner in which the receipt of service is proven is determined by decrees issued on the proposal of the Minister of Justice. These methods of servicing are rarely (if not at all) used any more.

Documents may also be served by electronic means if validated by an advanced electronic signature⁵. The Judicial Officers are by law⁶ the only entity commissioned to perform notifications by electronic means. This amendment in our legislation is recent and a common Ministerial Decision that will include the technical parameters in order to implement the electronic service of documents in practice, is expected.

A written order on the body of the document by the sender, the legal representative or the attorney at law is a prerequisite for the initiation of the servicing process.

Service is permitted wherever the person to whom it is intended is to be found. If the person has a place of residence, shop, office or workshop, either by him/herself or with another person, or works there as an employee, worker or servant, service in another place cannot be done without his/her consensus. Service cannot be performed in a church at the time of a ceremony or other religious ceremony or prayer or in a courtroom when it meets.

Service cannot be performed at night, Saturday or Sunday or any other day defined by law as an official holiday, without the consent of the addressee or without the permission of the competent judge in the case pending. If a lawsuit is not pending, permission is given by the Magistrate, in whose district service is to be performed. The

³ Chapter 16.

⁴ Court bailiffs are State-employed clerks whose main duty is handling over documents issued by the Courts, mainly in administrative and criminal cases (including notifications). Due to lack of personnel in their section, the vast majority of their duties is carried out by the Police.

⁵ Law 3994/2011, CCP article 122, paragraph 5.

⁶ Law 4689/2020, article 67, CCP article 122 A.

authorization must be indicated in the document served and in the servicing report. Night is considered to last from 7pm to 7am.

The document is served:

1. personally, to the person to whom the document is addressed,
2. for persons with no legal capacity, to their legal representative,
3. for legal entities or other associations of persons, to their representative, in accordance with the law or the statutes,
4. for the State, to those who represent it in accordance with the law.

If there are more legal representatives, servicing to one of them is sufficient.

If the addressee is not in his/her place of residence, the document is delivered to one of his/her adult cohabitants who are aware of their actions and are not involved in the trial as opposing him/her. Home within the meaning mentioned above, is the home or apartment which is intended for a half-day or overnight stay of the addressee, even if it is not used for that purpose for a very short period of time. Cohabitants are regarded those: living in the same apartment, janitors and their family members living with them, hotel managers and boarding houses and their servants and clerks, but not the tenants of another apartment or room of the same residence.

If none of the persons referred above is present at home:

1. The document must be posted on the door of the residence in a sealed envelope, on which only the details of the Judicial Officer and the person to be served will be available, in the presence of a witness. In case of apartment buildings, which are closed and the document cannot be posted on the house door, it can be posted as mentioned above, on the main entrance of the block of flats.
2. No later than the next working day following the posting, a copy of the document shall be handed over to the head officer of the local police station (or port authority) and if he/she or the officer on duty are absent, the document is handed over to the guard of the police station. In all these cases delivery is certified by a receipt issued free of charge on the body the notification.
3. No later than the next working day following the delivery, the Judicial Officer must send a registered letter of formal notice to the person to whom the service is addressed, indicating the type of document served, the address of the place where the servicing was made, the date of servicing, the authority by which the copy was delivered and the date of delivery. The notice is posted at the expense of the person requesting the service. The fact that the notice was posted is certified by a receipt similar to the one issued by the police and the Judicial Officer.

If the addressee of the service is not in the store, office or workshop, the document shall be delivered to the manager of the shop, office or workshop or to one of the



partners, officials or servants, if they are conscious of their actions and do not take part in the trial as counterparts of the recipient of the service. If none of the persons mentioned above is present in the shop, office or workshop, the same provisions as in the case of absence from the place of residence are applied.

If the addressee of the service or the adult persons who live or work with him/her refuse to receive the document or to sign the notification or if they cannot sign it, the Judicial Officer shall post up the document on the door of the residence, office, shop or lab, in the presence of a witness. If the addressee of the service does not have a domicile, office, shop or workshop and either refuses to receive the document or cannot or refuses to sign the servicing report, and the refusal of the addressee or their inability is attested by a witness recruited by the Judicial Officer, the document shall be delivered to the local police station.

If the place or exact address of the person to whom service is addressed is unknown, the provisions mentioned above (servicing to the Public Prosecutor) shall apply and at the same time a summary of the served document must be published in two daily newspapers, one of which shall be issued in Athens and the other at the seat of the court, otherwise the other must be issued in Athens, at the suggestion of the Public Prosecutor to whom the document is served. A summary is drafted and signed by the Judicial Officer and must indicate the names of the parties, the type of document served, the petitionary part and, in the case of a judgment, the adjudicatory part, the court in which the trial is pending or is to be brought and if the person to whom the document is served is invited to appear or act, the place and time of occurrence, as well as the type of act, must be stated. The provisions above shall also apply in cases where the Ministry of Foreign Affairs certifies that it is not possible to send the document to a person resident or domiciled abroad.

The following are essential prerequisites for each servicing report:

1. To be drawn up when the service takes place in the presence of those concerned.
2. To indicate the place, date and time of the service, the name, surname, forenames, residence, address, and tax number of each party.
3. To be read to the parties present and to the other persons who cooperate and affirmed by them.
4. To be signed by the Judicial Officer who drew it up, by the parties present and by other persons, if they participated (cohabitant, witness, etc.); otherwise, their refusal or inability to sign must be referred.
5. To mention the written order for service and the person who issued it.
6. To include a clear description of the document served and the persons concerned.
7. To refer the name of the person to whom the document was delivered and in case of absence or denial the way it was serviced.



The report is signed by the Judicial Officer and by the person who receives the document and in the event of his/her refusal or inability, it is signed by the witness hired for that purpose. The Judicial Officer is obliged to note on the document served the day and time of service, and sign it. This note constitutes proof to the person to whom the document was served. If there is a difference between the service report and the note, the report prevails.

The servicing report must be drawn up in two originals, one of which is to be delivered to the person who ordered the service and the other, free of charge, is kept by the Judicial Officer on record files. A note is written in the register book that is kept by the Judicial Officer and a separate unique number is given to each notification. The servicing document has full probative value and its proof of evidence can be offended as forged.

The HFJO often issues samples of servicing report forms, however Judicial Officers are not obliged to follow them and can use their own forms.

1.4 Legal remedies, appeal and objection

A caveat (objection) can be filed in case of an objection against the enforcement procedure, by a) the debtor and b) any creditor who has a legal interest⁷. This may refer to any objection that has to do with:

- 1) the validity of the enforceable title,
- 2) the enforcement procedure,
- 3) the amount of the claim.

The court which has the competence in such cases is the Magistrate, if it had issued the enforceable title, or the First Instance Court of the area where the enforcement is taking place, in any other case. If the enforceable title is a court decision or a payment order and has acquired the authority of final decision, the caveat is not accepted. In case of pecuniary claims, any assertion for debt redemption should be proved only by documents or a judicial admission.

There are specific time limits for filing a caveat:

- Forty-five (45) days from the day of attachment, if it refers to flaws in the confiscation procedure including servicing of the enforcement order.
- Thirty (30) days from the day of servicing the order, in case of direct enforcement (i.e., eviction).
- Thirty (30) days from the day of the auction, if there is an objection against the validity of the procedure (auction of movables).
- Sixty (60) days from the day the adjudicative report is registered in the cadastral office (auction of immovable).

