

# Time limits on procedures

 Greece

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## 1 What are the types of deadlines relevant for civil procedures?

Time limits are the periods within which an action must be performed or which must elapse before a case is heard or before an action is performed. The introduction of time limits aims to deliver swift justice and to guarantee the right to be heard. Procedural time limits are those the compliance or non-observance of which has procedural consequences. They are distinguished into two main categories: 1) The prescribed period for performing an ACTION are those within which a procedural act must be performed, such as the legal time limit for lodging an appeal (see Article 318(1) of the CCP) and 2) PREPARATORY time limits are those after the lapse of which the procedural act must be performed. These time limits, such as the time limit for summoning the defending party (see Article 228 of the CCP) usually benefit defendants, since they are provided with time to prepare. This distinction is significant since time limits for performing an action may be extended by mutual agreement of the parties, whereas preparatory time limits may not be extended. Time limits for performing an action expire on the following working day if their expiry date coincides with a legal non-working day, whereas preparatory time limits expire on their expiry date regardless of whether that day is a holiday or a non-working day. Important procedural time limits under the Code of Civil Procedure (CCP) are, indicatively, the following:

1. Time limit for summoning the parties after an action is brought (sixty [60] days before the hearing, unless the party resides abroad or his/her domicile is unknown, in which case the time limit is ninety [90] days before the hearing - see Article 228 of the CCP).
2. Deadline for application to set aside a judgment [fifteen [15] days from service of the decision, if the party tried *in absentia* resides in Greece, unless the party which did not enter an appearance resides abroad or his/her domicile is unknown, in which case the time limit is sixty [60] days after the judgment has been served - see Article 503 of the CCP).
3. Time limit for appeal (thirty [30] days after the final judgment has been served if the party lodging the appeal resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is sixty [60] days after the final judgment has been served. If the final judgment is not served, the time limit for appeal is three [3] years from the publication of the judgment - see Article 518 of the CCP).
4. Time limit for reopening a trial (sixty [60] days if the party bringing the proceedings resides in Greece, unless the party bringing the proceedings resides abroad or his/her domicile is unknown, in which case, the time limit is one hundred and twenty [120] days - see Article 545 of the CCP).
5. Time limit for further appeal (thirty [30] days after the judgment has been served if the appellant resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is ninety [90] days after the judgment has been served. If the judgment is not served, the time limit for further appeal is three [3] years from the publication of the judgment - see Article 564 of the CCP).

The CCP also lays down, in particular, procedural time limits for other proceedings, such as those relating to matrimonial matters (divorce, marriage annulment, etc.), application for a payment order and opposition to such application (see Article 632 of the CCP), tenancy disputes, labour disputes, interim measures, enforcement proceedings and objection to such enforcement proceedings.

## 2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

In Greece, holidays are set out, in a non-exhaustive list, in Law No 1157/1981. The criterion for establishing the existence of a holiday is the non-performance of transactions in general and, therefore, holidays for specific professions or services are irrelevant. They may be national, religious or other holidays, even of a local or non-permanent nature. The holidays for public services are non-working days. The following are considered as holidays: 25 March (national holiday), 28 October (national holiday), New Year's Day, Epiphany (6 January), Good Friday, Easter Saturday, 1 May, 15 August, Christmas Day and Boxing Day, Whit Monday, Clean Monday (first day of Lent), Easter Monday and all Sundays.

## 3 What are the applicable general rules on time limits for the various civil procedures?

Articles 144 - 151 of the CCP refer to procedural time limits. Depending on the source determining their duration, time limits are distinguished into legal (those specified by law, such as time limits for bringing an action), judicial (those determined by the court hearing the case, such as the time limit for the appearance of the parties in person - see Article 245 of the CCP), suspensive (non-compliance with which is punishable by adjournment of the hearing) and mandatory time-limits (non-compliance with which is punishable by forfeiture of the right). The commencement and expiry of the time limits will be mentioned below. A time limit is interrupted if a party dies during its duration. If the service of a document set the time limit running, the new time limit runs from the date of fresh service of the legal successors to the deceased person. If another event set the time limit running, the new time limit runs from the date of service of the relevant declaration to the above-mentioned persons. The interruption of a trial during a time limit interrupts the time limit and the new time limit runs from the date of the retrial. The period from 1 to 31 August is not calculated for time limits for performing an action which are referred to in Article 147(7) of the CCP. These include time limits for bringing an action and time limits for opposition.

The law permits the extension of a time limit not only by mutual agreement of the parties, but also with the consent of the judge. Both legal and judicial time limits are subject to an extension, with the restriction that this does not prejudice rights of third parties. The judge is not bound by the application for extension of the agreement and he/she may uphold it in part or reject it, assessing the circumstances on a case-by-case basis. This means that the parties must put forward grounds justifying the extension. Finally, the time limit may be shortened by judicial decision, upon agreement of the parties. All legal time limits may be shortened, except for time limits for bringing an action.

## 4 When an act or a formality has to be carried out within a given period, what is the starting time?

The time limit runs from the day after the date on which the event that set the time limit running occurred (*a momento ad momentum*).

