

International Comparative Legal Guides



Practical cross-border insights into enforcement of
foreign judgments

Enforcement of Foreign Judgments 2023

Eighth Edition

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Expert Analysis Chapters

- 1** **The Impact of Sanctions on the Enforcement of Foreign Judgments**
Eddy Eccles & Thomas McGuire, Covington & Burling LLP
- 6** **International Enforcement Strategy – An Overview**
Andrew Bartlett, Osborne Clarke LLP
- 11** **EU Overview**
Sébastien Champagne & Vanessa Foncke

Q&A Chapters

- 19** **Australia**
Corrs Chambers Westgarth: Cara North & Harrison Frith
- 26** **Belgium**
Arcas Law: Joost Verlinden & Michiel Van Dooren
- 32** **Brazil**
Garcia Demori Advocacia: Pedro Demori
- 39** **Canada**
Goodmans LLP: Peter Kolla, Julie Rosenthal & Sarah Stothart
- 46** **Cayman Islands**
Kobre & Kim: Jalil Asif KC, Peter Tyers-Smith & Ilona Groark
- 50** **China**
SGLA Law Firm: Dr. Xu Guojian
- 57** **Croatia**
Macesic and Partners LLC: Anita Krizmanic
- 64** **Cyprus**
Phoebus, Christos Clerides & Associates LLC: Constantinos Clerides
- 71** **England & Wales**
Covington & Burling LLP: Louise Freeman & Eddy Eccles
- 78** **France**
Archipel: Jacques-Alexandre Genet & Michaël Schlesinger
- 84** **Germany**
White & Case LLP: Markus Langen, Dr. Dominik Stier & Kristof Waldenberger
- 91** **Greece**
Saplegal-A.S. Papadimitriou & Partners Law Firm: Elena F. Kossena, Pavlina A. Galati & Orestis C. Angelopoulos
- 98** **India**
LexOrbis: Manisha Singh & Varun Sharma
- 103** **Japan**
Mori Hamada & Matsumoto: Yoshinori Tatsuno
- 108** **Liechtenstein**
GASSER PARTNER Attorneys at Law: Thomas Nigg & Domenik Vogt
- 114** **Netherlands**
OSK Advocaten: Jurjen de Korte & Geert Wilts
- 119** **Spain**
King & Wood Mallesons: Alfredo Guerrero & Fernando Badenes
- 126** **Sweden**
Advokatfirman Glimstedt: Finn Stenström & Amanda Moberg
- 131** **Switzerland**
BMG Avocats: Rocco Rondi, Guillaume Fatio & Mimoza Lekiqi
- 138** **Taiwan**
Formosan Brothers Attorneys-at-Law: Li-Pu Lee & Szu-Shian Lu
- 143** **Tanzania**
CRB AFRICA LEGAL: Charles R. B. Rwechungura, Beatha G. Telli, Sophiamary P. Chacha & Ruqaiyyah A. Mushi
- 148** **United Arab Emirates**
Araa Group Advocates and Legal Consultants: Abdulla Yousef Al Nasser & Flora Ghali Gerges Yuosef
- 155** **USA**
Williams & Connolly LLP: John J. Buckley, Jr. & Jonathan M. Landy

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1 Country Finder

1.1 Please set out the various regimes applicable to recognising and enforcing judgments in your jurisdiction and the names of the countries to which such special regimes apply.

