PANORAMIC

MEDIATION 2025

Contributing Editor

Jonathan Lux

Lux - Mediation

LEXOLOGY

Mediation 2025

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Panoramic guide (formerly Getting the Deal Through) enabling side-by-side comparison of local insights, including law and policy (definitions, models, domestic mediation law, related incentives and sanctions); mediators (accreditation, liability, appointment, conflicts of interest, and fees); procedure; settlement agreements; courts' duty to stay proceedings in favour of mediation; other distinctive features; and recent trends.

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Greece

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Summary

LAW AND POLICY

Definitions

1 Is there any legal definition in your jurisdiction of the terms 'ADR', 'conciliation' and 'mediation'?

There is no legal definition of ADR in Greek law; the term is used in Greece per international standards to include any method of alternative dispute resolution other than by court or arbitration proceedings.

Conciliation is also not defined in Greek law but, again, the generally acceptable notion of the term is followed, namely the increased role of a mediator in guiding the parties by offering opinions or proposing a solution. In that regard, Greek mediation law (Law 4640/2019, as in force – Law 4640) exceptionally allows a mediator to give parties a non-binding personal opinion only if parties so wish, while the mediator remains neutral in all cases (article 13, paragraph 2, Law 4640).

Mediation is defined by Law 4640, in the frame of Directive 2008/52/EC 'on certain aspects of mediation issues in civil and commercial matters' (the EU Mediation Directive), as a structured process with key elements of confidentiality and private autonomy, where two or more parties try voluntarily and in good faith to solve a dispute with the assistance of a mediator.

A mediator is the third party who undertakes to mediate in an appropriate, effective and neutral way, facilitating the parties to find a mutually acceptable solution to their dispute (article 2, paragraphs 2 and 3, Law 4640).

Law stated - 12 May 2025

Mediation models

2 What is the history of commercial mediation in your jurisdiction? Which mediation models are practised?

Law 4640 is the current Greek law on mediation enacted on 30 November 2019, as in force, and it is the third attempt to introduce mediation in Greece after Law 3898/2010, which initially transposed the EU Mediation Directive into domestic law – although it remained of rather limited application – and Law 4512/2018, which also remained inactive due to unconstitutionality (Supreme Court Administrative Plenary Decision 34/2018).

Law 4640 regards civil and commercial mediation in the frame of the EU Mediation Directive and applies the model of facilitative mediation as a rule. Exceptionally, evaluative mediation may apply under conditions (article 13, paragraph 2, Law 4640).

Law stated - 12 May 2025

Domestic mediation law

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3 | Are there any domestic laws specifically governing mediation and its practice?

Mediation is regulated by Law 4640, which follows the provisions of the EU Mediation Directive as a rule, subject to the following basic notes.

Enforceability of the mediation settlement agreement

The material deviation of Law 4640 from the EU Mediation Directive regards enforceability. Specifically, Law 4640 (article 8, paragraph 2) allows each party, acting even unilaterally and irrespective of the consent of the other parties, to file the mediation settlement agreement with the secretariat of the court that is competent to hear the dispute, together with the required state duty (currently €50), so that same becomes enforceable, provided the subject matter of the agreement reached may be enforced.

Under the EU Mediation Directive, such a filing by one of the parties requires the explicit consent of the others (article 6, paragraph 1).

Incentives and sanctions

Law 4640 provides no incentives to mediate nor sanctions for a refusal to mediate. Exceptionally, such sanctions are provided for those cases falling within a so-called mandatory initial mediation session. So, Greece did not choose to enact such an option allowed by the EU Mediation Directive (article 5, paragraph 2).

Compulsory mediation

For certain kinds of disputes specifically listed in Law 4640, a 'mandatory initial mediation session' is required, with applicable sanctions for the party that does not participate despite having been properly summoned (articles 4, paragraph 1(d), 6 and 7, Law 4640). So, Greece chose to enact mandatory mediation provisions in the frame of such an option allowed by the EU Mediation Directive (article 5, paragraph 2).

Certain cadastral disputes were added on 1 April 2022 to those requiring a mandatory initial mediation session.

