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ANSWERS TO THE SECOND STUDY COMMISSION QUESTIONNAIRE

"Written submissions – when do they turn from a help to a hindrance?"

1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?

There is no maximum length for written submissions in civil proceedings.

However, the Article 17 parag. Nos 6 and 7 of Presidential Decree 18/1989, concerning the procedure before the Council of State, as amended by Article 3 parag. no 2 of the law 5119/2024, applicable from 16-9-2024, stipulates that appeals and remedies, as well as applications for additional pleas and interventions shall not exceed thirty (30) pages. If this number is exceeded the Registry, after consultation with the President of the competent formation, shall, before any other action, invite the lawyer-in-fact to limit the length of the application to the above page numbers within a period not exceeding one (1) month. Also, the pleadings of the parties, which exceed twenty (20) pages, are rejected as inadmissible in their entirety by the court decision issued on the appeal or remedy. If the lawyer-in-fact does not comply with this suggestion, he has the right to file a new adapted application, respecting the previous page limit, after paying a fee equal to three times the fee provided for the appeal or remedy. Otherwise, if this right is not exercised in accordance with the

preceding written length limits, the appeal shall be dismissed by decision of the formation of the court in a council.

2. Are there time limits for filing written submissions?

There are various time limits depending on the type of case.

A. Proceedings concerning cases of contract, commercial and property law and torts:

According to the article 237 parag. nos 1 and 2 Code of Civil Procedure within ninety (90) days from the expiry of the deadline for service of the action, the parties must file the pleadings and produce all the evidence and procedural documents. This time limit shall be extended to one hundred and twenty (120) days for all parties, if the defendant or one of his co-defendants resides abroad or is of unknown residence.

Mutual rebuttals shall be made by adding to the pleadings, which shall be submitted within the next fifteen (15) days from the expiry of the above deadline. New allegations may be proposed and new evidence may be adduced only to refute allegations contained in the pleadings.

B. Proceedings concerning cases of labor, tenancy and family disputes, compensations from motor vehicle accidents, remuneration of self-employed persons and enforcement cases:

According to the article 591 Code of Civil Procedure the parties shall, at the latest at the hearing, file the pleadings and produce all the evidence and procedural documents. They, also, may, until the twelfth hour of the fifth working day following the hearing, file an addendum to their submissions evaluating the evidence, proposing pleas in law and adducing affidavits, producing documents and experts' opinion only to rebut allegations proposed, otherwise they shall be inadmissible.

C. Proceedings concerning appeals:

According to the article 524 Code of Civil Procedure the parties shall, at the latest at the hearing, file the pleadings and produce all the evidence and procedural documents. They, also, may, until the twelfth hour of the third working day following the hearing, rebut by adding to the pleadings.

3. Are there limits in terms of a maximum number of additional submissions in a case?

There are various limits depending on the type of case.

A. Proceedings concerning cases of contract, commercial and property law and torts:

According to the article 237 parag. nos5 and 6 Code of Civil Procedure, claims arising after the expiry of the deadline for filing the pleadings and produce all the evidence and the deadline for rebuttal proved in writing or by a judicial confession of the opposing party, may be proposed by addition to the pleadings no later than twenty (20) days before the scheduled hearing. The rebuttal to these claims shall be made no later than ten (10) days before the scheduled hearing. If the examination of the case file makes it absolutely necessary to examine witnesses at the hearing or order an inspection or expert opinion, within eight (8) working days of the examination of witnesses or parties or the conduct of the inspection or expert opinion, the parties are entitled, by way of addition, to evaluate only such evidence.

B. Proceedings concerning cases of labor, tenancy and family disputes, compensations from motor vehicle accidents, remuneration of self-employed persons and enforcement cases:

Additional submissions cannot be deposited, unless the judge orders an expert's report, in which case within three (3) working days of the new scheduled hearing, the parties are entitled, by way of addition, to evaluate only such evidence.

C. Proceedings concerning appeals:

Additional grounds of appeal may be filed and serviced in proceedings of cases of type A up to thirty (30) days and in proceedings of cases of type B up to eight(8) days before the hearing, and must be scheduled on the date of hearing of the main case.

4. Are there rules, including penalties or cost implications, for breaches of these requirements?

Late submissions are not taken into account. Rebuttals are filed only to refute allegations proposed, otherwise they shall be inadmissible.

Furthermore, the submission of pleadings is mandatory for the parties in order to take part in the proceedings and according to article 271 Code of Civil Procedure, if the defendant does not file any submissions and the application and the summons for hearing were served lawfully and in good time, the case shall be heard in the absence of the defendant and the plaintiff's factual allegations in the application shall be deemed to have been confessed, except facts for which admission is not permitted, and the action shall be upheld if it is well founded in law and there is no objection to be examined ex officio.

Besides, according to article 272 Code of Civil Procedure if the plaintiff does not normally take part in the proceedings by filling his pleadings, the court shall hear the case without him and dismiss the action.

5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?

As already highlighted in Greece, there are no limits, in terms of length for procedural documents and written submissions in civil procedure. But the exceeding of time limits by the defendant or the plaintiff and the procedural consequences that occurs as described above, certainly reduce the preparation time for judges for such cases and a final judgement shall be issued on time.

6. What is the effect of written submissions on any hearing which subsequently takes place?

Written submissions are meant to provide for an effective hearing, but often the wide range of these and the repeated allegations inevitably involved, delay the preparation of the judge and the delivery of final decision.

7. Comments or suggestions as to what could otherwise prove to be effective

The predictions of the Article 17 parag. nos 6 and 7 of Presidential Decree 18/1989, concerning the procedure before the Council of State, referred to in question 1, which set limits to a maximum length of written submissions and includes cost implications for breaches of these requirements, must be legislated to civil proceedings as well. Such limits shall make the case simpler and quicker to analyze in terms of the procedural process and eventual judgment.

In addition, there must be as well limits to the maximum number of applicants per case, because there is no limit to the number of claimants, who may sue a certain defendant for a similar reason. Such limits would certainly prove to be effective for deciding cases within a reasonable time.

Judge Ioannis Asprogerakas, President of Court of First Instance.

Press Representative of the Greek Association of Judges and Prosecutors.