

Chapter 21

The Commercial Laws of Greece

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*Dr. Yannis Kelemenis**

I. GENERAL SYSTEM OF LAW

§ 21:1 In general

At the time the Greek State came into existence in the early 1830s, the sources of Greek law were the Byzantine-Roman law, as it had been codified in Justinian Law, and the customary law that had been shaped on the basis of institutions and concepts of ancient Greek law (e.g. freedom of will, equity, good faith, rule of reason, mediation). Following the formation of the Greek State, Greek law has developed along the continental civil tradition that has been primarily shaped by French and German law, and has been driven by the primacy of legislation. Customs are of a supplementary use in contemporary Greek law and do not function *contra legem*. Judicial precedents and legal theory are not considered to be sources of law and their influence in the interpretation and the application of law is of secondary importance.

The cornerstone of the Greek legal system is the Greek Constitution which, *inter alia*, sets out the guidelines of statutory law, provides for individual political and social rights, and assigns the monitoring of the constitutionality of laws to the judiciary. Unlike the Anglo-American legal tradition, a fundamental distinction is drawn between

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Stephan Kinsella and Patrick Tinsley

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Highlights

New features and recent developments in this 2012-3 release include:

Revised Chapter 21 (**The Commercial Laws of Greece**)

Revised Chapter 30 (**The Commercial Laws of Italy**)

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