

Splitting up and 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 5 – Splitting up)

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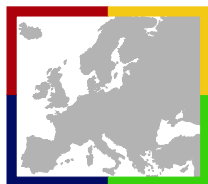


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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

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 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court
- 5.2 Agreed administrative dissolution
- 5.3 Unilateral administrative dissolution
- 5.4 Agreed informal dissolution
- 5.5 Unilateral informal dissolution
- 5.6 Dissolution by marrying someone else
- 5.7 Ending by conversion
- 5.8 Ending by marrying each other
- 5.9 Property at dissolution
- 5.10 Alimony
- 5.11 Parental authority
- 5.12 General background regarding splitting up

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

5.12 - General background regarding splitting up (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, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding splitting up, then please do so here.

Greek Muslim citizens of the religious minority of Western Thrace, who make up approximately 1% of the total population in Greece, are exempt from the *ratione personae* scope of the secular Greek family and are submitted to the sacred Islamic law, Shari'a, as stipulated by a series of international treaties between Greece and Turkey.

Sources in English:

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

- Achilleas Koutsouradis, Grounds for divorce and maintenance between former spouses, 2002, <http://ceflonline.net/wp-content/uploads/Greece-Divorce.pdf>.

- Divorce - Greece, https://e-justice.europa.eu/content_divorce-45-el-en.do (last update: 28-04-2005).

- 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, p. 237-260.

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1920	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: Articles 1438 et seq of Civil Code.</p> <p>Article 1438 Civil Code: "A marriage can be dissolved by divorce. The divorce shall be pronounced by a final Court judgement when there is a concurrence of the preconditions determined in the following sections."</p> <p>Article 1439 Civil Code: "Each of the spouses may demand a divorce where their relationship has been so strongly impaired on a ground imputable to the person of the defendant (petitioner) or also to both spouses that the continuation of the conjugal relationship became justifiably unbearable for the plaintiff (respondent). To the extent that the defendant (petitioner) does not adduce proof to the contrary impairment shall be presumed in case of bigamy or adultery of the defendant abandonment of the plaintiff or plotting against the plaintiff's life by the defendant. Where the spouses have been in dissension continually for at least four years the presumption of impairment shall not admit of proof to the contrary and a divorce may be demanded even if the ground of impairment is imputable to the person of the plaintiff. The completion of the time period of dissension shall not be prevented by small interruptions that occurred as attempts for restoring relation between the spouses."</p>		<p>References to legal sources: Article 4 of Law 3719/2008 (Dissolution of cohabitation pact):</p> <p>"1. The civil partnership is dissolved: a) through agreement of the parties, which needs to be concluded in person through a notarial document, b) through a unilateral notarized statement, once notified by bailiff to the other party and c) automatically, if one of the parties or both with each other conclude a marriage. 2. The dissolution of civil partnership applies from the deposit of the notarial document or the unilateral declaration to the registrar, where the pact itself has been registered."</p> <p>Article 7 of Law 4356/2015 (Dissolution of cohabitation pact):</p> <p>"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 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. 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>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The only substantive requirement for divorce by mutual consent to be issued by the Court is a written agreement of the spouses and a minimum duration of marriage of six months.</p> <p>The first modern regulation of divorce was through Law 2228/1920, which foresaw specific grounds for divorce, i.e. five liable grounds (adultery, bigamy, threat against the life of the spouse, malicious abandonment for two years and strong alienation of affections) and four non-liable reasons (absence, sexual impotence, mental alienation and leprosy) for divorce. Law 2228/1920 was substituted by the Civil Code (1946), which did not practically change anything, and then by Law 868/1979 which introduced, for the first time in Greece, divorce because of a year-long interruption of cohabitation.</p>		<p>Explanations and nuances: The cohabitation pact ends not by court decision, but through a declaration to the notary, either common or of one of the parties.</p>			

Jurisdiction: **Greece**

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Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

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 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
References to legal sources:		References to legal sources: Article 4 of Law 3719/2008 (Dissolution of cohabitation pact): "1. The civil partnership is dissolved: a) through agreement of the parties, which needs to be concluded in person through a notarial document, b) through a unilateral notarized statement, once notified by bailiff to the other party and c) automatically, if one of the parties or both with each other conclude a marriage. 2. The dissolution of civil partnership applies from the deposit of the notarial document or the unilateral declaration to the registrar, where the pact itself has been registered."			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Greece**

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Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

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 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:</p>		<p>References to legal sources: Article 7 of Law 4356/2015 (Dissolution of cohabitation pact): "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 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. 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>Explanations and nuances: Only by court decision.</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

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	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 7 of Law 4356/2015 [Dissolution of a cohabitation pact]: "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 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. 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>Explanations and nuances: Mutual agreement is taken into consideration by the Court in order for a divorce to be issued quicker.</p>		<p>Explanations and nuances:</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