Applicable Law/Statutory Regime	Relevant Jurisdiction(s)	Corresponding Section Below
Treaty of 17.5.1993 between Greece and Albania, ratified by Law 2311/1995, on civil and criminal matters.	Greece-Albania.	Section 3.
Treaty of 21.11.2000 between Greece and Armenia, ratified by Law 3007/2002, on civil, family, and criminal matters.	Greece-Armenia.	Section 3.
Treaty of 06.12.1965 between Greece and Austria, ratified by Law 137/1967, on civil and commercial matters (it applies only to judicial costs; art. 16).	Greece-Austria.	Section 3.
Treaty of 10.4.1976 between Greece and Bulgaria, ratified by Law 841/1978, on civil and criminal matters.	Greece-Bulgaria.	Section 3.
Treaty of 17.10.1994 between Greece and P.R.China, ratified by Law 2358/1995, on civil and criminal matters.	Greece-China (incl. Hong-Kong).	Section 3.
Treaty of 5.3.1984 between Greece and Cyprus, ratified by Law 1548/1985, on civil, family, commercial and criminal matters.	Greece-Cyprus.	Section 3.
Treaty of 22.10.1980 between Greece and (former) Czechoslovakia, ratified by Law 1323/1983, on civil and criminal matters.	Greece-successor states of <i>Czechoslovakia</i> (Slovakia, Czech Republic).	Section 3.
Treaty of 4.11.1961 between Greece and (former) W. Germany, ratified by Law 4305/1963, on civil and commercial matters.	Greece-Germany.	Section 3.
Treaty of 10.5.1999 between Greece and Georgia, ratified by Law 2813/2000, on civil and criminal matters.	Greece-Georgia.	Section 3.
Treaty of 8.10.1979 between Greece and Hungary, ratified by Law 1149/1981, on civil and criminal matters.	Greece-Hungary.	Section 3.
Treaty of 5.4.1975 between Greece and Lebanon, ratified by Law 1099/1980, on civil, commercial, and criminal matters.	Greece-Lebanon.	Section 3.
Treaty of 24.10.1979 between Greece and Poland, ratified by Law 1184/1981, on civil and criminal matters.	Greece-Poland.	Section 3.

Treaty of 19.10.1972 between Greece and Romania, ratified by Law 429/1974, on civil and criminal matters.	Greece-Romania.	Section 3.
Treaty of 2.6.1981 between Greece and Syria, ratified by Law 1450/1984, on civil and criminal matters.	Greece-Syria.	Section 3.
Treaty of 12.4.1993 between Greece and Tunisia, ratified by Law 2228/1994, on civil and commercial matters.	Greece-Tunisia.	Section 3.
Treaty of 2.7.2002 between Greece and Ukraine, ratified by Law 3281/2004, on civil matters.	Greece-Ukraine.	Section 3.
Treaty of 21.5.1981 between (former) USSR, ratified by Law 1242/1982, on civil and criminal matters.	Greece-successor states of USSR (excl. the non-signatories of the Alma-Ata Declaration, 21.12.1991).	Section 3.
Treaty of 18.6.1959 between Greece and (former) Yugoslavia, ratified by Law 4007/1959, on civil, commercial, and criminal matters.	Greece-successor states of Yugoslavia (Serbia, Montenegro, North Macedonia, Bosnia-Herzegovina, Slovenia, Croatia).	Section 3.
Berne Convention Concerning International Carriage by Rail 1980 (COTIF) ratified by Law 1593/1986.	Greece-contracting states.	Section 3.
Brussels Convention of 29.11.1969 on civil liability for oil pollution damage, ratified by Law 314/1976.	Greece-contracting states.	Section 3.
European Convention (CoE) of 20.05.1980 on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children ratified by Law 2104/1992 (applicable only to judgments of courts of non-EU Member States that have not ratified the Hague Convention 1996).	Greece-contracting states.	Section 3.
Geneva Convention of 19.05.1956 on the Contract for the International Carriage of Goods by Road (CMR), ratified by Law 559/1977.	Greece-contracting states.	Section 3.
Hague Convention of 02.10.1973 on the Recognition and Enforcement of Decisions relating to maintenance obligations ratified by Law 3171/2003.	Greece-contracting states.	Section 3.
Hague Convention of 29.05.1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ratified by Law 3765/2009.	Greece-contracting states.	Section 3.
Hague Convention of 19.10.1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children ratified by Law 4020/2011.	Greece-contracting states.	Section 3.
Hague Convention of 23.11.2007 on the International Recovery of Child Support and Other Forms of Family Maintenance; bound via approval by the EU.	Greece-contracting states.	Section 3.
Hague Convention of 30.06.2005 on Jurisdiction Agreements; bound via approval by the EU.	Greece-contracting states.	Section 3.
Lugano Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters 2007 concerning recognition/enforcement of judgments originating from Switzerland, Norway, and Iceland, ratified by EU on 18.05.2009 and applied to Greece on 1.1.2010.	EU-Switzerland, Norway and Iceland.	Section 3.
New York Convention of 20.06.1956 on the recovery abroad of maintenance, ratified by Law 4421/1964.	Greece-contracting states.	Section 3.
UNCITRAL Model Law of 30.05.1997 on Cross-Border Insolvency ratified by Law 3858/2010.	Greece-contracting states.	Section 3.