The caveat is discussed in court within sixty (60) days after its deposit. The court has

⁷ CCP articles 933 – 934.



to issue its decision within sixty (60) days after the hearing. A third party has the right to file a caveat, if any legal interest is affected by the enforcement procedure. An appeal can be filed against a decision issued in a caveat case.

The caveat procedure does not halt the progress of the enforcement, unless a motion for stay of the proceedings is issued by a court that judges under the procedure of provisional measures.

1.5 Postponement, suspension and termination of enforcement

Once an enforceable title that includes exequatur and enforcement order is given to a Judicial Officer by the creditor, a legal postponement of the enforcement can occur if:

- The order is retracted. In practice this could happen if the debtor and creditor reach an agreement regarding the settlement of the claim.
- A motion for stay of the procedures is expected to be issued and a temporary restraining order was given to postpone the enforcement, until the ruling on the motion.
- A motion for stay of the procedures was issued and postpones the enforcement.
- A guarantee was deposited by the debtor in case there is such a provision.

The court that decides on the postponement also decides on the time limits and any prerequisites (i.e., deposit of guarantee). A third party can also request a postponement, especially if there is a danger of damage towards their interests due to the enforcement.

Suspension of enforcement proceedings can occur if:

- The debtor or their assets cannot be located for purposes of notification or sequestration of assets.
- The judicial officer has attempted to enforce the decision without producing the results intended by either of those actions.
- The address of the debtor listed in the enforcement proposal is proved to be incorrect, while the creditor is unable to demonstrate to the enforcement body the accuracy of the address.
- The Judicial Officer has not received expenses or fees for the enforcement

The termination of the enforcement proceedings occurs:

- After the settling of the creditor's claim.
- If the enforcement document or procedure is annulled, amended, revoked, invalidated or in other manner rendered ineffective.
- If a third person fulfills the obligation in benefit of the creditor instead of the debtor.

- When it has become impossible or for other purposes it cannot be enforced.

I.6 Counter enforcement

If the court accepts a caveat or an appeal against a title that has been already enforced, it may order restoration to the original condition, if requested by the person or entity against whom the enforcement was proceeded⁸. In such a case the debtor has the right to request by the court compensation by the creditor for any damages caused during the enforcement, only if it can be proved that the creditor knew that he/she did not have a right to enforce or acted with malice or obvious negligence⁹.

I.7 Objects and exemptions on enforcement

It is prohibited to confiscate movables that are regarded essential to the elementary living needs of the debtor and his/her family. For self-employed persons it is not permitted to seize items necessary for their livelihood¹⁰. Previous versions of CCP included a list of non-attachable items. Since this list had its origin in the decade of the 50's, in the latest CCP amendment¹¹ it was extracted and nowadays it is upon the Judicial Officer's judgement to assess whether an asset is attachable or not.

Attachment on salaries, pensions and social security aids is not permitted, if this monthly amount is less than one thousand euros (1000,00 €). If the amount is above one thousand euros only 25% of the amount may be attached, under the condition that the remaining amount is not less than one thousand euros¹².

Bank accounts are unseizable up to the amount of one thousand five hundred euros (1500,00 €) or two thousand euros (2000,00 €) in case of a joint account¹³. In a third-party attachment process confiscation is not permitted on:

1. perishable goods,
2. the company's portion in personal companies,
3. alimony claims ordered by law,
4. salaries, pensions and social security aids, unless the seizure settles alimony claims and parental contribution in family disputes. In this case it is allowed to proceed to an attachment of up to 50%, taking into consideration the monthly income of the debtor and the needs to be covered¹⁴.

Enforcement against a foreign State cannot be conducted without the permission of the Ministry of Justice.

I.8 (Court) penalties and fines

There is no specific legal provision on this subject. Any exceptions will be referred in

⁸ CCP article 914.

⁹ CCP article 940.

¹⁰ CCP article 953.

¹¹ Imposed by law 4335/2015.

¹² PRCC article 31.

¹³ Law 4161/2013 article 20.

¹⁴ CCP article 982.



parts II and III.

I.9 Access to information on the domicile and assets of the debtor

If a Judicial Officer is handling an enforceable title, he/she has the authorization to conduct an investigation on the debtor's assets in:

- mortgage offices;
- cadaster offices;
- transportation directorates;
- ship and aircraft registries.

All the above information is not available to the Judicial Officer by electronic means.

The Hellenic Data Protection Authority does not permit the access of Judicial Officers to the registers of the Revenue Department.

The creditor, under a written request at the Court, may force the debtor to provide an assertory oath by which he/she must submit a precise list of his/her assets and their exact location, without omitting any of them¹⁵.

There is no official register which could provide a guaranteed domicile address. The Judicial Officer obtains the initial information on the addressee's domicile from the person or entity who signs the order for the service. There is no prediction by law but, in fact, if the information given above is not accurate, the Judicial Officer usually attends either the local police station or the local postal office or the local water supply office (if existing) or the municipality.

Other sources of information may be the phone index services, the internet (if the addressee has a web site) and the e-platform of the Ministry of Finance¹⁶ (if the tax number of the addressee is known and valid), but none of the above sources can guarantee the validity of the address. If all of the above fail, the unknown residence procedure is followed¹⁷.

Should the addressee have declared his/her address by a legal document or to the Court's Secretariat, the notification is valid at this address even if the person to be served does not reside there anymore¹⁸.

The Judicial Officer is bound by law in terms of confidentiality and discretion when handling any elements concerning personal data, assets, or any other sensitive information of any party during an enforcement procedure.

PART II: ORGANIZATION OF ENFORCEMENT

II.1 The status of the judicial officer

The Judicial Officer is an independent entity appointed by the State and is bound by

¹⁵ CCP article 952.

¹⁶ Taxisnet.

¹⁷ CCP article 135.

¹⁸ CCP article 120.



the law for confidentiality, discretion, impartiality and objectivity while exercising his/her duties. The rules and regulations thoroughly laid down by the Code of Judicial Officers and by the Code of Civil Procedure reassure that the above standards are met.

The profession is represented at national level, State authorities, legislation committees, entities and International Organizations by the Hellenic Federation of Judicial Officers (hereinafter HFJO) which is based in Athens, in Karolou 28 str. (www.odee.gr, e-mail: epimelites@odee.gr, tel: 2103306109). Each Judicial Officer is obligatory member of their local chamber. There are eight (8) local chambers in total nationwide, which are the following:

