

You create business We deliver solutions

Newsflash

14 February 2018

New provisions on Mediation introduced by L. 4512/2018

- The new provisions regarding mediation are applicable to civil and commercial cases, as well as to cross-border disputes, depending on the subject matter, with all previous provisions repealed.
- Mediation is divided into two categories depending on whether or not the mediation is mandatory. However, it is provided that even where mediation is not mandatory, a lawyer is obliged to inform his client of his right to use mediation in order to settle his dispute. Mediation is mandatory for disputes concerning the following, or else the legal process cannot commence:
 - Certain real estate ownership rights (multi-unit/condominium).
 - Claims for automobile damages.
 - Claims related to the remuneration of professionals.
 - Family matters (except for the annulment, recognition and dissolution of marriage).
 - Claims for compensation by patients or their relatives against doctors.
 - Infringement of trademarks, patents and industrial designs.
 - Stock exchange contracts.
- In all other civil or commercial cases the parties may voluntarily agree in writing to settle their dispute through the mediation procedure, provided that such parties have the power to settle the contentious issue.
- Mediation begins with the submission of a petition by the interested party to settle his dispute using mediation. Mediation can also be carried-out via teleconference. Moreover it is noted that the parties and their lawyers must be present at all stages.
- The mediator is responsible for the course of the procedure and he is chosen by the parties from the Ministry of Justice's list of all accredited mediators. The mediator's remuneration is agreed in writing.
- Provided that the deadlines regarding the procedure are met, the mediation process may be completed within approximately two months, starting from the day of the submission of the initial petition.
- Upon successful completion of the mediation process, the mediator drafts the minutes of the agreement which are submitted to the Secretariat of the competent local Court of First Instance in order for the minutes to become executable, assuming the relevant claim can be enforced. The law also includes provisions relating to (a) the confidentiality of the procedure, (b) the mediator's appointment and qualifications, (c) the suspension of the limitation and prescription periods, (d) mediation training bodies, (e) failure of the procedure and failure of a party to appear, (f) penalties, and (g) inapplicability of legal remedies in case of non-compliance with the procedures of the law.

Contact us

Constantine Papacostopoulos

Lawyer/Managing Partner

T: + 30 210 60 62 325

E: cpapacostopoulos@cpalaw.gr

More information:

www.cpalaw.gr

This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.

2018 C. Papacostopoulos & Associates, Law firm, independent member of KPMG International Legal & Tax network. All rights reserved.