

Greek Law regulating the Civil Union (symfono symviosis = contract of cohabitation)

(translated by Panayotis Viopoulos, law student)

Law no. 3719/2008 (FEK = Government Gazette 241/A/26.11.2008) on **Civil Union**

Law no.3719/2008 as amended by the provisions of Law no.4356/2015 (FEK = Government Gazette A' 181/24-12-2015) (modifications in red)

Section 1 -Conclusion of a civil union

A contract between two different-sex adults governing their life as a couple (“civil union”) shall be entered into by means of a notarized instrument in the presence of the parties. The contract shall be valid from the date on which a copy of the notarized instrument is lodged with the civil registrar for the couple’s place of residence. It shall be recorded in a special civil register.

Article 1-Conclusion of a civil union

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Section 2-Conditions

1. Full legal capacity is required in order to enter into a civil union.
2. A civil union may not be entered into: (a) if either of the persons concerned is already married or party to a civil union, (b) between persons who are related by blood in a straight line indefinitely and collaterally until the fourth degree or by marriage in a straight line indefinitely and (c) between an adopter and adoptee.
3. Any violation of the provisions of this section shall render the civil union null and void.

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3. Any violation of the provisions of this section shall render the civil union null and void. **Fictitiousness of the contract entails equally its nullity.**

Section 3-Nullity of the civil union

The parties and any person asserting a legitimate family or financial interest may invoke a ground of nullity of the civil union under the preceding section. The prosecutor may apply of his or her own motion for the civil union to be annulled if it breaches public order.

Article 3-Null and voidable contract

1. **The nullity of the contract under the preceding provision shall be declared by an irreversible judicial decision. The parties and any person asserting a legitimate family may submit the respective lawsuit.** The prosecutor may apply of his or her own motion for the civil union to be annulled if it breaches public order.
2. **In case of defects of will, the provisions on voidable marriage shall be applicable by analogy. The relevant judicial decision shall be rendered irreversible.**

	<p>3. By virtue of the irreversible judicial decision annulling the civil union, its legal consequences are lifted <i>ex tunc</i>. The nullity or annulment of the civil union shall have no effect on the paternity of the children.</p>
<p>Section 5 Surname The civil union shall not change the (family) name of the parties. Each party may, with the consent of the other party, use the other’s surname or add it to his or her own in social relations.</p>	<p>Article 4-Surname The civil union shall not change the (family) name of the parties. Each party may, with the consent of the other party, use the other’s surname or add it to his or her own in social relations.</p>
<p>Section 6 Financial relations The parties’ financial relations, particularly regarding any assets they acquire during the lifetime of the civil union (after-acquired assets), may be regulated by the civil union contract or by a subsequent notarised instrument. If no agreement exists on after-acquired assets, upon dissolution of the civil union each party shall have a claim in respect of any assets the other party has contributed. No such claim shall vest in the heirs of the claimant; it may not be assigned or transferred by succession but may be made against the heirs of the debtor. The claim shall expire two years after dissolution of the civil union.</p>	<p>Article 5-Parties’ relations 1. If no different special regulation exists in the present or another law, the provisions on the (married) spouses’ relations are applicable by analogy on the parties’ personal relations. 2. As far as the parties’ non-personal relations are concerned, the relevant provisions on the (married) spouses’ relations are applicable by analogy, unless, when drafting the civil union, the parties agree on a different regulation of them, pursuant to the principles of equality and solidarity. The parties may not waive the claim of participation in after-acquired assets before its birth.</p>
	<p>Article 6 In case of non-regulated by a civil union cohabitation, the fate of the assets acquired after the commencement of the cohabitation (“after-acquired assets”) shall be adjudged by virtue of the general provisions on unjust enrichment. The latter are applicable equally in pending trials.</p>
<p>Section 4 Dissolution 1. The civil union shall be dissolved: (a) by an agreement between the parties in the form of a notarised instrument signed in their presence, (b) by means of a unilateral notarised declaration, after service on the other party by a process server</p>	<p>Article 7-Dissolution 1. The civil union shall be dissolved: (a) by an agreement between the parties in the form of a notarized instrument signed in their presence, (b) by means of a unilateral notarized declaration, as long as a call for</p>

