GREECE

Law and Practice

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Contents

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1. Product Safety

1.1 Product Safety Legal Framework

The main laws and regulations of the legal regime around product safety in Greece are as follows.

- Until 13 December 2024, Ministerial Decision Z3/2810 of 14 December 2004, which implemented EU Directive 2001/95/EC on General Product Safety (GPSD) was in force. As of the above date, GPSD was repealed by the General Product Safety Regulation (EU) 2023/98 *"on general product safety"* (GPSR) and the above Ministerial Decision ceased to exist.
- Law 2251/1994 on the Protection of Consumers and especially Articles 6, 7 and 7a (Law 2251; as amended repeatedly and in force currently following Law 5111/2024), which, inter alia, implemented EU Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the member states concerning liability for defective products (as amended by EU Directive 99/34/EC; the PLD). Law 2251 will be further revised once Directive (EU) 2024/2853 (the new PLD), which replaced the PLD, is transposed by Greece (latest by 9 December 2026; see **3.2 Future Policy in Product Liability and Product Safety**).

The above legal framework is supplemented by and interacts with:

- provisions of the Greek legislation on various specific product categories covering safety issues, basically of EU origin; and
- Regulation (EU) 2019/102 *"on market surveillance and compliance of products"* of 20 June 2019, in force as of 16 July 2021 (excluding provisions on the new Union Product Compliance Network, in force as of 1 January 2021), as applies (current consolidated version of 23 May 2024) as well as the whole EU product safety regime, including secondary legislation (see **1.2 Regulatory Authorities for Product Safety**).

1.2 Regulatory Authorities for Product Safety

The General Secretariat of Commerce via the General Directorate of Market and Consumer Protection and the Directorate of Consumer Protection (collectively hereinbelow the *"General Secretariat"*) of the Ministry of Development (*"the Ministry"*) is the central regulatory authority on producer compliance with product safety rules.

Various other competent authorities exist for sectoral products, such as:

- the General Secretariat of Industry of the Ministry for industrial products, such as, among others, plastics and toys;
- the National Organization for Medicines (EOF) for medicines, cosmetics and chemicals; and
- the Hellenic Food Authority (EFET), for food products.

The regulators have broad authorities and powers for exercising their duties, and may request that the manufacturer, distributor or any supplier of an unsafe product implement specific preventive or corrective actions, defining the timeframe within which these actions should be accomplished. If the obliged party fails to satisfy these requests, the regulators and/or another competent authority may impose sanctions.

In exercising their duties, product safety regulators may co-operate: (i) with other non-product safety regulators in the general frame of co-operation between Greek public administrative bodies; and (ii) with similar international regulators

within the framework of existing international legislation, which is, within the EU, the EU Rapid Alert System for dangerous non-food products (see Safety Gate: the EU rapid alert system for dangerous non-food products and **1.4 Obligations to Notify Regulatory Authorities**).

The Safety Gate has three components:

- GPSR (especially Articles 25, 26 and 34), which replaced GPSD on 13 December 2024;
- the EU harmonisation legislation; and
- the EU technical standards.

To support the GPSR, EU secondary legislation has been adopted and entered into application at the same time as the GPSR covering a variety of topics (see Safety Gate: the EU rapid alert system for dangerous non-food products),

Also see the European Commission's annual report on Safety Gate for 2024 which was released on 16 April 2025.

The Safety Gate replaced the EU Rapid Information System – RAPEX. Following the enactment of GPSR, the European Commission's guidelines for the management of RAPEX set by its Implementing Decision (EU) 2019/417, as amended by the European Commission's Implementing Decision (EU) 2023/975 of 15 May 2023, ceased to be in force (from 26 March 2025).

1.3 Obligations to Commence Corrective Action

The general framework is that the manufacturer or distributor of a defective product must take any appropriate measures to eliminate possible hazards affecting the product's use as soon as a defect comes to their attention. These measures may vary, and can include warning notifications, instructions to consumers, invitations for servicing or updating the product at issue so that it becomes safe, or recall notifications (see also **1.4 Obligations to Notify Regulatory Authorities**).

A product recall is an action taken where no other measure would eliminate the danger, and may be initiated voluntarily by the manufacturer or the distributor or mandatorily following an order by the competent authority.

The European Commission provides a guide entitled *"Recall process from A-Z: Guidance for economic operators and market surveillance authorities"* dated 22 July 2021 which contains useful information on the legal framework around and process to be followed by economic operators and market surveillance authorities in determining when corrective action – specifically a recall – is required, and how best to handle it.

1.4 Obligations to Notify Regulatory Authorities

If manufacturers or distributors become aware that any of their products present a risk to consumers, they must immediately notify the General Secretariat and any other competent regulatory authority, depending on the type of product involved. The criteria determining when a matter requires notification derive from the rule that the safety profile of a product dictates any notification needed.

Article 7, paragraph 3 of Law 2251 (see **1.1 Product Safety Legal Framework**) lists the criteria to be monitored from the point of view of risks to consumers' safety and health protection, as follows:

- the characteristics of the product, including its composition, packaging, instructions for

assembly and, where applicable, for installation and maintenance;
- the effect on other products, where it is reasonably foreseeable that it will be used with other products;
- the presentation of the product, the labelling, any warnings and instructions for its use and disposal and any other indication or information regarding the product; and
- the categories of consumers at risk when using the product, children and the elderly, in particular.

The manufacturers may be informed about the risks of a product by any appropriate means; they may discover that the product is not safe following their own inspections and tests or based on initiatives by consumers, insurance companies, distributors, or government bodies. In all cases, the manufacturers must notify the regulatory authority as soon as a risk has been established.

