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Professional liability of the public notary in Greece

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Introductory Work

SUMMARY

Having in mind recent introduction of the institute of Public Notary in Serbian law, the author presented some issues related to this profession, discussed in legal theory and practice in Greece. The introduction briefly refers to the main organisational differences of Public Notaries in different jurisdictions and concludes that their significance leads to the necessity to study and present their liabilities in relation to a particular jurisdiction. It further presents the main duties and liabilities of Public Notaries in Greece and provides several examples of breaches of these duties in practice.

In more details it discusses the issue of protection of Public Notaries having public authorities, which was traditionally supported, and challenging of such protection by consumer protection, other legislation aimed to protect customers, interpretation of certain constitutional principles and EU directives application. Special attention is given to the issue of declaring of an agreement or statement composed and/or signed before a Public Notary, null and void and its consequences for the parties or their legal successors. At the end it refers to the issues of compulsory insurance for professional liability of Public Notaries in general.

Key Words: Public Notary, professional liability of Public Notary, indemnity

LITERATURA (REFERENCES)

Αθανασοπουλος, Τασος με τη συνεργ. Αργυρίας Σιώμου. (2004) *Συμβολαιογραφικό Δίκαιο*. Πειραιάς.

Διαμαντόπουλος, Γεώργιος, „Αγωγή κακοδικίας εις βάρος συμβολαιογράφου”, *Ελληνική Δικαιοσύνη*, 4, 2012.

Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, *Official Journal of the European Union*, L 376/36

Φορολογία εισοδήματος φυσικών προσώπων, *Η Εφημερίδα της Κυβερνήσεως*, Ν. 3323/1955

Κώδικας συμβολαιογράφων, *Η Εφημερίδα της Κυβερνήσεως*, Ν. 2830/2000.

Κώδικας Πολιτικής Δικονομίας π.δ. 503/1985.

Χαρανα, Νεκταρία. (1999) *Απάτη με αθέμιτη παρασιώπηση γεγονότων*. Κομοτηνή, Αθηναίος.

Παναγόπουλος, Κωνσταντίνος. (1998) *Συμβολαιογραφική ακυρότητα*, Σάκκουλα, Αθηναίος.

Περί εκδίκασης αγωγών κακοδικίας, *Η Εφημερίδα της Κυβερνήσεως*, Ν. 693/1977

Προστασία των καταναλωτών, *Η Εφημερίδα της Κυβερνήσεως*, Ν. 2251/ 1994, Ν. 3587/2007.

Σταθείας, Γεώργιος „Αρεοπαγίτης ε.τ. Αγωγή κακοδικίας κατά δικηγόρων, συμβολαιογράφων, διαιτητών, δικαστικών γραμματέων και δικαστικών επιμελητών”, *Dike International*, No 3, 2005.