

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

'Service of a document' is the means by which a document is delivered to the addressee, to inform him/her of the content of the document, in accordance with certain provisions of procedural law that specify the instrument, the method used to give notice of the document and certification of the service carried out.

2 Which documents need to be served formally?

Documents that need to be served officially include the documents of an action, an application to set aside a default judgment, an appeal, an appeal in cassation, an application for revision of a judgment, third-party proceedings, an application against extrajudicial and judicial acts, a primary or secondary intervention, notification of a trial and third party notice, an application for interim measures, an application for judicial protection in non-contentious proceedings, the summons to the hearing and all court judgments (final and non-final).

3 Who is responsible for serving a document?

Service is the responsibility of the party to a case following a written order given, under the document to be served, either by that party or his/her agent or, at the request of said party, by the competent judge or, in the case of a multi-member court, by the chairing judge of the court (Article 123 of the Code of Civil Procedure (CCP)). Documents are served by a bailiff appointed by the court whose seat is in the region in which the addressee has his/her domicile or is resident at the time of service (122.1 CCP). Where service of documents takes place under the responsibility of the court, service may also be carried out by a criminal bailiff established in the region concerned or an officer of the Hellenic Police, a forestry ranger or the municipal secretary (122.2, 3 CCP). Furthermore, in proceedings for interim measures, the place and time of the hearing is notified by serving a document issued by the court registry, indicating the place, date and time of hearing, or by invitation of the court registry by telegraph or telephone. The judge may also order that a copy of the application be served along with the summons (686.4 CCP).

4 Address inquiries**4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the addressee no longer resides at the address known to the requesting authority?**

Yes

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

No, they do not have direct access, as can also be inferred from Regulation (EC) No 1206/2001, which provides that judicial authorities should communicate with one another in order to satisfy a request for tracing an individual.

It should also be noted that all residents in the territory of Greece are registered in the database of each municipality through the competent registry offices. However, the single national database includes only adult citizens, who are registered on the basis of their police identity card/passport, and which is updated as appropriate by the municipalities in Greece.

It is accessible to citizens (free of charge) only through public telephone directories.

4.3 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

The court of enforcement files a request for the tracing of an individual with the competent police authorities.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

The regular method used for the serving of documents is to deliver the document concerned into the hands of the addressee (127.1 CCP), irrespective of where the addressee is (124 CCP). However, if the addressee has a domicile, shop or office or workshop in the place where the service is to be effected, either by himself/herself or with another person, or if he/she works there as an employee, worker or servant, the document cannot be served at a different place without his/her consent (124.2 CCP). With regard to any alternative methods which may be used, it is possible, by decrees issued upon a proposal of the Minister for Justice, Transparency and Human Rights, for documents also to be served by post or telegraph or telephone, also specifying how the service is to be carried out and certified (122.4 CCP). No such decrees have been issued to date.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method foreseen? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Judicial documents can be served by electronic means too, provided that they have been electronically signed. A judicial document that is served by electronic means is deemed to have been served if the sender has received electronic proof of receipt from the addressee, which must bear an advanced electronic signature and will constitute a service report (122.5 CCP). It should be noted that the above option for serving judicial documents by electronic means depends on the issue of a presidential decree upon a proposal of the Minister for Justice, Transparency and Human Rights, which will set out the more specific requirements to be met. Moreover, a joint decision of the Minister for Finance and for Justice, Transparency and Human Rights will also set out how fees and stamps are to be paid and collected for the judicial documents that are served by electronic means.

7 'Substituted' service**7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?**

If the addressee is not at his/her residence, the document will be delivered to one of the other persons living in the same residence, provided that they are aware of their actions and are not opposing parties to the case (128.1 CCP).

If none of the persons referred to in paragraph 1 is at the residence:

(a) the document must be attached to the door of the dwelling in the presence of a witness;

(b) on the business day following the date of posting at the latest, a copy of the document, which is drafted free of charge, must be delivered into the hands of the head of the police department or station in the district in which the dwelling is located and, in the absence of the head, to the officer or deputy officer in charge or the guard of the police department. In all these cases, delivery must be evidenced by a receipt drafted free of charge under the service report;

(c) on the following business day, the individual who served the document must send by post to the addressee a written notice indicating the type of document served, the address of the residence at which the document was posted, the date of posting, the authority to which a copy was delivered and the date of delivery. Proof that the notice was posted must be drafted and signed free of charge under the service report by the person who carried out the service. The proof must indicate the post office at which the notice was posted, as well as the employee who received it, and the latter must endorse the proof (128.4 CCP).

If the addressee is not at the shop, office or workshop, the document shall be delivered into the hands of the manager of the shop, office or workshop or to one of the partners, associates, employees or servants, provided they are aware of their actions and are not opposing parties to the case (129.1 CCP).