The notified regulatory authority may request additional information, and the submission of relative documents or measures to be taken by the manufacturer or distributor.

Under the legal regime of GPSD, European Commission Decision 2004/905/EC of 14 December 2004 had set out the guidelines for notification by manufacturers and distributors of dangerous consumer products to the competent authorities of member states (Article 5 (3) of the GPSD). The above decision was repealed by the European Commission Implementing Decision (EU) 2024/1761 of 21 June 2024, with effect from 13 December 2024.

GPSR imposes obligations to all economic operators, namely – and apart from the manufacturers – to authorised representatives, importers, distributors and other persons as a case may be, for the constant monitoring of the products' safety and immediate actions where a dangerous product is noticed (Articles 9–16). In case of accidents related to safety of products, the economic operators must act *"without undue delay"* (Articles 20 and 35–37). Special obligations are imposed on economic operators in case of distance sales (Article 19) and on providers of online marketplaces (Article 22).

The European Commission's *"Safety Business Gateway"* to report dangerous products to the member state authorities (see Safety Business Gateway; formerly known as the GPSD Business Application), enables businesses to report dangerous products and accidents to the market surveillance authorities of the member states and such reporting is compulsory under the GPSR (Article 27).

National authorities may use the information submitted on the Safety Business Gateway to create an alert in the Safety Gate Rapid Alert System (see **1.2 Regulatory Authorities for Product Safety**). A summary of that information is then also published on the Safety Gate public portal.

The submission of notifications through the Safety Business Gateway is only reserved for the economic operators and providers of online marketplaces concerned by the notified product, thus not by third parties.

In case a dangerous product is already sold, economic operators must take the necessary measures, including its recall, if necessary, while providers of online marketplaces must notify all affected consumers of the product safety recall and publish information on such recalls on their online interfaces.

In case of a recall, the notice by the economic operators must contain all mandatory elements listed in the GPSR. A recommended template is provided: see Safety Gate: the EU rapid alert system for dangerous non-food products.

1.5 Penalties for Breach of Product Safety Obligations

The penalties for breach of the key obligations for product safety and related obligations were updated and expanded upon in 2023 (Articles 13 (a)–13 (i) of Law 2251, as revised by Law 5019/2023; see **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**).

As an overview, subject to the provisions of the Criminal Code and the *"Rules Regulating the Market of Products and the Provision of Services"* (Law 4177/2013, in force), the following sanctions may be imposed by a decision of the competent organ of the Ministry (see **1.2 Regulatory Authorities for Product Safety**), acting either ex officio or after a filed complaint:

- a recommendation for compliance within a specified deadline and an order to cease the infringement and refrain from it in the future; or
- a fine of between EUR5,000 and EUR1.5 million. The fine may reach a maximum of EUR3 million if, within the last five years, more than one decision imposing fines has been issued against the same infringer for breaches of Law 2251 (or of other laws referring to Law 2251 for the imposition of a fine).

For the imposition of the above sanctions, certain criteria are indicatively listed, including any sanctions imposed previously on the same infringer for the same breach in other EU member states regarding transboundary cases, if relevant information is available under Regulation (EU) 2017/239 *"on cooperation between national authorities responsible for the enforcement of consumer protection laws"* as in force (current consolidation version of 19 January 2025). Also, when the Greek regulatory authorities are to impose penalties under Article 21 of the same Regulation for *"widespread infringements"* or *"widespread infringements with a Union dimension"*, the maximum fine may be up to 4% of the infringer's annual turnover in the relevant EU member state and, if there is no information on such turnover, it could reach EUR5 million.

Moreover, a special set of sanctions may be imposed on infringers that do not provide requested documents, or that do not respond to consumers' complaints per the stipulated proceedings.

An additional sanction imposable in certain conditions and providing for the temporary closure of the infringer's business for a period of three months to one year was abolished in 2022.

Further, appropriate injunctive measures, as a case may be, may be taken by the competent organs of the Ministry.

A summary of any decision imposing a fine that exceeds EUR50,000 (or not, if it is imposed for a repeated infringement) is publicised by any appropriate means and uploaded to the Ministry website within five working days of its issue.

Lastly, a general five-year prescription period applies for breaches falling within the remit of the enforcement authorities of the Directorate of Consumer Protection.

Fines for various breaches of Law 2251 are being imposed on a fairly regular basis and on a

variety of entities with respect to their activities. Unfortunately, there are no central records or other e-bases listing such fines and the judicial development of the respective administrative decisions that imposed them since the person/entity fined may challenge the decision before the administrative courts. Based on the review carried out for the years since 2019 in case law bases, most of the imposed fines concern abusive general terms and conditions mainly of banks and insurance companies (especially regarding hospitalisation expenses) and various types of unfair/misleading commercial practices, including advertising and labelling, valued no more than EUR100,000 as a rule and exceptionally up to around EUR700,000 (although usually decreased when they are challenged). Fines for product safety breaches are very rare. Indicatively, the author would mention Decision No 435/2020 of the Athens Administrative Court of Appeal which confirmed a fine of EUR9,000 imposed for the placing into the market of unsafe children's clothes (determining this as reasonable in the circumstances of that case).

2. Product Liability

2.1 Product Liability Causes of Action and Sources of Law

The causes of action for product liability range from strict liability for a manufacturer to administrative and criminal liability. More specifically, these can be explained as follows.

