

**International
Comparative
Legal Guides**



Practical cross-border insights into litigation and dispute resolution work

**Litigation & Dispute
Resolution
2022**

15th Edition

Contributing Editor:
Greg Lascelles
Covington & Burling LLP



ICLG.com

Expert Analysis Chapters

- 1** **The English Courts' Approach to Disputes Involving Crypto-Assets**
Greg Lascelles & Alan Kenny, Covington & Burling LLP
- 7** **EU–UK Relationship on the Recognition and Enforcement of Judgments in Civil and Commercial Matters**
Dr Helena Raulus, The Law Society of England and Wales

Q&A Chapters

- 12** **Australia**
Clayton Utz: Colin Loveday
- 22** **Austria**
Pitkowitz & Partners: Dr. Nikolaus Pitkowitz & Roxanne de Jesus
- 30** **Belgium**
Lydian: Hugo Keulers, Jo Willems, Yves Lenders & Annick Mottet Haugaard
- 38** **Bermuda**
Wakefield Quin Limited: Richard Horseman & Cristen Suess
- 46** **Brazil**
Villamil Advogados: Arthur Villamil & Clarissa Côte Rosa
- 54** **China**
Rui Bai Law Firm: Juliette Y Zhu & Meng Shan
- 61** **Cyprus**
N. Piriilides & Associates LLC: Kyriakos Karatsis & Tania Piriilidou
- 69** **Denmark**
Poul Schmith: Henrik Nedergaard Thomsen, Kasper Mortensen & Amelie Brofeldt
- 79** **England & Wales**
Covington & Burling LLP: Greg Lascelles & Alan Kenny
- 93** **France**
Laude Esquier Champey: Olivier Laude, Benoit Renard & Lucie Saadé-Augier
- 103** **Germany**
Linklaters LLP: Dr. Christian Schmitt & Dr. Kerstin Wilhelm
- 111** **Ghana**
Juris Ghana Legal Practitioners: Godwin Mensah Sackey, Papa Yaw Owusu-Ankomah, Kwesi Papa Owusu-Ankomah & Felix Opoku Amankwah
- 155** **Kenya**
Umsizi LLP: Jacqueline Oyuyo Githinji
- 166** **Liechtenstein**
Wilhelm & Büchel Rechtsanwälte: Christoph Büchel
- 174** **Lithuania**
WALLESS: Gediminas Dominas & Tomas Balčiūnas
- 182** **Luxembourg**
Arendt & Medernach: Marianne Rau & Sandrine Margetidis-Sigwalt
- 190** **Netherlands**
Florent: Yvette Borrius & Chris Jager
- 198** **Philippines**
SyCip Salazar Hernandez & Gatmaitan: Ramon G. Songco & Anthony W. Dee
- 206** **Slovakia**
Paul Q Law Firm: Tomáš Kamenec & Tomáš Langer
- 214** **Spain**
Monereo Meyer Abogados: Sonia Gumpert Melgosa & Michael Fries
- 221** **Switzerland**
BMG Avocats: Rocco Rondi, Guillaume Fatio, Isabelle Baroz-Kuffer & Mimoza Lekiqi
- 230** **Thailand**
Chandler MHM Limited: Waree Shinsirikul, Wanchana Bunditkrisada, Sakolrat Srangsomwong & Chonlawat Rojanaparpal
- 238** **Uganda**
Candia Advocates and Legal Consultants: Candia Emmanuel & Mindreru Hope Sarah
- 248** **USA – Delaware**
Potter Anderson & Corroon LLP: Jonathan A. Choa, John A. Sensing, Clarissa R. Chenoweth-Shook & Carla M. Jones

120

Hong Kong

Kirkland & Ellis: Kelly Naphtali & Jacky Fung

130

India

IndusLaw: Mayank Mishra & Ritunjay Gupta

139

Indonesia

SANDIVA Legal Network: Allova Herling Mengko & Mochamad Akbar Fachreza

146

Japan

Nagashima Ohno & Tsunematsu: Koki Yanagisawa & Hiroyuki Ebisawa

256

USA – Illinois

Much Shelist, P.C.: Steven P. Blonder & Charlotte F. Franklin

263

USA – Mississippi

Jones Walker LLP: Neville H. Boschert

271

Zambia

Dentons Eric Silwamba, Jalasi and Linyama Legal Practitioners: Eric Suwilanji Silwamba, Lubinda Linyama, Mailesi Undi & Mwape Chileshe

Digital Edition Chapters

282

Greece

A.&K. Metaxopoulos and Partners:
Achilleas Christodoulou & Elena Nikolarea

Greece

A.&K. Metaxopoulos and Partners



Achilleas Christodoulou



Elena Nikolarea

1 Litigation – Preliminaries

1.1 What type of legal system does your jurisdiction have? Are there any rules that govern civil procedure in your jurisdiction?