2 General Regime

2.1 Absent any applicable special regime, what is the legal framework under which a foreign judgment would be recognised and enforced in your jurisdiction?

In the absence of any special regime, either originating from EU legislation or from multilateral and bilateral treaties, the legal framework governing recognition and enforcement of foreign judgments in Greece will be the domestic law and in particular the Greek Code of Civil Procedure (GCCP). Main requirements and procedure are provided by articles 323 (recognition of *res judicata* or *Rechtskraft* of judgments of contentious proceedings), 780 (recognition of legal effect of judgments of non-contentious proceedings) and 905 (enforcement of judgments) of the GCCP.

2.2 What constitutes a 'judgment' capable of recognition and enforcement in your jurisdiction?

A "judgment" capable of recognition and enforcement in the Greek legal order is considered any act of ruling concerning the resolution of a private law dispute rendered by a foreign court, irrespective of whether it has accepted or dismissed the lawsuit, and irrespective of its nature as declaratory or constitutive. The judgment should contain a private law element, which is material for recognition and enforcement and is examined in accordance with domestic law. Therefore, the classification of the foreign court as civil, criminal, or administrative is not material. Furthermore, the judgment's classification according to the foreign law as judgment, deed, order, certificate, as well as its compliance with the formalities required by domestic law is not material, even if the relevant type is unknown in the Greek legal order.

2.3 What requirements (in form and substance) must a foreign judgment satisfy in order to be recognised and enforceable in your jurisdiction?

The requirements (in form and substance) that a foreign judgment must satisfy in order to be recognised and declared enforceable depend on the applicable legal framework. In the absence of an applicable EU regulation, international or bilateral treaty, the requirements will be governed by the GCCP and will be as follows:

- (a) With regard to recognition of *res judicata* of a foreign judgment issued in contentious proceedings, the principal of automatic recognition applies, meaning that all such judgments are recognised in Greece provided that they fulfil the requirements set by art. 323 of the GCCP (contentious proceedings). The requirements are as follows:
 - i. the foreign judgment must produce *res judicata* according to the law of the state of origin;
 - ii. under the internal rules governing jurisdiction of Greek Courts, the court that issued the foreign judgment should have had jurisdiction to hear the case;
 - iii. the defeated party must not have been deprived of the right of defence, unless deprivation is due to a legal provision that also applies to nationals of the issuing state court;
 - iv. the foreign judgment must not be contrary to a judgment by a Greek court that had been issued in the same case and has *res judicata* effect on the same parties to the dispute over which the foreign judgment was issued; and
 - v. the foreign judgment must not conflict Greek *public order* or *boni mores*.

The GCCP does not provide for any formal requirements, but in practice the foreign judgment should be in writing, certified/sealed and apostilled, if required, and officially translated in Greek.

- (b) With regard to recognition of a foreign judgment issued in non-contentious proceedings, article 780 of the GCCP provides that a foreign judgment should also meet the following prerequisites:
 - i. that the foreign court applied the substantive law, which under Greek conflict of laws rules would have been applied, and also had jurisdiction to hear the case, in accordance with the law of the state, the substantive law of which applied; and
 - ii. the judgment does not conflict Greek *public order* or *boni mores*.
- (c) With regard to enforceability of foreign judgments, article 905 GCCP stipulates that a foreign judgment may be enforced in Greece provided that such foreign judgment is declared enforceable by the judgment of a Greek Court. Such Greek Court judgment is issued following a petition by the interested party before the First Instance Court of the place of residence of the debtor. The requirements for declaration of enforceability of the foreign judgment are set by article 905 par. 3 and 323 par. 2-5 of the GCC and are as follows:
 - i. the foreign judgment should be enforceable according to the laws of the state of origin;
 - ii. under the internal rules governing jurisdiction of Greek Courts, the court that issued the foreign judgment should have had jurisdiction to hear the case;
 - iii. the defeated party should not have been deprived of the right of defence, unless such deprivation is due to a legal provision that also applies to nationals of court of origin;
 - iv. the foreign judgment is not contrary to a judgment by a Greek court that had been issued in the same case and has *res judicata* effect on the same parties to the dispute over which the foreign judgment was issued; and
 - v. the foreign judgment does not conflict Greek *public order* or *boni mores*.

