

# Legalisation of Public Documents within the EU Member States

## GREECE

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### PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

#### OVERVIEW OF PART I

##### PART I.A. General

##### **I.A.1. European Community Law**

###### **I.A.1.1. Introduction**

###### **I.A.1.2. Implementation of specific measures**

#### **Area of Justice - judicial cooperation in civil matters (Article 61(c) EC)**

##### **Article 19 of Regulation (EC) No 1346/2000**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

##### **Article 4(4) of Regulation (EC) No 1348/2000**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

##### **Article 56 of Regulation (EC) No 44/2001**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

##### **Article 57 of Regulation (EC) No 44/2001**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or

equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 58 of Regulation (EC) No 44/2001**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 46 Regulation (EC) No 2201/2003**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 52 of Regulation (EC) No 2201/2003**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 52 Regulation (EC) No 2201/2003, certificates drawn up in the standard forms of ANNEX I (Article 39), II (Article 39), III (Article 41) or IV (Article 42)**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 27 of Regulation (EC) No 805/2004**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**ANNEXES I (Article 9 - judgments), II (Article 24 – court settlements) and III (Article 25 – authentic instruments) of Regulation (EC) No 805/2004**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Article 13(5) of Directive 2002/8/EC**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

**Free movement of goods (Article 23 EC)**

**Article 250 of Regulation (EEC) No 2913/92**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

### **Free movement of workers - social security (Article 42 EC)**

#### **Article 85 Regulation (EEC) No 1408/71 read in conjunction with Regulation (EEC) No 574/72**

No means of implementation are required for the application of a Community Regulation within the member states. Accordingly, no legalisation or other similar or equivalent requirements have been imposed as regards the documents covered by this instrument.

#### **I.A.1.3. Judicial control**

Interestingly enough, there seems to be no recorded case law relating to the legalisation or other similar or equivalent requirements – or absence thereof – of documents in the implementation of any of the above community instruments. As stressed elsewhere in this report, absence of explicit reasoning in relation to legalisation in Greek court judgments cannot be construed as lack of knowledge of the relevant legal rules; after all, most – if not all – of the above community instruments have been well received by court practice and are steadily applied. Instead, lack of reference to legalisation or exemption thereof should be understood, as the case may be, as either full compliance with the relevant community provisions or an instance indicating that the latter have not been dealt with in court practice as yet.

### **I.A.2. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)**

#### **I.A.2.1. Status**

The information appearing in the tables is correct.

However, it should be clarified that Greece has not designated a single authority having competence to affix the *Apostille*, but rather followed a different approach: thus, the Second Article of Law 1497/1984 (GG A 108) ratifying the Convention originally stated that administrative documents are apostilled by the competent regional authority (*Νομαρχία*, Nomarchia), while judicial and notarial documents receive the *Apostille* by the competent court of first instance. Following a total reconstruction of both decentralised and local government systems, the above provision was amended by Law 2503/1997 (GG A 107), by virtue of which the authority to apostille administrative documents previously held by the *Nomarchia* was split in two: (i) documents issued by second-level local government are apostilled by the competent Prefect (*Νομάρχης*, Nomarchis, Nomarch; head of the respective Regional Self-Governed Corporation), while (ii) the Secretary-General of the competent Region (*Γενικός Γραμματέας της Περιφέρειας*, Genikos Grammateas tis Perifereias) has the authority to apostille virtually all other public documents. The designation of the courts of first instance in relation to judicial and notarial documents has remained unchanged.

#### **I.A.2.2. Scope**

(1) Traditionally, application of Greek laws *rationae loci* covers Greek territory in its totality. Neither the law ratifying the Convention, nor the competent authorities, nor the courts have deviated from this principle.

(2) The law ratifying the Convention has faithfully reproduced its content in relation to its *rationae materiae* application. Neither administrative conduct nor court practice support an argument to the contrary.

### I.A.2.3. Legislative implementation

(1) As stated above, the Convention was ratified by Law 1497/1984 (GG A 108, as amended by Article 16 of Law 2503/1997, GG A 107):

#### **Law 1497/1984 (GG A 108)**

##### First Article

The Convention abolishing the requirement of legalisation for foreign public documents, signed in The Hague on 5 October 1961 is hereby ratified and given the effect stipulated in paragraph 1 of article 28 of the Constitution. The text of the Convention, in its original English and French and translated in Greek, has as follows:

[text omitted; traditionally, the law ratifying any international convention simply reproduces the convention in its authentic language and also provides a faithful translation in Greek.]

##### Second Article\*

The following authorities are designated for the issuance of the Apostille provided for by articles 3 and 6 of the Hague Convention, in relation to administrative documents issued by public civilian agencies seated in the Region of the Department or of the Departmental District or by the legal entities of public law supervised by the Secretary-General of the Region, and also [in relation] to documents of Regional Self-governed Corporations and first-level local government organisations, as well as to documents of registrar offices in their district: the Prefect for all documents [issued by] the agencies of the Regional Self-governed Corporation and the Secretary-General of the Region for documents [issued by] the public civilian agencies of the Department or Departmental District, which do not fall under the competence of the Regional Self-governed Corporation, as well as [those] of legal persons of public law of first-level local government organisations and registrar offices.

In relation to documents of a judicial nature, the court of first instance of the district where the authority issuing the document is seated is hereby designated.

##### Third Article

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\* The first paragraph of the Second Article is hereby reproduced as amended by Article 16 of Law 2503/1997 (GG A 107). Prior to this amendment, this provision had as follows: "The Department where the authority issuing the document has its seat is designated as the authority [competent to] issue the Apostille provided for in articles 3 and 6 of the Convention and in particular for administrative documents issued by public civilian authorities seated in the district of the department or section or by legal entities of public law supervised by the Prefect or deputy Prefect, for documents issued by local government authorities, and for documents issued by the registers of their district".

This law enters into force as of its publication in the Government Gazette.

(2) The legislative report on the above law has as follows:

**Report by the Parliamentary Committee on Foreign Affairs  
on the bill ratifying the Convention abolishing the requirement of legalisation for  
foreign public documents,  
submitted to the Parliament of the Hellenes on 11 October 1984 [excerpt]**

[...]

2. The importance of the Convention presented for ratification is better understood given the fact that our country recently ratified the 7 June 1968 Convention on the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular Officers (Law 844/1978, GG A 1978 [227], p. 2177) that was concluded in the context of the Council of Europe. By this last Convention documents issued by diplomatic or consular agents were exempted from legalisation, which is also the case with diplomatic or consular legalisation of other documents. The Hague Convention under process of ratification exempts from diplomatic or consular legalisation nearly the totality of public documents made within the territory of a contracting state, which must be brought into the territory of another contracting state (article 1). Use of documents of this category preconditions their legalisation that is usually expressed in a long series of certifications made by the civil service hierarchy of the country of origin. The Convention abolishes legalisation and substitutes it, wherever necessary, by the affixation or *allonge* of an *apostille* that is issued by the authority of the State of origin that is specifically appointed.

[...] It should be noted that, according to the Convention (article 5 paragraph 3), the *Apostille* is not subjected to any form of certification or attestation.

3. The Convention currently binds 27 states, mainly of Europe but also of Africa, Asia and America. Its ratification will simplify, upon reciprocity, recognition of Greek public documents in foreign countries, and of foreign public documents in Greece and will thus reinforce their international effectiveness. It is for this reason that we propose ratification of the Convention by Parliament.

#### **I.A.2.4. Practical implementation**

The process through which an *Apostille* is issued is described following the distinction between multiple competent authorities set by the law as to judicial documents and notarial acts on the one hand (below, under I), and administrative documents on the other hand (below, under II), to the extent that the latter procedure differs from the former. A third section provides information on the competent authorities under Article 6 of the Convention (below, under III).

##### *I. Judicial Documents and Notarial Acts*

The request for an *Apostille* is initiated by the filing of a relevant application (*αίτηση*, *aitisi*) before either the secretariat of the competent court of first instance (*Πρωτοδικείο*, *Protodikeio*) in relation to documents pertaining to a civil or administrative trial or the competent public prosecutor's office (*Εισαγγελία*, *Eisangelia*) in relation to documents pertaining to criminal proceedings. The application is a standard-form document used in dealings between citizens and public authorities and states essential information, such as the applicant's name and contact details, the authority to which the application is

made, the request for the issuance of the *Apostille*, the document to be apostilled and the country of destination (see Form 1 and translation thereof attached hereto; the application herein reproduced is the one addressed to the public prosecutor, which is identical to the one used before the court of first instance). It also bears the applicant's signature and accompanies the document(s) requiring the *Apostille*. The application need not, of course, be made in the above standardised form, provided that all necessary information is included therein. It should be noted that a separate application must be made for each document in relation to which an *Apostille* is requested; only multiple *Apostilles* of the same document (i.e. *Apostilles* of multiple originals of the same act) may form part of the same application.

The request is made either in person, or through the so-called Citizen Service Centres (*Κέντρα Εξυπηρέτησης Πολιτών [ΚΕΠ]*, *Kentra Exypiretisis Politon [KEP]*), which are divisions of the Ministry of the Interior, Public Administration and Decentralisation that assist citizens in administrative procedures with an aim at reducing bureaucracy. There also exists the theoretical possibility that the request be made through registered mail, although this is extremely rare in practice.

Verification of signature authenticity, the capacity in which the person signing the document has acted, and the identity of the seal or stamp that the document bears is made through consultation of a voluminous book ('the book') in which samples of signatures, seals and stamps of all officials having authority to issue documents are recorded. Both judicial officials and notaries are requested to present a sample of their respective signature and seal soon after they take office to the competent court of first instance or public prosecutor's office respectively (apparently this is done by virtue of Articles 24 V(2) and 25 III(2) of Law 1756/1988, GG A 35). It should be noted that verification is made by a member of the judicial staff – usually a clerk – and not a judicial official or a person having received any form of specialised training. The clerk receives the document requiring certification and identifies the name, signature and seal of the person issuing the document; he then retrieves the person's name from the book and verifies that the capacity, seal and signature between document and book entry do indeed match.

In all cases but one, the *Apostille* is a 15.5 x 21.8 cm printed document that is placed as an *allonge* at the end of the certified document and meets the requirements set out in Article 4 of and in the Annex to the Convention (see Form 2 attached hereto). The *Apostille* bears printed entry fields in Greek and French, with those fields being filled in in Greek. Irrespective of whether the document consists of one or multiple pages, the *allonge* is attached to the entire document following the last page thereof by way of a stapling device that is operated by hand. The seal of the authority is also placed on the last page of the apostilled document and the *allonge* in such a way that half of it is placed on either document.