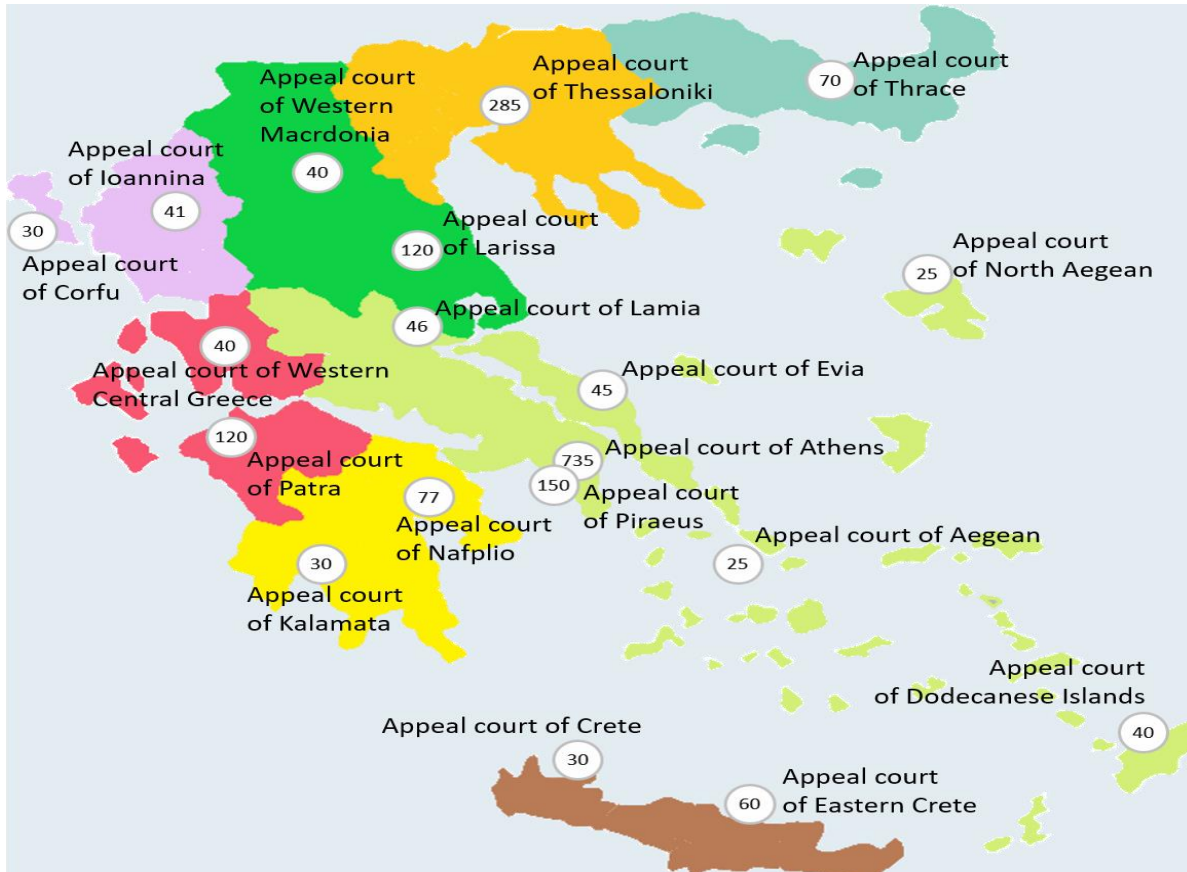
1. Chamber of Judicial Officers of the Appeal Courts of Athens, Piraeus, Aegean, Dodecanese, Lamia, North Aegean, Evia (mainland and Aegean Islands except Crete), based in Athens with 1066 members.
2. Chamber of Judicial Officers of the Appeal Court of Thessaloniki (northern Greece), based in Thessaloniki with 285 members.
3. Chamber of Judicial Officers of the Appeal Courts of Ioannina and Corfu (northwestern Greece), based in Ioannina with 71 members.
4. Chamber of Judicial Officers of the Appeal Court of Thrace (northeastern Greece), based in Komotini with 70 members.
5. Chamber of Judicial Officers of the Appeal Courts of Crete and Eastern Crete (south Greece), based in Heraklion with 90 members.
6. Chamber of Judicial Officers of the Appeal Courts of Larisa and Western Macedonia (central Greece), based in Larisa with 160 members.
7. Chamber of Judicial Officers of the Appeal Courts of Nafplio and Kalamata (southern mainland), based in Nafplio with 107 members.
8. Chamber of Judicial Officers of the Appeal Courts of Patra and Western Greece (western Greece), based in Patra with 160 members.

According to the organization chart of the profession as revised every three years (last revision 2018)¹⁹ by the Ministry of Justice and HFJO, there is a provision for two thousand nine (2009) Judicial Officer positions in Greece. The actual number is around 1900 Judicial Officers.

¹⁹ Official Governmental Gazette 5869/2018.



The following chart shows the number of Judicial Officers (the white circle) on service in each Appeal Court. The eight local Chambers and their regions are presented by the eight different colors on the map:



The profession is under the supervision of the Ministry of Justice and each Judicial Officer is operating 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.

Greece is regarded as a country with a high percentage of Judicial Officer per hundred thousand inhabitants (second in EU countries)²⁰. In the mainland and all of the cities regardless of their size, there is no shortage of Judicial Officers. Because of the large number of islands some problems may appear in the coverage of smaller islands during winter time, but in general no severe issues have arisen.

The Code of Judicial Officers²¹ is the official legal text that describes the deontology, rights and obligations²² of Judicial Officers, which are as following:

- The right of free entrance in all public-state premises if necessary, to perform his/her duties.

²⁰ CEPEJ statistics 2018.

²¹ As revised by the law 2318/1995.

²² Law 2318/1995, articles 20 - 41.



- The right to conduct ID verification.
- The right to remove from the premises any obstacle or/and person that interferes with his/her duties.
- The right to request assistance by the Police Authorities.
- The obligation to treat every party he/she comes in contact with appropriately, respectfully and ethically.
- The obligation to maintain an office in the region of the Appeal Court he/she is appointed to.
- The obligation to comply with decisions and directives of his/her chamber.
- The obligation to keep his/her register books updated and present them in any audit.
- The obligation of confidentiality and discretion.
- It is incompatible for a Judicial Officer to participate as a bidder in an auction in which he/she conducted the enforcement.
- It is incompatible for a Judicial Officer to provide any salaried services or exert other profession for natural, legal or public/state entities.

The Code of Judicial Officers also includes a special chapter related to disciplinary matters²³. Disciplinary offenses are all purposeful violations of a Judicial Officer's duties. The penalties provided by the Code ascending by severity are:

1. Reprimand.
2. Written reprimand.
3. Pecuniary penalty.
4. Temporary suspension.
5. Permanent suspension.

Lastly, the Code of Judicial Officers provides two levels of Disciplinary Board. The first level is composed of the President of the Court of First Instance, the District Court Prosecutor and the general secretary of the local Chamber of Judicial Officers. The second level is composed of the President of the Court of Appeals, the Prosecutor of the Court of Appeals and the president of the local Chamber of Judicial Officers.

II.2 Supervision over enforcement

The profession of the Judicial Officer is supervised by the Ministry of Justice and more specifically by the Prosecutor at the Court of Appeals in each local Chamber. Every year the register books that each Judicial Officer keeps, are inspected by the Prosecution Bureau or a Magistrate that is assigned for that purpose.

The Board of each Chamber has the competence either on its own initiative, or after

²³ Law 2318/1995, articles 53 – 76.



a written report is submitted by any citizen, entity or even a Judicial Officer, to assign to one of its members to conduct an inquiry in order to ascertain any evidence that justifies preliminary probe²⁴. After the end of this inquiry the report is forwarded to the authorized Public Prosecutor who is responsible to serve to the accused the disciplinary lawsuit before the first level Disciplinary Board. The accused has a ten-day period to submit his/her written (obligatory) defenses.