At the hearing of the petition, the applicant should submit to the Greek Court: (a) a sealed/certified copy of the foreign judgment with apostille, if required, as well as a certified translation thereof in Greek; and (b) evidence as to the fulfilment of Greek Law requirements for declaration of enforceability (see above, under (c) i-v).

2.4 What (if any) connection to the jurisdiction is required for your courts to accept jurisdiction for recognition and enforcement of a foreign judgment?

No specific connection to the jurisdiction is required for the Greek courts to accept jurisdiction for recognition and enforcement of a foreign judgment. Nevertheless, a legitimate interest of the party seeking recognition needs to be established, as in all proceedings. Such legitimate interest is usually established where assets of the debtor exist in Greece and therefore the claimant/creditor has a legitimate interest to seek enforcement against those assets.

2.5 Is there a difference between recognition and enforcement of judgments? If so, what are the legal effects of recognition and enforcement respectively?

There is a clear distinction between recognition and enforcement under Greek law. Recognition refers to the binding effect

of a foreign judgment. This effect is extended automatically to the Greek legal order in parallel to the foreign legal order without the need for special proceedings, provided that the requirements of Greek Law (mainly articles 323, 780 and 950 par. 4 of the GCCP) are met. In cases of dispute over the fulfilment of such requirements, the interested party may seek a declaratory judgment lawsuit from the Greek courts.

In the absence of a special legal framework, and especially of an applicable EU regulation on direct enforceability of a foreign judgment, foreign judgments do not extend their effect of enforceability in the Greek legal order automatically, but must be declared enforceable in Greece, by a Greek Court judgment, to be issued by the procedure set above (under question 2.3 (c)).

2.6 Briefly explain the procedure for recognising and enforcing a foreign judgment in your jurisdiction.

As set out above (under question 2.3 (a)), recognition of *res judicata* or legal effect takes place automatically (*ipso jure*) and it may be affirmed by a Greek Court even incidentally, for example during other proceedings. In case of dispute, the issue of recognition may be considered *apropos* or through a declaratory lawsuit.

With regard to enforcement, in the absence of an EU regulation or an international or bilateral treaty, article 905 of the GCCP applies. As set out above (under question 2.3 (c)), the interested party should seek declaration of enforceability of the foreign judgment by a Greek Court judgment. For this purpose, the interested party should submit a petition before the First Instance Court of the place of domicile of the debtor or, if there is no such place of domicile in Greece, before First Instance Court of Athens. The petition is heard according to the rules applicable to non-contentious proceedings. In practice, though, the judge orders that the defendant is summoned to the hearing within a deadline stipulated by the judge. At the date of the hearing, which is fixed by the Court, the parties should submit pleadings and all supporting evidence. The First Instance Court judgment is subject to appeal.

2.7 On what grounds can recognition/enforcement of a judgment be challenged? When can such a challenge be made?

The grounds of challenge of recognition or enforcement of a judgment relate to the non-fulfilment of the requirements set by the applicable legal framework. Where an EU Regulation or international or bilateral treaty is not applicable, the grounds of challenge that may be raised by the defendant are related to the prerequisites set by Greek Law, and more particularly, articles 323, 780 and 905 of the GCCP (see above under question 2.3). Note that any objections related to the claim subject to enforcement, as for example a set-off objection, are inadmissible and may be raised only during the subsequent enforcement proceedings.

2.8 What, if any, is the relevant legal framework applicable to recognising and enforcing foreign judgments relating to specific subject matters?

There are several specific regimes pertaining to enforcement of foreign court judgments on specific subject matters, such as maintenance obligations, family affairs, personal status, bankruptcy proceedings, transportation claims etc. Such legal framework is set out by EU regulations and international or bilateral treaties.

2.9 What is your court's approach to recognition and enforcement of a foreign judgment when there is: (a) a conflicting local judgment between the parties relating to the same issue; or (b) local proceedings pending between the parties?

The Greek Court's approach to recognition and enforcement of a foreign judgment depends on the applicable legal framework. For example, under the bilateral treaty of 21.5.1981 with the (former) USSR, ratified by Law 1242/1982, on civil and criminal matters, the Greek Court will refuse to declare enforceability of the foreign judgment if proceedings are pending in Greece between the parties for the same issue.