By exception to the above form of the *allonge*, the *Apostille* of documents destined to be produced in Turkey is an *allonge* that takes the form of a document consisting of a large seal that is affixed in blue ink on an A4 (21.0 x 29.7 cm) blank page. This is done so as, in the past, Turkish judicial authorities had objected to the form of the *Apostille* described in the previous paragraph and requested conformity to the standard used currently (see Form 3 attached hereto).

It is evident from the above that the system employed for the issuance of the *Apostille* is

neither mechanical nor electronic, since it largely consists of handwritten entries (in the request, the book, the *Apostille* itself, and the register).

No particular measures have been taken to combat fraud, forgery or other document-related offences; oddly enough, reliability mainly rests on the clerks' accumulating experience, which, although significant, may not always prove adequate in identifying a criminal act. In practice, once the clerk suspects that the document or any information related to its publisher is not authentic, he refers the question to the Public Prosecutor who then requests clarifications by the purported publisher. Despite obvious inadequacies, the authorities are not keen on modernising the system – to this or any other regard.

The total process is rather short, at least when the *Apostille* is sought in person: regardless of the varying time a person may have to wait in line, once the documents are submitted with the accompanying application, the process is usually over within 5 to 10 minutes. If, however, the *Apostille* is sought through a KEP, the process lasts longer since the documents circulate between the KEP and the Public Prosecutor's Office by internal administrative messenger, usually receiving lower priority, or simple mail. An average number of at least 10 days is required in this last instance.

The issuance of an *Apostille* bears the minimal cost of €0.50, which is the nominal value of the stamp affixed on the application. It is not indented to bring profit and is deposited in the fund for the financing of judicial buildings.

Irrespective of the type of document and the country where such document will be subsequently produced, the above procedure is diligently observed.

The registration system applied in relation to Article 7 of the Convention is quite simple: the register is a large, hardbound book. Each entry therein bears an entry number, the name of the document's publisher, the date on which the document was brought before the competent authority, the document's original number, the document type, and the names of the clerk and the judge or public prosecutor engaged in the process.

Consultation of the register rarely takes place; in most instances such consultation results from a request by the authorities of the country of destination. Verification that the particulars of the *Apostille* correspond to those of the register is done by written document that is transmitted to the interested party.

## *II. Administrative Documents*

The issuance of an *Apostille* for administrative documents may be requested in person, by registered mail, or through a KEP. Oddly enough, no application need accompany the documents when the *Apostille* is requested in person. Verification of signature authenticity, the capacity in which the person signing the document has acted, and the identity of the seal or stamp that the document bears is made again on the basis of records kept in the relative book, which is far larger than the one kept at the courts of first instance, since the number of authorities that are competent to issue documents falling under the Convention's scope of application is by far larger. It is nearly impossible for the competent authority to keep updated book entries on all such authorities and organs, and thus verification is often cumbersome. Nevertheless, it is done in the same

way as described above.

In all cases, the *Apostille* is a 9.0 x 14.5 cm seal affixed in blue ink on the certified document (see Form 4 attached hereto), wherever there is space enough to accommodate it and preferably at the end thereof. Only in exceptional cases (i.e. if there is absolutely no space on the certified document) will the seal be affixed on a separate blank document, in the manner of an *allonge*.

As is the case with certifications made by the courts of first instance, there exist no mechanisms in order to avoid fraud, forgery or other offences related to documents. Moreover, since applicants do not file a written application, it is nearly impossible to locate them once they have obtained the *Apostille*. Sadly, there are no plans to modernise the system, however some voices have discreetly expressed an interest in digitising the book and register.

The process is short and will not last longer than 5 to 10 minutes when the interested person shows up in person. However, it will take longer in cases handled through a KEP. There is no fee payable for the issuance of an *Apostille*.

The register is organised and consulted along the same lines as those described above. The same procedure is observed irrespective of document type or country of destination.

### *III. Competent Authorities*

As already stated above, Greece has nominated three distinct authorities under Article 6 of the Convention. For reasons of clarity, these are once more referred to in this section:

(1) The Prefect (*Νομάρχης*, Nomarchis) for all documents issued by the agencies of the Regional Self-governed Corporation (*Νομαρχιακή Αυτοδιοίκηση*, Nomarchiaki Autodioikisi): 50 Regional Self-Governed Corporations are currently operating in the Greek territory, 3 of those functioning within Attika alone. This report relied on data retrieved from the Athens-Piraeus Regional Self-governed Corporation, Athens Departmental District.

Contact details: Athens-Piraeus Regional Self-governed Corporation, Athens Departmental District

125-127 Kifissias Ave., 115 24 Athens GR

Telephone: +30 210 6984 000-13, +30 210 6991 187-8, +30 210 6914 145

Facsimile: +30 210 6984 182 +30 210 6991 115

E-mail: [grnom@nomarxia.gr](mailto:grnom@nomarxia.gr)

<[www.nomarxia.gr/](http://www.nomarxia.gr/)>

(2) The Secretary-General of the Region (*Γενικός Γραμματέας της Περιφέρειας*, Genikos Grammateas tis Perifereias) for documents issued by the public civilian agencies of the Department (*Νομός*, Nomos) or Departmental District (*Νομαρχία*, Nomarchia), which do not fall under the competence of the Regional Self-governed Corporation, as well as those of legal persons of public law of first-level local government organisations and registrar offices: There are 13 Regions in existence today; for the purposes of this report, information was retrieved from the Region of Attika.

Contact details: Region of Attika

2 Evangelistrias Rd., 105 63 Athens GR

Telephone: +30 210 3310 74, +30 210 8644 541

Facsimile: +30 210 3246 167

E-mail: unavailable

<[www.reg-attiki.gr/](http://www.reg-attiki.gr/)> [the website has been inoperative for some time]

(3) The court of first instance (*Πρωτοδικείο*, Protodikeio) of the district where the authority issuing a judicial or notarial document is seated. It should be underlined that practice has it that documents pertaining to a civil or administrative trial are apostilled by the secretariat of the competent court, while documents pertaining to a criminal process are apostilled by the competent public prosecutor's office. For the purposes of this report, the Athens Court of First Instance and the Athens Public Prosecutor's Office were consulted.

Contact details:

Athens Court of First Instance

Secretariat

Former School of Army Cadets, Evelpidon Rd., 101 67 Athens GR

Telephone: +30 210 8841 618

Facsimile: +30 210 8841 618

E-mail: unavailable

Website: unavailable

Public Prosecutor's Office, Athens Court of First Instance

Former School of Army Cadets, Evelpidon Rd., 101 67 Athens GR

Telephone: +30 210 8827 664, +30 210 8837 983, +30 210 8833 122

Facsimile: +30 210 8837 983

E-mail: unavailable

<<https://www.eispa.gr/>>

#### **I.A.2.5. Judicial control**

(1) Although the Convention is regularly applied in administrative procedures, and has been so for quite some time, the picture is somewhat different in relation to its application by the courts. Indeed, since 1984 when the law ratifying the Convention entered into force and until today, its provisions almost never come up in the body of court decisions, and thus it seems it is rarely applied, at least directly. However, lack of reference to the Convention in Greek case law does not mean that judges are unaware of its provisions or that they disregard its applicability; lack of direct reference rather affirms the fact that the Convention is correctly applied in relation to documents that are included in case files at trial. The courts will always assess conformity of such documents to the Convention's provisions, since they are expected to observe the law and especially so procedural issues, even if the parties to the dispute have not raised any arguments or exceptions in relation thereto. Only when such documents do not comply with the Convention will the court include reference thereto in its reasoning. Consequently, one may speak of an implicit application, that is never recorded, and also of an explicit application, which is rarely recorded.

The following remarks are based on a handful of decisions that explicitly refer to the application of the Convention before the Greek courts.

The courts have examined the Convention's application only in relation to incoming documents. Indeed, no issues relating to the proper authentication of outgoing

(domestic) documents seem to have ever been the subject matter of a case introduced before the courts. The overview of relative decisions (see below, national case law format sheet, Annex I) indicates that the courts well perceive the Convention's authentication process as a crucial procedural (yet substantial) step: lack of certification results in barring consideration of the document, while proper authentication thereof allows for its unobstructed circulation and, even more so, imposes to the Administration a duty to consider it without having the right to further question its validity.

(2) See annexed cases.

#### I.A.2.6. Empirical analysis

##### **EMPIRICAL DATA FORMAT SHEET**

The empirical data was collected between Monday 10 July and Friday 14 July 2006. It should be noted that neither competent authority allowed direct consultation of the registers, and only accepted to disclose the number of documents that received the

<b>PUBLIC DOCUMENT [number processed quantification]</b>					
<b>Sample Authority: (i) Athens Court of First Instance; (ii) Region of Attica; (iii) Athens-Piraeus Regional Self-governed Corporation, Athens Departmental District</b>	<b><u>Monday</u></b>	<b><u>Tuesday</u></b>	<b><u>Wednesday</u></b>	<b><u>Thursday</u></b>	<b><u>Friday</u></b>
<b>JUDICIAL DOCUMENT, NOTARIAL ACT</b>	<b>4</b>	<b>12</b>	<b>8</b>	<b>31</b>	<b>8</b>
<b>ADMINISTRATIVE DOCUMENT, OFFICIAL CERTIFICATE</b>	<b>53</b>	<b>76</b>	<b>30</b>	<b>42</b>	<b>48</b>

*Apostille* in the abovementioned dates, without disclosing document type. Thus the

numbers below indicate certification of the following groups of documents: (i) judicial documents and notarial acts; and (ii) all other administrative documents and official certificates. Finally, it should be additionally noted that up until mid-July 2006, 1,133 and 8,315 documents of the above two groups received the Apostille by the competent authorities respectively.

### **I.A.3. Parallel international agreements**

#### **I.A.3.1. Status**

(1) 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers: Greece ratified the Convention by virtue of Law 844/1978 (GG A 227). It entered into force on 22 May 1979 (Communication by the Ministry of Foreign Affairs of 21 March/2 April 1979, GG A 64).

(2) 1987 Brussels Convention abolishing the Legalisation of Documents in the Member States of the European Communities: Greece signed the Convention on 05-06-1992; no information on imminent ratification was found.

