

## ANNEX 34

- Country Report GREECE

**CONTRACT**  
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**Study on the Transparency of Costs of Civil Judicial  
Proceedings in the European Union**

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**- COUNTRY REPORT -**

**- GREECE -**

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ANNEXE 1 Questionnaire completed for the implementation of this study

## COUNTRY REPORT

### *Preliminary notes*

With special thanks to my colleagues Apostolos Kourtis, Theodoros Lappas, Vilma Avgoustinaki, Marily Kolantzianou and Maria Ioannidou for their valuable assistance and contribution in the completion of the questionnaire and the drafting of the present report.

## Introduction

The study on the Transparency of Cost of Civil Judicial Proceedings in the EU, in which we participated, gave us the opportunity to assemble valuable information regarding the costs of Justice and their transparency in Greece.

In addressing the questions we have purposely taken into consideration, in most instances, the lowest applicable fees since the law provides for minimum fees but does not provide for maximum fees. This is certainly the case regarding lawyers' fees, where our answers are based solely on the minimum fees that clients have to pay for civil representation. The same goes for expert's fees, where such fees are freely negotiable between the litigant party and the expert. To the contrary, as far as Court fees or Bailiff fees are concerned, our answers are based on the current applicable rates as provided by law.

As a general remark we would note that the actual cost of accessing justice depends mainly on the nature of the dispute and, in disputes having a pecuniary nature, on the amount of the dispute. This issue certainly affects lawyers fees, experts fees and generally increases the overall costs of litigation. Further, this study has given us the opportunity to realise that Greece can hardly be characterised as a country where the costs of accessing justice are "transparent". Few public websites provide free access to citizens yet again all one can find through those websites is the legislation and even more so it can only be found in the Greek language. In this respect, we believe that it is almost impossible to a non-legal practitioner to find out about the costs associated with litigation unless he contacts a lawyer.

As far as the “general litigation costs” are concerned, with the exception of lawyers fees, this study has proven that justice in Greece is not particularly expensive, especially in comparison to western European countries. In the view of many, this is the basic reason behind the very serious problems that the Greek judicial system is facing. In particular, civil cases progress very slowly in Greece, irrespective of their importance. For example, even a relatively simple lawsuit for unpaid invoices of say € 8.000 may well take three to five years to be irrevocably heard. This slow progress, is primarily caused by the fact that the judicial system does not secure enough income to invest in personnel, equipment and facilities. In my opinion however, it also caused by the fact that litigants take advantage of the system and are prone to litigate simply because, after all, it does not cost them too much to do so. As we demonstrate below, a defeated party in a civil litigation is not compelled to pay 100% of the expenses incurred by the winning party. The Court usually awards expenses in the region of 2% of the amount in dispute and irrespective of what litigation costs the winning party had to incur in order to defend its position.

When the above defects of our judicial system will be cured, the system will certainly become more effective.

Finally, as far as the issue of the low level of transparency of costs in civil proceedings is concerned, I believe that the only true solution is to set-up an authority to provide answers to citizens about the costs and the sources of justice, to prepare and hand-out brochures containing guidelines and information and to assist citizens that are entitled to legal aid. Having the text of the laws published over several websites is simply not enough as non-legal practitioners do not know how to read and interpret laws.



## Executive Summary

### 1 Summary of the mains sources of costs

The main sources of costs in a civil litigation are Court Fees, Bailiff Fees and Lawyer Fees.

As Court Fees may be identified the following: a) the filling fees which are paid when legal proceedings are lodged before the Court, b) the proceeding fees which are paid for the hearing of the case and c) the enforcement fees which are paid for obtaining the executory engrossment for the enforcement of the decision. The share of the Court fees corresponds to a percentage between 5%-15% in the overall judicial cost.

The Court Bailiff fees are incurred mainly in three cases: a) For the notification of a litigant party that legal proceedings are instituted. Such notification takes place by Court Bailiff's service of the relevant writ with the litigant party. b) For the notification of a litigant party of the issued decision. Such notification takes place by Court Bailiff's service of the issued decision with the litigant party and c) For the execution of the decision when the losing party denies or is not able to comply with it. Such execution is taking place by the seizure report drawn up by the Court Bailiff, by serving such report to the litigant party and to the competent authorities and by preparing the auction proceedings. The share of the Court Bailiff fees corresponds to a percentage between 1,00 % in the overall judicial cost in case of non execution of the decision up to 5% if execution services would be followed .

Lawyers' fees are the non avoidable since in most proceedings the presence of the lawyer is compulsory. The share of the lawyers' fees is the highest one corresponding to a percentage between 60 %-90 % in the overall judicial cost.

In some cases, litigants may be further burdened with Expert Fees and Translation or Interpretation Costs. Experts' services are used when scientific or technical issues need to be proven. Their fees correspond to a percentage between 20-35% in the overall judicial cost. Translator's and Interpreter's services are used mainly when a case is strictly connected with foreign elements. The fees for each one of them correspond to a percentage between 5% -12% in the overall judicial cost

Witnesses are not compensated in practice although the Greek Code of Civil Procedure establishes the principle of witness compensation and hence they do not constitute a "source of cost" for the litigants. However, witness compensation will usually comprise transition and accommodation expenses as well as any loss of profit. The aforesaid expenses correspond to a percentage between 1% -3% in the overall judicial cost.

Finally, transcription costs which incur when a litigant wishes to obtain certified copies of the writs and deeds filed before the Court is the lowest cost and corresponds to a percentage between 0,1 % and 0,3 % in the overall judicial cost.

## **2 Level of transparency in the sources of costs**

The sources of costs of civil litigation are not transparent to litigant parties. Physical persons are usually not acquainted with issues of civil procedure and judicial costs and rarely know what kind of costs they will incur upon entering into civil proceedings. Legal entities may have a certain level of experience obtained through previous cases, but again as there is no central agency or bureau or a specialised website providing information about the sources or the costs of justice, we consider that to non practitioners the level of transparency in the sources of costs is very low.

Hence, the only reliable source where one can obtain information with accuracy is by contacting a lawyer and asking him, based on the dispute in question and his assessment of the actions that shall be required, to explain the sources of costs and the determination of the amounts that shall be required. Within the context of providing the client with a quote for the handling of the case, lawyers usually inform their clients about the sources of costs and their amounts, free of charge.

### **3 Determination of the amounts of costs**

Court Fess and Bailiff Fees are fixed by law and range depending for the former on the procedure, the Court of instance, the amount in dispute and the subject of the proceedings, whilst for the later they range depending on factors such as the number of pages to be served, the distance to be covered and of course the procedure for which service is necessary (i.e. service of writ, seizure, auction etc.).

Equally, the fees of the Translation Office of the Greek Ministry of Foreign Affairs are fixed by law, whilst the fees of independent translators or interpreters are freely negotiable between them and the litigant party using their services. Experts charge also freely for their services regardless of whether they were appointed by the Court or by the parties. In the former scenario the Expert's fee is ultimately paid by the defeated party, whilst in the latter scenario they are paid by the litigant who chose to engage the services of the Expert.

Lawyers Fees, which represent the most important part of the costs of civil litigation are regulated by law only in so far as the minimum applicable fees are concerned but there is no regulation in so far as the 'actual' fees are concerned.

In order to compare the judicial cost with the average salary paid in Greece we will point out the following scenario: supposing that a party is interested to institute proceedings before the Athens single member first instance court, for claiming a sum in the region of € 30.000. Assuming that only the main sources of cost are involved in this case (i.e. judicial fees, court bailiff fees and lawyer fees), an amount in the region of € 2.500 and of € 1.500 will be needed to be paid by the plaintiff and the defendant respectively to cover their total judicial cost. Considering that the average salary in Greece is in the region of € 1.200, the

plaintiff needs more than two salaries to pursue his claim and the defendant more than one salary to defend the case. Of course the involvement of the other sources of cost (i.e. expert fees, translation, interpreter's fees) will increase the above total amounts by € 1000 approximately and therefore the cost for the plaintiff would be determined in the region of € 3.500 (i.e. three average salaries approximately) and for the defendant in the region of € 2.500 (i.e. more than two average salaries approximately).

#### **4 Level of transparency in determining the actual costs**

Equally, to what was said under paragraph 2 regarding the level of transparency in the sources of costs, the level of determination of actual costs is not transparent to litigant parties either, for the same reasons explained above.

To be more specific, we are quoting herein below the level of transparency of the determination of the actual cost of the main sources in civil litigation.

a) Court fees:

##### **REGULATIONS**

Court fees and costs are regulated by Chapter XXI, Book 1 (Articles 173-193) of the Greek Civil Procedure Code. Such fees and costs are defined indicatively by article 189 thereof as follows: "Article 189 (Awarded Court Fees) par. 1: Only court and out-of-court fees and costs necessary for the hearing proceedings and the advocacy are awarded by the Court; indicatively:

i) Stamp dues for the drafting of lawsuits and any other legal documents, court decisions and reports and other proceedings documents (please note that such dues are no more in effect),

ii) Proceedings fees (deposit slip for the items of claim - "dikastiko ensimo" in Greek) provided by Law 3878/1911 as amended by Laws 1544/1942 and 4189/1961(art. 11). The rate of such fees depends on the amount of the plaintiff's claim and is calculated as follows: a) 4,8‰ on the requested amount plus 3,6‰ as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund,

iii) Attorneys-at-law fees and other court servants, such as court bailiffs, according to the relevant legal tariffs in force [Ministerial Decision No. 120867/2005 being in

force as from 01.01.2006 (Lawyers' minimum legal fees) - Ministerial Decision No.2/52621/0022/2005 (Court Bailiffs minimum legal fees)]

iv) Witnesses' compensation and costs, as well as Experts' fees and costs, according to the relevant legal tariffs in force,

v) Costs paid for the furnishing of other means of evidence as well as travel and correspondence costs that may be paid by the litigant in order to appear at the hearing."

Apart from the above provisions, Article 173 par. 3 of the aforementioned Civil Procedure Code provides also that: "The litigant who takes legal action should pay in advance the fees and costs of such action." These constitute the filing fees.

Moreover, Article 918 par. 1 of the same above Code (Enforcement order - deposit bill for enforcement order only when money is awarded - "telos apografou" in Greek) provides that: "Enforcement (of a decision) may take place only upon issuance of the enforcement order being a certified copy of the enforceable title bearing the relevant order." For the issuance of such document the winner litigant should pay in advance the corresponding enforcement fees with a rate between 0,5% and 3% depending on the amount awarded by the Court plus interest and the nature of the civil litigation.

Given the dissemination of the provisions governing Court Fees we consider that their level of transparency in determining same is very low.

b) Bailiff Fees: Regulation - Art. 49 and 50 of law 2318/1995 re: Code of Practice of Bailiffs provide that their fees are determined by Joint Ministerial Decision of the Ministers of National Economy and Justice. The Ministerial Decision in force today with number 2/52621/0022 was published in Government Gazette nr. 1476B'/27-10-2005. As we have already explained the Court Bailiff mainly is used for the service of the writ by which proceedings are instituted, for the service of the issued decision and for the enforcement of the decision. Although their fees are regulated and determined by law, we consider their level of transparency in determining same as low for non-legal practitioners. This is because their fees are calculated in accordance with the nature of the writ to be served in combination to other factors such as distance, number of pages, procedure etc.

c) Lawyers Fees:

- Ministerial Decision nr. 120867/2005 Re: Determination of Lawyers' minimum fees, published in Government Gazette nr. 1964 Issue B' /30.12.2005.
- Art. 100 - 166 of Law 3026 of 6/8.10.1954 of Lawyers' Code (Chapter B' : Lawyers' minimum fees), published in Government Gazette nr. 235, issue A'.  
Lawyers fees are freely negotiable between the parties and the existing regulations determining only their lower fees for various kinds of legal proceedings. Information about such fees may be obtained only by one source (i.e. the local Barrister Club) and for that reason their level of transparency in determining same can be considered as very low.

Hence, the only reliable source where one can obtain such information with accuracy is by contacting a lawyer and asking him, based on the dispute in question and his assessment of the actions that shall be required, to explain the sources of costs and the determination of the amounts that shall be required. Within the context of providing the client with a quote for the handling of the case, lawyers usually inform their clients about the sources of costs and their amounts, free of charge.

## **5 Proportion of each identified cost on the overall cost of civil judicial proceedings**

The answer to this question depends on many different factors such as Court proceedings, Court of Instance, need for translations or for use of interpreter etc.

Therefore, we will try to answer to this question by reference to an exemplary scenario: A plaintiff files a lawsuit seeking damages in the region of € 100.000 plus interest for breach of contract. The case falls within the jurisdiction of the Multimember First Instance Court. At the hearing one foreign witness is examined (i.e. use of interpreter is required) and 50 pages of foreign documents need to be translated and filed with the Court. In this example the costs, for the plaintiff's side would be as follows:

|  | AMOUNT | PROPORTION |
|--|--------|------------|
|--|--------|------------|

|                      | AMOUNT   | PROPORTION        |
|----------------------|--|-------------------|
| COURT FEES           | Filing fees €15, and Court Fess 1 € 657,28   | Approx. 5-15 %    |
| BAILIFF FEES         | Approx. € 40 <sup>2</sup>  | Approx. 1%-5%     |
| EXPERT FEES          | Depends on expertise required. Between € 1.000 - € 5000  | Approx. 20-35 %   |
| LAWYERS FEES         | € 493 to be paid until the hearing and evidenced by the Athens Bar Association payment slips <sup>3</sup> .<br>In practice, the average lawyers' fee would be between 2%-10% of the claim, depending on the lawyer handling the case.<br>€ i.e. between € 2.000 - 10.000 | Approx. 60% - 90% |
| WITNESS COMPENSATION | € 150 approximately  | Approx. 1%-3%     |
| TRANSCRIPTION        | € 0,5 for each certified copy of judicial documents + photocopies  | Approx. 0,10%     |
| TRANSLATION FEES     | € 450 <sup>4</sup>   | Approx. 4-12 %    |
| INTERPRETER FEES     | € 350  | Approx. 3-9%      |

## 6 Proportion of each identified cost on the overall volume of activity

On the basis of the above scenario i.e. the plaintiff files a lawsuit seeking damages in the region of € 100.000 plus interest for breach of contract. The case falls within the jurisdiction of the Multimember First Instance Court. At the hearing one foreign witness is examined (i.e. use of interpreter is required) and 50 pages of foreign documents need to be translated and filed with the Court. In this example the proportion of each identified cost on the overall volume of activity, for the plaintiff's side would be as follows:

|                      |           |
|----------------------|-----------|
| COURT FEES           | 7‰        |
| BAILIFF FEES         | 0,04%     |
| EXPERT FEES          | 1%-5%     |
| LAWYERS FEES         | 2% - 10%  |
| WITNESS COMPENSATION | 1%-3%     |
| TRANSCRIPTION        | 0,01%     |
| TRANSLATION FEES     | 0,5% - 1% |

<sup>1</sup> 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund

<sup>2</sup> Actual amount depends on the number of pages of the writ, distance of service, possibility to serve or affixing on door

<sup>3</sup> Ministerial Decision nr. 120867/2005 Re: Determination of Lawyers' minimum fees, published in Government Gazette nr. 1964 Issue B' /30.12.2005.

<sup>4</sup> Depending on nature of document and speed of translation service required.

## 7 Proportion of each identified cost on the value of disputed claim

On the basis of the above scenario i.e. the plaintiff files a lawsuit seeking damages in the region of € 100.000 plus interest for breach of contract. The case falls within the jurisdiction of the Multimember First Instance Court. At the hearing one foreign witness is examined (i.e. use of interpreter is required) and 50 pages of foreign documents need to be translated and filed with the Court. In this example the proportion of each identified cost on the value of the disputed claim, **for the plaintiff's side** would be as follows:

|                      |           |
|----------------------|-----------|
| COURT FEES           | 7‰        |
| BAILIFF FEES         | 0,04%     |
| EXPERT FEES          | 1%-5%     |
| LAWYERS FEES         | 2% - 10%  |
| WITNESS COMPENSATION | 1% -3%    |
| TRANSCRIPTION        | 0,01 %    |
| TRANSLATION FEES     | 0,5% - 1% |

## 8 Specificities in relation to EU cross-border disputes

Again on the basis of the above scenario which involves also issues of a cross-border dispute i.e. the plaintiff files a lawsuit seeking damages in the region of € 100.000 plus interest for breach of contract. The case falls within the jurisdiction of the Multimember First Instance Court. At the hearing one foreign witness is examined (i.e. use of interpreter is required) and 50 pages of foreign documents need to be translated and filed with the Court. In this example the proportion of each identified cost on the value of the disputed claim, **for the plaintiff's side** would be as follows:

|                      |  |
|----------------------|--|
| COURT FEES           | Cross-border aspect does not affect Court Fees   |
| BAILIFF FEES         | Cross-border aspect affects slightly Bailiff Fees because it increases the volume of documents to be served (i.e. lawsuit must be served to the Greek Prosecutor in the Greek language with an official translation in the language of the country of the Respondent). |
| EXPERT FEES          | 1%-5%  |
| LAWYERS FEES         | Cross-border aspect does not affect lawyers statutory minimum fees   |
| TRANSCRIPTION        | Cross-border aspect does not affect transcription cost   |
| WITNESS COMPENSATION | Cross -border aspect may affect the travelling and   |



|                                     |  |
|-------------------------------------|--|
|                                     | accommodation expenses if a witness has to come in Greece from abroad  |
| TRANSLATION/<br>INTERPRETATION FEES | Cross-border aspect in general does not affect translation/interpretation costs. Such cost depends on the language that need to be translated/interpreted and number of pages. |

## 9 Recommendations for EU action/national action

Both at EU and national level it would be very useful if information about the sources and the costs of justice could be found over the internet through one website translated in all European languages.

Ideally, visitors would have access to such information following a series of selections i.e. choice of member-state, type of procedure (e.g. commercial disputes), sub-categories (e.g. debt collection / unpaid invoices) and so forth enabling them to obtain reliable information about the costs associated with initiating civil litigation in that member state (irrespective of whether that State's Courts have international jurisdiction to hear the dispute). This will assist citizens in their decision making process.

