Service by Electronic Means and Operation of Civil and Administrative Courts from 01.06.2020

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& PARTNERS

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Having successfully contained the spread of the first wave of the virus by early imposition of a general lockdown, the Greek government is now commencing the effort to resume economic activity in all sectors in a safe and efficient manner. As the need to span the lost time has dramatically increased, the pace of technological change is sweeping boldly across businesses and society in Greece.

1. Service by Electronic Means (Article 67 of Law 4689/2020)

In the above context, article 67 of Law 4689/2020 has established the *Service by Electronic Means*. More specifically, the service of a document may be conducted by a certified court enforcement officer. The service is deemed to be concluded only upon receival of the electronic receipt. This receipt will be included to the reported that will be prepared by the court enforcement officer and will be considered as null and void if the receipt is not sent to the conductor of the service.

If a legal entity is willing to send or receive documents through electronic means, it shall declare an electronic address to the General Secretariat for Information Systems of Public Administration (GSIS) by entering the credentials that it uses to login to TaxisNet. As regards foreign legal entities and individuals, an application is also submitted to the aforementioned central database.

In the event of a service addressed to the public administration, a financial institution, an insurance company, a payment institution or an e-money shop, it will be conducted to the competent decentralized department. In case such a department does not exist, the service will take place at the legal entity's registered seat. For this reason, legal representatives of legal entities shall declare their electronic address to the GSIS database, as well as the name of the legal representative to whom the document will be served. In order for the declaration of the electronic address to be concluded, a report shall be drafted, which will be subsequently signed by an employee of the secretary of the Court of First Instance and the person that is applying.

It is highlighted that, in cases that a service by electronic means take place, the judicial deadlines are extended by (1) one day. Lastly, as regards to the service to the authorized attorney, this can be conducted via the e-mail stated by the attorney in the lawsuit filed.

2. Measures regarding the operation of Civil and Administrative Courts and the Court of Auditors from 01.06.2020 until 15.09.2020 (issue of the relevant law is expected)

Following the announcement of the Minister of Justice that Civil and Administrative Courts will resume their full operation on 01.06.2020 and after the general suspension that has been imposed from 13.03.2020 until 31.05.2020, certain clarifications and rules were issued, in order to mitigate any discrepancies disrupting their normal activity, which are applicable from 01.06.2020 until 15.09.2020. In addition, it is highlighted that summer holidays for Courts' activities will be limited between the 16th of July until the 31st of August; Courts will resume normal operation on the 1st of September.

Civil Courts

- The time interval between the general suspension imposed from 13.03.2020 until 31.05.2020 is not to be taken into consideration in the legal and judicial periods for the conduct of procedural and extrajudicial acts. Subsequently, starting from 01.06.2020 these periods will continue to count from the date they stopped, i.e. from 13.03.2020.
- Periods regarding the submission of briefs (*προτάσεις*), evidence (*αποδεικτικά έγγραφα*), judicial interventions (*παρεμβάσεις*), third-party proceedings (*τριτανακοπές*) and counterclaims (*ανταγωγές*) (articles 237 and 238 of the Code of Civil Procedure), as well as periods for lodging an objection against enforcement proceedings (*ανακοπή*), appeals and additional grounds are not concluded if no more than (30) days have elapsed since their expiration.
- In case of cancellation of the hearing of a case at any instance (*βαθμό δικαιοδοσίας*) of jurisdiction during the period between 13.03.2020 and 01.06.2020, the case shall be set for hearing between 01.07.2020 and 15.07.2020 or 01.09.2020 and 15.09.2020.

- In case the provisions of 237 and 238 of the Greek Code of Civil Procedure apply, the parties are entitled to request a deferral without the limitation of article 241 of the Greek Code of Civil Procedure. It is also noted that in these cases, if the parties do not wish to examine witnesses, they may state so to the secretary of the competent court via e-mail.
- Periods of notice due (*προθεσμίες κλήτευσης που λήγουν*) within the suspension period will lead to the postponement of the hearing of the case, given that the parties have submitted a corresponding request.
- Provisional Orders that were due within the suspension period are valid until the date of the hearing.
- Auctions of movable and immovable properties scheduled to be conducted between 01.06.2020 and 31.07.2020 are cancelled. Following the initiative of the creditor, who wishes to commence enforcement proceedings a new date of auction may be set after the 31st of July 2020. Within these (30) days, starting from 01.06.2020 until 31.07.2020, the creditor shall set a new date for the auctions that were postponed. If the creditor that is entitled to commence enforcement proceedings does not set a date within this 30-day period, then every creditor will be entitled to initiate enforcement proceedings, if it has claims against the debtor. It is highlighted, that the suspension period regarding the operation of courts (from 13.03.2020 to 31.05.2020) is not added to the calculations of the periods regarding enforcement proceedings.

Administrative Courts and Court of Auditors

In case of cancellation of a case during the suspension period between 13.03.2020 and 31.05.2020, a new date is set without a new notice to the parties taking place. The parties can be informed either from the web page of the competent court or from the court registries. The announcement of the new date will be available at least (15) days before the hearing of the case.

3. Resumption of Operation of Land Registries and Cadastral Offices (Joint Ministerial Decision 1587/25.04.2020 and Joint Ministerial Decision 1848/14.05.2020)

The operation of the Land Registries and Cadastral Offices in Athens has resumed since 28.04.2020, and will normally continue their activity until 31.05.2020, pursuant to the Joint Ministerial Decision 1848/14.05/2020.

4. Suspension of Submission of Applications and Administrative Appeals before Public Authorities (Law 4684/2020 and Ministerial Decision 1799/11.05.2020)

All periods, regarding the submission of applications and administrative appeals before public authorities have been suspended until 12.06.2020. However, the proceedings mentioned in article 44 of Law 4684/2020 are excluded. These refer to the Special Program for the Development of Local Authorities, Associations of Municipalities and legal entities of Local Authorities.

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