(3) Agreements abolishing the requirement of legalisation for foreign public documents generally between two or more countries: no multilateral agreements of this type were identified; however, Greece is party to a number of bilateral treaties that contain provisions abolishing the requirement of legalisation for documents relating to their respective scope of application. Among them, reference should be made to the following:

- i. 1999 Convention on extradition between the government of the Hellenic Republic and the government of the United States of Mexico (Ratified by Law 3288/2004, GG A 225).
- ii. 1999 Convention on mutual judicial assistance in criminal matters between the government of the Hellenic Republic and the Government of the United States of America (ratified by Law 2804/2000, GG A 49).
- iii. 1998 Convention on mutual judicial assistance in criminal matters between the Government of the Hellenic Republic and the Government of Canada (ratified by Law 2746/1999, GG A 225).
- iv. 1994 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of China (ratified by Law 2358/1995, GG A 239).
- v. 1994 Convention between the Hellenic Republic and the Republic of Tunisia on extradition and judicial assistance in criminal matters (ratified by Law 2312/1995, GG A 120).
- vi. 1993 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Republic of Albania (ratified by Law 2311/1995, GG A 219).
- vii. 1993 Convention between the Hellenic Republic and the Republic of Tunisia on judicial assistance in civil and commercial matters and arbitral awards (ratified by Law 2228/1994, GG A 130).
- viii. 1993 Agreement on social security between the Government of the Hellenic Republic and the Government of the United States of America and Administrative Regulation thereof (ratified by Law 2186/1994, GG A 15).
- ix. 1993 Agreement on social security between the Government of the Hellenic Republic and the Government of New Zealand and Administrative Regulation

- thereof (ratified by Law 2185/1994, GG A 14).
- x. 1988 Convention on social security between the Hellenic Republic and the Republic of Finland and Implementing Regulation thereof (ratified by Law 1908/1990, GG A 164).
  - xi. 1986 Convention on the transfer of sentenced persons between the Governments of the Hellenic Republic and the Arab Republic of Egypt (ratified by Law 1765/1988, GG A 88).
  - xii. 1986 Convention on judicial assistance in criminal matters between the Governments of the Hellenic Republic and the Arab Republic of Egypt (ratified by Law 1760/1988, GG A 53).
  - xiii. 1984 Supplementary Agreement on social security between the Government of the Hellenic Republic and the Government of Quebec and Administrative Regulation thereof (ratified by Law 1588/1986, GG A 38).
  - xiv. 1984 Agreement on the amendment of the Agreement on social security between the Hellenic Republic and the Kingdom of Sweden (ratified by Law 1557/1985, GG A 103).
  - xv. 1984 Convention on social security between the Government of the Hellenic Republic and the Government of the Federal Republic of Brazil (ratified by Law 1553/1985, GG A 98).
  - xvi. 1984 Convention on legal cooperation between the Hellenic Republic and the Republic of Cyprus in civil, family, commercial and criminal law (ratified by Law 1548/1985, GG A 95).
  - xvii. 1980 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Socialist Republic of Czechoslovakia (ratified by Law 1323/1983, GG A 8; apparently, this Convention is still in force as a result of state succession or continuation).
  - xviii. 1980 Convention on social security between the Hellenic Republic and the Kingdom of Norway and Protocol annexed thereto (ratified by Law 1319/1983, GG A 5).
  - xix. 1981 Convention on social security between the Hellenic Republic and Canada (ratified by Law 1318/1983, GG A 4).
  - xx. 1981 Convention on social security between the Hellenic Republic and Quebec (ratified by Law 1317/1983, GG A 4).
  - xxi. 1981 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Union of Soviet Socialist Republics (ratified by Law 1242/1982, GG A 44; apparently, this Convention is still in force as a result of state succession or continuation).
  - xxii. 1979 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Poland (ratified by Law 1184/1981, GG A 198).
  - xxiii. 1979 Convention of 14 December 1979 between the Hellenic Republic and the Republic of Austria on social security, Final Protocol thereof and Agreement of 17 January 1980 on the implementation thereof and Annex thereof (ratified by Law 1161/1981, GG A 150).
  - xxiv. 1979 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Hungary (ratified by Law 1149/1981, GG A 117).
  - xxv. 1976 Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Bulgaria (ratified by Law 841/1978, GG A 228).
  - xxvi. 1959 Agreement on mutual judicial relations between the Governments of the

Kingdom of Greece and the People's Federal Republic of Yugoslavia (ratified by Legislative Decree 4009/1959, GG A 238; apparently, this Convention is still in force as a result of state succession or continuation).

(4) Multilateral Agreements abolishing the requirement of legalisation for categories of documents relating to a specific subject matter: conventions falling under this category mainly include legal instruments concluded by The Hague Conference (below, under I) and the Council of Europe (below, under II).

### *I. The Hague Conference Conventions*

Greece has ratified the following conventions:

- (i) 1969 Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, ratified by Law 1334/1983 (GG A 31);
- (ii) 1970 Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, ratified by Law 3287/2004 (GG A 224); and
- (iii) 1980 Convention on Civil Aspects of International Child Abduction, ratified by Law 2102/1992 (GG A 193).

Additionally, Greece has signed but not yet ratified the following conventions:

- (i) 1956 Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Towards Children: Greece signed the Convention on 24-10-1956. No information on imminent ratification was found;
- (ii) 1980 Convention on International Access to Justice: Greece signed the Convention on 25-10-1980. No information on imminent ratification was found; and
- (iii) 1996 Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children: Greece signed the Convention on 01-04-2003. No information on imminent ratification was found.

It should also be noted that Greece has neither signed nor ratified the 1973 Convention concerning the International Administration of the Estates of Deceased Persons.

### *II. Council of Europe Conventions*

Apart from the Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular Officers mentioned above under (1), Greece has also ratified the following conventions providing for abolition of legalisation or other similar or equivalent requirements in relation to documents falling under their subject-matter:

- (i) 1959 Convention on Mutual Assistance in Criminal Matters (ETS no. 030) [key article: 17], ratified by Law Decree 4218/1961 (GG A 171);
- (ii) 1967 Convention on Consular Functions (ETS no. 061) [key article: 12 II], ratified by Law 1363/1983 (GG A 79);
- (iii) 1976 Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle (ETS no. 088) [key article: 9], ratified by Law 1102/1980 (GG A 296);
- (iv) 1977 Agreement on the Transmission of Applications for Legal Aid (ETS no. 092) [key article: 4], ratified by Law 1456/1984 (GG A 89);
- (v) 1980 Convention on Recognition and Enforcement of Decisions Concerning Custody of Children and of Restoration of Custody of Children (ETS no. 105)

- (vi) [key article: 16], ratified by Law 2104/1992 (GG A 195); 1983 Convention on the Transfer of Sentenced Persons (ETS no. 112) [key article: 17 IV], ratified by Law 1709/1987 (GG A 108); and
- (vii) 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS no. 141) [key article: 26], ratified by Law 2655/1998 (GG A 264).

Additionally, Greece has signed but not yet ratified the following conventions:

- (i) 1964 Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS no. 051) [key article: 30], signed on 27-08-1979;
- (ii) 1964 Convention on the Punishment of Road Traffic Offences (ETS no. 052) [key article:20], signed on 21-01-1965;
- (iii) 1970 Convention on the International Validity of Criminal Judgements (ETS no. 070) [key article: 20], signed on 27-08-1979;
- (iv) 1970 Convention on the Repatriation of Minors (ETS no. 071) [key article: 18], signed on 04-09-1980;
- (v) 1972 Convention on the Transfer of Proceedings in Criminal Matters (ETS no. 073) [key article:19], signed on 27-08-1979;
- (vi) 1972 Convention on Social Security (ETS no. 078) [key article: 65 II], signed on 21-04-1977;
- (vii) 1977 Convention on the Service Abroad of Documents Relating to Administrative Matters (ETS no. 094) [key article: 4], signed on 24-11-1977;
- (viii) 1985 Convention on Offences Relating to Cultural Property (ETS no. 119) [key article: 10], signed on 23-06-1985 (the Convention has still not entered into force);
- (ix) 1990 Convention on Certain International Aspects of Bankruptcy (ETS no. 136) [key article: 2 *in fine*], signed on 05-06-1990 (this Convention has still not entered into force);
- (x) 1995 Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (ETS no. 156) [key article: 20], signed on 11-04-1995 (this Agreement has still not entered into force); and
- (xi) 2005 Convention on Action against Trafficking in Human Beings (ETS no. 197) [key article: 9], signed on 17-11-2005 (this Convention has still not entered into force).

No information on imminent ratification of any of the above conventions was found.

### I.A.3.2. Scope

(1) As to the geographical scope of the above Conventions that have been ratified by Greece, see comment above, under I.A.2.2.(1).

(2) As to the material scope of the above Conventions that have been ratified by Greece, see comment above, under I.A.2.2.(2).

(3) Interrelation of the above Conventions functions on the basis of two well-established general principles of legal interpretation: (i) *lex posterior derogat priori*; and (ii) *lex specialis derogat legi generali*. Additionally, certain conventions contain clauses aimed at eradicating instances of conflicting rules.

### I.A.3.3. Legislative implementation

As already noted above, the law ratifying any international convention simply reproduces the convention in its authentic language and also provides a translation in Greek. All key provisions of each Convention are faithfully reproduced in Greek in the body of the relevant legislation. It is therefore useful to provide only key provisions of certain conventions listed above, under I.A.3.1.(3),(4). It should also be noted that in some instances, the provisions appearing below include the nomination of the Competent Authority as well.

*1. Bilateral treaties that contain provisions abolishing the requirement of legalisation for documents relating to their respective scope of application*

#### **Law 3288/2004 (GG A 225)**

#### **Ratification of the Convention on extradition between the government of the Hellenic Republic and the government of the United States of Mexico.**

[This Convention entered into force on 29 December 2004; see Communication by the Ministry of Foreign Affairs, GG A 254]

[...]

Article 9

Application and accompanying documents

[...]

2. [...] No legalisation is necessary when the documents are submitted through diplomatic channels.

#### **Law 2804/2000 (GG A 49)**

#### **Ratification of the Convention on mutual judicial assistance in criminal matters between the government of the Hellenic Republic and the Government of the United States of America**

[This Convention entered into force on 20 November 2001; see Communication by the Ministry of Foreign Affairs, GG A 278]

[...]

Article 8

Deposition or evidence in the State to which the application is addressed

[...]