Mediation provided for by various laws

Mediation as a dispute resolution mechanism under Law 4640 is referred to by other laws and pieces of legislation in general, such as by:

- the Code of Civil Procedure, expressly mentioning the duty of the courts and judges to refer cases to mediation, if considered appropriate (articles 116A & 214C);
- the Civil Code especially regarding family mediation that may be ordered by the courts for the regulation of parental care, as the case may be (article 1514);
- the Lawyers' Code, including mediation within the lawyers' duties and work (especially articles 35, paragraph 3, 36, paragraph 1 and 130, Law 4194/2013) and the Lawyers' Code of Ethics (articles 7.b and 32.a); and
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the laws on the collective management of IP rights (article 34 of Directive 2014/26/EU transposed by article 44 of Law 4481/2017), *sociétés anonymes* (article 3, paragraph 2, Law 4548/2018), private capital companies; (article 48, paragraph 3, Law 4072/2012), corporate transformations (article 5, paragraph 2, Law 4601/2019), trademarks (article 31, Law 4679/2020) and heavily indebted individuals (article 4.o of Law 3869/2010 – the 'Katseli Law', as in force after the enactment of Law 4745/2020).

Specific types of mediation

In addition, special types of mediation have been introduced in recent years, namely:

- financial mediation as an out-of-court settlement stage between a debtor and financial institutions in the context of pre-insolvency proceedings (articles 5–30, and especially article 15 of Law 4378/2020 – the Bankruptcy Code);
- family mediation, with mediators appointed among those registered in a 'special register of family mediators' maintained electronically by the Central Mediation Committee (article 1514 of the Civil Code, Law 4800/2021 and secondary legislation on the register); and
- cadastral mediation, with mediators appointed among those registered in a 'special register of cadastral mediators' also maintained electronically by the Central Mediation Committee (article 6, paragraph 2.d of Law 2664/1998 and secondary legislation on the register).

'Mediation-type' proceedings

Various 'mediation-type' proceedings apply over and beyond Law 4640 for a variety of disputes, such as those referred to below:

- the Hellenic Consumers' Ombudsman, being the key ADR authority for consumers in Greece (Law 3297/2004);
- the Greek Ombudsman (the Citizen Ombudsman; Law 2477/1997);
- the Hellenic Financial Ombudsman – Non-profit ADR Organization (HFO ADRO, formerly HOBIS), also a FIN-NET member regarding cross-border disputes;
- the Mediation and Arbitration Organisation for collective labour disputes (Law 1876/1990);
- the Labour Inspectorate for individual labour disputes, including those related to violence and harassment at work (Laws 3996/2011 and 4808/2021);
- the Committee for solving disputes regarding infringements of IP and related rights on the internet; (Law 2121/1993);
- the Hellenic Copyright Organization for a variety of disputes regarding IP and related rights (Law 2121/1993; however, due to such law's ambiguous wording it is unclear whether the procedure for certain disputes is mediation or another form of ADR);
- the Committee for out-of-court settlement of tax disputes (Law 4714/2020 and Ministerial Decision 127519/2020);

- the police and port ombudsmen with duties related to public open-air assemblies (Law 4703/2020); and
- the Hellenic Energy Ombudsman established by the Regulatory Authority for Waste, Energy and Water in operation from 1 February 2024.

EU legislative developments affecting Greek law

Mediation/ADR is increasingly the preferred choice of the EU legislator for dispute resolution and it therefore has become part of Greek law. Notable examples of such EU legislative pieces transposed or to be transposed into Greek law are:

- the Regulation (EU) 2019/1150 (P2B – Platform to Business) with effect from 12 July 2020, which – among others – imposed on online platforms (apart from the small ones) a mandatory mediation mechanism for the resolution of disputes between them on the one hand and the business and corporate website users on the other hand (especially articles 12 and 13);
- the Directive (EU) 2019/790 (Digital Single Market) effective from 7 June 2021, introducing ADR/mediation for three general categories of disputes (articles 13, 17, 18–21 and 23), which was transposed by Law 4996/2022 (and incorporated into Law 2121/1993); and
- the Regulation (EU) 2022/2065 on a Single Market for Digital Services (Digital Services Act) with effect from 17 February 2024, which provides for a mandatory ADR mechanism regarding disputes between the online platforms (apart from the micro and small ones) and the recipients of their services (articles 19–21).

