

Cyprus

Date: 25. February 2006
Location: Intercollege Research Centre, Nicosia
Organised by: Maria Mousmouti (national correspondent) and IPR Verlag

Number of experts invited: 50
Number of experts present: 10

1. Experts present

- Economou Constantina – Lawyer
- Fotiadou Margarita – Lawyer
- Kleanthous Giannis – Lawyer, Ministry of Defense
- Laulhe Shaelou Stephanie – Lecturer on European Law, Intercollege
- Mavromoustaki Theano – Legal Service of the Republic
- Mousmouti Maria – Centre for European Constitutional Law, National Correspondent
- Agis Petrides – Lawyer
- Psilogenis Christos Dr. – retired Ambassador
- Psilogenous Maria – Parliamentary Assistant, PHD candidate
- Stergidis George Dr. – Family Court Judge

Present on behalf of the project was: Ms. Sibylle Calabresi-Scholz.

Experts from the Legal Service of the Republic and the Ministry of Justice expressed their interest but could not participate at the meeting due to time constraints.

The relatively small number of experts present may be attributable to the fact that, at present, no specialised chair of private international law exists in Cyprus. According to the views of the participants, private international law is an underdeveloped discipline and there is limited or no legal discussion on the subject. This is due on the one hand to the absence of a law Faculty in Cyprus and on the other hand to the existing political problems which direct discussions mostly to issues of public international law.

The expert meeting started at 11:00 a.m. Ms Maria Mousmouti and Ms. Sibylle Calabresi-Scholz made an introduction and a brief presentation of the scope and activities of the project and the purpose of the meeting. An open discussion with the invited experts followed.

2. Agenda

1. Opening by Ms Maria Mousmouti and introduction to the project
2. Presentation of the project by Ms. Sibylle Calabresi-Scholz
3. Discussion
4. Closing
5. Lunch – continuation of the discussion

3. Report on the meeting

3.1. Experience from other networks

The participants stressed the need for a research network in Cyprus. It was reported that no specialized networks, other than the one on child abduction, exist. The contact points of the European Judicial Network include experts from the Legal Service of the Republic which act as contact points also for other networks e.g. on drugs.

Participants also reported their experience from the RAPEX network which disseminates information regarding dangerous products. Besides disseminating information, the network also produces a periodical, organizes seminars, and promotes the exchange of information through mailing lists of all interested persons.

3.2. Access to specialized information (Legal libraries and specialized literature)

A lack of specialized information in the field was stated: Literature and information on private international law seem to be neither abundant nor easily accessible. Participants highlighted the need for periodicals, articles on private international law, compilations of judicial judgments and commentaries. Monographies on the subject are almost inexistent. Existing publications are addressed to practitioners and have mostly a practical character.

The biggest libraries are the ones of the Supreme Court and the Nicosia Bar Association, but even these were not considered especially resourceful by the participants. An index of all legal bibliography available in Cyprus was created only recently. Private colleges have their own libraries.

It was stressed that legal libraries should ensure online access to their publication lists.

Practitioners and experts interested in topics of private international law can have access to legal literature through the interlibrary system of the Cyprus University. Access to a book/article is possible if it is available in Greece or Germany after paying a small contribution. Literature is also accessible through the Library of the Congress but at a higher cost (approximately 20 dollars for research plus 1 dollar per page).

There are also two major legal databases in Cyprus available to legal practitioners, CYLAW and Leginet. Leginet which was established last year, is more detailed and is managed by the Bar Association. Cylaw is accessible gratis whereas a subscription is necessary for access to Leginet. Lawyers have free access to the latter through their

contributions to the Bar Association. Legislation and Supreme Court judgements are available but not European legislation.

The idea of a portal providing links and access to legislation was welcomed as an interesting possibility. It was stressed that a general portal/network would be more necessary/feasible than a specialized one since specialization would limit an already small audience.

