



## ΠΑΓΚΥΠΡΙΟΣ ΔΙΚΗΓΟΡΙΚΟΣ ΣΥΛΛΟΓΟΣ CYPRUS BAR ASSOCIATION

### **EPK COUNTRY REPORT 2023 – THE CYPRUS BAR ASSOCIATION**

In 2023 the Cyprus Bar Association's main focus will be on several issues. The most significant ones are emphasised below. For a more comprehensive and detailed version of the report, click on the following link: [https://www.cyprusbarassociation.org/images/CBA/CBA\\_ANNUAL\\_REPORT\\_2022.pdf](https://www.cyprusbarassociation.org/images/CBA/CBA_ANNUAL_REPORT_2022.pdf)

#### **Digitalisation of Justice and legal proceedings:**

Following extensive discussions with the government the Cyprus Bar Association (CBA) has provided them with its knowhow about electronic filing of the legislation and all the court cases, and for lawyers' better convenience the CBA had, in close collaboration with the Deputy Ministry of Research, Innovation and Digital Policy, managed to develop i-justice system (digital filing of court docs), which is in force since February 2022. Lawyers, court officers, judges and court administrators had been trained during 2021 to be able to use it confidently and trustfully as part of their everyday works. For this reason, we had established during 2022 help desks to assist the lawyers, in case they have an inquiry on the use of the system.

E – justice is the next step to achieve this aim and move forward with the digitalization of Justice and legal proceedings. The CBA had reviewed the existing computerized mode and replace it in order all the documents to be filed electronically to the courts like other EU countries already do i.e Malta, Austria, Estonia. It will soon be launched as it is in a process of finalization and its use will be horizontal and direct to all interested parties.

#### **Digitalisation of services provides by the CBA:**

The CBA services were provided with physical presence. Since 2022 we are in the process of transforming all the services provided by the CBA into electronic/digital form as part of the advancement of the Bar and the assistance to our members. The events and meetings are mainly held virtually through online platforms and or hybrid with both physical and virtual attendance. The lawyers were rapidly accustomed to using the various systems and our electronic services and the staff was ready to assist them when facing an issue and guide them accordingly.

## **REFORM OF JUSTICE**

### **General Overview of the latest developments:**

On July 14 2022, the Plenary of Parliament passed the Bills for the reform of justice, following the passing of the Bill to amend the Constitution, which paved the way for the passing of the other two Bills namely the Administration of Justice (Miscellaneous Provisions) Act 2022 and Courts Act 2022.

As a result, the Cypriot legal order has now acquired a powerful arsenal to improve the quality of judicial decisions as well as speed up procedures in the appellate and higher jurisdictions.

In addition, it is expected that 10,000 – 15,000 litigants who face issues of delay in the adjudication of their appeals will be benefited as the adjudication time of these delayed appeals is expected to be reduced to approximately three years. Thereafter, it is expected that appeals will be processed in the new Court of Appeal at a rapid pace.

The judiciary acquired a new Supreme Constitutional Court, a new Supreme Court for criminal and civil cases and for the adjudication of prerogative writs as well as a new Court of Appeal with three legal Divisions: Criminal, Civil and Administrative. Furthermore, the possibility is provided to the citizen, whenever a novel issue of constitutionality arises, to have this issue resolved/decided by the Supreme Constitutional Court directly.

All new courts will be staffed by experienced judges, experts in the field in which they will appear and decide. Specialization will impact the speed and quality of the decisions in the medium and long term.

In addition, a new Advisory Council is created which will provide the President of the Republic of Cyprus with the option of choosing for each vacant position among three candidates. The new Supreme Judicial Council's decisions on appointment and promotions will be subject to annulment by the new Supreme Constitutional Court. The Attorney General, the President of the CBA and two experienced Advocates, without having any voting rights, participate in these two bodies and their contribution is expected to enrich the institutions.

The CBA did not act adjunctively in the matter of reform but played a leading and significant role in the preparation of the Bills and participated in numerous consultations and discussions with various authorities and departments, including the Minister of Justice, the Supreme Court, representatives of the parliamentary groups and representatives of the Attorney General's Law Office.

The CBA will constructively continue to work for the overall modernization of justice and in this direction promotes the reform of the District Courts. We have specific proposals and opinions which we have already put before competent bodies of the European Commission and the Council of Europe and to this end we are preparing specific legal proposals for the reform of the entire spectrum of justice including the proposal for ODR (Online Dispute Resolution), training for the brand-new Civil

Procedure Rules and enhancement of the promoting efforts to resolve disputes through the Cyprus Arbitration and Mediation Center of the CBA.

### **Reform of Advocates' Law:**

The reform committee of the CBA had prepared a new version of the existing legislation with amendments that will help and upgrade the works of the Advocates and the existing practice. The CBA is working closely with the House of Parliament, the Ministry of Justice and the Law Commissioner and we are in constant discussions regarding the amendments. We have now amended the law to accommodate also virtual meetings of the Bar Council, and for the renewal of the advocates license to be held electronically. We are in the process of acquiring the rights of keeping the registry of Lawyers – practicing and non-practicing. Also, we are examining the possibilities of amending article 6C of the Law which regulates the Companies run by Lawyers.

We have currently re-examined the ethics code of Advocates and we are discussing on deleting and or amending existing articles so as to meet the new digitalized era.

### **New Civil Procedure Rules:**

Also, as part of the reform of Courts, the new Civil Procedure Rules have been finalized and both Advocates and Judges have been trained and/or are under training to become familiar with the new era, given that they will come into force in September 2023. We are in the process of developing a new platform which will give our members the ability to participate in Off-the-shelf eLearning course in order to be trained and being constantly informed about the new Civil Procedure Rules. Thus far the training had been held in English with only one general training being held in Greek. The aim of this course and of the new platform is to have the Greek version of the training as well as to being able to constantly update and inform our members and train them accordingly. We have schedule 5 online training programs in Greek and a two-days practical training where the participants will be trained on the practical matters and will work with examples of everyday issues.

