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Greece

ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

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This country-specific Q&A provides an overview of enforcement of judgments in civil and commercial matters laws and regulations applicable in Greece.

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GREECE

ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS



1. What international conventions, treaties or other arrangements apply to the enforcement of foreign judgments in your jurisdiction and in what circumstances do they apply?

The following EU regulations, bilateral treaties and international conventions currently apply to the enforcement of foreign court judgments in civil and commercial matters:

(a) EU regulations:

I. Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings;

II Regulation (EC) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (known as “The Brussels I bis Regulation”);

III. Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, (known as “The Brussels II bis Regulation”);

IV. Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure and involve claims that do not exceed the amount of Euros 2,000;

V. Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;

VI. Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on

jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession;

VII. Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims ;

VIII. Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure;

IX. Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters;

(b) Bilateral treaties:

I. Greece – Albania Treaty of 17.5.1993, ratified by Law 2311/1995, on civil and criminal matters;

II. Greece – Armenia Treaty of 21.11.2000, ratified by Law 3007/2002, on civil, family, and criminal matters;

III. Greece – Bulgaria Treaty of 10.4.1976, ratified by Law 841/1978, on civil and criminal matters;

IV. Greece – Germany Treaty of 4.11.1961, ratified by Law 4305/1963, on civil and commercial matters;

V. Greece – Georgia Treaty of 10.5.1999, ratified by Law 2813/2000, on civil and criminal matters;

VI. Greece – (Former) Socialist Federal Republic of Yugoslavia (and now Serbia and Montenegro) Treaty of 18.6.1959, ratified by Law 4007/1959, on civil, commercial and criminal matters;

VII. Greece – China Treaty of 17.10.1994, ratified by Law 2358/1995, relating on civil and criminal matters;

VIII. Greece – Cyprus Treaty of 5.3.1984, ratified by Law 1548/1985, on civil, family, commercial and criminal matters;

IX. Greece – Lebanon Treaty of 5.4.1975, ratified by Law 1099/1980, on civil, commercial and criminal matters;

X. Greece – Hungary Treaty of 8.10.1979, ratified by Law 1149/1981, on civil and criminal matters;

XI. Greece – Ukraine Treaty of 2.7.2002, ratified by Law 3281/2004, on civil matters;

XII. Greece – Poland Treaty of 24.10.1979, ratified by Law 1184/1981, on civil and criminal matters;

XIII. Greece – Romania Treaty of 19.10.1972, ratified by Law 429/1974, on civil and criminal matters;

XIV. Greece – the (Former) Union of Soviet Socialist Republics (and now the members of former CCP excluding Georgia and Armenia) Treaty of 21.5.1981, ratified by Law 1242/1982, on civil (including commercial and family) matters and judgments relating to judicial expenses;

XV. Greece – Syria Treaty of 2.6.1981, ratified by Law 1450/1984;

XVI. Greece – (Former) Czechoslovakia (and now Czech Republic and Slovakia) Treaty of 22.10.1980, ratified by Law 1323/1983, on civil and criminal matters;

XVII. Greece – Tunisia Treaty of 12.4.1993, ratified by Law 2228/1994, on civil and commercial matters;

(c) International conventions:

I. 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. The Convention was ratified by EU on 18.05.2009 and applied to Greece on 1.1.2010;

II. Hague Convention of 2 October 1973 on the Recognition and Enforcement of Decisions relating to maintenance obligations ratified by Law 3171/2003;

III. Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption ratified by Law 3765/2009;

IV. Hague Convention of 19 October 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;

V. EU Convention of 20 May 1980 on recognition and enforcement of decisions concerning custody of children and on restoration of custody of children ratified by Law 2104/1992 (applies only to judgments of courts of non-EU Member States that have not ratified the Hague Convention 1996);

VI. Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance. Greece is bound by the Hague Convention 2007 by virtue of its approval by the European Union;

VI. Hague Convention of 30 June 2005 on Choice of Court Agreement. Greece is bound by the Convention 2005 by virtue of its approval by the European Union;

VII. Geneva Convention of 19 May 1956 on the Contract for the International Carriage of Goods by Road, ratified by Law 559/1977;

VIII. UNCITRAL Model Law of 30 May 1997 on Cross-Border Insolvency ratified by Law 3858/2010;

IX. Convention Concerning International Carriage by Rail 1980 (COTIF) ratified by Law 1593/1986;

2. What, if any, reservations has your jurisdiction made to such treaties?

Greece has made the following reservations:

(a) With regards to Hague Convention of 2 October 1973, Greece has reserved the right neither to recognize nor enforce judgments or settlements in respect of maintenance obligations between 1) collaterals (except brothers and sisters), 2) between in-laws, 3) between spouses whose marriage has been declared void or has been annulled when the decree of divorce, legal separation, nullity or annulment of the marriage has been rendered by default in a State in which the defaulting party did not have his habitual residence, provided by article 26.

