Recognition of a Kosovar Judgment in Greece

1. **Introduction.** Decision No. 21257/2026 of the Thessaloniki Court of First Instance is of particular interest in the fields of private international law and international civil procedure, as it concerns the recognition in the Greek legal order of a judgment of a foreign court dissolving a marriage, where the state in which that court operates is not officially recognised by Greece as an independent state. The issue assumes additional significance because the judgment originates from Kosovo, whose international legal status continues to be the subject of divergent positions within the international community.

The principal question is whether Greece's non-recognition of Kosovo automatically precludes recognition of the legal effects of a judicial decision rendered within its territory, or whether such effects may be recognised without prior diplomatic recognition of the entity concerned as a state.

The Court adopted the latter approach. It granted the application and recognised that the judgment of the Kosovo court dissolving the applicant's civil marriage had acquired the force of res judicata within Greek territory.

2. **Facts and Reasoning of the Court.** According to the facts of the case, the Greek applicant entered into a civil marriage with K. on 20 October 2020 before the civil registry authority in Kosovo. The marital relationship irretrievably broke down, and the marriage was dissolved by a judgment of a Kosovo court following divorce proceedings instituted by the husband against the applicant. The foreign judgment contained no statement of reasons because, according to the evidence accepted by the Greek Court, the parties had not requested that reasons be included and had waived their rights to appeal, pursuant to Article 161 of Kosovo's law governing dispute resolution proceedings. The Court therefore considered that the judgment had become final and irrevocable upon its publication.
3. **Recognition.** The starting point for a critical analysis is the fact that

Greece does not officially recognise Kosovo's independence. This position continues to be reflected in the policy of the Greek Ministry of Foreign Affairs, which maintains a reservation regarding Kosovo's status and supports dialogue between Belgrade and Pristina. Such non-recognition primarily concerns Kosovo's international legal and political status as an independent state. It does not, however, necessarily entail that every legal relationship, administrative act or judicial decision connected with that territory must be deprived of legal effect within the Greek legal order. Recognition of a state is a matter of public international law and foreign policy, whereas recognition of a foreign judicial decision is an institution of private international law and international civil procedure. Although the two issues may be factually connected, they are not legally identical.

More specifically, recognition of a state concerns acceptance of its international legal personality and its capacity to participate in international relations as a state. By contrast, recognition of a judicial decision concerns acceptance, within a different legal order, of the specific legal effects of an adjudication, subject to the requirements imposed by the law of the recognising state. Accordingly, accepting the dissolution of a marriage ordered by a Kosovo court does not, in itself, amount to recognition by Greece of Kosovo's statehood. The Greek court is not called upon to determine the question of Kosovo's independence, but rather to decide whether a particular judgment may produce legal effects in Greece.

4. **Autonomous Nature of the Recognition of Foreign Judgments.** This distinction is essential to understanding the decision. Recognition of a foreign decision does not necessarily constitute an act of political or diplomatic recognition; rather, it is a judicial determination as to whether the effects of that decision may be incorporated into the domestic legal order. In the present case, the subject matter of the application was neither recognition of Kosovo as a state nor general acceptance of its judicial system for every conceivable legal purpose. It was the recognition of a specific judgment dissolving the applicant's marriage. This approach serves legal certainty and the protection of the personal status of natural persons. If Kosovo's non-recognition automatically resulted in the refusal to recognise every judicial act issued there, a situation could arise in which a marriage was regarded as dissolved in Kosovo but continued to be regarded as subsisting in Greece. Such a discrepancy could give rise to

serious practical difficulties concerning remarriage, civil status and civil registration.

Furthermore, international cooperation practice itself acknowledges the need to process documents and acts originating in Kosovo, including in states that do not recognise its independence. By way of example, UNMIK provides document-certification services for use in United Nations Member States that do not recognise Kosovo, including documents relating to personal and family status. This practice does not, in itself, establish that every judicial decision originating in Kosovo is recognisable in Greece. It does, however, demonstrate that non-recognition of Kosovo's statehood does not necessarily preclude all institutional cooperation or acceptance of documents originating from the territory.

5. **The Significance of the Distinction for the Decision.** In this respect, the reasoning of the Thessaloniki Court is, in principle, persuasive. The Court did not proceed on the basis that Greece recognises Kosovo as an independent state. Instead, it treated the divorce judgment as a foreign judicial act whose legal effect had to be assessed independently. This approach avoids conflating a matter of international politics with an issue of private international law. At the same time, it does not mean that recognition of statehood is legally irrelevant in every circumstance. Non-recognition may give rise to specific difficulties concerning proof of the authenticity of documents, certification of the court's jurisdiction, and verification of the judgment's finality. These matters, however, must be examined on a case-specific basis rather than treated as grounds for automatically dismissing the application.
6. **The International Jurisdiction of the Kosovo Court.** The Greek Court considered a certificate issued by UNMIK and authenticated by the Greek consular office in Pristina, certifying the competence of the court that delivered the judgment. This evidence is particularly significant because Greece's non-recognition of Kosovo gives rise to practical difficulties in authenticating documents originating from its judicial authorities. Recourse to the UNMIK certification mechanism enables relevant matters to be verified without requiring prior diplomatic recognition of Kosovo. This practice is consistent with UNMIK's institutional role in certifying documents for use in states that do not recognise Kosovo's independence. Nevertheless, a distinction must be drawn between authentication of a

document and proof of the international jurisdiction of the court that issued it. The former concerns the document's authenticity and provenance, whereas the latter concerns the legal authority of the court to adjudicate the particular case.

7. **Public Policy.** Under Article 780 CCP, recognition must not be contrary to Greek public policy or good morals. In this context, public policy operates as a safeguard for the fundamental principles of the Greek legal order, rather than as a means of generally rejecting every foreign rule or institution that differs from Greek law. The Thessaloniki Court held that the dissolution of the marriage did not offend public policy because divorce by mutual consent is also recognised in Greece pursuant to Article 1441 CC. This conclusion is, in principle, correct. Greek public policy does not require refusal of recognition merely because a judgment was delivered by a court of a state that Greece does not recognise. The decisive consideration is whether the effects of the particular judgment are incompatible with the fundamental principles of the Greek legal order.
8. **Conclusion**

The decision highlights the importance of distinguishing between recognition of a state as a subject of international law, and recognition of the legal effects of a judicial decision delivered within its territory.

Greece's non-recognition of Kosovo does not, in itself, constitute sufficient grounds for excluding recognition of a divorce judgment delivered by a court in that territory. The issue must be determined independently, in accordance with the applicable rules of Greek private international law and international civil procedure.

Accordingly, the decision may be assessed positively insofar as it distinguishes between recognition of a state and recognition of a judicial decision, without implying that every aspect of its reasoning is equally persuasive. Its principal contribution lies in treating the recognition of a foreign decision as an autonomous legal issue, to be determined by reference to specific procedural safeguards and applicable legal requirements, rather than exclusively on the basis of Greece's diplomatic position towards the territory in which the decision was delivered.