Law stated - 12 May 2025

Singapore Convention

4 Has your state signed and ratified the UN Convention on International Settlement Agreements Resulting from Mediation or is it expected to do so?

The Singapore Convention, which was signed on 7 August 2019 and came into force on 12 September 2020, is regarded as a significant instrument for the international promotion of mediation. As at 10 June 2025, there were 58 signatory countries to the Convention (among them China, India, UK and USA), whereas 18 countries have ratified it. Greece is expected to wait for any initiatives of the European Union before deciding on the topic.

The lack of uptake of the Singapore Convention in the EU, at least thus far, may be due to the EU Mediation Directive, which aims to achieve a similar outcome to the same within the EU and requires EU member states to ‘ensure that it is possible for the parties, or for one of them with the explicit consent of the others, to request that the content of a written agreement resulting from mediation be made enforceable’. This requirement is subject to exceptions (restrictively applicable and regarding mainly public policy) and the general provisions on recognition and enforcement of enforceable agreements among the EU member states (article 6, especially paragraphs 1 and 4 and preamble, Nos. 19–22).

Law stated - 12 May 2025

Incentives to mediate

5 | To what extent, and how, is mediation encouraged in your jurisdiction?

There are no financial incentives to mediate, such as tax allowances, relevant costs' deduction as taxable expenses or sanctions for a refusal to mediate. Exceptionally, such sanctions are provided for the cases subject to a so-called mandatory initial mediation session.

Courts (namely, judges) have a duty to encourage mediation by inviting litigants to consider it at any stage of the court proceedings considering all circumstances of each case, which should, of course, be appropriate for mediation. The legal background for this is included in articles 116A and 214C of the Code of Civil Procedure, as the latter was supplemented by article 4, paragraphs 1(b) and 2 of Law 4640.

Courts may even order family mediation (article 1514 of the Civil Code and Law 4800/2021), especially regarding the allocation and exercise of parental care, when the parents cannot agree thereon.

Also, lawyers have a similar duty to show their clients the way towards mediation (especially articles 35, paragraph 3, 36, paragraph 1 and 130 of the Lawyers' Code - Law 4194/2013 and articles 7.b and 32.a of the Lawyers' Code of Ethics).

Additionally, before filing a lawsuit on a dispute appropriate for mediation, the plaintiff's lawyer must inform the plaintiff in writing of the possibility of mediation or the obligation for a mandatory initial mediation session (see below); the relevant informative document must be signed by both the lawyer and the plaintiff and it has to be filed with the court either together with the lawsuit or with the submissions; failing to do so results to the inadmissibility of the lawsuit's hearing (article 3, paragraph 2, Law 4640). An exception to the above information formality was introduced in 2024 where the litigant is the Hellenic Republic, public law legal entities or local self-government authorities (article 47 of Law 5108 in force from 2 May 2024).

Further, in recent years, various laws that were enacted on a variety of topics provide especially for mediation as ADR, such as for disputes regarding the collective management of IP rights, *sociétés anonymes*, private capital companies, corporate transformations, trademarks, family – parental care and cadastral issues.

Moreover, for certain kinds of disputes, a 'mandatory initial mediation session' applies, specifically as follows.

- Law 4640 (articles 6, 7 and 44) requires a mandatory initial mediation session for the following disputes, namely:
- those with a mediation clause in a written agreement, in force from 30 November 2019;
- certain family disputes, in force from 15 January 2020; and
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disputes adjudicated under the ordinary proceedings and falling within the competence of either the multi-member first instance courts or the single-member ones, in the latter case provided that the value of the dispute exceeds €30,000, in force from 1 July 2020.

An exception applies for such disputes where the litigant is the Hellenic Republic, 'local self-government organisations' and legal entities of the pubic sector.

