The dispute resolution Review

Fifth Edition

Editor

Richard clark

Law Business Research

The Dispute Resolution Review

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Richard Clark

Law Business Research Ltd

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EDITOR'S PREFACE

Richard Clark

Following the success of the first four editions of this work, the fifth edition now extends to some 58 jurisdictions and we are fortunate, once again, to have the benefit of incisive views and commentary from a distinguished legal practitioner in each jurisdiction. Each chapter has been extensively updated to reflect recent events and provide a snapshot of key developments expected in 2013.

As foreshadowed in the preface to the previous editions, the fallout from the credit crunch and the ensuing new world economic order has accelerated the political will for greater international consistency, accountability and solidarity between states. Governments' increasing emphasis on national and cross-border regulation – particularly in the financial sector – has contributed to the proliferation of legislation and, while some regulators have gained more freedom through extra powers and duties, others have disappeared or had their powers limited. This in turn has sparked growth in the number of disputes as regulators and the regulated take their first steps in the new environment in which they find themselves. As is often the case, the challenge facing the practitioner is to keep abreast of the rapidly evolving legal landscape and fashion his or her practice to the needs of his or her client to ensure that he or she remains effective, competitive and highly responsive to client objectives while maintaining quality.

The challenging economic climate of the last few years has also led clients to look increasingly outside the traditional methods of settling disputes and consider more carefully whether the alternative methods outlined in each chapter in this book may offer a more economical solution. This trend is, in part, responsible for the decisions by some governments and non-governmental bodies to invest in new centres for alternative dispute resolution, particularly in emerging markets across Eastern Europe and in the Middle East and Asia.

The past year has once again seen a steady stream of work in the areas of insurance, tax, pensions and regulatory disputes. 2012 saw regulators flex their muscles when they handed out massive fines to a number of global banks in relation to alleged breaches of UN sanctions, manipulation of the LIBOR and EURIBOR rates and money-laundering

offences. The dark clouds hanging over the EU at the time of the last edition have lifted to some degree after the international efforts in 2012 saved the euro from immediate and catastrophic collapse, although the region continues to prepare for a period of uncertainty and challenging circumstances. It is too early to tell what, if any, fundamental changes will occur in the region or to the single currency, but it is clear that the current climate has the potential to change the political and legal landscape across the EU for the foreseeable future and that businesses will be more reliant on their legal advisers than ever before to provide timely, effective and high-quality legal advice to help steer them through the uncertain times ahead.

Richard Clark
Slaughter and May
London
February 2013

Chapter 21

GREECE

Konstantinos P Papadiamantis[1]

I INTRODUCTION TO DISPUTE RESOLUTION FRAMEWORK

Greece is a civil law country and has been a member of the European Union since 1981. As in all civil law countries, Greek judges have to apply the enacted legislation while ruling on a case. The basic law of the state is the Constitution of 1975 (amended in 1986, 2001 and 2008). An important part of the legislation is composed of the laws adopted by Parliament; another part of the legislation – in particular in public law – is in the form of presidential decrees drafted by the competent ministers.

The Greek Constitution establishes three kinds of courts: civil, criminal and administrative. Civil and criminal courts are first instance courts ('FIC') and courts of appeal ('CoA'); appeal judgments are challenged by a cassation before the Supreme Court. A cassation can only be filed on legal grounds, all of which are strictly specified by law. FIC are the first tier of the civil courts, while CoA are the second. Certain minor cases are introduced before small claims courts ('SCC'), whose judgments may be appealed before the FIC.

A similar two-tier system is followed by the administrative courts; cassation, however, is not filed before the Supreme Court, but before the Council of State ('the CoS'). Nevertheless, certain requests for the annulment of administrative acts are filed directly before the CoS.

The Court of Auditors is another institution that acts as a supreme administrative court. Its jurisdiction consists mainly of resolving disputes with reference to the accounts of public law entities, many of which are often parties to public contracts.

