



## **CYPRUS BAR ASSOCIATION**

### **REPORT FOR VIENNA MEETING 2022**

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## **50th European Presidents' Conference 09 – 11 June 2022**

### **Introduction – History**

The Cyprus Bar Association (“CBA”) is the professional body of over 4000 Advocates/members. The CBA was established under the Advocate’s Law Cap.2 in 1960 and it has been operating since then. It regulates all the registered members. In Cyprus, Advocates are expected to deal with any and all legal matters and therefore, we do not categorize them according to specialization.

### **The Cyprus Bar Council consists of:**

- ▶ The President, who is elected at the General Meeting of the Bar Association, taking place every three years;
  - ▶ The Chairmen of the District Bar Associations;
  - ▶ One member from each District elected as representative at the Bar Council;
  - ▶ Four members elected at the General Meeting of the Bar Association;
- The Attorney General is also considered as the honorary President of the Bar Council.

The meeting of the Bar Council takes place at least once a month. The last elections to take place were in October 2020 and a new council was then elected and constituted. The next election will be in October 2023.

### **The day-to-day services provided by the CBA are:**

- ▶ Online services i.e., registration payment of fees etc.;
- ▶ Renewal of Advocates’ annual License;
- ▶ Registration of European Lawyers;
- ▶ Supervisory Authority for Anti-Money Laundering (AML) purposes;
- ▶ Extra judicial Committee;
- ▶ Organization of seminars and conferences for CPD purposes.

### **The departments have been restructured and a new structure has been constituted as follows:**

1. Administration – Renewals – Certificates
2. Pension Fund
3. AML Supervision
4. Cylaw
5. Extra Judicial committee
6. CAMC – Center of Arbitration and Mediation in Cyprus
7. Trainee Advocates Subsidy Program

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**The official registries kept by the CBA are:**

- ▶ Lawyers Registry (approx. 4200 to date)
- ▶ LLC Registry (approx. 970 to date)
- ▶ Trusts Registry (1329 to date)
- ▶ Administrative Service Providers (ASP) Registry (approx. 1300 to date)

At first, all the necessary work including administrative matters, was done voluntarily by the members of the Board and the President's office. In 1992 the Board decided to hire a full-time employee and today the CBA has in total 19 employees. Consequently, the new additions to the staff and the fresh ideas, helped the CBA to upgrade its services, make them more user friendly and mostly digital. This shift towards the electronical implementation of the systems and digitalization was the aftermath of the pandemic.

It should be noted that the CBA has a close collaboration with the International Bar Association (the "IBA") and the Council of Bars and Law Societies of Europe (the "CCBE"), as well as the European Lawyers' Foundation ("EFL"), and every year we try to become even more active within Europe. In addition, we aim to enhance our members' knowledge and understanding on European Law which will ultimately benefit our members' clients.

**Main day-to-day activities of the CBA are:**

- The renewal of the annual license of the practicing lawyers;
- Registration of new members and European lawyers;
- Regulation and supervision of our members in relation to anti money laundering procedures and provision of fiduciary services;
- Keeping of registries updated (lawyers' company registry, administrative services providers company, memberships, trust registry etc);
- Circulating all the relevant legal information through newsletters;
- Provide daily updates and upload any new legislation or cases issued through CyLaw, the established search engine we have created, freely accessible to everyone;
- The organization or co-organization of conferences and training programs,
- To represent the lawyers in Parliament or in any other organizations in Cyprus or abroad;
- Members of the IBA and CCBE as well as having close relations with various embassies.

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## **Websites**

[www.cyprusbarassociation.org](http://www.cyprusbarassociation.org)

- ▶ Registries
- ▶ Announcements – News – Circulars
- ▶ Seminars – Conferences
- ▶ Job Vacancies
- ▶ Links

[www.cylaw.org](http://www.cylaw.org)

- ▶ Legislation
- ▶ Cases – Supreme & District Courts
- ▶ Open to public

We have redesigned and upgraded the website with all the needed information for Lawyers and clients. <http://www.cyprusbarassociation.org/index.php/en/>

***"There is nothing permanent except change," said Heraclitus, the great philosopher of eternal evolution. And indeed, everything changes, whether we want it or not. Change is not only necessary for life. It is life itself. Because life, by its very nature, is all about change.***

## **Continuous Training**

The CBA has decided, further to the implementation of Regulation 386/2017 as published on 24th of November 2017 in the Government Gazette Par. III(I) No 5050, to declare the continuing professional development (CPD) as compulsory.