Ideally, the adoption of a European Code of Civil Procedure or at least the harmonization of the costs of justice between Member States would increase significantly the level of transparency. It is with great interest that we await to see the results of this study in order to draw conclusions with regards to the diversification of the main sources of costs such as Court Fees, Bailiff Fees and Lawyers Fees. We believe that Greece will fall in the bottom-tier of member States, where access to justice is cheaper in comparison with most other member States. If this diversification is not however, significant, at least with regards to Court Fees, it may be interesting to examine the possibility to harmonise such costs. Obviously, the harmonization of Bailiff or Lawyers Fees is much more difficult to be achieved as the diversification will certainly prove to be greater.

## **10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice**

As a first conclusion to the above observations, it can be said that the costs of justice in Greece are not prohibiting for a citizen who wishes to bring a civil case before the Greek Courts. However, as already stated above the level of transparency in the sources of costs and in the determination of actual costs is very low although this does not, in our opinion, act as a determining factor in one's decision making process. Lawyers are usually invited by their clients to provide financial proposals with respect to their cases, including lawyers' fees and general costs, prior to assigning the case for handling. Therefore, litigants have the possibility to know in advance what these costs are going to be and form their decision to litigate or not on the basis of this information.

At last, we do not consider that access to justice by Greek citizens is hindered by the fact that the sources of costs and the determination of the amounts of costs are not transparent. Litigation in Greece is low-cost because of the plethora of lawyers (in Athens alone there are more than 20.000 lawyers for a population of 4, 5 million) and because the compensation awarded to the winning party by the Courts rarely exceeds 2% of the amount of the claim. In this respect litigants in Greece are prone to litigate as they know that even if their claim is rejected, they do not face a great risk of incurring significant costs resulting from the amount awarded by the Court to the winning party.

## **11 Conclusions and recommendations**

The fact that the cost of all sources of justice can not be easily determined prior the institution of judicial proceedings does not impede Greek citizens to have recourse to the Courts, since in most cases clients agree with their lawyers in advance to pay a lump sum covering lawyer's fees and all judicial costs. In most cases such agreements cover the handling of the case up to the level of the issuance of the first instance court decision. In case the dispute is further referred to the Appeal or Supreme Courts then, new arrangements are made between clients / lawyers. In case of enforcement of a Court Order the costs usually cannot be predicted in advance since enforcement proceedings may implicate additional

hearings (i.e. hearings regarding the bidding price of the items, the validity of the executory title, the validity of the auction etc) and additional costs.

For the above reasons we feel that a higher level of transparency regarding the costs of justice is necessary in order to enable litigants estimate with a certain accuracy the total costs of litigation and decide on whether to institute legal proceedings or not. Such level may be achieved only through the creation of a central agency or bureau, e.g. by the Ministry of Justice, staffed by well grounded employees, assisted by the use of technology and computer programs who will be able to provide swiftly and accurately such information to interested parties containing analytical data about the costs of justice.

## Detailed Draft Report

### 1 General Questions

#### 1.1. Level of information on the transparency of fees and costs of justice

Actually, there is no information on the transparency of fees and costs of justice at all. A European citizen who decides to take action before the Greek civil courts will have a great difficulty in obtaining information on the sources of the costs justice and on the amounts of the costs of justice. This is because the sources of costs of civil litigation entail Court Fees, Bailiff Fees, Translation and Interpretation Fees, possibly Expert Fees, Legal Fess etc, and such information is not provided centrally by either the Courts or any other authority. Some information regarding Court fees may be obtained by paying a visit to the Courts although the litigant would have to know where and what to ask for. Through public and various private websites one can find the relevant laws as published, but yet again I do not consider this to be an effective way to improve transparency for non-legal practitioners.

After all, a person contemplating to have recourse to justice, who is not a legal practitioner himself, does not know what the sources of costs are. For instance, this person may not know that before a Greek court all documents submitted have to be officially translated in the Greek language in order to be accepted or that a lawsuit

has to be served through a Court Bailiff. Simultaneously, for a non practitioner it is impossible to obtain either online or by visiting an Information Centre (such as the Greek “ΚΕΠ”) information about the costs of justice.

In this respect, I consider that the level of transparency of the fees and costs of justice is inexistent, because it is virtually impossible to obtain reliable information about all the various costs of justice from either public or private websites, from the Courts or other authorities or information centres.

Especially, in cross border proceedings, we consider that the only reliable way to find out about the costs of justice is to contact a local lawyer and ask for quotes. Our firm is used in working with foreign clients and is often asked to provide such information prior to being assigned the handling of a case.

## **1.2. Transparency perception**

The concept of “transparency perception” is not widely known in Greece . On the one hand, it is impossible to know if someone was deterred from taking legal action simply because the costs of justice were not transparent enough to him. On the other hand however, it is also hard to believe that someone who felt that his rights were violated did not contact a lawyer to ask the simple question “what will it cost me to file a lawsuit in your jurisdiction?”. This answer, to the best of my knowledge, is provided free of charge by all legal professionals around the world.

## **1.3. Solutions to improve transparency**

Transparency can easily be improved by setting up an office / information centre at the jurisdiction of each Court, where citizens would be able to obtain free of charge information about the sources, the fees and the costs of justice (by visiting the authority or through its website or phone lines). However, as laws and regulations are often complex and regularly amended such office would have to be headed by a legal professional who, with the assistance of personnel would be in a position to provide answers and information to citizens regarding the costs of justice.

Alternatively, on a much more optimistic viewpoint, one could expect that in the future a European Code of Civil Procedure will be introduced or at least that the costs of justice will be harmonised. When this happens it will effectively improve the level of transparency not only to non practitioners but to lawyers as well.

#### **1.4. Fairness of costs**

Court Fees are generally considered as fair or by some as relatively cheap. As we have demonstrated a plaintiff filling a lawsuit for compensation before the Greek Courts will only pay to the Courts minimal filling fees (around € 15) and thereafter an additional 7% only if the case is of pecuniary nature. If the dispute is not of pecuniary nature (i.e. child custody), no amount is due to the Courts at all. As far as Bailiff Fees are concerned, these usually range between €35-50 per act irrespective of the amount in dispute or the nature of the litigation. Again these costs are considered as fair and they cannot reasonably act as a deterrent to a litigant who wishes to initiate litigation.

Lawyers Fees are of course the main cost in any litigation but this is only normal as they have an increased level of responsibility towards their clients and the knowledge and expertise they carry is something that can only be gained after many years of hard work.

What I consider to be totally unfair, however, is the fact that although the Greek Judge has the liberty to decide to set-off the costs between the parties, he does not have the obligation to compel the defeated party to pay 100% of the documented costs incurred by the winning party. This is particularly unfair in those cases where the defeated party is the plaintiff and it is obvious to the Court that the lawsuit was not sufficiently substantiated in its merits or in cases where the defendant - defeated party was obviously at fault and is uniquely responsible for the case ending up in litigation. For instance, there have been cases where a plaintiff had suffered actual damages in the region of 1,5 million euros, sought (unsubstantiated) actual damages and moral damages in excess of 40 million Euros and the Court, (although it rejected the lawsuit), it awarded to the winning defendant just a few thousand euros in order to compensate it for the legal fees incurred for the defense of the case.

## 1.5. Conclusions and recommendations

As we have already pointed out, we feel that a higher level of transparency regarding the costs of justice is necessary in order to enable litigants estimate with a certain accuracy the total costs of litigation and decide on whether to institute legal proceedings or not. Such level may be achieved only through the creation of a central agency or bureau, e.g. by the Ministry of Justice, staffed by well grounded employees, assisted by the use of technology and computer programs who will be able to provide swiftly and accurately such information to interested parties containing analytical data about the costs of justice. Moreover, the establishment of such a bureau would be a positive step not only for the approximate determination of the judicial costs but also for the recording of the reaction of the people towards any source of such cost.

Further, in relation to the “fairness” of the cost of justice, we believe that irrespectively of the amount of the claim, the Courts have to adjudicate against the losing party any documented cost incurred by the winning party for the preparation and the presentation of a case.

## 2. Court fees

### 2.1. General

The term “Court Fees” *stricto sensu* refers to the fees paid to the Courts for the filing of lawsuits or other writs, the costs associated with the proceeding and the costs associated with the issuance of the executory engrossment for the enforcement of the judgment.

The filing fees, which are nominal and fixed, have to be paid when the writ is filed with the secretary of the relevant court (it is obvious that such fees are paid by the Plaintiff). These fees are collected by the Courts and then are attributed to the Lawyers Pension and Welfare Funds and to the Court’s Building Financing Funds.

Their height depends on the level of the Court that the writ is filed. So, in the Magistrate court the following fees need to be paid: €4,50 plus € 0,50 for each certified copy of the writ. In the First Instance Court (either single-member or multi-member) the following fees need to be paid: € 7,90 plus € 0,50 for each certified copy of the writ. In the Court of Appeal the following fees need to be paid: € 14,80 plus € 0,50 for each certified copy of the writ. Finally, in the Supreme Court the following fees need to be paid: € 29,80 plus € 0,50 for each certified copy of the writ.

The proceedings fees (dikastiko ensimo in Greek) are due when the claimant has a financial claim against the defendant and requests the issuance of a judgment ordering the defendant to pay the debt to the claimant. These fees are proportionally calculated over the claimed amount, have to be paid by the claimant prior to the hearing of the case and they are collected by the Tax Authorities of the Greek State and again part of them is attributed to the Lawyers Pension and Welfare Funds. The proceeding fees are calculated as follows: a) 4,8‰ on the requested claimed amount plus 3,6% as stamp dues, collected by the Tax Authorities b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff. To better explain this, supposing that the amount claimed is € 100.000. The calculation of the proceeding fees is as follows  $(100.000 \times 4,8\text{‰}) + (480 \times 3,6\%) + (480 \times 0,8\text{‰}) + (480 \times 0,8\text{‰}) = 657,28$ .

**It has to be noted that the proceeding fees are paid when the case is instituted before the first instance Courts. On the other hand, when the case is referred following appeal to the Court of Appeal and/or to the Supreme Court no proceeding fees are due.**

The enforcement fees have to be paid after the issuance of the Court judgment (of any degree) when the winning party needs to obtain the executory engrossment in order to execute the judgment in question. Similarly, these fees are collected by the Tax Authorities of the Greek State and are proportionally calculated either over the awarded amount plus the legal interest or over the legal interest only with a rate between 0,5% and 3% depending on the nature of the claim. Over the enforcement fees another amount is also paid which is calculated with a rate of 20% which is refunded to the Agricultural Social Security Fund (OFA). To better



explain this, for an awarded amount, arising out of a commercial claim, where the adjudicated capital is € 90.000 and the interest is € 10.000, enforcement fees will be calculated on the total amount of € 100.000 with a rate of 2% + 20%. Therefore the height of the proceeding fees is  $(100.000 \times 2\%) + (2000 \times 20\%) = \text{€ } 2.400$ . On the other hand, if the same adjudicated sum and interest arises out of a contractual claim then the enforcement fees will be calculated with a rate 3% + 20% (i.e in the above example the enforcement fees are totally € 3.600). Finally, if the same adjudicated sum and interest arises out of a promissory note then the enforcement fees should be calculated over the interest only (i.e. in the above example over the € 10.000) with a rate 0,5% + 20% (i.e. in the above example the total proceedings fees amount at € 60).

Enforcement fees are not imposed on the awarded legal expenses.

Information about the above fees may be obtained through the websites of the Athens Bar Association ([www.dsa.gr](http://www.dsa.gr). - free access to the Athens lawyers only) and through [www.lawdb.intrasoftnet.com](http://www.lawdb.intrasoftnet.com) and [www.lawnet.gr](http://www.lawnet.gr) (which are accessible only upon subscription to such databases). Furthermore, such information may also be obtained by downloading the text of the relevant legislation or by asking the Secretariat of the competent Court or a lawyer.

All the above fees are regulated by provisions spread in various laws and ministerial decisions such as Law 3878/1911, Law 4114/1960, Law 768/1961 and Law 1017/1961.

There is no any difference between all the above fees in cross border litigations

## 2.2. Cost of bringing an action to the courts

| Nature of the action | Filing fees<br>(description of filing fees, time of payment and determination of payor) | Other court fees<br>(description of filing fees, time of payment and determination of payor) | Regulation<br>(please see above references) |
|----------------------|---|--|---|
| 1. FAMILY LAW        |   |  |   |
| ▪ Divorce            | First Instance Court  | Photocopies of the   | Laws 4114/1960,                             |

| Nature of the action     | Filing fees<br>(description of filing fees, time of payment and determination of payor)  | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|--------------------------|--|---|---|
|                          | (either single-member or multi-member):<br>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.<br>Payment is due with the filling and the Plaintiff is responsible to pay such fees.                      | writ € 0,10 -€ 0,20 per page<br>Payment is due by the moment of the filing and payor is the Plaintiff   | 768/1961 and 1017/1961                      |
| ▪ Children Custody Right | First Instance Court (either single-member or multi-member):<br>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.<br>Payment is due with the filling and the Plaintiff is responsible to pay such fees. | Photocopies of the writ € 0,10 -€ 0,20 per page<br>Payment is due by the moment of the filing and payor is the Plaintiff  | Laws 4114/1960, 768/1961 and 1017/1961      |
| ▪ Alimony                | First Instance Court (either single-member or multi-member):<br>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified  | Photocopies of the writ € 0,10 -€ 0,20 per page<br>Payment is due by the moment of the filing and payor is the Plaintiff<br><br>Also a fixed amount of € 150 has to be paid by Plaintiff to the defendant prior to the hearing of the case. | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action   | Filing fees<br>(description of filing fees, time of payment and determination of payor)  | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|--|--|---|---|
|  | copy of the lawsuit. Payment is due with the filling and the Plaintiff is responsible to pay such fees.  | Proceeding fees imposed to the total alimony claimed which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.  |   |
| <b>2. LABOUR LAW</b>   |  |   |   |
| <ul style="list-style-type: none"> <li>▪ Work Accidents</li> </ul> | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filling and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the part of the claimed sum exceeding € 12.000 which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> | Laws 4114/1960, 768/1961 and 1017/1961      |
| <ul style="list-style-type: none"> <li>▪ Redundancies</li> </ul>   | Magistrate court :<br>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br>First Instance Court   | Photocopies of the writ € 0,10 -€ 0,20 per page<br>Payment is due by the moment of the  | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action   | Filing fees<br>(description of filing fees, time of payment and determination of payor)  | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|--|--|---|---|
|  | (either single-member or multi-member):<br>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.<br>Payment is due with the filing and the Plaintiff is responsible to pay such fees.                     | filing and payor is the Plaintiff<br><br>Proceeding fees imposed to the part of the claimed sum exceeding € 12.000 which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.<br><br>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the interest accrued on the awarded amount and are calculated with a rate of 3% |   |
| 3. COMMERCIAL LAW  |  |   |   |
| <ul style="list-style-type: none"> <li>▪ Payment for a commercial or services agreement</li> </ul> | Magistrate court :<br>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br>First Instance Court (either single-member or multi-member):<br>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified copy of the lawsuit. | Photocopies of the writ € 0,10 -€ 0,20 per page<br>Payment is due by the moment of the filing and payor is the Plaintiff<br><br>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰   | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action                         | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor)   | Regulation<br>(please see above references)   |
|--|---|--|---|
|  | Payment is due with the filing and the Plaintiff is responsible to pay such fees.   | <p>attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are calculated with a rate of 2%</p>   |   |
| <p>▪ Goods or services not in accordance</p> | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are</p> | <p>Laws 4114/1960, 768/1961 and 1017/1961</p> |

| Nature of the action  | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|---|---|---|---|
|   |   | calculated with a rate of 2%  |   |
| <ul style="list-style-type: none"> <li>▪ Litigation between associates</li> </ul> | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are calculated with a rate of 2%</p> | Laws 4114/1960, 768/1961 and 1017/1961      |
| <ul style="list-style-type: none"> <li>▪ Mandates and agents</li> </ul>           | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.</p>  | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which</p>  | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action   | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|--|---|---|---|
|  | <p>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p>   | <p>is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are calculated with a rate of 2%</p> |   |
| 4. CIVIL LAW   |   |   |   |
| <ul style="list-style-type: none"> <li>▪ Consumers protection</li> </ul> | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p>                | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action  | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|---|---|---|---|
|   |   | Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are calculated with a rate of 3%   |   |
| <ul style="list-style-type: none"> <li>▪ Liability</li> </ul> | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the awarded amount and on the interest accrued thereon and are calculated with a rate of 3%</p> | Laws 4114/1960, 768/1961 and 1017/1961      |
| 5. PROPERTY LAW   |   |   |   |
| <ul style="list-style-type: none"> <li>▪ Lease</li> </ul>     | Magistrate court :  | Photocopies of the  | Laws 4114/1960,                             |



| Nature of the action   | Filing fees<br>(description of filing fees, time of payment and determination of payor)  | Other court fees<br>(description of filing fees, time of payment and determination of payor)   | Regulation<br>(please see above references) |
|--|--|--|---|
|  | <p>€ 4,50 plus € 0,50 for each certified copy of the lawsuit. First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit. Court of Appeal: € 14,80 plus € 0,50 for each certified copy of the lawsuit. Supreme Court: € 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the claimed sum which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the interest accrued on the awarded amount and are calculated with a rate of 2% (commercial lease) 3% (residence lease)</p> | 768/1961 and 1017/1961                      |
| <ul style="list-style-type: none"> <li>▪ Ownership and co ownership</li> </ul> | <p>Magistrate court : € 4,50 plus € 0,50 for each certified copy of the lawsuit. First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit. Court of Appeal: € 14,80 plus € 0,50 for each certified copy of the lawsuit. Supreme Court:</p>   | <p>Photocopies of the writ € 0,10 -€ 0,20 per page<br/>Payment is due by the moment of the filing and payor is the Plaintiff</p> <p>Proceeding fees imposed to the value of the ownership which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as</p>   | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action          | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor)  | Regulation<br>(please see above references) |
|-------------------------------|---|---|---|
|                               | <p>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p>   | <p>stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.</p> <p>Enforcement fees for the issuance of the executory engrossment are not applied</p> |   |
| 6. CIVIL STATUS               | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified copy of the lawsuit.<br/>Court of Appeal:<br/>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br/>Supreme Court:<br/>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p> | <p>Photocopies of the writ € 0,10 - € 0,20 per page.</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p>   | Laws 4114/1960, 768/1961 and 1017/1961      |
| 7. OTHERS                     |   |   |   |
| Security measures proceedings | <p>Magistrate court :<br/>€ 4,50 plus € 0,50 for each certified copy of the lawsuit.<br/>First Instance Court (either single-member or multi-member):<br/>€ 7,90 plus € 0,50 for each certified</p>   | <p>Photocopies of the writ € 0,10 -€ 0,20 per page</p> <p>Payment is due with the filing and the Plaintiff is responsible to pay such fees.</p>   | Laws 4114/1960, 768/1961 and 1017/1961      |

| Nature of the action | Filing fees<br>(description of filing fees, time of payment and determination of payor)   | Other court fees<br>(description of filing fees, time of payment and determination of payor) | Regulation<br>(please see above references) |
|----------------------|---|--|---|
|                      | copy of the lawsuit.<br>Court of Appeal:<br>€ 14,80 plus € 0,50 for each certified copy of the lawsuit.<br>Supreme Court:<br>€ 29,80 plus € 0,50 for each certified copy of the lawsuit.<br><br>Payment is due with the filing and the Plaintiff is responsible to pay such fees. |  |   |

### 2.3. Other proceedings costs

As we have already pointed out, proceedings fees, in Greek called “*dikastiko ensimo*” (when they are due), have to be paid by the claimant prior to the hearing of the case. The rate of such fees depends on the amount of the plaintiff’s claim and is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers’ Pension Fund and c) 0,8‰ attributed to the Lawyers’ Social Welfare Funds or grossly they amount to 7‰ of the amount of the claim.

