

# LEX & FORUM, VOLUME 1/2022

With this present issue, Lex & Forum enters its second year of publication. The first four issues of the previous year were dedicated to the fundamental and most current issues of European private/procedural international law: the judicial cooperation after BREXIT (1<sup>st</sup> issue), the impact of 40 years since Greece joined the European Union to the internal Procedural Law (2<sup>nd</sup> issue), the importance of private autonomy in European private/procedural international law (3<sup>rd</sup> issue) and the accession of the European Union to the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters 2019 (4<sup>th</sup> issue). During the second year, the focus of the issues will now be shifting to individual disputes, influenced by European procedural or private international law. The focus of the present issue refers to maritime differences, which are particularly important for our country. As data shows, while the population of Greece represents only 0.15% of the world population, the Greek-owned ships represent almost 21% of the world tonnage and 53% of the EU merchant fleet. Greek shipowners lead the world rankings in ship ownership with 17% for 2021, compared to colossal countries in terms of population and economy, such as China (15%) and Japan (12%) (data: IUMI 2021). Under these circumstances, maritime differences at the European and global scale are a particularly crucial chapter for our country's economy and fully justify the involvement of this focus on this issue.

The 'Praefatio' of this Lex&Forum issue has the great honor of hosting the valuable thoughts of the former President of the CJEU (2003-2015), Prof. *Vassilios Skouris*, on the topic of mutual trust and recognition as key pillars of the European Union. The main topic of the issue (Focus) is dedicated to maritime disputes and was initially presented at an online event, on the 21<sup>st</sup> of February 2022, in collaboration with the most competent bodies on the subject, the Piraeus Court of First Instance and the Piraeus Bar Association (<<https://www.sakkoulas.gr/el/info/events/archive/lex-forum-oi-navtikes-diafores-ton-evropaiko-kai-ton-pagkosmio-charti/>>). The Focus in this issue incorporates the contribution of the Professor at the HSB Hochschule Bremen Ms. *Suzette Suarez* on arrest of ships in cases of environmental damages, the presentation of the Professor at the University of Athens and Chair of the meeting Ms. *Lia*

*Athanassiou*, regarding the treatment of foreign shipping companies by the Greek jurisprudence, and the ones of the Judges who served in the Maritime Department of the Court of Piraeus, Mr. *Antonios Alapandas*, PhD, Judge at the Court of Appeal, on the special jurisdictional bases of maritime disputes, and Mr. *Kyriakos Oikonomou*, former Judge of the Supreme Court, on the choice of court agreements in maritime disputes, as well as the contributions of the Judge Mr. *Antonios Vathrakokilis*, on the applicable law to maritime privileges, and, finally, of Mr. *Georgios Theocharidis*, Professor of Maritime Law and Politics at the World Maritime University in Malmö, Sweden, on the International Convention on the 'Judicial Sale of Ships'. Lex&Forum expresses its warmest thanks to the President of the Courts of First-Instance of Piraeus Council Judge Mr. *Vassilios Tzelepis* and the President of the Piraeus Bar Association Mr. *Elias Klappas*, as well as to all the rapporteurs for their honorable contributions.

The jurisprudence section of this issue includes the CJEU judgments, 15.7.2021, *European Commission v. Poland*, on the topic of national regulations restricting the independence of judges, with commentary by the scientific associate in the International Hellenic University Ms *R. Tsertsidou*, 7.5.2020, *LG/Rina*, on the concept of civil and commercial matters in case of an action against a ship classification and certification body under the authority of a third state, with a commentary by Dr. *N. Zaprianos*, 1.7.2021, *UE, HC*, on a European Certificate of Succession of 'indefinite time', with commentary by Dr. *S. Karameros*, and 4.6.2020, *FX/GZ*, on international jurisdiction for the adjudication of the opposition against the execution of a maintenance claim, with commentary by the President of the Court of First Instance Mr. *A. Vathrakokilis*.

The national case law section features the following judgments: Court of First Instance Piraeus No 3296/2020, on the appointment of an Interim Administration of a Shipping Company with a registered office abroad, with commentary by the PhD Cand. Ms. *A. Lagoudi*; Court of First Instance Korinthos No 1/2022, on the topic of parental care and maintenance of an out-of-marriage minor by parents of foreign citizenship, with commentary by Dr. *G.-A. Georgiadis*; Supreme Court decision No 1127/2020, on the applicable law on limitation periods in case of a lawsuit of an insurance company against a carrier, with commentary by Dr. *A. Anthimos*.

The issue includes as well the legal opinion of Professor Emeritus at the University of Athens Mr. *Nikolaos Klamaris* on the international jurisdiction of the

Court of Piraeus (Department of Maritime Disputes) on a tort, committed in Piraeus by defendants based in Asia, while in the column L&F Praxis, the Judge Mr. *Georgios Safouris* presents the main practical problems of the referral questions to the CJEU within 11 Q&As.

Lex&Forum renews its scientific appointment with its subscribers for the next issue, focusing on the Internet and other emerging technologies within the EU and International legal order.