- Strict liability – this derives from the PLD as transposed into Greek law by Law 2251 (see **1.1 Product Safety Legal Framework**). Article 6, paragraph 1 of Law 2251 provides that *"the producer shall be liable for any damage caused by a defect in his product"*. Therefore, the prerequisites for a manufacturer to be held liable are: (i) a product placed on the market by the manufacturer being defective; (ii) damage that has occurred; and (iii) a causal link between the defect and the damage (considered under the theory of *"causa adequata"*). The strict liability regime does not preclude other liability systems from providing a consumer with greater protection in a specific case (Article 14, paragraph 5 of Law 2251).
- Contractual liability – this requires a contractual relationship between the parties where the buyer may not necessarily be a consumer (Articles 513 ff. of the Greek Civil Code (GCC) on contracts of sale of goods, as in force, following the transposition of Directive (EU) 2019/77 *"on certain aspects concerning contracts for the sale of goods"* (which, among others, repealed Directive 1999/44/EC), by Law 4967/2022 (in force as of 9 September 2022). A seller may be strictly liable, ie, irrespective of fault, for the lack of conformity of the sold product with the sales contract at the time the risk passes to the buyer, as such conformity is defined by law. The knowledge of the buyer releases the seller from liability under stipulated conditions, among other reasons for such release (in particular Articles 534–540 of the GCC).
- Tortious liability – the claimant must establish the defendant's fault in tort claims. However, case law reverses the burden of such proof in favour of the claimant/consumer based on the *"theory of spheres"*, thus obliging the defendant to prove absence of fault in order to be released from liability (in particular, Articles 914, 925 and 932, together with Articles 281 and 288 of the GCC and case law).
- Criminal and administrative liability – these derive from the Greek Criminal Code and Law 4177/2013 on *"Rules Regulating the Market of Products and the Provision of Services"*, as

in force, supplemented by secondary legislation (Article 13a of Law 2251).

2.2 Standing to Bring Product Liability Claims

Any person that has suffered damages due to a product defect may bring a product liability claim subject to the general substantive and procedural requirements (in particular, Article 127 ff. of the GCC and Article 62 ff. of the Greek Code of Civil Procedure (GCCP).

Collective redress proceedings also exist (see **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**).

2.3 Time Limits for Product Liability Claims

The time limits for bringing a product liability claim are as follows.

- For strict liability, a three-year prescription period applies, while the right to initiate proceedings against the producer is extinguished upon the expiry of a ten-year period from the date the producer put the product into circulation (Article 6, paragraph 13 of Law 2251). The prescription period must be properly invoked by a litigant, contrary to the time-limitation period, which is taken into account by courts ex officio (Articles 277 and 280 of the GCC).
- For a claim in tort, a general five-year prescription period applies; in all cases, the claim is extinguished 20 years from the date of the tortious act (Article 937 of the GCC).
- For contractual liability, the prescription period is five years for immovable property, two years for movables and, in the case of continuous supply of digital elements, six months from the end of the contractual term, save for the provision of a guarantee (Articles 554–559 of the GCC, including further details thereon).
- For representative actions in force as of 26 June 2023, a special one-year prescription period is provided for seeking injunctive measures, commencing on the date of the last incident of unlawful behaviour challenged, provided the same was known to the average consumer (new Article 10l, paragraph 2 of Law 2251; (see **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**).

2.4 Jurisdictional Requirements for Product Liability Claims

There are no specific rules for product liability claims regarding the requirements for establishing jurisdiction of the Greek courts. Therefore, the general provisions for bringing private claims apply, and the civil courts have jurisdiction to hear product liability claims. Jurisdiction is examined by the courts ex officio (Articles 1–4 of the GCCP).

2.5 Pre-Action Procedures and Requirements for Product Liability Claims

With the below exception, there are no mandatory steps to be taken, such as pre-action procedures and requirements, before proceedings can be commenced formally for product liability claims, as generally for any civil claims. In practice, a so-called extra-judicial notice of protest is often served by the claimant on the defendant by a court bailiff before the filing of a lawsuit for warning purposes or for a potential out-of-court settlement; however, court proceedings may only be commenced by a lawsuit.

Exceptionally, mandatory mediation applies for certain disputes, including product liability

claims; among them, the author may note the disputes litigated under the ordinary proceedings and falling within the competence of either the first instance single-member civil courts, if valued above EUR30,000, or the first-instance multi-member civil courts, of any amount. Such cases are admissible for hearing only if an initial mandatory mediation session takes place and is verified by relevant minutes (Articles 6 and 7 of Law 4640/2019).

2.6 Rules for Preservation of Evidence in Product Liability Claims

Preservation of evidence, including the product itself in product liability cases, is possible either when all litigants agree or, as a rule, when there is a risk that a specific means of evidence will be lost or could deteriorate in future, or if the status of an object in dispute needs to be determined immediately. This requires the filing of a petition to the court even before the trial commences, the court being the main trial court or, exceptionally, any other court that can make an immediate decision in the case of an imminent risk. Simplified injunction proceedings apply to the petition at issue. Should the court accept the petition for preservatory evidence, it orders details such as the time frame for conclusion of the evidential procedure. The court of the main trial must take into account the preservatory evidence conducted as above, irrespective of whether the risk occurred or not (Articles 348–351 and 686 ff. of the GCCP).

2.7 Rules for Disclosure of Documents in Product Liability Cases

In general, there are no rules of discovery in judicial proceedings. The litigants disclose any evidence supporting their case, per their discretion, by filing their submissions at the specified time, depending on the court and proceeding type. Evidential means are specified, and their admissibility is subject to restrictions (Articles 335 ff. of the GCCP). The general principles of good faith, bonos mores and honest conduct apply (in particular, Articles 116 and 450 of the GCCP). The litigants may request that the court order the disclosure of documents in the possession of their opponents or a third party under certain conditions (Articles 450 ff. of the GCCP and 901–903 of the GCC).