<p>and (c) by operation of law if the parties to the civil union marry or if one of the parties marries a third party.</p> <p>2. The dissolution of the civil union shall take effect once the notarised instrument or the unilateral declaration has been deposited with the civil registrar at the place of registration of the civil union.</p>	<p>consensual dissolution has previously been served by a bailiff to the other party and a period of three (3) months after the aforementioned service has elapsed (c) by operation of law if the parties to the civil union marry.</p> <p>2. The dissolution of the civil union shall take effect once the notarized instrument or the unilateral declaration has been deposited with the civil registrar at the place of registration of the civil union</p>
<p>Section 7 Maintenance obligation after dissolution</p> <p>1. In the civil union contract or a subsequent notarised instrument, one of the parties or both parties mutually may undertake to pay maintenance only to cover the other in the event that, after dissolution of the union, the other party has insufficient income or assets to provide for his or her own upkeep. A party who, having regard to his or her other obligations, is unable to pay maintenance without compromising his or her own upkeep shall be exempt from the obligation to pay maintenance. The obligation shall not pass to the heirs of the debtor.</p> <p>2. As regards the right to maintenance, the person entitled to maintenance by virtue of the civil union shall rank equally with the divorced spouse of the debtor.</p> <p>3. After dissolution of the civil union, the party liable for payment of maintenance may not rely on that obligation in order to be exempted, in full or in part, from his or her obligation to contribute [to the maintenance of] his or her spouse or minor children or to pay maintenance for them.</p> <p>4. Without prejudice to paragraphs 2 and 3, the contractual obligation referred to in paragraph 1 shall override the obligation to provide maintenance for persons other than the beneficiary [of the maintenance payments] if the latter, after dissolution of the union, has insufficient resources to provide for his or her own upkeep.”</p>	<p>3. The provisions on the maintenance obligation after divorce are applicable by analogy as far as the maintenance obligation after the dissolution of the civil union is concerned, unless the parties have waived the relevant right when drafting the contract.</p>
<p>Section 11 Inheritance rights</p> <p>1. After dissolution of the civil union as a result of death, the survivor shall be entitled to inherit on intestacy. If that survivor is in competition with heirs of the first class of persons entitled to inherit, he or she shall inherit one-sixth of the partner’s estate. If in competition with heirs of any other classes, he or she shall inherit one-third, and if one of the partners dies intestate and without other heirs who may be entitled to inherit on intestacy, the survivor shall inherit the entire estate.</p> <p>2. The survivor shall be entitled to a legally reserved portion of the estate equal to</p>	<p>Article 8-Inheritance rights</p> <p>As far as the inheritance rights of the parties are concerned, the provisions of the Civil Code referring to (married) spouses shall be applicable by analogy. When drafting the contract, each party may waive his or her right to a legally reserved portion.</p>

half the share that would be due to him or her on intestacy. He or she may participate up to this percentage as an inheritor.

