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Legal aid



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European Judicial Network
(in civil and commercial
matters)

1 What costs are involved in legal proceedings and who normally has to bear them?

Anyone who wishes to institute or has already instituted legal proceedings must bear the following costs:

- (a) fees for appointing a lawyer to prepare and submit the application for legal aid or other remedies, participate in mediation sessions, attend court hearings as the applicant's attorney/counsel in the relevant proceedings, submit documents, deliver documents for service by a bailiff (*dikastikós epimelitís*), and provide an enforcement order to a bailiff to enforce a judgment;
- (b) costs of service of legal applications or other remedies;
- (c) translation and/or interpretation costs, in cross-border cases;
- (d) costs incurred for experts, where such experts are appointed by order of the court or at the request of the party concerned;
- (e) court fees for submitting documents and instituting enforcement measures;
- (f) costs awarded to the other party.

2 What exactly is legal aid?

It is the right of citizens to apply for financial assistance in order to institute legal proceedings or to participate in legal proceedings brought against them. It also covers legal representation at second instance, the costs of a notary (*symvolaioγράφος*) and a bailiff, and enforcement costs.

The content of legal aid in civil and commercial cases is provided for by Law 3226/2004 on the provision of legal aid to low-income citizens and other provisions, as amended (hereinafter 'the Law').

Legal aid may also take the form of appointment of a lawyer to provide legal advice with a view to settling a cross-border dispute before it is brought to court (Article 10(c) of the Law)).

3 What are the requirements for legal aid to be granted?

Article 11 of the Law provides that all citizens of the European Union may be entitled to legal aid. Moreover, third-country nationals and stateless persons who are legally resident or have their habitual residence in the European Union, and who are able to provide evidence that the relevant conditions are met, are eligible for legal aid.

Legal aid is granted provided that the conditions laid down in the Law are met. According to Article 1(2) of the Law, persons with an annual family income not exceeding two thirds of the minimum annual individual income

established by the Law are entitled to legal aid. In the event of family disputes, the income of the other party to the dispute (spouse) is not considered to contribute to the applicant's income.

Special rules apply to persons domiciled or habitually residing in another Member State. According to Article 10 of the Law, the threshold referred to above is not mandatory if the applicant demonstrates that the difference in the cost of living between their country of origin and the Hellenic Republic makes it impossible for them to bear the costs of legal protection.

4 Is legal aid granted for all types of proceedings?

Yes, namely for civil, family, commercial and criminal proceedings.

5 Are there special procedures in cases of need?

The procedure is regulated by Article 2 of the Law. The procedure for granting legal aid begins as soon as the beneficiary submits an application, which contains a summary of the subject matter of the proceedings or of the act, and evidence that the conditions for obtaining the aid are met.

The application must be accompanied by the necessary supporting documents, proof of the applicant's financial situation (in particular a copy of a tax declaration or a certificate from the head of the competent tax office to the effect that the applicant is not required to submit a declaration, a copy of a declaration of assets, a tax clearance certificate, the applicant's tax identification number (*AFM*), social welfare certificates, affidavits), and proof of residence in accordance with paragraph one of Article 1 in the case of a third-country national.

The application and supporting documents shall be submitted at least 15 days before the trial or the act for which legal aid is requested. This time limit may be shortened in the event of a subsequent summons. The procedure is free of charge and it is not necessary to appear with a lawyer.

Article 8(1) provides that applications for legal aid should be submitted to the courts of first instance (*protodikeía*) with territorial and material jurisdiction, which are competent to examine them.

In the case of acts unrelated to court proceedings, the competent court is the district civil court (*eirinodikeío*) of the applicant's place of residence.

The applicant may submit an appeal against the decision of the judge, which will be heard during the interim proceedings (*diadikasía ton asfaltikón métron*). A *prima facie* case is sufficient for the application to be accepted, and full documentation is not required. The court has extensive discretion to collect evidence.

6 Where can I obtain a legal aid application form?

All courts in Greece operate a special office to help low-income citizens who are entitled to free legal aid to initiate the procedure. Some courts provide an application form online, e.g. the District Civil Court of Patras (*Eirinodikeío Pátras*), see <https://www.eirinodikeio-patras.gov.gr/nomiki-voithia>.