Where there is an absence of special legal framework set out by an EU regulation or international or bilateral treaty, the Court will apply the rules set by the GCCP. Under such rules, recognition, and declaration of enforceability of a foreign judgment will be refused only if a local conflicting judgment over the same dispute has been issued but also has already become final and has a *res judicata* effect between the parties (905 GCCP and article 323.4 GCCP). If local proceedings relating to the same issue and between the same parties are pending but a final judgment has not been yet issued, the court second seized is likely to stay the proceedings until a final judgment of the court first seized is issued.

Same applies to the recognition of enforcement of foreign judgments in accordance with non-contentious proceedings related to the personal status of a person (905.4 in conjunction with art 780 GCCP).

2.10 What is your court's approach to recognition and enforcement of a foreign judgment when there is a conflicting local law or prior judgment on the same or a similar issue, but between different parties?

Greek courts do not have the power to re-examine the merits of a judgment to be enforced but only to verify whether the conditions on recognition and enforcement are met. In view of the above, a conflicting local law will not prevent the recognition or declaration of enforceability of a foreign judgment unless if such conflicting law regulates a matter consisting public policy or relating to the *boni mores*.

As provided above under 2.9 hereinabove, only the existence of a conflicting local final judgment that has a *res judicata* effect constitutes an estoppel of recognition or enforcement of a foreign judgment. As such a conflicting prior judgment on the same issue but between different parties will not prevent recognition or enforceability of foreign judgment, unless the *res judicata* of the prior conflicting judgment is extended by virtue of the law to the (third) party seeking recognition or enforcement. In Greece, *res judicata* effect extends, *inter alia*, to the assignor or successor in right, the possessor and under certain conditions the trustee, the executor, the guarantor and the members of a partnership (articles 323-329 of the GCCP).

2.11 What is your court's approach to recognition and enforcement of a foreign judgment that purports to apply the law of your country?

During the proceedings of recognition or declaration of enforceability of a foreign judgment, Greek courts are not allowed to reconsider the case on its merits. Therefore, the law applied or the reasoning of the foreign court is irrelevant.

As an exception, a foreign judgment issued in non-contentious proceedings could be recognised in Greece only if the foreign

court has applied the substantive law, which under Greek conflict of laws rules would have been applied (article 780 of the GCCP).

2.12 Are there any differences in the rules and procedure of recognition and enforcement between the various states/regions/provinces in your country? Please explain.

The rules and procedures of recognition and enforcement are applicable to the whole territory of the Hellenic Republic.

2.13 What is the relevant limitation period to recognise and enforce a foreign judgment?

Greek law does not provide for a limitation period to recognise and enforce a foreign judgment.

3 Special Enforcement Regimes Applicable to Judgments from Certain Countries

3.1 With reference to each of the specific regimes set out in question 1.1, what requirements (in form and substance) must the judgment satisfy in order to be recognised and enforceable under the respective regime?

Each of the international or bilateral treaties sets out the requirements that the respective judgment must satisfy in order to be recognised and declared enforceable in Greece. Such requirements broadly reflect the requirements set by the GCC (see above under question 2.3), i.e. they refer to the enforceability of the judgment according to the laws of origin, the summoning of the defendant/right of defence, the non-existence of a conflicting final judgment of the Greek Court and the non-conflict of the foreign judgment with Greek public order or *boni mores*. Certain variations appear in some treaties. For example, under the bilateral treaties of 21.5.1981 between (former) USSR, ratified by Greek Law and the bilateral 1242/1982 Treaty of 17.10.1994 between Greece and P.R.China, ratified by Greek Law 2358/1995, a foreign judgment cannot be declared enforceable if proceedings are pending in Greece between the parties for the same issue.

3.2 With reference to each of the specific regimes set out in question 1.1, does the regime specify a difference between recognition and enforcement? If so, what is the difference between the legal effect of recognition and enforcement?

Recognition is related to the binding effect of the foreign judgment in the Greek legal order, which occurs *ipso jure* provided that certain conditions are met. On the other hand, enforcement is related to the procedure of execution which requires a certain procedure, involving, *inter alia*, a court judgment of the Greek Court on declaration of the enforceability of the foreign judgment in Greece.

