

Formalisation of legal family formats in Greece

by Lina Papadopoulou ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

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The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about Greece

The answers concerning Greece can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Greece by Lina Papadopoulou (Section 1)

Income, troubles and legal family formats in Greece by Dafni Lima (Section 2)

Parenting and legal family formats in Greece by Lina Papadopoulou (Section 3)

Migration and legal family formats in Greece by Dafni Lima (Section 4)

Splitting up and legal family formats in Greece by Lina Papadopoulou (Section 5)

Death and legal family formats in Greece by Dafni Lima (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

1.16 - General background regarding formalisation (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

1.17 - Literature (Open question)

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

Law 1250/1982 introduced civil weddings as an equal alternative to religious weddings. Until then only religious weddings were foreseen by the Civil Code.

The cohabitation pact was first introduced in 2008. According to the legislator, the 'cohabitation pact' is an alternative type of a permanent living together and not a kind of mild marriage. This legislative intention may explain its name, which in both laws is based on cohabitation and not something like civil union or registered partnership that would be more of marriage. Same-sex partners were excluded in the beginning, but were included by Law 4356/2015 after the Vallianatos judgment of the European Court of Human Rights of 7 November 2013.

Note: Greek legislation used has been translated by the author of this report.

Civil Code = Presidential Decree 456 of 17/24 October 1984 (Government Gazette A 164), firstly set into force in 1946.

Penelope Agallopoulou, 'Cohabitation and one-parent Families According to Greek Law', International Family Law, 2003, p. 24-28.

**Achilles G. Koutsouradis, Grounds for divorce and maintenance between former spouses - Greece, 2002, available at:
<http://ceflonline.net/wp-content/uploads/Greece-Property.pdf>.**

Achilles G. Koutsouradis, Property relationship between spouses - GREECE, 2008, available at: <http://ceflonline.net/wp-content/uploads/Greece-Property.pdf>.

Achilles G. Koutsouradis, 'Greece' in Katharina Boele-Woelki, Bente Braat and

Ian Curry-Sumner eds.) European Family Law in Action: Vol III: Parental responsibilities (Intersentia 2005).

Achilleas Koutsouradis and Lina Papadopoulou, 'Country Report on Greece', in Andrea Büchler and Helen Keller (eds.), 'Family Forms and Parenthood', Theory and Practice of Article 8 ECHR in Europe, Cambridge et al: Intersentia 2016, pp 237-260.

