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GREECE

Responses submitted by:
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1. Would your jurisdiction be described as a common law or civil code jurisdiction?

Greece is a civil code jurisdiction, its legal system having been heavily influenced by German and French law.

2. What method of adjudication is used (adversarial, inquisitorial, other or hybrid)?

Civil litigation is based on the adversarial method, criminal litigation follows the inquisitorial principle while administrative litigation is conducted through a hybrid system, mainly adversarial but with certain inquisitorial elements. Claims against companies, which are the subject of this survey, are adjudicated by civil courts.

3. What are the qualifications of the adjudicator (judge – elected, appointed; jury; other)?

Judicial officers must have a degree from a law school and a license to practice law. Lawyers who want to become judges must attend the National School of the Judiciary. The School admits lawyers that are between 28 and 45 years old and have practised law for at least two years (or one year, if they have a PhD in law). After a probationary period judges acquire life tenure and enjoy personal and functional independence. Their promotions, assignments, transfers and detachments are effected after prior decision by the Supreme Judicial Council. Functional independence concerns the independence of the judiciary as a separate branch of government.

Public prosecutors are parties in the criminal proceedings. They represent the state throughout all stages of the proceedings; however they are supposed to be objective authorities and their goal is to find the truth and correctly apply the law. As a consequence, they may plead in favour of the defendant.

There is a very limited participation of juries to criminal cases and basically only certain serious felonies are tried by a mixed court of three professional judges and four randomly-selected jurors. Judges and jurors deliberate together and majority controls (with ties entered in favor of the defendant). Jurors serve for one month, so might hear more than one case. Eligibility for juror service is confined to persons between 30 and 70 years old who have attended high school (at least). Certain categories are excluded from being able to participate as jurors in Greece (ministers, MPs, university professors, mayors, clergy men and others).

4. Are there any procedures available for specialized courts (i.e. commercial court, employment, environmental)?

There are no specialist civil courts in Greece. As a matter of their internal organisation, Greek civil courts are divided in panels/unit, to which cases are allocated depending on their nature (e.g. commercial disputes, intellectual property, matrimonial matters, employment claims etc.). Such organisation, however, does not necessarily mean that judges sitting

on a particular panel specialise in the area of law with which the panel deals. The Code of Civil Procedure (CCP) provides for a special (and, in general terms, more expedient) procedure with regard to injunction petitions and litigation regarding leases, labour disputes, marital disputes, ascendants – descendants relationships, and others. Also, there are certain special provisions laid out by various laws regarding certain categories of disputes (e.g. Law 2172/1993 provided for a special department of maritime/naval disputes to be established in the Court of Piraeus).

5. Is arbitration an option and when? If so, what rules are typically used?

All disputes, except labor disputes and disputes relating to equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), may be submitted to arbitration. Articles 867 to 903 of the CCP provide for the arbitration rules in principle applicable in Greece. In international disputes, Law 2735/1999 applies, which incorporates, with minor amendments, the UNCITRAL Model Law on international arbitration. In practice and especially in big business or international transactions, the parties typically choose the ICC Rules of Arbitration.

6. Will the Courts enforce an arbitration agreement to preclude other forms of litigation?

Yes, provided a valid arbitration agreement exists and this is the case solely if it has been made in writing and refers to a specific legal relationship from which disputes may arise. If a case regarding a dispute, for which an arbitration agreement has been validly concluded is brought before the ordinary civil courts, the plea regarding submission of such dispute to arbitration must be raised under penalty of non-admissibility during the hearing of the case (or with the pre-trial pleadings where they are required – see question 19a below).

7. For Court proceedings, is mediation mandatory, either before or after filing of a claim or complaint?

No, mediation is an option but is not mandatory.

8. What is the process for pre-hearing fact discovery (if any)?

(a) Are there provisions for mandatory document disclosures?

Discovery is not provided for by law. So, disclosure is not a pre-trial stage of civil proceedings in Greece nor is it based on the idea that lists of documents should be exchanged between the parties early on in the proceedings and that disclosed documents will then be inspected and reproduced. Nor are there any requirements or rules on proper disclosure or disclosure of adverse documents or on a lawyer's duty to ensure full disclosure. Nor are there any penalties for failure to make full or sufficient disclosure or to comply with disclosure directions. The general rule of the CCP is that all documents to which reference is made in the lawsuit or which support the factual allegations of a party must be disclosed

with that party's pleadings on the day of trial or, in the case of ordinary proceedings before the Multi-Member Court of First Instance, 20 days before it. Crucially, parties are free to choose the documents they wish to disclose and file them with the trial bundles. The CCP provides for an application seeking a disclosure order (art. 450 (2), 451, et seq.), yet this is a slow and rigid procedure (only applications specifying the particular document sought in great detail are allowed) which is rarely pursued and more rarely successful.

(b) Is there provision for oral examinations of the parties or others?

Not for discovery purposes

(c) Are there limits on the length of oral examinations?