Greece is a civil law country. Civil procedure is mainly governed by the Code of Civil Procedure (“CCP”).

1.2 How is the civil court system in your jurisdiction structured? What are the various levels of appeal and are there any specialist courts?

The civil court system is structured in two levels of substance and the Supreme Court. The first-level courts are the Peace Courts and the Single/Multi-Member First Instance Courts, depending on the subject-matter of the case, and the second-level courts are the Courts of Appeal (however, the decisions of the Peace Court are appealed before the First Instance Court). In addition, a cassation appeal on legal grounds only can be brought before the Supreme Court.

The main categories of first instance procedures are “ordinary procedures”, “special procedures” (e.g. family, leasing, labour, disputes) and “non-contesting procedures”.

1.3 What are the main stages in civil proceedings in your jurisdiction? What is their underlying timeframe (please include a brief description of any expedited trial procedures)?

The ordinary civil procedure is, *grosso modo*, the following:

The lawsuit is served to the defendant(s) within 30 days after it was filed (or within 60 days if a defendant resides abroad or is of unknown residence).

Starting from the end of the above 30/60-day period, the parties have 90 days (or 120 days if at least one of the defendants resides abroad or is of unknown residence) to submit written pleadings and all supporting documents and evidence. Each party may take copies of the pleadings/evidence of the other party.

Within 15 days of the expiry of the 90/120-day period, each party may submit counter-pleadings and counter-evidence in order to oppose the pleadings and evidence of the other party.

Afterwards, a hearing date is scheduled.

Twenty days before the hearing, the parties can submit additional pleadings exclusively for arguments that were born after the submission/filing of the initial pleadings/counter-pleadings,

and/or arguments that are proven by documents or by confession of the other party. Subsequently, 10 days before the hearing, the parties can submit counter-pleadings to the additional pleadings of the other party.

The “hearing”, in ordinary proceedings, is not an oral procedure. In practice, nobody attends the hearing and the court only announces that the case is heard, after checking that the parties have submitted their pleadings. The procedure is in writing. Witnesses are not examined in court, except for some rare cases. Affidavits from witnesses can be submitted to the court along with the pleadings.

The issuance of the decision could take several months, depending on the court’s workload.

In “special procedures”, the lawsuit is filed to the court and the hearing date is set simultaneously. The lawsuit, along with a notice on the scheduled hearing, must be served to the defendant(s) at least 30 days before the hearing (or 60 days if one of the defendants resides abroad or is of unknown residence).

Written pleadings and all supporting documents and evidence are submitted to the court up until the hearing. The main defence arguments are also briefly summarised orally. The hearing is an oral procedure and witnesses may be examined. Within five days from the hearing, each party can submit counter-pleadings, counter-evidence and comments on the witness examinations. The time for the issuance of the decision depends on the court’s workload.

There are also certain other special procedures, such as the payment order which may be issued by a judge following an application from the claimant (without notice to the defendant and without a hearing) when the claim is evidenced solely by documents which are attached to the application. The payment order is not a court decision, but it constitutes an enforceable title and the defendant may file a specific appeal against it.

1.4 What is your jurisdiction’s local judiciary’s approach to exclusive jurisdiction clauses?

In principle, exclusive jurisdiction clauses are deemed valid if the prerequisites of the applicable law are met (CCP, Regulation (EU) 1215/2012, etc).

1.5 What are the costs of civil court proceedings in your jurisdiction? Who bears these costs? Are there any rules on costs budgeting?

Each party bears its own costs. The main costs are the attorneys’ fees and the bailiffs’ fees for the service of documents. Regarding the claimant, there are also two major costs:

- Judicial Stamp Duty (about 1.1% of the claim, including taxes), which is a prerequisite for the claim to be tried validly, and
- Stamp Duty for the issuance of an enforceable title, after the decision is issued, which is in principle 3.6% of the claim plus interest.

1.6 Are there any particular rules about funding litigation in your jurisdiction? Are contingency fee/conditional fee arrangements permissible?

Attorneys' fees must be invoiced and the relevant stamp duties must be issued in the name of the client/party in the litigation.

Regarding parties with very low income, the law provides, under several conditions, their release from the obligation to pay the judicial costs.

Contingency fee/conditional fee arrangements (agreements in which the lawyer's fees are subject to winning the case or with which a part of the claim is assigned to him/her) are permissible, in principle. The fees shall not exceed 20% of the claim (or 30% if there is more than one lawyer).

1.7 Are there any constraints to assigning a claim or cause of action in your jurisdiction? Is it permissible for a non-party to litigation proceedings to finance those proceedings?