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 No 0000	2016 Yes 2008	2016 Yes 2015	2016 No, but 2002	2016 No, but 2011
		No 0000	No, but 2013	No 0000	No 0000
			No 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1350 of Civil Code: "For the conclusion of marriage the agreement of the future spouses is required. The relevant statements must be made in person and without condition or time limit. The future spouses must be at least eighteen years old. The court may, after hearing the couple and the persons exercising custody of the minor(s), authorize the marriage before the future spouse(s) reaching that age, if the marriage is imposed by good reason."</p>		<p>References to legal sources: Law 3719/2008 (Government Gazette A 241/ 26.11.2008). Law 4356/2015 (Government Gazette A 181/ 24.12.2015). Article 1 Law 4356/2015 (Conclusion of cohabitation pact): "A contract between two adults, regardless of their gender/sex, governing their life as a couple ("cohabitation pact"), 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."</p>		<p>References to legal sources: Article 1444(2) Civil Code according to which in case of divorce "the right of maintenance shall cease if the ex-spouse entitled thereto re-marries or if he/she cohabits permanently with somebody else in a free union". Article 1456(1) of Civil Code (written notarized consent of two partners to assisted reproduction). Article 1457 of Civil Code (post-mortem fertilization of a woman with the sperm of the deceased partner).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The difference in sex of the two future spouses is not provided for explicitly by law but it is considered self-evident by the prevailing opinion in theory and the courts.</p>		<p>Explanations and nuances: Law 3719/2008 introduced registered partnership (symfono symviosis = cohabitation pact) only for different-sex couples. The ECtHR in its Vallianatos (and Others v. Greece, 7 November 2013) judgment found that in excluding same-sex couples from registration, Greece violated articles 8 and 14 ECHR.</p> <p>Law no.4356/2015 allowed also to same-sex couples to conclude a 'cohabitation pact'. N.B. The terms "cohabitation pact", "civil union" and "registered partnership" are used interchangeably. The Greek legislation (both laws 3719/2008 and 4356/2015) uses the term 'cohabitation pact'. Law 4356/2015 is in force from 24.12.2015; only this law is applicable after this date (article 62 para 2 of law 4356). Nevertheless, Law 4356 has neither amended nor replaced law 3719; both laws coexist, since all cohabitation pacts concluded until 24.12.2015 are still governed by the former law. More specifically, according to article 62 para 1 of law 4356/2015, cohabitation pacts which have been concluded until the date this same law came into force (24.12.2015) are still governed by law 3719/2008, with the exception of article 7 paras 1 and 2 of law 4356/2015 (concerning the dissolution of the pact) which also apply to the pacts concluded based on law 3719/2008. Should the partners of 'old' cohabitation pacts wish to be submitted to the new law and its legal consequences, they should declare it by means of a notarial act. A copy of this act should be included in the Registry, together with the initial registration of their cohabitation pact. However, according to article 56 para 5 of Law 4356/2015, the (different-sex) partners who had concluded a pact before law 4356/2015 came into force, could only exercise their right to switch to this new law only 6 months after its coming into force (that is 26.06.2016).</p>		<p>Explanations and nuances: Cohabitation of heterosexual (not homosexual) partners is taken into consideration in article 1444(2) Civil Code, according to which, if the divorced spouse is living with another partner in a state of free union, (s)he loses her rights to maintenance. Nevertheless, article 1444(2) does not introduce any kind of recognition to cohabiting partners. It has a negative effect excluding a spouse (mainly the wife) from his/her maintenance rights. This is historically explained since a woman's living in a (free) union used to mean socially that her new partner cared for her.</p> <p>The state of a free union is also taken into account in the context of assisted reproduction (articles 1456 and 1457, newly inserted through law 3089/2002, Government Gazette 327, A, 23.12.2002): the legislator, for the sake of the children to be born, in a way assimilates heterosexual partners in a free union to a married couple. This is explained by the high value that the Greek society places on procreation. Even unmarried heterosexual couples are encouraged and facilitated in order to have children.</p> <p>In 1999 the Kozani Court of First Instance ruled (decision 204/1999) that article 1400 Civil Code (concerning the claim of the one spouse to take part of the other spouse's increments in case of divorce) is not applicable in case of a cohabitation. However, in 1991 the Rhodes Court of First Instance (decision 206/1991) and part of theory (see for example E. Kounougeri-Manoledaki, Nomiko Vima 2000, 1450) argued that article 1400 CC is applicable, by analogy, to cohabitation (of heterosexual partners).</p> <p>See also questions 2.6 (next of kin), 2.7 (domestic violence), 4.1 and 4.4 (residence entitlement of foreign of partner), and 5.9 (property at dissolution).</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 No 2008	2016 No 2015	2016 N/A 0000	2016 N/A 0000
		N/A 0000	N/A 0000		
<p>References to legal sources: Article 1356 Civil Code (Blood Relationship) "Marriage is forbidden between blood relatives in a straight line indefinitely and collaterally up to fourth degree." Article 1357 Civil Code: "No marriage is allowed between relatives by marriage, in straight line indefinitely and collaterally up to third degree."</p>		<p>References to legal sources: Both Article 2(2b) and (3) of Law 3719/2008 and Article 2(2b) of Law 4356/2015 foresee: "Presuppositions: 2. ... No cohabitation pact is allowed a) ... b) between blood relatives in a straight line indefinitely and collaterally up to the fourth degree, as well as between relatives by marriage in straight line indefinitely... (c) ... 3. Violations of the provisions of this Article shall entail the nullity of cohabitation pact."</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country?