- Law 2664/1998 (article 6, paragraph 2.d) imposes a mandatory initial mediation session on disputes arising out of the 'inaccurate first cadastral entries' and regarding the recognition of rights challenged thereby as well as the correction of the allegedly inaccurate entry, in force from 1 April 2022. Recently, Law 5197/2025 (article 59) expanded the application of such cadastral disputes to litigants being the Hellenic Republic, 'local self-government organisations' and legal entities of the pubic sector, deviating from the above general exception.

The scope of the mandatory initial mediation session, which must take place before the case is heard by a court, is a mediation start; the minimum contents of such session are for the parties to be informed by the mediator on the mediation process and its basic principles as well as on the possibility of an out of court solution of their dispute based on the particularities and the nature of the same.

In the above cases, the failure to file with the court, together with the submissions, the minutes of the mandatory initial mediation session including the minimum contents of Law 4640 results in the inadmissibility of the hearing (articles 2, paragraph 5, 6, 7 and 44, as in force, Law 4640).

Law stated - 12 May 2025

Sanctions for failure to mediate

6 | Are there any sanctions if a party to a dispute proposes mediation and the other ignores the proposal, refuses to mediate or frustrates the mediation process?

Yes, but only regarding disputes falling within the mandatory initial mediation session (articles 6 and 7, Law 4640). The court may impose a fine of between €100 and €500, depending on the circumstances, on the party that does not attend the mandatory initial mediation although it had been properly summoned. No recourse against such a decision is allowed unless the case is also challenged on its merits (article 7, paragraph 6, Law 4640).

Law stated - 12 May 2025

Prevalence of mediation

7 | How common is commercial mediation compared with litigation?

The application of Law 4640 is rather recent, so it is early to identify a cultural shift from the traditional litigation procedure to mediation. Thus, litigation remains today the primary preference of the parties and their lawyers for a commercial dispute and any change towards mediation will take time. However, empirical evidence and the available data show the start of an, albeit limited, mediation culture basically owing to:

- the 'mandatory initial mediation session' for specific disputes as generally regulated by Law 4640 and especially for certain cadastral disputes by Law 2664/1998 (article 6, paragraph 2.d); and
- the covid-19 pandemic lockdowns, during which the courts were closed down, whereas mediation could still take place online.

Based on the most recent available statistical data of the Central Mediation Committee/Ministry of Justice for 2023 (as at 10 June 2025, the Committee's annual report for 2024 had not been issued):

- 10,165 'mandatory initial mediation sessions' took place (compared to 8,318 in 2022). Specifically, 6,005 took place with mediators appointed by the parties (11.80 per cent increase from 2022) and in 4,160 cases the mediators were appointed by the Central Mediation Committee (41 per cent increase from 2022). The vast majority of cases regarded family disputes (2,966 cases, approximately 34.5 per cent), whereas other popular categories are commercial, real estate and banking disputes; and
- regarding voluntary mediation during the same period of 2023, the cases reported were 1,397 (an increase of approximately 25 per cent from the 1,117 cases in 2022), again, mostly concerning family disputes (700, approximately 50 per cent).

Law stated - 12 May 2025

MEDIATORS

Accreditation

8 Is there a professional body for mediators, and is it necessary to be accredited to describe oneself as a 'mediator'? What are the key requirements to gain accreditation? Is continuing professional development compulsory, and what requirements are laid down?

There is no professional body for mediators. Certain mediators' associations exist, basically for education and practice purposes, such as the Hellenic Union of Mediators. Accreditation is required to describe oneself as a mediator, who, as a rule, must be:

- a third-level education graduate or a holder of an equivalent education title of a non-Greek recognised institution;
- trained by a special organisation certified by the Central Mediation Committee or holder of an equivalent accreditation title issued by another EU member state; and
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accredited by the Central Mediation Committee and registered with the Mediators' Registrar. Special requirements and conflicts apply to specific conditions (articles 12, paragraphs 1; 28 and 29, Law 4046).

The Central Mediation Committee and the certified training organisations are specifically regulated (articles 10–11 and 22–27, Law 4640 respectively).