In principle, the assignment of a claim is valid with an assignment agreement notified to the debtor even after a lawsuit has been filed (in this case, the assignor continues the litigation as claimant and the assignee may intervene in the trial).

It is not forbidden for a party and a non-party to make internal agreements regarding financing the proceedings; however, the person who is invoiced and issues the stamp duties shall remain the party participating in the litigation.

1.8 Can a party obtain security for/a guarantee over its legal costs?

The defendant in judicial proceedings may, in principle, apply to the court to order the other party to provide a guarantee, if there is an obvious danger that the opposing party will not be able to cover/pay these costs (i.e. that a potential decision to pay the defendant's costs will not be enforced). If the court decides that a guarantee for the costs shall be given, but this is not issued within a specific deadline, the party which asked for the guarantee may apply to the court to rule that the pending legal action has been revoked.

2 Before Commencing Proceedings

2.1 Is there any particular formality with which you must comply before you initiate proceedings?

In all civil disputes that could be settled through mediation, the attorneys have to inform their clients with a written notice, prior to filing the lawsuit, regarding the possibility to resolve the case through mediation. In the absence of such notice, the court will declare the hearing of the lawsuit inadmissible.

For a significant number of civil disputes (e.g. mainly disputes of ordinary proceedings for claims with a matter-value over €30,000, and also some family disputes), there is also an obligation to hold one initial mediation session before or after filing

the lawsuit (but no later than the point of submitting the court pleadings). If a party does not attend this session, the court may impose to it a monetary sanction. The claimant must submit to the court the minutes that confirm that the mandatory mediation session took place and that all parties were summoned to attend it; otherwise, the hearing of the lawsuit will be inadmissible.

Other formalities before initiating proceedings may also be provided for specific disputes.

2.2 What limitation periods apply to different classes of claim for the bringing of proceedings before your civil courts? How are they calculated? Are time limits treated as a substantive or procedural law issue?

The standard limitation period for bringing civil claims is 20 years. For many categories of claims, shorter limitation periods are provided; e.g. art. 250 Civil Code ("CC") provides a five-year time-bar for various categories (e.g. sale of goods, wages). Even shorter time-bars may be provided in various other cases.

In principle, the limitation period begins from the next day after the day on which the claim was born and it was legally possible to bring it before the courts. Regarding the claims of art. 250 CC, the time-bar begins after the end of the calendar year during which the limitation period would normally have begun. A different starting point may be provided in other particular cases.

Civil claims from tort are subject to a five-year time-bar which begins when the claimant became aware of the occurrence of the damage and of the person who is obliged to pay damages. In any case, they are time-barred 20 years after the unlawful act occurred. If the tort also constitutes a penal offence subject to a longer time-bar according to the penal law, the same applies to the civil claim.

Limitation periods may be suspended or interrupted in certain occasions, according to specific provisions.

Limitation periods for bringing a claim are a substantive law issue.

3 Commencing Proceedings

3.1 How are civil proceedings commenced (issued and served) in your jurisdiction? What various means of service are there? What is the deemed date of service? How is service effected outside your jurisdiction? Is there a preferred method of service of foreign proceedings in your jurisdiction?

Civil proceedings are commenced by filing the lawsuit to the court and serving it to the defendant (see question 1.3).

Service takes place by bailiff. The bailiff serves the lawsuit in hard-copy form (the CCP also provides for service by bailiff electronically, under certain conditions, but this has not yet been implemented) either directly to the defendant (or to an employee, spouse, etc.) or by affixing a notice. If the defendant is of unknown residence, the lawsuit is served to the Public Prosecutor and a summary is published in two daily newspapers. The deemed date of service is the date mentioned in the bailiff's Service Report or the date of publication in newspapers.

If a defendant resides abroad, the lawsuit is served to the competent Public Prosecutor in Greece in order to be officially transmitted to the competent authorities abroad. Depending on the country of residence of the defendant, the Hague Service Convention or Regulation (EC) 1393/2007 may be applicable.

3.2 Are any pre-action interim remedies available in your jurisdiction? How do you apply for them? What are the main criteria for obtaining these?

In case of imminent danger or urgency, a party may apply for interim measures either before or after the lawsuit is filed. The application is filed independently or may be included in the lawsuit or in the pleadings. The judge schedules a hearing and sets the deadline for notifying the opponent.

Some common interim measures are: guarantee; prenotation of mortgage; provisional seizure; provisional award of a claim; and provisional adjustment of a situation, etc.

The court examines, based on probability and not certainty, whether there is a valid claim/right and an imminent danger which threatens such right or future enforcement, or an urgency that may cause almost irrevocable effects.

