**L. 4356/2015 Cohabitation Pact, exercise of rights, criminal and other provisions**

**CHAPTER 1**

**COHABITATION PACT**

**ARTICLE 1**

**Establishment**

The agreement between adults, regardless of their gender, by which they organize their cohabitation (cohabitation pact) is executed in person and is vested the notarial deed. The agreement enters into validity after a copy of the notarial deed is presented to the Registrar of their place of residence. The copy of the deed presented is recorded in a special book kept at the Registry Office.

**ARTICLE 2**

**Conditions**

1. Full capacity to enter juridical acts is required in order to contract a cohabitation pact.
2. Contracting a cohabitation pact is prohibited:
3. if there is a marriage or a cohabitation pact between the interested persons or between one of them and another person,
4. between blood relatives in the direct line unlimitedly, between blood relatives in the collateral line until the 4th degree of relation included, as well as between relatives by marriage in the direct line unlimitedly and
5. between the adoptive parent and child.
6. In case of violation of the provisions of the present article, the cohabitation pact will be null. The pact is also null, when it is fictitious.

**ARTICLE 3**

**Null and voidable pact**

1. The nullity of the cohabitation pact according to the previous article is declared by an irrevocable judgment. Except for the contracting parties, the action can be also filed by anybody who claims a legal interest of a family nature, as well as *ex officio* by the public prosecutor, in case the cohabitation pact is against the public order.
2. In case there are defects of will, the provisions about the voidable marriage are applied *mutatis mutandis*. The related judgment must become irrevocable.
3. Through the irrevocable judgment, which nullifies the cohabitation pact, its consequences are cancelled retrospectively. The pact’s voidance shall not affect the paternity of the children.

**ARTICLE 4**

**Surname**

The cohabitation pact does not alter the surname of the contracting parties. Each of them may, if the other consents, use the other’s surname at his/her social relations or add it to his/her own.

**ARTICLE 5**

**Relations of the parties**

1. In the personal relations between the contracting parties the provisions for the relations between spouses from marriage are applied retrospectively, as long as there is no different special provision in the present or in another law.
2. In the non-personal relations between the contracting parties the provisions for the relations between spouses from marriage are applied retrospectively, unless the contracting parties adjust them differently while concluding the pact on the basis of the principles of equality and solidarity. The contracting parties cannot resign from their right to claim participation in acquisitions before the right is born.

**ARTICLE 6**

In case of a free cohabitation without a pact, the destiny of the property items obtained after the start of the cohabitation (acquisitions) is regulated according to the general provisions of unjust enrichment. The said provisions are also applied to pending trials.

**ARTICLE 7**

**Termination**

1. The cohabitation pact is terminated by:
2. an agreement between the contracting parties, which is made in person and is vested the notarial deed,
3. a unilateral notarial statement, after an invitation to termination by *consensus* has been previously served on the other party through a bailiff and three (3) months have passed since the service and
4. *ipso jure*,in case a marriage is contracted between the contracted parties.
5. The termination of the pact is valid after the registration of a copy of the notarial deed, which contains the agreement or the unilateral statement, to the Registrar, where its establishment had also been recorded.
6. As far as the maintenance after the termination of the pact is concerned, the provisions for the maintenance after the divorce are applied retrospectively, unless the parties resign from the related right while concluding the pact.

**ARTICLE 8**

**Right of inheritance**

As far as the right of inheritance of the contracting parties is concerned, the Greek Civil Code provisions that refer to the spouses are retrospectively applied. While concluding the Pact, each party may resign from his/her right to a mandatory legal share.

**ARTICLE 9**

**Presumption of paternity**

The child born during the cohabitation pact or within three hundred (300) days from its termination or annulment, is presumed to have as father the man with whom the mother established the cohabitation pact. The presumption is refuted by an irrevocable decision. Articles 1466 ff. of the Greek Civil Code, as well as articles 614 ff. of the Greek Civil Procedure Code, are applied retrospectively.

**ARTICLE 10**

**Children’s surname**

The child born during the cohabitation pact or within three hundred (300) days from its termination or annulment, bears the surname chosen by his/her parents in their common and irrevocable statement included in the pact or in a posterior notarial deed, before the birth of the first child. The surname chosen is common for all the children and is obligatorily the surname of one of the parents or a combination of their surnames. On no occasion can it comprise more than two surnames. If the statement is omitted, the child will bear a compound surname, made up by both of his/her parents’ surnames. The surname set first is the one, whose first letter comes before in the alphabet. If the surname of one or both of the parents is compound, the child’s surname will be made up by the first of the two surnames.