### 2.4. Costs of legal recourses (Appeals...)

| Type of legal recourse (Appeals...)   | Costs  | Others   | Regulation  |
|---|--|--|---|
| 1) <u>Arrest of default judgement</u> addressed to the Court having issued such judgement (Court of First Instance) | Filing fees same to the ones paid for a writ addressed either to a Magistrates Court i.e. € 4,50 plus € 0,50 for each certified copy of such legal document, or to a First Instance Court, i.e. € 7,90 per lawyer plus € 0,50 for each | Default fees ranging from € 88 to € 290 (at the Judge’s absolute discretion) and payable by the petitioner to the Deposit and Loans Fund at the latest by the time of the filing of such legal recourse. In case the recourse is admitted, the default | Articles 505 and 509 of the Greek Civil Procedure Code. |

| Type of legal recourse (Appeals...)   | Costs   | Others   | Regulation                              |
|---|---|--|---|
| 2) Appeal against judgement issued by a Magistrate Court, addressed to Multimember First Instance Court | <p>certified copy of such legal document. This kind of legal recourse is filed and heard before the same Court that issued the default judgement and for that reason the fees remain unaltered</p> <p>Filing fees € 7,90 for the appeal writ per lawyer plus € 0,50 for each certified copy of such writ. This appeal is filed before the Magistrate Court but is heard by the Multibember First Instance Court. For that reason the amount of the filing fees is the same with the one paid for the filing of any other writ before the First Instance Court</p> | <p>fees are paid back to the petitioner.</p> <p>No other costs</p> | Laws 4114/1960, 768/1961 and 1017/1961. |
| 3) <u>Appeal</u> addressed to Court of Second Instance (Court of Appeal)                                | <p>Filing fees amounting to € 14,80 per lawyer plus € 0,50 for each certified copy of the document of appeal. This appeal is filed before the First Instance Court but is heard by the Court of Appeal. For that reason the amount of the filing fees are approximately the double than the ones paid for writs filed before the First Instance Court</p>   | No other costs   | Laws 4114/1960, 768/1961 and 1017/1961. |
| 3) Request for Cassation addressed to the Supreme Court (Court of Cassation - 'Areios Pagos' in Greek)  | <p>Filing fees amounting to € 29,80 per lawyer plus € 0,50 for each certified copy of the request for cassation. The request for Cassation is filed before the Court of Appeal but</p>  | No other costs   | Laws 4114/1960, 768/1961 and 1017/1961  |

| Type of legal recourse (Appeals...) | Costs   | Others | Regulation |
|-------------------------------------|---|--------|------------|
|                                     | is heard by the Supreme Court. For that reason the amount of the filing fees are approximately the double than the ones paid for writs filed before the Court of Appeal |        |            |

## 2.5. Costs of ADR

| Nature of the ADR   | Type of ADR             | Costs  | Others  | Regulation   |
|---|-------------------------|--|---|--|
| 1i) Obligation of the Magistrate of the Court (Justice of the Peace) for disputes of private law falling within the jurisdiction of this Court.                             | Attempt at Conciliation | This proceeding is cost free.  | Court Building stamp of € 0,50 (fixed amount) for the Court Minutes in case the conciliation is achieved, plus photocopies expenses depending on the number of pages of said minutes. | Articles 208 and 210 - 214 of the Greek Civil Procedure Code (regarding the ADR, not the costs). |
| 1ii) Individual's request, before filing a lawsuit, for the intervention of the Magistrate of the Court having local jurisdiction to the dispute.                           | Attempt at Conciliation | In case the petitioner fails to appear before the Magistrate, he is ordered to pay the court fees. In any other case this proceeding is cost free. | Court Building stamp of € 0,50 (fixed amount) for the Court Minutes in case the conciliation is achieved, plus photocopies expenses depending on the number of pages of said minutes. | Articles 209 - 214 of the Greek Civil Procedure Code (regarding the ADR, not the costs).         |
| 2) Litigants' obligation before the hearing of disputes of private law falling within the jurisdiction of the multi-member Court of first instance in ordinary proceedings. | Out-of-court Settlement | Cost free  | Court Building stamp of € 0,50 (fixed amount) in case a litigant requests the President Judge of the multi-member Court to ratify the Minutes of Settlement,                          | Article 214A of the Greek Civil Procedure Code (regarding the ADR, not the costs).               |

| Nature of the ADR  | Type of ADR   | Costs     | Others  | Regulation   |
|--|---|-----------|---|--|
| 3) Private law disputes, other than those relating to dependent labour.      | Arbitration   |           | plus photocopies expenses depending on the number of pages of said minutes. | Articles 882 pars. 3 and 5 and 882A par. 3 of the Greek Civil Procedure Code (regarding the Arbitration costs and the Arbitrators fees). |
| 4) Disputes between consumers or consumers' unions and business.             | a) Consumer Ombudsman ( <a href="http://www.synigoroskatanaloti.gr">www.synigoroskatanaloti.gr</a> free access in English also) and<br>b) Prefectural Committees of amicable settlement supervised by the Consumer Ombudsman. | Cost free |   | Law 3297/2004  |
| 5) Disputes between individuals and Banks or Stock Market services entities. | Banking and Stock Market Ombudsman  | Cost free | -----   | Non profitable legal entity of private law established by the Union of Greek Banks.  |
| 6) Disputes between employees and employers.                                 | Local Labour Inspectorate   | Cost free | -----   |  |

## 2.6. Costs of legal Aid proceedings

Regarding the proceedings in question the legal aid beneficiary does not bear any cost for pursuing or defending a claim. More specifically, according to article 12 paras. 1 and 2 of Law 3226/2004 clearance of the litigation costs is conducted by the Court which has tried the case and includes any and all court fees and expenses that the legal aid beneficiary has been exempted from as well as the lawyer's and

any other professional's fees that burden the Greek State. In the case of a favourable decision all above said costs are refundable to the Greek State. To better explain this, taking into account that the person benefiting from legal aid obtains a favourable decision ordering that the judicial cost should be incurred by the losing party, then the Greek State may claim such cost by the aforesaid losing party. It has also to be noted that the amount of legal cost is always a different one by the amount of the claim itself and does not affect the height of the adjudicated claimed amount that the winning party is entitled to receive.

## 2.7. Costs of fast track proceedings

As fast track proceedings we may consider the ones for the issuance of a payment order. A payment order is issued by the Judge of the Magistrates Court or by the one of the First Instance Court for claims arising out of unpaid bank cheques and bills of exchanges, lease contracts and in general by documents that a monetary claim may be proven "*prima facie*".

The issuance of a payment order takes place following the filling of a petition by the interested party to the Judge and without fixing a hearing. However, the court fees for the institution of the proceedings in question is similar than the one of an ordinary hearing. More specifically, for the petition addressed to the Magistrates Court the filling fees (i.e. stamps affixed in the petition) that have to be paid are in the region of € 2,50 whereas for the one addressed to the first instance court, the fees are in the region of € 4,20. The proceeding fees are proportionally calculated over the claimed amount, have to be paid by the petitioner prior to the filing of the petition and they are collected by the Tax Authorities of the Greek State and again part of them is attributed to the Lawyers Pension and Welfare Funds.

The proceeding fees are calculated as follows: a) 4,8‰ on the requested claimed amount plus 3,6‰ as stamp dues, collected by the Tax Authorities b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.

Finally, the enforcement fees for obtaining the executory engrossment of the payment order have to be paid by the petitioner prior to the filing of the said petition. Similarly, these fees are collected by the Tax Authorities of the Greek

State and are proportionally calculated either over the awarded amount plus the legal interest or over the legal interest only with a rate between 0,5% and 3% depending on the nature of the claim. Over the enforcement fees another amount is also paid which is calculated with a rate of 20% which is refunded to the Agricultural Social Security Fund.

## **2.8. Costs of Group of action proceedings**

Group or “class actions” are only to be found in labour law disputes (i.e. many ex-employees sue the employer for unpaid wages, or illegal redundancy etc) or in disputes where Consumers Associations act as Plaintiffs on behalf of their members.

**The Court Fees in relation to class actions in labour law disputes has as follows:**

Magistrate court: € 4,50 plus € 0,50 for each certified copy of the lawsuit.

First Instance Court (either single-member or multi-member): € 7,90 plus € 0,50 for each certified copy of the lawsuit.

Court of Appeal: € 14,80 plus € 0,50 for each certified copy of the lawsuit.

Supreme Court: € 29,80 plus € 0,50 for each certified copy of the lawsuit.

Payment is due with the filing and the Plaintiff is responsible to pay such fees.

Photocopies of the writ € 0,10 -€ 0,20 per page

Payment is due upon filing of the writ and the Plaintiff is responsible to pay.

Proceeding fees imposed to the part of the claimed sum exceeding € 12.000 which is calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers’ Pension Fund and c) 0,8‰ attributed to the Lawyers’ Social Welfare Fund, are paid until the date of the hearing by the plaintiff.

Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the interest accrued on the awarded amount and are calculated with a rate of 3%

**The Court Fees in relation to class actions brought by Consumer’s Associations has as follows:**



First Instance Court (multi-member only): € 7,90 plus € 0,50 for each certified copy of the lawsuit.

Court of Appeal: € 14,80 plus € 0,50 for each certified copy of the lawsuit.

Supreme Court: € 29,80 plus € 0,50 for each certified copy of the lawsuit.

Photocopies of the writ € 0,10 -€ 0,20 per page

Payment is due upon filing of the writ and the Plaintiff is responsible to pay.

Usually such actions do not have a pecuniary element rather than a recognition element unless moral damages are sought. Hence, in case a Consumer's Association seeks moral damages for its members Court Fees are calculated as follows: a) 4,8‰ on the requested amount plus 3,6% as stamp dues, b) 0,8‰ attributed to the Lawyers' Pension Fund and c) 0,8‰ attributed to the Lawyers' Social Welfare Fund, are paid until the date of the hearing by the plaintiff.

Enforcement fees for the issuance of the executory engrossment are calculated on the basis of the interest accrued on the awarded amount and are calculated with a rate of 3%

## **2.9. Payment**

Cash applies to both filing fees, proceedings fees (Court deposit slip) and enforcement fees (deposit bill for enforcement order). Cheque is needed exceptionally when the enforcement fees are over the amount of € 1.000. Such payment takes place immediately before the institution of each one of the above acts.

## **2.10.E-justice**

For the time being on line legal proceedings do not exist in Greece with the exception of the tracing of the decisions of Athens Courts through the web site of Athens Bar Association. However, a project regarding the e-filing of legal documents (lawsuits, briefs etc) and applications as well as the e-collection of Court certificates is being in progress and according to information by the Court of

Athens and the Athens Bar Association, this project is expected to be put into practice in the near future initially in civil proceedings at the Courts of Athens and Piraeus for the beginning and thereafter at the remaining Courts of the country.

## **2.11. Impact of the number of hearings on costs**

There is no connection between the number of hearings and the Court fees. The above mentioned fees are due for each independent lawsuit filed and heard with the Courts. Moreover, if a lawsuit is postponed the only additional fees for the subsequent hearing is payment of stamp dues of €5 for the inscription of the case on the subsequent docket.

## **2.12. Transcription costs**

As we have already pointed out, the litigant parties do not incur any cost for the transcription of the Court minutes itself. However in case a party wishes to obtain certified copies of the minutes, decision and other legal documents connected with the case it will pay the photocopies and stamp dues of €0,5 for the issuance of each certified copy. Such payments take place immediately after the provision of the photocopies of the documents and the execution of the certified copies thereof. The cost for each photocopy varies between € 0,10 and € 0,20

## **2.13. Conclusions and recommendations**

As a general remark we would note that the actual cost of accessing justice depends mainly on the nature of the dispute and, in disputes having a pecuniary nature, on the amount in dispute.

Nonetheless, as far as Court Fees are concerned, we consider that the filling fees mentioned above are relatively low since they do not exceed the amount of €15 euro even if the claim is for several million Euros. The cost of photocopy and transcription costs are also nominal and do not affect therefore the decision of a potential litigant to enter or to avoid litigation. The costs associated with the

Proceeding Fees and the issuance of an executory engrossment are somehow more considerable but again the mechanisms exist allowing the plaintiff to avoid paying such fees until his action (lawsuit) is successful and prior to proceeding to acts of execution. In other words the plaintiff may seek the issuance of a declaratory order in which case the proceeding fees are not payable. Such fees will become payable only if the plaintiff is successful and wishes to issue an executory engrossment in which case he will have to pay (i) proceeding fees and (ii) executory engrossment fees.

### **3. Lawyers' consulting and representation fees**

#### **3.1. General**

Pursuant to article 94 of the Greek Code of Civil Procedure, in civil courts litigants are obliged to appoint a lawyer in order to attend the hearing. However, there are three exceptions. Namely, attendance without a lawyer is possible: a) before the Magistrates Court, b) before any Court of any degree where security measures proceedings are instituted and c) for the avoidance of "imminent danger". However, even in these exceptions, the Judge has the discretion to oblige the litigant to hire a lawyer.

Despite the above exceptions, in practice the vast majority of litigants appoint lawyers in order to attend the hearing and be represented.

Lawyers' minimum fees are regulated by two different sets of regulations:

- (i) Ministerial Decision nr. 120867/2005 Re: Determination of Lawyers' minimum fees, published in Government Gazette nr. 1964 Issue B' /30.12.2005 and
- (ii) Art. 100 - 166 of Law 3026 of 6/8.10.1954 of Lawyers' Code of Practice (Chapter B' : Lawyers' minimum fees), published in Government Gazette nr. 235, issue A'.

The first regulation (Ministerial Decision nr. 120867/2005), determines (by means of a professional schedule) the minimum fees that clients have to pay to their lawyers

in order to be represented in Court. These are paid to the various offices of the Bar Associations located at the Courts and they range depending on the Court Instance, the procedure or the amount in dispute and on whether the client is the plaintiff or the defendant in the case. Payment is evidenced by a payment slip issued by the office of the Bar Association and a copy of the payment slip is filed with the Court along with the briefs and evidential material. This is followed in practice and such fees are always paid by clients. In some instances, lawyers may not charge their client anything above this fee, in some other cases they set-off their actual fees with such minimum fees and in some cases lawyers charge to the client both the minimum fee provided by this regulation as well as additional fees.

The second regulation, (Lawyers' Code of Practice), provides also minimum fees for cases of pecuniary nature. According to article 100 of the Lawyer's Code of Practice the lawyer is compelled to charge the client for the drafting of a civil lawsuit a minimum of 2% of the amount in dispute or of the value of the object in dispute. Such fees are paid directly to the lawyer and they are paid independently and irrespective of the representation fees provided by Ministerial Decision nr. 120867/2005.

Furthermore, the Athens Bar Association has also issued a regulation pursuant to which lawyers, members of the Athens Bar Association, charging on a per hour basis must not accept payment of an hourly rate below € 62 per hour.

In order to give an idea about the average cost of a lawyer in civil proceedings, supposing that a party appoints him to file a lawsuit for a commercial claim (for example: outstanding invoices) where the amount in dispute is € 30.000. The lowest fees that the Plaintiff's lawyer is entitled to receive amount to € 600 (i.e. 2% on the amount in dispute) and to €365 (i.e. representation fees pursuant to the Ministerial Decision nr. 120867/2005) i.e. in total € 965. However the average fees charged by lawyers for such a case are in the region of € 1500-2000.

Apart from the above, a lawyer may enter with his client into a contingency fee agreement according to which the lawyer's fees are calculated with a proportion over the adjudicated amount and also in case of dismissal the lawyer is not paid at all. However, any other expenses arising out of the institution of legal proceedings

(i.e. filing and procedural fees, Court Bailiffs fees, expert's fees etc) are separately paid by the client to the lawyer.

Pursuant to the Lawyers' Code of Practice, the highest fees that may be agreed between the client and the lawyer can not exceed the 20% of the disputed/adjudicated amount. The agreement in question should be done in writing and then a copy thereof is produced for ratification before the competent Barrister Club and tax authorities. Then such copy is included with the Court file and the client is automatically relieved from the minimum fees that he would have to pay to his lawyer in order to be represented in Court. Contingency fees agreements are met mainly in labour and car-accident cases.

