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Small claims

Greece

### 1 Existence of a specific small claims procedure

Is there a small claims procedure in Greece (i.e. a specific procedure which is simplified procedurally with respect to the ordinary procedure and which applies in cases below a certain monetary threshold or in certain types of litigation regardless of a monetary threshold)?

The Code of Civil Procedure lays down special provisions for dealing with small claims (Chapter XIII, Sections 466-472).

#### 1.1 Scope of procedure, threshold

The special provisions on small claims apply: (1) where the subject-matter of the dispute is subject to the jurisdiction of the district civil court (*eirinodikeio*) and relates to claims or rights to movable property or the possession of movable property not exceeding EUR 5 000.00 in value; or (2) where the value in dispute exceeds EUR 5 000.00, if the applicant declares that he or she will accept a sum not exceeding EUR 5 000.00 in settlement of the claim or right sought in the action. In this case, an unsuccessful defendant will be ordered either to satisfy the claim or right sought in the action or to pay the estimate of the value accepted by the court.

#### 1.2 Application of procedure

The procedure is obligatory.

Neither the court nor the litigant parties have the option of following the ordinary procedure instead of the special small claims procedure.

#### 1.3 Forms

No forms are available.

#### 1.4 Assistance

Is there assistance in procedural issues (e.g. by the court clerk or the judge) for litigants not represented by a lawyer? If so, to what extent?

Litigants may appear in court on their own behalf. A litigant may also be represented by his or her spouse, by a relative in the ascending or descending line, by a blood relative up to the second degree or a relative by marriage up to the second degree, or by a salaried employee in the his or her employment. A spouse is always presumed to be able to act on his or her spouse's behalf, and may appoint other representatives. There is no provision in such cases for a court clerk or the judge to assist the litigant or representatives who are not lawyers.

#### 1.5 Rules concerning the taking of evidence

Are certain rules concerning the taking of evidence relaxed compared with the ordinary procedure? If so, which and to what extent?

When hearing small claims under the special small claims procedure, district civil court judges may depart from the usual procedural rules: they may take into account evidence which does not meet the statutory requirements, and may at their discretion apply the procedure which in the circumstances they deem to be the safest, speediest and least costly method of arriving at the facts.

#### 1.6 Written procedure

The application may be lodged in writing at the registry of the district civil court, or may be lodged orally before the district civil court judge, in which case a record is drawn up. The application must include: (a) an accurate description of the facts that substantiate the claim in accordance with the law and justify the bringing of the action by the claimant against the defendant; (b) an accurate description of the subject-matter of the dispute; (c) the specific form of order sought; and (d) all forms of evidence available.

#### 1.7 Content of judgment

Judgments are given orally in open court, usually immediately after the hearing, while the court is still in session and before the judge proceeds with the next case. A judgment is not served on the parties if it is certified in the court transcripts that the judgment has been given in the presence of both parties, or of the persons acting on their behalf in the case, or of their authorised lawyers.

#### 1.8 Reimbursement of costs

There is no reimbursement of costs.

#### 1.9 Possibility to appeal

Judgments on small claims are not open to appeal.

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