Activities of the Judicial Officer that can be controlled are:

- All his/her statutory professional activities.
- Mistakes or abuses that could be perpetrated during his/her activities.
- Lack or excessive length in exerting his/her activities.
- Non-enforcement of decisions against public authorities.
- Unlawful practices.
- Excessive costs or fees.
- Charge of fees less than predicted in the official tariffs.
- Absence or lack of information.

II.3 Access to the premises

If a Judicial Officer is handling an enforceable title, he/she is allowed to enter the premises even if the debtor or a representative of the debtor is absent. For that reason, he/she should be escorted by two adult witnesses or another Judicial Officer. The Judicial Officer can also violate the door if the debtor is absent or refuses to open it. The presence of the Police Authority is not compulsory, but the Judicial Officer has the right to request their assistance if necessary and they are obligated to provide it.

II.4 Obstructing the judicial officer from carrying out enforcement

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.

If resistance is met during the enforcement, the Judicial Officer has the right to use violence as defense 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, especially if resistance is alleged or threatened or if there is no one present at the location where the enforcement is going to take place.

II.5 Time of enforcement

During the night, Saturdays, Sundays and days excepted by law, enforcement acts cannot be executed, 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,

²⁴ Law 2318/1995, article 63.

no enforcement acts or auctions may be conducted, under the exception of attachment on ships and airplanes.

II.6 Mediation

In Greece Judicial Officers do not exert the activity of mediation.

PART III: ENFORCEMENT PROCEDURES

III.1 Initiation and end of the enforcement procedure

Enforcement is carried out with the care of the person entitled to do so, who gives a written order to a particular Judicial Officer and determines the manner and, if possible, the objects on which enforcement will take place; otherwise, search for the assets is the responsibility of the Judicial Officer. If the enforcement act is a seizure, the order designates as an auctioneer a notary in the region of the place where the act is going to take place and whether the auction will be conducted by electronic means. The order must be dated and signed by the beneficiary or his/her attorney.

As mentioned in the first chapter, an exequatur is needed for a title to become enforceable, which is set to the document by the authority that issued the title. The enforceable title must be serviced to the debtor and he/she has a three-working day period to voluntarily settle the claim. In case the debtor is cooperative, he/she can propose to the Judicial Officer the preferred enforcement assets. Should the creditor for any reason withdraw the enforcement order, the procedure comes to an end. Once the exequatur is set on the document, it may be proceeded regardless of whether it is unappealable or provisionally enforceable.

III.2 Enforcement against movable assets to settle pecuniary claims

Under the condition that the enforceable title is served to the debtor and a three-working day period (for voluntary fulfillment) has elapsed, seizure can be proceeded by the removal of the item by the Judicial Officer and a report must be issued in the presence of an adult witness.

The confiscated item is valued by the Judicial Officer or an expert whom the Judicial Officer hires at his/her discretion for that purpose. Any asset to be confiscated must be in the absolute ownership of the debtor. In case any issues arise by third parties concerning rights on the attached item, these must be notified to the Judicial Officer and written proof should be presented.

Matrimonial and extra-marital spouses are equal co-owners of all movable items that are in the house or their business premises. In case the debtor's items are in the possession of a third person, they may be attached upon his/her consent. If the third person is not willing to cooperate, the items are seized according to the procedure for third party attachment.

In addition to the essential information required, the seizure report shall contain:

1. a precise description of the seized item so as not to give rise to any doubt as to its identity,

2. an indication of the appraisal of the seized made by the Judicial Officer or the expert,
3. the first bid price, which must be at least two-thirds of the value at which the seized was estimated,
4. a reference to the enforceable title on which enforcement is based, the execution order given to the debtor and the amount for which the attachment is made,
5. a reference to the auction date, which is mandatory to take place after seven (7) months but not later than eight (8) months²⁵ from the date of the seizure, where an auction will take place, and the name of the notary who will be the auctioneer, who is always a notary certified to conduct auctions.

The report shall also indicate the terms which the creditor may have placed. The seizure report shall be signed by the Judicial Officer and the witness; if present, the creditor and the debtor also sign it. If one of them refuses to sign, his/her refusal is mentioned in the report. Any stay of execution against the seizure is unacceptable if it is not filed at the latest fifteen (15) working days prior to the auction date.

A copy of the seizure report shall be served as soon as the attachment has been concluded to the debtor, if present, and, if he/she refuses to receive the document served on him/her, the Judicial Officer draws up a report on his/her refusal. If he/she is absent or the copy cannot be immediately drawn up, the service is to be effected not later than the day after the seizure is terminated, if the debtor is domiciled in the region of the seizure area, otherwise within five (5) days after completion of the attachment. Within the same five-day period, the report shall be served on the Registrar of the District Court of the place where the seizure has taken place, and must be entered in a special register in alphabetical order of those against whom the seizure is made. Failure to comply with these formalities results in the seizure being void.

The Judicial Officer, within eight (8) days from the date on which the attachment is concluded, is obliged to submit to the notary responsible for the auction the enforceable title, the notification report of the execution order, the seizure report and the notification reports to the debtor and the Registrar of the District Court and, if the confiscated item is money, the bill of the public deposit.

An extract of the seizure report, which includes the names of the creditor and the debtor, and their tax identification number and, in the case of legal entities, their name and tax identification number, description of the seized items, the price of the first bid, the amount for which the seizure is made, the terms of the auction, the name and address of the auctioneer, as well as the place, day and time of the auction, shall be issued by the Judicial Officer and published until the 10th day after the attachment on the auction site of the Bulletin of Judicial Publications of the Legal Department of

²⁵ As revised in the recent CCP amendment (law 4335/2015). The purpose of the legislator was to provide sufficient time for any procedure following the seizure (objection etc.) and avoid continuous postponements of the auction, as was often the case under the former status.



the Unified Authority for Social Security. The auction cannot be carried out without the formalities of the preceding paragraphs being met, otherwise it is invalid.

The Judicial Officer hands over the confiscated property to an escrow agent. The escrow agent has the custody of the confiscated items and has no authority to use them.

The debtor, if the creditor agrees, or the creditor, if the debtor agrees, may be the escrow agent. The status of the escrow agent is retained for any seizures that might follow. If the confiscated movables are difficult to be carried or might be damaged, the Judicial Officer leaves them where the attachment has taken place.

If the seized items are only money the Judicial Officer deposits them to the Consignments and Loans Fund and handles the deposit documents to the auctioneer. The same applies if the seizures are foreign money that the auctioneer converts into Greek currency. If apart from money other items were also seized, the money is distributed along with the auction proceeds. At the discretion of the auctioneer, if the seized things can be damaged, they are immediately auctioned. The auctioneer can take all appropriate steps to ensure publicity²⁶.

The auction procedures are similar whether the seized are movables or immovables. Any differences related to the auction of immovables will be referred below.

An e-auction is carried out by a certified auctioneer (notary) for that purpose by means of electronic auction systems. Anyone who exercises official duties during the auction is not permitted to participate in the auction as a bidder, in person or via a third person.

Each candidate bidder shall declare his/her participation in a particular auction in accordance with the terms thereof after having paid the requested guarantee by 15:00 two working days prior to the specified auction date.

The charge for the use of the systems for conducting the electronic auction shall be paid by the auctions out-bidder. The deposit of the guarantee, the fee for the use of the electronic auction systems and the auction proceeds are transferred exclusively to a special bank account which will be kept by the auctioneer at a Greek Banking Institution.