For the year 2022, the requirement for Advocates is to complete 8 hours non-accredited and 4 hours of accredited courses, and this is a requirement for the renewal of the annual practicing license.

The CBA developed the infrastructure to support the Regulation, by creating a new website for organizing and announcing conferences, seminars, speeches etc. The CBA is in close cooperation with local universities, District Bar Associations, as well as private training centers.

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Due to the pandemic, the CBA has managed to provide our members with the access to education and continuous development through virtual events and seminars. Specifically, in 2021 we have organized approximately 60 seminars and so far in 2022, we have organized 15 conferences and seminars, some of which we were able to hold with a physical presence.

### **Statistics**

The table below shows the number of registered lawyers during the years 2008 to 2021.

<b>Year</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>
<b>2008</b>	812	1,114	<b>1,926</b>
<b>2009</b>	836	1,131	<b>1,967</b>
<b>2010</b>	909	1,179	<b>2,088</b>
<b>2011</b>	1,012	1,276	<b>2,288</b>
<b>2012</b>	1,151	1,291	<b>2,442</b>
<b>2013</b>	1,347	1,400	<b>2,747</b>
<b>2014</b>	1,527	1,467	<b>2,994</b>
<b>2015</b>	1,663	1,523	<b>3,186</b>
<b>2016</b>	1,824	1,603	<b>3,427</b>
<b>2017</b>	1,974	1,731	<b>3,705</b>
<b>2018</b>	2,055	1,738	<b>3,793</b>
<b>2019</b>	2,254	1,820	<b>4,074</b>
<b>2020</b>	2,366	1,864	<b>4,230</b>
<b>2021</b>	2,444	1,919	<b>4,363</b>

Since 2008, the local colleges and universities have begun to provide the opportunity to study law and we have observed that since then, more people have decided to study law. As can be seen from the table above, in the year 2011-2012 the CBA registered about 500 more members whereas, on average the CBA has about 250-300 new registrations annually.

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We encourage our members to employ young advocates in their law firms in order to keep them in Cyprus and eliminate the phenomenon of forcing them to move abroad due to unemployment and or discriminatory treatment.

Not only in Cyprus but worldwide, a law degree is considered by the public opinion as one of the most attractive first degrees. The increasing number of young people registered each year as trainee advocates and the establishment of new law schools are proof of this consideration.

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## **Reform of Advocates Law**

The reform committee of the CBA have 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 in close collaboration with the Parliament, the Ministry of Justice and the Law Commissioner and we are in constant discussions regarding the amendments. Furthermore, we have already amended the law to accommodate virtual meetings of the Bar Council, and to allow for the renewal of the Advocates license to be held electronically. We are currently in the process of acquiring the rights to keep the registry of Lawyers – practicing and non-practicing. Finally, we are examining the possibilities of amending article 6C of the Law which regulates the Companies run by Lawyers.

## **Supervisory Authority for Money Laundering**

The CBA is the competent authority for the professional activities, including trusts and administrative services of Lawyers, company of Lawyers (LLC), partnerships and limited liability companies owned 100 % directly or indirectly by Lawyers (ASPs) under article 59 (1) (e) of the Prevention and Suppression of Money Laundering Activities Law of 2007 (L.188 (I)/2007) as amended.

The CBA, as regulator and supervisor of the legal profession, exercises its monitoring functions for AML/CFT matters via onsite visits and customer file reviews based on a risk-based methodology in order to ensure that regulated entities of CBA are complied with the criteria set out by the provisions of the relevant AML/CFT Law and Regulations.

In order to ensure a more effective supervision across all of its members, the CBA established an Independent Supervisory Unit (AML/CFT Supervisory Department) in 2012 staffed by five (5) Supervisory Control Officers, who conduct the onsite visits to all members who are subject to the AML/ CFT Law.

The CBA is a member of the Advisory Authority for AML/CFT matters and as such has actively participated in the transposition of the 4<sup>th</sup> EU Directive regarding AML/CFT matters to domestic law. The CBA has also been participating in the national risk assessment of Cyprus and the supra-national risk assessment on Anti-Money Laundering and Counter Terrorist Financing measures conducted by the EU Commission. Moreover, CBA has taken part in the Troika evaluations in 2013 that set the legal framework regarding AML/CFT matters. It also participates in various delegations, e.g., MONEYVAL.

As part of its supervisory role, the CBA is regularly delivering seminars to its members within the scope of continuous education.