Any conflict between the Supreme Court and the CoS, regarding the interpretation of rules, is referred to the Special Supreme Court, which is composed of judges serving in the Supreme Courts of both institutions.

1 Konstantinos P Papadiamantis is a partner at Potamitisvekris.

Judges are supposed to interpret the existing legal rules, not create them. Still, the courts tend to follow their previous judgments, and particularly the rulings of the superior courts.

There is no constitutional court under Greek law; every court is obliged not to apply any unconstitutional law. Nevertheless, constitutionality issues are mostly raised before the CoS, as an ancillary matter, in the context of disputes arising with respect to the due application of legal rules in a given case. In such cases, the court that has pronounced a legal rule unconstitutional cannot apply it in the given case. Only the Special Supreme Court, in examining a rule's constitutionality, may declare it *null erga omnes*.

II THE YEAR IN REVIEW

Recently enacted Law 4055/2012, called 'Fair Trial Within a Reasonable Time', introduced significant changes to the existing legal framework aiming to improve the efficiency of judicial proceedings. Key changes introduced include the establishment of judicial mediation, aspiring to promote peaceful dispute resolution and reduce the regular courts' workload. This Law provides for quicker hearings in alimony, custody and labour law cases and redirects a number of disputes from the FIC to the SCC. It should be noted, however, that the transfer of certain cases to the jurisdiction of SCC has been suspended till 1 March 2013. Said Law establishes a new fixed fee for the initiation of legal proceedings before the CoA and the Supreme Court. It also grants to parties of administrative trials the right to compensation when their case has not been adjudicated within reasonable time. By virtue of Laws 3994/2011 and 4055/2012 and Presidential Decree 25/2012, civil actions, pleadings and documentary evidence may also be filed electronically, while court judgments are also made available electronically. For the time being, electronic filing has been made available only within a pilot programme to a randomly selected pool of lawyers.

Law 4093/2012 increased the amount of the court stamp payable for cases with pecuniary object and deemed legal representation during the drafting and signing of certain types of contracts optional. In addition it introduced limited changes to the administrative procedure.

The information provided in this chapter reflects the legal scenery as shaped by the changes introduced until 30 November 2012.

III COURT PROCEDURE

i Overview of court procedure

Civil courts

Procedure before Greek civil courts is regulated by the Civil Procedure Code ('CCP'), which sets out certain formalities. Procedure begins upon a party's initiative, by the filing of a civil action before the court, which sets a hearing date. The plaintiff must serve a copy of the civil action to the defendant. Servicing is carried out by duly authorised bailiffs. The attorney filing the civil action need not prove his or her power of attorney neither at this stage nor at a later one, unless certain specific acts are to be performed

(e.g., waiving of a right). His or her power of attorney is presumed, and during the proceedings he or she may be served documents addressed to his or her client.

The CCP provides for three different types of procedure:

a ordinary procedure, applying to most civil and commercial matters;

b 'voluntary' proceedings, such as petitions for probate, adoption; and

c special procedures, which include interim measures, labour and lease disputes and payment order proceedings.

The civil action must contain all essential facts relevant to the plaintiff's request. It is prohibited to add new facts at any later stage of the procedure. Either on the very day of, or prior to the hearing, the parties file pleadings, and may file an addendum or rebuttal a few days later. The judgment issued is served at either party's initiative. First instance judgments produce no res judicata effect and are not enforceable unless they have been declared 'provisionally enforceable' by the issuing court.

Every party has to prove the facts necessary to substantiate his or her claim or counterclaim. The means of evidence under the CCP include, among others, affidavits, documentary evidence, witness testimonies, expert opinions and confession, the first three being the ones most commonly used. Most means of evidence are freely evaluated by the courts; others, such as confession before the court or public documents, provide full proof of their content.

Against most judgments, an (but only one) appeal may be filed by the defeated party. CoA have the power to review the FIC judgment on both facts and law. In appellate proceedings, parties are neither allowed to modify their allegations nor to submit new allegations, apart from exceptional cases where new evidence may be produced. The appeal judgment produces a *res judicata* effect and constitutes an enforceable title.

