

GREECE

## Important amendments to code of civil procedure

Patrinos &amp; Kilimiris

Athens



Constantinos Kilimiris

As of January 1 2016, Law 4335/2015 has come into force. This law was passed in the context of structural reforms imposed by Greece's creditors as a condition to the bailout with an objective to accelerate judicial proceedings and includes important amendments to the code of civil procedure.

In accordance with these new provisions, the procedure for main action proceedings before the courts of first instance is amended from a partially oral procedure, which included an oral examination of witnesses, to a written procedure. In exceptional cases the court may consider that the case not been sufficiently clear in order to reach a decision and may summon witnesses to be examined orally.

Moreover, in accordance with the new system, starting from the date of filing of the lawsuit, certain deadlines are set within which the foreseen procedures should have been concluded, contrary to the practice followed until now.

In this context, the briefs are submitted within a term of 100 or 130 days (if the party is based abroad) from the filing of the lawsuit and the additional pleadings within the following 15 days from the expiry of the above deadline. With the lapse of this deadline the file of the case is technically considered completed, that is mature for a judgment to be delivered.

Within a term of 15 days starting from the date that the file is closed, the judge rapporteur is appointed, while at the same time a hearing date for the discussion of the case is fixed within 30 days.

It should be noted that at the hearing no witnesses are examined. The examination of witnesses takes place if this is considered

absolutely necessary following the study of the file. In such a case, the repetition of the hearing is ordered and following the end of the testimonies, the repetition of the hearing is considered concluded. The evaluation of the testimonies shall be conducted within a term of eight working days

As regards preliminary injunction proceedings, according to the new provisions, the judge has to decide within 48 hours following the hearing or following the expiry of the deadline granted to the parties for submitting a memorandum. Alternatively, the judge may deliver a judgment beyond the 48 hour deadline but in any case within 30 days of the hearing or memorandum submission deadline. The law provides that the court's reasoning be brief.

While at present, in case of a preliminary injunction granted, the applicant has to follow up with a main action within 30 days of the judgment, according to the new law, the judge has full discretion in setting a deadline for filing a main action.