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LEGAL OPINION

Holding companies under Greek law

Off-shore companies with an activity in Greece are considered, under Greek law, as de facto Greek partnerships, even if, under the law of their jurisdiction, they have a limited liability nature, corresponding to an S.A. under Greek law.

There is an exception to this rule as regards maritime companies established in Greece under Law 89, and shipowing companies whose vessels are managed by such established companies; they are approached, regarding their incorporation and nature, under the law of their jurisdiction, that is they are still considered as equivalent to a Greek SA and not as partnerships.

An issue arose as regards the nature of offshore companies, which hold the shares of above companies, owning or established. The Court found that such companies, provided they exercise no other activity in Greece, are also exempt from the above general rule and are approached as in their jurisdiction.

Piraeus three-membered Court of Appeal Judgment no 355/2019, President: D. Tsoutsani, Rapporteur Judge: A. Anastasiou, Attorneys at law: A. Kozoni, K. Papagrighoriou, Maritime Law Review vol. 47, p. 89.

NOTE: Approach of such companies as Greek partnerships, where applicable, may have serious impact. Under Greek law, partners in a partnership are personally liable for the debts of the company.

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