(As to the meaning of "residing", see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 Yes 2008	2016 Yes 2015	X	X
		N/A 0000	N/A 0000	X	X
<p>References to legal sources: Article 4 Civil Code: "The foreigner enjoys the same rights provided for by the Civil Code as Greeks do". Articles 1350 - 1371 Civil Code (concerning the prerequisites for marriage).</p>		<p>References to legal sources: Article 2 of law 4356/2015 (Requirements): "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. Fictitiousness of the contract entails equally its nullity."</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The foreigner needs to hold a valid residence permit. According to the Greek Ombudsman (source: www.synigoros.gr/resources/porisma_dikaiwmata_politikwn_prosfugwn_24_8.pdf), a) the legality of the residence is not a prerequisite for the right to get married, b) asylum seekers are considered as legal residents and have the right to get married.</p> <p>Article 1 para 3 (d) of Presidential decree 391/1982 foresees that when one of the future spouses is a foreigner, a certificate issued by the relevant consular or other competent authority is needed to certify that there is no obstacle for the foreigner to conclude a marriage ('Certificate of No Impediment'). The foreigner needs to submit any official document (visa, residence permit, passport etc.), in order to prove that s/he legally resides in Greece.</p>		<p>Explanations and nuances: Greek nationality is not mentioned as one of the requirements to conclude a cohabitation pact. See also question 1.1 and see under marriage. Contracting parties need to have a common residence within Greece, as the pact needs to be filed in the special register situated in the place of their residence.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 Yes, but 2008	2016 Yes, but 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources:</p>		<p>References to legal sources: Article 2 of law 4356/2015 (Requirements): "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. Fictitiousness of the contract entails equally its nullity." Law 4251/2014 (Government Gazette A 80/1.4.2014, Code for Immigration and Social Integration), Article 27 (Notaries' obligations), which replaced Article 85 paragraphs 1 and 2 of Law 3386/2005: "1. When concluding notarial acts, by which the contractors or participants in any way are third country nationals, who are present or declare domicile or residence at home, the notaries are obliged to ascertain that those participants have a visa or residence permit or a certificate provided for by article 8 para 7 and article 9 para 6 [of this law] and should mention this in their act."</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The foreigner needs to hold a valid Certificate of No Impediment from her/his country. S/he also needs to submit an official document (visa, passport etc.), in order to prove that s/he has legally entered and resides in Greece. Simple residence, such as in the future spouse's house or in a hotel room is enough.</p>		<p>Explanations and nuances: Greek nationality is not mentioned as one of the requirements to conclude a cohabitation pact.</p> <p>The reference to "the couple's place of residence" in Article 1 of both laws (3719/2008 and 4356/2015) indicates that both parties live together. Moreover, the name of this legal form itself ('cohabitation pact') involves cohabitation. The term 'cohabitation' however should be interpreted in a wider way. This is favoured by the definition given in the same articles 1 of both laws ("A contract ...governing their life as a couple") which does not involve common residence. As a matter of fact, nobody would check upon the common residence if the parties declared a common address, but it seems that that meanwhile in the notarial practice such a declaration is necessary for the cohabitation pact to be concluded.</p> <p>Moreover, the notary is obliged, as foreseen by Article 27 (1) of Law 4251/2014, to determine whether there is a permit for stay or certificate of submission of the documents required by law for a residence permit in the country (initial or renewed) or an entry visa (i.e. valid visa, regardless of the reason for which it was administered, e.g. tourist, business, etc.), in order for a cohabitation pact to be concluded between a Greek / and a third country national. There is no such obligation of the notary, if the cohabitation pact is concluded between a Greek and a citizen of another Member State of the European Union.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 No, but 2008	2016 No, but 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1350 of Civil Code: "For the conclusion of marriage the agreement of the future spouses is required. The relevant statements must be made in person and without condition or time limit. The future spouses must be at least eighteen years old. The court may, after hearing the couple and the persons exercising custody of the minor(s), authorize the marriage before the future spouse(s) reaching that age, if the marriage is imposed by good reason."</p>		<p>References to legal sources: Article 2 of law 4356/2015 (Requirements): "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. Fictitiousness of the contract entails equally its nullity." Law 4251/2014 (Government Gazette A 80/1.4.2014, Code for Immigration and Social Integration), Article 27 (Notaries' obligations), which replaced Article 85 paragraphs 1 and 2 of Law 3386/2005: "1. When concluding notarial acts, by which the contractors or participants in any way are third country nationals, who are present or declare domicile or residence at home, the notaries are obliged to ascertain that those participants have a visa or residence permit or a certificate provided for by article 8 para 7 and article 9 para 6 [of this law] and should mention this in their act."</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1350 Civil Code does not set the Greek nationality as a requirement. However, the foreigner not residing in Greece needs to hold a valid marriage license issued in her/his country.