A cassation request may be filed against the appeal judgment. This request is limited to points of law.

Since ordinary proceedings are slow in Greece, proceedings for the issuance of a payment order or an injunction (or both) are of particular practical interest.

Although not a judgment, a payment order constitutes an enforceable title. It is issued by the SCC or the FIC at the request of the interested party and is an ex parte procedure. The interested party has to produce a written document establishing that he or she has an unconditional, certain and already due financial claim against the opposite party. Payment orders can only be issued against persons residing in Greece or legal entities having their seat in Greece. Most commonly, they are issued on the basis of unpaid cheques or invoices signed by the debtor. Payment orders are usually issued within three months. The party against whom the payment order has been issued is entitled to challenge the validity and execution of the payment order by filing relevant actions.

Interim measures (injunction orders) are granted in cases of emergency or in order to prevent imminent danger threatening a party's right. Their scope is broad, but most commonly the attachment of the debtor's assets is requested. Interim measures are issued by single-member FIC. Although they may be issued *ex parte*, judges tend to hear both sides. Quite often they are issued in two stages. When the petition is filed, the requesting party requests a provisional order. The hearing is set within two days from the filing of the petition and is very simple, often without witness testimonies. It is upon the judge's

discretion to summon the party against whom the order has been filed, depending on the circumstances of each case. The provisional order is issued on either the same or the following day. Provided the latter is issued, the hearing of the main interim measures petition must be set to take place within 30 days. Adjournment of the set hearing is prohibited or else the provisional order's validity ceases. At the interim measures hearing, witnesses are examined and documentary evidence is submitted. The interim measures judgment should be issued within 48 hours to a maximum of 30 days. Judgment is (in almost all cases) not subject to appeal, but it can sometimes be modified or revoked. Thereafter, the winning party has to file its principal civil action within 30 days from the issuance of the interim measures' judgment. In practice, interim measures tend to obtain the status of a quasi-ordinary procedure due to the latter's unreasonable delays (a civil action filed today in Athens shall be heard in 2016).

Administrative courts

The administrative court system is divided into two categories of cases: (1) actions aiming to annul administrative acts; and (2) actions by which the claimant seeks either the annulment or the amendment of the challenged act. By virtue of the first category of actions, only the legality (compliance with the law and procedural formalities) is checked, while in cases falling under the second category, the court also addresses issues relating to the truth and validity of the facts of the case. Each category of actions has its own structure of court instances and its own set of procedural rules.

In the case of actions filed for the annulment of administrative acts, the action is either filed outright at the Supreme Administrative Court (i.e., the CoS) or before the Administrative Court of Appeals ('ACoA'). The latter's judgment may then be appealed before the CoS.

In these cases, the claimant files the action at the court's secretariat, which then determines the date of hearing and notifies the litigant parties accordingly.

In cases where the substantive review of an administrative act is requested or a claim for damages is brought against the Greek state or a public law entity an action is initially filed before the First Instance Administrative Courts ('FIAC'), with the exception of certain categories of cases, most prominently regarding acts of the Competition or Capital Markets Commission, which are directly filed before the ACoA. Other exceptions to the above rule are the actions filed in relation to disputes arising out of public or administrative contracts.

The Court's ruling may be appealed to the ACoA having jurisdiction, while the latter's judgment may be subject to an application for cassation before the CoS. In this case, following the appointment of a date for the hearing of the application, the appellant is instructed to invite the respondent to the hearing.

Those who are entitled to petition against acts of the Administration are persons or legal entities affected by and related – in some way recognised by law – to the act under review.

The relevant actions, together with the hearing details, may be served, in the case of private entities, either to the party itself or to his or her appointed attorney. Contrary to what applies in civil litigation, as regards hearings before the administrative courts of all instances, the attorney-in-fact for an individual or legal entity must produce due

authorisation either in the form of a private document, containing the relevant mandate, duly signed and authenticated by a public authority, or in the form of a notarial deed.

