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European Account Preservation Order

Greece

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FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 50(1)(a) – Courts competent to issue the European Account Preservation Order

District Civil Courts (*Eirinodikeía*) and Courts of First Instance (*Protodikeía*).

Article 50(1)(b) – Authority designated as competent to obtain account information

Directorate for Audit Business Planning (Diéfthynsi Epicheirisiakou Schediasmoú Eléngchon - DIESEL) of the Directorate-General for Tax Operations (Genikí Diéfthynsi Forologikón Leitourgión) of the Independent Authority for Public Revenue (Anexártiti Archí Dimosíon Esódon – AADE) Email: diesel@aade.gr / tel.:+30 2104802000,+30 2104802530.

Article 50(1)(c) – Methods of obtaining account information

The System of Registers of Bank Accounts and Payment Accounts of the Ministry of Finance was created for the purpose of transmitting requests for information from authorities, services, public sector bodies and other bodies to credit institutions. These requests are sent electronically via a secure third entity (Tiresias) to the credit institutions, which send their replies with the account details through the same channel (Article 14(5)(a)).

Article 50(1)(d) – Courts with which an appeal against refusal to issue the European Account Preservation Order may be lodged

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance (*Monomelés Protodikeío*), and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal (*Efeteío*).

Article 50(1)(e) – Authorities designated as competent to receive, transmit and serve the European Account Preservation Order and other documents

The competent authority for transmission is the Court of First Instance. Bailiffs (*dikastikoí epimelités*) are responsible for receiving and serving the preservation order and other documents.

Article 50(1)(f) – Authority competent to enforce the European Account Preservation Order

Bailiffs.

Article 50(1)(g) – Extent to which joint and nominee accounts can be preserved

Only joint accounts can be preserved, not nominee accounts. No other conditions apply to the preservation of joint accounts.

Article 50(1)(h) – Rules applicable to amounts exempt from seizure

Article 982(2) of the Code of Civil Procedure (*Kódikas Politikís Dikonomías*) provides that claims for maintenance, salaries, pensions, insurance benefits, etc. are exempt from seizure. There is no link to the Code of Civil Procedure on the internet. The above amounts are exempt from seizure without any application being submitted by the debtor.

Article 50(1)(i) – Fees, if charged by the banks, for the implementation of equivalent national orders or for providing account information, and information on the party liable to pay those fees

There are no specific provisions regulating the matter of the charging of costs and fees for the preservation or seizure of a bank account or the provision of account details. However, the Hellenic Bank Association (*Ellinikí Énosi Trapezón*) considers that credit institutions are entitled to demand the payment of costs as explicitly provided for, *mutatis mutandis*, in Articles 30A and 30B of the Public Revenue Collection Code (*Kódikas Eispráxeos Dimosíon Esódon* (KEDE) - Legislative Decree No 356/1974, as amended and in force).

Article 50(1)(j) – The scale of fees or other set of rules setting out the applicable fees charged by any authority or other body involved in the processing or enforcement of the Preservation Order

No fees are charged by the Independent Authority for Public Revenue (*Anexártiti Archí Dimosíon Esódon*) for its involvement in the processing of the Preservation Order. Since the enforcement of the Order is carried out by bailiffs, they charge each of their principals directly. There is no link to a site on the internet concerning bailiffs' fees. Fees are not charged by the Ministry of Finance to provide information on accounts in accordance with Article 14.

Article 50(1)(k) – Ranking, if any, of equivalent national orders

The European Account Preservation Order is treated as equivalent to a preservation measure (*asfalistikó méτρο*) under national law. No ranking has been applied to equivalent national orders.

Article 50(1)(l) – Courts or enforcement authority competent to grant a remedy

The competent court to grant a remedy is the court that issued the European Account Preservation Order; i.e. the District Civil Court judge for claims falling within the remit of the District Civil Court and the judge of the Single-Member Court of First Instance for any other claims. With regard to the legal remedies referred to in Article 34(1) and (2), the competent court for amounts up to EUR 20 000 is the District Civil Court. The competent court for amounts over EUR 20 000 is the Court of First Instance.

Article 50(1)(m) – Courts with which an appeal is to be lodged and the time-limit, if any, for lodging the appeal

A refusal on the part of the District Civil Court judge can be appealed to the Single-Member Court of First Instance, and a refusal on the part of the Single-Member Court of First Instance can be appealed to the Court of Appeal. Appeals must be lodged within 30 days of service of the decision on the debtor.

Article 50(1)(n) – Court fees

Court fees are calculated as approximately four thousandths of the amount claimed. This calculation applies both to actions to obtain an order and to actions for any legal remedy against an order.

Article 50(1)(o) – Languages accepted for translations of the documents

Documents are accepted in Greek only.

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