Each possible tenderer appoints a proxy resident in the area of the District Court of the place of enforcement until 15:00, two working days prior to the specified auction date, otherwise the Registrar of the Court of First Instance of the place of enforcement is considered as a proxy.

After the deadline set in the previous paragraph, the auctioneer of the e-auction:

- checks the submitted files,
- ascertains until 17.00 of the previous day of the e-auction, the accordance of the formalities specified above and

²⁶ CCP article 962.

- submits to the electronic auctioning systems a list of the candidate bidders that are entitled to participate.

The electronic auction is carried out on the custody of a notary within the region where the seizure has taken place, who has been appointed for auction. The e-auction is conducted before the same notary, who was initially appointed, also in the case of multiple seizures.

Electronic auctions are held on a Wednesday or Thursday or Friday, from 10:00 to 14.00 or from 14.00 to 18.00. In the case of a last-minute bid, i.e., from 13:59:00 to 13:59:59 or from 17:59:00 to 17:59:59, a five-minute extension is automatically granted. For each bid submitted in the last minute of the extension, a new automatic five-minute extension is given if a higher bid is submitted. Extensions may be continued for a period of not more than two (2) hours from the scheduled time of the electronic auction, and after that period the bidding process is completed.

An electronic auction may not be held from 1 August to 31 August, and the previous and next week of the election day. This prohibition does not apply if the auction concerns ships, aircraft and items that can be damaged.

An electronic auction is an open-ended type of auction, in which successive bids are submitted. Participants bid continuously higher than the maximum bidding until the auction deadline. All the submitted bids are recorded in the electronic systems.

With the submission of the bid, the bidders are immediately informed by the system:

1. about the amount of their bid,
2. about the exact time of submission and
3. that it has been recorded.

Each bidder is informed of the maximum bid submitted. All bidders taking part in an electronic auction are immediately informed by the system of any suspension, termination or discontinuation of the auction, as well as its cause. At the end of the bidding process, the result is announced via the electronic system. Those who have participated in the online auction are informed of the result without delay.

The auctioneer compiles the report, by awarding the auctioned items to the out-bidder. In electronic auctions of movables, the out-bidder has the obligation to pay the auction proceeds and fees to the special bank account of the auctioneer no later than the third working day after the auction.

Only upon payment of the auction proceeds and fees, the award shall be handed over to the out-bidder. The auctioneer must deposit the auction proceeds to the Consignments and Loans Fund, not later than the fifth working day after the auction. The deposit of the auction is not subject to seizure, does not fall upon bankruptcy procedures and is not subject to the obligations imposed by the State to safeguard its interests. Within the next working day from the expiration of the aforementioned deadline, the auctioneer shall remit the use fee to the relevant Notarial Association of which he/she is a member.



III.3 Attachment on the bank account of the debtor

The law provisions concerning bank account attachment are included in the third-party attachment (garnishment) process and are common in enforcements against saving deposits and current accounts. The Judicial Officer is not able to access information on bank accounts prior to the attachment.

Attachment on salaries, pensions and social security aids is not permitted, if this monthly amount is less than one thousand euros (1000,00 €). If the amount is above one thousand euros, only 25% of the amount may be attached, under the condition that the remaining amount is not less than one thousand euros.

Bank accounts are unseizable up to the amount of one thousand five hundred euros (1500,00 €) or two thousand euros (2000,00 €) in case of a joint account.

In the process of third-party attachment, confiscation is not permitted against:

1. perishable goods,
2. the company's portion in personal companies,
3. alimony claims ordered by law,
4. salaries, pensions and social security aids unless the seizure settles alimony claims and parental contribution in family disputes. In this case it is allowed to proceed to an attachment of up to 50% taking into consideration the monthly income of the debtor and the needs to be covered.

The seizure of bank accounts shall be effected by serving the bank and the debtor a document, which is required to contain:

1. a precise description of the enforceable title and the claim on the basis of which the seizure is done,
2. the requested amount,
3. an execution order to the bank not to proceed to any payments to the debtor, until the claim is fully satisfied.
4. the appointment of a proxy.

The document intended for the debtor shall be served at the latest within eight days after the document has been served to the bank, otherwise the seizure shall be invalid.

Within eight (8) days after the warrant of attachment has been served, the bank must declare whether the amount for the claim exists, in any type of account of the debtor. The statement shall be made orally to the Registrar of the District Court of the place of the bank's registered office, that draws up a statement. Omission of the statement is assimilated to a negative statement. If the statement is omitted or is inaccurate, the bank is liable to indemnify the person who imposed the attachment.

If the bank declares that the claim that has been seized exists and is sufficient to satisfy the person or persons who imposed the seizure, the bank:

- a) blocks immediately the account of the debtor for the amount seized,

b) after eight days have elapsed since the attachment was notified to the debtor, if he/she resides in Greece, and after thirty days, if he/she resides abroad or his/her residence is unknown, must pay to each of those who have seized, the amount for which the seizure has been imposed.

If the claim is somehow settled, the creditor is obligated to inform the bank to release the debtor's accounts by a notification serviced by a Judicial Officer.

If the seized amount is not sufficient, the bank must make a public deposit and the distribution is carried out by a notary appointed by the District Court of the place of enforcement, at the request of anyone having a legitimate interest.

III.4 Enforcement against savings deposits and current accounts

See III.3.

III.5 Enforcement on immovable property

The legal provisions applicable to attachment on movable and immovable property are to a great extent common. In this section we will refer to the process regarding exclusively attachments on immovables which are also implemented in cases of confiscation of ships and aircraft.

As in the enforcement on movables, the creditor or the debtor have the right to propose specific immovables to be seized and it is up to the discretion of the Judicial Officer to select the appropriate immovable, if necessary.

Every immovable asset in Greece has to be registered in the Land Register or Cadastre. Prior to the enforcement, the Judicial Officer is obligated to make an inquiry in these registries and has the right to request any document concerning the real estate to be attached. In case part of a real estate is not registered (for instance a non-registered building in a registered field) the Judicial Officer has the right to include it in the attachment report, provided that the hired appraiser describes and evaluates it in his/her report.

Once the enforcement procedure is completed it is forbidden to impose any other property right on the immovable. Attachment on the same immovable by a different creditor is permitted.

Under the condition that the enforceable title is served to the debtor and a three-working day period has elapsed, the Judicial Officer carries out the seizure by writing a report in the presence of an adult witness (or a Judicial Officer).

Confiscation of mortgage property can be carried out either against the debtor or against the third owner or against the person who is legally entitled to the mortgage estate after the servicing report has been notified to the debtor and the third party.

Following the Judicial Officer's on-site visit, the seized property must be accurately described with regard to its type, location, boundaries and extent, with the components and fixtures seized, so that there is no doubt about its identity. For the purpose of assessing the value of the property being seized, account shall be taken of its commercial value, as determined at the time of seizure. In order to impose the

attachment and the description of the property, the Judicial Officer has the right to enter the property, even if it is owned by a third party.

The person responsible to determine the commercial value of the seized property is the Judicial Officer, who is obliged to recruit a certified appraiser for this purpose²⁷, a natural or legal person, which is included in the register of certified appraisers kept in the Directorate for Economic Coordination and Macroeconomic Forecasting of the General Directorate of Economic Policy of the Ministry of Finance and is published on the website of the same Ministry.

