

Country report-Developments in the Greek body of Lawyers in 2017

Greek Lawyers in 2016 experienced a veritable attack as regards both their revenues, as well as their professional life. With law 4387/2016 which entered into force on 01.01.2017 along with the existing income taxation, up to 80% of their annual revenue has been committed. This bill flagrantly violates the principles of both domestic and EU law. CCBE at the request of Greek lawyers has sent a letter of complaint toward the Greek Prime Minister Alexis Tsipras, to which they received no response. Greek lawyers during the years 2016 and 2017 proceeded with all necessary steps both before Greek Courts and before the European Organizations against this Law. The Bar Associations have brought an action against the Decree implementing the Law before the Council of State (plenary session) during a hearing on 06.10.2017 and the decision is pending. It was demonstrated that the taxes and social insurance contributions (29%-45% tax, 37.95% contribution, business tax, abolition of tax allowance, advance tax payments up to 100%) substantially exceeds the threshold that safeguards a dignified standard of living.

Furthermore, actuarial studies suggest the occupational pension schemes (for supplementary pension and welfare allowance) so that the administration and the management these classes of insurance can be undertaken by Bar Associations.

Apart from the abovementioned developments there was also another disappointing development on the Greek government's initiative.

Law no 4251/2018 on mediation has been tabled and adopted despite the strong objections of Greek Lawyers as regards the institution of compulsory mediation. This initiative contravenes both the provisions of the Greek Constitution, as well as the provisions of European law since it obstructs access to justice because it provides for the mandatory recourse to mediation, which is now a prerequisite in order to proceed with legal recourse. This law thereby increases the cost of access to justice, especially for those who are economically challenged.

Another crucial issue that has concerned the body of Greek Lawyers is that of granting asylum to the eight (8) Turkish officers who fled to Turkey after the coup d' etat. After an irrevocable decision issued by the Greek Supreme Court that was issued by the Greek Supreme Court the extradition request by Turkey was rejected since the requirements for extradition that needed to be fulfilled according to European Law were not met.

The Greek government has proceeded with various legal actions to prevent the granting of asylum through the administrative Courts. Since Greek lawyer stand firmly in favor of the safeguarding human rights as well as the guarantee of lawfulness it is self-evident that this should not apply in this case. Furthermore, Greek lawyers have defended democratic advances in Greece ad worldwide at great cost. This is what causes them to demonstrate their solidarity to the Turkish lawyers who suffer prosecution by the Turkish authorities. Greek lawyers are in solidarity with every effort to protect democratic achievements and fundamental freedoms. They also promise to defend their Turkish colleagues at any cost.

For the Athens Bar Association

The President and Head of Greek Delegation in CCBE

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