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	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
References to legal sources:		References to legal sources: Article 7 of Law 4356/2015 [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 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. 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."			
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2016 No 2015	2016 No 2015	X	X
X	X	Yes 2008	N/A 0000	X	X
X	X	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 7 of Law 4356/2015 [Dissolution of cohabitation pact]: "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 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. 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>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>Explanations and nuances: Previous law foresaw this possibility: Article 4 of Law 3719/2008 (Dissolution): "1. The civil partnership is dissolved: a) ..., b) ... c) automatically, if one of the parties or both with each other conclude a marriage."</p> <p>On the contrary a marriage concluded prior to a registered partnership is not dissolved when both parties or one of them subsequently enter into a registered partnership, but instead the registered partnership is deemed null and void. This denotes the primacy of marriage over a registered partnership.</p>			

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

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 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:</p>		<p>References to legal sources: Article 7 of Law 4356/2015 [Dissolution of cohabitation pact]: "1. The civil union shall be dissolved: (a)... (b)... (c) by operation of law if the parties to the civil union marry." Article 14 of Law 4356/2015 (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 cohabitation pact bonding the person about to be married with a third party. Spouses may repeat their marriage before it is annulled."</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances:</p>		<p>Explanations and nuances: Only the cohabitation pact is ended by way of conclusion of a marriage, not vice versa.</p> <p>There is no same-sex marriage in Greece, so same-sex partners cannot convert their pact to marriage, unless one of them undergoes gender reassignment. Interestingly enough, there has been a single court decision (Eirinodikeio of Athens 418/2016) which accepted the plaintiff's query to reassign his legal gender (from female to male) and change his name without him being obliged to undergo genital reassignment surgery.</p>			

Jurisdiction: **Greece**

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Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2016 Yes 2008	2016 No 2015	X	X
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 7 of Law 4356/2015 [Dissolution of cohabitation pact]: "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 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 of the cohabitation pact marry with each other. 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>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
		<p>Explanations and nuances: Article 4 of Law 3719/2008 foresees that "the cohabitation pact is automatically dissolved in case...(c) of a marriage either between the partners or between one of them and a third person." The second possibility has been abolished through Law 4356/2015 and is only valid for cohabitation pacts which had been concluded under the Law 3719/2008 (before 24.12.2015) and have not been converted to pacts under Law 4356/2015.</p> <p>It is noteworthy that a marriage concluded prior to a registered partnership is not dissolved when both parties or one of them subsequently enter into a registered partnership, but instead the registered partnership is deemed null and void, since this denotes the primacy of marriage over a registered partnership.</p> <p>For same-sex partners see answer in question 5.07.</p>			

Jurisdiction: **Greece**

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Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 1983	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No, but 0000	2016 No, but 0000
No 0000		No, but 2008	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 1394, 1397, 1400 Civil Code.</p> <p>Article 1397 Civil Code, as amended by article 15 of law 1329/1983 (Government Gazette A 25/18.02.1983): "If not otherwise regulated in the subsequent articles, marriage does not alter the spouses' property autonomy."</p> <p>Article 1400 Civil Code (Claim to participate in acquisitions): "If the Marriage is dissolved or annulled and the property of one spouse has, after the wedding, increased, the other spouse, if s/he has contributed in any way to this increase, shall be entitled to require the attribution of that part of the increase which derives from his/her own contribution. It is presumed that this contribution amounts to a third of the increase, unless it is proven to be more or less or no contribution at all. The previous paragraph applies by analogy in case of separation between the spouses that lasted more than three years. Any acquisition made through donation, inheritance or bequest or disposal of these causes is not calculated as part of the increase of the spouses' property."</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 cohabitation pact, 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>Previous law: 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 the fate of the assets to be acquired during the Pact (acquisitions). If there is no agreement for acquisitions, each party has, after termination of the pact, claim against the other for what the latter has acquired with the former's own contribution. [...] the claim shall lapse two years after termination of the pact."</p>		<p>References to legal sources: Article 6 of law 4356/2015: "In case of cohabitation, non-regulated through a cohabitation pact, 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>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is a statutory matrimonial property regime of separation of property with equalisation of net property gains at the end of the marriage. More specifically: as a matter of principle, marriage does not alter the spouses' autonomy concerning their property (article 1397 CC). There are some exceptions though.</p> <p>Article 1394 CC, concerning distribution of mobile things, stipulates that in case of an end of cohabitation, each of the spouses is entitled to take all his/her mobile belongings, even if they were used by both spouses or even by the other spouse only. But he/she is obliged to grant to the other spouse any household items absolutely necessary for him/her for their separate installation, if required by circumstances on grounds of fairness.</p> <p>According Article 1400 CC (as amended by Law 1329/1983) each spouse may instigate a claim against the other for participation in acquisitions. There is a presupposition that the claimant needs to have contributed in any way to the increase of the other spouse's property. If nothing contrary is proven, it is presumed that this contribution amounts to one third of the increase.</p> <p>Finally, spouses may choose the matrimonial property regime of common property before and during the marriage (Art. 1403 Greek CC) but very few couples opt for this option.</p>		<p>Explanations and nuances: Registered partners enjoy a wider space of autonomy relating to their property compared to married spouses, since they can opt out from the relevant statutory regulation.</p>		<p>Explanations and nuances: See also explanations in questions 1.11 and 6.02.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