NA

(d) Are witness statements or summaries to be provided before the hearing?

Witness statements (i.e. simple statements of truth which are not sworn) are not used in Greek civil proceedings. On the contrary, affidavits (i.e. sworn statements) made before a Justice of Peace or a notary public or a consul (in case the deponent gives the affidavit abroad) are quite common. Nonetheless, affidavits are not exchanged between the parties as they are in other jurisdictions and they are made shortly before pleadings and filed with the court so as to be incorporated into the trial bundles. Interestingly, deponents do not normally attend court nor do they testify during trial (as court witnesses). Each party has the right to submit up to three affidavits provided a notice has been served on the party at least two working days before the deposition if it is given in Greece or eight full days, if outside Greece.

9. What is the process for pre-hearing expert disclosure (if any)?

(a) Are expert reports or written summaries required to be exchanged?

Each party is entitled to receive a copy of its opponent's 'technical advisor report(s)' included in that party's court files, and comment on it or rebut it.

(b) Are the parties entitled to conduct a pre-hearing oral examination of opposing experts?

No, this is not provided.

(c) Are there provisions requiring experts to meet and narrow issues before the hearing?

The reports of the parties' own – private experts are part of their evidential means included in the respective court file submitted as above. Regarding a court-appointed expert, the court will define the time of the examination, the name of the expert, the subject of the expert's opinion, the deadline for the filing of the report (which cannot be more than sixty days) as well as any other matter deemed necessary.

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10. Are there other notable discovery rules?

As a general rule, the court's role in the parties' provision of evidence is passive primarily because of the very principle of civil procedure in Greece which requires that evidence should be provided at the initiative and diligence of the parties to an action (adversarial system – see question 2 above).

11. Is there a prehearing conference (for trial management, settlement or other purposes)? Who conducts it? How long before the hearing?

No, this is not provided.

12. Can a prehearing motion for judgment be brought? If so, what is the threshold test for judgment?

No, this is not provided.

Before commencing proceedings, however, a claimant may in urgent circumstances apply for a pre-action interim remedy (e.g. the defendant's alleged wrongdoing may cause the claimant irreparable continuing damage before trial) in the very same manner as he could later apply for an interim injunction pending trial. Such applications are normally made to the Single-Member Court of First Instance in accordance with the special procedures set out in arts 683 et seq. of the CCP. Provisional orders may be granted ex parte ahead of an interim remedy as a matter of great urgency, yet it is very rare that applications are allowed without notice. Despite their increasing popularity - primarily because of the very slow administration of Greek justice - interim remedies are granted parsimoniously by Greek courts. Their range is very wide and the court is free to shape them as deemed most appropriate. The most popular of these remedies include freezing injunctions, mandatory injunctions, prohibitory injunctions and interim payments. When such injunctions are granted before the commencement of proceedings, the court normally instructs that an action should be filed within the next month or so or else the injunction measure ordered will automatically be discontinued.

13. Is there a process for obtaining pre-hearing rulings with respect to evidence admissibility including admissibility of expert testimony? What is the process and when does it occur?

No, this is not provided. Any objection regarding evidence admissibility must be raised during the hearing before the court; the court rules on such objection with its final decision on the case.

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14. What is the standard for admissibility of expert evidence?

There is no limit to private expert reports. Regarding court-appointed experts, depending on the particularity of each case, the court may, at its discretion, request an expert's opinion.

15. Does the Court have the power to appoint its own experts? Under what circumstances and what type?

An expert may be appointed by the court to give opinion in the circumstances of the cause of action either ex officio or if a party requests such an appointment and the court rules that the matter calls for expertise knowledge (art. 368 of CCP). In such a case, the parties may appoint their own experts (arts 391 and 392 of CCP) known as 'technical advisors'. It is common occurrence that the parties will adduce conflicting expert evidence.

16. Does your jurisdiction protect privilege? If so, what privileges are protected from disclosure (attorney client / legal advice; documents prepared in anticipation of litigation; settlement discussions; other)?

The concept of privilege found in common law jurisdictions is not found in Greek civil procedure. Nonetheless, the production and inspection of some classes of documents may be restrained in a manner that is reminiscent of common law privilege. For instance, documents may be protected by legal professional privilege under the rules of the Lawyers' Code and of CCP (arts 400 - 401 and 450); or on the grounds of public policy. Rather than privilege, it is the concept of confidentiality that is better known to Greek civil procedure.

17. If privilege is not protected, are there other protections from disclosure (i.e. privacy) that could prevent disclosure of otherwise privileged information, and what is the basis for those protections?

In principle, where a party requests access to privileged information, the other party may invoke certain types of defenses based on available provisions governing personal data, commercial/industrial secrets or even competition (anti-trust). However, it ultimately lies with the Court to decide whether such privacy/confidentiality interests should prevail over the counterparty's right to request disclosure.

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18. Who determines privilege disputes, or disputes with respect to other forms of protection described in 17 above?

The Court, which is competent to hear the main lawsuit to which the privilege dispute refers.