(b) With regards to Hague Convention of 19 October 1996, Greece has reserved the jurisdiction of its own authorities to take measures for the protection of the child's property located in its territory, as well as the right not to recognize parental responsibility or a measure incompatible with a measure taken by its own authorities, including those taken in proceedings for provisional measures, and the right of consent jurisdiction in respect of the child's property, concerning Article 55(1)(b) of the Convention.

3. Can foreign judgments be enforced in your jurisdiction where there is not a convention or treaty or other arrangement, e.g. under the general law?

Where there is not a convention or treaty or other arrangement, a foreign judgment may be recognized and declared enforceable under the requirements and the procedure set by articles 323, 780, 903, 905 and 906 of the Greek Code of Civil Procedure ("GCCP").

4. What basic criteria does a foreign judgment have to satisfy before it can be enforced in your jurisdiction? Is it limited to money judgments or does it extend to other forms of relief?

Where there is not a convention or treaty or other arrangement, a foreign judgment may be recognized and declared enforceable under the requirements and the procedure set by articles 323, 780, 903, 905 and 906 of the Greek Code of Civil Procedure ("GCCP").

- (a) the judgment is enforceable according to the law of the state of issuance;
- (b) under the internal rules governing jurisdiction of Greek courts, the court that issued the foreign judgment had jurisdiction to hear the case;
- (c) the defeated party was not deprived of his/her right to defend himself/herself and in general to participate in the proceedings, unless deprivation is due to a legal provision that also applies to the nationals of the state of the court that issued the foreign judgment;
- (d) the judgment is not contrary to a judgment of a Greek court that has 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
- (e) the judgment is not contrary to boni mores or public order.

In principle any enforceable act of the judicial organs of a foreign State providing legal protection may be enforced except for criminal and administrative court judgments unless if the latter involve compensation under civil law.

5. What is the procedure for enforcement of foreign judgments pursuant to such conventions, treaties or arrangements in

your jurisdiction?

EU court judgments are in principle automatically enforced in Greece without any special/intermediate procedure for declaration of their enforceability provided that there are no grounds for refusal enforceability as set in the applicable EU regulation.

The procedure for enforcement of judgments of foreign courts falling in the provisions of bilateral treaties or international conventions is set by the provisions of the applicable bilateral treaty or international convention but in general the procedure is the same with the one applicable for the enforcement of foreign judgments under Greek internal law (described below under 6).

6. If applicable, what is the procedure for enforcement of foreign judgments under the general law in your jurisdiction?

The declaration of enforceability of a foreign judgment requires a court judgment to be issued following of the filing of a petition of an interested party before the competent Single Member First Instance Court (Article 905 of the GCCP).

7. What, if any, formal requirements do the courts of your jurisdiction impose upon foreign judgments before they can be enforced? For example, must the judgment be apostilled?

At the court hearing of the petition for the declaration of enforceability of a foreign judgment, the claimant must submit with the Greek Court: (a) the foreign judgment or a certified copy thereof along with evidence of its authenticity (apostille) and their certified translation into Greek and (b) a certificate or similar document issued by the State of origin proving that the judgment is enforceable according to the laws of the State of origin and its certified translation in Greek.

The claimant has also the burden to prove that all conditions for the declaration of the enforceability of the foreign judgment are met in accordance with the applicable law (Greek Law or bilateral treaty or international convention). To this respect the claimant will be required to provide additional documents. For example, in case of a foreign default judgment the claimant will be required to submit a certificate of service or similar document to prove that the absent party was summoned in due time.

8. How long does it usually take to enforce or register a foreign judgment in your jurisdiction? Is there a summary procedure available?

The length of the proceedings depends on the workload of the competent Court and may be extended in case an appeal is filed. The hearing of the petition by Court of First Instance should normally be expected within 1-4 months from filing and the court judgment 1-6 months afterwards.