**ARTICLE 11**

**Parental care**

1. The parental care of the child born during the cohabitation pact or within three hundred (300) days from its termination or annulment, belongs to both parents and is exercised by them in common. The Greek Civil Code provisions for the parental care of the children who originate from a marriage are also applied retrospectively in this case.
2. In case of termination or annulment of the cohabitation pact, for the exercise of the parental care article 1513 of Greek Civil Code is applied retrospectively.

**ARTICLE 12**

**Retrospective appliance of other provisions – Authorizations**

Other law provisions that concern claims of the spouses between them, as well as claims, performances and privileges against third parties or against the State, are applied retrospectively to the contracting parties, as long as there is no different special provision in the present or in another law. Through a Presidential Decree, issued following a proposal made by the Minister of Labor, Social Security and Social Solidarity within six months from the entry into force of the present law, the existing provisions of labor law and law of social security can be adjusted, where it is necessary, to the requirements of the present article.

**ARTICLE 13**

**Field of application**

1. The present law is applied to every cohabitation pact, provided that it is established in Greece or before a Greek Consular Authority.
2. Conclusion conditions, relations between the parties and conditions and consequences of the cohabitation pacts’ termination that do not fall under paragraph 1 of the present article are regulated by the law of the place, where they were established. As far as the heirship is concerned, the relevant laws of private international law are applied. As for the rest, cohabitation pacts of the present paragraph do not develop more consequences in Greek legal order than those provided for in the present law.

**Article 14**

Amendments of provisions of Greek Civil Code

Articles 1354, 1462, 1463 and 1576 of Greek Civil Code are amended as follows:

“Article 1354

Impediment from a pre-existing marriage or from a cohabitation pact with a third party

The conclusion of marriage is prohibited before the previously existing marriage is irreversibly dissolved or annulled, as well as before the cohabitation pact that connects one of the persons to be married with a third party is terminated or annulled by an irreversible judgment. The spouses may remarry each other even before their marriage is annulled”.

“Article 1462

Alliance through marriage

Blood relatives of one of the spouses are allies of the other spouse through marriage in the same line and degree. The same applies in case of a cohabitation pact. An alliance through marriage shall subsist even after the dissolution or annulment of the marriage or the cohabitation pact, which created the alliance”.

“Article 1463

The relationship of a person to his mother and her relatives is deduced from the fact of birth. The relationship with the father and his relatives is deduced from the mother’s marriage or cohabitation pact with the father or is established by means of acknowledgment, either voluntary or through a court ruling”.

“Article 1576

*Ipso jure* dissolution

Adoption is *ipso jure* dissolved and the relationship that stems from it is retroactively deemed as non-existent, if the adoptive parent and the adopted child contact marriage or conclude a cohabitation pact, by violation of the law. Where such marriage or cohabitation pact has been annulled, only the proprietary rights of the adopted child are maintained from the adoption relationship”.

**CHAPTER 2**

**NATIONAL COUNCIL AGAINST RACISM AND INTOLERANCE**

**Article 15**

**Establishment**

A counseling – advisory corporate body is established under the name “National Council Against Racism and Intolerance”, which is under the authority of the General Secretary of Transparency and Human Rights (herein referred to as “the Council”).

**Article 16**

**Formation**

1. The Council is composed following an order of the Minister of Justice, Transparency and Human Rights and is comprised by the following members and their substitutes:
2. the Secretary-General of Transparency and Human Rights as President,
3. a representative of the Ministry of the Interior and Administrative Reform competent to issues of Immigration Policy,
4. a representative of the Ministry of Education, Research and Religious Affairs,
5. a representative of the Ministry of Foreign Affairs,
6. a representative of the Ministry of Justice, Transparency and Human Rights,
7. a representative of the Ministry of Labor, Social Security and Social Solidarity,
8. a representative of the Greek Police,
9. a representative of the Immigrant Integration Council of the Municipality of Athens,
10. a representative of the National Council for Radio and Television,
11. a representative of the National Human Rights Committee,
12. a representative of the United Nations High Commission for Refugees,
13. two representatives of the Network for Recording Incidents of Racist Violence,
14. a representative of the National Confederation of Persons with Disabilities,
15. a representative of the Union of Editors of Periodical Press of Athens,
16. a representative of the Research Centre for Equality Issues,
17. a representative of the General Confederation of Greek Workers (Γ.Σ.Ε.Ε.),
18. a representative of the Civil Servants’ Confederation (Α.Δ.Ε.Δ.Υ.).
19. Members and alternate members are appointed by the competent Ministers and institutions, in view of their specialization in the field of fighting against racism or of their competences. Specifically, the representative of ΕΛ.ΑΣ. (Greek Police) and his substitute are appointed by the Chief of ΕΛ.ΑΣ. and come from a service competent for the prosecution of racist violence. The members’ term of office is three years.
20. Following a plenary decision Committees for addressing more specific issues can operate within the Council.
21. The independent administrative agent for the citizen is invited to and participates in each Council session and, at any time, he can be rendered full member of the Council, through his irrevocable statement to the President of the Council.

