1. **Introduction**

An important issue in Greek land-use governance is the question of enforcement. Generally, a large number of illegally constructed buildings exist in Greece. Buildings that lack permits or the appropriate permit. In most cases, developers face no or only mild fines and it is extremely unusual that the demolishment of illegally constructed structures is enforced. Partly, the reason for this is the absence of any administrative permitting procedure that confirms that a new construction is in accordance with existing land-use plans.

Concerning the land registry, in Greece only 17% of property titles out of 3.6M were registered. Alongside, only 6% of total land was registered. In fact, after the Commission discovered these records, the EU loaned Greece around 100M to re-structure its land registry system. But since that plan did not materialize, the government has to now pay back the money.

Land governance in Greece is divided between the national government, regions and municipalities, two subnational levels of government. The national government possesses the biggest role in spatial planning. It is in charge of the framework laws on regional and urban planning, environmental protection and regional development, by-laws concerning planning process and it approves spatial plans. Regions and municipalities play advisory roles in the creation of some spatial plans, and sometimes they also approve local land-use plans.

Semi-implementation of urban planning throughout the years have led to lack of continuity in city architecture, especially the ‘Acropolis limit’ to the heights of buildings, which was temporarily removed (law 395/1968), has led to random skyscrapers dispersed throughout the city. This contradicts the rule of limiting buildings to 27 meters, in order to preserve the view of the Acropolis which stands above the city of Athens and for safety reasons, concerning earthquakes.

Greece is supposed to finalize the Land Registry “around 2020”. In addition, the latest change in law are associated with environmental issues, residential needs and better organization, within the framework of information society, and law of real property.

1. **Overview of Important Land Legislation and Regulations**

Real property is established and protected by the Constitution of 1975. In the Greek civil code, property law protects the rights of Greek and foreign nationals. Acquisition and disposition of all property rights is also protected. Insuring and approving land use and zoning permits and creating disincentives to real property investment is ensured by various authority levels. The relevant articles in the Constitution is mainly Article 17 (1), which states that ‘Property is under the protection of the State; rights deriving therefrom, however, may not be exercised contrary to the public interest. Article 18 highlights the protection of real property and establishes special cases and limitations of ownership.

The above-mentioned constitutional provision is applied and implemented in third book of the Greek Civil Code. The relevant Property Law Articles are from 947 to 1345. A specific article that addresses property rights is Art. 973, which states that property rights are the rights which provide someone direct power over an object, against everyone else. In Art.1000 of the Greek Civil Code, it is mentioned that an owner of an object can, if he is not going against a right of another or against the law, prohibit any action of another on the object. More specifically, Art. 999 refers to the right to ownership and Art.1257 CC to mortgage.

Τhe aim of the Civil Code is to enshrine the relationship between legal persons and objects protected under the law. It analyzes the ownership over things, their division and their protection. Therefore, relationships of transferring rights between people are also enshrined. The first and second chapter are more general. The third chapter addresses what property includes. More general concepts follow. For instance, the fifth chapter addresses protection of property. Important to note is that servitude and usufruct are discussed in the seventh and eight chapter. Finally, the code ends with the concept of mortgage.

1. **Land Transfer, Allocation, and Lease**

To transfer ownership, one must follow the procedure requirements under Article 1033CC. The legal process by which land may be transferred is the following. First, the seller has to assist the buyer by providing all documents required for the completion of the searches needed before the competent authorities. In case legal or technical issues arise during this stage they have to be dealt with before the property transfer and the seller needs to cover relevant costs or expenses. After that comes the preliminary agreement, in which the seller transfers the ownership of the property to the buyer, and the buyer pays the agreed price. All the terms which are agreed as conditional for the sale to be concluded are included and it has to be signed. The seller is asked to provide the notary the documents indicated needed for the act of sale, while the buyer will just have to obtain a Greek tax number and provide all his identity information to the notary and pay the transfer tax. During the contract signing before the notary, the contracting parties are present either on their own either represented by their lawyers. After the contract signing the buyer will have the responsibility to register a certified copy of the contract to the local land registry office and get the registration certificate, becoming right after that officially the legal owner of the property. When it comes to transfer property in Greece there are no legal issues, but the process is very difficult and takes time as both parties have to collect many documents and they need not only the help of the lawyers but other professionals too. There is no lack of clarity however around the process.

In the Greek land governance system, expropriation is an administrative decision. Its validity depends on whether each single action will be challenged or not. The process requires various documents. Therefore, the inconvenience in this procedure is the many steps and documents needed. Further, considering residential lease agreements one does not bear any restrictions from the law, besides a mandatory 3-year minimum term of lease which could constitute a legal problem between the parties. This is not the case in commercial lease though, where the parties can be more specific about the time duration of the lease.

1. **Land tenure classifications**

There are currently two different registration systems for property in Greece. The first system is a large number of registries that are all over Greece and cover a specific area. The registration with the land registries is made with the name of the owner. The other system has existed for the last 15 years and is a procedure for the creation of National Cadastre. Under this system the registration is made by the reference to the real property with a unique ID number. These processes create challenges for poor people who they don’t have the money to access of these processes and old people who struggle with the technological aspect of the procedure.

The agents that are responsible for the registration of a real estate are the “Ypothikofilakia” (Land Registries). Registration and transfers of other property rights, for instance mortgage, also take place in Ypothikofilakia. The application of transfer is a simple printed application that is accompanied by the title to be transferred as well as its summary. The Notary public is responsible for signing the application, which could also be done from the lawyer in some cases (Article 369 of the Greek Civil Code). Since the recordings are performed in print, access to the Books of the Land Registry is free and available to everyone. The parties applying for a recording are informed by researching the available books or by requesting a certificate. Though, proof of the existence of a lawful interest for their review is not necessary.

Articles 1118 through 1141 of the Civil Code deal with predial servitudes, that is, charges imposed on an immovable in favor of another immovable belonging to another owner. In Article 1118, predial servitude is defined as the property right over an immovable which belongs to another, but provides a predial servitude to the owner of the right.

In Article 1142, it is mentioned that the right of usufruct is the right to use and take advantage of the fruit of an object, which belongs to someone else, while keeping its nature untouched.

While researching the main national legislation, it was not possible to point out any relevant articles neither in the Constitution nor the Civil Code that provide information for the relevant distinction of land types.