An EU judgment may be generally enforced by submission at the competent enforcement authority of (a) a copy of the judgment which satisfies the conditions necessary to establish its authenticity, (b) a certificate from the member state of origin certifying that the judgment is enforceable and containing an extract of the judgment as well as, where appropriate, relevant information on the recoverable costs of the proceedings and the calculation of interest and (c) certified translation of (a) and (b) into Greek.

9. Is it possible to obtain interim relief (e.g. an injunction to restrain disposal of assets) while the enforcement or registration procedure takes place?

It is possible to obtain interim relief while the enforcement procedure takes place provided that the Greek Courts have jurisdiction to hear the request and that the conditions of Greek Law for provision of interim relief are met. According to Article 682 of the GCCP such conditions are the following: a) there is claim that should be secured or a right that should be preserved or there is a situation that should be regulated and b) there is an urgent need or an urgent danger that should be avoided.

10. What is the limitation period for enforcing a foreign judgment in your jurisdiction?

No limitation period exists for enforcing a foreign judgment in Greece.

11. On what grounds can the enforcement of foreign judgments be challenged in your jurisdiction?

The defendant may challenge the enforcement of a foreign judgment mainly on the grounds relating to the refusal of enforcement of a foreign judgment as these

are prescribed by the provisions of the applicable EU regulation or the bilateral treaty or the international convention and in the absence of applicability thereof by those set out in Articles 323 and 905 of the Code of Civil Procedure, i.e.:

(a) The foreign judgment is not enforceable under the law of the State of issue.

(b) The foreign judgment is manifestly contrary to boni mores or public order.

(c) The State of issue had no jurisdiction to hear the case.

(d) The defeated party has been deprived of the right to defend himself/herself and, in general, to participate in the foreign proceedings.

(e) The foreign judgment is contrary to a judgment of a Greek court in the same dispute and constitutes a final judgment (res judicata) against the parties who were brought before the court of State of issue.

12. Will the courts in your jurisdiction reconsider the merits of the judgment to be enforced?

The Greek Courts do not have the power to re-examine the merits of the case but only the power to verify whether the conditions on recognition and enforcement of the foreign judgment are met.

13. Will the courts in your jurisdiction examine whether the foreign court had jurisdiction over the defendant? If so, what criteria will they apply to this?

The Greek Courts will examine whether the foreign court had jurisdiction over the defendant on the basis of the internal rules governing jurisdiction of Greek courts (mirror-image principle). It is irrelevant which rules were applied by the foreign court, as long as it is found that under the Greek Law the foreign court had jurisdiction to hear the case and that the Greek Courts were not deprived of their exclusive jurisdiction over the case.

14. Do the courts in your jurisdiction impose any requirements on the way in which the defendant was served with the proceedings? Can foreign judgments in default be enforced?

Greek Law does not impose any requirements on the way in which the defendant was served with the proceedings following which the foreign judgment was issued. Validity of service is a matter assessed on the basis of the law of the country where the judgment has been rendered. Under Greek Law, foreign judgments rendered by a foreign court can be recognized in Greece provided that the defeated party has enjoyed equal opportunities concerning his/her right of defence to those available to nationals (Article 323 par. 3 of the GCCP).

Permission of enforcements of default judgments under an EU Regulation, bilateral treaty or international convention depends on and should be reviewed under the light the specific legal instrument applicable in the particular case.

15. Do the courts in your jurisdiction have a discretion over whether or not to recognise foreign judgments?

If Greek court finds that the foreign judgment does not satisfy the preconditions for declaration for enforceability, it has the obligation, and not merely the discretion, not to declare the enforceability of the foreign judgment.

16. Are there any types of foreign judgment which cannot be enforced in your jurisdiction? For example can foreign judgments for punitive or multiple damages be enforced?

In principle, decision of any body of a foreign jurisdiction, which according to its internal law is competent to resolve civil disputes even within summary proceedings, falls within the scope of the provisions regulating declaration of enforceability of foreign judgments. As an exception, foreign judgments of criminal or administrative courts cannot be enforced, unless they involve compensation under civil law.

Recognition will be also refused to foreign judgments that are found by the Greek Court as manifestly contrary to domestic public policy. In principle, a foreign judgment is found as contrary to public policy when the development of its effects within the Greek territory would be contrary to the fundamental constitutional, moral, social, legal, or economic or juridical concepts prevailing. Whether a foreign judgment is contrary to public policy is examined on a case-by-case basis. Contradiction to public policy may be found in relation to both substantive and procedural matters.