5. Authenticity of evidence produced in the State to which the application is addressed, according to the present Article, or evidence forming part of a deposition taken in accordance with the present Article, are certified, following application, by legalisation that includes, in the case of commercial records, certification of authenticity in the manner indicated in Form A annexed to the present Convention. Lack or non-existence of such records is certified, following application, by use of Form B annexed to the present Convention. Records certified as to their authenticity through either Form A or B certifying the lack or non-existence of the said records, are accepted in evidentiary proceedings in the applicant State.

Article 9

Records of public authorities

[...]

3. Records provided in accordance with the present Article are certified, following application, according to the provisions of the Convention abolishing the requirement of legalisation for foreign public documents of 5 October 1961 or by an official responsible for maintaining such records through the use of Form C annexed to the present Convention. Lack or non-existence of records is certified, following application, by an official responsible for maintaining [such records] through the use of Form D annexed to the present Convention. No further certification of authenticity is required. [...]

**Law 2746/1999 (GG A 225)**

**Ratification of the Convention on mutual judicial assistance in criminal matters between the Government of the Hellenic Republic and the Government of Canada.**

[This Convention entered into force on 28 January 2000; see Communication by the Ministry of Foreign Affairs, GG A 42]

[...]

Article 6

[...]

5. To the extent that it is not prohibited by the law of the State to which the application is addressed, case files, documents or things are transferred in the form referred to in the application or accompanied by the certifications requested by the applicant State, so as to ensure their admissibility as evidence in accordance with the law of the applicant State.

[...]

Article 19

Legalisation

Documents, case files or things transferred by virtue of the present Convention require no form of legalisation apart from the one stipulated in article 6.

**Law 2358/1995 (GG A 239)**

**Ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of China and other provisions**

[This Convention entered into force on 1 July 1996; see Communication by the Ministry of Foreign Affairs, GG A 134]

[...]

Article 7

Exception from legalisation

For the application of the present Convention, documents drawn up or certified by the judicial authorities of one Contracting State shall be accepted by the judicial authorities of the other Contracting State without further certification, provided they bear signature

and seal.

**Law 2312/1995 (GG A 120)**

**Ratification of the Convention between the Hellenic Republic and the Republic of Tunisia on extradition and judicial assistance in criminal matters**

[This Convention entered into force on 3 December 1995; see Communication by the Ministry of Foreign Affairs, GG A 248]

[...]

Article 38

Legalisation

Documents transmitted in application of the present Convention are exempted from any form of legalisation.

**Law 2311/1995 (GG A 219)**

**Ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Republic of Albania**

[This Convention entered into force on 15 September 1995; see Communication by the Ministry of Foreign Affairs, GG A 194]

[...]

Article 8

Public documents

1. Documents drawn up within the territory of one of the Contracting States or certified by its organs within their sphere of competence and in accordance with the required form and seal, shall be accepted in the territory of the other Contracting State without further legalisation.

2. Equally, private documents certified by court or other competent organ of one of the Contracting States in order to be used in court or before other authorities of the other Contracting State do not require legalisation.

**Law 2228/1994 (GG A 130)**

**Ratification of the Convention between the Hellenic Republic and the Republic of Tunisia on judicial assistance in civil and commercial matters and arbitral awards**

[This Convention entered into force on 22 December 1994; see Communication by the Ministry of Foreign Affairs, GG A 6/1995]

[...]

Article 7

Public documents

1) Documents drawn up in the territory of one of the Contracting States or certified by its organs within their sphere of competence, in accordance with the prescribed form and bearing its seal, are accepted in the territory of the other Contracting State without further legalisation.

2) Equally, private documents certified by a judicial authority or other competent organ of

one of the Contracting States shall also be exempted from legalisation.

#### Article 21

##### Languages

- 1) In their mutual relations, the judicial organs of both Contracting States shall use their official language with a translation in French. However, acts and documents transferred must be translated in the language of the Party to which the application is addressed, or in French.
- 2) Translations shall be certified by a sworn translator or a translator appointed for this purpose by one of the two states or by its diplomatic or consular agents.
- 3) Notwithstanding paragraph 2 of the present article, no legalisation or equivalent formulation shall be required for the application and the attached documents.

#### **Law 2186/1994 (GG A 15)**

##### **Ratification of the Agreement on social security between the Government of the Hellenic Republic and the Government of the United States of America and of the Administrative Regulation thereof**

#### Article 11

[...]

2. Documents and certificates submitted for the purposes of this Agreement are exempted from legalisation by diplomatic or consular authorities.
3. Copies of documents, which are certified as true and accurate copies by an authority of one of the Contracting States, are accepted as true and accurate copies by an authority of the other Contracting State without further legalisation. [...]

#### **Law 2185/1994 (GG A 14)**

##### **Ratification of the Agreement on social security between the Government of the Hellenic Republic and the Government of New Zealand and of the Administrative Regulation thereof**

[This Agreement and its Administrative Regulation entered into force on 1 April 1994; see Communication by the Ministry of Foreign Affairs, GG A 63]

[...]

Administrative Regulation on the application of the Agreement on social security between the Government of the Hellenic Republic and the Government of New Zealand

[...]

#### Part 4

##### Submission of application

[...]

10. Documents and certificates required for the purposes of application of the Agreement are exempted from legalisation by diplomatic or consular authorities.

#### **Law 1908/1990 (GG A 164)**

##### **Ratification of the Convention on social security between the Hellenic Republic and the Republic of Finland and of the Implementing Regulation thereof**

[...]

Article 33

[...] Documents and certificates required for the purposes of the present Convention need not be legalised by diplomatic or consular authorities.

**Law 1765/1988 (GG A 88)**

**Ratification of the Convention on the transfer of sentenced persons between the Governments of the Hellenic Republic and the Arab Republic of Egypt**

[...]

Article 19

Documents and supporting documents transmitted for the purposes of this Convention are exempted from any obligation of legalisation and bear the signature and seal of the competent authority.

**Law 1760/1988 (GG A 53)**

**Ratification of the Convention on judicial assistance in criminal matters between the Governments of the Hellenic Republic and the Arab Republic of Egypt**

[...]

Article 15

Request for judicial assistance and accompanying documents thereof must bear the signature and seal of a competent authority or be certified by such authority. The above documents are exempted from any other legalisation.

**Law 1588/1986 (GG A 38)**

**Ratification of the supplementary Agreement on social insurance between the Government of the Hellenic Republic and the Government of Quebec and of the Administrative Regulation thereof**

[...]

Article 28

Cost and certification of documents

[...]

2. Any act, document or any other document that will be issued during the application of the present Agreement will be exempted from legalisation or any similar formality.

**Law 1557/1985 (GG A 103)**

**Ratification of the Agreement on the amendment of the Agreement on social insurance between the Hellenic Republic and the Kingdom of Sweden**

[...]

Article 35

[...]

Documents and certificates required for the purposes of the present Agreement need not be legalised by diplomatic or consular authorities.

**Law 1553/1985 (GG A 98)**

**Ratification of the Convention on social security between the Government of the Hellenic Republic and the Government of the Federal Republic of Brazil**

Article XIX

[...]

2. All acts, documents and any kind of certificates that must be submitted for the purposes of the present Convention are exempted from legalisation by diplomatic or consular authorities.

**Law 1548/1985 (GG A 95)**

**Ratification of the Convention on legal cooperation between the Hellenic Republic and the Republic of Cyprus in civil, family, commercial and criminal law**

[...]

Article 12

Documents

1) Documents drawn up by a competent authority in the territory of one of the Contracting States, in accordance with the prescribed form, are accepted in the territory of the other Contracting State.

2) Private documents certified by the competent authorities of one of the Contracting States, in accordance with legal formalities, are accepted in the territory of the other Contracting State as documents certified by its own competent authorities.

**Law 1323/1983 (GG A 8)**

**Ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Socialist Republic of Czechoslovakia**

[Apparently, this Convention is still in force as a result of state succession]

[...]

Article 14

1. Documents drawn up or legalised in accordance with the prescribed form, which bear the official seal of the competent state authority or the competent person (translator, expert) of one of the Contracting States are exempted from legalisation in the territory of the other Contracting State. The same provisions are also applied in relation to signatures on documents, as well as signatures legalised in accordance with the provisions of one of the Contracting States. [...]

**Law 1319/1983 (GG A 5)**

**Ratification of the Convention on social security between the Hellenic Republic and the Kingdom of Norway and of the Protocol annexed thereto**

[...]

Article 22

[...] Documents and certificates that need be submitted for the application of the present Convention will be exempted from any certification or legalisation by diplomatic or consular authorities.

**Law 1318/1983 (GG A 4)**

**Ratification of the Convention on social security between the Hellenic Republic and Canada**

[...]

Article XVI

[...]

2. Official acts and documents required for the application of the present agreement are exempted from legalisation or any other similar formality.

**Law 1317/1983 (GG A 4)**

**Ratification of the Convention on social security between the Hellenic Republic and Quebec**

[...]

Article 19

Costs and certification of documents

1. [...] Any act, document or document under publication [required] for the application of the present Agreement is exempted of legalisation or any other similar formality.

**Law 1242/1982 (GG A 44)**

**Ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the Union of Soviet Socialist Republics**

[Apparently, this Convention is still in force as a result of state succession or continuation]

[...]

Article 15

Recognition of documents

[...]

2. Documents transmitted by one Contracting State to the other in relation to judicial assistance need not be legalised.

**Law 1184/1981 (GG A 198)**

**On the ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Poland**

Article 15

Legalisation and evidentiary value of documents

1. Documents, as well as official copies or excerpts thereof, once drawn up, delivered or certified by a competent organ in the territory of one of the Contracting States and bearing an official seal need not be legalised in order to be valid in the territory of the other state.
2. Official acts drawn up in the territory of one of the Contracting States have the evidentiary value of official acts in the territory of the other state.

**Law 1161/1981 (GG A 150)**

**On the ratification of the Convention of 14 December 1979 between the Hellenic Republic and the Republic of Austria on social insurance, the Final Protocol thereof and the Agreement of 17 January 1980 on the implementation thereof and of the annex thereof**

[...]

Article 32

[...]

2. Accompanying documents and documents of any nature that need be submitted for the application of the present convention need not be legalised.

**Law 1149/1981 (GG A 117)**

**On the ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Hungary**

[...]

Article 8

Public Documents

1. Documents drawn up in the territory of one of the Contracting States or certified by the competent organs thereof within their sphere of competence in accordance with the prescribed form and bearing seal shall be accepted in the territory of the other Contracting State without further legalisation.
2. Equally, private documents certified by a court or other competent organ of one of the Contracting States need not be legalised in order to be used before the authorities of the other Contracting State.

