

Kluwer Arbitration Blog

Mediation Becomes Established ADR Mechanism in Greece

Panagiotis Drakopoulos (Drakopoulos Law Firm) · Thursday, January 6th, 2011

The Greek Parliament recently voted on a new piece of legislation that enables the parties to a dispute to submit to mediation at any stage of the dispute and in effect comply with the provisions of the EU Mediation Directive 2008/52/EC for various commercial law matters. The draft paper on this new law was just voted on, on 9 December 2010, and its scope covers all cross-border disputes whether deriving from litigation or arbitration routes.

The law allows for the establishment of local ADR providers (which would be private, not-for-profit corporations jointly formed by a local Bar Association and a local Chamber of Commerce) and are accredited by a Mediation Certification Committee, under the auspices of the Ministry of Justice. Mediators are certified following examinations before the relevant Committee.

The entire mediation process is confidential and no transcripts can be taken during the process; the mediator is free to communicate with the parties as needed in each case however the information obtained from one party cannot be shared with its adversary without the former party's consent.

Following the completion of the mediation process, a report stipulating the outcome must be drafted, including the parties' and the mediator's details, a reference of their agreement to mediate and of course the outcome of the mediation, whether successful or not. The report must be filed at the relevant civil court of first instance with locale jurisdiction, and once court-certified, it becomes enforceable as equivalent to a judicial court order. The preservation of strict confidentiality and the special provisions pursuant to which submission to mediation stops the clock in relation to the applicable statute of limitations, are some of the important aspects of this new law for ensuring mediation is indeed user-friendly and hopefully becomes a popular means of resolving disputes in Greece, out-of-court.

Further, another distinctive parameter relates to the mediator's compensation, which is on an hourly rate basis and pro-rated at a fee cap of 24 hours total, in order to ensure mediation remains a viable option for resolving disputes, that does not burden the parties financially or in any other way and offers them the option of expedited, low-cost resolution of cross-border disputes.

The great significance of this new development is that it bridges a gap where it existed earlier in relation to the solid establishment of mediation as an ADR procedure in Greek jurisdiction and it alleviates the pressure from a bogged-down judicial system with an extensive case-load as it is. It is hoped that this new law will turn the page to a new era in ADR in the Greek jurisdiction.

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The graphic features a black background with white text and a circular icon. The icon depicts a group of five stylized human figures, with a magnifying glass positioned over the central figure. The background is accented with horizontal lines in blue and green.

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