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, but 2015	2016 Yes, but 2015	2016 No 0000	2016 No 0000
		Yes, but 2008	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 1442-1446 of Civil Code.</p>		<p>References to legal sources: Article 7(3) of Law 4356/2015 (Dissolution of cohabitation pact): "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." Article 7 (1) of Law 3719/2008: "The cohabitation pact or a later notarial deed may include an agreement, through which the one or the other or both parties undertake the obligation for alimony, only in the case that, after the dissolution of the pact, the other party has insufficient income or assets to provide for his or her own upkeep. No one bears a maintenance obligation if, in view of other commitments, s/he is not able to give it without risking his/her own alimony. This obligation shall not pass to the heirs of the debtor."</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: After the dissolution of marriage, ex spouses may contract concerning alimony. In case they don't, there are some statutory provisions. Alimony, according article 1442 CC, is due only if one spouse is not capable of meeting their needs by their own means, (a) due to their age or health condition, or (b) because they are not able to work since they bear the parental responsibility for a minor child, or (c) if they do not find a suitable stable job or they need professional training, for up to three years, or (d) in any other case on grounds of fairness.</p> <p>In the case, that the court grants alimony to the part who bears the fault for the divorce, it may (but does not have to) adjudicate to them a reduced maintenance. The same applies if the marriage has been of a short duration.</p>		<p>Explanations and nuances: Under Law 4356/2015, there is a statutory right to alimony, under the same circumstances and conditions that apply for previously married spouses. The parties have the right to agree to waive this right beforehand, when they draft the cohabitation pact.</p> <p>Previously enacted Law 3719/2008, is still valid for those pacts which were concluded under its regime (until 23.12.2015) and not converted meanwhile, made this right and obligation to alimony after dissolution dependent on the parties' will and prior agreement.</p>		<p>Explanations and nuances: The partner may ask for alimony based only on common provisions of the law of obligations.</p>	

Jurisdiction: **Greece**

Source: **L. Papadopoulou**, "Splitting up and 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-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

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 No 2015	2016 Yes 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 1513-1514 Civil Code.</p>		<p>References to legal sources: Article 11(2) of Law 4356 (Parental responsibility): "If the cohabitation pact is dissolved or annulled, Article 1513 of Civil Code shall apply by analogy for the purposes of parental responsibility." Article 10 of Law 3719/2008 (Parental responsibility): "1. Parental responsibility for a child born during the lifetime of the cohabitation pact 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. 2. If the cohabitation pact 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>References to legal sources: Article 1515 of Civil Code.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Article 1513 (Divorce or annulment of marriage): "In case of a divorce or annulment of marriage, and if both parents are alive, the exercise of parental responsibility is decided upon by the court. The exercise of parental responsibility may be delegated to one of the parents or to both of them jointly, provided that they agree on that and on the child's residence. The court may decide otherwise, in particular to separate the exercise of parental responsibility between the parents or to entrust it to a third party. In taking its decision, the court takes into account the ties until then of the child with his parents and brothers/sisters, as well as any agreements made by the child's parents on custody and administration of assets. The parent, who has not been entrusted with parental care has the right to require information from the other on the person and property of the child."</p> <p>Article 1514 CC (Termination of cohabitation): The provisions of the previous article apply also in case of the termination of the cohabitation of the spouses.</p>		<p>Explanations and nuances: Article 11 para 2 of Law 4356/2008 stipulates that in case of dissolution of the cohabitation pact, article 1513 Civil Code applies by analogy.</p> <p>Same-sex partners are not recognised jointly as parents of a child, even if the latter was born during the lifetime of the cohabitation pact or within three hundred days of its dissolution or annulment, as it is the case with heterosexual partners.</p>		<p>Explanations and nuances: Article 1515 of Civil Code (Children born outside of wedlock): "Parental care of a minor child born and remaining out of wedlock belongs to their mother. In case their father acknowledges them, he shall also partake in the parental care but can exercise it if the mother's parental care has ceased or if the mother cannot exercise it on legal or factual grounds. At the request of the father the Court may in other cases, and particularly if the mother agrees, entrust also to him the exercise of parental care or a part of it to the extent that the interest of the child so demands. In a case of judicial acknowledgment where the father acted as defendant the latter shall not exercise parental care nor shall he replace the mother in the exercise thereof. The Court may if the child's interest so demands decides differently at the request of the father where the mother's parental care has ceased or if the mother cannot exercise it on legal or factual grounds or if the parents agree."</p>	