2.8 Rules for Expert Evidence in Product Liability Cases

Expert evidence is generally regulated and also covers product liability cases.

If a court finds that the issues to be proven require special scientific qualifications, it may appoint one or more court experts, describing their task and the timeframe for the expert report and adjourning the hearing for that purpose (Articles 368–392 of the GCCP). The experts obtain knowledge of the case file regarding the technical issues for which they were appointed and/or may request clarifications from the litigants or third parties. In this case, each litigant is entitled to appoint a technical adviser who submits their opinion and raises relevant questions to the court-appointed expert. The opinion of the court-appointed expert is not binding on the court.

Additionally, the litigants may submit to the court an unlimited number of expert/technical reports supporting their allegations. The reports of litigant-appointed experts are of lesser evidentiary value than those of the court-appointed experts.

Factual or expert witnesses appointed by the litigants may give sworn depositions before a notary public, a lawyer (although not the litigant's lawyer) or, if outside Greece, a Greek consular authority. The opponent must be summoned to

such depositions two working days in advance, and is entitled to obtain a copy prior to trial. Non-compliance with the procedural requirements renders the deposition inadmissible. Various procedural requirements in the taking of depositions apply – eg, regarding the total number allowed, which is up to three per litigant and up to two for rebutting the opponent's depositions (Articles 421–424 of the GCCP).

2.9 Burden of Proof in Product Liability Cases

In civil litigation, including product liability claims, and under ordinary proceedings, a claim must be fully proven by the litigant raising it, who thus bears the burden of proof, unless it is reversed by law or case law (see **2.1 Product Liability Causes of Action and Sources of Law**). Exceptionally, such as in injunctive proceedings, the standard of proof may be lower and based *"on the balance of probabilities"* (Articles 347, 690 of the GCCP).

2.10 Courts in Which Product Liability Claims Are Brought

Private law disputes, including product liability cases, are tried by civil courts and by one to three judges, and thus not by a jury, depending on the amount involved in the dispute. As a rule, one-member first-instance courts are competent to try claims valued up to EUR250,000; and three-member first-instance courts, claims exceeding EUR250,000 (Articles 14 and 18 of the GCCP). Following the unification of the first instance judicial level within an overall restructuring of courts' territorial and subject matter competence by Law 5108/2024, as in force, the ex-justices of the peace (previously competent to try claims up to EUR20,000) have been or will be either abolished or absorbed by the first-instance courts as from (i) 16 September 2024 or (ii) 16 September 2026 especially regarding the judicial areas of Athens, Piraeus and Poros.

In particular, representative actions are subject to the exclusive competence of the three-member first instance courts (Article 10I, paragraph 1 of Law 2251; see also **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**).

2.11 Appeal Mechanisms for Product Liability Claims

Every definite court decision, including one on a product liability case, issued by a first instance court may be contested before an appellate court. An appeal can be filed not only by the defeated litigant but also by the successful litigant whose allegations were partially accepted by the court. The appeal timeframe is 30 days for appellants residing in Greece and 60 days for those residing abroad or being of an unknown residence; the time period starts from the service of the definite decision. If the first instance decision is not served by a litigant on the other(s), the appeal timeframe is two years from the issue of the same (Article 518 of the GCCP).

Further, a cassation before the supreme court may be filed against an appellate court decision under restrictions and for specified reasons. The timeframe is similar to that for appeals as above (Article 552 ff. of the GCCP).

2.12 Defences to Product Liability Claims

As far as defence is concerned, manufacturers may be relieved from liability if they prove that:

- they did not place the product on the market;
- when they manufactured the product, they had no intention of putting it into circulation;

- at the time the product was placed on the market, the defect did not exist;
- the defect was caused by the fact that the product was manufactured in such a way that derogation was not permitted (subject to mandatory regulation); or
- when the product was placed on the market, the applicable scientific and technological rules at that time prevented the defect from being discovered (the so-called state-of-the-art or development risk defence; Article 6, paragraph 8 of Law 2251).

2.13 The Impact of Regulatory Compliance on Product Liability Claims

Adherence to mandatory regulatory requirements may constitute the manufacturer's defence in product liability cases (Article 6, paragraph 8 of Law 2251; see **2.12 Defences to Product Liability Claims**).

2.14 Rules for Payment of Costs in Product Liability Claims

For costs, the *"loser pays"* rule applies. Court expenses are *"only the court and out-of-court expenses that were necessary for the trial"* and, in particular, include:

- stamp duties;
- judicial revenue stamp duty;
- counsels' minimum fees set by the Lawyers' Code (Law 4194/2013, as in force);
- witnesses' and experts' expenses; and
- expenses paid for the submission of evidential means, as well as the successful litigants' travelling expenses in order for them to attend the hearing.

However, the expenses that the successful litigant recovers are, as per general practice, substantially lower than the actual expenses.

The court offsets the expenses between the litigants in the event of a partial win or loss, while it may offset them (and does so, as a rule) between litigants who are relatives or on the basis of complex legal issues involved in the litigation. Offsetting only part of the expenses is also possible when *"there was a reasonable doubt on the outcome of the trial"* (Articles 173–193 and, in particular, 178–179 of the GCCP).

2.15 Available Funding in Product Liability Claims

Generally, and in product liability claims, there are various types of funding, as follows.

