

## Adapting rights in rem - Greece

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#### **1 Which are the rights in rem that could arise from a succession under the law of this Member State?**

Under Greek law, the rights in rem which could be inherited are ownership, easements in rem, pledges, notional pledges, mortgages and mine ownership.

#### **2 Are these rights in rem recorded in a register of rights in immovable or movable property and, if so, is such recording compulsory? In which register(s) are they recorded and what are the registration requirements and procedure?**

Of the rights in rem referred to, ownership of immovable property, mortgages, mine ownership and notional pledges must be registered. Ownership of immovable property, mortgages and mine ownership must be registered at the Cadastral Office of the region in which the property is located, whereas notional pledges must be registered with the Pledge Registry at the pledgor's place of residence or at its registered seat, or if the pledgor is not resident or does not have its registered seat in the territory of Greece at the Athens Pledge Registry.

It is essential to submit an application to the Cadastral Office to register such rights and the fees specified by law must also be paid (see Law 2664/1998). The application must be accompanied by the deed to be registered, a copy of the survey diagram which has been prepared and appended to the registrable deed, a summary of the registrable deed and a certified extract from the cadastral diagram for the property the registrable deed relates to.

An application must be submitted to register a pledge with the Pledge Registry, along with the relevant form.

#### **3 Which effects are linked to the registration of the rights in rem?**

Registration of those rights in rem is, in law, constitutive of the rights (see Article 12 of Law 2664/1998), in the sense that any failure to register means transfer of ownership of the immovable property does not occur or the establishment, transfer or abolition of the right in rem on the immovable property does not take place. The same also applies to registration of notional pledges.

#### **4 Are there specific rules and procedures in place for the adaptation of a right in rem to which a person is entitled under the law applicable to the successions in case the law of the Member State in which the right is invoked does not know such right in rem?**

In Greece, rules of law or procedures have not been enacted to adapt a right in rem unknown in Greek law to the closest right known in that law.

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