7 Which documents need to be submitted with the legal aid application form?

Applicants must submit proof of their financial situation. The relevant supporting documents are provided for in the Law (see question 5).

8 Where do I submit my application for legal aid?

The application should be submitted to a court (see question 5).

9 How do I find out whether I am entitled to legal aid?

The criteria for obtaining legal aid are set out in the Law. Under Article 1(2), low-income citizens entitled to legal aid are those whose annual family income does not exceed two thirds of the minimum annual personal income defined in the National General Collective Labour Agreement (*Ethnikí Genikí Syllogikí Sýmvasi Ergasías*). In the case of a domestic dispute, the income of the other party to the dispute is disregarded.

Special arrangements apply if the place of residence or habitual residence of the person seeking legal aid in a civil or commercial case is in another Member State. Under Article 10 of the Law, the family income threshold specified is not mandatory, if the applicant can prove that they are unable to cover the legal costs due to the difference in the cost of living between the Member State of their place of residence or habitual residence and Greece.

Due to the cross-border nature of the request, legal aid is also provided to cover interpretation costs, costs for the official translation of documents required to resolve the dispute and the travel costs incurred by the applicant for a person intended to support their request who has to attend the hearing in person, if the court decides that that person may not otherwise participate in the proceedings. Legal aid may also take the form of the appointment of a lawyer to provide legal advice with a view to settling a dispute before it is brought to court.

10 What should I do, if I am entitled to legal aid?

The party must apply to the competent court (see question 5).

Where legal aid is granted by the court, the beneficiary is entitled to the legal services referred to in the answer to question 2.

11 Who chooses my lawyer, if I am entitled to legal aid?

This matter is regulated in Article 5 of the Law. If a lawyer is appointed, they are selected from a list drawn up by the relevant bar association (*dikigorikós sýllogos*). Duty counsels (*synígoroi ypíresías*) are designated in alphabetical order from the relevant list of the bar association, and their selection is ratified by the court granting the legal aid. The appointed lawyer may refuse to defend the party. If they refuse, another lawyer is appointed by the same court.

12 Does legal aid cover all the costs of the proceedings?

Article 9 of the Law, as amended, provides details on the costs covered by legal aid. See also answers to questions 1 and 2.

Legal aid is granted in cases of divorce by mutual consent (*synainetikó diazýgio*) and consists of an exemption from the obligation to pay some or all of the costs of the proceedings before a notary, as well as the fee of the lawyer appointed to represent the applicants before the notary.

Legal aid does not affect the obligation to pay any costs awarded to the other party.

13 Who bears the other costs, if I am entitled only to limited legal aid?

This is not provided for in the Law. A possible alternative is having other costs covered by NGOs, primarily in cases of migrants and refugees.

14 Does legal aid also cover appeals?

Yes. Article 9(3) of the Law provides that legal aid is granted separately for each trial, applies to any courts of any instance and also covers enforcement of the judgment.

15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?

Under Article 4(2) and (3) of the Law, legal aid may be withdrawn or limited by decision of the competent judge issued on an *ex officio* basis or on a proposal of the public prosecutor (*eisangeléas*), if it is established that the conditions for granting the aid were not met in the first place, are no longer met, or have changed substantially. Applicants who were granted legal aid on the basis of a false application or information shall be required to reimburse the costs from which they were exempted.

16 Can I contest a refusal to give legal aid?

Under Article 8(2), the applicant may submit an appeal to the multi-member court of first instance (*polymelés protodikeío*) against the decision of the judge of the district civil court, the judge of the single-member court of first instance (*monomelés protodikeío*) or the president of the court of first instance within 5 days of the decision being issued. The appeal will be heard during the interim proceedings (Articles 682 *et seq.* of the Code of Civil Procedure (*Kódikas Politikís Dikonomías*)). No appeal may be submitted before the Supreme Court (*Áρειος Πάγος*). A new application may be submitted should there be a change of facts (Article 2(5) of the Law).

17 Does the request for legal aid have the effect to suspend the limitation period?

The Law on legal aid does not contain any provision to that effect.

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