**Law 841/1978 (GG A 228)**

**On the ratification of the Convention on judicial assistance in civil and criminal matters between the Hellenic Republic and the People's Republic of Bulgaria**

[...]

Article 8

1. Documents drawn up in the territory of one of the Contracting States or certified by the

competent organs thereof within their sphere of competence in accordance with the prescribed form and bearing seal shall be accepted in the territory of the other Contracting State without legalisation.

2. Equally, private documents certified by a court or other competent organ of one of the Contracting States need not be legalised in order to be used before the authorities of the other Contracting State.

**Legislative Decree 4009/1959 (GG A 238)**  
**On the ratification of the Agreement on mutual judicial relations**  
**between the Governments of the Kingdom of Greece and the People's Federal**  
**Republic of Yugoslavia**

[Apparently, this Agreement is still in force as a result of state succession or continuation]

[...]

Article 30

1) Public documents drawn up or issued by the court authorities of one of the Contracting States that bear the official seal are exempted from any legalisation in their use before the courts or other state organs of the other Contracting State. Similarly, documents issued by the administrative authorities or organs are exempted from legalisation, provided they have been certified [:]

a) In the Kingdom of Greece, by the central authorities and all General Directorates.

b) In the People's Federal Republic of Yugoslavia by the federal authorities and the authorities of the Peoples' Republics.

2) The above are also applied in relation to copies of public documents legalised by judicial or administrative authorities.

Article 31

Similarly, private documents legalised by a court or other competent organ of one of the Contracting States need not be legalised in order to be used before the court or other organs of the other Contracting State.

*II. Multilateral Agreements abolishing the requirement of legalisation for categories of documents relating to a specific subject matter*

**Law 1334/1983 (GG A 31)**  
**Ratification of the Convention on Service Abroad of Judicial and Extrajudicial**  
**Documents in Civil or Commercial Matters**

[This Convention entered into force on 18 September 1983; see Communication of 3/17 August 1983 by the Ministry of Foreign Affairs, GG A 108]

First Article

The Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters that was done at Th is hereby ratified and given the effect stipulated in paragraph 1 of article 28 of the Constitution. The text of the Convention, in its original

French and translated in Greek, has as follows:

[text omitted]

#### Second Article

Directorate C3 on Judicial Administrative Affairs of the Ministry of Justice is designated as the central authority for the application of article 2 of the Convention.

#### Third Article

This law enters into force as of its publication in the Government Gazette.

#### **Ministerial Decision F0546/263/AS 277/M2797/1993 (GG A 91) by the Minister of Foreign Affairs in relation to article 15 of the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters**

The Ministry of Foreign Affairs hereby states that on 21 December 1992 a declaration by the Greek Government was deposited at the Ministry of Foreign Affairs of the Netherlands, as provided by article 15 of the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters that was done at th, that was ratified by our country by Law 1334/1983 (GG A 31).

The declaration deposited has as follows:

“Judges of the Hellenic Republic are competent to determine whether all conditions provided in article 15 paragraph 2(a),(b) and (c) of the said Convention are met despite the lack of certification of either service or communication or delivery”.

#### **Law 3287/2004 (GG A 224)**

#### **Ratification of the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters**

[This Convention entered into force on 19 March 2005; see Communication by the Ministry of Foreign Affairs, GG A 32]

#### First Article

The Convention on the Taking of Evidence Abroad in Civil or Commercial Matters done at The Hague on 18 March 1970 is hereby ratified and given the effect stipulated in paragraph 1 of article 28 of the Constitution. The text of the Convention, in its original English and translated in Greek, has as follows:

[text omitted]

#### Second Article

1. Greece designates as its Central Authority for the application of the Convention, according to articles 2 and 35 thereof, the Ministry of Justice.
2. Notwithstanding article 4 paragraph 2 of the Convention, letters of request must be submitted in Greek or accompanied by a translation in Greek.
3. In accordance with articles 8 and 35 paragraph 2(c), judges of the requesting authority of another Contracting State may be present at the execution of a letter of request, provided that prior approval has been given by the Greek Central Authority.
4. In accordance with article 18 Greece declares that it will provide the necessary assistance for the execution of acts of taking evidence referred in articles 15, 16 and 17 upon condition that execution will be done in conformity to Greek law.

5. Greece declares that, in accordance with the provision of article 23 of the Convention, it will not execute letters of request relating to notification of documents prior to a trial.

Third article

This law enters into force as of its publication in the Government Gazette; the Convention enters into force once the conditions stipulated in article 38 thereof are met.

**Law 2102/1992 (GG A 193)**

**Ratification of the Convention on Civil Aspects of International Child Abduction**

[This Convention entered into force on 1 June 1993; see Communication by the Ministry of Foreign Affairs of 21 May 1993]

First Article

The Convention on Civil Aspects of International Child Abduction done at The Hague on 25 October 1980 is hereby ratified and given the effect stipulated in paragraph 1 of article 28 of the Constitution, with the following declarations:

1. In accordance with article 42 of the Convention, Greece declares that she will be bound to assume neither costs provided for in the second paragraph of article 26 relating to the participation of an attorney or legal counsel nor judicial costs, but only to the extent that such costs relate to cases of judicial or legal assistance provided free of charge.

2. For the application of the provisions of this Convention, the Ministry of Justice is designated as the Central Authority in accordance with articles 6 *et seq.* thereof.

3. Competence for the execution of judicial acts and trials in the name of and for the Central Authority and persons or services entitled, according to the provisions of the Convention, to request return of the child, as well as those that are considered necessary for attaining the goals of the Convention, is given to the relative competent Offices of the Legal Counsel or Judicial Offices of the State Legal Council. Wherever such offices are not operating, the above competence is given to an attorney of the State by order of the President of the State Legal Council.

4. The competent authorities of the Ministry of Health, Security and Social Insurance [currently Ministry of Health and Social Solidarity] shall take [the child] into their care through their institutions following a relative request by the child illegally transferred or withheld, according to the provisions of the Convention, until its return to the lawfully entitled person.

The text of the Convention, in its original English and in translation in Greek, has as follows:

[text omitted]

Second article

The present law shall enter into force as of its publication in the Government Gazette; the Convention shall enter into force once the conditions stipulated in article 43 thereof are met.

As is the case with most travaux préparatoires and reports accompanying a bill on the ratification of an international convention, very little is actually stated on the legislator's motivation and intention. This observation is also valid in relation to the conventions discussed in the questionnaire – and even more so: literally nothing is included in relation to the abolishment of legalisation of documents necessary for the application of these conventions.

#### **I.A.3.4. Practical implementation**

The implementation of the above provisions concerning abolishment of legalisation is not always uniform and differs in relation to three factors: the international treaty that is applied (below, under *I*), and the authority before which the documents are presented (below, under *II*). Provenance of documents from a particular country essentially does not affect the implementation of the above conventions. Additionally, two remarks need be made to this regard; first, implementation of the above conventions is done in the manner described by the respective convention. And second, both courts and administrative authorities will note in the relevant decisions, files or documents that legalisation is not required by application of a particular convention, so as to ensure both that the law has been applied correctly by them and also that the law will be applied similarly by other authorities before which the same documents may be subsequently presented.

##### *I International treaty*

The degree of knowledge on the existence and application of any given international treaty, and even more so its provisions abolishing legalisation, varies extensively, both in relation to the Administration and the courts. For example, all branches of the Administration and the courts are relatively aware of the 1968 Convention on documents executed by diplomatic and consular agents; this is not the case, however, with a number of other conventions, especially treaties of a specific subject-matter and bilateral ones, since their limited scope of application results in their infrequent practical implementation. Thus, correct application of the respective provisions, depends primarily upon two factors: (i) the timely engagement of the competent authority, early on in the process; and (ii) representation of the interested party by a lawyer or some sort of involvement by a lawyer in the process. If the interested party does not know *a priori* that a particular treaty applies, or if the Central Authority designated has not been involved in the case as yet, the party risks losing the favourable treatment afforded by such convention, as the authority before which the documents are presented may require that the usual (i.e. national) procedure be followed.

##### *II. Authority before which the documents are presented*

A distinction must be made between treaties functioning on the basis of a Central Authority (see below, under *III*) and those not providing for such. In the former case, the existence of the Central Authority ensures full practical implementation; in the latter case, as already noted above, the interested party may face the possibility of having his documents rejected, since the administration and the courts are not always informed on the existence and application of the relevant provisions. Fortunately, however, in most cases, the Central Authority is the Ministry of Justice, or some other central organ of the State. Thus, proper application of the respective treaty provisions is secured.

##### *III. Competent authorities*

In respect to multilateral conventions, the central authority designated is nearly always

the Ministry of Justice (see below). Similarly, the same Ministry is nearly always appointed in the context of the bilateral treaties discussed above.

Ministry of Justice

General Directorate of Judicial Administrative Affairs

Depending on the nature of the convention, specific competence is given either to:

- (i) The Directorate of International Judicial Assistance in Civil Matters; or
- (ii) The Directorate of Special Criminal Matters and International Judicial Assistance in Criminal Matters

96 Mesoghion Ave., 115 27 Athens GR

Tel: +30 210 7767 216, +30 210 7767 312; +30 210 7767 311

Fax: not available

E-mail: not available

<[www.ministryofjustice.gr](http://www.ministryofjustice.gr)>

#### **I.A.3.5. Judicial control**

Despite the large number of relevant international agreements ratified by Greece and applied in the territory, there exists no case law on issues pertaining to the abolishment of legalisation of documents.

#### **I.A.4. National Law**

##### **I.A.4.1. Legislative framework**

National legislation relating to legalisation provides for different rules, depending on whether the document originates from or will be used in a procedure before: (i) the Administration; (ii) the civil courts; (iii) the criminal courts; or (iv) the administrative courts:

##### *I. Administration*

Incoming documents: in the absence of explicit provisions relating to the legalisation of foreign public documents, reference is made to the rules included in the Code of Civil Procedure (see below, under *II*).

Outgoing documents: similarly to the situation described for incoming documents, absence of a relative legal provision has led to the formulation of a requirement according to which the competent civil servant, officer of person exercising public authority certifies authenticity of the capacity, signature and seal of the person who drew up the administrative document.

##### *II. Civil courts*

Incoming documents: The relevant provisions are found in the Code of Civil Procedure:

Article 438

Certification by the author of public documents

Documents drawn up in accordance with the prescribed legal forms by a public servant or official or person exercising a public service or holding a public office have full evidentiary value *erga omnes* as to the contents of the document that are certified as having been made by the person who drew up the document or as having been made before him, if such person is competent *ratione materiae* and *ratione loci* to make such certification. Counter-evidence is allowed only when the document is attacked for

forgery.