### **3.2. Fees depending on the nature of the litigation**

Minimum fees depend according the Court Instance, the procedure or the amount in dispute and whether the client is the plaintiff or the defendant in the case. Actual fees obviously depend also in relation to the experience of the lawyer handling the case and the complexity of each case.

The vast majority of Greek lawyers work independently or in small law firms (up to 5 lawyers). Such firms charge usually on a lump sum basis for the cases they handle and rarely agree with their clients in advance their fees. Usually, they perform all the actions that are required and either when their role is completed, or periodically upon completion of each stage, they will request payment of a fee. The tendency to charge on hourly rates is relatively new and is mainly followed by larger law firms (more than 15 lawyers) in Athens. Hourly rates range depending on the experience of the lawyer handling the case and are between €80 for younger lawyers and € 360 for more experienced lawyers or partners.

### **3.3. Fees depending on the type of lawsuit or proceedings**

The determination of fees is free to lawyers. As explained above the type of lawsuit or proceedings may be an important factor in the determination of the fees to be charged to the client.

### **3.4. Fees depending on the value of the claim**

Article 100 of the Lawyer's Code of Practice provides that the lawyer is compelled to charge the client for the drafting of a civil lawsuit a minimum of 2% of the amount in dispute. However, the competition between lawyers and law firms and the effort to attract and satisfy clients, compels lawyers to make financial proposals below the statutory minimum especially in those cases where the claim is considerably large.

### **3.5. Fees depending on the jurisdiction**

The jurisdiction could play a role where the lawyer would have to travel outside of his jurisdiction to represent a client, although in practice most lawyers require only to be reimbursed for travelling and lodging fees.

On another note however, the jurisdiction will increase the costs for the litigant, where he decides to engage the services of an attorney based in another jurisdiction (i.e. a lawyer from Athens is instructed to handle a case in Crete Island). This is because, in civil litigation the services of a local attorney would have to be employed, as lawyers of one jurisdiction are not authorised to represent clients in another jurisdiction, unless they are "legalised" by a local lawyer.

### **3.6. Payment**

Most common payment methods for larger firms are wire transfer and cheques. Smaller firms and independent lawyers are however usually paid in cash.

#### **3.6.1. Retainer**

Lawyers working independently or in small law firms do sometimes require retainers in order to cover expenses and part of their fees. Larger firms and partnerships however, usually do not request retainers as they charge on a monthly basis for work performed and services rendered. To this principle there are of course

exceptions especially with new clients that may not satisfy a law firm that they will be in a position to pay its fees.

### **3.7. Conclusions and Recommendations**

The general conclusion of the above is that the vast majority of lawyers in Greece do not fall into the ambit of “well paid” professionals. The reason is twofold:

(a) In Greece lawyers are numerous and this causes great competition which in turn obviously affects the fees proposed by lawyers to their clients. Only in Athens there are about 20.000 active lawyers inscribed with the Athens Bar Association and in the rest of Greece there are another 15.000 lawyers approximately. Comparing the total number of lawyers (35.000) to the Greek population, which is roughly 11.000.000, it ensues that in Greece the ratio between lawyers / citizens is 1/314 approximately. This figure is at least alarming. Furthermore, this ratio is decreasing since every year, only in Athens, a thousand new lawyers are added to the above figures whereas less than 400 lawyers retire. The reason that lawyers chose to remain active rather than retire, is that the monthly pension for a retired lawyer with 35 years in the service does not exceed the sum of € 1.500.

(b) the second reason is that the Court's do not compel the defeated party to cover the true and “documented” costs incurred in litigation.

The Greek Judge has the liberty to decide to either set-off the costs of litigation between the parties or to impose on the defeated party the “legal costs” of the winning party. However, in practice the amounts awarded to the winning party as “legal costs” are far from the actual documented costs incurred by the winning party. This affects lawyer's fees since lawyers know that their client is not going to recover the legal costs incurred, even if he wins the case. Hence, lawyers are certainly more conservative in making their financial propositions to their clients than they would be if they knew that their client would be in a position to recover if not 100%, the largest part of the costs incurred in a successful litigation.

For the above reasons, we consider that mainly due to the vast competition and secondarily due to the fact that clients are not compensated for the real legal costs

incurred, Greek lawyers do not have the possibility to charge their clients in the same way their European colleagues do.

This situation can only be improved by the adoption of several strict measures. The various Greek Bar Associations need to establish tougher entry exams and to decide that not everyone is capable of becoming a lawyer. Currently the success ratio of participants in Bar Examinations exceeds 98% and those who fail will usually succeed on their second attempt. The reason is that Bar Associations purposely show a ‘tolerance’ towards young people who have successfully completed their studies in law.

To ameliorate the situation, however the Greek Bar Associations need to work towards the realisation of the following:

- a) Limit the access of new lawyers to the Bar. We know that this is a very hard measure but it is much better for an individual not to become a lawyer and do a different profession rather than being an “unemployed” lawyer.
- b) Improve the statutory minimum fees of lawyers.
- c) Give incentives to older lawyers to retire,
- d) Press the legislative body to bring changes to the current legal system and allow, if not compel, Judges impose on the defeated party 100% of the documented costs (including lawyer’s fees) incurred by the winning party.

## **4. Bailiff fees**

### **4.1. General**

The services of Bailiffs are required by law for the proper service of writs (lawsuits, appeals, extra-judicial notices etc), for the service of judgments as well as in relation to the execution of irrevocable judgments. Their fees are regulated by Law (Joint Ministerial Decision of the Minister of National Economy and the Minister of Justice with number 2/52621/0022, which provides a professional schedule) and they are calculated on a per act basis. In this respect their fees range between €25-50 for service of writs, between €53 and €638 for acts of seizure and between €53



and €426 for auctions. For all other actions (i.e. eviction, inventory, sequestration etc) their fees range between € 210 and € 345.

Usually lawyers settle the fees of the Court Bailiffs but ultimately these fees are charged to the client. It is possible however that the Bailiff fee is paid directly by the client to the Court Bailiff. Their fees are in theory recoverable through the amount of legal fees awarded by the Court to the winning party, although as already explained the fees awarded to the winning party represent only a small proportion of the overall litigation costs incurred.

Information on Bailiff Fess can be found indirectly through public and private websites by downloading the text of the above Joint Ministerial Decision.

The average cost of a Bailiff for performing the main tasks in civil proceedings (i.e. service of the writ and of the decision) is in the region of € 75

## **4.2. Ante judgment**

Prior to the initiation of judicial proceeding, the intervention of a bailiff is required by law for proper service of the lawsuit/writ to the defendant(s) and for service of the invitation / notification to examine witnesses through affidavits. Given moreover that the later action is not compulsory, the only action that requires the intervention of a Court Bailiff *ante* judgment is the service of the lawsuit to the defendant(s).

According to our procedural laws, judicial proceedings are initiated through the filing of a lawsuit with the competent court and service thereafter to the defendant(s). After judicial proceedings are initiated there are two main stages of litigation: the first stage starts from the date of service of the lawsuit and goes up to the hearing of the case in Court. The second stage begins immediately after the hearing of the case and ends with the issuance of the judgement of the First Instance Court (final judgement). The hearing of the case itself does not qualify as a “stage” of the proceedings as the hearing concerns only the examination of witnesses and must be accomplished within the day. In this respect, the two stages

described as “ante judgment” and “during proceedings” fall in fact under the same stage.

### **4.3. During proceedings**

As we have already pointed out, according to our procedural laws, judicial proceedings are initiated through the filing of a lawsuit with the competent court and service thereafter to the defendant(s). After judicial proceedings are initiated there are two main stages of litigation: the first stage starts from the date of service of the lawsuit and goes up to the hearing of the case in Court. The second stage begins immediately after the hearing of the case and ends with the issuance of the judgement of the First Instance Court (final judgement). The hearing of the case itself does not qualify as a “stage” of the proceedings as the hearing concerns only the examination of witnesses and must be accomplished within the day. In this respect, the two stages described as “ante judgment” and “during proceedings” fall in fact under the same stage.

However, from the date of service of the lawsuit and until the hearing date anyone of the litigant parties may examine witnesses through affidavits in order to support (the Plaintiff) or to rebut (the Defendant) the allegations that are included with the lawsuit. The party wishing to proceed so, has to invite the other one to attend at the examination in question by serving a notification through a Court Bailiff.

### **4.4. Post proceedings**

Post proceedings no intervention of a Bailiff is “required” by law. The winning party has the right to serve the final judgment to the defeated party. Following service of the judgment, the deadline for the filling of the appeal by the defeated party starts running (30 days for Greek nationals or 60 days for foreign nationals). In this respect the acts required at this stage comprise (i) service of the final judgment by the winning party to the defeated party through Court Bailiff and (ii) service of the appeal by the defeated party to the winning party. However, the winning party may elect not to serve the judgment at all. In this case, the judgment becomes

irrevocable after the lapse of three years in case the defeated party does not file an appeal in the mean time.

In any case, after the issuance of the final and irrevocable judgment (judgment of the Appeal Court or if no appeal is filed at all) and provided none of the parties takes recourse to the Supreme Court, the winning party has the right to issue an executory engrossment and proceed with the execution of the judgment (seizure of property, auction etc). These actions will entail fees for the Bailiff as described above under paragraph 4.1.

## **4.5. Payment**

A most common payment method of payment of Bailiff Fess is cash, wire transfer and cheques.

### **4.5.1. Retainer**

Usually Court Bailiffs have a certain clientele (lawyers and law firms) with whom they cooperate on a permanent basis and therefore they do not request retainers. Of course, this is not a norm and there are exceptions. For instance, it is not unusual when a lawyer of one jurisdiction requests from a Bailiff located in another jurisdiction to perform a certain act (i.e. service of lawsuit), that the Bailiff will request that a retainer be sent to him (or credited in his bank account) along with the copies of the documents that will be served.

## **4.6. Conclusions and Recommendations**

In general the bailiff fees are not very high when the bailiff has to perform the basic acts (i.e. service of the writ, of an extra-judicial letter and of a decision) . However, it is not rare a baillif to charge for these acts higher fees than the ones provided by law, but even in such a case his fees are not excessive.

On the other hand, the fees in question may be considerably increased when a Court Bailiff has to perform continuous acts for the execution of a decision (i.e. acts of seizure, auction proceedings, evictions, inventory, sequestration etc).

## **5. Expert**

### **5.1. General**

Expertise (and consequently experts) can be divided into two different categories. The first category is the so called “judicial expertise” and the second is the so called “private expertise”. In the first category the expertise is requested by the Court and therefore the “judicial expert” is appointed by it as well, whilst in the second category the expertise is provided by one of the litigant parties at its own initiative and therefore the “private expert” is chosen by the litigant party itself.

There is no legislative framework fixing the fees of either category of experts and consequently such fees are freely defined by the experts themselves. However it has to be noted that if a query arises between a litigant party and a (Judicial) Expert in connection with the fees of the latter then, pursuant to the old Royal Decree of 25.03.1835, such fees are defined by a fair judgement which takes into consideration the work the Expert carried out and the required scientific knowledge. Such judgement is rendered by the Court, following a lawsuit filed by the Expert.

A private expert can be anybody who has the scientific, technical or mechanical knowledge to testify about a certain question of science. The most common practitioners acting in civil cases as “private experts” are doctors, civil or mechanical engineers, scientists etc. Although various companies offering expertise can be found through the internet or through the Telephone Directory, the fees of private experts are not published. Such fees will be obtained either through contacting a lawyer (who in turn will contact the Expert and explain what is required by him) or by contacting directly the expert. An exception to this constitutes the Technical Chamber of Greece which undertakes expertises (these are also “private expertises”) on technical matters and has the authority to fix the

fees of its experts-members. The fees of experts, members of the Technical Chamber of Greece, range (depending on the case), between € 800-1000.

Judicial expertise will be required through an interim judgment of the Court, where the Court considers that questions have arisen in the examination of the civil case that require special knowledge of technique or science.

## **5.2. Fees**

The Expert's fees depend firstly on the nature of the expertise and secondary by other factors such as the expert's qualifications, the amount in dispute, the magnitude of the claim, the deadline in which the Expert is asked to act and so forth. For example, in a case of maritime cargo damage claim of € 200.000 it is estimated that the Expert fees for conducting a detailed expertise for the reasons of the damage and for the quantity of the damaged cargo would be in the region of € 6.000 - 10.000. On the other hand, in case of smaller claims up to € 50.000 (the majority of claims) it is estimated that the average sum for the expert fees would not exceed the amount of € 2.000.

Recently our firm handled a medical-product liability claim and the court ordered the conduct of a judicial expertise related with medical issues. The judicial expert who was a University Professor and qualified professional provided his expertise and defined his fees in the sum of € 10.000.

Finally, as above stated, the average fees for the expertises conducted by the Technical Chamber of Greece are in the region of € 800 -1000.

## **5.3. Payment**

Payment is usually made either in cash, through wire-transfer or by cheque.

### 5.3.1. Retainer

The Experts are free to request a retainer prior delivering their expertise report. A retainer of € 500 is always requested by the Technical Chamber of Greece in relation to expertises conducted by its members - experts.

## 5.4. Legal aid cases

Legal aid can apply only in cases of judicial expertise and certainly not in cases of private expertise. Therefore, in theory, if the Court orders a judicial expertise to be conducted and appoints an Expert, the party entitled to receive legal aid may apply to the competent court or Judge requesting to be relieved from the Experts fees. In such a case the Greek State is responsible to cover the Experts' fees.

## 5.5. Reimbursement of experts' fees

The winning party may be reimbursed for the costs incurred for the carrying out of an expertise. Such party has to provide evidence before the Court for such cost (i.e. the expert's invoice). It has to be noted that the fees of the judicial expert are in most cases adjudicated in total to the winning party. On the other hand, the Court is free to decide whether it will order the reimbursement to the winning party of the costs of a private expertise.

## 5.6. Practical questions

In cases involving complex scientific, technical or mechanical issues that require special knowledge of technique or science, it is always advisable to plaintiffs to appoint a private Expert prior to drafting the lawsuit in order to evaluate the standing of the case and assist the lawyer handling the case to form the claim and better substantiate the allegations of his client.

A person wishing to become a judicial expert has to apply to the secretariat of the Court and then to be registered with the Experts Registry following a decision rendered by the Judicial Council of the Court. Together with its above application

the person has to produce various certificates related with his profession (i.e. an engineer has to produce a certificate showing that he is a member of the Technical Chamber of Greece) as well as other documents related with any experience gained in his profession. It has to be noted that the above Registry is valid for one year and each year it is renewed depending of course on the new lodged applications.

The person wishing to registered with the Experts Registry and become a Judicial Expert does not have to follow any special procedure or take any exams. The Judicial Council just takes into consideration the applicant's qualifications and decides whether the applicant could be registered with the Experts' Registry or not.

An expertise carried out by a foreign expert has to be translated in Greek in order to be validly produced and accepted by the Greek Court.

Finally the expertise is valid for an indefinite period of time.

## **5.7. Conclusions and Recommendations**

As we have already pointed out, an expert is needed in cases involving complex scientific, technical or mechanical issues that require special knowledge of technique or science.

The Expert's fees depend firstly on the nature of the expertise and secondary by other factors such us the expert's qualifications, the amount in dispute, the magnitude of the client, the deadline in which the Expertise is required and certainly by whether the Expert is appointed by the Court or if it is requested 'privately' by one of the parties to litigation. Such fees in general are considered as fair.

Finally, apart from the judicial and the private expertise, the "Technical Chamber of Greece" has on many occasions prepared Expert's Reports through its members-experts in difficult and complex matters without charging excessive fees (€ 800-

1000 per case). For that reason, the Greek State has on many occasions entrusted the “Technical Chamber of Greece” for rendering an expertise on a given matter.

The Greek judicial system suffers greatly from the fact that the notion of “Expert Judge” is entirely unknown. Although, as it has been explained it is neither difficult nor very expensive to obtain an expertise, we consider that there are cases where Judges should also have special knowledge and increased understanding of certain fields. In Greece, the same judge hearing a family law dispute (e.g. divorce) will be called to hear a complex international dispute entailing aspects of technical or mechanical nature, of economic or of medicinal nature (e.g. a plaintiff suing a doctor for liability arising from wrong administration of drugs). In those cases, the Judge needs to have special knowledge of science in order to understand the issues that will be raised by the parties and thus be able to form a reasoned opinion. Unfortunately, this is not the case and we believe that, as the legal profession has progressed and lawyers practice more and more only in certain fields of law, action should be taken in order to ensure that equally judges, practice only in certain fields of law deepening at the same time their knowledge and understanding in one or two scientific fields.

## 6. Translation and interpretation fees

### 6.1. General

#### 6.1.1. About Translation

In practice translation issues arise out mainly in cross-border litigations or in local litigations when the litigants need to use documents drafted in a foreign language. Documents drafted in a foreign language will not be taken into consideration by the Court unless they bear an **authenticated** translation. Such translation may be produced either by the lawyer, or by the translation department of the Ministry of Foreign Affairs, or by translators who have graduated from the translation faculty of the Ionian University of Corfu.



Although translators (physical persons and companies) may be found through the internet or the Telephone Directory, their fees are not published. Such fees can be obtained only by contacting directly the translator. However, the Ministry of Foreign Affairs maintains a web-site ([www.mfa.gr](http://www.mfa.gr)) where the cost of translations is published. This cost depends on the volume and the kind of the documents to be translated as well as the urgency of the required translation.

The following should be pointed out regarding the legal framework applying to the translation cost:

When the translator is a lawyer the Greek Lawyer's Code regulates only his minimum fees for the provision of an authenticated translation. However, since these fees are extremely low (€ 0,40 per page for executing an authenticated translation in Greek of a foreign document and 0,80 for executing an authenticated translation in a foreign language of a Greek document) a lawyer is free to negotiate his fees for the provision of such translation. On the other hand the standard costs for translations conducted by the translation department of the Ministry of Foreign Affairs are set by law (Ministerial Decision).

