

The Greek Insolvency Publication and Registration Requirements under Article 21 and Article 22 of the European Insolvency Regulation

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Question 1) What are the publication procedures in your jurisdiction for notice of the opening of insolvency proceedings?

Publication procedures

Under Greek Legislation, the competent body for the opening of insolvency procedures (under our code: issuing the decision declaring bankruptcy) is the First Instance Multi-Member Court seated in the district the debtor has the center of his main interest and activities. The judgment issued by that court is published pursuant to art. 8 of Greek Bankruptcy Code:

- a) A summary of the Court's decision is published in the Judicial Publications Bulletin (Deltio Dikastikon Dimosiefseon) of the Law Practitioners' Security Fund (Tameio Nomikon), by the liquidator or the debtor or anyone with legal interest.
- b) The name of the merchant or the business name of the legal entity declared bankrupt is entered in the Register of Bankruptcies which is kept at the Secretariat of the Court of First Instance.
- c) The name of the merchant or the business name of the legal entity declared bankrupt is also entered in the General Register of Bankruptcies which is kept at the Athens Court of First Instance (it contains information covering the whole of Greece).
- d) If the bankrupt person is registered as owner of real property the bankruptcy decision must be registered in the respective real property register (in Greece we have at present a dual registration system, a cadaster – ktimatologio - recently introduced for only some areas of Greece, as well as a hypothikofylakeio, a register of real estate encumbrances).
- e) The Court at its discretion may direct additional means of publication.

Question 2) What should a liquidator from another Member State do in practice to arrange publication in your jurisdiction of notice under Art. 21 (1)?

The Athens Court of First Instance has advised that there has never been an application by a liquidator to publish the opening of proceedings at another Member State. Nevertheless, the request for publication should be directed to them as they maintain a general register and not one limited to their own court decisions. In addition, an application should be made to the Tameio Nomikon for publication in the Deltio Dikastikon Dimosiefseon. If the insolvent person has real estate in Greece, the decision should also be entered on the ypothikofylakeio or ktimatologio, as the case may be.

Question 3) If a debtor has an establishment in your jurisdiction, is it mandatory to publish there notice of the opening of insolvency proceedings in another Member State in accordance with Art. 21(2), and if so, do the procedures vary from those described in 1) and 2) above?

There is no provision in Greek law providing for mandatory publishing notice of opening of insolvency proceedings in other Member States regardless of whether the debtor has an establishment in Greece.

Question 4) In what public registers (e.g. land register, trade register) in your jurisdiction may a judgment, opening main insolvency proceedings, be registered?

To the extent that an undertaking carries on activities in Greece it is registered in the General Commercial Register (Geniko Emporiko Mitroo); all insolvency related decisions regarding that persons must also be registered there.

In addition, Greece has various property registries (such as two types of real estate registers (a cadaster, recently effective, and a register of real estate encumbrances, gradually being phased out), as well as ship and aircraft registers. There is also a central register for securities in book entry form. A registration of a foreign judgment should be made by reference to the respective property held in Greece.

Question 5) What should a liquidator from another Member State do in practice to register in your jurisdiction a judgment opening main insolvency proceedings under Art 22(1) ?

Since there appears to be very limited, if any, prior experience of similar registrations, a liquidator may need to seek local legal assistance.

Questions 6) If a debtor has an establishment in your jurisdiction, is it mandatory to register there notice of the opening of main insolvency proceedings in another

Member State, in accordance with Art. 22 (2), and if so do the procedures vary from those described in 4) and 5) above?

The law establishing the General Trade Register requires such registration of all legal entities that have branches or agencies in Greece. It is not clear an establishment under the Insolvency Regulation necessarily involves the existence of either a branch or an agency but to the extent that it does the registration is mandatory. However, other undertakings that carry out activities of an economic nature in Greece without being a branch or an entity of a foreign undertaking are permitted to register.

There is no obligation to register the opening of insolvency proceedings on any of the property registers, but it would seem that in the absence of such registration, third party purchasers could invoke their good faith reliance of lack of notice.