The application for interim measures/injunctions may also include an application for an “Interim Order”, i.e., an order from a judge to impose an interim measure/injunction until the date of the hearing of the main application for interim measures/injunctions.

3.3 What are the main elements of the claimant’s pleadings?

Since all main factual and legal arguments are included in the lawsuit, the pleadings mainly include a reference to all the facts of the case and the evidence/documents that are submitted, comments regarding what is proved by each means of evidence, and possibly some further analysis regarding the case.

3.4 Can the pleadings be amended? If so, are there any restrictions?

After the pleadings are submitted, they cannot be amended; however, each party can submit additional/counter-pleadings with further comments, clarifications, etc. (see question 1.3).

3.5 Can the pleadings be withdrawn? If so, at what stage and are there any consequences?

The submitted pleadings cannot be withdrawn, but the claimant may withdraw the lawsuit either partially or in whole, under the conditions of the CCP.

4 Defending a Claim

4.1 What are the main elements of a statement of defence? Can the defendant bring a counterclaim(s) or defence of set-off?

The defendant may, *inter alia*: argue the non-competence of the court; argue the inadmissibility of the lawsuit; argue that the claim it is not validly based on the law; refuse the factual basis; or make objections provided by the law either regarding the claim itself or the procedure.

Especially regarding set-off, the defendant may argue this unilaterally (if there are mutual claims of the same nature and the defendant’s claim is due), either extrajudicially or as an objection before the court.

The defendant may also, in principle, bring a counter-claim by filing a counter-lawsuit. If there is a lawsuit previously filed by the claimant, the lawsuits are tried following the same proceedings and the court is competent for both.

4.2 What is the time limit within which the statement of defence has to be served?

The defence arguments are included in the defendant’s pleadings/counter-pleadings that are submitted to the court (see question 1.3 regarding the time limits).

Regarding the counter-lawsuit, the initial defendant may file and serve this to the initial claimant in ordinary proceedings within 60 days from the filing of the initial lawsuit (or 90 days if the initial defendant resides abroad), and, in special proceedings, at least eight days before the hearing.

Defence arguments that may arise after the first instance proceedings may also be made before the appellate court.

4.3 Is there a mechanism in your civil justice system whereby a defendant can pass on or share liability by bringing an action against a third party?

If a third party will be liable to compensate the defendant in case of defeat, the defendant can “invite”/summon this party to the trial and may also include a claim for compensation against this third “invited” party.

In case of a lawsuit *in rem* against the person who holds the property/item(s) in the name of the owner, the defendant may “invite” him/her to join the pending proceedings.

The defendant may also “invite” to the trial other person(s) as “necessary” co-parties, who will become jointly liable.

4.4 What happens if the defendant does not defend the claim?

In principle, if the defendant does not legitimately participate in the trial, the court, after checking that the lawsuit was legally served, will deem the defendant to have confessed/accepted the factual basis of the lawsuit.

In special proceedings regarding family/marriage and labour disputes, no confession of the factual basis is deemed to exist, and the trial progresses as if the defendant were present.

4.5 Can the defendant dispute the court’s jurisdiction?

The defendant may dispute the international jurisdiction of the Greek courts as well as the local and material competence of the court.

5 Joinder & Consolidation

5.1 Is there a mechanism in your civil justice system whereby a third party can be joined into ongoing proceedings in appropriate circumstances? If so, what are those circumstances?

If a third party claims that it is the owner of the claim instead of the claimant, it may file a “Main Intervention” to the trial, which is tried together with the lawsuit.

If a person has a legitimate interest for a party to win, it may file an “Additional Intervention” to support such party (it may also substitute the party which it supports, if all the parties of the trial agree to this).

See also question 4.3.

5.2 Does your civil justice system allow for the consolidation of two sets of proceedings in appropriate circumstances? If so, what are those circumstances?

The claimant may, in principle, include more claims in the same lawsuit against a defendant, provided that: they are not contradictory; the court is competent materially and locally; the same proceedings are applicable; and the consolidated examination does not create confusion.

More persons may sue or be sued jointly, if, in principle: (a) they have a common right/obligation or if their rights/obligations are based on the same factual and legal basis; or (b) there are similar claims/obligations with the same, in principle, factual and legal basis, and the court is competent for each of the defendants.

The court of the main trial may also try the relevant lawsuits, such as lawsuits for guarantee, interventions and other similar cases – see also questions 4.3 and 5.1. Cross-lawsuits (e.g. lawsuits of two persons against each other regarding the ownership of a property) are tried together by the court which undertook the first lawsuit.

The court of the main trial may also examine a party's application for interim measures.

5.3 Do you have split trials/bifurcation of proceedings?

In the above cases of question 5.3, if the legal prerequisites are not met, the court may split the lawsuits to be tried by the competent court.