19. Briefly describe the trial process?

(a) Are there opening submissions, in what form and of what length?

For cases tried by the Court of the Peace, by the Single-Member Court of First Instance and by the Court of Appeal, pleadings, documents and supporting evidence such as witnesses' statements and experts' reports must be filed on the date of the trial. For cases tried under the ordinary proceedings of the Multi-Member Court of First Instance this must be done 20 full calendar days before the trial. For cases tried by the Supreme Court, such filing must be made 20 days before the hearing.

The Court may allow for very short opening oral submissions on the day of the trial, where the claimant may make minor corrections to the lawsuit (i.e., typos or obvious mistakes on the document) and may also modify the request to a certain extent (e.g. reduce his claim). The defendant must mention (very briefly) any and all objections to the lawsuit that he has raised with his pleadings.

(b) What is the order of presentation of witnesses?

The witness for the claimant is examined first and then the witness for the defendant.

(c) Who conducts examination and in what order?

The presiding judge (and, basically, the reporting judge in the Multi-Member Courts) examines the witness and then the lawyers of the parties are allowed follow-up questioning of the witness; in such follow-up, each witness is asked first by the party that has proposed him.

(d) What is the process for closing submissions?

Oral closing submissions are not provided. For cases tried by the Court of the Peace, by the Single-Member Court of First Instance, by the Court of Appeal and by the Supreme Court, such pleadings must be filed by the third day following the trial. For cases tried under the ordinary proceedings of the Multi-Member Court of First Instance, there are two sets of supplementary pleadings: the first is filed 15 full calendar days before the trial whilst the second is filed eight working days after the trial and only comments on the testimonies of witnesses examined during the trial.

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20. Please identify any other notable trial procedures.

There are seven broad classes of evidence: admittance of the claim; inspection; expert evidence; documentary evidence; parties' testimonies; witness statements; and presumptions (arts 339 and 352 et seq. of CCP). Interestingly, under Greek rules of civil procedure the parties to an action may only be exceptionally examined if the facts of the case have not been proved by the evidence submitted to the court. In that case a party is examined like any other witness but it is not required to give evidence under oath, unless the court so directs. Moreover, unlike the common law principle against hearsay, the Greek law of evidence is more tolerant of hearsay. Usually judges tend to allow witnesses to discuss only issues that may not be proven by documents or other written/material evidence. The court examines one witness per party, as a rule. By and large, documentary evidence and witness testimonies are the predominant sources of evidence. On the contrary, it is very unusual that a court will resort to inspection of, for instance, land and chattels.

21. Who bears the burden of proof of liability? Causation? Damages? What is the standard of proof for each?

The allocation of the burden of proof is provided in Article 338 of the CCP, according to which each litigant has to prove those facts which are a condition for the award of the type of protection sought. Thus, liability, causation and damages must be proven by the claimant. Any defenses, objections or other pleas that limit or rescind liability must be proven by defendant.

Under special laws the general above allocation of burden of proof may differ; a notable example is the special legislation on product liability (Law 2251/1994, art. 6) where the producer's strict liability and the reversed burden of proof imposed requires him to prove the absence of liability(within the frame allowed by the law) to be released.

The standard of proof laid down by the CCP is that the Court must be satisfied about the truth of the parties' allegations "beyond reasonable doubt". The Court will require full proof of the truth of the litigants' allegations and its judgment should be free of doubts. Where, despite all the evidence submitted, the Court continues to have doubts about the veracity of a litigant's allegations, the litigant's request will be rejected. Where the CCP does not require full proof, it explicitly provides so. For example, Article 690 of the CCP provides that in injunction proceedings it suffices that the judge considers "probable" that the allegations are true. Under the probability requirement, it suffices that the judge considers the invoked facts as probable, even if he maintains doubts about their veracity.

22. What heads of damage are recoverable (compensatory, pre-judgment interest, punitive damages, other)?

The payment of damages corresponds to an injury caused to the tangible or intangible assets of a specific person. Damages are distinguished into pecuniary damages and reasonable pecuniary satisfaction.

Pecuniary damages relate to injury to goods that have an economic value. According to the prevailing legal

theory, such damages result from a comparison between the actual situation following the unlawful act and the situation which would have existed had the unlawful act not occurred.

Pecuniary damages can be paid in one of the following two ways:

(a) in kind, where this: (i) is requested by either party (an exceptional case); (ii) is possible; and (iii) is not contrary to the injured party's interests;

(b) in the form of monetary compensation (article 297 of the Civil Code - CC) being the rule.

Monetary compensation will cover actual damage (current and future) and lost profit. Lost profit is compensated to the extent that it could be anticipated in all probability and in the normal course of events, or due to the specific circumstances and especially the preparatory measures adopted (article 298 of CC).