The certified assessor must, within the set time limit, draw up a written statement in accordance with European or international rating standards and deliver his/her assessment to the Judicial Officer while committing to the Code of Conduct. The fee for making the assessment is determined in advance freely after a written agreement for the award of the project. The person responsible for the payment of the fee is the creditor, although at the end of the process the debtor bears all expenses.

A copy of the seizure report shall be served to the debtor as soon as the attachment has been concluded, if he/she is present and in case of refusal to receive the document served, the Judicial Officer draws up a report. If the debtor is absent or the copy cannot be immediately drawn up, the service is to be effected not later than the day after the seizure is terminated, if the debtor is domiciled in the region where the seizure took place, otherwise within five (5) days after completion of the attachment. Failure to comply with these formalities results in nullity.

The first bid for the auction of a real estate is defined as its commercial value as determined at the time of the seizure. By threat of nullity, a copy of the seizure report shall be served on the mortgage register or the cadaster of the region where the seizure took place within five (5) days of the seizure. In case of ships registered in Greece, service is performed by the keeper of the ships register where the ship is listed and in case of aircraft registered in Greece, service is to the person who keeps the register.

The Registrars must proceed to the registration of the attachment on the same day in a special seizure book kept for this purpose and deliver the statement of encumbrances to the Judicial Officer responsible for the enforcement within three (3) days after the service has been served on them, while the secretary of the District Court must register the seizure report to a special register book by listing alphabetically debtors on the same day.

In case of seizure of a mortgaged property and if the seizure was performed against the third party, the owner or the possessor, a copy of the seizure report must be served on them and the debtor, otherwise it is invalid. If the seizure has been made against the debtor, a copy of the seizure report must be served to the third party or owner or possessor, otherwise it is invalid.

The Judicial Officer shall, within ten (10) days of the attachment, hand over to the

²⁷ Presidential Decree 59/2016.

auctioneer (who draws up a report on this):

1. the enforceable title,
2. the servicing report on the delivery of the execution order,
3. the seizure report,
4. the servicing reports to the debtor, the third principal or the possessor and the land registry or whoever keeps the register of ships or aircraft,
5. the statement of encumbrances.

Extract from the seizure report shall be issued by the Judicial Officer and published until the 15th day after the attachment on the auction site of the Bulletin of Judicial Publications of the Legal Department of the Unified Authority for Social Security. This has to include:

- the names of the creditor and the debtor, as well as their tax identification number and, in the case of legal entities, their name and their tax identification number,
- a summary description of the property seized according to its type, location, boundaries and extent, with the components and annexes,
- an indication of the mortgages or prenotations existing on the property,
- the price of the first bid,
- the requested amount for which the seizure was done,
- the terms of the auction,
- the name and address of the notary who will be the auctioneer,
- the place, day and time of the auction.

The extract is served within the same time limit to the third principal or possessor and the mortgagees. The auction cannot proceed without complying with the formalities of the previous paragraphs, otherwise it is invalid.

The escrow agent of the property is the one who holds it when the seizure takes place. At the request of any person having a legitimate interest, the Magistrate of the District Court in which the seizure property is located, may appoint another escrow agent or replace him/her, and decide on any question concerning escrow.

The debtor has the ability, after given permission by the Court, to proceed to a private sale of the attached property on a price set by the Court. This sale is conducted by the auctioneer at least ten days prior to the auction. If the private sale is not concluded, the auction will take place at the defined date²⁸.

A request for stay on an auction procedure is not permitted if not serviced prior to fifteen (15) working days before the day of the auction. The court may order the

²⁸ Law 4512/2018 article 207.



postponement of the procedure for up to six months, under the condition that a) the expenses of the auction will be paid and b) at least 25% of the claim is paid to the creditor.

The out-bidder has the obligation to deposit the sale price and all the expenses of the auction to the specific professional bank account of the auctioneer within ten (10) days after the auction.

After the completion of the auction, the notary is responsible to allocate the proceeds. The amount that is shared among the creditors is the residue of the proceeds of the auction after the expenses of the enforcement (attachment and auction) are deducted.

If the amount is enough to satisfy the creditor who forwarded the enforcement and any other listed creditors, the auctioneer settles their claims the twentieth (20) day after the auction. If the amount of the proceeds is not enough, the auctioneer must issue a list with the classification of creditors.

The requests of mortgagees are in the first class of priority (65% of the proceeds). Tax and social security financial obligations are in the second class of priority (25% of the proceeds). The rest of the creditors including the proposer of the enforcement are in the third class of priority (10% of the proceeds).

A Different variation of division might occur if creditors of one class do not exist. For example, if only first and third class of priorities exist, then the first class shares 90% of the proceeds, if only second and third class of priorities exist, then the second class shares 70% of the proceeds. If the State has registered a mortgage on the debtor's asset, then it is classified at the first class of priority.

Three days after the classification of the creditors, the auctioneer informs the proposer of the enforcement, the debtor and the announced creditors by written notification. Within twelve working days from the service of the notification, anyone with a legitimate interest may object to it.

Once the out-bidder pays off the proceeds and fees of the auction any mortgage or pre-notice of mortgage is extinguished and he/she has the right to request the elimination of any mortgage, pre-notice of mortgage and attachment on the real estate.

If the real estate that was auctioned is leased, the out-bidder has the right to terminate the tenancy under a formal notification and this is regarded as terminated after two months from the day of the notification. The adjudicative report has the validity of an enforceable title and the out-bidder has the right to eviction. In this case an exequatur is provided by the notary who conducted the auction.

If the out-bidder does not pay off the proceeds and fees of the auction in time, the auctioneer has to inform him/her, within two working days, by a reminding notice, served with the Judicial Officer. If the out-bidder does not fulfill his/her obligations the following five working days, the sanction is lifted, the deposit of the guarantee forfeits and the following bidders with the highest offer are called by the auctioneer to pay the remaining sum. If the amount collected is not enough to cover the sale

price, the initial out-bidder is responsible to cover the rest of the price. In any case this procedure does not flourish, a new auction may be conducted.

If no bidders appear, the auctioned item may be awarded at the price of the first bid to the creditor, if requested. If no application is made, a new auction will be made within forty (40) days.

If the new auction fails, the competent Court may order a new auction within thirty (30) days, at the request of anyone having a legitimate interest, with the same or lower first bid price or allow the auctioneer to conduct a private sale of the attached to the petitioning creditor or to a third party at a price determined by the Court.

If this new auction has been unsuccessful or the free divestment has not been achieved, the Court may, at the request of anyone having a legitimate interest, order either the withdrawal of the attachment or a new auction with the same or lower first bid price.

III.6 Enforcement against wages and other permanent pecuniary income

This type of enforcement is not common. Any exemptions are conducted under specific conditions and is implemented by the third-party attachment process.

According to the CCPR, attachments on salaries, pensions and social security aids is not permitted if the monthly amount is less than one thousand euros (1000,00 €). If the amount is above one thousand euros only 25% of the amount may be attached under the condition that the remaining amount is not less than one thousand euros²⁹. Information of the debtor's income origins from the State registers.

