

Greece

Date: 21. December 2005
Location: CECL premises, Akadimias 43, Athens
Organised by: CECL and IPR Verlag

Number of experts invited: 30

Number of experts present: 11

1. Experts present

Dr. Apostolos Anthimos, Attorney at Law

Dr. Haris Meidanis, Attorney at law

Dr. Tatiana Papadopoulou, Legal Counselor, Ministry of Foreign Affairs

Giorgos Papageorgiou, President of the Court of First Instance, Contact point of the EJM

Anstasia Peristeraki, Judge at the court of appeals of Athens, Contact point of the EJM

Eythimios Preketes, President of the Association of Judicial Officers of the Appellate Courts of Athens-Piraeus –Aegean and Dodecanese

Prof. Dr. Harisios Tagaras, Judge at the Court of Public Administration, Luxembourg

Dr. Nikos Tsikrikas, Lecturer, Faculty of Law, University of Athens, Institute of Procedural Studies

Dr. Chrysa Tsouka, Special Scientist, Faculty of Law, University of Athens

Evangelos Vassilakakis, Professor of Public International Law, University of Thessaloniki

Elli Xenou, Former Director General, Ministry of Justice

Around 30 participants had been invited from Universities and especially International Law Departments, the competent departments of the Ministry of Justice, the contact points of the European Judicial Network in Greece, judges from first instance courts and appellate courts, lawyers specializing in private international law, notaries and bailiffs.

2. Agenda

1. Opening by Prof. Dr.Dr. h.c. Dimitris Th. Tsatsos
2. Presentation of the project by Dr Thomas Simons
3. Presentation of the main findings of the project on judicial cooperation by Prof. Dr.Dr. h.c. Dimitris Th. Tsatsos
4. Discussion

3. Report on the meeting

The meeting was opened with a welcoming note from Prof. Dr.Dr. h.c. Dimitris Th. Tsatsos, President of the CECL. He was followed by Dr. Thomas Simons, IPR Verlag, who made a presentation on the subject-matter of the study, the potential functions of the “Network”, possible types of “networks” and the main findings of the expert meetings conducted so far.

Dr. Apostolos Athimos then presented the main findings of the project on judicial cooperation which was implemented by the Thessaloniki Bar Association (presentation can be found in attachment).

3.1. Experience from previous networks and proposals for the European Research network

The judges present in the meeting presented their experience from the operation of the EJM. The EJM functions through contact points in each member state which provide and exchange information when requested. The operation of the network is considered successful; Cooperation is smooth because in the course of the years the contact points from different member states developed personal contacts and relations and continuity was ensured. The exchange of information by e-mail was important and is also synthesised when necessary in the meetings of the Network. However, the EJM is a closed network while the future network should be open. At the moment, proposals are being discussed about opening up the EJM to practitioners and the public, but this is not yet decided and in any case it should be accompanied by the allocation of funds. close

Other participants in the meeting described their experiences from participation in associations which involve all interested parties and cooperate directly with the European Commission. At national level, it was proposed to establish a commission involving all practitioners.

It was generally agreed that a European Research Network is considered necessary and the European Commission also needs academic input in this field. Regarding to the potential structure of the network it was proposed that this should be an institution because it would be stable and lasting.

It was highlighted that the Network should also develop and maintain contacts with existing networks and associations e.g. the European Lawyers Association. However, there should be clear delineation of competencies between the future network and the EJM and the added value of the future network should be identified and stressed.

3.2. Structure and mission/tasks/ activities of the Network

It was stressed that a main task of the Network should be the information and sensibilisation of practitioners who lack adequate knowledge on matters of community law. According to some participants a loose structure (reflection groups) would seem appropriate (like the Comité Français de Droit Privé) and contacts with similar committees in other member states should be established. Teams of researchers contributing to these tasks could be formed as well as reflection groups and committees. However, if the provision of detailed information to concrete questions from other member states would be a task of the network, then more stable structures should be provided. At the moment this is a competence of the EJN.

Other participants supported the idea that structures such as an institute would ensure stability, continuity and the duration of the network. But since such initiatives would take time an interim step could be to form a consultative committee composed of experts from the member states and practitioners. The function of this consultative committee could be to render opinion on the proposals of the Commission before submitted to the Council. The consultative committee could be combined with a network. This was the procedure followed for the Racism and Xenophobia Network which will now be transformed into a European institution for fundamental rights.

There was agreement that there are two main needs regarding the dissemination of information; a) dissemination of general information to the practitioners and especially lawyers and judges b) information and awareness of academic discussion going on in other member states. Dissemination should absolutely be one of the tasks of the network and especially combined with an information system allowing e.g. information on an interesting case in the ECJ versus Poland to be available at an early stage.

However, it was stressed that no matter how much information is made available there will always be gaps to cover. A lot of work should be done for dissemination of information at national level and a team of experts that would have the flexibility to address national needs easily should be encouraged.

The contribution of a future network should be also in the implementation of community legislation (many instruments face important implementation problems because the community legislator did not take into account the peculiarities of national legal orders) and parallel there should be a contribution in the production of new legislation in order to ensure that better legislation is produced.

Additionally, the network could function as a network of expertise also in practical cases and could correspond to the need of specialized information e.g. in cases where the law of one member state is applied and the parties do not have sufficient information.

The directory of experts could also contribute to the standardisation of expertise in this field. In this way e.g. experts providing training to judges, lawyers etc of acceding countries could be certified and knowledge to new member states could be efficiently streamlined.

3.3. Peculiarities of the situation in Greece

It was stressed that in Greece there are noted difficulties in ensuring adequate information of judges in issues of judicial cooperation in civil matters. The dissemination of information and assistance to practitioners is of importance. Additionally, relations between judges and the MoJ should be improved and judges from Supreme Court should also participate in networks because of their important role in producing jurisprudence. Any network should include both researchers and academics but also the MoJ as the entity responsible for channelling information to researchers.

3.4. Main points of agreement

The main points of agreement were the following:

- 1.The necessity and usefulness of a European Research Network
- 2.Overlapping with existing structures should be avoided and existing structures should be coordinated
- 3.The structure of the future network should not be heavy and bureaucratic
- 4.One of the main tasks of the network should be to address the need for dissemination of information

Athens, 21 December 2005

Maria Mousmouti.