Continuing professional development is compulsory and consists of a minimum of 20 hours' training every three years provided by Greek or non-Greek certified training organisations (article 27B, Law 4640).

Law stated - 12 May 2025

Liability

9 What immunities or potential liabilities does a mediator have? Is professional liability insurance available or required?

Mediators are liable for fraud only (article 5, paragraph 7, Law 4640).

Professional liability insurance is not mandatory, but it may be available if any individual mediator so wishes. However, it is not common in practice.

Law stated - 12 May 2025

Mediation agreements

10 Is it required, or customary, for a written mediation agreement to be entered into by the parties and the mediator? What would be the main terms?

A written mediation agreement is required. The same is entered into by the parties and the mediator and its main terms are these parties' basic personal details, and of any other participating party (eg, a technical expert), the mediator's fee and the subject matter of the mediation. The agreement may further include any other terms, such as procedural ones, that the parties may consider appropriate (articles 5, paragraphs 1 and 3; 7, paragraph 7; and 18, paragraph 1, Law 4640).

Law stated - 12 May 2025

Appointment

11 How are mediators appointed?

Mediators are appointed by the parties or by a third party chosen by the parties. Unless agreed otherwise, one mediator is appointed (article 5, paragraph 2, Law 4640).

For cases for which a mandatory initial mediation session is required, in the absence of the parties' agreement on the mediator, the same is appointed by the Central Mediation Committee following a request to it by any party. Detailed regulation applies to how the above committee makes the appointment and what happens if the one initially appointed refuses to accept the nomination (article 7, paragraph 1, Law 4640).

Law stated - 12 May 2025

Conflicts of interest

12 Must mediators disclose possible conflicts of interest? What would be considered a conflict of interest? What are the consequences of failure to disclose a conflict?

Any conflict of interest prohibits a mediator from accepting a mediation duty and enforces him or her to stop acting if already accepted, notifying the parties accordingly. Conflict of interest cases are indicatively mentioned in Law 4640, such as any personal or professional relationship with the parties or their lawyers, collection of fees in the past for services provided to any of the parties, any economic or other kind of interest, direct or indirect, related to the mediation at issue. The conflict is provided for rather broadly and covers any involvement in the future by the mediator, by any means, to the case he or she handled, between the same parties (article 14, Law 4640).

Failure by the mediator to disclose a conflict would result in disciplinary sanctions imposed by the Central Mediation Committee within a range provided for by Law 4640, depending on the circumstances, but it would not affect a possibly successful mediation outcome.

Also, the mediator could be exposed to civil and criminal liability subject to the particular requirements of each case (articles 17 and 5, paragraph 7, Law 4640).

Law stated - 12 May 2025

Fees

13 Are mediators' fees regulated, or are they negotiable? What is the usual range of fees?

The mediator's fees may be freely agreed upon by a written agreement with the parties.

In the absence of a written agreement, Law 4640 fixes a mediator's fees exceptionally for the cases for which a mandatory initial mediation session is required as follows: €50 for the initial mandatory mediation session irrespective of its duration and €80 per hour for a subsequent mediation procedure (if the parties so choose). The above amounts may be adjusted by a ministerial decision and the cost is borne equally by the parties. The mediator's duty is to fully inform parties of his or her fees (article 18, Law 4640).

In practice and regarding non-mandatory mediation performed through mediation organisations, a mediator's fees are a lump sum based on the amount of the dispute and the expected duration of the process.

Law stated - 12 May 2025

PROCEDURE

Counsel and witnesses

14 Are the parties typically represented by lawyers in commercial mediation? Are fact and expert witnesses commonly used?

The parties must participate in a mediation together with their lawyers except for consumer and small amount disputes where a lawyer's presence is not mandatory.

Fact and expert witnesses may participate only if it is considered necessary and based on the parties' consent, in agreement with the mediator. Such third parties must co-sign the relevant agreements (articles 5, paragraph 1; and 8, paragraph 1, Law 4640).