According to the CCP, bank accounts are unseizable up to the amount of one thousand five hundred euros (1500,00 €) or two thousand euros (2000,00 €) in case of a joint account. In the process of third-party attachment confiscation of salaries, pensions and social security aids is not permitted, unless the seizure settles alimony claims and parental contribution in family disputes. In this case it is allowed to proceed to an attachment of up to 50%, taking into consideration the monthly income of the debtor and the needs to be covered³⁰.

In this case information of the debtor's income origins mainly by the spouse who proposes the enforcement.

III.7 Attachment under the debtor's debtor

There is no particular enforcement procedure applicable in this instance³¹.

III.8 Enforcement against shares

This type of enforcement is implemented by the provisions of the third-party attachment process. The warrant of seizure is handed over to the institution that keeps the register of shares. The liquidation of the shares that were confiscated is

²⁹ PRCC article 31.

³⁰ CCP article 982.

³¹ The normal rules for attachment on bank accounts are followed.



done through a public auction according to the regulations and directives of the National Capital Market Committee. If the confiscated items are shares on mutual funds, the financial entity that has published the shares is regarded the third party³².

III.9 Other attachment procedures

III.9.1 Mandatory administration

In order to satisfy a monetary claim of a creditor mandatory administration may be imposed to the debtor's real estate or company. In order to impose mandatory administration, it is required that:

- The creditor has an enforceable title and has served an execution order to the debtor.
- A request must be filed at the First Instance Court of the region where the asset or the premises of the company are located.

The decision that accepts or denies the request can be objected by an appeal. The request is rejected if for any reason the court estimates that the creditor's claim cannot be settled by mandatory administration within a reasonable period of time, or that the amount of claim cannot justify this measure.

The court decision appoints an administrator for the management of the asset in question and it should be notified to the debtor or any mortgagees. The administrator is responsible for the management of the asset and accountable for any of his/her actions.

III.9.2 Detainment

The enforcement measure of detainment may be imposed:

- for claims derived from wrongdoing,
- in pecuniary claims larger than thirty thousand euros (30000,00 €)

Detainment cannot be sentenced against:

- juveniles or persons under custody,
- members of the Hellenic Parliament,
- elderly persons (65 years or older),
- members of priesthood of any recognized religion.

The maximum period of imprisonment cannot exceed twelve months. Persons sentenced to detainment are arrested by a Judicial Officer escorted by an adult witness or another Judicial Officer and a detainment report is issued. In prison, detainees are preferably hosted separately from criminal inmates.

The arrest cannot be conducted:

- during a court meeting,

³² CCP articles 991A and 991B.



- in a place of worship of any recognized religion during the religious service,
- during the month of August,
- during Christmas and Easter holidays,
- the week prior and after the election day.

The detainee is released:

- if the detainment period ordered by the court decision has expired,
- if the debt, fees and expenses are paid off,
- if the creditor who imposed the imprisonment consents in writing,
- if he/she reaches the 65th year,
- if nourishment charges are not prepaid to the warden of the correctional institution.

III.10 Handing over movable assets

If there is an obligation to hand over a specific movable or quantity of movables, the Judicial Officer abstracts the item or items from the person against whom the enforcement is implemented and delivers it or them to the proposer of the enforcement. In case the items are in the hands of a third person, the procedure followed is the one described in the attachment against third parties.

If the assets to be handed over are not found the person against whom the enforcement is implemented must take an oath that he/she does not have any knowledge of the asset/assets or its/their whereabouts. The competent court in this case is the Magistrate in the region of enforcement or residency of the person against whom the enforcement is implemented.

III.11 Enforcement in reinstatement of employee to work

There is no particular enforcement procedure applicable in this instance.

III.12 Eviction

There are three possible legal ways to conduct an eviction:

1. Order for abandonment of a leasehold. It can be issued not only for delayed rent, but also for claims on tenancies of use. It is the most preferable way to proceed to an eviction, due to the fact that a small period of time is required in order to obtain an enforceable title, which is approximately three months after the tenant is informed by written notification. In order to achieve the issuance of the order by the court the prerequisites are the following:
 - Valid lease contract, registered in the informative system of the Ministry of Finance “Taxisnet” and approved by both sides. If for any reason, this condition is not fulfilled, the request for issuing an order will be rejected.
 - Written notification to the tenant.

- Request to the Court for issuing the order at least fifteen (15) days after the service of the notification. Should the tenant fulfill his/her obligation during this period, the court will not proceed to the issuance of the order.
 - Service of the order. Following the service, no enforcement act may be done, under a penalty of nullity, before a period of twenty (20) days has elapsed. The tenant has the right to appeal the order within fifteen (15) working days of its notification.
2. Court judgment following a lawsuit. This procedure is preferred in the event that an order cannot be issued, denial of payment cannot be proven in a satisfactory way, or in case of non-monetary claims against the tenant (i.e., inappropriate use of the estate). The main drawback is that obtaining an enforceable title requires enough time that can reach up to eighteen months (on average). Once the enforceable title is served, the eviction may be conducted after three (3) working days.
 3. Following the adjudication of real estate in an auction. The adjudication report issued by the notary who was the auctioneer, is an enforceable title³³ and, once registered in the public registers, it may be executed against the debtor, or any person that holds the estate in the name of the debtor. If the estate was leased for commercial use, the out-bidder has the right to terminate the lease, which is regarded as terminated after two (2) months following the notification and then becomes enforceable.

Once the conditions mentioned above are met, the Judicial Officer expels the party against whom the execution is implemented and settles the enforcement proposer.

The Judicial Officer hands over any movables found in the premises to the person against whom the eviction is implemented and a receipt of delivery is signed by both parties. If he/she is absent or denies receiving them, the items are handed over to a member of his/her family or a person authorized to receive them.

In the event that the persons mentioned above are absent or deny receipt, the Judicial Officer appoints an escrow agent and issues an inventory of the items found in the premises. In this case the proposer of the enforcement has the right to request permission to sell in auction the items mentioned in the inventory by the Magistrate of the region of the eviction.

The request cannot be accepted before a ten-day period elapses from the day the person against whom the eviction took place was officially notified and invited to receive the movables. Any costs that derive from the eviction and the custody of the movables are prepaid by the creditor.

The eviction report is served to the person against whom the eviction is implemented (enforcement debtor) within thirty (30) days of the enforcement under the condition that he/she has notified his/her new address in writing.

³³ Notarial documents are enforceable titles. In this case, exequatur is provided by the notary.



An eviction cannot be conducted:

- in August,
- during Christmas and Easter Holidays,
- the week prior and after the elections.

The responsibility of the escrow agent to attend and deliver the movables to the person against whom the eviction was executed, ceases six months after the eviction.

III.13 Enforcement of obligations to act, refrain from acting or suffer action

There are three cases in Greek legislation where the subject of this chapter applies³⁴:

a) Obligation to act: If the debtor does not fulfill his/her obligation to perform an action that cannot be performed by a third party and its fulfillment depends only on the debtor's will, the court forces him/her to carry out the action and in case of denial he/she may be sentenced to a monetary penalty of up to fifty thousand euros (50000,00 €) in favor of the creditor and detainment of up to one year.

b) Refrain from acting: If the debtor has the obligation to refrain from action, in case he/she does not comply, the court may sentence him/her to a monetary penalty of up to one hundred thousand euros (100000,00 €) in favor of the creditor and detainment of up to one year. The competent court to assure the violation and impose the penalties mentioned above is the First Instance Court of the region of the dispute.

c) Suffer action: The provisions mentioned in case b are also applicable if the debtor has the obligation to suffer an action. Furthermore, if the debtor resists, the Judicial Officer may use force against him/her or call the police authorities and put aside any obstacle that may arise.