Greek Courts have examined the criteria of the public policy exemption during various cases concerning declaration of enforceability of foreign judgments, including in relation to foreign judgments and awards by which punitive damages were adjudicated. Greek Courts (Supreme Court 17/1999 (in Plenary Session) and Supreme Court 1260/2002) concluded that the augmentation of the actual damage due to the adjudication of punitive damages does not oppose to the Greek public order, as long as the punitive damages are not excessive.

17. Can enforcement procedures be started in your jurisdiction if there is a pending appeal in the foreign jurisdiction?

Under Greek Law, enforcement procedures may be started in Greece provided that the foreign judgment is enforceable under the laws of the State of its origin. Thus, an enforceable foreign judgment may be declared enforceable in Greece even if an appeal is pending in the foreign jurisdiction.

18. Can you appeal a decision recognising or enforcing a foreign judgment in your jurisdiction?

The judgment of the Single-Member Court of First Instance by which a foreign judgment is recognized or declared enforceable is subject to appeal by a party domiciled in Greece within 30 days and by a party domiciled abroad or having an unknown address within 60 days from service of the Single-Member Court judgment. In case the judgment is not served by any party, the deadline of the appeal is two years starting from its publication (Article 518 of the GCC). The Court of Appeals judgment is final and enforceable. The losing party is entitled to file an appeal against a Court of Appeals judgment before the Supreme Court on limited legal grounds (Article 552 and 553 of the GCCP) however such appeal does not stay enforcement proceedings unless the Court decides otherwise (Article 565 of the GCCP).

19. Can interest be claimed on the judgment sum in your jurisdiction? If so on what basis and at what rate?

Interest can be claimed on the judgment sum if this is stipulated in the foreign judgment. The interest rate will be the one stipulated in the foreign judgment and/or provided by the substantive law applied by the foreign court.

20. Do the courts of your jurisdiction require a foreign judgment to be converted into local currency for the purposes of enforcement?

The foreign judgment is not required to be converted into local currency for the purposes of the proceedings of the declaration of its enforceability, however for the purposes of enforcement the judgment sum should be converted into Euros at the interest rate of the date of payment (article 291 of the GCC).

21. Can the costs of enforcement (e.g. court costs, as well as the parties' costs of instructing lawyers and other professionals) be recovered from the judgment debtor in your jurisdiction?

The costs of enforcement are prepaid by the claimant and could be recovered by the debtor (article 932 of the GCC) to the extent that they were necessary for the enforcement procedure and for the interest of all creditors (Supreme Court of Greece 1056/2021).

22. Are third parties allowed to fund enforcement action in your jurisdiction? If so, are there any restrictions on this and can third party funders be made liable for the costs incurred by the other side?

Greek Law does not include any provisions with regards to funding of enforcements actions by third parties.

23. What do you think will be the most significant developments in the enforcement process in your jurisdiction in

the next 5 years?

Although, to our knowledge no major reforms to the internal Greek Law on recognition and declaration of enforceability of judgments are underway, we expect that initiatives for creation of a multilateral system for the recognition and enforcement of EU court judgments in other states and foreign court judgment in EU states will grow. The recent decision on the accession of the EU to the Hague Judgments Convention 2019 is a significant step to this goal.

24. Has your country ratified the Hague Choice of Courts Convention 2005? If not, do you expect it to in the foreseeable future?

By decision of the Council of the EU of 4.12.2014 (OJ L 353, 10.12.2014. 6.5), Hague Choice of Courts Convention 2005 was approved on behalf of the EU and entered into force as of 1.10.2015. Greece is bound by the Hague Choice of Courts Convention 2005 as a result of the approval by the European Union, without any ratification needed.

25. Has your country ratified the Hague Judgments Convention 2019? If not, do you expect it to in the foreseeable future?

On July 12, 2022 the Council of EU adopted decision on the accession of the EU to Hague Judgments Convention 2009 on the recognition and enforcement of foreign judgements in civil or commercial matters. The Hague Judgments Convention 2019 will enter into force only after 2 parties have ratified/acceded. Once in force, all EU member states -except Denmark- and therefore Greece will be bound by the convention.

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