Public Funding

This is regulated by Law 3226/2004 on the provision of legal aid to low-income citizens (implementing Directive 2003/8/EC), together with Articles 194–204 of the GCCP.

According to Law 3226/2004 (as in force), beneficiaries of legal aid are low-income citizens of the EU, as well as of a third state, provided that they reside legally within the EU. For civil and commercial cases, low-income citizens are those with an annual familial income that does not exceed two-thirds of the minimum annual income provided by law. Beneficiaries may also be the victims of certain crimes and citizens suffering 67% disability or more, irrespective of the level of their income. Legal aid is granted on the condition that the case, subject to the discretion of the court, is not deemed unjust or uneconomical.

Legal aid in civil and commercial matters entails an exemption from the payment of all or part of the court's expenses, the submission of a relevant petition by the beneficiary, and the nomination of a lawyer, notary and judicial bailiff, in order to represent the beneficiary before the

court. The exemption primarily includes stamp duty payment and judicial revenue stamp duty, and, generally, the remuneration of witnesses and experts and the lawyers', notaries' and judicial bailiffs' fees.

Contingency Fees and Other Conditional Payment Arrangements

These are allowed between clients and lawyers under the following basic restrictions: they must be made in writing, and the maximum fee percentage agreed may not exceed 20% of the subject matter of the case at issue (or 30% if more than one lawyer is involved). Further detailed regulation is provided by the Lawyers' Code (Article 60 of Law 4194/2013).

Third-Party Litigation Funding (TPLF)

Since this is not specifically regulated, it may be considered as informally permitted; however, concerns have been raised on its legality, ethical risks and potential conflicts of interest. Some insurance companies offer to cover litigation expenses. However, this is neither common nor really *"culturally"* accepted. Also, the lack of a legal framework may raise issues of transparency.

As of 26 June 2023, TPLF is specifically prohibited regarding representative actions (new article 10n of Law 2251; see **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**).

On a related matter, the general regulation on the financial means of qualified entities (QEs) that may bring representative actions as of 26 June 2023 is expansive vis-à-vis the previous regime, and includes grants or concessions from the Greek state and limited dues collected from consumers wishing to be represented in a specific representative action seeking redress measures (new Articles 10c, paragraph 4 and 14, paragraphs 4d and 4e of Law 2251).

At EU level, on 13 September 2022 the European Parliament passed a resolution proposing a directive *"on the regulation of third-party funding"* (P9 TA(2022)0308 *"Responsible private funding of litigation"*). The European Commission undertook to run a mapping in the EU on the TPLF status and on 21 March 2025 issued a study on *"Mapping Third Party Litigation Funding in the European Union"*, which maps legislation, practice and debate on TPLF within the EU and four non-EU countries. The study verified the fragmental legal landscape throughout the EU and noted three alternative legislation options, namely (i) non-regulation, (ii) a light-touch regulation and (iii) a strong regulation.

2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims

Following transposition of Directive (EU) 2020/182 *"on representative actions"* (RAD) made by Law 5019/2023 (*"Law 5019"*), a new collective redress landscape was enacted in Greece, in force as of 26 June 2023. Law 5019 modified Law 2251 (see **1.1 Product Safety Legal Framework**) by replacing the latter's provisions on collective lawsuits former Article 10 of Law 2251) and providing for the issue of numerous Ministerial Decisions which will specify various aspects of the new regulation (Article 14 of Law 2251).

Representative actions may be only filed by QEs, either: (i) Greek QEs, being consumer associations which meet the legal prerequisites and are registered with a special registrar maintained with the General Secretariat of the Ministry (see

1.2 Regulatory Authorities for Product Safety); or (ii) bodies registered as QEs in other EU member states. A Greek QE must prove that it has a minimum 12-month actual public activity in favour of consumers' interests to be qualified as such, among other criteria imposed by Law 5019. An assessment of whether Greek QEs meet the set criteria will be made at least every two years by the General Secretariat.

Representative actions may regard injunctive and/or redress measures, and may only be brought before a court. Apart from few exceptions, RAD provisions are followed on content, proceedings and the effect thereof, with required adaptations to the Greek legal framework (new Articles 10a–10r of Law 2251).

2.17 Summary of Significant Recent Product Liability Claims

Numerous lawsuits have been filed in recent years over the so-called *"Dieselgate"* claims on a variety of legal grounds, mainly product liability/product safety, as well as on contract-for-sale and tort rules. The vast majority of the lawsuits were dismissed on a combination of motives, such as vagueness, lack of legal basis or causal link or standing to be sued with respect to the defendants.

Indicative court decisions that rejected such claims include: Patras First Instance Court 119/2022; Thessaloniki First Instance Court 800/2020; Athens Justice of the Peace Nos 1940/2022, 1941/2022, 1463/2021, 325/2020, 1104/2020 and 3222/2020; Chalandri Justice of the Peace Nos 26/2022 and 145/2020; Amaroussion Justice of the Peace No 146/2021; and Serres Justice of the Peace No 39/2020. Conversely, Athens First Instance Court No 4749/2021 and Athens Justice of the Peace No 1774/2023 upheld the claims, although only partially.

3. Recent Policy Changes and Outlook

3.1 Trends in Product Liability and Product Safety Policy

Law 2251 has been amended several times, and the latest notable modifications affecting product liability and product safety are as follows.