6 Duties & Powers of the Courts

6.1 Is there any particular case allocation system before the civil courts in your jurisdiction? How are cases allocated?

In principle, the cases are allocated based on either the nature or the value of the claim.

6.2 Do the courts in your jurisdiction have any particular case management powers? What interim applications can the parties make? What are the cost consequences?

The court may decide on various procedural issues, e.g. the case may be adjourned, the examination of witnesses or the submission of an expert report may be ordered, etc.

In principle, the above do not directly affect costs, with some exceptions, such as costs for expert reports.

6.3 In what circumstances (if any) do the civil courts in your jurisdiction allow hearings or trials to be conducted fully or partially remotely by telephone or video conferencing, and what protocols apply? For example, does the court – and/or may parties – record and/or live-stream the hearings and may transcriptions be taken? May participants attend hearings remotely when they are physically located outside of the jurisdiction? Are electronic or hard-copy bundles used for remote hearings?

The CCP provides the discretion to the court to decide attendance to the trial and/or the examination of witnesses in a place other than the courtroom, which shall be transmitted to the courtroom. These provisions are not (at least widely) applied yet.

6.4 What sanctions are the courts in your jurisdiction empowered to impose on a party that disobeys the court's orders or directions?

The court may impose fines or order the removal from the courtroom or the arrest of any person who causes noise or disobeys court orders. The severe disturbance of hearings also constitutes a penal offence.

It is also a penal offence to disobey orders/decisions on specific issues (e.g. some family law issues).

6.5 Do the courts in your jurisdiction have the power to strike out part of a statement of case or dismiss a case entirely? If so, at what stage and in what circumstances?

A case may be struck out if the claimant withdraws the lawsuit or if both parties do not submit pleadings/attend validly the hearing.

6.6 Can the civil courts in your jurisdiction enter summary judgment?

The courts accept or dismiss a lawsuit with a final decision. See also question 9.1.

6.7 Do the courts in your jurisdiction have any powers to discontinue or stay the proceedings? If so, in what circumstances?

The courts may stay proceedings until final judgment on another civil, criminal or administrative trial if this materially affects the case before them.

Depending on the proceedings, the courts may postpone the hearing for another date, upon a relevant petition.

7 Disclosure

7.1 What are the basic rules of disclosure in civil proceedings in your jurisdiction? Is it possible to obtain disclosure pre-action? Are there any classes of documents that do not require disclosure? Are there any special rules concerning the disclosure of electronic documents or acceptable practices for conducting e-disclosure, such as predictive coding?

There is no principle of disclosure. Each party has, in principle, the burden to prove its arguments by submitting suitable evidence.

If a party has a legitimate interest, it may apply to the court to order the opponent (or a third party) to disclose a document. Such disclosure may also take place by means of an interim measure/injunction application in cases of urgency.

There are no special rules on disclosing e-documents.

7.2 What are the rules on privilege in civil proceedings in your jurisdiction?

A party may object to an application for disclosure of a document due to a serious reason such as the revelation of a criminal act by the holder of the document, the existence of a professional secret, etc.

Especially regarding trade secrets, the protection provided by Directive (EU) 2016/943 applies.

7.3 What are the rules in your jurisdiction with respect to disclosure by third parties?

See question 7.1.

7.4 What is the court's role in disclosure in civil proceedings in your jurisdiction?

See question 7.1.

7.5 Are there any restrictions on the use of documents obtained by disclosure in your jurisdiction?

In principle, the parties may use in the trial documents obtained legitimately by them. Restrictions may be imposed in specific cases, e.g. trade secrets or personal data.

8 Evidence

8.1 What are the basic rules of evidence in your jurisdiction?

Each party has, in principle, the burden to prove its arguments.

The court must take into account and freely assess all admissible means of evidence. In injunctions/interim measures proceedings, no full proof of the facts is required.

All evidence submitted by a party is accessible to its opponent.

8.2 What types of evidence are admissible, and which ones are not? What about expert evidence in particular?

The means of evidence provided in the CCP are: confession; autopsy; expert report; documents; examination of the parties; witnesses; court presumptions; and affidavits.

Inadmissible are: means of evidence not timely submitted; illegally acquired means of evidence; and affidavits which took place in breach of the provisions of the CCP.

Witnesses and affidavits cannot, in principle, prove the conclusion of contracts valued more than €30,000, or rebut the content of a document.

Regarding expert evidence, the CCP provides for:

- The “expert report”, which is drafted by independent experts appointed by the court, under oath, regarding issues outlined in the relevant decision. The parties may also appoint technical consultants to opine on the report and pose questions to the experts.
- The expert witness, who testifies their opinion on specific facts of the case. The examination of an expert witness is proposed by a party (the court is not bound to summon the witness). The witness, being under oath, has to testify the truth regarding the facts.