</p>		<p>Explanations and nuances: Greek nationality is not a requirement. Nevertheless, contracting parties need to have a common residence within Greece, as the pact needs to be filed in the special register situated in the place of their residence. As a matter of fact, the non-residing partner would need to declare his/her partner's residence as his/her own, in order for the cohabitation pact to be concluded.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 Yes 2008	2016 Yes 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 4 Civil Code: "The foreigner enjoys the same rights provided for by the Civil Code as Greeks do".</p> <p>Articles 1350 - 1371 Civil Code (concerning the prerequisites for marriage).</p> <p>Article 1350 of Civil Code: "For the conclusion of marriage the agreement of the future spouses is required. The relevant statements must be made in person and without condition or time limit. The future spouses must be at least eighteen years old. The court may, after hearing the couple and the persons exercising custody of the minor(s), authorize the marriage before the future spouse(s) reaching that age, if the marriage is imposed by good reason."</p>		<p>References to legal sources: See question 1.03.</p>			
<p>Explanations and nuances: Article 1350 Civil Code does not set the Greek nationality as a requirement. Each future spouse needs to present a 'Certificate of No Impediment' issued by the competent authorities of their own home country, in order to get the marriage license issued by the Greek municipality where they reside.</p>		<p>Explanations and nuances: See question 1.03.</p> <p>Contracting parties need to have a common residence within Greece, but they need not have the Greek citizenship.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 No 2008	2016 No 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1350 of Civil Code: "For the conclusion of marriage the agreement of the future spouses is required. The relevant statements must be made in person and without condition or time limit. The future spouses must be at least eighteen years old. The court may, after hearing the couple and the persons exercising custody of the minor(s), authorize the marriage before the future spouse(s) reaching that age, if the marriage is imposed by good reason."</p>		<p>References to legal sources: Article 1 of law 4356/2015 (Conclusion of cohabitation pact): "A contract between two adults, regardless of their gender/sex, governing their life as a couple ("cohabitation pact"), shall be entered into 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".</p> <p>Law 4251/2014 (Government Gazette A 80/1.4.2014, Code for Immigration and Social Integration), Article 27 (Notaries' obligations), which replaced Article 85 paragraphs 1 and 2 of Law 3386/2005: "1. When concluding notarial acts, by which the contractors or participants in any way are third country nationals, who are present or declare domicile or residence within the country, the notaries are obliged to ascertain that those participants have a visa or residence permit or a certificate provided for by article 8 para 7 and article 9 para 6 [of this law] and should mention this in their act".</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1350 Civil Code does not set the Greek nationality as a requirement. However, the foreigners residing abroad need to hold a valid Certificate of No Impediment issued in their own country of origin.</p>		<p>Explanations and nuances: Article 1 of law 3719/2008 and likewise article 1 of law 4356/2015 foresee that the 'cohabitation pact' needs to be registered in a special civil register at "the couple's place of residence". If there is no such place, the notaries refuse to conclude the pact, since there is no place for it to be registered.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 Yes, but 2008	2016 Yes, but 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Law 1250/82 (Government Gazette A 46/07.04.1982).</p> <p>Article 1367 of Civil Code.</p>		<p>References to legal sources: Law 3719/2008 (Government Gazette 241, A' 26.11.2008) on Cohabitation Pact as amended by Law 4356/2015 (Government Gazette 181, A' 24.12.2015).</p> <p>According to article 1 of law 4356/2015 (Conclusion of a cohabitation pact), a contract between two adults, regardless of their gender/sex, governing their life as a couple ("cohabitation pact"), shall be entered 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.</p>			
<p>Explanations and nuances: The future spouses' formal declaration that they agree to marriage has to be given to the Mayor.</p>		<p>Explanations and nuances: The cohabitation pact becomes valid only after its deposit at the Registry. But the document to be deposited is a notarial one. In other words, you can legally start a cohabitation pact at a notary's office but you need to deposit a copy of the notarial document to the registrar of the place of the couple's place of residence, which is recorded in a special book of the Registry, in order for the pact to acquire legal validity.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1982	2016 N/A 0000	2016 Yes 2008	2016 Yes 2015	X	X
No 0000		N/A 0000	N/A 0000	X	X
References to legal sources: Article 1367 Civil Code as amended by law 1250/1982.		References to legal sources: Article 1 of Law 3719/2008 and Article 1 of Law 4356/2015.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Law 1250/1982 on the establishment of civil marriage introduced civil marriage as an alternative to religious marriage.</p> <p>The formal declaration has to be given to the Mayor.</p>		<p>Explanations and nuances: According to article 1 of law 4356/2015 (Conclusion of a cohabitation pact), a contract between two adults, regardless of their gender/sex, governing their life as a couple (“cohabitation pact”), 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.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 No 2008	2016 No 2015	X	X