Requests for the annulment of administrative acts, as well as for the cassation of ACoA judgments delivered under the second category of the above cases, may be brought on limited grounds (i.e., violation of law provisions, violation of formalities governing the issuance of the act, lack of competence by the issuing administrative authority or court, flawed composition, abuse of the public authority).

Procedure before the courts adjudicating cases of the first category, is governed by certain fundamental principles, namely that the parties' absence does not hinder the hearing of the case and issuance of judgment. The parties to the dispute enjoy equal procedural rights and have access to each other's files submitted in view of the hearing. To a large extent, the procedure is conducted in writing, while hearings are conducted in public. Appellate courts are limited to re-examining the case within the boundaries of the grounds invoked by the appellant.

Likewise, certain general principles apply to the fact-finding procedure held before the FIAC. Thus, all evidence is produced prior to the hearing, with the court retaining the authority to order complementary evidence and conduct all necessary inquiries to establish the true facts of the case.

Judgments are served to the litigant parties by the court's secretariat. Final, non-appealable judgments and judgments awarding damages, which are temporarily enforceable, can be enforced against the state or public entities that have been parties to the proceedings. In general, the administrative authorities have an obligation to comply with the contents of the judgments issued by the administrative courts, otherwise they are subject to damages while their officers might be held criminally liable.

Special rules apply to enforcement proceedings initiated by the state.

Another special set of rules (transposing relevant Community legislation) governs temporary judicial protection afforded in cases of public procurement disputes arising at a pre-contractual stage. Those rules provide for the filing of an interim measures petition, on certain conditions, by any interested party (a participant in the tender procedure) in order to suspend the enforcement of any acts of the tender authority that are detrimental to its interests.

As regards judicial expenses, all actions before the administrative courts are subject to a small fee, payable, in principle, at the filing stage. Tax disputes or disputes with the customs authorities carry a judicial fee of 2 per cent on the subject matter of the dispute, while for claims for damages against the state or entities of the public sector, a court stamp of approximately 0.7 per cent on the value of the subject matter of the dispute is payable. Costs of the procedure are, in principle, awarded at the expense of the defeated party, although in the majority of cases they are equally apportioned between the parties, and thus set off. Generally speaking, the relevant amounts are rather small.

ii Procedures and time frames

Civil courts

The defendant has to be summoned by the plaintiff 60 days prior to the hearing (90 days if the defendant resides abroad or his or her residence is unknown, and 30 days in special procedures). Summons take place by serving the action to the defendant.

In proceedings before the SCC or the single-member FIC, pleadings are filed on the date of the hearing, with an addendum or rebuttal filed three days later. In proceedings before multi-member FIC, briefs are filed a full 20 days in advance of the hearing, addendi or rebuttals 15 days in advance, while a written evaluation of the witnesses' examination can be filed eight days after the hearing.

In cases where the defendant has been properly summoned but fails to appear before the court, the plaintiff's facts are deemed true and the court examines the legal basis of the civil action; in cases where the plaintiff fails to appear in court, his or her action is dismissed.

By the briefs' closing, the plaintiff has to pay for and file a court stamp of approximately 0.8 per cent of the value of the dispute subject matter. In principle, costs of the procedure, such as attorneys' fees, are awarded at the expense of the defeated party, although in cases of partial victory and partial defeat of the litigants, the court sets them off. In general, expenses granted by the court rarely cover the real ones undertaken.

Before the CoA, pleadings are submitted until the day prior to the hearing. Rebuttals may be filed three days later. Appeals against first and second instance court judgments have to be filed within 30 days (or 60 days, in cases where the opponent resides abroad or his or her residence is unknown) from the service of the court judgment appealed, or within three years from its publication, if no service has taken place.

