# Recognition and Enforcement of Foreign Judgments between Greece and Albania

**Introduction.** The recognition and enforcement of foreign judgments constitute an important subject of private international law. Their significance is particularly evident in family law disputes, such as divorce, child custody, and maintenance, in which the effectiveness of a judicial decision frequently depends on its recognition or enforcement in more than one legal system. In relations between Greece and Albania, a principal legal instrument is the Convention on Judicial Assistance in Civil and Criminal Matters, signed on 17 May 1993 and ratified by Law No. 2311/1995. The Convention establishes the conditions under which judgments delivered by the courts of one Contracting State may be recognised and enforced in the other. By virtue of the superior force accorded to international conventions that have been ratified and brought into force under Article 28(1) of the Greek Constitution, the relevant provisions of the Convention take precedence over the corresponding general provisions of the Greek Code of Civil Procedure (CCP). Against this background, the present analysis examines indicatively two decisions of the Thessaloniki Court of First Instance concerning the recognition in Greece of judgments delivered by Albanian courts dissolving marriages. The first decision also concerns an application for a declaration of enforceability in respect of a provision relating to child maintenance. The second highlights the importance of establishing the final and *irrevocable* character of a foreign divorce judgment and the need to supplement the evidence before a final determination can be made.

1. **Legal Framework of the Bilateral Convention.** The Greece–Albania Convention, ratified by Law No. 2311/1995, constitutes the special legal framework governing the recognition and enforcement of judgments. Articles 23 and 24 establish the substantive requirements for recognition and enforcement, while Articles 26 and 27 govern the procedure and related matters concerning the submission and examination of applications. Articles 323 and 905 CCP apply on a supplementary basis, insofar as they are not inconsistent with the Convention. Article 323 CCP sets out, inter alia, the conditions for recognising the res judicata effect of

foreign judgments, whereas Article 905 CCP provides for the procedure by which foreign instruments may be declared enforceable in Greece.

**1.1. Conditions for Recognition and Enforcement,** Under Articles 23 and 24 of the Convention, recognition and enforcement are, in principle, subject to the following conditions:

1. The judgment has acquired the force of res judicata and is enforceable under the law of the state in which it was delivered.

1. The courts of the state in which recognition or enforcement is sought do not have exclusive international jurisdiction over the matter.

1. A party who did not participate in the proceedings or against whom judgment was entered in default was duly and timely served with the relevant process or was lawfully represented, where required.

1. The Convention excludes service by affixing the document to the door of the relevant premises (*affixation service*) as a sufficient method of service for the purposes of this examination.

1. There is no irreconcilable prior judgment between the same parties concerning the same subject matter and cause of action, nor any previously instituted pending action before the courts of the state in which recognition is sought, subject to the conditions laid down in the Convention.

1. Recognition or enforcement is not contrary to the public policy or fundamental principles of the legal order of the requested state.

Recognition additionally requires examination of the international jurisdiction of the court of origin in accordance with the applicable treaty and domestic legal framework. The foreign judgment may not be reviewed as to the substantive correctness of its determination. The examination concerns the legal requirements governing the circulation of the judgment across borders, rather than a retrial of the original dispute.

**1.2. Required Documents and Procedure.** Article 26(2) of the Convention provides that an application must be accompanied by the judgment or a certified copy thereof, together with a document certifying that the judgment has acquired

the force of res judicata and is enforceable, unless these matters are apparent from the judgment itself. A certificate concerning service of process and the lawful representation of a party against whom judgment was entered in default must also be submitted, where applicable, together with certified translations of the documents into a language accepted under the Convention. The production of an Apostille under the Hague Convention may serve to authenticate a public document where the relevant international convention applies. **It does not, however, establish, by itself, that a judgment has become final and irrevocable** or that all the requirements have been satisfied.

