

Home>Court procedures>Civil cases>Which country's court is responsible?

Which country's court is responsible?

Greece

### 1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

Ordinary civil courts have jurisdiction to hear the majority of civil and commercial cases in Greece. By way of exception, specialised chambers have been established by special law within the framework of civil courts in the large cities, which have exclusive jurisdiction to hear specific cases, according to the legal domain. These chambers are: the chambers competent to hear Community trade mark cases in Athens and Thessaloniki, and the chamber competent to hear maritime law cases in Piraeus.

### 2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

In the majority of cases, the jurisdiction of the courts is determined by the value of the subject at dispute. To estimate the value of the subject at dispute, account is taken of the claim filed in the action, without taking account of any ancillary claims. Where several claims are covered by the same action, they are aggregated.

#### 2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

Cases falling under the jurisdiction of civil courts are heard at first instance by district civil courts otherwise known as small claims courts (*Irinodikia*), single-bench courts of first instance (*Monomeli Protodikia*) and multi-bench courts of first instance (*Polymeli Protodikia*).

The jurisdiction of the small claims courts primarily covers (a) all disputes which can be assessed in monetary terms where the value at dispute does not exceed twenty thousand euros (EUR 20 000), (b) all disputes, whether main or consequential, under a lease contract, provided in all cases that the agreed monthly rent does not exceed six hundred euros (EUR 600).

The jurisdiction of the small claims courts also covers, regardless of the value at dispute, most disputes relating to farming, the sale of animals, property disputes with neighbours, disputes arising from contracts with hotel and transport operators, claims made by associations and cooperatives against their members and, vice versa, claims made by lawyers for their services at courts of first instance and police courts (*Ptaismatodikia*), as well as the rights, compensation or costs of witnesses, interpreters, sequestrators or guards who have testified before or been appointed by any court.

The jurisdiction of single-bench courts of first instance covers all disputes that can be assessed in monetary terms where the value of the case exceeds twenty thousand euros (EUR 20 000) but does not exceed two hundred and fifty thousand euros (EUR 250 000).

The jurisdiction of single-bench courts of first instance also covers the following disputes, even if their value exceeds two hundred and fifty thousand euros (EUR 250 000): disputes arising from lease or rental agreements; employment disputes concerning employees, or concerning the work or objects manufactured by professionals or craftsmen; disputes under collective labour agreements between social security organisations and insured persons; disputes regarding lawyers' fees, compensation and costs, other than those referred to above that are heard in the small claims courts; disputes regarding those employed in a legal, medical or paramedical capacity, or as engineers, chemists or brokers/agents, and of those appointed by a judicial authority, such as experts, expert arbitrators, assessors, arbitrators, executors of wills, administrators, liquidators; disputes relating to all types of compensation claims arising from damage caused by a vehicle, including claims under vehicle insurance contracts, and disputes regarding challenges to the possession or occupation of movable or immovable property.

The jurisdiction of single-bench courts of first instance always covers, irrespective of value: disputes relating to divorce; annulment of marriage; recognition of the existence or nonexistence of marriage; matrimonial relations during the marriage and arising from it, including challenges to paternity, recognition of whether or not there is a parent-child relationship or parental responsibility; recognition of the paternity of a child born out of wedlock; recognition of whether or not there is voluntary recognition of a child born out of wedlock, of whether such recognition is invalid, or whether such a child enjoys the same status as one born within wedlock on account of the imminent marriage of its parents, and also including challenges to the voluntary recognition; recognition of whether or not there is adoption or its dissolution, or whether or not there is guardianship. Also, disputes regarding maintenance on grounds of marriage, divorce or kinship; the exercise of parental responsibility; the disagreement between parents in their joint exercise of parental authority, as well as the communication of parents and other relatives in ascending line with the child; regulation of the use of the family home and of the distribution of movable assets between the spouses, as well as those relating to the family home and the distribution of movable assets between the spouses in the event of cessation of cohabitation; disputes relating to the ownership of floors in a building and disputes relating to the annulment of decisions passed by the general assemblies of associations or cooperatives.

The jurisdiction of multi-bench courts of first instance covers all disputes for which the small claims courts and single-bench courts of first instance have no jurisdiction.

#### 2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

##### 2.2.1 The basic rule of territorial jurisdiction

The court in the region of which the defendant has their domicile has territorial jurisdiction.