## **Training of trainee lawyers**

In 2017 we have introduced the “Subsidy Project for Trainee Advocates” which is co-funded by the European Union and the Republic of Cyprus, entitling the CBA as the beneficiary of it. This project applies to Trainee Advocates who are up to 29 years old, who are out of employment, education or training, in order to accomplish their legal training

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as required by the Advocates Law Cap 2. The Trainee Advocates who will participate to this project will be entitled for the period of their training a monthly allowance of 650 Euros.

The main objective of this project is to generate the proper surroundings that will facilitate the efforts of young law graduates to carry out the required training, aiming on ensuring their registration in the Register of Advocates of the Supreme Court, as well as for the effective completion of the aforementioned training.

Since the 1<sup>st</sup> of September 2017, 2050 trainees have been approved for the project and 1648 of them have been duly completed their legal training. It has to be noted that during the period of their training, three officers have been employed for this program and are monitoring the improvement of the Trainees through on site visits to their premises as well as through phone calls and a report of their tasks each month. The subsidy project had originally been extended until the end of December 2023 with an extended budget of 6 million Euros, and following this, a new period of the project has been approved for the period 2024 – 2027 to accommodate approximately 1200 Trainee Advocates.

### **Establishment of new Courts**

For decades now, the CBA and was supporting and suggesting the establishment of the Administrative Court and we are now optimistic that this development will result to the fast and correct administration of justice. It will definitely decongest the Supreme Court which was faced with a large volume of cases. Since January 2016, 2007 cases have been concluded before the Court.

### **Court Reform and Training of Judges**

The problems of the courts are not newfound. However, the banking crisis increased to such a great extent the number of court cases, that it resulted in long delays and the long-standing weaknesses and judicial shortcomings of our judicial system were manifested more prominently. The first stimulus for reforming the Courts system came from the Troika.

The Supreme Court, despite the economic crisis and the drastic reduction of its budget, did not hesitate. With the encouragement of the SRSS, the European Commission's Structural Reform Support Service, it decided to apply for Technical Assistance in the introduction of the necessary reforms. But the existing problems had first to be identified and then codified.

On 27 March 2018, the Experts from the Institute of Public Administration of Ireland (IPA) presented their 228-page Report to the Supreme Court in Nicosia. The Report, all the Speeches and the Announcement issued by the Supreme Court, can be found online.

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. The Commercial Court has been established and the Parliament has voted for the optional use of English language in its proceedings, which is an enormous step forward for the legal system in Cyprus.

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## **Covid-19 Pandemic**

The Covid-19 Pandemic was one of the most difficult challenges that the CBA had to face. The CBA, prior to Covid-19 was investing on technological advancements with some hesitation. The Advocate Members were reluctant to explore and/ or get used to using new alternatives. The pandemic had changed our lives and the way we operate as an Association drastically. It forced all of us to adapt to new norms in order to continue to be productive and effective under these new circumstances.

The CBA staff had to become acquainted with new advancements such as transforming all the services provided by the CBA into electronic and/or digital form. Moreover, the staff has been equipped with laptops to work on rotation from home. Events and meetings were, and largely remain to date, held virtually through online platforms. Similarly, our Members were rapidly accustomed to using the various systems, to acquaint themselves to our electronic services and our staff was ready to assist them along the way.

This year the restrictions have been limited, which enables us to go back to the usual ways we had operated before. However, following our Members recommendations and the efficiency of the electronical systems, we decided to keep these relevant services running as they are easier and more convenient for both the staff and the lawyers.

## **Events and Conferences**

- Advocacy Training
- English Cypriot Law Day
- Lawyerex exchanging of young lawyers in other member states
- CrimiLaw
- Civilaw - Training of Lawyers on EU instruments in Insolvency Law and Family Law
- DAC6 - Training of Lawyers of the EU Directive on cross-border Tax Arrangements
- Slynn Foundation Training - Case Management: listings, wellbeing, and mentoring
- Common Law In Europe (16-17 June 2022)

## **Measures**

- The modernization of the Criminal and Civil Procedure Rules will enter into force in September 2022 in order to make the justice system more efficient. Although originally the Supreme Court had amended merely two of the Civil Procedure Rules, the CBA requested for the modernization of all the rules, as this will improve drastically the justice system making it more efficient and reliable. The new set of rules have been evaluated and decided and the final version will soon be published and implemented.
- Stenotype is another key pillar in optimizing the speed and effectiveness of administration of justice and it will constitute the introduction of modern technology in the Courts.
- E – justice: we have reviewed the existing computerized mode and replace it in order for all the documents to be filed electronically to the Courts in the way