Administrative courts

Before administrative courts, the petition must be filed within 60 days from the service of the challenged act. However, by virtue of Law 4093/2012, petitions regarding tax and customs disputes must be filed within 30 days. At proceedings before the administrative courts, the relevant administrative service submits a folder containing all documents relevant to the dispute, together with the account of its views, at a reasonable stage prior to the hearing, which in category (2) of cases is up to 15 days prior to the hearing; otherwise the hearing may be adjourned and a penalty may be imposed on the Administration for unjustified failure to comply with the above procedural obligation.

After its submission, the folder is open to inspection by the other litigant party, which also has an obligation to submit its evidence up to the day of the hearing. Either party may invoke evidence submitted by the other side. If a case has not been heard within two years from the filing of the action, either party may request the acceleration of the hearing from the court. In addition, parties may be granted fair compensation following a petition, when court proceedings were not concluded within a reasonable time.

iii Class actions

Class actions are not very common in Greece. The only law that expressly provides for such action is Law 2251/1994, as amended by Presidential Decree 301/2002 (implementing Directive (EC) 98/27) and Law 3587/2007, regarding consumer protection. Article 10 refers to class actions and specifies the procedure that must be followed to bring such an action before the competent Greek courts.

iv Representation in proceedings

In principle, each litigant is obliged to appear before the court represented by an attorney-at-law. Exceptionally, before SCC and in interim measures proceedings, the litigant is allowed to appear before the court without legal representation. Whenever deemed necessary, the court may oblige the litigant to appoint an attorney-at-law to defend his or her case.

The presence of an attorney is no longer imperative during the signing of certain types of contracts such as the founding of *sociétés anonymes* and donations.

v Service out of the jurisdiction

Regulation (EC) 1393/2007 applies in Greece as in all EU Member States. As such, judicial documents may be served from a Greek addressor to an addressee residing in another Member State of the EU, and vice versa. By virtue of the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters ('the Hague Convention'), judicial documents may be served to Greek citizens and from Greek citizens to citizens of a signatory state of the Treaty and vice versa without using consular or diplomatic channels.

vi Enforcement of foreign judgments

Judgments of EU Members States' courts of civil and commercial nature are enforceable in Greece, following their declaration as enforceable under Regulation (EC) 44/2001. Judgments regarding social security, arbitration, insolvency proceedings, inheritance issues and matrimonial property issues do not fall under said Regulation and are regulated by separate legal instruments. Furthermore, under Regulation (EC) 805/2004, European Enforcement Orders are directly enforceable in Greece. In addition, Regulation (EC) 2201/2003 applies to foreign judgments regarding matrimonial matters and matters of parental responsibility, regulating their enforceability in Greece. As a party to the New York Convention of 1958, Greece recognises foreign arbitration awards in accordance with the provisions of the Convention.

On the other hand, judgments originating from the courts of non-EU countries are enforceable in Greece in accordance with the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters ('the Washington Convention'), signed in 1965.

vii Assistance to foreign courts

According to Council Regulation 1206/2001 on Taking of Evidence, in civil and commercial matters, Greek civil courts will provide their assistance to Member States' courts in taking evidence for use in judicial proceedings either commenced or contemplated. Furthermore, Greece is a contracting state of the Hague Convention of 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, according to which a judicial authority of a contracting state (including non-EU states) may, in accordance with the provisions of the law of its state, request the competent authority of another contracting state, by means of a letter of request, to obtain evidence or to perform some other judicial act. The latter does not cover the service of judicial documents or the issuance of any process by which judgments or orders are executed or enforced, or

orders for provisional or protective measures. The relevant Central Authority for Greece is the Ministry of Justice and particularly the Department of International Judicial Cooperation in Civil Cases.

However, in practice such procedure is rarely followed.

viii Access to court files

All hearings are conducted in public; consequently, all members of the public may obtain information on ongoing proceedings. Exceptionally, the hearing may take place in camera. A member of the public may not obtain pleadings or evidence in relation to ongoing proceedings unless he or she demonstrates a specific legitimate interest, namely that his or her rights or obligations are directly affected by the outcome of the case.

ix Litigation funding

Litigation funding by a third party, although not explicitly prohibited by law, is highly unusual in Greece.

