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Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The competent court for considering applications for a declaration of enforceability in accordance with Article 45(1) is the Single-Member Court of First Instance [*Μονομελές Πρωτοδικείο*] of the district in which the party against whom the enforcement is sought is domiciled; if he/she has no domicile, then his/her residence; if he/she has no residence then the Single-Member Court of First Instance of the country's capital city (Article 905(1) Code of Civil Procedure).

The court that has jurisdiction to deal with appeals against decisions made in accordance with Article 45(1) is the relevant Single-Member Court of Appeal [*Μονομελές Εφετείο*] to which the Single-Member Court of First Instance that heard the application is subject.

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

The Supreme Court [*Άρειος Πάγος*] is the court before which the decision given on appeal referred to in Article 51 (Single-Member Court of Appeal) may be contested.

Enforceability is declared by the Single-Member Court of First Instance in ex parte proceedings (Articles 740 to 781 of the Code of Civil Procedure).

Appeals before the Single-Member Court of Appeal against the above decision of the Single-Member Court of Appeal [sic] are heard in contested proceedings (Article 524 of the Code of Civil Procedure).

The decision may be set aside on the grounds referred to in Article 559 of the Code of Civil Procedure.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The District Civil Court [*Ειρηνοδικείο*] of the district in which the deceased person was domiciled at the time of death; if he/she had no domicile, then his/her residence; if he/she had no residence, then the District Civil Court of the country's capital city (Articles 30 and 810 of the Code of Civil Procedure).

Article 78 (d) - the redress procedures referred to in Article 72

A. - The decision ordering the provision of a certificate of succession pursuant to Article 72(1) of the Regulation may be challenged by lodging an appeal before the Multi-Member Court of First Instance [*Πολυμελούς Πρωτοδικείου*] in the district to which the district civil court belongs (Article 824(1) in conjunction with Article 18 of the Code of Civil Procedure).

B. The decision ordering the withdrawal of the certificate or declaring it invalid or amending or revoking it may be challenged, pursuant to Articles 71 and 73(1)(a) of the Regulation, only by means of third-party proceedings before the probate court, which is the District Civil Court [*Ειρηνοδικείο*] of the district in which the deceased person was domiciled at the time of death or his/her residence if he/she had no domicile; if he/she had no residence, then it is the District Court of the country's capital city (Articles 823 and 824 of the Code of Civil Procedure in conjunction with Article 1965 of the Civil Code).

For the appeals procedure (under A above), see Articles 495 to 500 and 511 to 537 of the Code of Civil Procedure.

For the third-party proceedings (under B above), see Articles 583 to 590 of the Code of Civil Procedure.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Notaries are the legal professionals who are competent in matters of succession.

Notaries act under the control of a judicial authority (the Public Prosecutor at the court of first instance - *Εισαγγελέα Πρωτοδικών*).

Notaries are unsalaried public officials who are vested with state authority to draw up authentic acts that have the validity of public documents, with the ensuing advantages of increased probative force, conclusive date and enforceability.

In the exercise of their duties, by applying the law, notaries simultaneously safeguard the interests of the state and of the parties, and as lawyers with high academic training acting impartially, provide legal certainty to those involved and prevent potential litigation.

These qualities of notaries and of the acts and documents they draw up mean that notaries play an active and effective role in preventive justice, safeguarding the rights of all those appearing before them.

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