If none of the persons referred to in paragraph 1 are present at the shop, office or workshop, the provisions of Article 128(4) of the CCP shall apply (129.2 CCP).

If the addressee or the persons referred to in Articles 128 and 129 refuse to accept service of the document or sign the service report or if they are unable to sign it, the serving officer shall attach the document to the door of the residence, office, shop or workshop in the presence of a witness (130.1 CCP).

If the addressee does not have a residence, office, shop or workshop, or refuses to accept service of the document, or is unable to or refuses to sign the service report, and his/her refusal or inability is confirmed by a witness hired by the serving officer to that effect, the report shall be delivered into the hands of those referred to in Article 128(4)(b) (130.2 CCP).

If the addressee is hospitalised or imprisoned and, therefore, it is impossible to contact him/her, as confirmed by the management of the hospital or prison referred to in the service report, the document can be served to the manager of the hospital or prison, who is under obligation to deliver the document into the hands of the addressee (131 CCP).

If the addressee is on duty on board a merchant ship which is in a Greek port, if he/she is absent or refuses to accept service of the document or refuses or is unable to sign the report, the document shall be served to the master of the ship or his/her deputy and, if they are absent or refuse to accept service of the document too, it shall be served to the head of the port authority, who is under obligation to notify the addressee (132.1 CCP).

If the addressee is on duty on board a merchant ship which is not in a Greek port, the document shall be served to his/her place of residence pursuant to Article 128 and, if he/she has no place of residence, it shall be served in accordance with the provisions on the service of documents to persons of unknown residence. In any event, the document shall be served at the office of the ship-owner in Greece or, otherwise, at the office of the ship agent at a Greek port, if any (132.2 CCP).

For persons in any of the following categories who are in active service, if it is impossible to serve a document to them or to their relatives or servants living in the same domicile, the document shall be served in accordance with Article 128(3) and (4) and as regards:

(a) those serving generally in the Hellenic Army, the document shall be served to the commander of the unit or station or agency to which the addressee belongs. If the unit or station or agency is unknown, the document shall be served to the chief of the relevant branch;

(b) officers, deputy officers and seamen of the Hellenic Navy, the document shall be served to the chief of the navy general staff;

(c) officers, deputy officers and aircraftmen of the Hellenic Air Force, the document shall be served to the chief of the air force general staff;

(d) officers and deputy officers of the Hellenic Police and Coast Guard, as well as policemen and coast guards, the document shall be served to the head of their service;

(e) the staff of lighthouses, lights and semaphores, the document shall be served to the head of the port authority in the region in which they carry out their duties (133.1 CCP).

If the addressee lives or has his/her registered office abroad, the document shall be served to the public prosecutor of the court before which the case is pending or to be brought for hearing or to the court that rendered the judgment to be served and, for cases brought before the district civil court, to the public prosecutor of the court of first instance of the region in which the district civil court operates. Any documents relating to the enforcement shall be served to the public prosecutor of the court of first instance in whose jurisdiction the enforcement takes place, and any extrajudicial documents shall be served to the public prosecutor of the last domicile or known residence abroad and, in the absence of a domicile or known residence abroad, the documents shall be served to the public prosecutor of the court of first instance of the capital city (132.1 CCP). Upon receipt of the document, the public prosecutor must, without undue delay, send it to the Minister for Foreign Affairs, the latter being under obligation to forward it to the addressee (134.3 CCP).

If the place of residence or the exact home address of the addressee is unknown, the provisions of Article 134(1) shall apply, and a summary of the judicial document served shall also be advertised simultaneously in two daily newspapers, one of them being published in Athens and the other being published at the place where the court has its seat, or both of them being published in Athens following a recommendation from the public prosecutor to whom a summary of the judicial document was served. The summary shall be drafted and signed by the person carrying out the service and must indicate the full names of the parties to the case, the type of judicial document served, the relevant request and, in the case of court judgments, the operative part thereof, the court before which the case is pending or to be brought for hearing, or the official who is to perform it and, if the addressee is summoned to appear or to carry out a certain act, the place and time of appearance and the type of act concerned must be indicated (135.1 CCP). The above shall also apply where the Ministry of Foreign Affairs confirms that it is impossible to send the document to a person residing or having their registered office abroad (135.3 CCP).

If the offices or shops referred to in Articles 128(4)(b), 131, 132 and 133 are closed or the authorities or persons referred to therein refuse to accept service of the document or sign the service report, the person carrying out the service shall draft a relevant report and deliver the document to the public prosecutor of the court of first instance in whose jurisdiction the place of service falls, and the public prosecutor shall then send the document to the person who refused to accept service or sign the report.

