

LITIGATION BRIEFING: Special Edition

## Recent Developments in Civil, Commercial and Administrative Litigation: Urgent Measures Relating to the Covid-19 Pandemic

This Briefing provides an overview of Joint Ministerial Decision no. Δ1α/ΓΠ.οικ.26804/25.04.2020 providing for the extension of the suspension of the operation of Greek Civil and Administrative Courts and of the Act of Legislative Content of 1 May 2020 providing for special provisions on proceedings before the Administrative Courts

### In This Issue

- A. Extension of the Suspension of the Operation of the Civil Courts**
- B. Exemptions to the Suspension of the Operation of Civil Courts**
- C. Extension of the Suspension of the Operation of the Administrative Courts**
- D. Exemptions to the Suspension of the Operation of Administrative Courts**
- E. Special Procedural Provisions Relating to the Administrative Courts**

#### **A. Extension of the Suspension of the Operation of the Civil Courts**

1. Pursuant to Article 4 par.1 of the Joint Ministerial Decision no. Δ1α/ΓΠ.οικ.26804/25.04.2020 (Joint Ministerial Decision), the temporary suspension of the operation of the Civil Courts is extended from 28 April 2020 to 15 May 2020, based on the opinion expressed by the National Commission for the Protection of Public Health dated 24 April 2020.

Some exemptions are provided for in Article 4 par.2 of the Joint Ministerial Decision.

2. Article 4 par.1 stipulates that the temporary suspension of the operation of the Civil Courts includes:
  - a. all hearings before Civil Courts;
  - b. the deadline for the conduct of any and all legal and judicial procedural acts or other actions before Court departments as well as the statute of limitations of relevant claims; and
  - c. compulsory enforcement proceedings and auctions.

#### **B. Exemptions to the Suspension of the Operation of the Civil Courts**

1. Pursuant to Article 4 par.2 of the Joint Ministerial Decision, the following operations are exempted from the suspension:
  - a. hearings of interim measures proceedings which have as their subject matter security

# BERNITSAS briefing

payments, registrations, eliminations or amendments of pre-notations of mortgages, conservatory attachments/seizures of movable or immovable assets, judicial sequestrations/custody, sealings, unsealings, inventories or public deposits in accordance with Articles 737 and 738 of the Greek Code of Civil Procedure (GCCP), European Account Preservation Orders in accordance with Article 738A of the GCCP, revocations of the abovementioned interim measures, as well as disputes concerning revocations, arising out of Article 702 of the GCCP;

- b. grantings and/or revocations of provisional orders which shall take place without the opposing party being summoned to the hearing; provisional orders that have already been granted with effect until the hearing of the application of interim measures, are extended by the Court itself by way of a decision issued by the duty Judge, who also determines the duration of the extension; and
  - c. publication of judgments.
2. Pursuant to Article 4 par.4 of the Joint Ministerial Decision, the operation of Court services are restricted solely to acts that are necessary for the handling of cases that are heard by the Courts, in accordance with the Ministerial Decision, and of acts that are considered by the competent administrative body of each Court service to be of an urgent nature and required to be dealt with immediately.

## C. Extension of the Suspension of the Operation of Administrative Courts

1. Pursuant to Article 2 par.1 of the Joint Ministerial Decision, the effect of the provisions stipulated in Article 2 of the Joint Ministerial Decision no. Δ1α/ΓΠ.οικ.24403/10.04.2020 is extended until 5 May 2020.
2. From 6 May 2020 to 15 May 2020, the temporary suspension of the operation of the Administrative Courts shall include:
  - a. the services of all judicial bodies of both the

Council of State and the Ordinary Administrative Courts; and

- b. deadlines for the conduct of any and all legal and judicial procedural acts or other actions before the Court departments, as well as the statute of limitations of the relevant claims.
3. The suspension of the operation of the Court of Audits shall also include items a. and b. above pursuant to Article 3 par.2 of the Joint Ministerial Decision.