8.3 Are there any particular rules regarding the calling of witnesses of fact, and the making of witness statements or depositions?

Each party informs the court at the hearing of the witness they wish to examine under oath (usually one witness per party). Some persons cannot, in principle, be examined due to professional privilege or other reasons.

Regarding affidavits/written witness statements: these are given before the competent court, notary/lawyer/consulate; a

formal notice is served to the opponent containing the personal details of the witness, place/date/time, authority of examination, etc., at least two business days before the statement; the opponent may attend the examination without making questions; and each party may submit three affidavits with their pleadings, plus two with counter-pleadings.

8.4 Are there any particular rules regarding instructing expert witnesses, preparing expert reports and giving expert evidence in court? Are there any particular rules regarding concurrent expert evidence? Does the expert owe his/her duties to the client or to the court?

See question 8.2.

9 Judgments & Orders

9.1 What different types of judgments and orders are the civil courts in your jurisdiction empowered to issue and in what circumstances?

Depending on the subject-matter, the courts may issue: a decision recognising the existence of a claim; a decision ordering the defendant to pay; or a decision which creates a new legal status.

They may also issue a preliminary decision ordering for, e.g., the drafting of an expert report, the presentation of a document, stay of proceedings, etc.

Regarding provisional measures, see question 3.2.

Regarding the payment order, see question 1.3.

9.2 What powers do your local courts have to make rulings on damages/interests/costs of the litigation?

Regarding damages, the court is not bound from the calculation of the claimant. Regarding moral damages, the court awards the amount it deems fair. It cannot award more damages than the claimant requested.

The court can award default/overdue interest and will specify the date from which the interest commences. The decision will not contain a specific calculation. The method of calculation is provided in specific provisions and is based on interest rates issued by the Bank of Greece.

The court may award to the winning party the litigation costs that are deemed adequate. In practice, the courts usually calculate the costs at approximately 4% of the claim for the claimant or 2% for the defendant. Sometimes, the courts may not award costs, e.g., if the legal issues of the case were complicated.

9.3 How can a domestic/foreign judgment be recognised and enforced?

A domestic decision is, in principle, enforceable when it is “definitive” (it can no longer be appealed or, if an appeal was filed, if there is a decision of the Second Instance Court). In some cases, the First Instance Court may declare its decision as provisionally enforceable even though it is not yet “definitive”.

The winning party/claimant obtains an enforceable copy of the decision after paying the relevant Stamp Duty. The enforceable copy is served to the defendant along with an official notice/order to pay the relevant amounts (or to proceed to any action ordered). After three business days from service, enforcement actions may commence (e.g. confiscation). The losing party/defendant can file specific appeals against the enforcement proceedings.

A foreign decision/arbitration award shall be recognised and declared enforceable by a Greek court decision, following an application of the claimant, if all legal conditions are met. International treaties regarding the issues of enforceability are also in place. EU court decisions are recognised and enforced without the need of a domestic court decision, following Regulation (EU) 1215/2012. The enforcement proceedings are, in principle, the same as for domestic decisions.

9.4 What are the rules of appeal against a judgment of a civil court of your jurisdiction?

The appeal before a Court of Second Instance is permitted only for “final” decisions of First Instance which resolve the dispute or decisions that referred the lawsuit to the competent court. The appeal is filed within 30 days from service of the decision (or 60 days if the appellant resides abroad) or, if there is no service, within two years from its issuance.

The appeal must include its grounds. Additional grounds may be filed and served to the opponent until 30 days before the hearing. If the appeal is accepted, the Court of Second Instance annuls the decision and re-examines the merits of the case.

The cassation appeal before the Supreme Court is permitted for “final” decisions of Second or First Instance. The Supreme Court rules only on legal issues. There is an exclusive list of grounds for the cassation appeal. The deadlines for filing are the same as above.

If the Supreme Court accepts the cassation appeal, it annuls the decision and refers the case back to the court which issued the annulled decision to re-examine the merits of the case (being bound, on the legal issues, by the Supreme Court ruling).

The law also provides for other specific types of appeals, such as the appeal against enforcement proceedings, the third-party appeal, etc., which are regulated by specific provisions.

10 Settlement

10.1 Are there any formal mechanisms in your jurisdiction by which parties are encouraged to settle claims or which facilitate the settlement process?

See question 11.1.

11 Alternative Dispute Resolution

11.1 What methods of alternative dispute resolution are available and frequently used in your jurisdiction? Arbitration/Mediation/Expert Determination/Tribunals (or other specialist courts)/Ombudsman? (Please provide a brief overview of each available method.)