IV LEGAL PRACTICE

i Conflicts of interest and Chinese walls

Under Article 233 of the Criminal Code, it is forbidden to represent both parties in the same case, unless they so agree.

The conflict of interest issue is governed by the ethical rules established by the various bars. Under the Ethical Code of the Athens Bar, an attorney is entitled to act for a current client against a former one, provided that the new case is irrelevant to the old one and the attorney does not disclose or use the information he or she has obtained when he or she was representing the former client.

Chinese walls practice is not developed in Greece, and it is not regulated by any law or any bar's ethical code. Greek firms are generally too small for Chinese walls to be implemented. However, the issue may arise in the near future for the biggest firms.

ii Money laundering, proceeds of crime and funds related to terrorism

In Greece, issues of money laundering are governed by Law 3691/2008, as amended by Laws 3875/2010 and 3932/2011, implementing Directives (EC) 2005/60 and (EC) 2006/70. These Laws have been widely criticised by professionals and academics for failing to resolve various issues concerning the application of their predecessor, Law 3424/2005.

By virtue of Law 3424/2005, as amended by Law 3691/2008, the list of persons and legal entities that are obliged to abide by its provisions includes lawyers and public notaries. With regards to money laundering or the funding of terrorism, one of the most important obligations imposed on lawyers is to report to the competent authority any transaction that seems suspicious or unusual, without informing, however, their client or a third party suspected to be involved in such an action, that such a report has been filed. Lawyers are also obliged to verify the identity of their clients.

Nevertheless, lawyers are not obliged to provide information on facts that have been disclosed to them by their clients within the offering of legal advice or the preparation of their defence. In cases where any of the above-mentioned duties is breached, lawyers and public notaries can face serious penal charges.

iii Other areas of interest

Lawyers are entitled to translate documents from and into languages in which they are proficient and to produce authenticated copies from originals presented to them. The exclusive right to carry out checks of property deeds at the Land Registry is also given to lawyers and notaries.

V DOCUMENTS AND THE PROTECTION OF PRIVILEGE

Certain categories of professionals such as doctors, clergymen, attorneys-at-law, notaries and nurses, as long as they are consultants of the litigant parties, are entitled to deny witness testimony of facts entrusted to them by the parties, or of those facts that have been established during the exercise of their profession and for which they are obliged to observe confidentiality.

The CCP provides and regulates the production of documents in the course of or independently of litigation. The following have an obligation to produce documents:

a a litigant party at the request of the other party, as regards any document that the former has used or intends to use in the litigation; and

b a litigant or any third party in possession of a document that may be used as evidence, provided there is no cause excusing their production (e.g., when someone has the right to refuse testimony).

The relevant request may be made either in pleading or by an independent action.

Where no litigation is pending, a person has the right to request a document in the possession of another only if such document was initially made for his or her benefit, or if it evidences a legal relationship between the parties or relates to conduct either by itself or for its benefit by a third party. If the critical fact can be proved by other means of evidence available, production of such document cannot be demanded. The document is produced by depositing it at the court's secretariat or by serving it to the person requesting it.

VI ALTERNATIVES TO LITIGATION

i Overview of alternatives to litigation

The most common form of alternative dispute resolution is arbitration. Efforts are being made to promote mediation which is still not commonly practised in Greece. In some disputes, a mediation stage is obligatory before going to court, but usually this stage is a mere formality.

ii Arbitration

Arbitration is quite commonly used in Greece, mostly with respect to international transactions. The latter are often subject to ICC arbitration or to the rules of the London Court of International Arbitration.

The CCP sets out the principles for domestic arbitration, whereas international arbitration is governed by Law 2735/1995 introducing the UNCITRAL Model to the Greek legal framework. Moreover, arbitrations can be carried out within the auspices of certain institutions such as the Technical Chambers and the Chamber of Commerce.