- In 2018, material changes were made to:
  - (a) the definition of *"consumer"*, which was narrowed, having previously been extremely broad;
  - (b) the regulatory authorities and their enforcement duties;
  - (c) the funding of consumer associations; and
  - (d) administrative proceedings and sanctions imposed (Articles 1a.1, 7 and former Articles 10, 13a and 13b of Law 2251).
- In 2022–2024, further changes were enacted regarding:
  - (a) the new legal framework on collective redress in force as from 26 June 2023 (see **2.16 Existence of Class Actions, Representative Proceedings or Co-Ordinated Proceedings in Product Liability Claims**); and
  - (b) a new set of rules on compliance supervision, enforcement measures and sanctions (new Articles 10a–10r, 13a–13i and 14 of Law 2251).

Overall, there is a continuing trend towards increased and broader consumer rights, as well as sanctions for relevant breaches.

3.2 Future Policy in Product Liability and Product Safety

Future policy developments in product liability and product safety are expected from the EU legislator involving new digital technologies and, in particular, artificial intelligence (AI). In this context, (i) a new PLD (Directive (EU) 2024/2853) to replace the current PLD was adopted on 23 October 2024 and it must be transposed by the EU member states by 9 December 2026 and (ii) an AI Liability Directive had been also proposed by the European Commission on 28 September 2022, together with the then proposed new PLD, aimed to adapt non-contractual civil liability rules to AI and to ensure broader protection for damage caused by AI systems by alleviating the burden of proof in compensation claims pursued under national fault-based liability regimes; however it was eventually withdrawn from the European Commission's work programme for 2025 (presented in February 2025) as premature and with concerns over regulatory duplication with the new PLD.

The new PLD is generally expansive on:

- *"damages"* (including medically recognised damage to psychological health and destruction or corruption of privately used data, removing the minimum claim threshold);
- the *"product"* (extended to digital manufacturing files and standalone software, including AI with limited exceptions); and
- the *"producer"* (including economic operators such as software developers, online marketplaces and fulfilment service providers).

At the same time, it introduces:

- simplified proof of *"defect"* and *"causation"* (with more detailed definition and introduction of presumptions and of a subjective criterion);
- a disclosure obligation of defendants connected with presumed product defectiveness;
- a members states' discretion to derogate from the *"state-of-the-art"* defence; and
- extended expiry period up to 25 years when a claimant could not initiate proceedings due latent personal injury.

Trends and Developments

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Bahas, Gramatidis & Partners traces its origins to Law Office Marios Bahas in 1970 and Bahas, Gramatidis & Associates formed in 1990. In 2002, the firm became an LLP under its current trade name. BGP has five partners, 15 associates, three trainees and 12 administrative staff, and is based in Athens. At the core of the BGP's practice is business law and the representation of legal entities and individuals in any kind of business transaction and ADR/litigation. BGP is a full-spectrum law firm representing a solid number of multinational companies that are leaders in their own business areas. The firm has developed a unique and globally recognised expertise in product liability and safety issues led by Dimitris Emvalomenos. It is part of established worldwide networks such as World Law Group, the International Society of Primerus Law Firms, the European Justice Forum, DRI Europe and IADC.

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The Latest in Greek Product Liability and Safety Law

The legal regime applicable for product liability and safety in Greece is continuously changing, and is materially affected by legislative developments derived from EU initiatives. The most significant of these developments are described below.

Artificial intelligence (AI)

The new digital technologies, and particularly AI, are the main drivers of the reform of the EU's liability regime on products and related services. In this context:

- a new Product Liability Directive (PLD) (Directive (EU) 2024/2853) to repeal and replace the current PLD (Directive 85/374/EEC, as amended by Directive 99/34/EC) was adopted on 23 October 2024 and it must be transposed by the EU member states by 9 December 2026; and
- an AI liability Directive had been proposed by the European Commission on 28 September 2022 to adapt non-contractual civil liability rules applicable to AI and to ensure broader protection against damage caused by AI systems by alleviating the burden of proof in compensation claims pursued under national fault-based liability regimes – however, the proposal was eventually withdrawn from the European Commission's work programme for 2025 (presented in February 2025), considered as premature and with concerns over regulatory duplication with the new PLD.

In the meantime, and since 2008, there have been widespread changes in vertical sectoral legislation affecting product safety, with notable examples being the regulation of medical devices and machinery, addressing the key issues of risk prevention, transparency and enforcement.

The key aspects of the current PLD were designed with traditional products and business models of the 1980s in mind. With the progressive sophistication of the market since then due to new digital technologies, and particularly AI, the new PLD is now generally more expansive on:

- *"damage"*, extending it to medically recognised damage to psychological health and destruction or corruption of privately used data and removing the minimum claim threshold; *"products"*, extending these to digital manufacturing files and standalone software, including AI (with limited exceptions);
- the *"manufacturer"* including economic operators such as software developers, online marketplaces and fulfilment service providers;
- simplified proof of *"defect"* and *"causation"*, with more detailed definitions and introduction of presumptions and subjective criteria;
- disclosure obligations of defendants connected with presumed product defectiveness; and
- an extended expiry period of 25 years when a claimant could not initiate proceedings earlier due to latent personal injury.

Also, the new PLD concerns and interrelates with:

- the AI Regulation (EU) 2024/1689 of 13 June 2024 (the AI Act), the first worldwide set of AI rules, which follows a risk-based approach dividing AI systems into systems of unacceptable, high and low or minimal risk, and it enters into force from 2 February 2025 until 2 August 2027; and
- the General Product Safety Regulation (EU) 2023/988, which repealed the General Product Safety Directive 2001/1995/EC, from 13 December 2024.

