

## Recent Developments in Civil, Commercial and Administrative Litigation as a Result of Covid-19

This Briefing provides an overview of Law 4690/2020 regulating various procedural issues concerning the re-opening of the Greek Courts as of 1 June 2020 and compulsory enforcement proceedings

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#### **A. Legal and Judicial Deadlines and Rescheduling of Hearings Cancelled During the Suspension Period**

1. The period from 13 March to 31 May 2020 during which the temporary suspension of the operation of the Greek Civil Courts was effective shall not be calculated in the legal and judicial deadlines for carrying out any judicial and extra-judicial acts and/or other actions before the Court Departments.
2. Following the expiry of the temporary suspension, such deadlines shall continue for the period remaining for the completion of the relevant deadline provided for by law. In particular, with

regard to the deadlines for the service of lawsuits, submission of pleadings, submission of addendums-rebuttals, filing and service of interventions, third-party notices, announcements and counterclaims, as well as deadlines for the filing of oppositions (except for the deadlines stipulated in Article 934 of the Greek Civil Procedure Code (GCCP), any legal remedy and additional grounds are not deemed expired unless an additional period of 30 days lapses as of the expiry date provided for by law.

3. In cases where the hearing of a case before Courts of any Instance and under any type of proceedings (contentious, non-contentious etc) was cancelled during the suspension period up to and including 31 May 2020, the hearing and the exact time thereof are set ex officio by the President of the respective Court Department or by the competent Judge, on the earliest possible date and with priority within the time period from 1 July to 15 July 2020 or from 1 September to 15 September 2020.
4. The registration of the case with the respective docket shall be effected by the Court Secretary on their own initiative and shall serve as a summons for all parties, without a separate summons served

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by court bailiff being required (as would otherwise be the case).

5. Hearings scheduled to be heard before the Magistrates' Court of Athens between 9 March 2020 and 12 March 2020 which were cancelled due to the outbreak of a fire on 9 March 2020 at the building of the Magistrates' Court, are ex officio set to be heard on a new date by the President of the Three-Member Administrative Board of the Magistrates' Court, on their own initiative.

## B. Auctions

1. Pursuant to Law 4690/2020, any and all auctions concerning debtors' movable assets (except for assets that are subject to corrosion), immovable assets, vessels and airplanes that were scheduled to take place from 1 June to 31 July 2020 are cancelled. The petitioning creditor shall reschedule the auction date, within an exclusive deadline of 30 days as of the publication of Law 4690/2020 and on its own initiative. The auction in this case shall be scheduled within 7 months of the date of foreclosure and in any case no later than 8 months from that date. The period of the temporary suspension and the aforementioned 30-day deadline for rescheduling the auction does not count in the calculation of the 7- or 8-month period for the rescheduling of the new auction.
2. In the event that prior to the commencement of the suspension of the deadlines:
  - a. the deadline for the filing of an opposition under Article 934 par.1, subpar.a expired; or
  - b. the already filed opposition was heard,the petitioning creditor shall, within an exclusive deadline of 30 days as of the publication of Law 4690/2020 and on its own initiative, reschedule the auction. In this case the auction shall be scheduled within the deadline provided for in Article 973 of the GCCP, ie within two months of the filing of the petition for rescheduling the auction and in any case no later than three months from that date.
3. Within the 30-day deadline for the rescheduling of the auction date, the petitioning creditor is also obliged to reschedule auctions that have already

been cancelled during the suspension period. In this case, the auction shall be scheduled in accordance within the deadline provided for in Article 973 of the GCCP.

4. Provided that the petitioning creditor does not reschedule the new auction date within the 30-day deadline provided for by Law 4690/2020, any other creditor with a claim against the debtor - based on an enforceable title - shall reschedule the auction upon the service of an enforcement order on the latter. In this case, the auction shall be scheduled within the deadlines mentioned under paragraphs 1 or 2 above.
5. Auctions that were set to take place following 1 September 2020 are cancelled in the event that the term until the auction date does not suffice for meeting the deadlines for scheduling the hearing date of the opposition in accordance with Article 933 par.2 of the GCCP and the issuance of a judgment. The new auction shall be scheduled in accordance within the deadline provided for by Article 973 of the GCCP.

## C. Affidavits

1. Pursuant to Article 74 par.6 of Law 4690/2020 the litigant parties may produce before the Greek Civil Courts an affidavit obtained before an attorney-at-law residing in the seat of the Court, or having the same residence or domicile with the witness. The affidavit cannot validly be obtained before the attorneys-at-law of the litigant parties. Upon receipt of the affidavit, the attorney-at-law before whom the affidavit was obtained shall send the affidavit electronically to the Bar Association with which they are registered and receive an electronic receipt. The electronic receipt will give the affidavit a certified/certain date and unique number. The attorney-at-law is authorised to grant copies of the affidavit alongside the electronic receipt.

## D. Provisional Orders

1. Pursuant to Article 74 par.8 of Law 4690/2020 provisional orders provided for by Articles 691A and 781 of the GCCP, as well as provisional orders

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or judgments issued upon petitions for the suspension of enforcement proceedings or of the enforceability of titles, which were granted with effect until a hearing that was subsequently cancelled due to the suspension, are considered ex officio prolonged until the new hearing date that will be scheduled.

## E. Request for Adjournment of Hearings

1. Law 4690/2020 grants the litigant parties before the Courts of the First and Second Instance, as well as the Supreme Court, without prejudice to New Ordinary Proceedings, the right to jointly request the adjournment of a hearing.
2. To that extent they must submit to the Court Secretary by email a joint and irrevocable declaration no later than one business day prior to the hearing.
3. The Court is bound to order the adjournment of the hearing, thus deviating from the application of Article 241 of the GCCP.
4. The granting of the adjournment is without cause and the payment of the usual administrative fee is not required.

## F. Interest Due From the Debtor Following the Service of a Lawsuit

1. Pursuant to Article 74 par.15 of Law 4690/2020, interest due from the debtor as of the service of the

lawsuit against it does not accrue between 13 March to 31 May 2020.

## G. Rescheduling of Hearings before Ordinary Administrative Courts and the Court of Audits

1. Pursuant to Article 77 of Law 4690/2020, in the event of a cancellation of any hearing before the Ordinary Administrative Courts within the term of the temporary suspension, ie from 13 March to 31 May 2020, the hearing is ex officio rescheduled by the President of the Three-Member Administrative Board of the Court or by the competent Judge, without the summons of the litigant parties being required, provided that the latter were duly summoned in the hearing that was cancelled. The litigant parties are informed of the rescheduling of the hearing by the dockets published by the relevant judicial Court Department or electronically by the dockets uploaded on the Court's website, with the publication taking place at least 15 days of the hearing.
2. The ex officio rescheduling of any hearing cancelled within the term of the temporary suspension shall also apply with regard to the Court of Audits pursuant to Article 77 of Law 4690/2020.

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