		N/A 0000	N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1367 of Civil Code: "Marriage is concluded either by means of the future spouses' simultaneous declaration that they agree to it (civil marriage) or by means of a holy service by a priest of the Eastern Orthodox Church or by an officer of another denomination or religion known in Greece.</p> <p>The declaration is made publicly in a festive manner before two witnesses, to the mayor or the chairman of the community where the marriage is concluded or their deputy, who are obliged to draft immediately a relevant act.</p> <p>The requirements of the ritual and any questions relating to it underlie the rite and rules of the doctrine or religion according to which the ritual takes place, given that it is not contrary to public order. The religious officer is obliged to draft immediately the relevant act. The contracting of civil marriage does not prevent the religious service of the same marriage according to the religion and doctrine of the spouses."</p>		<p>References to legal sources:</p>			
<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 1946	2016 N/A 0000	2016 Yes 2008	2016 Yes 2015	2016 Yes, but 0000	2016 Yes, but 0000
		N/A 0000	N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Articles 1403-1416 Civil Code (system of joint ownership of property) as deviating from articles 1397-1402 Civil Code (system of separated property combined with participation in acquisitions).</p>		<p>References to legal sources: Articles 6 and 7 of law 3719/2008.</p> <p>Article 6 of law 3719/2008 (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 notarized 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 7 of law 3719/2008 (Maintenance obligation after dissolution): "1. In the civil union contract or a subsequent notarized 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. 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. 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. 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>Article 5 of law 4356/2015 (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 cohabitation pact, the parties agreed 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 7 of Law 4356/2015 (Dissolution of cohabitation pact): 3. "Concerning maintenance after the dissolution of a cohabitation pact, the provisions on maintenance obligation after divorce are applicable by analogy, unless the parties have waived the relevant right when drafting the contract."</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Partners can make contracts but they are not free to violate some norms of 'public order', which guarantee the spouses' equality and a minimum protection of the weakest part.</p> <p>The Civil Code came into effect in 1946.</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Contracts between cohabiting partners are allowed but in no different way than between any other non-cohabiting parties.</p> <p>Cohabitation contracts between the cohabitantes for regulating their relationship during and after their cohabitation are valid according to the general rules of contract law as guaranteed by the fundamental right to free development of personality and its specific manifestation as freedom of the parties to make contracts, given the fact that cohabitation is not prohibited but it is a free situation not specifically regulated by the law. Parties may through such contracts agree on their respective rights in any property acquired and on their financial obligations towards each other.</p> <p>Especially for same-sex partners, such contracts are likewise valid, but courts might sometimes consider them - especially after the death of one partner - invalid as contrary to public order.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 1946	2016 N/A 0000	2016 Yes 2008	2016 Yes 2015	2016 No 0000	2016 No 0000
		N/A 0000	N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1403-1416 Civil Code (system of joint ownership of property) as deviating from articles 1397-1402 Civil Code (system of separated property combined with participation in acquisitions).</p>		<p>References to legal sources: Article 5 of law 4356/2015 (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." Article 6 of Law 3719/2008 (Matrimonial property): "The civil partnership or a subsequent notarized document may regulate the matrimonial property of the partners and in particular of the assets to be acquired during the partnership (acquisitions). If there is no agreement for acquisitions, each party has, after termination of the partnership, a claim against the other for what the latter has acquired with the former's own contribution. This claim may not arise for first time for the heirs of the beneficiary, it may not be assigned or inherited by them, but it may be arisen against the heirs of the debtor. The claim shall lapse two years after termination of the pact."</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to article 1397 Civil Code, spouses retain their property autonomy after marriage. Nevertheless, in a case of divorce, each spouse has a right to acquire a part of the increase of the other spouse's property, as long as s/he has contributed to this increase. A contract before or during marriage, according to article 1403-1416 of Civil Code, allows spouses to opt for a different property management, that of joint ownership of property (koinoktemosyni).</p> <p>The above regulations were introduced into Greek Family Law by Law 1329 (of 23.02.1983), in order for the Greek family law to be in accordance with article 4 (2) of the Constitution, which provides for sex equality.</p> <p>No other kind of contracts are valid in the Greek legal order.</p>		<p>Explanations and nuances: Partners hold their private autonomy as far as their non-personal relations are concerned; their personal relations are governed by the law. While their property relations are -based on the law- the same with those of married couples, the cohabitation pact -unlike marriage- allows them to agree and regulate them differently. In other words, the cohabitation pact allows for more private autonomy than marriage. In drafting this contract the law obliges the partners to respect the principles of equality and solidarity (although the specific meaning of these words is still to be determined by the courts when relevant).</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