### **Supervisory Authority for Anti – Money Laundering & Financing Terrorism:**

The CBA is the regulatory authority of the lawyers in Cyprus, supervising more than 4300 lawyers, 1330 ASPs and 780 LLCs. The AML Department consists of six members that are specialised in the field of AML. A head of the department has been recently appointed, aiming for better coordination and maximisation of the outcome of the department and ensure that the department meets the highest possible standards. The department mainly performs onsite and offsite audits, provides guidance and annual training to our members through online seminars with regards to AML and participates in the modernisation and update of the current legislation and practices, in cooperation with the other regulatory authorities, the FIU and the relevant public bodies.

On August of 2021, CBA proceed with agreements with professional providers for enhancement of current methodology on Risk Assessment and implementation of automatically/electronic system AMLEX365 for Institutional Risk Assessment for AML/CFT purposes. The project is expected to complete in February 2023.

On 22.03.22 CBA issued Circular 01/2002 regarding the Restrictive Measures of the UN Security Council Resolutions (Sanctions) and the Decisions and Regulations of the Council of the European Union against Russian and Belarus over Ukraine. Furthermore on 05.04.22 the CBA to give guidelines to its members for the above Circular issued a Manual with answers to frequently asked questions. Specific training seminars for sanctions has been organised by the CBA so as to support and guide our members to successfully comply with the imposed sanctions. In respect of the above CBA cooperate with the Global Organization K2Integrity in order to provide to its member access to the program Certified Risk Management Specialist – Russia Sanctions (CRSM-RS). The officers of the AML Department completed successfully the above program and as of July 2023 are considered certified Sanctions Experts in Russian Sanctions.

CBA in order to comply with the legislation regarding the cooperation and exchange information with other Supervisory Authorities, proceed with the signed of Memorandum of Understanding with ICPAC, which is the Supervisory Authority of Certified Public Accountants in Cyprus. Both Supervisory Authorities, cooperated with International Compliance Association, to provide to their members certification in AML.

### **Justice for All:**

On September 1<sup>st</sup> 2022, the program “Justice for all” was launched. The right of each person to free access to justice it is sacred and non-negotiable. In a modern, democratic and progressive society, for this right to have meaning and content, first and foremost all citizens should be able to have access to a lawyer. Thus, the main goal of the program is to ensure equal access to a lawyer and, by extension, to justice for all the citizens who are unable to do so. The Cyprus Justice for All Network (CJfAN), a new body controlled and supervised by the CBA, will be responsible for the operation and management of the program. The philosophy behind the operation of this program is to have walk in service centres and a network of volunteer Advocates who will offer their services pro bono.

### **C.A.M.C.**

The Cyprus Arbitration and Mediation Centre (“C.A.M.C”) is a dedicated ADR Centre. CAMC sits in the premises of the Cyprus Bar Association headquartered in Nicosia and is formerly known as the Cyprus International Arbitration Centre. CAMC’s objective is to promote and facilitate the efficient resolution of disputes throughout Cyprus and internationally by arbitration and mediation, with the aim of delivering neutrality of process, enforceability of outcome and commercial privacy to parties in dispute. We eliminate delays and keep a lid on costs. That’s what ensures our clients keep coming back to the CAMC. We are confident that the CAMC is a suitable venue for clients to resolve their disputes.

The administrative services of CAMC provides for the appointment of mediators and arbitrators, setting hearings and providing users with information on dispute resolution options. CAMC was established for filling the gaps in the absence of an arbitration court. Due to the absence of arbitration rules in Cyprus, CAMC has been inspired by

the United Nations recommended rules, which are commonly referred to as the UNCITRAL Arbitration Rules, in order to draft its institutional rules.

CAMC aims to be Cyprus' premier forum for commercial dispute resolution, by providing arbitral rules, which draw on the latest innovations in international arbitration best practise and a dedicated secretariat which facilitates the efficient and impartial administration of arbitration and mediation proceedings. The Centre also aims to be a vocational training centre about arbitration and alternative dispute resolution in general by organizing seminars and training programs. CAMC success is founded on its commitment exceptional but cost-effective service, tailored to the specific needs of each case.

### **Publications:**

“Νομικό Βήμα (Nomiko Vima)” was re-released in electronic form with the aim of being a useful tool for the lawyer, the law student as well as for anyone interested in the legal content. An essential requirement for the success of this goal is to enrich each edition with articles. Those articles will cover a wide range of topics and will be in correspondence and alliance with the main areas of law and the pressing issues.

### **Social Responsibility:**

The CBA, in the context of the Social Responsibility, which was adopted and incorporated to our policies last year, proceeded to create:

- Scholarship Fund, with the establishment of a new Limited Liability Company by Guarantee with the name "Cyprus Bar Association Scholarship Fund". The Scholarship Fund issues Regulations for the definition and operation of a mechanism for selecting suitable candidates for the purposes of providing a scholarship as well as for the annual monitoring of the progress of the scholarship holders and/or regulations governing the scholarships, at its sole discretion, with the sole reservation their compliance with the purposes of the Scholarship Fund and its mode of operation.
- Common Perception Action of the CBA to strengthen gender equality and combat gender discrimination in the legal workplace". This action is an attitude of responsibility of the employers towards their employees/lawyers, with benefit both for their own organization and for the legal community of our country and especially the vulnerable groups of colleagues.