3. Articles 1823 et seq., 1839 et seq. and 1860 of the Civil Code shall apply by analogy.

<p>Section 8 Presumption of paternity</p> <p>1.The putative father of any child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall be the man with whom the mother entered into the union. That presumption may be rebutted only by an irreversible judicial decision. Articles 1466 et seq. of the Civil Code and Articles 614 et seq. of the Code of Civil Procedure shall be applicable by analogy.</p> <p>2.The nullity or annulment of the civil union shall have no effect on the paternity of the children.</p>	<p>Article 9-Presumption of paternity</p> <p>The putative father of any child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall be the man with whom the mother entered into the union. That presumption may be rebutted only by an irreversible judicial decision. Articles 1466 et seq. of the Civil Code and Articles 614 et seq. of the Code of Civil Procedure shall be applicable by analogy.</p>
<p>Section 9 – Children’s surname</p> <p>Children’s surname “Any child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall bear the surname chosen by its parents by means of a joint and irrevocable declaration contained in the civil union contract or in a subsequent notarized instrument drawn up before the birth of the first child. The surname chosen shall be given to all the children and must be the surname of one of the parents or a combination of their surnames. In no circumstances may it be made up of more than two surnames. If no declaration is made, the child shall be given a composite surname made up of the surnames of both parents. If the surname of one or both parents is a composite name, the child’s surname shall be formed by the first of the two names.</p>	<p>Article 10-Children’s surname</p> <p>Any child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall bear the surname chosen by its parents by means of a joint and irrevocable declaration contained in the civil union contract or in a subsequent notarized instrument drawn up before the birth of the first child. The surname chosen shall be given to all the children and must be the surname of one of the parents or a combination of their surnames. In no circumstances may it be made up of more than two surnames. If no declaration is made, the child shall be given a composite surname made up of the surnames of both parents. The surname to be put first shall be the one of which the initial letter precedes in alphabetical order. If the surname of one or both parents is a composite name, the child’s surname shall be formed by the first of the two names.</p>
<p>Section 10 Parental responsibility</p> <p>1. Parental responsibility for a child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall be held by both parents and exercised jointly. The provisions of the Civil Code concerning parental responsibility for children born within marriage shall be applicable by analogy.</p> <p>2. If the civil union is dissolved for the reasons referred to in sections 2 and 4 of this Law, Article 1513 of the Civil Code shall apply by analogy for the purposes of parental responsibility.</p>	<p>Article 11-Parental responsibility</p> <p>1.Parental responsibility for a child born during the lifetime of the civil union or within three hundred days of its dissolution or annulment shall be held by both parents and exercised jointly. The provisions of the Civil Code concerning parental responsibility for children born within marriage shall be applicable by analogy.</p> <p>2.If the civil union is dissolved or annulled, Article 1513 of the Civil Code shall apply by analogy for the purposes of parental responsibility.</p>

Article 12-Applicability by analogy of the other provisions-Delegations

If no different special regulation exists in the present or another law, other legal provisions on claims between the (married) spouses, as well as on claims, benefits and privileges against third parties or against the State, shall apply by analogy to the parties of the civil union. Pursuant to the requirements of the present article, the respective regulations of labor law and of social security law may be readjusted, where required, by presidential decree issued after proposal made by the Minister of Labor, Social Security and Social Solidarity within six months from the date of entry into force of this law.

Section 13 Scope

This Law shall apply to all civil unions entered into in Greece or before a Greek consular authority. In all other cases the law designated by the rules of international private law shall apply.

Article 13-Scope

1. This Law shall apply to all civil unions entered into in Greece or before a Greek consular authority.

2. The conditions for the conclusion, the relations between the parties, as well as the conditions for and the consequences of the dissolution of the civil unions not listed in paragraph 1 of the present article, shall be governed by the law of the state where drafted. As far as the hereditary succession is concerned, the relevant provisions of international private law shall be applicable. Besides, civil unions of this paragraph shall not entail in the Greek legal order more results than those provided by virtue of the present law.

Article 14-Amendments on Civil Code provisions

Articles 1354, 1462, 1463 and 1576 of the Civil Code shall be amended as follows:

Article 1354: “Obstacle from existing marriage or from civil union with a third party”

Marriage is hindered before the dissolution or the irreversible annulment of an existing marriage, as well as before the dissolution or the annulment, by an irreversible judicial decision, of the civil union bonding the person about to be married with a third party. Spouses may repeat their marriage before it is annulled.

Article 1462: “Relationship by marriage”

Relatives by blood of the one of the (married) spouses shall be relatives by marriage of the other, in equal line and degree. This is equally applicable in the case of civil union. Relationship by marriage shall be maintained after the dissolution or the annulment of either the marriage or the civil union by virtue of which it has been generated.

Article 1463

A person’s relationship with his or her mother shall be deduced from birth. The relationship with the father and his relatives shall be deduced from the marriage or the civil union between the mother and the father or it shall be established by recognition, either voluntary or judicial.

Article 1576: “Automatic dissolution”

If, in non-compliance with the law, the adopter and the adoptee marry each other or conclude a civil union with each other, the adoption shall be automatically annulled and the relation deriving shall be lifted *ex tunc*. If the marriage or the civil union is annulled, the adoptee may maintain only the property rights derived from the adoption.