3.3 With reference to each of the specific regimes set out in question 1.1, briefly explain the procedure for recognising and enforcing a foreign judgment.

The procedure is broadly the same with the one provided by the GCCP (see above under question 2.6) and involves a petition to the Greek Court either directly or in certain cases through diplomatic channels.

3.4 With reference to each of the specific regimes set out in question 1.1, on what grounds can recognition/enforcement of a judgment be challenged under the special regime? When can such a challenge be made?

Recognition and enforcement of a judgment may be challenged if the conditions set by the respective treaty are not met (see above under question 3.1).

4 Enforcement

4.1 Once a foreign judgment is recognised and enforced, what are the general methods of enforcement available to a judgment creditor?

Once the foreign judgment is declared enforceable by virtue of a final Greek judgment, such final Greek judgment is an executory title on the basis of which enforcement can be attempted against assets owned by the debtor or his/her heirs, successors and (in case the debtor is a partnership) against assets owned by the partners (Articles 919- 921 of the GCCP). The procedure to be followed and the methods of enforcement available will be the same, as those provided by Greek law for the enforcement of domestic court judgments.

More particularly, for the opening of the enforcement proceedings, an executory mark (*apografo*) should be affixed to the executory title (Greek final judgment), which will then be a writ of execution (Article 918 of the GCCP). For the issuance of the above executory mark, the creditor should pay a court duty equal to 1.5%- 3.6% of the amount of the claim.

The service by the claimant on the debtor of the writ of execution along with a formal notice inviting him to voluntary compliance within three working days marks the official commencement of the enforcement proceedings (Article 924 and 926 of the GCCP). Once this three working days period elapses, the creditor may initiate the main phase of the enforcement proceedings by officially instructing a court bailiff to proceed with enforcement actions (Art. 927 Civil Procedure Code). The methods of enforcement vary on the nature of the claim. With regard to non-pecuniary claims, execution may be *in natura*, which in effect results in specific performance, as for example the delivery of certain movables or performance of a certain act. Enforcement of pecuniary claims is made by the forced liquidation of the debtor's assets (either being in the possession of the debtor or in the possession of third parties) following attachment and a public sale procedure which is administered by a notary public (compulsory auction). Note that on certain grounds the debtor may contest the enforcement proceedings or request from the competent court suspension of the enforcement proceedings.

5 Other Matters

5.1 Have there been any noteworthy recent (in the last 12 months) legal developments in your jurisdiction relevant to the recognition and enforcement of foreign judgments? Please provide a brief description.

On 12.7.2022, the EU Council adopted a decision on the accession of the EU to Hague Judgments Convention 2009 on the recognition and enforcement of foreign judgments in civil or commercial matters. So far Costa Rica, Israel, Russia, Ukraine, the United States and Uruguay have signed the convention, but they have not yet ratified it. The EU will be the first party to accede to the convention, following negotiations in the Council and the consent of the European Parliament. The Hague Judgments Convention 2019 will enter into force only after two

parties have ratified/acceded. Once in force, all EU Member States except Denmark, and therefore including Greece, will be bound by the convention.

5.2 Are there any particular tips you would give, or critical issues that you would flag, to clients seeking to recognise and enforce a foreign judgment in your jurisdiction?

The proceedings leading to a First Instance judgment on declaration of enforcement of a foreign judgment may be take several

months. However, the proceedings leading to a final Greek Court judgment based on which enforcement actions against assets of the debtor can be initiated (see above under 4.1) may be very lengthy in case the debtor files an appeal. For this reason, it is suggested that the creditor also considers the option of filing separate proceedings against the debtor by which interim relief is requested. Provided that the conditions of the law for such interim relief are met, under the circumstances of the particular case, interim relief could be granted by Greek courts as security of the claim until a final judgment on declaration of enforcement of the foreign judgment is issued.



Elena F. Kossena is a Supreme Court Advocate and a Certified Mediator. She is now co-heading the firm's Dispute Resolution practice. For more than 20 years Elena has been advising high-net-worth individuals and corporations of various sectors and has broad expertise especially in cross-border civil and commercial litigation, as she regularly represents clients in cases brought before courts of multiple jurisdictions.

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Saplegal-A.S. Papadimitriou & Partners is a prominent law firm, based in Athens, Greece, and provides full business law services.

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