## 5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

The Code of Civil Procedure does not provide for the extension or reduction of the time limit if documents are transmitted or sent by post or other type of transport service

## 6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The day on which the event that set the time limit running occurred may be included only if it is provided for expressly in the law, the judgment or the contract. The provision that a specified time limit runs from the date of

service does not constitute such a case. Therefore, the critical time limits for the legal remedies of appeal, further appeal or opposition run from the day after the date of service or of publication of the judgment. However, when it is provided that the time limit runs from a particular day, such day is taken into account in the calculation. When the event that set the time limit running is the service, any other manner of receiving notice of the content of the document to be served is irrelevant for the calculation of the time limit.

## 7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

Whether there are holidays in between is irrelevant. Working days are taken into account in the calculation only if this is provided for explicitly (such as in the case of the time limit for appeal against a payment order).

## 8 When such a period is expressed in weeks, in months or in years?

Likewise, if the time limit is expressed in months or years, it is irrelevant whether there are holidays in between or not, unless the law provides for explicitly that the time limit pertains to working days.

## 9 When does the deadline expire if expressed in weeks, in months or in years?

If the time limit is expressed in years it expires when the corresponding date of the last year passes. Please note that it is irrelevant for the calculation whether a leap year lies in between or not.

If the time limit is expressed in months, it expires when the day of the last month which corresponds to its starting day passes. If there is no such correspondence, the last day of the month is used. Please note that the number of the days of each month is irrelevant.

The time limit of half a year applies as a time limit of six (6) months and the time limit of half a month applies as a time limit of fifteen (15) days.

If the time limit is expressed in weeks, it expires when the corresponding day of the week which corresponds to its starting day passes; namely, if the event occurred on Monday, the weekly time limit expires on the following Monday.

## 10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

If the time limit expires on a Saturday, a Sunday, a holiday or non-working day, it is extended to the following working day.

## 11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

The law permits the extension of a time limit not only by mutual agreement of the parties, but also with the consent of the judge. Both legal and judicial time limits are subject to an extension, with the restriction that this does not prejudice rights of third parties. The judge is not bound by the application for extension of the agreement and he/she may uphold it in part or reject it, assessing the circumstances on a case-by-case basis.

## 12 What are the time limits for appeals?

1. . Deadline for application to set aside a judgment [fifteen [15] days after the judgment has been served, if the party tried *in absentia* resides in Greece, unless the party which did not enter an appearance resides abroad or his/her domicile is unknown, in which case, the time limit is sixty [60] days after the judgment has been served - see Article 503 of the CCP).
2. The time limit for appeal is laid down in Article 518(1) of the CCP. If the appellant resides in Greece, such

time limit is thirty (30) days, and if he/she resides abroad or his/her domicile is unknown, it is sixty (60) days. The time limit of sixty (60) days does not concern persons who reside abroad temporarily (leisure travel, a few days' absence for a specific purpose), but it has a certain duration which is linked to their professional or marital status.

3. Time limit for reopening a trial (sixty [60] days if the party bringing the proceedings resides in Greece, unless the party bringing the proceedings resides abroad or his/her domicile is unknown, in which case, the time limit is one hundred and twenty [120] days - see Article 545 of the CCP).
4. Time limit for further appeal (thirty [30] days after the judgment has been served if the appellant resides in Greece, unless the party lodging the appeal resides abroad or his/her domicile is unknown, in which case, the time limit is ninety [90] days after the judgment has been served. If the judgment is not served, the time limit for further appeal is three [3] years from the publication of the judgment - see Article 564 of the CCP).

### 13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The claim for judicial protection under Greek legislation covers, regardless of the nature of the dispute, both permanent and interim judicial protection. The cases where, in view of the urgency of the matter or in the interests of preventing imminent danger, courts may order measures to secure or to safeguard a right or to regulate a situation as well as reform or repeal them, are settled by way of summary procedure (pursuant to Articles 682-738 of the CCP). In view of their urgency, the judge, acting to ensure a swift resolution, and taking into account the parties' right to be heard, has jurisdiction to determine the time and place of hearing of the application for interim measures. Thus, the judge has discretion to select the method of issuing a summons and the time limit for entering an appearance even for persons residing abroad or whose domicile is unknown. The hearing may also be fixed on a Sunday or on a holiday. The above-mentioned time limits, apply to all civil proceedings apart from interim measures, without their extension being provided for.

### 14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

There is no such provision in the Greek legislation.

### 15 What are the consequences of non-observance of the deadlines?

Non-compliance with time limits relating to a judicial action does not have procedural consequences. Exceeding the time limit for action against acts of the parties results in forfeiture of the right, whereas other kinds of consequences, such as the inadmissibility of the hearing, ensue in the case of preparatory time limits (see Article 271(1) of the CCP).

### 16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

*Restitutio in integrum* is a legal remedy provided for in the Constitution, by means of which if a party, either due to *force majeure* or due to the fraudulent intent of the other party, failed to comply with a time limit, it is entitled to apply to have his/her position restored to the *status quo* before the time limit expired.

However, exceptionally, such application cannot be lodged if it relies (a) on an error of the authorised attorney or of the legal representative of the applicant, (b) on facts which the judge appraised during the hearing of the application for extension or postponement of a time limit in order to grant the relevant extension or postponement. The application must state the grounds for which the time limit was not complied with, the evidence for ascertaining the truth and the omitted act, or state that it has been performed. The application for *restitutio in integrum* must be heard within thirty (30) days from the date on which the obstacle which constitutes *force majeure* is removed or fraudulent intent is notified, provided that a new time limit may not be

applied if the above-mentioned time limit is not complied with for any reason (see Articles 152-158 of the CCP).

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