Alternative dispute resolution (“ADR”) methods include:

- **Settlement**, which can be reached by the parties if the particular dispute may be settled according to the law.
 - Before filing a lawsuit, a claimant may also ask for the intervention of the Peace Court to attempt the settlement.
 - If court proceedings are pending, the parties may request the ratification of a successful extrajudicial settlement by the court, or the parties may also declare the settlement before the court/Judge-Rapporteur/notary.
- **Mediation** (see also question 2.1) (before or after filing a lawsuit), if the parties agree to attempt it. If mediation begins after a lawsuit has been filed, the deadlines in judicial proceedings can be extended.

- During mediation proceedings, the parties with the help of an independent accredited mediator, attempt, though confidential discussions, to reach an acceptable and enforceable agreement resolving the dispute.
- **Judicial mediation** (before or after filing the lawsuit) before a Mediator-Judge, who can make non-binding proposals to the parties to settle the dispute.
- **Arbitration**, which is agreed in writing; the parties are bound by the arbitration award.
- **International commercial arbitration** (Law 2735/1999, based on the UNCITRAL Model Law of 1985).
- **Expert determination** of a fact in a civil dispute can be agreed in writing. This does not resolve the civil dispute, but it determines certain disputed factual matters.
- **ADR in consumer disputes** where, for alleged illegal commercial practices, consumers may address a complaint to the Hellenic Consumers’ Ombudsman in order to attempt the extrajudicial resolution of the case. There are also Regional Councils for the Amicable Settlement of Consumer Disputes as well as other ADR bodies.

Other methods of ADR are also available in specific areas of disputes (e.g. employment disputes).

11.2 What are the laws or rules governing the different methods of alternative dispute resolution?

The main legal provisions governing the different ADR methods include:

- **Extrajudicial and judicial settlement**: arts 871–872 CC; and arts 209–214, 214A and 293 CCP.
- **Mediation**: Law 4640/2019.
- **Judicial mediation**: art. 214B CCP.
- **Arbitration**: arts 867–903 CCP.
- **International commercial arbitration**: Law 2735/1999.
- **Expert determination**: the provisions for arbitration and expert report are applicable by analogy.
- **Consumer disputes**: Ministerial Decision 70330/2015 (incorporating Directive 2013/11/EU); Regulation (EU) 524/2013; Law 3297/2004 on the Consumers’ Ombudsman; and art. 11 of Law 2251/1994 on the Regional Councils for the Amicable Settlement of Consumer Disputes.

11.3 Are there any areas of law in your jurisdiction that cannot use Arbitration/Mediation/Expert Determination/Tribunals/Ombudsman as a means of alternative dispute resolution?

Generally, the parties must have the power to freely dispose of the subject-matter of their civil dispute (according to the provisions of substantial law) in order to resolve it through ADR mechanisms. Employment disputes are specifically excluded from arbitration.

11.4 Can local courts provide any assistance to parties that wish to invoke the available methods of alternative dispute resolution? For example, will a court – pre or post the constitution of an arbitral tribunal – issue interim or provisional measures of protection (i.e. holding orders pending the final outcome) in support of arbitration proceedings, force parties to arbitrate when they have so agreed, or order parties to mediate or seek expert determination? Is there anything that is particular to your jurisdiction in this context?

The competent courts can, in principle, assist arbitration proceedings upon a relevant petition in issues such as the

appointment/replacement of arbitrators, and may also order provisional measures depending on the case.

If the main judicial proceedings are pending regarding a dispute for which there is an arbitration agreement, the court shall refer the case to arbitration if a party timely raises the relevant objection.

Regarding settlements and mediation, see questions 11.1 and 2.1.

11.5 How binding are the available methods of alternative dispute resolution in nature? For example, are there any rights of appeal from arbitration awards and expert determination decisions, are there any sanctions for refusing to mediate, and do settlement agreements reached at mediation need to be sanctioned by the court? Is there anything that is particular to your jurisdiction in this context?

In principle, arbitration awards are binding, enforceable and not subject to appeal, unless otherwise provided in the arbitration agreement. However, an arbitration award can be annulled by the competent court for specific reasons.

Regarding mediation, see question 2.1.

Settlement agreements reached through mediation can be binding and enforceable after being submitted to the competent court. Extrajudicial settlements in civil disputes can also become enforceable if they are ratified by the court or made before the court (see question 11.1).

11.6 What are the major alternative dispute resolution institutions in your jurisdiction?

Regarding institutional arbitration: the Athens Chamber of Commerce and Industry; the Technical Chamber of Greece; the Hellenic Chamber of Shipping; and other bodies.