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- multiple other EU countries already have implemented i.e Malta, Austria, Esthonia. 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.
- Following extensive discussions with the government, we have provided them with our knowhow about electronic filing of the legislation and all the Court cases, in close collaboration with the Deputy Ministry of Research, Innovation and Digital Policy, for the purposes of facilitating the transition from physical Court filing to electronic filing, we have developed the i-justice system, which is in force since February 2022. Lawyers, court officers, judges and court administrators had been trained in 2021 to be able to use it confidently and trustfully as part of their everyday works. For this reason, we have established help desks to assist the lawyers, in case they have an inquiry on the use of the system.
  - CBA's expertise helped the Registrar of Companies. Following considerable consultations, their systems have been upgraded, to a user friendly and efficient website, and as it stands today, it takes less than four days to register a new company. We are still participating in the special Committee under the supervision of the Ministry of Commerce.
  - A special Committee of the CBA is currently reviewing the legislation of the Companies Act Cap 113, and examining the possibility of amending the current legislation, to make it more coherent and in alignment with the new developments, especially following the pandemic.

All of the abovementioned points have been included in the Mission Strategy which we are working on, in collaboration with the Ministry of Justice, to modernize and optimize all matters with regards to the administration of justice in Cyprus. Being a member of the Council of the European Bar Associations has provided us with examples and ideas on how to improve our services, as well as the services our Members and Advocates of Cyprus provide.



**Dr Christos Clerides**

**President**

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## European Rule of Law

### Mechanism: Input from Member States

#### I. Justice System

#### A. Independence

##### 1. Appointment and Selection of Judges and Court Presidents.

Judges are appointed from Advocates-first appointment with 6 years practice, section 6(1) Law 14/60. The six-year period or practice may be increased in the future.

For senior appointments to the position of Senior District Judge, President or Judges of the Supreme Court, steps are being taken to improve the system to enable senior advocates to fill vacancies. These include the establishment of a new Judicature Council that will include judges from all Lower Courts, the Attorney General and the President of the Cyprus Bar. Incentives must be provided to advocates to apply such as securing their pension and contributions to the Advocates Pension Fund. In addition an Advisory Council for appointments to the Supreme Court which will advise the President is in the making. It includes Attorney-General and President of the Cyprus Bar. In the new legislation reference is made to the need to enrich the judiciary with experienced advocates at all levels. **It is crucial for the Judiciary to open senior judicial appointments to experienced advocates.**

**As a measure to facilitate the enactment of the three bills before Parliament for the reform of the judiciary and in order to remove objections as to the participation of non judges in the New**



**Judicature Council the Attorney-General and the Bar Council agreed with their participation as above with no right to vote. In order to further comply with the latest opinion of the Venice Commission they also agreed with their participation in the Advisory Council without the right to vote.**

**3. Promotion of Judges. See above A1. It is important to open in practice the Judiciary to qualified advocates.**

**4. Independence of Judicature Council.** In accordance with the Greco Report in order to avoid cronyism Judges members of the Council should be chosen from all ranks. The composition of the Council of Judges of the Supreme Court will now change as above and will include the Attorney General and the President of the Cyprus Bar Association **without the right to vote (see above)** and of judges of all ranks.

**5. Independence of Judicature Council. See above A1 and 4.**

**6. Disciplinary Regime**

For lower Court judges The Disciplinary Council consists of the 13 Judges of the Supreme Court who decide on the investigation of complaints, charges and hearing of the matter. We understand that after the case of the ECHR, *Kamenos v. Cyprus*, amendments shall take place.

Under the new proposed amendments, a new Court structure is envisaged namely a separate Constitutional Court and a Supreme Court for civil and criminal cases. Members of each Court will check each other for disciplinary matters. This constitutes a substantial improvement. For Lower Courts discipline will be enforced by the new Disciplinary Council consisting of judges of the Supreme Court.

**8. Independence/autonomy of the prosecution service**

The Office of the Attorney-General is considered expressly under the constitution to be independent. The President appoints the Attorney General who under the constitution holds office until the age of 68 unless

removed by the Supreme Court Council for Disciplinary matters. He is under the Constitution the legal advisor and lawyer of the Government. There is no independent, Director of Public Prosecution Service. This may be considered as desirable in the future.