III.14 Sequestration of goods

There is no particular enforcement procedure applicable in this instance.

III.15 Enforcement of foreign enforceable documents from non-EU States

Enforcement in Greece can proceed based on a foreign document if it is declared as enforceable by the First Instance Court of the region where the debtor has his/her residency³⁵. The First Instance Court affords enforceability to the foreign document as long as it is enforceable according to the law of the State where it was issued and it is not in conflict with moral values or public order. A request for recognition of enforceability, issued by a lawyer, must be submitted to the court and any type of court decision may be recognized.

If the foreign document is a court decision, the following conditions must be met in order to become enforceable:

- The case, according to the provisions of Greek Law, falls under the jurisdiction of the courts of the State where the court that issued the decision is located.

³⁴ CCP article 947, paragraphs 1,2 & 3.

³⁵ CCP articles 905 & 906.



- The debtor had the right to support his/her plea and participate in the trial unless the obstruction is based on legal provisions applicable to citizens of the State where the court that issued the decision is located.
- The decision is not contradictory to a Greek court judgment with force of precedent issued on the same case between the same parties as in the foreign court decision.

Foreign documents that are not enforceable titles are recognized and have force of precedent as long as they meet the above three criteria. The formalities for the recognition of a court decision made in another non-EU State are identical regardless of the court decision.

PART IV: ENFORCEMENT COSTS

IV.1 The costs of enforcement

The Judicial Officer is entitled to receive a remuneration of enforcement costs for any undertaken enforcement activities. The enforcement fees in the civil procedure are fixed and directed by law issued every five years (last amendment 2016³⁶) under a joint decision of the Ministers of Justice and Finance³⁷. The Hellenic Bank Association and HFJO also participate in the lawmaking committee that proposes the tariffs.

All costs related to enforcement are pre-paid by the creditor and included in the final amount the debtor is liable to pay. Once the Judicial Officer arrives at the debtor's premises³⁸, it is obligatory to request voluntary fulfillment of the claim by the debtor, before the enforcement begins. In this case and in the event the procedure is aborted for any reason before it has started, the Judicial Officer is entitled to receive half of his/her fee.

In case the enforcement process has started and any occurrence that is unprecedented and unrelated to the Judicial Officer becomes a barrier, then he/she is entitled to receive the total amount.

Usually, once an enforcement is decided to be implemented and assets for the debtor have been found, the Judicial Officer is prepaid 50% of his or her fee and all the expenses.

In case of an insolvent debtor or when there is a strong possibility of unsuccessful enforcement, the creditor may not prefer to proceed and may cover any costs done up to that point (for instance, notification of documents, inquiry in public registers etc.).

In any case, the creditor is always informed for any enforcement costs in advance.

In the event that the Judicial Officer may face difficulties in enforcement, he or she may request higher remuneration than the one provided by law. This extra fee cannot be charged to the debtor.

³⁶ Common Ministerial decision 21798/2016.

³⁷ Law 2318/1995 (Code of Judicial Officers) articles 49 & 50, as amended by the law 4336/2015.

³⁸ After the period of three (3) days for the debtor's voluntary fulfilment has elapsed.



Should the enforcement take place during the night, weekend or any official holiday, the Judicial Officer's fees are increased by 75% to the provided remuneration.

The following categories of expenses of third persons exist:

1. Expenses of personnel that may need to support the enforcement procedure. For example: the locksmith that will open the door in an eviction, the company that will transport and/or store movables. These expenses are usually covered directly by the creditor who may also negotiate the price.
2. Expenses of personnel that should participate in the enforcement by law. For instance: the witness that should escort the judicial officer or the appraiser who will evaluate real estate or any high value asset.
3. Expenses provided by law: such as the cost of announcement of an auction (based on the size of the document to be announced, the charge is 4 cents of euro for each character typed), the cost of use of the auction platform (based on the amount of the claim, the charge varies from 180,00 to 400,00 €), the cost of registration of the seizure of immovables at the Cadaster or Land Registry (based on the amount of the claim).

Performance fees are not provided in the tariff system. Nevertheless, in case the judicial officer manages to settle a claim in a successful way or in a very short period of time or without the need of enforcement measures, the creditor may proceed to an extra payment as a reward. The amount of this reward rests only upon the creditor's will.

IV.1.1 Remuneration of Judicial Officers in civil case procedures

IV.1.1.1 Servicing of documents

A four-zone pricing system exists with regard to the service 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.

The prices and distance (in km) for each zone are the following:

	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 €

All the aforementioned prices in zones A, B and C include every expense the Judicial Officer might need, such as transportation costs, tolls, witness or mailing costs in case



of posting documents. 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 concerning the same case need to be served at the same date and time, in the same Municipal section different from zone A, then the first one is charged as in the relevant zone and every next as in zone A.

All the above prices are subject to V.A.T. 24% (not included).

IV.1.1.2 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, ship or aircraft in the same act then:

- For the first asset, he/she charges the whole of the above price.
- For the second to the fourth asset, he/she charges 1/2 of the above price.
- For the fifth to the tenth asset, he/she charges 1/3 of the above price.
- For the eleventh or more, 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).

IV.1.1.3 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 to the Judicial Officer's reward as mentioned above.
- Any witness that will participate in an enforcement act will receive fifty euros (50,00 €). This amount is not included to the Judicial Officer's fees and is not subject to V.A.T.

IV.1.2 State as a creditor or debtor

All the above apply if the state is involved anyhow in an enforcement procedure according to CCP provisions.

In case the enforcement is implemented according to PRCC provisions then:

- There is a different tariff for the reimbursement of the judicial officer. This does not include completely fixed prices, but it is based on the amount of the claim and paid after the clearing of the account by the revenue office.
- The state is not liable to register costs on cadaster, announcement costs and fees for auction platforms.
- Appraisers and notaries are also remunerated in a different (obviously



lower) scale than the one applicable in civil procedures.

IV.1.3 Legal aid

A Greek citizen, any EU citizen or any person legally residing in Greece, may request legal aid if he/she proves that his/her income (total annual income) does not exceed the amount of:

1. 6000 euros, if he/she is unmarried. If he or she has protected infants under his or her custody an additional amount of 1000 euros is added for up to four infants.
2. 10000 euros, if he/she is married. The provision for infants also applies in this case.

The competent court to decide on provision of legal aid is the Court of First Instance. Should the request be accepted, the creditor or debtor is exempted from any payment. The decision includes the names of the lawyer, the judicial officer and the notary who will assist the applicant. Their remuneration is covered by the state after the clearing of the amount to be paid by the court.

PART V: LINKS, LITERATURE AND SOURCES

This report was based on the following references:

- Code of Civil Procedure
- Public Revenue Collection Code
- Judicial Officers Code
- Official Governmental Gazette (www.et.gr)
- Hellenic Federation of Judicial Officers (www.odee.gr)
- <https://www.tetravivlos.com/>
- <https://www.lawspot.gr/>
- <https://www.sakkoulas-online.gr/>

Unfortunately, none of the above include links is available in English.