Reasonable pecuniary satisfaction may also be awarded in case of "moral" damage which is the damage to non-pecuniary goods such as life, health, freedom, honor and reputation, which arise from the corporal, spiritual and social individuality of a person. In such cases the law provides for the grant of an indemnity in the form of a "reasonable pecuniary satisfaction" of the injured party. Such "reasonable pecuniary satisfaction" does not mean a full scale restitution but rather a pecuniary relief for the "moral" damage incurred and it is available only where it is expressly provided for in the law, such as in the case of tort liability but not in the case of contractual liability (articles 299 and 932 of CC). "Moral" damage may be indemnified irrespective of whether the injured party is a natural person or a legal entity (for example, where its reputation or professional credibility have suffered damage as a result of the unlawful act of the party causing the damage).

In case of death of a person, the "moral" damage is awarded to his/her family as "mental distress"; in such a case the beneficiaries falling within the concept of "family" are defined by case law, basically including the spouse, the parents, the children, the siblings and the grand-parents of the deceased,

Lastly, all judgments awarding monetary relief bear interest. The plaintiff in an action for damages is entitled to interest for the period which starts to run (as a rule) either from the day of the service of the lawsuit upon the defendant or from the time he served upon the defendant an extra-judicial statement setting out the infringement and the request for the payment of a specific amount. The interest rate is fixed periodically by statute. A party may file a separate lawsuit requesting the court to adjudicate compounded interest on already accrued interest, of at least one year.

23. If punitive damages are available, what is the threshold for recovery, and range of awards?

No punitive or exemplary damages are available under Greek law.

24. Are there time limits for bringing claims? Responding to claims? Please describe.

The CC sets the general rule of a 20-year limitation period, yet there are several exceptions to it. For instance, a

five-year limitation applies to commercial claims or to professional fees disputes (art. 250 of CC); a 18-month limitation is applied to claims of unfair competition (Law 146/1914); a five-20 year limitation applies to torts (art. 937 of CC); a five-year limitation period applies to motor insurance claims (Law 3557/2007); claims arising from a contract for national transportation by road are time-barred after six months (art. 107 Commercial Code); land possession claims are time-barred after one year (art. 992 of CC); consumer claims for defective products have a three-year limitation period and 10-years after circulation of the defective product they are extinguished (art. 6, Law 2251/1994). Time normally runs from the day following the day on which the cause of action arose or from the day the claimant either discovers or could with reasonable diligence have discovered that a cause of action has arisen. It stops running when the originating process has been served (not just issued), the date of service being included in calculating the period. For some causes of action (e.g. commercial claims), time starts at the end of the year during which the cause of action arose and stops running not on the date the fixed limitation period ends but on the 31st of December of the year in which the expiry of the fixed period takes place.

Greek civil proceedings do not have the stages encountered in common law jurisdictions, e.g. statements of case served in sequence between the parties, with the claimant serving particulars of claim first, followed by a defense from the defendant and then possibly a reply from the claimant. As with the claimant's pleadings, the pleadings of the defendant are not served but filed with the court. They are due to be filed on the same day as those of the claimant's (see above under question 19).

25. What are the requirements to establish jurisdiction over a foreign defendant in your court? Can a foreign defendant request that the court decline jurisdiction on the basis that there is a more convenient forum?

The court in the area in which the defendant is domiciled is in principle the competent court. If the defendant is not domiciled in either Greece or abroad, the competent court is the one in the area where the defendant has his habitual residence. If the place where he is habitually resident is not known, the competent court is the one in the area where his/her last place of domicile in Greece was and if there was no place of domicile, his/her last place of habitual residence. Legal entities capable of being involved in legal proceedings are subject to the competence of the court in whose region their seat is located.

Where there is a choice of competent courts, the plaintiff has the choice. Priority between those courts is determined by the time at which the action was lodged.

Disputes relating to the existence or validity of an inter vivos legal transaction and all rights deriving from it can also be brought before the court within whose territorial jurisdiction the legal transaction was entered into or where fulfillment was made.

Tort-related disputes can be brought before the court within whose territorial jurisdiction the tort was committed even if the claim relates to a person who has no criminal liability.

Disputes relating to proprietary rights over real estate property and disputes relating to the rental of real estate

property are subject to the exclusive jurisdiction of the court within whose territorial jurisdiction that property is located. If the property is located within the territorial jurisdiction of several courts, the plaintiff has the right to choose.

Inter-related trials (main and subordinate actions), particularly subordinate actions, actions for guarantees, interventions and other similar proceedings are subject to the exclusive jurisdiction of the court in the main action.