2. **Decision No. 3144/2026.** Decision No. 3144/2026 concerns an application by a Greek national seeking recognition in Greece of a judgment delivered by the Court of General Jurisdiction of Elbasan, Albania. The Albanian judgment dissolved the applicant's marriage, awarded custody of the minor child to his former wife, and regulated the father's right of contact with the child. In addition, the applicant sought a declaration of enforceability in respect of the provision which, according to the terms of his application, required him to pay monthly maintenance. The Albanian judgment had become final and irrevocable, as indicated by an endorsement appearing on the judgment itself.

**2.1. Application of the Convention.** The court held that the Convention ratified by Law No. 2311/1995 took precedence over the general provisions of the CCP. It examined whether the Albanian court possessed international jurisdiction, whether the parties' right to participate in the proceedings had been safeguarded, and whether any ground existed for refusing recognition on public policy grounds. With regard to international jurisdiction, the court took into account that the spouses' last common residence had been in the Municipality of Gramsh, Albania. It held that the matrimonial dispute fell within the jurisdiction of the Albanian court and that the joinder of the issues of custody and contact with the matrimonial dispute justified their examination by the same court. As regards the right to be heard, the court established that the former wife had been represented by a lawyer authorised to act on her behalf and that the applicant had participated in an earlier hearing at which an attempt at reconciliation had been made. He had been informed of the subsequent hearing date and had stated that he was unable to attend, requesting that the proceedings continue in his absence. Although the applicant was recorded as having been absent from the

hearing, the court held that, in light of the specific circumstances, no additional certificate of service was required. This conclusion was based on his knowledge of the proceedings and the fact that he had had a genuine opportunity to participate.

**2.2. The Enforcement of Maintenance Provision.** The most significant issue arising from the decision concerns the application for a declaration of enforceability in respect of the maintenance provision. The court dismissed this part of the application as inadmissible for lack of standing. The reasoning was that the right to apply for a foreign instrument to be declared enforceable generally belongs to the person entitled to initiate enforcement proceedings, namely the creditor in respect of the relevant claim. In the present case, the applicant was the person liable to pay maintenance, rather than the person entitled to receive it. Accordingly, he could not himself seek to have the obligation to pay maintenance declared enforceable against him. The court's determination is correct insofar as it distinguishes between creditor and debtor for the purposes of standing. It should be clarified that dismissal of this particular claim does not mean that the maintenance provision was held to be invalid or legally ineffective. Rather, it means that the application was brought by a person who lacked standing to seek the particular procedural relief requested.

**2.3. Assessment.** Decision No. 3144/2026 correctly applies the fundamental principle that an applicable international convention takes precedence over the general rules of the CCP. It also highlights the importance of the party's genuine opportunity to participate in the foreign proceedings and the distinction between recognition of personal status and enforcement of a monetary claim. A particularly positive aspect of the Court's approach is its recognition that an application for recognition should not be dismissed solely on account of formal evidentiary deficiencies without first examining whether the relevant facts can be established through other reliable documents. Nevertheless, dispensing with the production of a certificate of service must be approached with caution. The Convention seeks to provide substantive protection for a party who did not participate in the proceedings. The decision promotes effective cross-border protection of family relationships while preserving procedural guarantees required for recognition of foreign judgments.

**3; Decision No. 20256/2026. Thessaloniki First Instance Court**

**3.1. Subject Matter and Facts.** Decision No. 20256/2026 concerns an application for recognition in Greece of a judgment delivered by the Court of the Judicial District of Durrës, Albania, dissolving the civil marriage between a Greek national and his former wife, an Albanian national. The marriage had been celebrated in Durrës and registered both with the competent civil registry in Albania and with the Special Registry Office in Athens. According to an endorsement appearing on the judgment itself, the Albanian judgment had become final. The applicant submitted the judgment and documents establishing his participation in the proceedings through a lawyer authorised to represent him.

**3.2. The Requirements for Recognition and Public Policy.** The court reiterated that the bilateral Convention constituted the principal applicable legal framework, with Articles 323 and 905 CCP operating on a supplementary basis. It held that the Albanian court had international jurisdiction, given that the spouses' last common residence had been in Albania. It further found that the applicant had not been deprived of his right to defend his interests, since he had been represented by a lawyer authorised to act on his behalf, while his former wife had instituted the proceedings and participated in them. The court also found no conflict with Greek public policy and no irreconcilable Greek judgment concerning the same matter. These circumstances supported recognition. However, the court found that one crucial additional requirement had not been established: whether the judgment had attained the degree of procedural finality necessary for it to produce the legal effect of dissolving the marriage in Greece.