Finally the fees of the free lancers translators (companies and physical persons) are freely negotiable between the parties since no law exists defining the minimum or maximum of these fees.

### 6.1.2. About Interpretation

An interpreter is required whenever a witness who does not speak the Greek language has to testify either orally before the Court or through an affidavit. Consequently the use of an Interpreter is most common in cross border litigations as in those cases at least one witness is usually a foreigner. Interpreters may be found through the internet or the Telephone Directory. Their fees are not published but can be obtained by contacting the interpreter himself.

No legal framework exists for the interpreters' fees and same are freely negotiable between the parties

## 6.2. Translation fees

### 6.2.1. Greek Ministry of Foreign Affairs

The cost of translations provided by the Greek Ministry of Foreign Affairs depends on the type of the document, the number of pages and the urgency in which the service is required.

The exact cost can be calculated through the following table:

| Category of Document | Type of Document            |                               | Simple procedure | Urgent procedure |
|----------------------|-----------------------------|-------------------------------|------------------|------------------|
|                      |                             |                               |                  |                  |
| A                    | Certificates                | <i>Birth</i>                  | 8,50 €           | 12,00 €          |
| A                    | Certificates                | <i>Baptism</i>                | 8,50 €           | 12,00 €          |
| A                    | Certificates                | <i>Marriage</i>               | 8,50 €           | 12,00 €          |
| A                    | Certificates                | <i>Death</i>                  | 8,50 €           | 12,00 €          |
| A                    | Certificates                | <i>Family Status</i>          | 8,50 €           | 12,00 €          |
| A                    | Criminal Records            | <i>Without Contents</i>       | 8,50 €           | 12,00 €          |
| A                    | Certifications              | <i>Municipalities</i>         | 8,50 €           | 12,00 €          |
| A                    | Driving Licences            |                               | 8,50 €           | 12,00 €          |
| A                    | Passports                   |                               | 8,50 €           | 12,00 €          |
| A                    | Medical Receipts            | <i>Without Medical Terms</i>  | 8,50 €           | 12,00 €          |
| A                    | Residence Permits           |                               | 8,50 €           | 12,00 €          |
| A                    | Summons of Witnesses        |                               | 8,50 €           | 12,00 €          |
| A                    | Hague Convention            | <i>APOSTILLE</i>              | 8,50 €           | 12,00 €          |
| A                    | Personal Documents          | <i>Simple</i>                 | 8,50 €           | 12,00 €          |
| A                    | Private Letters             | <i>Simple</i>                 | 8,50 €           | 12,00 €          |
| B                    | Certificates of Studies     | <i>Degrees - Certificates</i> | 9,50 €           | 14,00 €          |
| B                    | Detailed Grade Certificates | <i>Degrees</i>                | 9,50 €           | 14,00 €          |
| B                    | Certifications              | <i>Studies</i>                | 9,50 €           | 14,00 €          |
| B                    | Certificates                | <i>Medical - Recruitment</i>  | 9,50 €           | 14,00 €          |
| B                    | Ceremonial Letters          |                               | 9,50 €           | 14,00 €          |
| B                    | Tax Returns                 |                               | 9,50 €           | 14,00 €          |

| Category of Document | Type of Document                                |  | Simple procedure | Urgent procedure |
|----------------------|---|--|------------------|------------------|
| B                    | Invoices - Receipts                             | <i>Provision of Services</i>                         | 9,50 €           | 14,00 €          |
| B                    | Certifications                                  | <i>Services</i>                                      | 9,50 €           | 14,00 €          |
| B                    | Certifications                                  | <i>Organisations</i>                                 | 9,50 €           | 14,00 €          |
| B                    | Certifications                                  | <i>Banks</i>   | 9,50 €           | 14,00 €          |
| B                    | Certifications                                  | <i>European Union</i>                                | 9,50 €           | 14,00 €          |
| B                    | Criminal records                                | <i>With Contents</i>                                 | 9,50 €           | 14,00 €          |
| B                    | Medical Receipts                                | <i>With Medical Terms</i>                            | 9,50 €           | 14,00 €          |
| B                    | Permits   | <i>Work - Teaching</i>                               | 9,50 €           | 14,00 €          |
| B                    | Letters   | <i>Reference</i>                                     | 9,50 €           | 14,00 €          |
| B                    | Solemn Statements                               |  | 9,50 €           | 14,00 €          |
| B                    | Curriculum Vitae                                | <i>Simple</i>  | 9,50 €           | 14,00 €          |
| B                    | Statements - Announcements                      | <i>To the Press</i>                                  | 9,50 €           | 14,00 €          |
| B                    | Simple Correspondence of Greek Public Services  | <i>With International Organisations and the E.U.</i> | 9,50 €           | 14,00 €          |
| C                    | Medical Diagnostic Reports                      |  | 14,00 €          | 20,00 €          |
| C                    | Court Judgements                                |  | 14,00 €          | 20,00 €          |
| C                    | Powers of Attorney                              |  | 14,00 €          | 20,00 €          |
| C                    | Court Proceedings                               |  | 14,00 €          | 20,00 €          |
| C                    | Articles of Association                         | <i>Companies - Associations</i>                      | 14,00 €          | 20,00 €          |
| C                    | Documents with Terms                            | <i>Technical</i>                                     | 14,00 €          | 20,00 €          |
| C                    | Documents with Terms                            | <i>Economic</i>                                      | 14,00 €          | 20,00 €          |
| C                    | Documents with Terms                            | <i>Scientific</i>                                    | 14,00 €          | 20,00 €          |
| C                    | Detailed Study Guides                           |  | 14,00 €          | 20,00 €          |
| C                    | Balance Sheets of Companies                     |  | 14,00 €          | 20,00 €          |
| C                    | Official Journal of the Hellenic Republic       |  | 14,00 €          | 20,00 €          |
| C                    | Statements - Announcements                      | <i>To the Press with Terminology</i>                 | 14,00 €          | 20,00 €          |
| C                    | Personal Documents                              | <i>With Terminology</i>                              | 14,00 €          | 20,00 €          |
| C                    | Private Letters                                 | <i>With Terminology</i>                              | 14,00 €          | 20,00 €          |
| C                    | Wills   |  | 14,00 €          | 20,00 €          |
| C                    | Curriculum Vitae                                | <i>With Terminology</i>                              | 14,00 €          | 20,00 €          |
| C                    | Resolutions of Public Services                  | <i>For Work Permits</i>                              | 14,00 €          | 20,00 €          |
| C                    | Texts with Internet Sites                       |  | 14,00 €          | 20,00 €          |
| C                    | Speeches - Congress Minutes                     |  | 14,00 €          | 20,00 €          |
| C                    | Complex Correspondence of Greek Public Services | <i>With International Organisations and the E.U.</i> | 14,00 €          | 20,00 €          |
| C                    | Reports - Statements from and to the E.U.       |  | 14,00 €          | 20,00 €          |
| C                    | Legal E.U. Texts                                |  | 14,00 €          | 20,00 €          |
| C                    | Documents of Political Importance               | <i>Communications</i>                                | 14,00 €          | 20,00 €          |
| C                    | Documents of Political Importance               | <i>Speeches</i>                                      | 14,00 €          | 20,00 €          |
| C                    | Documents of Political Importance               | <i>etc</i>   | 14,00 €          | 20,00 €          |

| Category of Document | Type of Document                        |   | Simple procedure | Urgent procedure |
|----------------------|---|---|------------------|------------------|
|                      |   |   |                  |                  |
| C                    | Judicial Affairs                        | <i>Judicial Assistance</i>                        | 14,00 €          | 20,00 €          |
| C                    | Judicial Affairs                        | <i>International and European Arrest Warrants</i> | 14,00 €          | 20,00 €          |
| C                    | E.U. Policies                           |   | 14,00 €          | 20,00 €          |
| C                    | Handbooks                               | <i>Political Actions</i>                          | 14,00 €          | 20,00 €          |
| C                    | Handbooks                               | <i>Briefings</i>                                  | 14,00 €          | 20,00 €          |
| C                    | Handbooks                               | <i>etc.</i>                                       | 14,00 €          | 20,00 €          |
| D                    | Medical Reports                         | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Court Judgements                        | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Powers of Attorney                      | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Court Proceedings                       | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Statements of Witnesses                 | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Documents with Financial Terms          | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Documents with Technical Terms          | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Documents with Scientific Terms         | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Divorce Judgements                      | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Personal Documents                      | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Informal Letters                        | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Curriculum Vitae with Terminology       | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Resolutions of Services on Work Permits | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Wills                                   | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |
| D                    | Autopsy Reports                         | <i>Manuscript</i>                                 | 15,00 €          | 21,00 €          |

### 6.2.2. Free lancer translators

Free lancers translators' fees are range between € 0,05 and € 0,49 per word depending of course on the nature of the document and of the volume of the work to be carried out.

### **6.3. Interpretation fees**

The average amount of the interpreter's fees on a per day basis amounts at € 350 - 499

#### **6.3.1. Retainer**

The Interpreters are free to request a retainer prior to providing their services. In practice however, the payment of the Interpreters' fee takes place after the provision of their services.

### **6.4. Payment**

The party engaging the services of a translator or an interpreter is the one who pays their fees. A VAT rate of 19% is applicable to the above fees unless if a lawyer undertakes to provide translation or interpretation services because lawyers' fees are not subjected to V.A.T.

Payment in most cases is effected by cash.

### **6.5. Practical questions**

As we have already pointed out only authenticated translations may be produced before the Greek Courts. Such translations are provided by the Ministry of Foreign Affairs, lawyers and translators graduates of the Ionian University of Corfu. In practice lawyers often effect translations or assign same to free lancers and then they authenticate the translation as effected by themselves.

As regards the translators working in the Ministry of Foreign Affairs in order to be hired by the said Ministry they have to succeed to exams set by the Ministry in question.

An authenticated translation in Greek of a document drafted in a foreign language produced by an accredited translator of an EU country is accepted in a Greek Court

Before a civil Court anyone who knows well a foreign language may act as interpreter. The interpreter takes oath that he will perform a true and accurate interpretation from the foreign language to the Greek and vice-versa.

## **6.6. Legal aid cases**

In theory, a party entitled to receive legal aid may apply to the competent court or Judge requesting to be relieved from the translation and/or interpretation fees. In such a case the Greek State is responsible to cover the fees.

## **6.7. Reimbursement**

In theory the winning party may ask the adjudication against the defeated party of the cost incurred for the translators and/or interpreter fees by producing the relevant receipts or invoices. However the compensation awarded to the winning party by the Courts rarely exceeds 2% of the amount of the claim and hence such costs may not be compensated in their entirety.

## **6.8. Conclusions and Recommendations**

In practice translation and interpretation issues arise out mainly in cross-border litigations or in local litigations when the litigants need to use documents drafted in a foreign language or to examine a witness who ignores the Greek language. Such litigations are certainly the minority of cases heard before the Greek courts.

In general the translator and interpreter fees are fair and reasonable. Also the cost of translations provided by the Greek Ministry of Foreign Affairs is easy accessible. However, although the said Authority provides accurate translations, due to the load of work that should be carried out, sometimes it may take a long time to translate the required documentation. For that reason we are considering that the

Authority in question should recruit additional personnel in order to overcome problems of that kind.

## **7. Witness Compensation**

### **7.1. General**

Although the Greek Code of Civil Procedure provides for witnesses compensation, in practice these provisions are dormant. This possibly happens because a witness in civil litigation can not be summoned to testify in favour of a litigant party. He does so on his/her own free will.

### **7.2. Fees**

Pursuant to the Greek Code of Civil Procedure a witness is not entitled to receive “fees” but “expenses and remuneration” in relation to travel and lodging expenses incurred. In practice, when this is the case such expenses are paid by the litigant party in favour of whom the witness will testify. In rare cases the witness may also receive by the above litigant the loss of profit he sustained due to the time he spent for being available to testify. The average sum covering all the “witness fees” is in the region of € 150

### **7.3. Payment**

Payment mainly takes place immediately by the litigant party in favour of whom the witness will testify by the time that the witness bears the cost of travelling and lodging expenses.

## 7.4. Practical questions

The basic rule is that every sane person can be recognised as a witness, regardless of nationality or age. However, two categories of persons are incompetent to testify as witnesses. The first category (art. 399) includes persons that are excluded in all cases and are dismissed by the court on its own motion (art.403 par.1). The second category (art. 400) includes persons who are dismissed by the court (art. 403 par. 2) only after a request for exception by the party against whom the witness is called.

Children over the age of 14 are competent to testify as witnesses. The competence of children under 14 depends on the indispensable nature of their testimony. However, in matrimonial disputes or disputes concerning the relationships between parents and children, the parties' children are incompetent witnesses (art. 601 n.2, 614 par.1).

The witness testifies either orally under oath before the court (art. 408) or through affidavit before a magistrate judge or a notary public (art. 270 par.2), which again is given under oath. Hence, the testimony procedure alone demonstrates its authenticity, but in any case it is freely taken into consideration by the Court.

If a testimony is collected by a foreign court (without summoning the opponent litigant party) such testimony does not fall under the term of "witness testimony" as described above, but will rather be reviewed by the Greek Court as another means of evidence (documentary evidence) and will be freely taken into consideration by such Court.

## 7.5. Conclusions and Recommendations

As we have already pointed out, the provisions of the Greek Code of Civil Proceedings providing for the witnesses "expenses and remuneration" in relation to travel and lodging expenses incurred are dormant. In practice, when this is the case such expenses are paid by the litigant party in favour of whom the witness will testify and the average sum covering all the "witness fees" is in the region of € 150.



It has to be noted however that the Courts in practice do not adjudicate even that sum. For that reason we are of the opinion that the Court, should adjudicate against the losing party the full or a reasonable sum for the “witness fees” provided of course that same arises out of documented evidence.

## **8. Pledges and security deposits**

### **8.1. General**

A pledge or security deposit or any other form of injunction, known in Greece as “safety measures” can only be ordered through a decision of the First Instance Court hearing a petition through the so called “Safety Measures Procedure”.

The petitioner has the right to request the safety measure it deems appropriate. According to articles 682-738 of the Greek Code of Civil procedure the following ‘safety measures’, amongst others, can be ordered:

- Security Deposit (art. 704)
- Pre-notation of Mortgage (art. 706)
- Conservative arrest (also known as: Seizure of property) (art. 707)
- Sequestration (art. 725)
- Temporary award of claims (art. 728)
- Provisional adjustment (art. 731)

The Court will examine the case and the probabilities of its success at the main stage, and decide whether to accept or reject the petition. In case the safety measure ordered is related with the determination of an amount, this is determined in relation to the amount of the main claim of the petitioner, the financial status of the parties and the likelihood of success of the main claim. The two basic elements that the Court will examine in making its decision are whether the elements of (i) urgency and (ii) imminent danger are satisfied. In this respect the petitioner needs to provide satisfactory evidence to the Court not only that he has a claim against the respondent but also that there is an imminent danger that he will not be able to satisfy his claim because for example the respondent is liquidating all its assets.

The goal of such measures is to protect the petitioner (plaintiff) against a respondent (defendant) that will most probably have no assets against which to satisfy his claim, once and until the irrevocable judgment on the main lawsuit is issued. Such proceedings depend entirely on the initiative of the litigant who wishes to initiate them and there are no circumstances under which the Court itself requires one of the parties to provide a pledge or security deposit.

Finally, given that the legal fees imposed on the defeated party are minimal, they do not justify petitions for the ordering of a pledge or security deposit only in order to cover Court or litigation fees.

## **8.2. Fees**

The filling of a safety measures petition is similar to the filling of a lawsuit and entails fees such as Court Fees, Bailiff Fees, Legal Fees and possibly Expert Fees or Translation and Interpretation Fees.

## **8.3. Payment**

Payment of fees (Court Fees, Bailiff Fees, Legal Fees, Expert Fees or Translation and Interpretation Fees), is effected in the same way as in ordinary civil proceedings and in accordance to what has been described in the relevant chapters.

In case a security deposit is ordered then this will be paid in accordance to what the Court Order provides.

## **8.4. Practical questions**

The defendant to a petition requesting the ordering of a pledge will have the possibility to prove its case in court and to request the rejection of the petition. However, the judgment of the Court hearing a safety measures petition cannot be appealed.

If the Court of First Instance hearing the main lawsuit, rejects the main claim as ungrounded in law or substance, then the applicant of the petition for safety measures is obliged to compensate the defendant for the damage caused by the enforcement of the decision ordering the safety measures or by the security deposit, only if he was aware or grossly negligent that his right did not exist.

## **8.5. Conclusions and Recommendations**

In general the target of the “safety measure” proceedings is to secure the satisfaction of the Applicants-Claimants claim. However, due to the fact that the Court’s dockets in Athens are overloaded with cases, it is very often the Courts in questions to delay 3-6 months the issuance of decisions ordering “pledge or security deposits”. This delay may sometimes be catastrophic for the Claimant because by the time it is ordered it may be too late to act as a true pledge or security.

The only recommendation that can be made in order to ensure that justice is served in a ‘better and faster way’, is towards the Greek State which must take action and increase the number of Judges serving in the Greek and mainly Athenian, Courts. There are hundred of thousands of cases pending before the Athens Courts and the number of Judges who are invited to hear these cases is tremendously disproportionate.

## **9. Court decisions**

### **9.1. Cost of notification**

Once the judgment is issued any party (usually the winning) party has an interest to serve the judgment to the defeated party in order to initiate the deadline for the filling of an appeal and in order to obtain the legal fees awarded to it by the Court.

The only cost of notification is actually the fee of the Court Bailiff for effecting service of the judgment. As already explained his fee depends on the number of sheets as follows:

First sheet: €19,20

Every additional sheet plus 1,70 per sheet

In case the defendant refuses to accept service or cannot be found, in addition to the above fee the Bailiff will be entitled to approximately € 10 for pinning up the judgment on the door (as this entails delivering copy at the Police Station, delivering written notification to the Post Office, drafting certificate of delivery and compensating the witness who was present).