Especially in consumer claims, Council Regulation (EC) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which substituted Regulation 44/2001(Brussels I) as of 10 January 2015, provides (Art. 18) that a consumer may bring proceedings against the other party to a contract either in the courts of the Member State in which that party is domiciled or in the courts for the place where the consumer is domiciled; on the contrary, proceedings may be brought against a consumer by the other party to the contract only in the courts of the Member State in which the consumer is domiciled. Furthermore, a consumer domiciled in the EU may bring a claim before Greek courts against a professional domiciled in a non-EU state in case (a) there is a relevant jurisdiction clause in the consumer contract, or (b) either the place of execution of the contract and/or the place of performance of the contract (Art. 33 of the CCP – non-exclusive competence) is the Greek territory. A professional domiciled in the EU may bring a claim before Greek courts against a consumer domiciled in a non-EU state in case (a) there is a relevant jurisdiction clause in the consumer contract, or (b) either the place of execution of the contract and/or the place of performance of the contract (Art. 33 of the Greek Code of Civil procedure – non-exclusive competence) is the Greek territory. Regarding the possibility in Greece to appoint (in a jurisdictional clause) the courts of a non-EU State so as to force Greek consumers to bring proceedings in this non-EU State, there is no special provision/restriction in the Greek jurisdictional legal field. Thus, Article 19 para. 2 of Regulation 1215/2012, according to which the provisions related to jurisdiction on consumer contracts may be departed from only by an agreement which allows the consumer to bring proceedings in courts other than those indicated in the relevant section of the Regulation, is applicable.

Parties are allowed to confer territorial competence upon a particular court or courts to settle any disputes (arts 42 and 43 of CCP). This may happen by a prior written agreement or tacitly if the defendant makes an appearance without challenging the jurisdiction of the court. In case it provides for derogation from the exclusive jurisdiction of the competent Greek court, this agreement to confer territorial competence must be express. When involving future disputes, an agreement conferring territorial competence must be in writing and define exactly the legal relationships to which it refers. Conferral of territorial jurisdiction is not possible in the case of non-pecuniary claims and claims relating to immovables.

According to Council Regulation (EC) No 1215/2012, the parties may by agreement confer jurisdiction upon a court or courts of a Member State to settle any disputes which have arisen or which may arise in connection with a particular legal relationship, provided (a) the agreement conferring jurisdiction is in writing or evidenced in writing or is in a form which accords with practices which the parties have established between themselves or in a form which accords with a usage which is widely known in trade or commerce; and (b) it is not contrary to special provisions applying to insurance matters, consumer contracts and employment contracts or to the exclusive jurisdiction of the courts pursuant to the Regulation (i.e. in relation to proceedings which have as their object rights in rem in immovable property or tenancies of immovable property or the validity of the

constitution, the nullity or the dissolution of companies or the validity of entries in public registers, etc.). The Regulation applies to specific matters of a pecuniary nature and excludes revenue, customs or administrative matters, bankruptcy, winding-up, judicial arrangements, compositions and analogous proceedings, the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills and succession, social security and arbitration. Exclusive international jurisdiction clauses may nonetheless be regarded as not valid by a Greek court if the recourse to a foreign jurisdiction is impossible and/or results in denial of justice, e.g. where the foreign courts refuse to hear the case because under their procedural rules they do not have jurisdiction or where the decision will not be recognized in Greece.

A defendant can object to a court having jurisdiction over an action (art. 263 of CCP) and include this in his pleadings; however, not on the grounds of the "forum non-convenience" objection (which is not recognized in Greece) but only invoking that the rules mentioned above have not been observed. If no objection is raised during the trial (or with the pre-trial pleadings where they are required – see question 19a above) , lack of jurisdiction cannot be later made a ground of appeal.

26. Are there procedures for a defendant to bring other potentially responsible parties into the proceeding? Briefly describe.

By filing and serving an interpleader (art. 86 et seq of CCP), a defendant may request from someone who is not a party to an action as originally constituted to intervene. This is standard practice in cases where the defendant can pass on liability to a third party acting as a so-called 'procedural guarantor' (e.g. an insurer). In such cases it is obviously in the interests of such third party to become a party to the existing action as it might eventually be bound to pay damages awarded to the claimant.

27. Are legal costs recoverable by either party? If so, under what circumstances, and how is the amount calculated? (i.e. is it a loser pays costs system).

As set out in the Lawyers' Code, a lawyer's fee for filing an action or an appeal amounts to 2% of the financial value of the claim and to 1% for filing a pleading. However, this rule is often not followed and private agreements providing for higher (or occasionally lower) fees are made. The rule regarding costs other than fees (e.g. court expenses) is that each party has to pay its own dues and expenses. If the claim is of an executionary nature (i.e. the claimant seeks an order for the defendant to pay a certain amount of money) and not of a declaratory nature (i.e. the claimant seeks the judicial declaration of the existence of the relevant claim or of a certain legal relationship), the claimant must pay a court duty amounting to approximately 0.8% of the claim value. Aside from this court duty, other court-related expenses are rather minor regardless of the financial value of the claim.

Legal costs are imposed on the defeated litigant (art. 176 of CCP) and the decision of the Court should contain a

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provision on legal costs. However, in case of partial winning and partial defeat of each litigant the Court may apportion the legal costs in proportion to the extent of the success of each litigant's arguments (art. 178 of CCP). In such cases, the Court will also set the lawyers' fees. In case where the "interpretation of the invoked rule of law" was difficult and, as a result, the outcome of the trial was reasonably uncertain, the Court may set off legal costs between the litigants (art. 179 of CCP).