#### Article 439

##### Foreign public documents

Documents drawn up by a foreign public servant or official or person exercising a public service or holding a public office, who is competent *ratione materiae* and *ratione loci*, which are regarded as public documents in the place where they were drawn up, have the evidentiary value stipulated in article 438.

[...]

#### Article 454

##### Translation of foreign-language documents

If the document brought before the court is drawn up in a foreign language, it must be accompanied by official translation thereof legalised by the ministry of foreign affairs or other competent person by law or by the embassy or consulate of Greece in the country within the territory of which the document was drawn up, or by the embassy in Greece or the consulate of that same country. In all cases, the court may order that the document be translated in Greek by an expert.

[...]

#### Article 456

##### Authenticity of foreign public documents

The court, based on the applicable circumstances, may regard a foreign public document as authentic without evidence. To this regard, the court may find adequate the legalisation of the document by the ministry of foreign affairs or the ambassador or consul of Greece.

It is apparent from the above that the Code does not require foreign public documents to be legalised in the country of origin. Although the Code does not go so far as to abolish the obligation of legalisation, it nevertheless allows for admissibility of non-legalised foreign public documents, upon condition that they are recognised as such in their country of origin (article 439) and that they bear some sort of legalisation by the Ministry of Foreign Affairs, or a diplomatic or consular officer (article 456).

#### Outgoing documents:

Issues relating to outgoing court documents, and therefore legalisation thereof, are regulated by the provisions of the Regulation on Internal Functioning of the respective court, which is issued in accordance with article 17 of Law 1756/1988 (GG A 35) on the Code of court organisation and status of judicial officials. In most cases, the relative Regulation includes a provision stating that court documents are legalised through the signature and seal of the competent court officer, appointed by the President of the respective court formation.

### *III. Criminal courts*

Incoming documents: The limited use of documents in the criminal trial and the application of the principle of 'moral evidence' (i.e. the lack of obligation by judges to follow legal rules on evidence, substituted by an obligation to decide according to their conscience – see article 177 of the Code of Criminal Procedure; see also article 179 thereof, stating that 'any kind of means of evidence is allowed in the criminal procedure')

explains the fact that the criminal procedural law contains no provisions on legalisation of foreign public documents. Since, however, practice dictates the application of some basic rules that would allow for document authenticity to be verified, both legal doctrine and case law have long accepted that the abovementioned provisions of the Code of Civil Procedure also apply in relation to foreign public documents in the course of criminal proceedings.

Outgoing documents: Issues relating to documents and therefore legalisation thereof are regulated by Law 1756/1988 (GG A 35) referred to above. Articles 24 and 25 thereof provide that Public Prosecutors certify the capacity and authenticity of signatures of officials at the Public Prosecutor's office and members of their staff. The Public Prosecutor of the court of first instance also certifies the capacity and authenticity of signature of a number of persons, such as investigating officials, notaries, and keepers of land registers and ship and aircraft registers.

#### *IV. Administrative courts*

Incoming documents: The relevant provisions are included in the Code of Administrative Court Procedure:

##### Article 170

###### Form

Public and private documents that are brought before the court must have been drawn up according to the lawful form as provided by the general provisions or, if the law regulating the legal relation at hand requires a specific form, according to this last form.

[...]

##### Article 172

###### Foreign-language documents

All documents drawn up in a foreign language must be submitted with a translation legalised by the Ministry of Foreign Affairs or the embassy or consulate of the foreign country in Greece, or by the organ having competence by law. In any case, the court may order translation by a specialised translator.

[...]

##### Article 175

###### Loss and authenticity

[...]

In relation to a foreign public document, the court may find it authentic even without evidence, on the basis of the applicable circumstances. To this regard, the court may rely solely on its legalisation by the Ministry of Foreign Affairs or by a Greek embassy or consulate.

Outgoing documents: Issues relating to outgoing court documents, and therefore legalisation thereof, are regulated by the provisions of the Regulation on Internal Functioning of the respective court, which is issued in accordance with article 17 of Law 1756/1988 (GG A 35) on the Code of court organisation and status of judicial officials. In most cases, the relative Regulation includes a provision stating that court documents are legalised through the signature and seal of the competent court officer, appointed by the President of the respective court formation.

#### **I.A.4.2. Scope**

(1),(2): As to national (*i.e.* Greek) documents, legalisation appears as a condition of their transmission abroad. Therefore the requirement of legalisation applies to all national public documents that will circulate beyond the territory of the Hellenic Republic. As to foreign (*i.e.* non-Greek) documents, legalisation appears as a condition for their transmission to the Greek authorities. Therefore legalisation applies to all foreign documents intended to circulate within the territory of the Hellenic Republic.

#### **I.A.4.3. Practical implementation**

(1) The authority or organ competent to legalise an outgoing document is either the authority or organ issuing the document or the authority or organ exercising hierarchical control or supervision on the authority that drew up the document. In cases of court documents, legalisation is usually made by members of the secretariat of the court, *i.e.* organs operating under the same authority that drew up the document in the first place.

(2) The legalisation procedure is usually done in person by the interested party; however, it may also be done by registered mail, and also through a KEP.

(3) The same procedure applies roughly to all documents, although legalisation of certain types of documents, such as a criminal record excerpt, requires the application to be made by the person to whom the document refers. No distinction is known to be made on the basis of the countries to which the documents will be used.

(4) Apart from the standard-form application that public authorities use in all dealings, the only document that need be presented is the one for which legalisation is sought.

(5) The official will carry out a procedure similar to the one used for legalisation according to the *Apostille* Convention: books containing samples of signatures and seals of all competent organs of the authorities issuing documents are kept (in many cases, both legalisation procedures are carried out by the same organ); once verification of capacity, signature and seal is made, the organ performing legalisation affixes a seal stating authenticity of the above qualities, or completes a similar statement in writing on the legalised document, followed by the organ's signature and official seal. The legalisation is then documented in a registry, similar to the one kept for the purposes of the *Apostille* Convention.

(6) This procedure is very short and will not last more than 5 to 10 minutes. The payment of a fee is usually not required, however exceptions are made in relation to court documents, similarly to the practice formed in the legalisation process according to the *Apostille* Convention.

#### **I.A.4.4. Judicial control**

(1) In order to explain the lack of specific case law dealing with the issue of legalisation of documents, one needs to make two basic remarks: first, as illustrated above under I.A.4.1, legalisation is not considered to be a prerequisite of document authenticity in relation to its evidentiary value in court proceedings; and second, despite the above simplification, the courts pay less attention to the actual legalisation of the document and apply more on the necessity of translation of documents that have been drawn up in foreign languages.

Practice has therefore resolved the issue in the following manner: foreign documents that bear the signature and seal of the person that drew them up are translated by either an attorney, in cases when the document will be brought before the courts, or by the Translation Service of the Ministry of Foreign Affairs. The judge or administrative authority receiving the document may accept it as it is or may request the competent authority of the Ministry of Justice (*i.e.* the Hellenic Institute of International and Foreign Law) on information related to the prerequisites of authenticity of documents emanating from the country the authorities of which issued the document in question. To this regard, the relatively recent opinion by the State Legal Council has come up with an even more simplified yet logical solution in relation to documents pertaining to nationality and the civil status of foreign nationals:

(2) See annexed cases.

## **PART I.B. Specific**

### **I.B.1. Introduction**

### **I.B.2. Specific documents**

#### **1. Documents proving involuntary unemployment**

Involuntary unemployment is proven by administrative act issued by the Manpower Employment Organization (*Οργανισμός Απασχόλησης Εργατικού Δυναμικού – ΟΑΕΔ*, Organismos Apascholis Ergatikou Dynamikou – OAED). Such document is issued by the competent branch office of OAED, located at the place of residence of the unemployed person. OAED issues the document proving involuntary unemployment and the applicant is listed in the Register of Unemployed Persons, and is given an unemployment card that requires certification once a month.

#### **2. Documents proving a family relationship or other durable relationship**

Apart from the documents described below, under 3, 4 and 5, the interested party may also request an act by the Municipal Rolls certifying his closest relatives; this is issued following application, a copy (not necessarily certified) of the applicant's identity card, and a sworn statement made before a notary or a justice of peace. Additionally, the interested party may again request the Municipal Rolls for a certificate proving his family status, by filing an application and providing identification.

Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial and legalisation requirements have been met.

#### **3. Documents proving or contesting a parent-child relationship**

A document proving a parent-child relationship may primarily be the certificate of birth, which is issued by the competent Registry of Births at the place where the child was born or where the father resides (see articles 20 and 21 of Law 344/1976). Issuing of such document requires the relevant application, identification by the father (*i.e.* identity card, residence card or passport), certificate by the doctor or mid-wife and, in the

absence of the latter, a certified copy of a final court decision declaring the father as parent to the newborn child.

The parent-child relationship is equally proven by final court decision issued on this subject matter; this document possibly serves as a means of validating a contestation of a parent-child relationship, in cases when one of the parents, be they married or not, contests parentage of the other spouse or presumed parent. Parent-child relationship may also be made on the basis of recognition of the child by the parent (father), by declaration made before a notary, or by testamentary recognition.

Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial and legalisation requirements have been met.

#### **4. Documents proving the name and forenames of a child or adult**

The document proving the name of the child may be: (i) a certificate of baptism, issued by the relevant representative of a religious authority; in such instance, issuing of the certificate requires the filing of a relevant application, certification by the priest who conducted the ceremony and identification of the applicant (i.e. the parent(s), the godparent, the person baptised – provided that he is older than 14, and relatives up to the third degree, with the closer one barring application of all others; baptism must also be recorded in the Register of births (article 26 of Law 344/1976); (ii) an act of denomination, either made by the parents immediately following the birth of their child, issued by the Register of Births following application of both parents or the parent having custody of the child, or the guardian thereof (article 25 of Law 344/1976), or by declaration before the courts.

Forename of the child is designated by the parents upon celebration of the marriage or subsequently before a notary (article 1505 of the Civil Code), and recorded in the Register of Births. All documentation evidencing the forename retrieves the information as included therein. In case the parents of the child are not married and fatherhood has not been recognised, the child receives the mother's forename (article 1506 of the Civil Code). Once fatherhood is recognised (voluntarily or by court decision), the father's forename may be inserted by declaration at the Registry of Births; all subsequent documentation evidencing the forename (including identity cards, residence permits and passports) retrieves the information as included therein. An adult may subsequently change his forename or name by declaration before the courts.

Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial and legalisation requirements have been met.

#### **5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship**

The document proving a marriage (civil partnership is not recognised by Greek law) is primarily the certificate of marriage issued by the competent Register, following

application and accompanied by identification of both spouses, certification by the church (following authorisation by the respective Metropolitan Church), in case of religious marriage, or declaration by the Mayor or Consul, in case of civil marriage, and a residence permit in relation to foreign nationals. Alternatively, marriage is also attested by a certificate of non-dissolution of marriage, issued by the competent court of first instance following application and accompanied by declaration by the applicant. The document proving marriage termination is always a court decision, irrespective of the form in which marriage was celebrated, following application for divorce before the competent court of first instance (article 1441 of the Civil Code).

Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial and legalisation requirements have been met.

#### **6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities**

This document is the permit of stay, issued by the Police Departments vested with special competence on the issuing of documents for foreign nationals. To the extent that EU legislation provides special regulation for certain categories of professions, it goes without saying that a distinction is necessarily drawn between the procedures applicable to nationals of EU member states and those applicable to all other foreign persons.

#### **7. Documents proving a person's professional qualifications (diplomas)**

Diplomas issued by State-owned institutions provide proof of the person's professional qualifications, and are issued after successful completion of the relevant course of studies. The Diploma is issued following application and a public oath-taking ceremony; identification particulars are not required as they have already been collected upon registration of the person at the outset of his studies.

Foreign documents proving a person's professional qualifications are not accepted as direct evidence thereof, but are necessarily processed through the procedure for recognition of degrees from foreign institutions, currently exercised by the Hellenic National Academic Recognition and Information Centre (Hellenic NARIC), a state organisation supervised by the Ministry of Education and Religions. Such documents must be officially translated and may be produced either in original form or in copies that have been officially validated (i.e. certified copies of the original); they are accompanied by the applicant's statement on the authenticity of documents.

#### **8. Documents proving a person's death**

The certificate of death is issued following application by identified close relatives or persons witnessing the death, and by persons engaged in the funeral parlour, following medical certification stating the full identity of the deceased (article 32 of Law 344/1976). Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial

and legalisation requirements have been met.

#### **9. Documents proving a person's date of birth**

See certificate of birth above, under 3.

Foreign documents issued following the procedure set out in their country of origin are accepted as providing proof on this subject-matter, provided that the relevant substantial and legalisation requirements have been met.

#### **10. Documents proving the establishment by incorporation of a company**

Establishment of the corporation is proven through an act approving the corporation's articles of association and also granting the right of establishment by the Minister of Development. Establishment is also evidenced through excerpt from the relevant company register at the district where the company has its seat, following constitution.

#### **11. Documents proving the constitution of a company, including any official translation thereof**

Constitution is proven through:

- (i) entry into the relevant company register, which is granted by the Ministry of Development through the competent Regional Self-governed Corporation; and
- (ii) publication of a statement of constitution/entry in the company register in the Government Gazette, certified by the register authority.

#### **12. Documents proving the latest banking accounts of a company**

These documents include:

- (a) a statement of account/bank statement, issued following application or request by the legal representative of the company
- (b) a bank reference letter, sent by the credit/financial institution to the company on a regular basis
- (c) the bank account booklet, where all transactions made through the company bank account are registered.

#### **13. Documents proving the deposit of cash or certificates of deposit**

See above, under 12.

### **PART II – Incoming documents: Effects in the Member State's legal order**

## **OVERVIEW OF PART II**

### **II.A.1. European Community Law**

#### **II.A.1.1. The effect of the implementation of Community law**

All relevant documents have a legal status equivalent to a comparable Greek public document. Greece seems to have fulfilled its obligations under each of the Community Instruments referred to.

No distinction seems to be made, either *de jure* or *de facto*, as regards documents originating in different Member States; equally, no distinction seems to be made in Greece, either *de jure* or *de facto*, between types of document.

#### **II.A.1.2. Admissibility and evidentiary weight in judicial proceedings**

A foreign public document which falls under the scope of the Community law provisions as evaluated in Part I is equally admissible in judicial proceedings and produces the same evidentiary weight as equivalent domestic public documents.

#### **II.A.1.3. Admissibility and evidentiary weight in administrative matters**

A foreign public document which falls under the scope of the Community law provisions as evaluated in Part I is equally admissible in administrative matters and produces the same evidentiary weight as equivalent domestic public documents.

### **II.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)**

#### **II.A.2.1. The effect of completion of the requirements of the Hague Convention**

A foreign public document which has been processed in accordance with the rules of the Convention is recognized as a public document in the legal order of Greece.

No distinction is made in Greece, either *de jure* or *de facto*, as regards documents originating in different (Member) States party to the Convention; equally, there exist neither *de jure* nor *de facto* distinctions between types of documents which have been processed in accordance with the rules of the Convention.

#### **II.A.2.2. Admissibility and evidentiary weight in judicial**

A foreign public document which has been processed in accordance with the rules of the Convention is equally admissible in judicial proceedings and produces the same evidentiary weight as equivalent domestic public documents.

#### **II.A.2.3. Admissibility and evidentiary weight in administrative matters**

A foreign public document which has been processed in accordance with the rules of the Convention is equally admissible in administrative matters and produces the same evidentiary weight as equivalent domestic public documents.

### **II.A.3. Parallel international agreements**

#### **II.A.3.1. The effect of completion of the requirements of parallel agreements**

A foreign public document which has been processed in accordance with the rules of each applicable agreements is recognized as a public document in the legal order of Greece.

#### **II.A.3.2. Admissibility and evidentiary weight in judicial proceedings**

A foreign public document which has been processed in accordance with the rules of each applicable agreement is equally admissible in judicial proceedings and produces the same evidentiary weight as equivalent domestic public documents.

#### **II.A.3.3. Admissibility and evidentiary weight in administrative matters**

A foreign public document which has been processed in accordance with the rules of each applicable agreement is equally admissible in administrative matters and produces the same evidentiary weight as equivalent domestic public documents.

### **II.A.4. National Law**

#### **II.A.4.1. The effect of the completion of the requirements of national law**

A foreign public document which has been processed in accordance with the rules of the applicable agreement is recognized as a public document in the legal order of your Member State.

No *de jure* or *de facto* distinction seems to be made in Greece as regards documents originating in different (Member) States.

Equally, there seems to be neither *de jure* nor *de facto* distinction between types of documents which have been processed in accordance with Greek (internal) law.

#### **II.A.4.2. Admissibility and evidentiary weight in judicial proceedings**

A foreign public document processed in accordance with national law is equally admissible in judicial proceedings and produces the same evidentiary weight as equivalent Greek public documents.

#### **II.A.4.3. Admissibility and evidentiary weight in administrative matters**

A foreign public document that has been processed in accordance with Greek (national) law is equally admissible in administrative matters and produces the same evidentiary weight as equivalent Greek public documents.

## **PART III – Incoming documents: Difficulties**

### **OVERVIEW OF PART III**

#### **PART III.A. General**

#### **III.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)**

##### **III.A.1.1. Legal**

There seem to be no major difficulties of a legal nature in relation to incoming documents under the *Apostille* Convention. As already illustrated above, the Convention enjoys a full legal effect; the rules applying in relation thereto attain their goal in practice, thus allowing effective use of the document after the requirements set out by the Convention have been met.

##### **III.A.1.2. Practical**

Similarly to the point discussed above, there seem to be no major practical difficulties in relation to incoming documents under the *Apostille* Convention. Assuming, however, that in some administrative cases the public authority or organ before which the incoming documents are presented is not familiar to the Convention’s provisions, the problem that

might occur is one of the document's effect under Greek law, resulting in a delay in the processing of the incoming document, due to an inquiry addressed by the organ to its hierarchically superior organ or authority, requesting clarifications as to the proper mode of action. A delay may also occur as a result of the fact that many countries (Greece also being one of them) complete the *Apostille/allonge* forms in their official languages alone; this sometimes leads to a request by the authority before which the apostilled document is produced for a translation of the *Apostille/allonge*. This translation may be made either by the Translation Department of the Ministry of Foreign Affairs, or a lawyer. Persons dealing with the Administration are accustomed to its low functioning pace; the same is sometimes true for court operation as well, and thus one can hardly claim that significant delay on a person's affairs could emanate from practical difficulties in the application of the Convention alone.

### **III.2. Parallel international agreements**

#### **III.A.2.1. Legal**

See comment above, under III.A.1.1.

#### **III.A.2.2. Practical**

See comment above, under III.A.1.2.

### **III.3. National law**

#### **III.A.3.1. Legal**

See comment above, under III.A.1.1.

#### **III.A.3.2. Practical**

See comment above, under III.A.1.2.

## **PART III.B. Specific**

### **1. Documents proving involuntary unemployment**

It has not been possible to identify any such difficulties.

### **2. Documents proving a family relationship or other durable relationship**

It has not been possible to identify any such difficulties.

### **3. Documents proving or contesting a parent-child relationship**

It has not been possible to identify any such difficulties.

### **4. Documents proving the name and forenames of a child or adult**

It has not been possible to identify any such difficulties.

### **5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship**

It has not been possible to identify any such difficulties.

**6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities**

It has not been possible to identify any such difficulties.

**7. Documents proving a person's professional qualifications (diplomas)**

It has not been possible to identify any such difficulties.

**8. Documents proving a person's death**

It has not been possible to identify any such difficulties.

**9. Documents proving a person's date of birth**

It has not been possible to identify any such difficulties.

**10. Documents proving the establishment by incorporation of a company**

It has not been possible to identify any such difficulties.

**11. Documents proving the constitution of a company, including any official translation thereof**

It has not been possible to identify any such difficulties.

**12. Documents proving the latest banking accounts of a company**

It has not been possible to identify any such difficulties.

**13. Documents proving the deposit of cash or certificates of deposit**

It has not been possible to identify any such difficulties.

**PART IV – Outgoing documents: Difficulties**

**OVERVIEW OF PART IV**

## **PART IV.A. General**

### **IV.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)**

#### **IV.A.1.1. Legal**

No such difficulties have been identified.

#### **IV.A.1.2. Practical**

No such difficulties have been identified.

### **IV.A.2. Parallel international agreements**

#### **IV.A.2.1. Legal**

No such difficulties have been identified.

#### **IV.A.2.2. Practical**

No such difficulties have been identified.