If the defendant does not have their domicile either in Greece or abroad, the court in the region of which they have their residence has jurisdiction. If the defendant's place of residence is unknown, the court in the region of which they had their last domicile in Greece, or their last residence in the absence of a domicile, has jurisdiction.

The State falls under the jurisdiction of the court in the region where the particular authority is seated that is called upon by law to represent the State in court. Legal persons with the capacity to be parties to a legal case fall under the jurisdiction of the court in the region of which their registered office or branch is situated, where the dispute relates to its operation.

##### 2.2.2 Exceptions to the basic rule

###### 2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Where more than one court has jurisdiction, the claimant has the right to choose. Priority between them is determined on the basis of the date on which the action was filed.

If the court does not have jurisdiction *ratione materiae* or *ratione loci*, the court itself decides on this ex officio and specifies which court has jurisdiction, and also refers the case to that court. The legal consequences of the action filed shall be maintained.

#### Contractual disputes

Disputes relating to the existence or validity of a legal act carried out during the person's lifetime and all the rights arising therefrom may also be brought before the court in either the region where the legal act was drawn up or the region where performance is to take place. Disputes relating to reliance damages (negative interest) and to compensation due to fault during negotiations may also be brought before the same court.

#### Tort

Disputes arising from a tortious act may also be brought before the court of the place where the event giving rise to damage took place, or is about to take place.

#### Civil action

Civil action for damages and restitution for a crime as well as for compensation for non-material damage or mental suffering may be filed with the criminal court handling the case.

#### Matters relating to maintenance, divorce and parental responsibility

Marital disputes (disputes relating to maintenance by reason of marriage, divorce or kinship, the exercise of parental responsibility, the disagreement between parents in their joint exercise of parental responsibility, as well as the communication of parents and other relatives in ascending line with the child and regulation of the use of the family home and of the distribution of movable assets between the spouses, as well as those relating to the family home and the distribution of movable assets between the spouses in the event of cessation of cohabitation) may also be brought before the court in the region of which the spouses' latest common residence is situated.

Disputes relating to claims for maintenance may also be brought before the court of the place where the beneficiary of the maintenance allowance has their domicile or residence.

#### **2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?**

Disputes relating to rights *in rem* over immovable property and disputes arising from the lease of immovable property fall under the exclusive jurisdiction of the court in the region of which the immovable property is situated.

(If the immovable property is situated in a region with more than one court, the claimant has the right to choose.)

Disputes relating to administration carried out upon court order fall under the exclusive jurisdiction of the court that issued the order.

Disputes relating to succession fall under the exclusive jurisdiction of the court in the region of which the deceased had their domicile or, in the absence of a domicile, their residence at the time of death.

Where a consequential case is linked to a main case, including, in particular, incidental claims or claims for a guarantee, such interventions and other similar claims fall under the exclusive jurisdiction of the court hearing the main case.

Main cases that are related fall under the exclusive jurisdiction of the court that was involved first.

The jurisdiction of the multi-bench court of first instance hearing the main case covers any consequential cases falling under the jurisdiction of the single-bench court of first instance and of the district civil court, and the jurisdiction of the single-bench court of first instance hearing the main case covers any consequential cases falling under the jurisdiction of the district civil court.

#### **2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?**

A first-instance ordinary court which does not have territorial jurisdiction may, by explicit or tacit agreement of the parties to the case, become competent unless the disputes concerned do not relate to property. Explicit agreement must be reached in the case of disputes for which there is exclusive jurisdiction. Tacit agreement is deduced if the defendant attends the public hearing and does not object on grounds of lack of jurisdiction in a timely manner.

The agreement between the parties, by which an ordinary court becomes competent for future disputes, is valid only if it is written and refers to a specific legal relationship from which the disputes are to arise.

### **3 Where specialised courts have jurisdiction how can I find out which one I have to address?**

Concerning the special chambers competent for Community trade mark and maritime law: The *ratione materiae* jurisdiction is determined in accordance with the rules on ordinary civil courts. As regards territorial jurisdiction, (a) the chamber competent for the Community trade mark in Athens covers the regions of the Courts of Appeal of Athens, the Aegean, the Dodecanese, Corfu, Crete, Lamia, Nafplion, Patras and Piraeus, (b) the chamber competent for the Community trade mark in Thessaloniki covers the regions of the Courts of Appeal of Thessaloniki, West Macedonia, Thrace, Ioannina and Larissa, and (c) the chamber competent for maritime law in Piraeus covers the entire Prefecture of Attica.

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