## D. Exemptions to the Suspension of the Operation of the Administrative Courts

1. With regard to the Council of State, the suspension does not include:
  - a. cases that are considered as 'mature' to be heard in the sense of Article 22 par.4 of Presidential Decree 18/1989, provided that the litigant parties have submitted joint or separate declarations that they will be represented in the hearing without a physical presence, as provided for in Article 33 of Presidential Decree 18/1989; by virtue of Article 33 par.2 of the Act of Legislative Content dated 1 May 2020 (Act of Legislative Content), from 6 May 2020 to 15 July 2020 the abovementioned declarations shall be submitted electronically to the email address of the competent Court's Secretary on the day prior to the hearing, and shall substitute written declarations and have equivalent legal effect with the latter;
  - b. all cases that are not considered as 'mature' are mandatorily adjourned by the Court and are scheduled to be heard at a future date, while the parties that have been duly summoned to the adjourned hearing are not required to be summoned in order to participate in the new hearing;
  - c. petitions for the issuance of provisional orders;
  - d. urgent petitions for the granting of interim judicial protection;
  - e. the processing of urgent Presidential Decrees;

## BERNITSAS briefing

- f. teleconferences using technical means, as well as urgent conferences with parties physically present; and
  - g. publication of judgments.
2. With regard to the Ordinary Administrative Courts the suspension does not include:
- a. when ruling on annulment disputes (*akyrotikes diafores*), cases mentioned under 1.a. above;
  - b. when ruling on substantive disputes (*diafores ousias*), cases in which the litigant parties have submitted joint or separate declarations that they will be represented at the hearing without physical presence as provided for in Article 133 par.2 of the Code of Administrative Procedure;
  - c. petitions for the issuance of provisional orders;
  - d. urgent petitions for the granting of interim judicial protection;
  - e. the filing of objections against a decision providing for the detention of a foreign citizen and the relevant hearings, and petitions for amendment of judicial judgments ruling on these objections; and
  - f. the filing and hearing of objections in accordance with Article 1 par.5 of the Act of Legislative Content dated 25 February 2020 ratified pursuant to Article 1 of Law 4682/2020.
3. With regard to the Court of Audits, the suspension does not include:
- a. hearings for which the litigant parties have submitted joint or separate declarations that they will be represented at the hearing without physical presence, as provided for in Article 133 par.2 of the Code of Administrative Procedure

applied by analogy by virtue of Article 123 of Presidential Decree 1225/1981; which shall be submitted electronically (please see D.1. A. above).

- b. the services of Pre-contractual Audit Divisions; and
- c. the exemptions mentioned under items 1.b., f. and g. above.

### E. Special Procedural Provisions Relating to the Administrative Courts

1. Pursuant to Article 33 par.1 of the Act of Legislative Content, the following procedural provisions shall apply from 6 May 2020 to 15 July 2020:
- a. before the Council of State and the Court of Audits the litigant parties have, to the exclusion of the applicable procedural provisions, a deadline of 7 days as of the hearing date to submit legalisation documents, the pre collection note for attorneys' fees and their brief;
  - b. before the Ordinary Administrative Courts when ruling on annulment disputes, the litigant parties have the deadline mentioned under a. above;
  - c. before the Ordinary Administrative Courts when ruling on substantive disputes for which Article 138 of the Code of Administrative Procedure applies with regard to the submission of briefs, the litigant parties have a deadline of 7 days as of the hearing date in order to submit legalisation documents and the pre collection note for attorneys' fees.

## Contacts



**Dimitris Roussis**

Partner

E droussis@bernitsaslaw.com



**Christos Paraskevopoulos**

Partner

E cparaskevopoulos@bernitsaslaw.com

## **BERNITSAS briefing**

---

This Briefing is intended to provide general information and is not meant to constitute a comprehensive analysis of the matters set out herein or to be relied upon as legal advice. It is not meant to create a lawyer-client relationship. Legal and other professional advice should be sought before applying any of the information in this Briefing to a specific situation.

Bernitsas Law Firm is a partnership of attorneys regulated by Presidential Decree 81/2005 and Law 4194/2013, as currently in force, with its registered address at 5 Lykavittou Street, Athens 106 72, Greece.

If you no longer wish to receive Briefings from us, please click here to [Unsubscribe](#)