### **IV.A.3. National law**

#### **IV.A.3.1. Legal**

No such difficulties have been identified.

#### **IV.A.3.2. Practical**

No such difficulties have been identified.

## **PART IV.B. Specific**

### **1. Documents proving involuntary unemployment**

It has not been possible to identify any such difficulties.

### **2. Documents proving a family relationship or other durable relationship**

It has not been possible to identify any such difficulties.

### **3. Documents proving or contesting a parent-child relationship**

It has not been possible to identify any such difficulties.

### **4. Documents proving the name and forenames of a child or adult**

It has not been possible to identify any such difficulties.

### **5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship**

It has not been possible to identify any such difficulties.

### **6. Documents proving a person’s legal establishment for the purpose of pursuing specific regulated professional activities**

It has not been possible to identify any such difficulties.

**7. Documents proving a person's professional qualifications (diplomas)**

It has not been possible to identify any such difficulties.

**8. Documents proving a person's death**

It has not been possible to identify any such difficulties.

**9. Documents proving a person's date of birth**

It has not been possible to identify any such difficulties.

**10. Documents proving the establishment by incorporation of a company**

It has not been possible to identify any such difficulties.

**11. Documents proving the constitution of a company, including any official translation thereof**

It has not been possible to identify any such difficulties.

**12. Documents proving the latest banking accounts of a company**

It has not been possible to identify any such difficulties.

**13. Documents proving the deposit of cash or certificates of deposit**

It has not been possible to identify any such difficulties.

**PART V – Justification of legalisation or other similar or equivalent requirements identified in Part I**

**OVERVIEW OF PART V**

**PART V.A. General**

**V.A.1. Hague Convention of 5 October 1961 (the 'Apostille' Convention)  
V.A.1.1 Requirements and procedures**

1. The requirements and procedures currently applicable do not discriminate on grounds of nationality.
2. Similarly, requirements and procedures neither appear discriminatory nor seem to operate in a discriminatory manner.
3. The requirements and procedures do not seem liable to hinder or make less attractive the free movement of goods, persons, services or capital between the Member States of the European Union.
4. The general rationale behind the requirements and procedures underlines the necessity of the Convention's goals, i.e. facilitation of circulation of documents, both incoming and outgoing.
5. No situations in which the requirements and procedures appear as irrational have been identified.
6. The requirements and procedures are effective and in practice guarantee that their aims are achieved.
7. No situations in which the requirements and procedures appear as ineffective have been identified.
8. The requirements and procedures are necessary, and any burden that may be created through the implementation of the Convention does not render them unsuccessful, nor does it dictate a modification thereof.
9. The requirements and procedures are proportionate to the objectives pursued, and there seem to be no particular cases where a requirement or a procedure or effects rules appears as excessively burdensome.
10. The consequences flowing from failure to comply vary, depending on whether such failure takes place in an administrative procedure or court proceedings. Thus in the former case, the documents will in all probability not be accepted, since the competent organ has a legal duty to accept the documents only the prescribed form. In the latter case, however, the documents not meeting the requirements may still be used, as outlined above, under I.A.4.1. Non-acceptance of a document for reason of failure to comply with the appropriate rules and procedures does not seem to be disproportionate. Consideration of a document that does not meet the requirements is certainly not disproportionate.
11. Alternative requirements and procedures have been adopted in no particular area with an aim at reducing administrative or other similar burden.
12. There have been no developments in this field in Greece, nor have any requirements or procedures been recently added, modified or abolished.

#### **V.A.1.2 Effects rules**

1. The legalisation effects rules currently applicable do not discriminate on grounds of nationality.
2. Similarly, effects rules neither appear discriminatory nor seem to operate in a discriminatory manner.
3. The effects rules do not seem liable to hinder or make less attractive the free movement of goods, persons, services or capital between the Member States of the European Union.
4. The general rationale behind the effects rules underlines the necessity of the Convention's goals, i.e. facilitation of circulation of documents, both incoming and outgoing.
5. No situations in which the effects rules appear as irrational have been identified.
6. The effects rules are effective and in practice guarantee that their aims are achieved.

7. No situations in which the effects rules appear as ineffective have been identified.
8. The effects rules are necessary, and any burden that may be created through the implementation of the Convention does not render them unsuccessful, nor does it dictate a modification thereof.
9. The effects rules are proportionate to the objectives pursued, and there seem to be no particular cases where an effects rule appears as excessively burdensome.
10. Alternative effects rules have not been adopted in any particular area with an aim at reducing administrative or other similar burden.
11. There have been no developments in this field in Greece, nor have any effects rules been recently added, modified or abolished.

## **V.A.2. Parallel international agreements**

### **V.A.2.1 Requirements and procedures**

See above, under V.A.1.1.

### **V.A.2.2 Effects rules**

See above, under V.A.1.2.

## **V.A.3. National law**

### **V.A.3.1 Requirements and procedures**

See above, under V.A.1.1.

### **V.A.3.2 Effects rules**

See above, under V.A.1.2.

## **PART V.B. Specific**

### **1. Documents proving involuntary unemployment**

It has not been possible to identify any such difficulties.

### **2. Documents proving a family relationship or other durable relationship**

It has not been possible to identify any such difficulties.

### **3. Documents proving or contesting a parent-child relationship**

It has not been possible to identify any such difficulties.

### **4. Documents proving the name and forenames of a child or adult**

It has not been possible to identify any such difficulties.

### **5. Documents proving or annulling/terminating a marriage/civil partnership or**

**other durable relationship**

It has not been possible to identify any such difficulties.

**6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities**

It has not been possible to identify any such difficulties.

**7. Documents proving a person's professional qualifications (diplomas)**

It has not been possible to identify any such difficulties.

**8. Documents proving a person's death**

It has not been possible to identify any such difficulties.

**9. Documents proving a person's date of birth**

It has not been possible to identify any such difficulties.

**10. Documents proving the establishment by incorporation of a company**

It has not been possible to identify any such difficulties.

**11. Documents proving the constitution of a company, including any official translation thereof**

It has not been possible to identify any such difficulties.

**12. Documents proving the latest banking accounts of a company**

It has not been possible to identify any such difficulties.

**13. Documents proving the deposit of cash or certificates of deposit**

It has not been possible to identify any such difficulties.

**PART VI – Suggested action**

## **OVERVIEW OF PART VI**

Due to the scarcity of information that was made available for this questionnaire, the action suggested in this part cannot, unfortunately, be as comprehensive as one would have hoped. However, as already pointed out in various sections above, the overview of current legal and practical issues relating to legalisation of documents in Greece leads to the following general remarks:

The Greek authorities are accustomed to the increasing body of exceptions from legalisation procedures concerning documents used in various administrative and court proceedings. Such procedures are applied widely and effectively. The authorities operate on the basis of confidence building with foreign competent authorities, and this is strongly evidenced in cases involving authorities from other European (and more so European Union) countries.

Legalisation and other equivalent procedures are carried out either through central authorities (mainly the Ministry of Justice) or several central, decentralised or local-government authorities. Such procedures are carried out without major problems, and no serious complaints as to non-efficiency have been reported. It should be noted, however, that some problems are identified in cases involving authorities operating at the decentralised or local-government levels, where legalisation – and exception therefrom – is not always well-perceived. However, even in such cases, the procedures seem to progress without obstacles once proper information as to the appropriate mode of action is received from other, more experienced or supervisory government agencies. Finally, the internal organisation of authorities relating to legalisation is not as up-to-date as one would have hoped. Registers and books are kept in written form, and are not always updated, thus creating further time-consuming considerations. Similarly, although legalisation proceedings are usually short when done in person, they take significantly longer when done by other means.

In light of the above, the following suggestions would perhaps better the existing system, first on a national level, and second on an intergovernmental-European level:

### **VI.1. European**

At the European level, it seems that the applicable procedures seem to be operating without serious hindrance. A bold yet very practical suggestion could be that even more areas of activity be exempted from legalisation requirements, with a view on establishing a comprehensive framework within which all documents can freely circulate between member states without the need of legalisation.

The experience that is accumulating in other fora, such as the Hague Conference, could serve as a guideline to this extent. To this regard, the European Union could explore the possibility of adopting a comprehensive regulation that would cover the documents already exempted from legalisation, with a view of further expanding its application in the future. Additionally, a comprehensive, European central register could be set up and thus contribute significantly to the expeditiousness of document circulation and the effective combat of document-related offences.

### **VI.2. Intergovernmental**

At the intergovernmental level, it would perhaps be to the benefit of existing legalisation procedures if Greece evaluated their implementation; additionally, Greece should also

try to work closer with other parties to multilateral and bilateral treaties in order to explore ways of modernising the system wherever it seems to be outdated. Greece, for example, is not an active supporter of the *E-Apostille* Programme. However, the increasing number of incoming and outgoing documents, leads to an increased engagement of the Greek authorities and also increases the danger of criminal activity. It could very well be to the benefit of the *Apostille* system if Greece participated in the development of the electronic *Apostille* program.

**VI.3. National**

At the national level, it would be to the benefit of cross-border circulation of documents if the Administration kept all authorities, agencies and organs informed of legalisation requirements and exceptions therefrom. Handbooks, memoranda of clarifications, general directions and examples should be made up in advance by administrative organs providing assistance to other authorities of the Administration on such instances. To some extent, Greek authorities (but much less so the courts) have not fully understood to what extent cross-border circulation is facilitated by exemption from legalisation. It is quite striking, for example, that the Ministry of the Interior has still not provided official guidelines to administrative authorities on the application of the *Apostille* Convention, and thus the latter rely on prior practice and unofficial information as to how the Convention is applied.

For the same reason, it is also advisable that modern methods of data collection, storage and processing are adopted. To this regard, the public authorities must be given the means to collect information on all administrative and court organs that have the competence of issuing documents, and regularly update the appropriate records. This would be extremely time-consuming and would also reduce the risk of fraud and forgery instances. Additionally, public authorities should rely less on the written means and move closer to the digital world, at least by keeping books and registers in digital form. If this latter Herculean task were accomplished, then Greece would be able to participate actively in the suggested actions on the European and intergovernmental levels.

**APPLICATION**

**TO  
THE PUBLIC PROSECUTOR  
COURT OF FIRST INSTANCE  
ATHENS**

OF [name]  
Resident [address]

I kindly request you to affix the *Apostille* according to the Hague Convention on document bearing number .....

.....  
.....  
.....  
.....

So that I can use it in [country] .....

.....

ATHENS [date]

The Applicant  
[signature]