Under Article 189 of CCP, a party may recover only those legal costs which are necessary for the litigant's participation in the judicial proceedings, such as: judicial duty; lawyers' fees; witnesses' expenses; remuneration of the experts; travel expenses of the parties. However, same above Article excludes the recovery of expenses made due to a litigant's extreme diligence (e.g. excessive number of lawyers representing the litigant) or due to a litigant's fault.

28. Are contingency fees allowed?

Contingency fees are permissible under Greek law. More specifically, Article 60 of the Lawyers Code (Law 4194/2013) provides that lawyers may agree with a client to determine their remuneration upon the basis of the outcome of the case or any other criterion. However, the lawyer's remuneration cannot exceed 20% of the amount claimed or 30% if more than one lawyer is involved. Further, conditional fee agreements are not regulated, thus they are permissible as well.

29. Is third party funding of claims permitted? Under what circumstances?

Following the adoption of Directive 2003/8/EC to Improve Access to Justice in Cross Border Disputes by Establishing Minimum Common Rules relating to Legal Aid for Such Disputes, Law 3226/2004 on the Provision of Legal Aid to citizens of Low Income and Other Provisions came into effect. Law 3226/2004 provides for the award of legal aid in relation to disputes concerning civil and commercial matters to citizens of an EC country and non-EC nationals residing lawfully in an EC Member State. Under Law 3226/2004, legal aid is available to Greek citizens who establish that their annual family income does not exceed 2/3 of the minimum annual individual income provided for by the National General Collective Employment Agreement. The same threshold applies for the award of legal aid to non-Greek citizens. However, non-Greek citizens are eligible for legal aid even if their income exceeds the threshold mentioned above, provided that they prove that they are unable to meet the costs of proceedings, as a result of differences in the cost of living between Greece and the country of their domicile or habitual residence. Legal aid can be provided by the Court following an application by the interested party at least fifteen days before the hearing. Courts are required to give reasons for the acceptance or rejection of applications for legal aid. Legal aid covers the costs related to court proceedings which are mentioned above (i.e. judicial duty, lawyers' fees, witnesses' expenses, the remuneration of the experts etc). Costs related to the international nature of disputes, such as interpretation, translations of documents and travel costs are also covered. Legal aid is available in all instances before all competent Courts and may also cover expenses relating to the enforcement of judgments.

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Legal insurance is available under Greek law (Legislative Decree 400/1970, as amended repeatedly, concerning private insurance companies). Such insurance is provided by private insurance companies against the payment of a premium. The insurer undertakes to bear the costs of legal proceedings and to provide other services directly linked to insurance coverage, in particular with a view to securing compensation for the loss, damage or injury suffered by the insured person, by means of an out of court settlement or through civil or criminal proceedings, as well as defending or representing the insured person in civil, criminal administrative or other proceedings or in respect of any claim made against him. Legal insurance must be the subject of a contract separate from that drawn up for the other classes of insurance or can be dealt with in a separate section of a single policy, in which the nature of the insurance covering legal expenses and the amount of the relevant premium are specified.

30. Are class or multi-party actions allowed? Under what circumstances? For what types of claims?

Under Greek law, an action for damages may be brought jointly by more than one party (joinder of claimants) if: (a) the claimants' right for damages arises from the same factual and legal basis; or (b) the object of the dispute consists of similar claims based on similar factual and legal basis (article 74 of CCP).

Class actions are not provided for under Greek law. However, collective claims may be brought by consumer associations under Law 2251/1994 (see below question 31).

31. Can claims be commenced by a consumers association or other representative organization? Under what circumstances?

Yes. Public interest litigation is basically provided by Law 2251/1994 on Consumer Protection. According to such law, a consumer association which has at least 500 members and which has been registered in the Registry of Consumers Unions at least prior to one year, may bring an action for the protection of the general interests of the consumers, without distinguishing between member and non-member consumers. The object of such litigation can vary and it may include the payment by the infringer of pecuniary indemnity for moral damage, a novel concept in the Greek law. Such a claim is not of a punitive nature (see above under question 23) but it resembles to the same due to the way that the amount awarded is calculated and invested since same is used for public benefit purposes relevant to the protection of consumers. Among other novel features of the collective action, the court decision issued has an erga omnes effect, thus binding non-litigants as well (art. 10, paras 16 ff, law 2251/1994)

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32. On average, how long does it take to get to trial/final hearing, and what factors can affect that?

On average, a Court decision at first instance on a claim for damages is issued after a period of between two to three years from the date of the lodging of the lawsuit with the Court Secretary. In Athens, it may take longer due to the overload of the cases before the Courts. As a rule, one adjournment is granted before the case is tried. A Court decision on appeal is issued after a period of between one to two years from the date of the lodging of the appeal and, again, in Athens it may take longer on same above grounds.