The lack of information also affects the quality of judgments. All judges have to deal with private international law in their respective fields. However, they cannot raise issues where different Regulations would apply if the lawyers do not raise them. Upon initiative of the Supreme Court, a number of judges took part in seminars organized in Brussels. Participation was limited to 4-5 judges and there was no continuity (only 1 judge attended further seminars). Judges attending seminars thereafter drafted a report and circulated it to their colleagues. It was stressed that every Cypriot lawyer should be well informed about private international law and the respective European legislation, and that contacts and cooperation with lawyers in other member states should be encouraged and strengthened.

3.3. Activities of the network

Regarding the activities of the future network, participants considered regional seminars and conferences at overall European level as equally important. European conferences would be welcomed but national conferences would probably receive higher attendance. Although Cypriots travel a lot, not everybody would have the opportunity to pay travel expenses regularly just to attend a conference or seminar. With regard to academics it was stated, that their travel expenses could more easily be subsidized if they would participate actively to the conference. It was stressed that it would be important to ensure the involvement of the Bar Association and the Supreme Court in the organization of such events.

A newsletter or an electronic newsletter was considered an interesting idea but it was stressed that there was a high risk that they won't be read by the lawyers for the reason of time constraints. Research results have proved that the amount of electronic information provided to lawyers is big and that the majority does not read it. Therefore it was concluded, that an electronic system of information should be installed in any case, as being less expensive and a fast means of information. If the means should be sufficient, a printed journal would however be even more appreciated.

A discussion forum on internet was considered a good idea and an easy way to get information on practical issues. There seems to be positive previous experience with the network on drugs. In order to direct questions to the right experts, it was suggested to form a committee in each Member State which should receive the questions and then direct them to the right addressee.

The furthering of students through the network was looked upon positively. However, it was stressed that due to the small numbers (4-5 students in international trade law this

year) activities such as moot courts would have a very limited audience. The situation is expected to improve after the establishment of a Law Faculty. The idea of a prize award for theses written by students was welcomed in order to stimulate research on the topics as well as the interest of students in private international law.

3.4. Structure of the network

According to the participants, the network should operate through national contact points in each Member State. Preferably, the national contact point should be a Committee with the participation of academics as well as judges and lawyers. However, the composition of the national committees would largely depend on the nature of the network. Academics would be better fitted to provide specialized expertise, while practitioners could provide reliable information on practical and/or procedural issues.

Everyday practice proves that it is very difficult for practitioners to provide information parallel to their usual workload but this also depends on the quality and quantity of information to be provided. A secretary and a researcher working together with the contact points are considered necessary. Funding would be needed in order to guarantee these two functions.

Due to the geographical position of Cyprus, any structure which would not be physically based in Cyprus would be considered inaccessible. The structure of an association seemed more suitable although the idea of a membership fee was considered a certain limitation for participation to the network. According to the participants, with regard to the information and services provided, all lawyers should have free access or access through the membership fees paid to the Bar Association. In this way, even small firms could be related to the network. Given the limited number of experts specialized in private international law and the limited number of academics, Cyprus should be treated as a special case.

According to the participants, most academics, experts and practitioners would be interested to participate in the network. However, this would depend on the obligations linked to the participation, the amount of information to be provided, the research that would be necessary etc. All participants agreed that cooperation between academics and practitioners should be ensured and a division of tasks could allocate research to academics and practical information to practitioners.

When the subject of languages was raised, it was considered that the more languages the network operates in, the more accessible it is. However, more languages would make the network more strenuous in terms of operation.

On the topic whether participation in the network could result in competition between different institutions, all participants agreed that this is not to be expected, and that everybody should participate provided they have the expertise.

4. Conclusions

- A clear lack of information does exist: Private international law is not a very developed discipline in Cyprus. Specialized literature and periodicals are hardly available, and there is no scientific discussion.
- A research network would therefore be necessary and it should contribute with conferences, seminars, publications, prize awards etc.
- The structure of an association would seem appropriate for the operation of the network but membership fees should not be a precondition for participation.