Collective redress

As of 26 June 2023, the EU legal landscape on collective redress, including the Greek regime previously applicable, changed following the entry into force of Directive (EU) 2020/182 *"on representative actions"* (RAD), which was transposed into Greek law by Law 5019/2023 (*"Law 5019"*). Law 5019 modified Greek Law 2251/1994 on *"Consumers' Protection"* as in force (*"Law 2251"*) by replacing its provisions on collective lawsuits (former Article 10 of Law 2251) and providing for the issue of numerous Ministerial Decisions which specify various aspects of the new regulation (Article 14 of Law 2251).

Representative actions may only be filed by so-called qualified entities (QEs), either: (i) Greek QEs, being consumer associations which meet legal prerequisites and are registered with a special registrar to be kept with the General Secretariat of Trade of the Ministry of Development; or (ii) bodies registered as QEs in other EU member states. In order to be qualified, and among other criteria imposed by Law 5019, a Greek QE must prove that it has a minimum 12-month actual public activity that benefits consumers. An assessment of whether a Greek QE meets the set criteria will be made at least every two years by the General Secretariat of Commerce of the Ministry of Development.

Representative actions may regard injunctive and/or redress measures, and can only be brought before a court. With a few exceptions, the provisions of the RAD are followed by Law 5019 on content, proceedings and the effect of representative actions, with required adaptations to the Greek legal framework (new Articles 10a–10r of Law 2251).

Under the regime of representative actions:

- a final decision of a Greek court or another EU court or competent authority on the existence of an infringement harming the collective interest of consumers can be applied by any plaintiff as evidence (based on the general Greek rules on evidence) in the context of any other lawsuit before a Greek court claiming a redress measure against the same supplier for the same practice, subject to the provisions on res judicata;
- a court decision issued on a representative action to cease or prohibit an allegedly unlawful practice has an erga omnes effect, namely an effect towards non-litigants also; and
- the irrevocable court decision ordering a redress measure also favours individual consumers who had not explicitly expressed their wish to be represented (with no tacit representation possible) – such consumers may notify their claim to the supplier within the time period set by the court and, following a period of 30 days, they may resort to the General Secretariat of Trade which requests the supplier's compliance within a five-day period – otherwise it may impose upon them the sanctions provided (new Articles 10k and 10l of Law 2251).

Third-party litigation funding (TPLF)

The purported EU legal framework on TPLF is expected to facilitate product liability claims in general and in particular regarding Greece lacking regulation today.

At EU level, there is an ongoing discussion on the introduction of legislation on TPLF. On 13 September 2022, the European Parliament passed a resolution proposing a directive *"on the regulation of third-party funding"* (P9 TA(2022)0308 *"Responsible private funding of litigation"*). The European Commission agreed to perform a mapping of TPLF status in the EU after RAD

application (see *"Collective Redress"*, above) and on 21 March 2025 it issued a lengthy study on *"Mapping Third Party Litigation Funding in the European Union"* covering the EU and four non-EU countries. The study verified the fragmental legal landscape throughout the EU and noted three alternative legislation options, namely (i) non-regulation, (ii) a light-touch regulation and (iii) a strong regulation. The further discussion on EU TPLF legislation will now be continued based on the results of the study.

With the below exception, TPLD is not regulated in Greece, and it may be therefore informally permitted, although concerns have been raised on its legality, ethical risks and potential conflicts of interest. Some insurance companies offer customers funding of litigation expenses. However, this is neither common nor really considered acceptable from a cultural standpoint. Also, the absence of a legal framework could raise issues of transparency.

However, following the transposition of the RAD and as of 26 June 2023, TPLF is specifically prohibited with respect to representative actions (new Article 10n of Law 2251).

On a related matter regarding the financing rules of QEs, the new regime introduced by Law 5019 as of 26 June 2023 widens the scope of the previous regime to include grants or concessions from the Greek state and limited dues collected from consumers wishing to be represented in a specific representative action seeking redress measures (new Articles 10c, paragraph 4 and 14, paragraphs 4d and 4e of Law 2251). Under the previous regime, the funding/income of consumer associations that could bring collective claims was regulated more restrictively (previous Article 10, paragraphs 6–8 of Law 2251).

Increase in consumer rights

Overall, there is an enduring trend towards increased and broader consumer rights, as well as sanctions for relevant breaches, including product liability breaches.

Law 2251 has been amended several times within this framework, with key revisions as follows.

- New provisions have been introduced as far back as 2007 and have covered:
  - (a) expanding the defectiveness concept to include not only the standard safety consideration but to also take into account a product's *"expected performance per its specifications"*;
  - (b) including compensation for moral harm and mental distress within the ambit of strict product liability rules, since these were previously covered by general tort legislation; and
  - (c) adding new rules on collective actions also relating to product liability infringements.
- In 2012, the right to bring collective actions in Greece (under Law 2251) was extended to other EU member state entities authorised for this per the respective list provided for by Directive 2009/22/EC (repealed by the RAD).
- In 2013 and 2015, changes were introduced with respect to the financing of consumer organisations, the sanctions that could be imposed for non-compliance with the provisions of Law 2251 and the categorisation of complaints filed under such Law (previous Articles 10, 13a and 13b of Law 2251).
- In 2018, Law 2251 was extensively revised and, with respect to product liability rules, material changes were made to the definition of *"consumer"*, which was narrowed; the regulatory authorities and their enforcement duties; the funding of consumer associations;

and administrative proceedings and sanctions imposed (Articles 1a.1, 7 and previous Articles 10, 13a and 13b of Law 2251).
- Lastly, in 2022–2024, further changes were enacted, including significant modifications affecting product liability, such as:
  (a) the new legal framework on collective redress in force as of 26 June 2023; and
  (b) a new set of rules on compliance supervision, enforcement measures and sanctions (new Articles 10a–10r, 13a–13i and 14 of Law 2251).