If the notification has to be performed outside the jurisdiction of the Bailiff, then he is also entitled to receive, besides all costs incurred, an additional fee of € 0,40 per klm, both for his transition to the place of service as well as for his return to his jurisdiction.

## **9.2. Cost of obtaining an authenticated decision**

If the authenticated decision is required for service purposes only then the cost comprises (i) costs of photocopying the decision (€ 0,08 per page) and (ii) stamp dues equal to €0,50 per authenticated copy.

If however, the authenticated copy is required for execution purposes, then the litigant party needs to obtain an “executory engrossment”. The costs for the issuance of an executory engrossment depend on the amount of the claim plus interest and range between 0.5% and 3% depending on the proceedings.

### **9.3. Conclusions and Recommendations**

We consider that among the other costs of justice, the costs related with the notification of a decision with a litigant party and the cost for obtaining a certified copy thereof are very low and reasonable.

## **10. Legal aid**

### **10.1. General**

The institution of Legal Aid in civil, commercial and criminal cases, whether in court or out-of-court, is quite new since it has been recently inserted in the domestic legal system through Law 3226/2004 (Government Gazette Vol. A No. 24 dated 04.02.2004). By issuing the said law the government intended to replace the relative existing legal provisions of the Code of Civil Procedure (Book 1, Chapter XXII, Articles 194-204), which were insufficient, out-of-date and had almost fallen into disuse. Following the above new law all sort of civil and commercial cases can be covered by legal aid.

Despite the government's objective to assist people of low income in exercising their constitutional rights of judicial hearing and protection more effectively than before, it should, however, be noted that information about the legal aid system is unreasonably inadequate in Greece. In fact, a non-legal practitioner can obtain information only by asking a lawyer or by visiting the Court since neither brochures nor information centres can provide such information, while all relevant online information is directed mainly to legal practitioners and is available in the Greek language only. There is no data pertaining to the percentage of cases that benefit from legal aid provisions.

The granting of legal aid in civil and commercial cases consists in the discharge of all or a part of the court proceedings costs and, if specially requested, the appointment of a lawyer and/or a notary public and/or a court bailiff, free of

charge, to represent and defend the person granted legal aid before the Court and/or provide to him/her any service or assistance required. Whenever legal aid covers part of the above costs as per the Judge's absolute discretion, the person granted legal aid shall cover the remainder on his/her own expenses.

According to article 12 paras. 1 and 2 of Law 3226/2004 clearance of the litigation costs is conducted by the Court which has tried the case and includes any and all court fees and expenses that the legal aid beneficiary has been exempted from as well as the lawyer's and any other professional's fees that burden the Greek State. In the case of a favourable decision all above said costs are refundable to the Greek State. To better explain this, taking into account that the person benefiting from legal aid obtains a favourable decision ordering that the judicial cost should be incurred by the losing party, then the Greek State may claim such cost by the aforesaid losing party. It must also be noted that the amount of legal cost is always a different one by the amount of the claim itself and does not affect the height of the adjudicated amount that the winning party is entitled to receive.

Besides, as far as litigation is concerned, legal aid is granted separately for each court case, applies to all instances of such litigation and covers the enforcement of the court decision.

If a lawyer wants to provide legal services to persons that are entitled to receive legal aid, he may be registered with a registry kept in the offices of each Bar Association.

## **10.2. Conditions of grant**

The legal requirements for the granting of legal aid are:

- i) the nationality and residence of the applicant,
- ii) the annual income of the applicant.

In particular, legal aid may be granted to all Greek and EU citizens no matter where they reside, while non-EU citizens are entitled to legal aid only if they reside lawfully in the EU, either permanently or temporarily. These categories of people qualify for legal aid only in case their family income on an annual basis does not exceed the amount of € 6.140,30 that is up to two thirds (2/3) of the minimum by

law annual wages (salary) of an employee as regulated by the National General Collective Labour Agreement, as in force. In this respect it has to be noted that the average annual income per inhabitant in Greece for the fiscal year 2006 is € 15.465.

Moreover, a person qualifying for legal aid has to file a petition at least fifteen (15) days before the court hearing and/or the out-of-court action or deed for which legal aid is requested. The authority to examine such petition is either the Court to try the case, in the event of litigation, or the Judge of the Magistrates Court of the area of the petitioner's residence, in all other cases. The Judge's decision rejecting such petition can always be appealed before the Multi-Member Court upon request for recourse by the petitioner.

People residing in an EU Member-State other than Greece may also obtain legal aid in Greece, even if their annual income exceeds € 6.140,30 on the condition that they produce documents evidencing their inability to afford the domestic court or out-of-court costs. Other facilities that may be granted to residents in other EU Member-States - apart from the ones granted to a resident in Greece - is the discharge of i) interpreter's fees, ii) translation costs and iii) witness' travel cost (as the case may be).

A resident in Greece requesting legal aid by another EU Member-State can apply to the Greek Ministry of Justice which will provide any relevant information and assistance, including translation of documents, free of cost.

### **10.3. Strings attached**

The granting of legal aid ends with the beneficiary's death. Legal aid may also be withdrawn and/or limited by the Judge who is competent to examine such request in the event of violation of legal aid provisions and requirements of granting. In such cases, the person granted legal aid by producing false evidence and/or insufficient information required may also bear the risk to pay a penalty ranging from € 15 to € 150.

Furthermore, if the court decision is in favour of the legal aid beneficiary, then any court proceeding costs as well as the lawyer's and/or other professional's fees that the beneficiary has been released from are refundable to the Greek State.

## 10.4. Practical questions

From our experience, legal aid is rarely requested even by people of low income mainly because of lack of information. We would consider, although no such data exists, that the number of cases that are handled *pro bono* by lawyers exceed those covered by legal aid.

A resident in Greece requesting legal aid by another EU Member-State can apply to the Greek Ministry of Justice which will provide any relevant information and assistance, including translation of documents, free of cost. However, in Cross-border litigation, a citizen benefiting from legal aid will certainly face difficulties such as: incapacity to travel and meet with his/her lawyer as such costs are not covered and difficulty in communication with the appointed lawyer in the foreign state if he does not speak the language of such state.

The same applies also for EU citizens who are entitled to legal aid in Greece. However, EU citizens who are also entitled to obtain legal aid in Greece, may face difficulties to prove their inability to afford the domestic court or out-of-court costs when their annual income exceeds € 6.140,30, which is the Greek benchmark taking into consideration the cost of life and average income in Greece.

## 10.5. Conclusions and Recommendations

We consider that the legal aid provisions are complex and information about in general the 'legal aid' system is not easily accessible to Greek or foreign citizens. As a result it is very difficult for an individual who has no legal knowledge or - as is often the case - no education at all, to be informed about whether he/she benefits of legal aid provisions or what steps he/she needs to take in order to obtain legal aid. Hence, usually people, who cannot afford access to justice, rely on lawyers to provide *pro bono* services.

Furthermore, we consider that the benchmark of € 6.140 for the granting of legal aid is very low and out of the market. In this respect it has to be noted that a family with many children (say four children) with an annual income of € 15.000 -



20.000, although it is considered to be within the limits of poverty, does not qualify to receive legal aid. This is unacceptable and therefore, measures need to be taken in order to improve both the benchmark as well as the level of information about the legal aid system.

## 11. Personal experience

I do not believe that one has to have an extensive experience as a litigator to realise that clients engaged in litigation do not distinguish between the general costs of justice (court fees, bailiff fees etc) and the lawyers' fees. To the contrary, I would say that clients are mainly concerned about lawyers' fees as they know that these represent the biggest proportion on the overall cost of civil judicial proceedings.

In Greece, Lawyers Fees usually represent 60% to 90% on the overall cost of civil judicial proceedings, whilst the Court Fees amount just to 7% of the amount of the claim and the Bailiff Fees normally do not exceed 1% on the overall cost of civil judicial proceedings. Expert fees and translation fees are also a cost to take into consideration. However, such fees are usually encountered in cross border litigations or in more significant cases in terms of financial importance, in which cases litigants are usually legal entities that have the means to cover the litigation costs. In family law proceedings or labour law disputes, which may involve litigants with lower budgets, costs such as Experts fees and translations or interpretation fees, are usually not encountered.

Therefore, usually clients do not request detailed estimates of the costs associated with litigation but are mainly interested to know what the lawyer's fees will be. Having this in mind I consider that the actual costs of the Greek judicial system, apart from lawyer's fees, can hardly be blamed as a true deterrent to someone who wishes to initiate legal action in Greece. Of course potential litigants are advised to contact lawyers before assigning the handling of a case to them and request a full description of the sources and costs of litigation in order to be aware in advance of what they will be required to pay.

After all, clients increasingly request estimates of lawyers' fees and in some cases they request that a cap fee is agreed. This is another way for a litigant to secure the costs associated with litigation and be able to make a profound decision before taking their decision to litigate, settle or drop their case.

In conclusion, although I believe that the transparency of costs of civil judicial proceedings is very important and that there is much to be done to achieve an acceptable level of transparency at European level, I do not believe that the low level of transparency creates obstacles as potential litigants can easily and reliably obtain all information required by simply contacting a lawyer in the member State having jurisdiction to bring their case.

## 12. Case studies

The following case studies have been devised to provide a practical insight into the costs of justice.

Each case will have its own specificities, complications and resulting costs.

However, a number of basic situations have been identified as representative of many cases that are brought before the courts. These are used hereunder to illustrate the answers otherwise provided in the answers to the different questionnaires submitted as part of this study.

In the following case studies, you are asked to advise a party to a dispute on the costs that it will probably incur as a result of the legal actions undertaken. For obvious reasons some of the costs will only be approximations. **Your advice will be provided by completing the table of costs that follows the presentation of the case studies.**

## 12.1. Case Study number 1 - Family law - Divorce (excluding division of matrimonial property)

In the following Case Study please advise the party that files for divorce on litigation costs.

**Case A - National situation:** a couple gets married. Later they separate and agree to a divorce.

**Case B - Transnational situation:** Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B<sup>5</sup>.

**Notes:** Both above cases concern a consensual divorce, which is regulated by article 1441 of Greek Civil Code. In a consensual divorce, the spouses agree to dissolve their marriage through a joint petition filed before the Single Member Court of First Instance of their place of residence. The couple must have been married for at least one year and the spouses have to declare their consent to the divorce in two different court hearings, the second of which is held at least six months after the first one. In view of the above (and assuming that in Case B we are Lawyers in Member State B), the relevant application for the consensual divorce must be filed jointly by both spouses and not only by the one of them. For that reason, in our answers below we have to assume that both spouses (**and not only the wife**) are intending to file a joint application for the dissolution of their marriage. Also all costs are calculated for two hearings and all fees quoted are the statutory minimum fees provided by the law.

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<sup>5</sup> N.B : Article 3 of Regulation EC n°2201/2003 provides that: “In matters relating to divorce, legal separation or marriage annulment, jurisdiction shall lie with the courts of the Member State

(a) in whose territory:

— the spouses are habitually resident, or

— the spouses were last habitually resident, insofar as one of them still resides there”

Case n° 1

| Case Study | Court   |  |   | Appeals   |   |   | ADR  |       |
|------------|---|--|---|---|---|---|--|-------|
|            | Initial court fees  | Transcription fees   | Other fees  | Initial court fees  | Transcription fees  | Other fees  | Is this option open for this type of case?   | Costs |
| Case A     | Stamps are affixed on the petition and on the copies thereof and for the registration of the case with the docket Approx. €10 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing or any other writ. | Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €1,00 for all necessary writs. | In a consensual divorce the parties usually waive of their right to appeal the decision. If they don't do so and one decides to appeal the decision Court fees are Approx. € 20 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once | No because according to the law this case may be resolved only by a Court decision | -     |
| Case B     | Stamps on the petition and on the copies thereof. Approx € 10   | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing                    | Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €5,00 for all necessary writs. | Same as above   | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once | No because according to the law this case may be resolved only by a Court decision | -     |

| Case Study | Lawyer                         |  | Bailiff  |                    |                     | Expert  |      |
|------------|--------------------------------|--|--|--------------------|---------------------|---|------|
|            | Is representation compulsory ? | Average costs  | Is representation compulsory ?   | Pre-judgment costs | Post-judgment costs | Is use compulsory ?   | Cost |
| Case A     | Yes                            | Range between €525 and €1050 depending on whether the spouses are represented by the | No bailiff required nor any other kind of process server since both spouses are applying together. | nil                | Nil                 | No expert required in such kind of case, nor any other professional | -    |

| Case Study | Lawyer |   | Bailiff   |     |     | Expert  |   |
|------------|--------|---|---|-----|-----|---|---|
|            |        | same lawyer or by a different lawyer each one of them.  |   |     |     |   |   |
| Case B     | Yes    | Range between €525 and €1050 depending on whether the spouses are represented by the same lawyer or by a different lawyer each one of them. | No bailiff required nor any other kind of process server since both spouses are applying together | nil | nil | No expert required in such kind of case, nor any other professional | - |

| <b>Case</b>   | <b>Witness compensation</b>                                      |      | <b>Pledge or security</b>                     |      | <b>Other fees</b>  |   |
|---------------|--|------|---|------|--|---|
|               | Are witnesses compensated ?                                      | Cost | Does this exist and when and how is it used ? | Cost | Description  | Cost  |
| <b>Case A</b> | NO<br>In any case witness are not examined in these proceedings. | nil  | No security required                          | nil  | If the parties are not willing to attend personally before the Court and declare their agreement to the divorce, they must do so by a special notarial power of attorney | Approx. € 80-100 for the drafting of the POA depending on whether the spouses execute a joint PoA or not. |
| <b>Case B</b> | NO<br>In any case witness are not required in these proceedings. | nil  | No security required                          | nil  | If the parties are not willing to attend personally before the Court and declare their agreement to the divorce, they must do so by a special notarial power of attorney | Approx. € 80-100 for the drafting of the POA depending on whether the spouses execute a joint PoA or not. |



| Case   | Legal Aid   |   | Conditions ?   | Reimbursement  |     | What costs are never reimbursed? | Are there instances when legal aid should be reimbursed to the legal aid organisation ? |
|--------|---|---|--|--|-----|----------------------------------|---|
| Case A | <p>Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without limiting the means necessary for the maintenance of that party and his or her family, provided the action is not found to be manifestly unjustified or inadvisable. Applications have to be made to the magistrate judge or to the judge of the first instance court or to the president of the Court before which it is to be brought or is the case pending and in matters unrelated to a trial the application is made to the local magistrate of the applicant's place of residence. The application should summarise the subject-matter of the proceedings, the evidence that will be produced in the main</p> | Depending from the financial situation of the applicant | The applicant has to attach at his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) . | No litigation costs is awarded since the procedure is consensual | n/a | n/a                              | n/a   |





| Case   | Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without financial means.  | Depending from the financial situation of the applicant   | The applicant has to attach at his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) | No litigation costs is awarded since the procedure is consensual   | n/a   | n/a                 | n/a |
|--------|--|---|--|--|---|---------------------|-----|
| Case   | Translation  |   | Interpretation   |  | Other costs specific to cross-border disputes ? |                     |     |
|        | When and under which conditions is it necessary ?  | Approximative cost ?  | When and under which conditions is it necessary ?  | Approximative cost ?   | Description                                     | Approximative cost? |     |
| Case A | It is necessary if the document presented is not of the party and its language, family, provided the action is not found to be manifestly unjustified or inadvisable.  | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Approximate cost € 100  | In theory only if the witness does not speak the Greek language. However in consensual divorce no witness has to be examined.  | Free lancer interpreters charge approx. € 350 per day.   | There are no « other costs».                    | n/a                 |     |
| Case B | Applications have to be made to the magistrates judges of the first instance family courts or before the president of the court or before the lawyer in the case pending in the court if executed to a State A, is applied in the State A they must be of the applicant's place of residence. Such translation should summarise the subject-matter | The Translations Office of the Ministry of Foreign Affairs has divided all sorts of documents into four categories. The fee of the translation depends on the category in which the document falls in, and on the number of pages and urgency element. Such costs for documents falling under category A' of the MFA table, range between €8,50 and €12,00 per page. Approximate cost € 150 | If a spouse does not speak the language of State B and is willing to appear before the Court in order to declare his agreement to the divorce then he will need an interpreter.            | Free lancer interpreters charge approx. € 350 but this may be negotiable due to the simplicity of the particular case. | There are no « other costs».                    | n/a                 |     |
|        | of the proceedings, the evidence that will be produced in the main action, and the evidence confirming that the conditions for legal aid are met.  |   |  |  |   |                     |     |

## 12.2. Case Study number 2 - Family law - Custody of the children (excluding alimony questions)

In the following Case Study please advise the suing party on litigation costs by completing the table below.

**Case A - National situation:** Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

**Case B - Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorized to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access<sup>6</sup>.

**NOTES:** Two ways exist for the legal confrontation of both cases, the one by using the special matrimonial proceedings provided by article 681B of Greek Code of Civil Procedure and the other by using the security measures proceedings provided by article 735 of Greek Code of Civil Procedure. Specifically, when there is an urgency or imminent danger element, provisional and precautionary measures may be sought from the Single Member Court of First Instance, with territorial jurisdiction: once an application has been lodged at the court's secretariat, a trial date is set, and there is a short deadline for the serving of the application to the respondent who can be also summoned by phone or by telegram; at the hearing or by a deadline set by the court, documentary evidence is submitted setting out the parties' claims, with the relevant documents, witnesses are examined in open court, and the court delivers its ruling in a short period of time on the balance of probabilities. Any counterclaim is examined orally during the hearing. We are

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<sup>6</sup> N.B : Article 8 of Regulation EC n°2201/2003 provides that : "The courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the court is seized."

quoting the first way of confrontation (art. 681 B) assuming that in both case studies (and mainly in case B) there is no urgency or imminent danger to take security measures in order to change the father's right of access.

