BALLAS PELECANOS LAW

The New Code of Alternative Dispute Resolution - Key Changes in Arbitration

I) Introduction

A. The Enactment of the New Code and the Purpose of the Reform

On October 15, 2026, the Plenary Session of the Hellenic Parliament approved the Alternative Dispute Resolution Code (Law No. 5344/2026, Government Gazette A' 168/10/16/2026), introducing a unified and modernized framework for mediation, arbitration, and judicial mediation.

Of particular importance are the provisions of Part B (Articles 20–72) on arbitration, which establish a unified system for both domestic and international arbitration, based on the UNCITRAL Model Law (2006) on International Commercial Arbitration.

The provisions in question will take effect on January 1, 2027, while arbitration proceedings that have already commenced will, in principle, be completed in accordance with the previous legislative framework that has been in force until now (Articles 72 and 217 of the new Code).

B. The Most Significant Proposed Changes to Law 5344/2026 and Their Practical Implications for Arbitration

The new framework covers virtually all the key stages of the arbitration process.

Among the most significant provisions of the new framework are:

- **The establishment of a unified arbitration system (Articles 20–22):** A common legal framework is introduced for domestic and international arbitration, creating a clear and well-defined scope for arbitration, while scattered existing provisions are repealed.
- **Arbitration Agreement (Article 28):** The possibility of entering into arbitration agreements via electronic means is recognized, thereby facilitating modern commercial transactions. At the same time, unconditional participation in the arbitration
  is presumed to constitute the conclusion of an arbitration agreement.

Ballas, Pelecanos & Associates L.P.C.
A: 10 Solonos Street, Kolonaki, 106 73 Athens, Greece. T: +30 210 36 25 943 F: +30 210 36 47 925
M: central@balpel.gr W: ballas-pelecanos.com

- **Flexibility in the Conduct of Arbitration (Articles 45–48):** The parties retain the ability to choose the procedural rules, the venue, and the language of the arbitration. This flexibility is particularly important in international commercial contracts, allowing the proceedings to be tailored to the parties' needs.
- **Confidentiality (Article 45):** The parties are given the option to determine the confidentiality regime for the arbitration and the arbitral award, thereby helping to protect commercially sensitive information and data.
- **Independence and Impartiality (Articles 36–37):** An obligation is established to disclose circumstances that give rise to reasonable doubts as to the independence or impartiality of the arbitrators, as well as a specific procedure for their recusal.
- **Multiparty Arbitrations and Consolidation of Proceedings (Articles 34 and 42):** Provision is made for the participation of multiple parties and the possibility of consolidating related arbitration proceedings, subject to specific conditions.
- **Interim Measures and Provisional Relief (Articles 31 and 43):** The law provides for the possibility of obtaining interim measures from both state courts and the arbitral tribunal, as well as the issuance of provisional orders in exceptionally urgent cases. These provisions allow for the timely protection of assets and commercial interests pending the resolution of the dispute.
- **Appointment of Experts and Taking of Evidence (Articles 52–54**): The arbitral tribunal may appoint experts and order the production of critical evidence. These provisions are particularly important in disputes concerning technical specifications, contractual obligations, and complex financial issues.
- **Governing Law (Article 56):** The parties' freedom to choose the applicable substantive law is enshrined, while the arbitral tribunal may exercise its discretion only upon express authorization.
- **Third-Party Funding (Articles 66–70):** A specific framework is established for the third-party funding of arbitration proceedings, providing additional options for managing the costs and financial risks of arbitration. At the same time, the law provides for disclosure requirements regarding such funding and safeguards to prevent conflicts of interest.
- **Review for Annulment (Articles 27 and 62):** Jurisdiction over actions to annul arbitral awards is vested in the Supreme Court, with specific grounds for annulment and time limits provided for.
- **Recognition and Enforcement of Foreign Arbitral Awards (Article 64):** The application of the 1958 New York Convention is reaffirmed, ensuring the legal framework for the recognition and enforcement of foreign arbitral awards in Greece, an issue of particular importance for international commercial transactions.

II) The Possibility of a Preliminary Ruling and the Achmea Case

A. Article 55 of Law 5344/2026

Of particular interest is the introduction of Article 55 of the new Code, which concerns the submission of a preliminary ruling regarding the interpretation of provisions of EU law.

Specifically, Article 55 introduces a significant innovation by granting arbitral tribunals the authority to request that the Supreme Court refer a preliminary question to the Court of Justice of the European Union (CJEU), in accordance with Article 267 of the TFEU.

This authority pertains to questions of interpretation of provisions of EU law that form part of the EU public policy and may affect the review of an arbitral award for annulment.

It is important to note that the decision whether or not to refer a question for a preliminary ruling rests with the Supreme Court, provided it determines that the relevant conditions are met.

B. Case Law Connection to the Achmea Case

The provision of Article 55 is of particular interest in light of the case law of the Court of Justice of the European Union (CJEU) and, in particular, the Achmea decision (C-284/16, March 6, 2018).

In that case, the CJEU ruled that an arbitration clause in a bilateral investment treaty between Member States was incompatible with Articles 267 and 344 TFEU, as it allowed disputes that might concern the interpretation or application of EU law to be resolved by an arbitral tribunal outside the Union's judicial system, without adequate safeguards for judicial review.

The Achmea ruling specifically concerns intra-EU investment arbitration and does not entail a general prohibition on commercial arbitration. However, it highlights the importance of protecting the autonomy and uniform application of EU law.

In this context, Article 55 strengthens the link between the arbitration process and the EU judicial system by providing for a special mechanism for preliminary rulings through the competent national court.

III) Conclusion

The enactment of Law No. 5344/2026 constitutes a significant reform of the Greek institutional framework for arbitration. The adoption of the UNCITRAL Model Law reflects an effort to align with international standards, with the aim of creating a more flexible, effective, and predictable framework for dispute resolution.

In any case, however, the practical application of the new Code will demonstrate its contribution to strengthening the institution of arbitration as well as to establishing Greece as a center for the resolution of international commercial disputes.