

## GREECE

### LEGAL BASIS

**1. Has your State signed and/or ratified the *European Convention on State Immunity* (1972) and/or the *United Nations Convention on Jurisdictional Immunities of States and Their Property* (2004)? Do the authorities of your State consider the provisions on these treaties on service of process as a codification of customary international law? Does your State apply any other international legal instrument (apart from bilateral agreements)?**

Greece has neither signed nor ratified the European Convention on State Immunity (1972) and the UN Convention on Jurisdictional Immunities of States and their Property (2004).

However, Greece is a State Party to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965). Greece has also concluded a number of bilateral agreements on judicial cooperation in civil matters which *inter alia* provide for the appropriate method to effect service of process between the Contracting States.

Furthermore, Greece is bound by Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil and commercial matters (service of documents) (recast), which replaced the above Hague Convention for the States bound by the Regulation in relation to the matters to which the Regulation applies. The said Regulation does not apply, as per its Article 1 paragraph 1, on matters relating to the liability of the State for actions or omissions in the exercise of state authority (*acta iure imperii*).

In the absence of any applicable international instrument such as the above, Greece applies with regard to service of process the relevant provisions of the Greek Code of Civil Procedure (in particular, Articles 134, 135, 136 and 137 thereof).

**2. Please provide information on:**

**a. National legislation (in particular its title, source and content; if available, please provide official translations and/or references to Internet sources).**

Article 134 of the Greek Code of Civil Procedure provides that if the addressee resides abroad (i.e. outside Greece) – or in the case of a legal entity, if its seat is situated abroad – service of judicial documents shall take place by notification of the relevant judicial document to the public attorney of the court before which a legal action is pending. The public attorney shall without undue delay send the document to the Ministry of Foreign Affairs which shall transmit it to the addressee (Article 134 paragraph 3). Documents relating to enforcement proceedings are served on the public attorney of the court, in the district of which enforcement shall take place. Extrajudicial documents are served on the public attorney of the court, in the district of which lies the last known residence of the addressee, or in the absence of such a residence, on the public attorney of the Court of First Instance of Athens.

In accordance with Article 136, paragraph 1 of the Greek Code of Civil Procedure, service is considered as effected from the moment that the document is received by the public attorney, as foreseen in Article 134, regardless of the time of its receipt by the addressee. Service is also considered effected even in cases where the Ministry of Foreign Affairs is unable to forward the document to the addressee, in line with Article 135, paragraph 3 of the Code.

Furthermore, pursuant to Article 137 of the Greek Code of Civil Procedure, service abroad can also be effected according to the provisions and formalities of the State addressed.

**b. Case-law and practice, specifying whether your national courts and tribunals review the lawfulness of the service of process by operation of law.**

Greek courts may review the lawfulness of the service of process by operation of law.

## **PROCEDURE**

**3. Please describe the procedure(s) applicable to service of process on a foreign State, specifying the hierarchy between the different methods for serving process. In particular, please provide information on when the service is deemed to be effected, time-limits, the grounds to refuse service of process and the consequences of the unlawfulness of the service.**

**a. How are the terms “diplomatic channels” (Article 16 § 2 of the European Convention and Article 22 § 1 c) i) of the United Nations Convention) interpreted by your national authorities? Please indicate whether these terms include a notification to the embassy of the State concerned in the State of forum.**

Greece is not a party of either Convention.

**b. How are the terms “if necessary” (Article 16 § 2 of the European Convention and Article 22 § 3 of the United Nations Convention) interpreted by your national authorities?**

Greece is not a party of either Convention.

**4. Where your State is the defendant in the proceedings, what is accepted as an adequate service of process? Please specify whether your State accepts the service to its embassy in the State of forum.**

In both cases where Greece is the state of forum or the defendant, service of process must be effected in accordance with the legal instrument that is applicable between Greece and the State of forum (as the case may be, Hague Convention, EU Service Regulation, bilateral agreements, Greek Code of Civil Procedure). In case no such legal instrument exists, Greece, subject to any special circumstances, accepts transmission to the Greek Ministry of Foreign Affairs through the diplomatic mission of the State of forum. As service of process is a sovereign act, service to a Greek diplomatic mission or consular post abroad is considered contrary to the inviolability of the diplomatic or consular premises as protected under the Vienna Convention of 1961 on diplomatic relations and the Vienna Convention of 1963 on consular relations.