Most private law disputes as well as certain categories of public law disputes (e.g., tax disputes) may be subject to arbitration. In the case of domestic arbitrations an interim decision may be issued only by the competent ordinary court. In the case of international arbitrations, both the competent state court and the arbitral tribunal may issue an interim decision.

Arbitral awards are registered in the FIC, produce *res judicata* effect and are enforceable. They are not subject to appeal but they may be set aside. The relevant petition is introduced before the CoA within a three-month time period as of its service to the applying party. The grounds specified under the CCP and Law 2735/1999 for setting aside the award are restricted to the invalidity of the arbitral agreement; or (in international arbitration) cases where the subject matter is not arbitrable; or where the applying party has not been properly invited to the arbitral proceedings, where the award is issued *ultra petita*, or the procedural rules or the rules set for the constitution of the arbitral tribunal have been violated. Moreover, the arbitral award may be set aside if it runs contrary to public order; in the case of an international arbitration, the court shall rule on the basis of the international *ordre public*, while in domestic arbitration it shall apply the domestic ordre public.

In domestic arbitration, the application to set aside the arbitral award should be distinguished from the application to recognise that an award is non-existent, which is not time-barred. An award is inexistent if the subject matter is inarbitrable.

iii Mediation

Mediation is not a common form of alternative dispute resolution in Greece. Law 3898/2010 which implements Directive (EC) 2008/52, governs, among other matters, confidentiality issues, enforcement of agreements' procedures and the certification process for mediators. Mediation can be an option for resolving a wide range of disputes of civil or commercial nature, such as marital, labour or intellectual property disputes. In every FIC, there is a list of judges who are appointed for one year to serve as mediators.

By virtue of Article 102, Law 3588/2007 regulating insolvency and bankruptcy proceedings, the court, *ex officio* or upon petition of the debtor or his creditors, may appoint a mediator to facilitate an agreement between creditors and debtors. If a debtor requests the appointment of a mediator, the court is obliged to honour such request.

Judicial mediation involves a similar to the existing mediation procedure, save for the fact that judicial mediation is performed by a judge, instead of a specially trained lawyer or a technical expert. It remains to be seen how such an ordinance, which essentially creates additional duties for judges, will reduce the overwhelming workload of courts, as is its aim.

VII OUTLOOK AND CONCLUSIONS

Reform of the Greek legal system, particularly as regards the speed of proceedings in order to sufficiently address the exigencies of a modern economy, has been long awaited. It remains to be seen whether the changes introduced by Law 4055/2012 will improve the efficiency of the national courts thereby leading to timely awarding of justice. Unfortunately, the need for the establishment of specialised courts responding to specific institutional needs, serving special adjudicatory purposes and assuring rapid trials, has been ignored.

Appendix 1

ABOUT THE AUTHORS

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Mr Papadiamantis is a partner at Potamitivekris and is head of the dispute resolution department. He is admitted in Athens (1986) and Paris (1994). He studied law in Athens (University of Athens LLB, 1983) and Paris (Université de Paris-X (Nanterre) PhD, 1990; Université de Paris-2 DEA in EEC Law, 1988; Université de Paris-2 Institut de Droit Comparé, Diploma in Comparative Law, 1987; and Université de Paris-2 DEA Philosophy of Law, 1985). He has represented clients before state courts and arbitral tribunals in a wide variety of commercial and civil disputes, including those arising from breach of the regulations governing a range of industries including banking, pharmaceutical, medicinal products and transport. He has a particular expertise in advising on agency and distribution agreements. He has acted in disputes arising from the governance of corporations and the relationship between shareholders, as well as litigation resulting from internal restructurings, liquidations and insolvency. He also has extensive experience in advising on white-collar crime, in particular acting on behalf of companies and individuals in the field of breach of banking and stock exchange regulations.

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