7.2 If other methods are applied, when are the documents deemed to have been served?

If the method of service contemplated in point 7.1 was used for a person who is hospitalised or imprisoned, or a seaman, military serviceman or person residing abroad, the document being served will be deemed to have been served as soon as it is delivered to the authorities or persons referred to in the above point, irrespective of when it was sent and received (136.1 CCP).

If the method of service contemplated in point 7.1 was used for a person who was not found at his/her domicile, provided that no adult relative residing at that domicile was found either, the document being served will be deemed to have been served as soon as it is attached to the door of the addressee's domicile, provided that all the requirements set out in point 7.1 with regard to the method of service are observed (i.e. service of the document into the hands of the head of the police department and mailing of a relevant written notice).

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

As referred to in point 7.1, if the method of service contemplated for a person who was not found at his/her domicile was used, provided that no adult relative residing at that domicile was found either, after posting the document being served on the door of the addressee's domicile and delivering a copy thereof to

the head of the police department, a written notice shall be mailed to the addressee, indicating the type of document served, the address of the domicile where the document was posted, the date of posting, the authority to which the document was delivered and the date of delivery.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

As referred to in point 7.1, if the addressee refuses to accept service of the document concerned or to sign the service report, the serving officer shall post the document on the door of the residence, office, shop or workshop in the presence of a witness. Upon posting the document, it will be considered as having been served.

8 Postal service from abroad (Article 14 of the Service Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 14 of the Service Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

In this case, the postal service will deliver the document only to the addressee in person.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 14 of the Service Regulation No. 1393/2007, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

In this case, the postal service will notify the absent addressee that the document will remain at the post office for a specific period of time, during which he /she may request it.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

See the provisions laid down in point 8.2.

9 Is there any written proof that the document has been served?

The person carrying out the service shall draft a report, which must contain (a) the service order, (b) a clear description of the document served and of the persons concerned, (c) the date and time of service, (d) the person to whom the document was served and the method of service in the event of absence or refusal of the addressee or the persons referred to in Articles 128 to 135 and 138 (139.1 CCP).

The report shall be signed by the person carrying out the service and the one receiving the document or, in the event of his/her refusal or inability, by the witness hired to that effect (139.2 CCP).

The person carrying out the service shall make a note of the date and time of service and sign the document served. This note constitutes proof to be used by the person to whom the document was served. If there is any discrepancy between the service report and the note, the report shall take precedence (139.3 CCP).

The report referred to in Article 139 shall be drafted in two originals, one to be delivered to the person who has ordered the service and the other to be kept, free of charge, by the serving officer. A short note shall be made of the service in a special book kept by the serving officer (140.1 CCP).

The bailiff must, upon request, provide copies of the original documents kept in his/her file to the person who has ordered the service and to the addressee, as well as to anyone having a legitimate interest, provided that approval has been given to that effect, by note made on the request, by the chairing judge of the court of first instance with its seat in the region in which the service took place (140.2 CCP).

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

If a party to a case was unable to observe a deadline due to *force majeure* or due to fraud on the part of the opposing party (e.g. invalid service by the bailiff or intentional failure of the person who received the document to notify the party to the case), he/she has the right to request restoration of the *status quo ante* (152.1 CCP) within thirty days of the date on which the obstacle that constituted the *force majeure* was raised or on which he/she was made aware of the fraud on the part of the opposing party (153 CCP).

If a person against whom a judgment was rendered by default was not summoned at all, or was not summoned legally or within the set deadline, he/she has the right to have the default judgment set aside within fifteen days of service of the judgment if he/she resides in Greece, or within sixty days of the latest advertisement of the summary of the judgment service report under Article 135(1) if he/she is of unknown residence or resides abroad (501, 503.1, 2 CCP).

If a party to a case has summoned the opposing party declaring that the latter was of unknown residence, despite being aware of his/her residence, the latter, if he/she has lost the case in all or in part, has the right to lodge an application for revision of the judgment rendered, within sixty days if he/she resides in Greece, or within one hundred and twenty days of service of the contested judgment if he/she is of unknown residence or resides abroad, or within three years of adoption of the contested judgment, provided that it is final or irrevocable, otherwise from the date on which it became final, if the judgment was not served at all (538, 544.9, 545.1, 2, 3, 5 CCP).

11 Do I have to pay for service of a document, and if so, how much?

The service expenses shall be paid in advance by the person who orders the service (173.1, 3 CCP).

The party that loses the case shall be ordered to pay for these expenses, too (176, 189.1 CCP). The sum paid depends on the method and type of service used. The minimum service expenses amount to EUR 23.00 if the document concerned is served to a person who lives or resides in the area where the bailiff has his/her registered office.

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