33. Is an appeal process available (distinguish between final and interlocutory/procedural orders as needed)? Who hears the appeal? How are they appointed? What are their qualifications?

It is comparatively rare for judgments of Greek civil courts not to be appealed by the unsuccessful party. This is partly because appeals can be brought as of right and do not require prior permission and partly because of the comparatively modest cost of civil proceedings in Greece. As a rule, only definite judgments can be considered on appeal whilst non-definite judgments (e.g. interlocutory orders) can only be put on appeal together with the definite judgment. An appellant must file an appeal notice in which he should set out the grounds on which it is alleged the decision is erroneous. Grounds for an appeal may relate both to questions of fact, including the evaluation of evidence, and to questions of law (both substantive and procedural). Filing of an appeal notice must be made within 30 days after the final judgment of the lower court was served on the appellant or within 90 days in the case the appellant lives abroad or is of unknown residence. If the judgment has not been served, an appeal notice must be filed within three years from the day the judgment that is appealed was sealed. Once an appeal notice has been filed it must be served on respondent(s) who reside in Greece at least 60 days before the scheduled hearing of the appeal. Service must be effected at least 90 days before the scheduled hearing of the appeal in the case the respondent(s) live(s) abroad or are of unknown residence. Commencing an appeal has the automatic effect of staying execution on the judgment, unless the first instance judgment was issued as temporarily enforceable. Fresh evidence is allowed, provided it has emerged after the trial or could not have been obtained with reasonable diligence for use at the time of the first instance trial.

Appeals from judgments of the Single-Member Court of First Instance and of the Multi-Member Court of First Instance are tried by one of the fifteen Courts of Appeal existing in Greece. The territorial competence of a Court of Appeal is decided by the location of the lower court whose judgment is appealed from. Appeals from judgments of the Court of the Peace are heard by the local Multi-Member Court of First Instance. The Supreme Court (Areios Pagos) sits in Athens and is not a regular appellate court but rather a court of cassation which can only review questions of law rather than findings of fact.

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34. Are hearing rooms available for electronic trials or appeals (i.e. where documents and transcripts are presented on computer monitors; witnesses can testify by video conference)?

No, they are not available as such. In special occasions, if the Court considers it necessary, it conceivably may order that certain equipment may be brought to the courtroom in order for the judges to be able to watch a video tape or hear an audio recording. Witnesses may not testify through video conference, they should be physically present.

35. What is the practice regarding the use of graphics, computer animation, power point and the like, in trials? In appeals?

Such type of evidence may be submitted by the parties with their respective pleadings. However, their use is quite rare in Greek court practice (it could be found more often in criminal proceedings).

36. Will the lawyer at trial be the same as the one responsible for pre-trial procedures? Is there a solicitor / barrister distinction?

No, there is no solicitor/barrister distinction. Licensed Greek lawyers are responsible both for the trial and for all pre-trial and post-trial procedures.

37. What are the contributory negligence laws in your jurisdiction? Is there a comparative fault assessment, joint and several or proportionate liability among tortfeasors? Does a plaintiff's negligence reduce or eliminate liability of defendants named in the litigation?

When an unlawful act which has caused the damage has also produced a benefit to the injured party, only the net damage (i.e. the total damage minus the benefit) should be compensated. The purpose of the granting of compensation is to restore the entire damage of the injured party, and only such damage so as not unjustly to enrich the injured party.

In addition, if the injured party has contributed by its own fault to the occurrence of the damage or its extent, or when the injured party could have avoided or reduced the damage, the Court may reduce the amount of damages awarded to the claimant or even dismiss the claim completely (art. 300 of CC).

More than one person can be held jointly and severally liable for paying damages, if: (a) the damage has been the result of their joint act; or (b) they are in parallel liable for the same damage; or (c) they have acted simultaneously or consecutively and it cannot be determined whose act has caused the damage. Where more than one person is liable for damages, each of these persons is liable for the entire amount of damages, but the claimant is entitled to claim such an amount only once. Where one of the persons, who are jointly and severally liable, has paid the entire amount of damages, he has a right of restitution against the other joint defendants either on the basis of the fault of each one, as determined by the Court or, if the degree of fault cannot be determined, in equal parts (art. 480 ff of CC).

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38. Is service of a complaint issued outside your country permitted in your country by "informal" means, or must the Hague Convention be followed?

Official service of the lawsuit is a prerequisite for any hearing before a Greek court to take place.