Case n° 2

| Case Study | Court   |   |   | Appeals   |   |   | ADR  |       |
|------------|---|---|---|---|---|---|--|-------|
|            | Initial court fees  | Transcription fees  | Other fees  | Initial court fees  | Transcription fees  | Other fees  | Is this option open for this type of case?   | Costs |
| Case A     | Stamps are affixed on the lawsuit and on the copies thereof and for the registration of the case with the docket. Approx. €12 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €1,00 for all necessary writs. | Stamps are affixed on the appeal writ and on the copies thereof and for the registration of the case with the docket. Approx. €25 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once | No because according to the law this case may be resolved only by a Court decision | -     |
| Case B     | Same as above   | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €5,00 for all necessary writs. | Same as above   | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once | No because according to the law this case may be resolved only by a Court decision |       |

| Case Study | Lawyer                         |   | Bailiff   |                                   |                                     | Expert   |  |
|------------|--------------------------------|---|---|-----------------------------------|-------------------------------------|--|--|
|            | Is representation compulsory ? | Average costs   | Is representation compulsory ?  | Pre-judgment costs                | Post-judgment costs                 | Is use compulsory ?  | Cost   |
| Case A     | Yes                            | €333 for plaintiff and €198 for the defendant (minimum statutory fees).<br>Average cost € 1500 for plaintiff and € 1000 for the defendant | Yes because the lawsuit must be officially served with the father. Also the decision (if is a favourite one) must also be served. | Service of lawsuit approx. €30-50 | Service of judgment approx. € 30-50 | No but the Court may appoint an expert by accepting the relevant request of a litigant party or by itself if it deems it necessary | The cost depends of the kind of expert<br><br>Average fee is around € 1000 |

| Case Study | Lawyer                         |  | Bailiff  |   |   | Expert   |  |
|------------|--------------------------------|--|--|---|---|--|--|
|            | Is representation compulsory ? | Average costs  | Is representation compulsory ?   | Pre-judgment costs  | Post-judgment costs   | Is use compulsory ?  | Cost   |
| Case B     | Yes                            | €333 for plaintiff and €198 for the defendant (minimum statutory fees). Average cost € 1500 for plaintiff and € 1000 for the defendant | Yes because the lawsuit must be officially served with the father. Also the decision (if is a favourite one) must also be served | Service of lawsuit through the Public Prosecutor approx. €30-50 | Service of judgment through the Public Prosecutor approx. € 30-50 | No but the Court may appoint an expert by accepting the relevant request of a litigant party or by itself if it deems it necessary | The cost depends of the kind of expert<br><br>Average fee is around € 1000 |

| Case   | Witness compensation   |                    | Pledge or security  |  | Other fees   |                                    |
|--------|--|--------------------|---|--|--|------------------------------------|
|        | Are witnesses compensated ?  | Cost               | Does this exist and when and how is it used ?   | Cost   | Description  | Cost                               |
| Case A | No but if is possible for the witness in order to accept to come and testify to ask the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit.   | Average cost € 150 | In case of urgency or for the avoidance of imminent danger, security measures proceedings may be instituted | €333 for plaintiff and €198 for the defendant (minimum fees)<br>Average cost 1500 for the plaintiff and 1000 for the defendant | Notarial power of attorney by which authority is granted to the lawyer to represent the client at the trial  | Approx. € 30-60 for each litigant. |
| Case B | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or for the avoidance of imminent danger, security measures proceedings may be instituted | €333 for plaintiff and €198 for the defendant (minimum fees)<br>Average cost 1500 for the plaintiff and 1000 for the defendant | Notarial power of attorney tby which authority is granted to the lawyer to represent the client at the trial | Approx. € 30-60 for each litigant. |

| Case   | Legal Aid  |   |  | Reimbursement   |   |   |  |
|--------|--|---|--|---|---|---|--|
|        | When and under which conditions is it applicable?  | When is support total ?                               | Conditions ?   | Can the winning party obtain reimbursement of litigation costs? | If reimbursement is not total what is percentage in general ?                         | What costs are never reimbursed?  | Are there instances when legal aid should be reimbursed to the legal aid organisation ?                                      |
| Case A | Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without limiting the means necessary for the maintenance of that party and his or her family, provided the action is not found to be manifestly unjustified or inadvisable. Applications have to be made to the magistrate judge or to the judge of the first instance court or to the president of the Court before which it is to be brought or is the case pending and in matters unrelated to a trial the application is made to the local magistrate of the applicant's place of residence. The application should summarise the subject-matter of the proceedings, the evidence that will be produced in the main action, and | Depending on the financial situation of the applicant | The applicant has to attach to his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) . | YES   | In a case like this the court will award reimbursement in the region of € 250 to 500. | The costs related with the fees of lawyers, notaries, bailiffs, which exceed the minimum fees defined by law or by ministerial decision | The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary). |

| Case   | Translation   |  | <i>Interpretation</i>                             |  | Other costs specific to cross-border disputes ?  |   |
|--------|---|--|---|--|--|---|
|        | When and under which conditions is it necessary ?   | Approximative cost ?   | When and under which conditions is it necessary?  | Approximative cost ?                                   | Description  | Approximative cost?   |
| Case A | It is necessary if a document produced is not written in the Greek language.  | Depends on the type of the document, its length (number of pages) and urgency in which it is required. Approximate cost € 150  | If the witness does not speak the Greek language  | Free lancer interpreters charge approx. € 350 per day. | -  | -   |
| Case B | The decision of State B must be produced before the Court officially translated into the language of State A. Also if other documents that are drafted in the language of State B need to be produced before the Court then such documents must also be officially translated into the language of State A. | The Translations Office of the Ministry of Foreign Affairs has divided all sorts of documents into four categories. The fee of the translation depends on the category in which the document falls in, on the number of pages and the urgency element.<br><br>Between €14 and €20,00 per page for the judgment. Approximate cost € 200 | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | The lawsuit must be translated in the official language of State B in order to avoid any denying of the father to accept its service (see art. 5 of EC REG1348/2000) | The Translations Office of the Ministry of Foreign Affairs has divided all sorts of documents into four categories. The fee of the translation depends on the category in which the document falls in, on the number of pages and the urgency element.<br><br>Between €8,50 and €12,00 per page. Approximate cost € 180 |

### 12.3. Case Study number 3 - Family law - Alimony

In the following Case Study please advise the suing party on litigation costs by completing the table below.

**Case A - National situation:** Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

**Case B - Transnational situation where you are a lawyer in Member State A:** Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A<sup>7</sup>.

NOTES: Two ways exists for the legal confrontation of both cases, the one by using the special matrimonial proceedings provided by article 681B of Greek Code of Civil Procedure and the other by using the security measures proceedings provided by articles 731 and next of Greek Code of Civil Procedure. Specifically, when there is an urgency or imminent danger element, provisional and precautionary measures may be sought from the single judge court of first instance with territorial jurisdiction: once an application has been lodged at the court's secretariat, a trial date is set, and there is a short deadline for the serving of the application to the

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<sup>7</sup> NB Article 5 of COUNCIL REGULATION (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters provides that: "in matters relating to maintenance, in the courts for the place where the maintenance creditor is domiciled or habitually resident or, if the matter is ancillary to proceedings concerning the status of a person, in the court which, according to its own law, has jurisdiction to entertain those proceedings, unless that jurisdiction is based solely on the nationality of one of the parties"



respondent who can be also summoned by phone or by telegram; at the hearing or by a deadline set by the court, papers are submitted setting out the parties' claims, with the relevant documents, witnesses are examined in open court, and the court delivers its ruling in a short period of time on the balance of probabilities. Any counterclaim is examined orally during the hearing. We are quoting the first way of confrontation assuming that in both case studies (and mainly in case B) there is no urgency or imminent danger to take security measures for fixing provisionally the amount of the alimony

Case n° 3

| Case Study | Court   |   |   |   | Appeals   |   |  | ADR  |       |
|------------|---|---|---|---|---|---|--|--|-------|
|            |   | Initial court fees  | Transcription fees  | Other fees  | Initial court fees  | Transcription fees  | Other fees   | Is this option open for this type of case? | Costs |
| Case A     | Stamps on the lawsuit and on the copies thereof and registration with the docket<br>€ 12,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | A fixed amount of € 150 has to be paid by the plaintiff to the defendant prior to the hearing of the case.<br><br>Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €5,00 for all necessary writs. | Stamps on the appeal writ and on the copies thereof and registration with the docket<br>€ 25,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once   | No because according to the law this case may be resolved only by a Court decision | n/a  |       |
| Case B     | Stamps on the lawsuit and on the copies thereof and registration with the docket<br>€ 12,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | A fixed amount of € 150 has to be paid by the plaintiff to the defendant prior to the hearing of the case.<br><br>Photocopying cost is between €0,10 and €0,20 per page.<br><br>In average €5,00 for all necessary writs. | Stamps in the appeal and in the copies thereof and registration with the docket<br>€ 25,00      | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | € 1,00 approximately for photocopying the decision and the hearing minutes once<br><br>Contributions for the lawyers club and for the lawyers social security funds<br>€ 50 | No because according to the law this case may be resolved only by a Court decision | n/a  |       |

| Case Study | Lawyer |   |  |                                   | Bailiff                             |  |  | Expert | Cost |
|------------|--------|---|--|-----------------------------------|-------------------------------------|--|--|--------|------|
|            |        | Is representation compulsory ?  | Average costs  | Is representation compulsory ?    |                                     | Pre-judgment costs   | Post-judgment costs  |        |      |
| Case A     | Yes    | €333 for plaintiff and €198 for the defendant (minimum fees).<br>Average fees € 1500 for the Plaintiff and 1000 for the Defendant | Yes because the lawsuit must be officially served with the father. Also the decision (if a favourite one) must also be served to the defeated party. | Service of lawsuit approx. €30-50 | Service of judgment approx. € 30-50 | No but the Court may appoint an expert by accepting the relevant request of a litigant party or by itself if it deems it necessary | The cost depends of the kind of expert<br><br>Average fee is around € 1000 |        |      |
| Case B     | Yes    | €333 for plaintiff and  | Yes because the lawsuit must be  | Service of lawsuit                | Service of judgment                 | No but the Court may   | The cost depends   |        |      |

|  |  |  |  |  |   |   |   |
|--|--|--|--|--|---|---|---|
|  |  | €198 for the defendant minimum fees). Average fees € 1500 for the Plaintiff and 1000 for the Defendant | officially served with the father. Also the decision (if a favourite one) must also be served to the defeated party. | through the Public Prosecutor approx. €30-50 | through the Public Prosecutor approx. € 30-50 | appoint an expert by accepting the relevant request of a litigant party or by itself if it deems it necessary | of the kind of expert<br><br>Average fee is around € 1000 |
|--|--|--|--|--|---|---|---|

| Case   | Witness compensation   |                    | Pledge or security  |  | Other fees  |                                    |
|--------|--|--------------------|---|--|---|------------------------------------|
|        | Are witnesses compensated ?  | Cost               | Does this exist and when and how is it used ?   | Cost   | Description   | Cost                               |
| Case A | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or for the avoidance of imminent danger, security measures proceedings may be instituted | €333 for plaintiff and €198 for the defendant (minimum fees). Average cost 1500 for the plaintiff and 1000 for the defendant | Notarial power of attorney by which authority is granted to the lawyer to represent the client at the trial | Approx. € 30 -60 for each litigant |
| Case B | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or for the avoidance of imminent danger, security measures proceedings may be instituted | €333 for plaintiff and €198 for the defendant(minimum fees). Average cost 1500 for the plaintiff and 1000 for the defendant  | Notarial power of attorney by which authority is granted to represent the client at the trial               | Approx. € 30 -60 for each litigant |

| Case   | Legal Aid   |   | Conditions ?   | Reimbursement |   | What costs are never reimbursed?  | Are there instances when legal aid should be reimbursed to the legal aid organisation ?                                      |
|--------|---|---|--|---------------|---|---|--|
| Case A | <p>Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without limiting the means necessary for the maintenance of that party and his or her family, provided the action is not found to be manifestly unjustified or inadvisable. Applications have to be made to the magistrate judge or to the judge of the first instance court or to the president of the Court before which it is to be brought or is the case pending and in matters unrelated to a trial the application is made to the local magistrate of the applicant's place of residence. The application should summarise the subject-matter of the proceedings, the evidence that will be produced in the main action, and</p> | Depending on the financial situation of the applicant | The applicant has to attach on his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) . | YES           | In a case like this the court will award reimbursement in the region of € 250 to 500. Of course the reimbursement depends on the amount of the alimony. | The costs related with the fees of lawyers, notaries, bailiffs, which exceed the minimum fees defined by law or by ministerial decision | The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary). |



| Case   | Translation   |   | <i>Interpretation</i>                             |  | Other costs specific to cross-border disputes ?  |  |
|--------|---|---|---|--|--|--|
|        | When and under which conditions is it necessary ?   | Approximative cost ?  | When and under which conditions is it necessary?  | Approximative cost ?                                   | Description  | Approximative cost?  |
| Case A | It is necessary if a document produced is not written in the Greek language.  | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Approximate cost € 150  | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | -  | -  |
| Case B | The decision of State B must be produced before the Court officially translated into the language of State A. Also if other documents that are drafted in the language of State B need to be produced before the Court then such documents must also be officially translated into the language of State A. | It depends on the language of the documents of State B to be translated into the language of State A as well as of the volume of such documents.<br><br>Approximately € 150-300 | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | The lawsuit must be translated in the official language of State B in order to avoid any denying of the father to accept its service (see art. 5 of EC REG1348/2000) | The Translations Office of the Ministry of Foreign Affairs has divided all sorts of documents into four categories. The fee of the translation depends on the category in which the document falls in, on the number of pages and the urgency element.<br><br>Between €8,50 and €12,00 per page.<br>Approximate cost € 180 |

## 12.4. Case Study number 4 - Commercial law - Contract

In the following Case Study please advise the seller on litigation costs by completing the table below.

**Case A - National situation:** A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else.

The seller decides to sue to obtain the full payment of the price.

**Case B - Transnational situation:** A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller believes that the goods conform to what was agreed and asks for payment in full because he asserts that the goods were purpose made and he will not be able to sell them to someone else. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

**NOTES:** In case B we assume that we are lawyers in Member State A. Furthermore, since the Plaintiff is a company the provisions for legal aid do not apply in both cases. Finally in both cases, jurisdiction lies with the Single Member First Instance Court due to the amount of the claim (i.e. € 20.000).

TABLES TO COMPLETE IN ANSWERING EACH CASE STUDY

Case n° 4

| Case Study | Court   |  |  | Appeals   |  |  | ADR  |       |
|------------|---|--|--|---|--|--|--|-------|
|            | Initial court fees  | Transcription fees                               | Other fees   | Initial court fees                                      | Transcription fees                                       | Other fees   | Is this option open for this type of case? | Costs |
| Case A     | Stamps on the lawsuit and on the copies thereof and registratio | € 0,5 for each copy of the issued decision and € | Court stamp duty which is calculated over the sum of € 20.000 and is equal to €131,46. | Stamps in the appeal writ and in the copies thereof and | € 0,5 for each copy of the issued decision and € 0,5 for | € 2,00 approximately for photocopying the decision and the hearing | No because according to the law this       | n/a   |

| Cas e Study | Court  |   |   | Appeal s   |   |  | ADR  |       |
|-------------|--|---|---|--|---|--|--|-------|
|             | Initial court fees   | Transcription fees  | Other fees  | Initial court fees   | Transcription fees  | Other fees   | Is this option open for this type of case?   | Costs |
|             | n with the docket € 12,00  | 0,5 for each set of minutes of the hearing  | <p>This amount includes contributions to the Lawyers Fund and the Lawyers Social Welfare Fund.</p> <p>In case of no appeal, the plaintiff has to pay in addition €480 for the issuance of the executory engrossment.</p> <p>This amount is paid partially if the final judgment is partially enforceable.</p> <p>Photocopying cost is between €0,10 and €0,20 per page. In average €5,00 for all necessary writs.</p> | registration with the docket € 25,00   | each set of minutes of the hearing  | <p>minutes once</p> <p>After issuance of the final and irrevocable judgment the plaintiff has to pay in addition €480 for the issuance of the executory engrossment</p>  | case may be resolved only by a Court decision                                      |       |
| Cas e B     | Stamps on the lawsuit and on the copies thereof and registration with the docket € 12,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | <p>Court stamp duty which is calculated over the sum of € 20.000 and is equal to €131,46.</p> <p>This amount includes contributions to the Lawyers Fund and the Lawyers Social Welfare Fund.</p> <p>In case of no appeal, the plaintiff has</p>   | Stamps in the lawsuit and in the copies thereof and registration with the docket € 25,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | <p>€ 2,00 approximately for photocopying the decision and the hearing minutes once</p> <p>After issuance of the final and irrevocable judgment the plaintiff has to pay in addition €480 for the issuance of</p> | No because according to the law this case may be resolved only by a Court decision | n/a   |



| Cas<br>e<br>Stud<br>y | Court                 |                           |   | Appeal<br>s           |                        |                                 | ADR  |           |
|-----------------------|-----------------------|---------------------------|---|-----------------------|------------------------|---------------------------------|--|-----------|
|                       | Initial court<br>fees | Transcri<br>ption<br>fees | Other fees  | Initial court<br>fees | Transcrip<br>tion fees | Other fees                      | Is this<br>option<br>open fo<br>r this<br>type of<br>case? | Cost<br>s |
|                       |                       |                           | to pay in<br>addition €480<br>for the<br>issuance of<br>the executory<br>engrossment.<br><br>This amount is<br>paid partially<br>if the final<br>judgment is<br>partially<br>enforceable.<br>€ 2,00<br>approximately<br>for<br>photocopying<br>the decision<br>and the<br>hearing<br>minutes once |                       |                        | the<br>executory<br>engrossment |  |           |