Consumer disputes are those involving a 'consumer' as the term is defined in the basic law on the 'protection of consumers' being EU originated, namely 'any natural person acting for reasons not falling within its commercial, business, handicraft or professional services activity' (article 1a, paragraph 1, Law 2251/1994, as in force).

Small-amount disputes are those valued up to €5,000 (or for which plaintiffs limit their claim up to €5,000) and falling within the competence of the so-called justice of the peace courts (low first-instance courts) (articles 466–469, Code of Civil Procedure).

Law stated - 12 May 2025

Procedural rules

15 Are there rules governing the mediation procedure? If not, what is the typical procedure before and during the hearing?

The mediation process is flexible and may be freely determined by the mediator and the parties. A mediator's duty is to ensure that the parties understand the mediation process and consent thereto, being free to walk away at any time and without any consequences (articles 5, paragraph 3; and 15, paragraphs 1 & 5, Law 4640).

As a rule, separate pre-hearing contacts between the mediator, the parties and their lawyers take place, and short submissions with basic documentation are sent to the mediator. Then, on the day of the mediation a joint opening session and as many private sessions as needed take place, with a final joint session for the conclusion of an agreement or the confirmation of the non-agreement, as a case may be.

Law stated - 12 May 2025

Tolling effect on limitation periods

16 Does commencement of mediation interrupt the limitation period for a court or arbitration claim?

The agreement to mediate or, the mediator's notification to the parties for a mandatory initial mediation session (where applicable) suspend the prescription and the statute of limitation as well as any procedural deadlines that have started running, throughout the mediation; such periods and deadlines continue after the end of the mediation process by any means (article 9, Law 4640).

Law stated - 12 May 2025

Enforceability of mediation clauses

17 Is a dispute resolution clause providing for mediation enforceable? What is the legal basis for enforceability?

A valid (written) mediation clause is enforceable and requires a mandatory initial mediation session to take place, by law. The minutes of this mandatory initial mediation session must be filed with the court together with the submissions so that the hearing of the case is considered admissible (articles 2, paragraph 7; 4, paragraph 1(e); and 6, paragraph 1(c)).

Law stated - 12 May 2025

Confidentiality and without prejudice privilege of proceedings

18 Are mediation proceedings strictly private and confidential and subject to without prejudice privilege? To what extent does confidentiality apply within the mediation itself?

Mediation proceedings are in principle private and confidential depending on the parties' choice, subject to exceptions. In particular, prior to the commencement of the mediation process, all participants (namely the mediator, the parties and their legal representatives as well as any third participating party) have to agree in writing that they will keep the confidentiality of the same.

Regarding the contents of the mediation agreement, the parties may agree to keep them confidential (this being the rule), subject to formality requirements related to its implementation and the public order.

The confidentiality obligation prohibits all participants in mediation from testifying before a court or an arbitral tribunal on the case or submitting or referring to data related to the mediation process, subject to public order issues mainly regarding the protection of minors or the avoidance of any harm caused to a person.

A mediator's duty is to stress to the parties their confidentiality obligation before mediation commences.

Safeguarding confidentiality is a key duty of the mediator, subject to legal requirements for the contrary, a public order issue or parties' agreement to the contrary. Breach by a mediator such duty is considered a serious disciplinary offence (articles 2, paragraph 2; 5, paragraphs 5 and 6; 7, paragraph 3; 15, paragraph 2; 16 and 17.B.4, Law 4640).

Law stated - 12 May 2025

Success rate

19 | What is the likelihood of a commercial mediation being successful?

Mediation Law 4640 is rather recent and the cultural shift from litigation to mediation will take time. Thus, mediation in general, including commercial mediation, remains currently of a limited application and it basically regards cases falling within the 'mandatory initial mediation session' for the specific disputes regulated generally by Law 4640 and for certain cadastral disputes especially by Law 2664/1998 (article 6, paragraph 2.d).