There is only one permissible method of service in Greece and this is through a court bailiff instructed by the claimant to serve the action document on the defendant. Methods such as personal service, post, document exchange or electronic methods of service (e.g. by fax or e-mail) are not known to Greek civil procedure. Service of an action on a defendant residing in Greece must be effected at least 60 days before the trial hearing; if the action must be served outside Greece or on a defendant of unknown residence, service must be effected at least 90 days before the hearing (art. 228 of CCP). In the case of a defendant of an unknown residence, a summary of the action must also be advertised in two daily newspapers (art. 135 of CCP). Inside Greece, service is deemed to have been made on the date the court bailiff served the action on the defendant. In the defendant's absence from his residence, service may also be effected by affixing a copy of the action to the door of the defendant's house and posting a registered letter to him containing another copy. The general rule is that service must be in accordance with the law of the country where the defendant is to be served. Service among EU member states may be effected through the Service Regulation [Council Regulation (EC) No 1348/2000], or through the government or the judicial authorities of the defendant's country or through local agents to effect service according to local law. An action that is to be served on a defendant residing outside Greece must be served on the Public Prosecutor of the Court in which the action is entered, together with its translation in a language that the defendant can understand in case he cannot read Greek. The Public Prosecutor shall then send the action to the Ministry of Foreign Affairs for further processing. Service is deemed to have been made once the action has been served on the Public Prosecutor (art. 136 of CCP).

39. Do your laws prohibit export of relevant documents from your jurisdiction for the purposes of litigation outside your jurisdiction? (Consider privacy rules)

Under Greek law, export of documents is free, except if (i) documents contain personal data of natural persons; or (ii) documents have been designated as "secret" by competent public authorities.

Especially for documents and information which belong to or are maintained by the Greek or allied Armed Forces or pertain to issues of national defense or military equipment, information or activities, the Ministry of Defense has special standing orders and provisions regulating access and further use of such documents and information. Many of these orders and provisions are similarly classified, so our review is necessarily not exhaustive. There is, however, a National Security Regulation in place (the "NSR"), which is not published. The NSR provides for the process for document classification, the persons that have authority to classify and de-classify documents and the overall internal procedures of the Armed Forces as regards the maintenance and use of classified documents and information. However, general classification provisions are provided in the Public Services Communications Code which was issued in January 2003 by the –then-called- Ministry of Internal Affairs, Public Administration & Decentralization (now called Ministry of the Interior). In principle four classification grades are provided by the Code, namely: (i) "top secret", for information that is vital to national defense or the protection of overriding national interests; (ii) "secret", for information that should be released only to specific persons; (iii) "confidential", for information that could cause disturbance in public operations if released; and (iv) "standard", for documents that are in the public domain. Subject to any different special provision applicable to the Armed Forces, usually the person issuing the document has the authority to classify and de-classify same. Especially with regard to military documents, the fact that a document has been released to any third party should not, in principle,

alter its status as classified, in view of the various crimes involving unauthorized disclosure which are provided by applicable laws (disclosure of military secrets, espionage, violation of state secrets, etc).

Regarding documents that include personal data of natural persons, first of all it should be clarified that transferring personal data abroad qualifies as "processing". Consequently, conditions provided by applicable law on data processing apply also to transferring personal data abroad. However, as far as the mere act of data's flow abroad is concerned, the law furthermore provides for the following: (a) Transferring personal data to EU countries is free; (b) Transferring personal data to non-EU countries presupposes a special permit by the (Hellenic) Data Protection Authority (DPA) except if the Safe Harbor Principles are respected or the EU Standard Contractual Clauses are applied. In view of the above, it may be free (namely, not presupposing a permit by the DPA) to initiate the flow of data to an EU country or a third country after having signed a contract including the EU clauses; however, it may be not free to transfer the data to that third party which is located in the EU (or elsewhere), if no notification to the DPA has been done. Exceptionally, lawyer-to-lawyer transfer of personal data (i.e., transfer from a Greek lawyer to a foreign lawyer for judicial use) could take place without permit of the DPA.

40. Please point out any litigation Best Practices employed by Courts in your jurisdiction but not yet referenced in the survey.

Not applicable.

41. Are there any significant areas in which you believe the playing field between plaintiff and defendant is not level that you think need to be addressed?

Overall, there is a balance between certain preferential rights of a plaintiff-claimant and a defendant-respondent that exists in law. For example, procedurally and per the practice, plaintiff determines the time frame of any introducing judicial petition, such as a lawsuit, as plaintiff has a rather wide discretion of waiving and re-filing it (subject to prescription rules). On the other hand, defendant may exercise a silent rule that allows one adjournment of any hearing (even of injunctions petition), which in certain circumstances (for example, in ordinary proceedings before a Multi-Member Athens Court) may add significantly (in the example, around 1.5 year) to the time needed until a case is heard. Further, defendant may always file a counter-request (lawsuit, appeal, injunctions petition) and delay the hearing by having it fixed for a co-hearing with the initial claim at a hearing date further in the future

42. Are there legislative efforts under way that address any of the litigation practices in your country?

A new CCP has been underway for some time, which addresses a wide range of issues: the procedure before the courts of first instance is to be radically changed and written procedure shall become the rule, there is to be a significant reduction in the unjustified number of special procedures (i.e. credit titles, car accidents) by the integration of procedures and deadlines, the provisions on payment orders and interim measures are to be improved, the enforcement framework is being rationalized and simplified while the new code includes many e-justice friendly provisions. However, recent administration change in Greece (following the January 2015 elections) has put the entire project in limbo.