**Article 17**

**Competences**

1. The Council has the following competences:
2. The design of policies of prevention and suppression of racism and intolerance in order to secure the protection of persons and groups that are targeted due to race, color, national or ethnic origin, genealogical descent, social origin, religious or other beliefs, disability, sexual orientation, gender identity or gender characteristics.
3. The supervision of the appliance of legislation against racism and intolerance and its compliance with international and European law.
4. The promotion and coordination of the actions of the institutions involved leading to a more efficient confrontation of the phenomenon, as well as the strengthening of its cooperation with the civil society regarding the said issues.
5. The Council in particular:
6. Processes studies, issues guiding directives and recommendations and proposes measures for the prevention and suppression of racism and intolerance and the adjustment of Greek legislation and the administrative policy towards the provisions of international and European law and the recommendations of international organizations.
7. Designs and proposes policies against racism and intolerance for the full range of governmental policy and public administration and develops initiatives for the promotion of the corporate – social liability of legal entities regarding the aforementioned issues.
8. Provides care for the promotion of Human Rights, equality and respect of heterogeneity through standard education.
9. Undertakes initiatives for the vocational education of magistrates and prosecutors, staff of security forces and agents of services and of institutions of the narrow and wider public sector in matters of fighting against racism and racist violence.
10. Collects and utilizes statistical data regarding racism and intolerance. The competent administrative services are obliged to provide the requested data.
11. Promotes the prevention and confrontation of racist violence, as well as the strengthening of the mechanisms recording the phenomenon.
12. Provides care for the awareness of citizens regarding the phenomena of racism and intolerance through the media, as well as for the recording and confrontation of the rhetoric of hatred in public speech.
13. Composes a National Action Plan against Racism, tracks systematically its execution and provides care for its regular update. Composes an annual review of action, which is submitted until late January of each year to the President of the Parliament.

**Article 18**

**Operation**

1. The Council is headquartered in the Ministry of Justice, Transparency and Human Rights and is assisted, in its scientific and administrative operation, by the General Secretary of Transparency and Human Rights, whereas secretarial support is provided by an agent of the central service of the Ministry of Justice, Transparency and Human Rights.
2. The Secretary-General of Transparency and Human Rights provides care for the convocation and operation of the Council, as well as for the materialization of its decisions.
3. The Council meets regularly every two (2) months and exceptionally following an invitation by the President or a request by at least four (4) of its members.
4. The Council operates within the regular working hours of familiar Services or in time covered by overtime work. No additional fee or compensation is paid to its members.
5. As for the rest, the provisions of Code of Administrative Procedures are applied.

**Article 19**

**Cooperation with institutions and social dialogue**

1. It is possible that other persons are also invited to the Council, particularly experts with relevant specialization, Non-Governmental Organizations or institutions for the supply of information or cooperation, provided it is deemed necessary at its discretion.
2. The Council can invite Non-Governmental Organizations and other institutions of the civil society to consultation, provided it is deemed necessary at its discretion.

**CHAPTER 3**

**AMENDMENTS OF GREEK CRIMINAL CODE**

**Article 20**

Paragraphs 2 and 3 of article 56 of Greek Criminal Code are replaced as follows:

“2. He who has surpassed seventy-five (75) years of age serves his sentence or the rest of his up to ten (10) years imprisonment that was imposed on him in his residence, unless it is held that the serving of the sentence in a penal institution is absolutely necessary in order to prevent him from perpetrating other crimes of equivalent weight. The aforementioned also apply to a convicted mother, who has custody of her minor child, until it reaches the age of 8. In the last case, the best interest of the minor is particularly taken into consideration. If the conditions of the present paragraph are met during the hearing of the case, the court that imposes the punishment decides. In any other case, the Council of First Instance Penal Judges decides following a request by the convicted party.

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