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Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 1983	2016 N/A 0000	2016 Yes, but 2008	2016 Yes, but 2015	2016 No 0000	2016 No 0000
Yes 0000		No 0000	N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1388 (1 & 2) Civil Code as amended by article 15 of law 1329/1983 (Government Gazette A 25/18.02.1983: "Marriage does not alter the spouses' surname, concerning their legal relationships. In social relationships, each spouse can, if the other one consents, use the latter's surname or add it to their own."</p> <p>Article 1388(3) Civil Code, added by article 28 of law 3719/2008 (Government Gazette A 241/26.11.2008): "If both spouses consent, each of them may add the other one's surname to his/her own. This addition is accomplished through a common declaration before the Registrar and is valid until it is recalled before the Registrar through the spouses' common declaration or through a unilateral declaration of one spouse, which is announced to the other spouse. In case of divorce, the declaration is considered as being revoked. In case of the marriage being dissolved due to one spouse's death, the addition remains valid, unless the surviving spouse enters into another marriage or recalls the declaration before the Registrar".</p>		<p>References to legal sources: Article 4 of law 4356/2015 (Surname): "A cohabitation pact does not alter the surname of the partners. Each of them may, as long as the other consents, use in their social relationships the other spouse's surname or add it to their own."</p> <p>Article 5 of Law 3719/2008 has the same wording, except the word "partners"; article 5 uses the word "contractors".</p>		<p>References to legal sources:</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Until 1983, the wife's surname was obligatorily changed after marriage. She adopted her husband's surname. By "social relations" the law means any occasion other than the formally legal ones, such as invitations to festivities, visit cards etc.</p>		<p>Explanations and nuances: By "social relations" the law means any occasion other than the formally legal ones, such as invitations to festivities, visit cards etc.</p>		<p>Explanations and nuances:</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 Doubt 2008	2016 Doubt 2015	2016 No 0000	2016 No 0000
		No 0000	N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Article 1386 of Civil Code: "Marriage entails the obligation for cohabitation, as long as this claim is not a misuse of right".</p>		<p>References to legal sources: Article 1 of Law 4356/2015 (Conclusion of cohabitation pact): "A contract between two adults, regardless of their gender/sex, governing their life as a couple ('cohabitation pact'), 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 of law 3719/2008 has the same wording except that it refers to "A contract between two different-sex adults..."</p>		<p>References to legal sources:</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances: Neither in Law 3719/2008 nor in Law 4356/2015 a specific regulation is contained concerning an obligation to live together. Nevertheless, the reference to "the couple's place of residence" indicates such a prerequisite. Moreover, the name of this legal form itself ('cohabitation pact') involves cohabitation. The term 'cohabitation' however should be interpreted in a wider way. As a matter of fact, nobody would check upon the common residence if the parties declared a common address, but it seems in the notarial practice that such a declaration is necessary for the cohabitation pact to be concluded.</p>		<p>Explanations and nuances: Even after 2002, in the context of assisted reproduction where free union receives some kind of recognition, living together is not a necessary precondition. Partners in order to receive medical treatment for reproduction need not prove that they live together.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Formalisation of legal family formats in Greece". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-GR-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 2006	2016 N/A 0000	2016 No 2008	2016 No 2015	2016 No 0000	2016 No 0000
Doubt 1983		No 0000	N/A 0000		
No, but 0000					
References to legal sources: Article 7 of Law 3500/2006 (Government Gazette A 232/24.10.2006).		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Until Law 1329/1983, sex equality in family relationships was not guaranteed, and it was deemed that there was an obligation of the wife to have sexual intercourse with her husband.</p> <p>Today, according to the prevailing opinion there is no legal obligation.</p> <p>This is proven by the fact that, according to Law 3500/2006, rape within marriage is a criminal act. Until 2006, it was not clear whether rape within marriage was a crime or not. According to the prevailing opinion, it was a crime, because sexual intercourse was not obligatory within marriage but no specific provision foresaw any sanctions.</p> <p>All the above notwithstanding, even today, adultery is considered to be a presumption for a marriage breakdown and may lead to divorce (article 1439 Civil Code).</p>		<p>Explanations and nuances: The same with marriage applies mutatis mutandis. The law on preventing domestic violence applies also to this type of family, according to Article 1 § 2 of Law 3500/2006.</p>		<p>Explanations and nuances:</p>	