

NEWSFRONT

GREEK SHIPPING INTELLIGENCE

27 October 2023

Vol. 24/ No. 40



LEGAL OPINION

Arbitration Clause

Agreement as to arbitration is distinct from the agreement, which is referred to arbitration, even if they are often included in the same document. As a result, it may be subject to different law than the main agreement.

Accordingly, validity of the arbitration agreement is not depending on the validity of the main agreement. The latter will be judged by the arbitrators.

However, where the validity of the arbitration agreement is challenged, formal courts are competent.

On the other hand, if a case under an arbitration agreement is brought before the formal courts despite the arbitration clause, relevant objection is to be submitted at the first hearing.

Piraeus One-membered Court of Appeal Judgment no 585/2020, Judge: Ev. Tsiora, Attorneys at law: A. Zarokosta, Ath. Markakis, Maritime Law Review vol. 48, p. 304.

NOTE: In case the objection that the case is subject to arbitration is not raised on the first hearing, it cannot be raised at a later stage. This is due to the nature of this objection, as it refers to the admissibility of the claim before the Court, prior to the latter examining the merits of the case.

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