Based on the most recent available statistical data of Central Mediation Committee/Ministry of Justice for 2023 (as at 10 June 2025 the Committee's annual report for 2024 had not been issued):

- out of all 10,165 cases subject to the 'mandatory initial mediation session' stage, 1,126 ones (11.08 per cent) proceeded further after that stage, out of which 786 resulted in a full agreement and 56 in a partial agreement (an increase on the total 685 cases in 2022). Most of them concerned family and real estate disputes; and
- regarding voluntary mediation during the same period of 2023, out of the total 1,397 cases, 1,165 resulted in a full agreement and 49 in a partial agreement, again mostly concerning family and real estate disputes.

Law stated - 12 May 2025

SETTLEMENT AGREEMENTS

Formalities

20 | Must a settlement agreement be in writing to be enforceable? Are there other formalities?

A settlement agreement must be in writing and takes the form of minutes, including minimum contents provided for by law, namely:

- the name and tax registration number of the mediator;
- the date and place of mediation;
- the names of the parties, their legal representatives and any third parties who may have participated;
- a reference to the way the parties resorted to mediation; and
- the settlement agreement or parties' non-agreement.

The settlement agreement is signed by the parties, their legal representatives and the mediator. If no settlement is reached, the minutes may be signed by the mediator alone.

Any party may file the mediation settlement agreement with the secretariat of the court that is competent to hear the dispute, together with a state's duty required (currently €50). Following such filing:

- the mediation settlement agreement becomes enforceable, provided the subject matter of the agreement reached may be enforced;
- the filing of any subsequent lawsuit regarding the subject matter of the agreement reached is inadmissible and any pending litigation is terminated; and
- the mediation settlement agreement may be used for the registration or the waiver of a mortgage.

If the mediation settlement agreement concerns transactions being subject to a notarial formality, same must be further met per the general rules.

It is also a mediator's duty to properly inform the parties on the way their mediation settlement agreement may become enforceable, as a case may be (articles 8 and 15, paragraph 6, Law 4640; articles 904, paragraph 2(h) and 293, paragraph 1(c), Code of Civil Procedure).

Law stated - 12 May 2025

Challenging settlements

21 In what circumstances can the mediation settlement agreement be challenged in court? Can the mediator be called to give evidence regarding the mediation or the alleged settlement?

Like the agreement for the submission to mediation, the mediation settlement agreement, which is made in writing and signed by the parties, their lawyers and the mediator, is a contract (articles 4, paragraphs 5 and 8, paragraphs 1 and 2, Law 4640). Thus, it may be challenged in court under the general rules, such as for lack of a legal capacity to contract, deception, threat, error, breach of the good morals principle and breach of public order (especially articles 127–200, Civil Code).

Especially regarding good morals (*bonos mores*) and public order, a mediator may terminate the mediation process if the dispute is being settled in a way contrary to the same, following reasoned information to the parties thereon (article 15, paragraph 4(a), Law 4640).

Confidentiality requirement prohibits the mediator (as well as all other participants to a mediation) from testifying before a court or an arbitral tribunal on the mediated case or submit or refer to data related to the mediation process, subject to public order issues mainly regarding the protection of minors or the avoidance of any harm caused to a person (article 5, paragraph 6, Law 4640).

Law stated - 12 May 2025

Enforceability of settlements

22 Are there rules regarding enforcement of mediation settlement agreements? On what basis is the mediation settlement agreement enforceable?

Mediation settlement agreements must be in writing, including minimum contents and signed by the parties, their legal representatives and the mediator. Any party may file the mediation settlement agreement with the secretariat of the court being competent to hear the dispute, together with a state's duty required (currently €50), so that it becomes enforceable, provided the subject matter of the agreement reached may be enforced. If the mediation settlement agreement concerns transactions being subject to a notarial formality, the same must be further met per the general rules. It is also a mediator's duty to properly inform the parties on the way their mediation settlement agreement may become enforceable, as the case may be (articles 8 and 15, paragraph 6, Law 4640 and 904, paragraph 2(h), Code of Civil Procedure).