## **9. Independence of the Bar**

Independent and non-political. Steps have been taken to enhance disciplinary mechanisms, AML and KYC mechanisms. Investigations have become more efficient as a result of the amendment of Advocates Law Cap. 2 recently, Section 16. The AML unit of the Bar Council is under constant training and enrichment with forensic fraud experts. Fines are on the increase and disciplinary proceedings strengthened.

## **10. Perception of Independence of the Judiciary**

The Supreme Court amended its rules as to Conflict of interest and adopted the Bangalore principles for judges. This is an improvement towards the right direction.

### **B. Quality of Justice**

## **12. Resources of the Judiciary.**

The Government needs to increase its budget on matters affecting the Court system in general. Technologically wise the system still needs to be improved. District Court of Nicosia Buildings are deplorable. Plans for a New Court, 3-5 years from today are in place. Meanwhile steps are being taken to improve the situation as a result of efforts of the Cyprus and Nicosia Bar.

## **13. Training**

Needs to be increased. A Judges School is now in operation but is run by Judges for Judges. It is not enriched by experienced advocates, academics and others. It does not cover areas prior to judicial



appointment. Also does not offer an examination procedure for appointment or promotions. There is room for improvement and rethinking of the matter.

#### **14. Digitalisation**

An interim i-justice is in the process. Many difficulties encountered especially in relation to the inability of the Courts and Registries to run in parallel the system with physical filings as interim stage. The initial demand was for i-justice to be applied forthwith without in any way parallel operation of the Registries. This led to Parliamentary Opposition. Parliament enacted a law to give 12 months for the working of the two systems in parallel. The Attorney-General and the Judiciary are of the view that the law is unconstitutional as this is a matter within the exclusive domain of the judiciary. Parliament argues that it relates to access to justice for all and therefore it can regulate it. The Bar Council agrees. President of the Republic has referred the matter to the Supreme Court. Efforts are being made to find a compromise between the Cyprus Bar Council and the Supreme Court. The former now proposed for the parallel working of the two systems for a reasonable period. A compromise seems to have now been found. **The Supreme Court has decided that the matter of electronic justice and its regulation falls within the exclusive domain of the Supreme Court as a procedural matter. The Bar Council strongly urged the Supreme Court to introduce Distant hearings in all hearings at all levels where evidence need not be heard. This can commence forthwith. As from February this year i-justice will be mandatory for all new cases but not for old. A new regulation in place allows electronic communication with the court. This is a substantial improvement. Action needs to be taken in relation to the filing of documents electronically relating to the pending cases.**

## **Introduction of digital recording of proceedings pending.**

E-justice which will include teleconference with judges will not be introduced for another two years.

During the pandemic registries and Courts were open for urgent matters in March-April 2020 and January 2021. The lack of e-justice was devastating for all players in particular advocates during this period. All throughout March 20-21 Courts were operating in a very restraint manner due to the general restrictions imposed by the Ministry of Health and the Supreme Court as a result. Courts and Registries were declared as essential services **as well as** advocates **and** their offices **now**. Restrictions were imposed despite protests of the Cyprus Bar Council. An obligatory rapid test was imposed on lawyers and staff.

## **C. Efficiency of the Justice System**

### **17. Length of Proceedings**

Two tier system: On average 4-6 years first tier and six years for the appeal. Total 10-12 years. The amendments proposed by the recent — March 2018 Report of the Institute of Public Administration of Ireland, the Commission and the Council of Europe, are in the process of being introduced. Three Bills for restructuring of the Supreme Court, the creation of the Appeals Court, a new Judicature Council are expected to be enacted April 2021 with full effect from 1.9.2021. Courts Services Institution planned for Sept. 2022. District Court for trial of Civil cases and backlog of some 40,000 cases, still not dealt with sufficiently despite increase of number of Judges. Need for creation of specialised divisions of District Court and specialisation



at all levels, will increase speed and quality. No reform of the District Courts planned yet.

New Civil Procedures rules will be difficult to implement in view of the backlog, but their introduction will improve the situation. Partial introduction expected 2022. **The Bar Council made recommendations attached for the improvement of the administration of justice at the lower level attached hereto and for the effective handling of the backlog. The Bar Council is continuing its training sessions to all advocates.**

#### **IV. other institutional issues related to checks and balances**

##### **C. Accessibility and Judicial review of administrative decisions**

Administrative final Court decisions are not always complied with. After annulment, the Administration will find ways and means to come back with the same decision. The Administrative Justice system is ultimately judged by the confidence of the Public in the Administration.

There is room for improvement.



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