| Case Study | Lawyer                         |   | Bailiff  |                                       |  | Expert   |  |
|------------|--------------------------------|---|--|---------------------------------------|--|--|--|
|            | Is representation compulsory ? | Average costs   | Is representation compulsory ?   | Pre-judgment costs                    | Post-judgment costs                    | Is use compulsory ?  | Cost   |
| Case A     | Yes                            | € 327 for plaintiff and €260 for the defendant (minimum cost)<br>Average cost € 1800 for the Plaintiff and € 1200 for the defendant | Yes because the lawsuit must be officially served with the seller<br>Also the decision (if is a favourite one) must also be served | For service of lawsuit between €30-50 | For service of decision between €30-50 | No but the Court may appoint an expert from its registries by accepting the relevant request of a litigant party or by itself if it deems it necessary.<br><br>Furthermore the Plaintiff may conduct by itself a survey prior to the hearing by appointing the expert of his choice. | The cost depends of the nature of expertise required.<br><br>Average cost is approx. € 1.000 |
| Case B     | Yes                            | € 327 for plaintiff and €260 for the defendant (minimum cost)<br>Average cost € 2000 for the Plaintiff and € 1300 for the defendant | Yes because the lawsuit must be officially served with the seller<br>Also the decision (if is a favourite one) must also be served | For service of lawsuit between €30-50 | For service of decision between €30-50 | No but the Court may appoint an expert from its registries by accepting the relevant request of a litigant party or by itself if it deems it necessary.<br><br>Furthermore the Plaintiff may conduct by itself a survey prior to the hearing by appointing the expert of his choice. | The cost depends of the nature of expertise required.<br><br>Average cost is approx. € 1.000 |

| Case   | Witness compensation   |                    | Pledge or security   |  | Other fees  |      |
|--------|--|--------------------|--|--|-------------|------|
|        | Are witnesses compensated ?  | Cost               | Does this exist and when and how is it used ?  | Cost   | Description | Cost |
| Case A | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or imminent danger, provisional and precautionary measures may be sought from the Single Member Court of First Instance aiming at the conservative seizure of the Defendant's assets up to an amount of capital due plus interest plus judicial cost. | This procedure entails various costs such as Court Fees, Bailiff fees, Lawyers Fees, possibly translation fees etc. Average total cost € 2.200 for Plaintiff and € 1.500 for the defendant | n/a         | n/a  |
| Case B | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or imminent danger, provisional and precautionary measures may be sought from the Single Member Court of First Instance aiming at the conservative seizure of the Defendant's assets up to an amount of capital due plus interest plus judicial cost. | This procedure entails various costs such as Court Fees, Bailiff fees, Lawyers Fees, possibly translation fees etc. Average total cost € 3.300 for Plaintiff and € 1.800 for the defendant |             |      |

| Case   | Legal Aid   |                         |              | Reimbursement   |   |  |  |
|--------|---|-------------------------|--------------|---|---|--|--|
|        | When and under which conditions is it applicable? | When is support total ? | Conditions ? | Can the winning party obtain reimbursement of litigation costs? | If reimbursement is not total what is percentage in general ? | What costs are never reimbursed?   | Are there instances when legal aid should be reimbursed to the legal aid organisation ?                                      |
| Case A | N/A to legal entities                             | n/a                     | n/a          | Yes, partially  | Approximately 2% of the amount of the claim.                  | The costs related with the fees of lawyers, notaries, bailiffs, which exceeds the statutory minimum defined by law or by ministerial decision. | The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary). |
| Case B | N/A to legal entities                             | n/a                     | n/a          | Yes, partially  | Approximately 2% of the amount of the claim.                  | Same as above  | The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary). |

| Case   | Translation  |  | Interpretation                                    |  | Other costs specific to cross-border disputes ?  |  |
|--------|--|--|---|--|--|--|
|        | When and under which conditions is it necessary ?  | Approximative cost ?   | When and under which conditions is it necessary?  | Approximative cost ?                                   | Description  | Approximative cost?  |
| Case A | It is necessary if a document produced is not written in the Greek language.   | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br>Approximate cost € 100   | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | n/a  | n/a  |
| Case B | All documents that will be filed with the Court will have to be translated in the language of Member State A.<br><br>Indicatively, the contract of sale, the provisions of State B's law applying in the above contract, the invoices of the goods and all other relevant documentation. | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Between €8,50 and €20,00 per page.<br><br>Approximate cost € 750 | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | The lawsuit must be translated in the official language of State A in order to avoid any denying of the seller to accept its service (see art. 5 of EC REG1348/2000)<br><br>The Court has the right to issue an <i>interim</i> decision ordering the production of a legal opinion by the Institute of International and Foreign Law in respect to State B's law that applies in the case. | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Between €14,00 and €20,00 per page.<br>Approximate cost € 250<br>The fee of the Institute of International and Foreign Law is paid by the litigant who has an interest to obtain such opinion and on average is approx. €2500-3000 |

## 12.5. Case Study number 5 - Commercial law - Responsibility

In the following Case Study please advise the customer on litigation costs by completing the table below.

**Case A - National situation:** A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

**Case B - Transnational situation:** A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

**NOTES:** In both cases a customer - consumer has a product liability claim against the manufacturer and the installer of the heating equipment as well as against his insurer. Pursuant to Greek Law of Civil Procedure, the customer has to initiate the following proceedings: (i) file a direct lawsuit against the manufacturer, the installer and the customer's insurer, (ii) file an indirect lawsuit against the insurer of the manufacturer and (iii) file an indirect lawsuit against the insurer of the installer. This is so because according to the Greek Law the insurer of the manufacturer and of the installer can not be directly held liable towards the customer since their obligation is to compensate the manufacturer and the installer not their customer.

Therefore, only if the manufacturer and the installer omit to exercise their rights against their insurers, arising out of their relevant insurance policies, the customer has a right to claim 'indirectly' by the said insurers the sum they have to pay to the manufacturer and to the installer. Such omission is deemed to be starting by the time that the customer firstly serves against the manufacturer and the installer his (direct) lawsuit.

In case B we assume that we are lawyers in Member State A. Moreover, we will assume that the amount of the claim falls within the jurisdiction of the Multi Member First Instance Court in order to provide our answers. According to the Greek judicial system, claims of a financial nature fall within the jurisdiction of the Magistrates Court if the amount of the claim is between € 1 and 12.000, within the jurisdiction of the Single Member Court of First Instance if the amount of the claim is between €12.001 and 80.000 and if it exceeds the amount of Euro 80.001 it falls within the jurisdiction of the Multi Member First Instance Court.

As this case study does not provide the amount of the claim (and the answers depend on this issue), we will assume that the plaintiff is suing for € 100.000 and thus falls within the jurisdiction of the Multi Member First Instance Court.

Finally, as explained above since the customer wants to sue besides the heating equipment manufacturer and the heating equipment installer, the insurance companies as well, he will have to file three different lawsuits. One lawsuit will be addressed against the heating equipment manufacturer, the heating equipment installer and his own insurer, the second will be addressed against the insurer of the manufacturer (indirectly) and the third will be addressed against the insurer of the installer.

Based on these assumptions the answer below have as follows:

Case n° 5

| Case Study | Court  |   |  | Appeals  |   |  | ADR  |       |
|------------|--|---|--|--|---|--|--|-------|
|            | Initial court fees   | Transcription fees  | Other fees   | Initial court fees   | Transcription fees  | Other fees   | Is this option open for this type of case?   | Costs |
| Case A     | Stamps on the lawsuits and on the copies thereof and registration with the dockets € 36,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | <p>Court stamp duty which is calculated over the sum of € 100.000 and is equal to € 657,28</p> <p>This amount includes contributions to the Lawyers Fund and the Lawyers Social Welfare Fund.</p> <p>In case of no appeal, the plaintiff has to pay in addition €3.600 for the issuance of the executory engrossment.</p> <p>This amount is paid partially if the final judgment is partially enforceable.</p> <p>Photocopying cost is between €0,10 and €0,20 per page. In average €5,00 for all necessary writs.</p> | Stamps in the lawsuit and in the copies thereof and registration with the docket € 72,00 | € 0,5 for each copy of the issued decision and € 0,5 for each set of minutes of the hearing | Upon issuance of a final and irrevocable decision the plaintiff has to pay in addition €3.600 for the issuance of the executory engrossment. | The customer is able to seek help from the «Consumer's Ombudsman». Such authority tries to reach an amicable settlement between the parties and in the affirmative settlement minutes are drafted. | Nil   |
| Case B     | Stamps on the lawsuits and on the copies thereof and registration with the dockets         | € 0,5 for each copy of the issued decision and € 0,5  | <p>Court stamp duty which is calculated over the sum of € 100.000 and is equal to € 657,28</p> <p>This amount includes</p>   | Stamps in the lawsuit and in the copies thereof and registration with the docket         | € 0,5 for each copy of the issued decision and € 0,5 for each                               | Upon issuance of a final and irrevocable decision the plaintiff has to pay in addition €3.600 for the issuance                               | The customer is able to seek help from a public authority called European Consumer Center (ECC). Legal and   | Nil   |



| Cas e Study | Court              |  |   | Appeal s           |                               |   | ADR   |       |
|-------------|--------------------|--|---|--------------------|-------------------------------|---|---|-------|
|             | Initial court fees | Transcription fees                     | Other fees  | Initial court fees | Transcription fees            | Other fees  | Is this option open for this type of case?  | Costs |
|             | € 36,00            | for each set of minutes of the hearing | <p>contributions to the Lawyers Fund and the Lawyers Social Welfare Fund.</p> <p>In case of no appeal, the plaintiff has to pay in addition €3.600 for the issuance of the executory engrossment.</p> <p>This amount is paid partially if the final judgment is partially enforceable.</p> <p>€ 5,00 approximately for photocopying the decision and the hearing minutes once</p> | € 72,00            | set of minutes of the hearing | <p>of the executory engrossment.</p> <p>€ 5,00 approximately for photocopying the decision and the hearing minutes once</p> | <p>Consumer advisers of ECC Greece assist consumers in lodging complaints against companies in relation to cross border transactions. The Centre informs consumers on their rights and liabilities according to the applicable consumer protection law. When necessary, ECC Greece assists consumers with a complaint by contacting an E.U. company on their behalf through the network's centres. If a consumer case cannot be resolved through the ECC Net, ECC Greece provides information to consumers on Alternative Dispute Resolution Bodies (ADR), systems, as well as their advantages and disadvantages</p> |       |

| Case Study | Lawyer                         |  | Bailiff   |  |   | Expert  |   |
|------------|--------------------------------|--|---|--|---|---|---|
|            | Is representation compulsory ? | Average costs  | Is representation compulsory ?  | Pre-judgment costs   | Post-judgment costs   | Is use compulsory ?   | Cost  |
| Case A     | Yes                            | <p>€ 493 for plaintiff<br/>€ 363 for defendant</p> <p>Average cost € 5.000 for the Plaintiff and € 3.000 for the defendant</p> | Yes because the lawsuit must be officially served with all litigant parties Also the decision (if is a favourite one) must also be served | For service of lawsuit approx. € 30-50 for each service realized. In this instance there are five defendants hence, between €150-250 | For service of decision approx. € 30-50 for each service realized. In this instance there are five defendants hence, between €150-250 | <p>No but the Court may appoint an expert from its registries by accepting the relevant request of a litigant party or by itself if it deems it necessary.</p> <p>Furthermore the Plaintiff may conduct by itself a survey prior to the hearing by appointing the expert of his choice.</p> | <p>The cost depends of the nature of the expertise</p> <p>Average fees about € 2500</p> |
| Case B     | Yes                            | <p>€ 493 for plaintiff<br/>€ 363 for defendant</p> <p>Average cost € 7.000 for the Plaintiff and € 5.000 for the defendant</p> | Yes because the lawsuit must be officially served with all litigant parties Also the decision (if is a favourite one) must also be served | For service of lawsuit approx. € 30-50 for each service realized. In this instance there are five defendants hence, between €150-250 | For service of decision approx. € 30-50 for each service realized. In this instance there are five defendants hence, between €150-250 | <p>No but the Court may appoint an expert from its registries by accepting the relevant request of a litigant party or by itself if it deems it necessary.</p> <p>Furthermore the Plaintiff may conduct by itself a survey prior to the hearing by appointing the expert of his choice.</p> | <p>The cost depends of the nature of the expertise</p> <p>Average fees about € 2500</p> |

| Case   | Witness compensation   |                    | Pledge or security   |  | Other fees  |      |
|--------|--|--------------------|--|--|-------------|------|
|        | Are witnesses compensated ?  | Cost               | Does this exist and when and how is it used ?  | Cost   | Description | Cost |
| Case A | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or imminent danger, provisional and precautionary measures may be sought from the Single Member Court of First Instance aiming at the conservative seizure of the Defendant's assets up to an amount of capital due plus interest plus judicial cost. | This procedure entails various costs such as Court Fees, Bailiff fees, Lawyers Fees, possibly translation fees etc. Average cost € 4.000 for the Plaintiff and € 2.000 for the defendant | n/a         | n/a  |
| Case B | No but if is possible for the witness in order to accept to come and testify to ask by the Plaintiff to pay his transition and accommodation expenses as well as any incurred loss of profit | Average cost € 150 | In case of urgency or imminent danger, provisional and precautionary measures may be sought from the Single Member Court of First Instance aiming at the conservative seizure of the Defendant's assets up to an amount of capital due plus interest plus judicial cost. | This procedure entails various costs such as Court Fees, Bailiff fees, Lawyers Fees, possibly translation fees etc. Average cost € 5.000 for the Plaintiff and € 3.000 for the defendant |             |      |

| Case   | Legal Aid   |   |  | Reimbursement   |   |   |   |
|--------|---|---|--|---|---|---|---|
|        | When and under which conditions is it applicable?   | When is support total ?                               | Conditions ?   | Can the winning party obtain reimbursement of litigation costs? | If reimbursement is not total what is percentage in general ? | What costs are never reimbursed?  | Are there instances when legal aid should be reimbursed to the legal aid organisation ?                                     |
| Case A | <p>Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without limiting the means necessary for the maintenance of that party and his or her family, provided the action is not found to be manifestly unjustified or inadvisable.</p> <p>Applications have to be made to the magistrate judge or to the judge of the first instance court or to the president of the Court before which it is to be brought or is the case pending and in matters unrelated to a trial the application is made to the local magistrate of the applicant's place of residence.</p> <p>The application should summarise the subject-matter of the proceedings, the evidence that will be produced in the main action, and the evidence confirming that the conditions for legal aid are met</p> | Depending on the financial situation of the plaintiff | The applicant has to attach to his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) . | YES   | Approximately 2% of the amount claimed                        | The costs related with the fees of lawyers, notaries, bailiffs, which exceeds the statutory minimum defined by law or by ministerial decision | The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary) |



|                      |   |  |   |            |   |  |  |
|----------------------|---|--|---|------------|---|--|--|
| <p><b>Case B</b></p> | <p>Yes, on certain conditions. In particular, legal aid is available if it is shown that a party cannot afford to pay for the expenses of the trial without limiting the means necessary for the maintenance of that party and his or her family, provided the action is not found to be manifestly unjustified or inadvisable. Applications have to be made to the magistrate judge or to the judge of the first instance court or to the president of the Court before which it is to be brought or is the case pending and in matters unrelated to a trial the application is made to the local magistrate of the applicant's place of residence. The application should summarise the subject-matter of the proceedings, the evidence that will be produced in the main action, and the evidence confirming that the conditions for legal aid are met</p> | <p>Depending on the financial situation of the plaintiff</p> | <p>The applicant has to attach to his application all necessary documents showing his financial situation (i.e. certificates by the tax authorities, certificates by Social Welfare services) .</p> | <p>YES</p> | <p>Approximately 2% of the amount claimed</p> | <p>The costs related with the fees of lawyers, notaries, bailiffs, which exceeds the statutory minimum defined by law or by ministerial decision</p> | <p>The Greek State is entitled to receive any adjudicated judicial cost by the losing party (not by the legal aid beneficiary)</p> |
|----------------------|---|--|---|------------|---|--|--|

| Case   | Translation  |  | Interpretation                                    |  | Other costs specific to cross-border disputes ?  |  |
|--------|--|--|---|--|--|--|
|        | When and under which conditions is it necessary ?  | Approximative cost ?   | When and under which conditions is it necessary?  | Approximative cost ?                                   | Description  | Approximative cost?  |
| Case A | It is necessary if a document produced is not written in the Greek language.   | Depends on the type of the document, its length (number of pages) and urgency in which it is required. Approximative cost € 50   | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. |  |  |
| Case B | All documents that will be filed with the Court will have to be translated in the language of Member State A.<br><br>Indicatively, the contract of sale, the provisions of State B's law applying in the above contract, the invoices of the goods and all other relevant documentation. | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Between €8,50 and €20,00 per page.<br><br>Approximative cost € 850 | If the witness does not speak the Greek language. | Free lancer interpreters charge approx. € 350 per day. | The lawsuit must be translated in the official language of State A in order to avoid any denying of the seller to accept its service (see art. 5 of EC REG1348/2000)<br><br>The Court has the right to issue an <i>interim</i> decision ordering the production of a legal opinion by the Institute of International and Foreign Law in respect to State B's law that applies in the case. | Depends on the type of the document, its length (number of pages) and urgency in which it is required.<br><br>Between €14,00 and €20,00 per page.<br>Approximative cost € 200<br>The fee of the Institute of International and Foreign Law is paid by the litigant who has an interest to obtain such opinion and on average is approx. €2500-3000 |

## 13. Insurance

Are there insurances to cover the risks of litigation in civil proceedings?

Most Greek and foreign Insurance companies active in Greece, cover the risks of litigation in civil proceedings. This was in the past particularly the case with road and car accidents but nowadays all sorts of risks (such as credit risk, malpractice, civil liability etc) are coverable. Such insurance product is however, mainly targeted towards corporate clients rather than physical persons.

What are the average costs of these insurances?

This is unknown to us and depends on the kind of service offered or product sold by the corporate customer or in general by the sector in which it operates and the risk exposure that it faces.

Would such insurances work in cross-border disputes (intra EU)?

This depends on the type of insurance coverage chosen the client. If it chooses a scheme that covers cross-border disputes then the premium will certainly be affected upwards.

Is the insurance premium more expensive to cover cross-border disputes?

Of course.

What part of the costs do these insurances usually cover?

Everything, including lawyers fees, court fees, expenses (bailiff fees, expert fees etc), although this again depends on the insurance agreement made between the insured and the insurance company.