Law stated - 12 May 2025

STAYS IN FAVOUR OF MEDIATION

Duty to stay proceedings

23 Must courts and tribunals stay their proceedings in favour of mediation? Are arbitrators under a similar duty?

Courts (judges) have a rather broad duty to encourage mediation by inviting litigants to consider it at any stage of the court proceedings, considering all circumstances of each case, which should, of course, be appropriate for mediation, although they are not specifically required to stay proceedings in favour of mediation. Specifically:

> (i) 'The court encourages, at any stage of the trial and in any proceedings, the compromised solution of the dispute, the choice of mediation as means of out of court dispute solution, supports relevant initiatives of the litigants and it may formulate settlement proposals evaluating the actual and legal conditions'; and
>
> (ii) 'The court recommends to the litigants' recourse to mediation proceedings, if this is appropriate based on the conditions of the case, as law requires. In case the recommendation is accepted, the hearing of the case is adjourned for a time period of three (3) to six (6) months.'
>
> (articles 116A and 214C, respectively, of the Code of Civil Procedure).

The latter provision was supplemented and expanded by article 4, paragraphs 1(b) and 2 of Law 4640, which indicates the important role that the courts may, and should, play by guiding the litigants (and their legal representatives as a result) to mediation and fully advancing its application.

Law stated - 12 May 2025

MISCELLANEOUS

Other distinctive features

24 Are there any distinctive features of commercial mediation in your jurisdiction not covered above?

Online mediation is specifically provided for by Law 4640 as an alternative to a mediation with the physical presence of the parties, allowing the latter flexibility on the way it may be performed (article 5, paragraph 3, Law 4640).

During the pandemic lockdowns, the benefit of the use of online mediation became apparent because, while the courts were closed or suspended, mediation remained the only realistic alternative for the settlement of their disputes. In practice, online mediation proved that it may work without problems, assisted by technology resolving any technical issues that occasionally arose.

The platforms of trustworthy mediation organisations providing the safeguards needed for a safe and secure online environment may assist the continued development of online mediation.

Law stated - 12 May 2025

UPDATE AND TRENDS

Opportunities and challenges

25 What are the key opportunities, challenges and developments that you anticipate relating to mediation in your jurisdiction?

Mediation as an out-of-court dispute settlement process, either under Law 4640 or by using similar types of proceedings available, will, it is hoped, increase in the coming years, since it may provide speedy, cost-effective and realistic solutions that are otherwise not available. The main reasons for this are the litigation deadlocks in terms of length, cost, uncertainty of proceedings, lack of trust as well as inadequate technological infrastructure and court facilities in the ‘clicks’ age calling for speedy, immediate, clear and trustworthy dispute solutions.

Further, within an increasingly overall online environment, what interested parties may basically check for in advance is trustworthy online mediation platforms operated by several mediation organisations or other generally known platforms in the case of ad hoc online mediation, in each case, of course, after checking on the mediator. Mediation was less affected by the covid-19 pandemic lockdown restrictions and its worth became more apparent when the restrictions imposed affected the operations of the courts. Mediation has been minimally affected because of an online process specifically allowed by Law 4640 (article 5, paragraph 3, Law 4640). Hopefully, the expansion of mediation will continue. It is in the hands of the appropriate mediators and mediation institutions to enhance the trustworthiness and value of mediation assisting a cultural shift towards it.

Around 5.5 years after the enactment of the Mediation Law 4060 (on 30 November 2019), its amendment on various issues has become necessary following its application in practice and respective case law published thus far. A notable example of needed revision is the procedural inadmissibilities provided by Law 4060 for breach of imposed formalities such as the ones regarding information obligations of plaintiffs' lawyers (article 3, paragraph 2, Law 4640). The current minister of justice has announced a reformation of the overall ADR rules and a working group was set up on 27 February 2025 to propose an ADR Code (by September 2025) also covering mediation; so, Law 4640 is expected to be revised soon.

Lastly, at the EU level, mediation/ADR is increasingly becoming the preferred choice of the EU legislator for dispute resolution; therefore, affecting Greek domestic law. This trend may be especially seen in the digitally operating markets, which progressively dominate day-to-day transactions. Notable examples are the Platform to Business (P2B) Regulation (EU) 2019/1150, the Digital Single Market Directive (EU) 2019/790 and the Digital Services Regulation (EU) 2022/2065 (Digital Services Act). So, mediation will keep developing.

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