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MISSION REPORT

following the mission of the Committee on Legal Affairs to Athens and Halkida, Greece, from 19 to 21 September 2016

Committee on Legal Affairs

Members of the mission:

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Introduction

The mission of the Committee on Legal Affairs to Greece follows on from a previous mission which took place in 2014, and was focused on three issues, namely the situation of the Greek justice system in the context of economic crisis, the effects of the new Code of Civil Procedure, and the ongoing establishment of a modern land registry system.

The mission was to two different places: Athens, where the committee met national parliamentarians, officeholders and civil servants, as well as academics; and Halkida, where the committee was able to gain an understanding of the functioning of the justice system in a provincial city outside Athens.

The members of the mission were accompanied by Alexander Keys (Secretariat of the Committee on Legal Affairs) and Haris Kountouros (Athens Information Office of the European Parliament), as well as by Evanthia Zissimides and Angeliki Papahadjopoulos (interpreters).

Summary account of meetings

The mission included six meetings in all.

1. Exchange of views on the new Greek Code of Civil Procedure with academics from the National and Kapodistrian University of Athens

The members held an exchange of views with Dr Stefanos-Spyridon Pantazopoulos (Assistant Professor of Civil Law) and Dr Dimitrios Tsikrikas (Assistant Professor of Domestic, International and Comparative Civil Law), both of the National and Kapodistrian University of Athens. After an introduction by the two academics which gave the members a good understanding of the changes brought about by the new Code of Civil Procedure, as well as the problems and challenges associated therewith, the discussion focused on how best to balance the desirability of speedier judicial decisions with the need to maintain the high quality of justice. Other issues touched upon were the facilitation of the enforcement of judgments, the European influence on Greek civil law and the use of information technology in the justice system.

2. Meeting with members of the Committee on Public Administration, Public Order and Justice and the Committee on Production and Trade of the Hellenic Parliament

The members were invited to the Hellenic Parliament for a meeting with members of the Committee on Public Administration, Public Order and Justice (responsible for the civil justice system) and the Committee on Production and Trade (responsible for the land registry). The Members of the Greek Parliament present were Antonis Syrigos (Chair of the Committee on Public Administration, Public Order and Justice, Syriza), Chara Kafantari (Chair of the Committee on Production and Trade), Spyros Lappas (Syriza), Charalampos Athanassiou (New Democracy), Giannis Lagos (Golden Dawn), Ioannis Gkiokas (Communist Party of Greece), Iason Fotilas (Potami) and Giorgos Karras (Union of the Centre). The debate focused on the differing views of political parties in Greece on the new Code of Civil Procedure and the manner in which it was adopted, and on the situation of the Greek justice

system in general, as well as on the progress made in establishing the land registry system. Matters of parliamentary immunity were also raised.

3. Meeting with the Minister of Justice, Transparency and Human Rights

The members met Nikolaos Paraskevopoulos (Minister of Justice, Transparency and Human Rights) at the Ministry. The minister was accompanied by Giorgos Papageorgiou (Judge at the Court of Appeal), Panagiotis Giannakopoulos (Director of the Minister's Cabinet), Georgios Karanikolas (Legal Advisor) and Chrysa Drydaki (Head of Department responsible for the cadastral system). Discussions focused on the difficulties inherent in operating and modernising the justice system at a time when budgetary resources are extremely limited. Mention was made of the various initiatives for improvement which were underway, including the insolvency system, the new land registry, and the increased use of information technology.

4. Meeting with the management of the Greek Land Registry

The members were received at the head office of the Greek Land Registry by Vyrion Nakos (President of the Administrative Council), Christina Klonari (Managing Director) and Dimitris Rokos (Director of Planning and Investments). The mission benefited from an extremely informative presentation on the long-term project to establish a modern land registration system in Greece. The project's ambition is demonstrated by the fact that the system is due to be operative across the entire country by 2020. The discussions focused on the importance of a reliable land registration system for legal certainty and for attracting investments, as well as for the protection of tax revenues and state-owned property. The difficulties in going from the registration of deeds by name only to a comprehensive land and ownership registration system were also addressed.

5. Meeting with judges at the first-instance court of Halkida

The members were received at the Halkida courthouse by Maria-Fani Palamidi, President of the Court of First Instance of Halkida, and a representative group of judges of that court. Discussions focused on the material conditions of the Greek justice system, and in particular on the lack of judges and support staff. Judgment times were currently too long, but could be improved with increased means and the use of information technology. With regard to the new Code of Civil Procedure, it was noted that it was too early to evaluate the new rules as a lawyers' strike had considerably delayed its effective implementation. Reservations were expressed as to the new provisions on the hearing of witnesses in civil cases, as such hearings could be essential in some cases.

6. Meeting with members of the Bar Association of Halkida

The last meeting of the mission was with the Bar Association of Halkida, represented by Lampros Ganis (President), Dimitrios Gkikas (Vice-President), Eleni Thalasinou and Nikolaos Anestis, in the Bar Association's premises in the courthouse, and in the presence of a news team from the local television. The debate concerned the material conditions of the justice system in Greece, in terms of premises, staff and computer equipment, as well as on the new Code of Civil Procedure. The need to move towards greater use of mediation and alternative dispute resolution was also discussed. Tadeusz Zwiefka, as leader of the mission, thanked the President of the Bar Association for the invitation to dinner in Halkida, and

invited representatives of the Bar Association of Halkida to Brussels to attend an upcoming meeting of the Committee on Legal Affairs.

Conclusions

The mission was successful in terms of understanding the current situation of the Greek civil justice system, the implications of the new Code of Civil Procedure and the ongoing establishment of a modern land registry system. In particular, the following conclusions could be drawn:

- the new Code of Civil Procedure represents an attempt to speed up civil court cases by streamlining various aspects of procedural law;
- it was too early to assess the impact of the new Code of Civil Procedure owing to the delays brought about by the strike of the legal profession;
- the Greek civil justice system's main need was for greater means, which would allow the hiring of an appropriate number of staff and the greater introduction and use of information technology;
- the ongoing establishment of the land registry system was extremely valuable, as it would ensure the legal certainty of property ownership; and
- adequate funding should be ensured for the completion of the land registry system, as the ambitious project provided for all land parcels to be registered by 2020.