Regarding extrajudicial resolution of specific disputes: the Hellenic Consumers' Ombudsman; the Hellenic Ombudsman for Banking-Investment Services; the Inspectorate of Employment; and others.

Regarding mediation, the Central Mediation Committee keeps a registry of accredited mediators.



Achilleas Christodoulou has been a lawyer since 2009. He graduated from the Law School of the Democritus University of Thrace (2006). He holds an LL.M. in Commercial Law from the Law School of the Democritus University of Thrace, graduating with distinction (2009), and an LL.M. in International Shipping Law from the Law School of Queen Mary University of London, graduating with Merit (2017). He is experienced in cases of Commercial Law (Corporate Law, Free and Unfair Competition, Commercial Contracts and Bankruptcy Law), Tax Law (Domestic and International) and Transport/Shipping Law. He provides legal advice to Greek and multinational companies and individuals on various complex issues, especially regarding Corporate, Commercial and Competition Law. He is also an experienced litigator in civil and criminal cases with commercial aspects. He speaks Greek, English and French.

A.&K. Metaxopoulos and Partners
54, Vasilissis Sofias Av.
11528 – Athens
Greece

Tel: +30 2107 257 614 / +30 2107 257 611
Email: a.christodoulou@metaxopouloslaw.gr
URL: www.metaxopouloslaw.gr



Elena Nikolarea is a lawyer and member of the Athens Bar Association. She graduated from the Law School of the National and Kapodistrian University of Athens with distinction (2016). She completed one semester of her undergraduate studies at the Law School of the University of Sheffield, England. She also holds an LL.M. in Civil Law (in the specialisation "Civil Law and New Technologies") from the Law School of the University of Athens, graduating with the highest distinction in her specialisation (2019). Elena's postgraduate studies mainly focused on Civil Law, Intellectual Property Law, Electronic Commerce and Data Protection Law. She has worked in the past, through traineeship programs, at the EU's European External Action Service ("EEAS") in Brussels, as well as at the Hellenic Parliament in Athens. Elena speaks Greek, English, French and Polish. She mainly specialises in cases regarding Civil Law, Data Protection Law, Media Law, and Intellectual and Industrial Property Law.

A.&K. Metaxopoulos and Partners
54, Vasilissis Sofias Av.
11528 – Athens
Greece

Tel: +30 2107 257 614 / +30 2107 257 611
Email: e.nikolarea@metaxopouloslaw.gr
URL: www.metaxopouloslaw.gr

A.&K. Metaxopoulos and Partners, a niche law firm with great experience and expertise in dispute resolution in Greece, has a growing track record in representing leading companies and top executives in a range of disputes, such as in cases linked to Corporate Fraud and Financial Crime, in Copyright, Trademark and Patent Litigation and in various Civil Law Litigation proceedings. Our firm has received wide recognition, both internationally and domestically, for its results in Dispute Resolution, Intellectual Property, TMT, White-Collar Crime and other sectors. Our common goal to keep working as a team in order to serve our clients' interests in the best possible manner has been recognised by our peers, and we have received praise from various publications such as *Chambers*, *The Legal 500*, *IAM Patent 1000*, *Managing IP*, *Best Lawyers* and *Top Ranked Legal*,

amongst many others. Our firm is the only Greek member of the Global Advertising Lawyers Alliance ("GALA") and it is also the Greek member of the International Lawyers Network ("ILN").

www.metaxopouloslaw.gr

A&K METAXOPOULOS
& PARTNERS

ICLG.com



Current titles in the ICLG series

Alternative Investment Funds
Anti-Money Laundering
Aviation Finance & Leasing
Aviation Law
Business Crime
Cartels & Leniency
Class & Group Actions
Competition Litigation
Construction & Engineering Law
Consumer Protection
Copyright
Corporate Governance
Corporate Immigration
Corporate Investigations
Corporate Tax
Cybersecurity
Data Protection
Derivatives
Designs
Digital Business
Digital Health
Drug & Medical Device Litigation
Employment & Labour Law
Enforcement of Foreign Judgments
Environment & Climate Change Law
Environmental, Social & Governance Law
Family Law
Fintech
Foreign Direct Investment Regimes
Franchise
Gambling
Insurance & Reinsurance
International Arbitration
Investor-State Arbitration
Lending & Secured Finance
Litigation & Dispute Resolution
Merger Control
Mergers & Acquisitions
Mining Law
Oil & Gas Regulation
Patents
Pharmaceutical Advertising
Private Client
Private Equity
Product Liability
Project Finance
Public Investment Funds
Public Procurement
Real Estate
Renewable Energy
Restructuring & Insolvency
Sanctions
Securitisation
Shipping Law
Technology Sourcing
Telecoms, Media & Internet
Trade Marks
Vertical Agreements and Dominant Firms