**3.3. Significance of the Judgment's Final & Irrevocable Character.** Under Article 1438 CC, Greek law requires a final and irrevocable judicial decision for a marriage to be dissolved. Accordingly, recognition of a foreign divorce judgment presupposes that the judgment has attained the corresponding degree of procedural finality under the applicable rules. In the present case, the endorsement submitted established that the judgment had become final on 27 December 2022, but did not necessarily establish that it had become irrevocable. No certificate or other sufficient evidence had been submitted to demonstrate that the Albanian judgment could no longer be challenged by an ordinary or extraordinary legal remedy, or that it had attained a degree of finality equivalent to that required under Greek law for the legal effects of divorce to arise; the court did not consider that this deficiency necessarily warranted the definitive dismissal of the application. Instead, it relied on Article 254 CCP, which also applies in non-

contentious proceedings, and ordered that the hearing be resumed so that the necessary documents could be produced. In particular, the court required the submission of a certificate or legal information establishing the requisite degree of procedural finality, or clarifying the relevant provisions of Albanian law. It also requested updated certificates confirming the absence of any related proceedings or judgment in Greece.

**3.4. Assessment of the Decision.** This decision is particularly significant because it demonstrates that *finality* and *irrevocability* are not necessarily synonymous legal concepts. The mere fact that no appeal has been lodged, or that the time limit for lodging one has expired, does not invariably establish that all available legal remedies have been exhausted or that the degree of finality has been attained. The court was therefore correct to refrain from recognising the foreign judgment immediately, without first clarifying this essential requirement. Equally sound was its decision to resume the hearing rather than dismiss the application. This approach serves procedural economy and permits evidentiary deficiencies to be remedied. It is also consistent with the approach commonly adopted by Greek courts, subject to relatively few exceptions.

4. **Comparative Assessment of the Decisions.** The two Albanian judgments share a common starting point, as both apply the Greece–Albania Convention as the special legal framework governing the recognition of foreign judgments in family law matters. In both cases, the court examines the international jurisdiction of the Albanian court, the participation of the parties, the absence of an inconsistent Greek judgment, and compatibility with public policy. The principal difference lies in the procedural treatment of the applications. Taken together, the decisions demonstrate that recognition of a foreign judgment is neither automatic nor dependent solely on the production of a certified copy. It requires a comprehensive examination of the applicable treaty and domestic-law requirements, with particular emphasis on international jurisdiction and the protection of the parties' procedural rights.

**5.Conclusion.** The bilateral agreement between Greece and Albania is the most active treaty among the rest in Greece. The decisions of the Thessaloniki Court of First Instance demonstrate the importance of the Greece–Albania Convention on Judicial Assistance for the effective cross-border protection of family relationships. The precedence of the Convention over the general rules of the

Code od Civil Procedure contributes to a clearer framework for recognition and enforcement, while domestic provisions supplement that framework where permitted. The effective application of the Convention requires careful examination of each individual case. Only in this way can foreign judgments be ensured of their appropriate legal effects in Greece and Albania without compromising the fundamental principles of either legal order.

For more information see my article: Recognition and Enforcement of Foreign Judgments in the Field of Bilateral Conventions of Greece with Balkan States, Balkan Yearbook of European and International Law 2021, pp. 206 et seq. https://www.academia.edu/67760009/Recognition_and_Enforcement_of_Foreign_Judgments_in_the_Field_of_Bilateral_Conventions_of_Greece_with_Balkan_States,.

An extensive analysis of the Treaty (in Greek) may be found in: https://www.sakkoulas.gr/en/editions/a-anthimos-allodapes-dikastikes-kai-diaititikes-apofaseis-2i-ekd-2024/.