Alternative dispute resolution (ADR) – mediation

The EU legislation on the ADR of 2013 also changed Greece's legal landscape. Specifically, Ministerial Decision 70330/30.6.2015 implemented Directive 2013/11/EU *"on alternative dispute resolution for consumer disputes"* (the *"ADR Directive"*) and set supplementary rules for the application of the Online Dispute Resolution Regulation (EU) 524/2013 (*"the ODR Regulation"*).

The EU ADR rules are under revision.

- On 17 October 2023, the European Commission issued its proposal for the amendment of the ADR Directive and the repeal of the ODR Regulation towards a new ADR framework replacing the ODR platform by user-friendly digital tools to assist consumers in finding a redress tool to resolve their dispute and incentivise online marketplaces and EU trade associations having a dispute resolution mechanism to get aligned with the quality criteria in the ADR Directive.
- Within this frame, the ODR Regulation was repealed by Regulation (EU) 2024/3228, which discontinued the European Online Dispute Resolution Platform with effect from 20 July 2025.

The Registered Greek ADR entities within the above-mentioned framework are as follows:

- the Hellenic Consumers' Ombudsman, the key ADR authority for consumers and all sectors (Law 3297/2004);
- the (sectoral) Hellenic Financial Ombudsman, a non-profit ADR Organisation (HFO ADRO, formerly HOBIS) – also part of the European Financial Dispute Resolution Network (FIN-NET) for credit/financial cross-border disputes;
- the Alternative Dispute Resolution Centre(*"ADR point"*)
- the Institute for Alternative Dispute Resolution(*"StartADR"*) and
- more recently, the Regulatory Authority for Waste, Energy and Water (RAAEY), which put into operation the *"Hellenic Energy Ombudsman"* from 1 February 2024.

Moreover, various other Greek bodies/authorities exist for ADR, and these have increased in number continuously in the recent years. They include:

- the Greek Ombudsman (known in Greece as the *"Citizen Ombudsman"* Law 2477/1997), which deals with disputes between citizens (in general) on the one hand, and public authorities, public entities, and utilities municipalities on the other;
- out-of-court redress for the settlement of disputes between customers and insurance distributors, which is managed in Greece by the above registered ADR entities (Law 4583/2018, which implemented Directive 2016/97/EC);

- the Mediation and Arbitration Organisation (in Greece, OMED) for collective labour disputes (Law 1876/1990 – however, following its amendment by Law 4635/2019, no sanction is provided for a mediation refusal);
- the Labour Inspectorate (in Greece, SEPE) for the settlement of individual labour disputes (Laws 3996/2011 and 4808/2021);
- the Committee dealing with infringements of IP and related rights on the internet (in Greece, EDPPI – Law 2121/1993);
- the Hellenic Copyright Organization (in Greece, OPI) for a variety of disputes regarding IP and related rights (Law 2121/1993 – however, due to the Law's ambiguous wording it is currently unclear whether the procedure for certain disputes will be mediation or another form of ADR);
- the Committee for the extra-judicial settlement of taxation disputes (Law 4714/2020 and Ministerial Decision 127519/2020); and
- the police and port mediators with duties related to public open-air assemblies (Law 4703/2020).

The long-standing Committees for Friendly Settlement of consumer disputes, which were seated in and managed by the regional authorities, were repealed by Law 5019/2023, with effect from 26 June 2023.

At EU level, the following ADR authorities are worth mentioning:

- the European Consumer Centre of Greece, supported by the Hellenic Consumers' Ombudsman, regarding trans-boundary EU ADR;
- SOLVIT, the free-of-charge and mainly online service provided by the national administration in each EU country and in Iceland, Liechtenstein and Norway, regarding the breach of citizens' and businesses' EU rights by public authorities in another EU country and aiming to find a solution within ten weeks from the time the case is taken on by the SOLVIT centre where the problem occurred, supervised in Greece by the Ministry of Finance; and
- the European Ombudsman examining complaints by any EU citizen or legal person concerning alleged maladministration in the activities of EU organs, with the exception of the EU Court of Justice.

Further, mediation plays a key role among the various ADR mechanisms and has been promoted by the Greek legislator in recent years. Among others, in civil litigation, it is a general duty of the court to encourage out-of-court settlements and it may propose to the litigants a recourse to mediation (Articles 116A and 214C of the Civil Procedural Rules). Law 4640/2019 (as in force following amendments) is the current law on mediation, and came into force on 30 November 2019, providing for a new set of mediation rules versus the previous legal regime. These rules include mandatory mediation for specified cases (effective from 30 November 2019, 15 January 2020 or 1 July 2020, depending on the case) based on the type of litigation proceedings and also covering product liability claims.

Mediation has also been promoted specifically by Regulation (EU) 2019/1150 regarding online intermediation services and online search engines, applicable from 12 July 2020.

Also, it should be noted that, among lawyers' duties, mediation and ADR in general for out-of-court settlement of disputes are expressly recommended and provided for by the Lawyers' Code (in particular, Articles 35, paragraph 3, 36,

paragraph 1 and 130 of Law 4194/2013) and the Lawyers' Code of Ethics (Articles 7.b and 32.a).

Lastly, an overall reformation of the ADR rules is under way and on 27 February 2025 a working group was set up by the Minister of Justice to propose an ADR Code (by September 2025).