



**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 15 on specialisation
of judges and courts**

Replies from Greece

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES IN:	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ²	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts	X	X					
Juvenile courts	X	X					
Administrative courts/council of state	X		X				X
Immigration/Asylum							
Courts of Account	X		X				X
Military Courts	X		X				X
Tax Courts							
Labour/social courts	X	X					X
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts	X	X					
Courts for wills and inheritances	X	X					X
Patent/copyrights/trademark courts	X	X					
Commercial courts	X	X					
Bankruptcy courts	X	X					X
Courts for land disputes							
"Cours d'arbitrage"							

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

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Serious crimes courts/courts of assize							
Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

2. Specialisation of judges

- a) Judges' recruitment depends only on the requirements of the service. Possible specialization is taken into account only with respect to the requirements of the service.
- b) No, the promotion procedure is not related with specialization.
- c) In courts with more chambers (courts in big prefectures) judges use to move from one chamber to another (e.g. from the chamber for labour conflicts to the chamber for car accidents conflicts)

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?	<input type="checkbox"/> by showing professional experience?
<input type="checkbox"/> by resigning from original post and participate to a new recruitment?	<input checked="" type="checkbox"/> by attending specialisation/reconversion courses?
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam?

- d) All judges have access to information about specialization. However, for officious reasons it is not possible for every judge to be specialized in a specific field.

- e) The criteria to access specialization are official requirements, judge's experience and possible specialized studies.
- f) There is not always a financial provision for the attendance of specific specialization courses and the transfer to other towns.
- g) Are there access/reconversion courses to specialised functions:
 - Yes, within the judicial training institute? x
 - Yes, organized by an institution different from the judicial training institute? x
 - No?
- h) Yes, e.g. penal courses, reserved only to public prosecutors.
- i) Yes
- j) There are no specialised positions for organisational purposes only. Judges have to fulfil also their judicial duties. There is no position of a spokesperson for the court.
- k) -
- l) As there are no judges with specific duties, unless the distinction between civil and penal judges and administrative judges, it doesn't exist a higher compensation for specific categories. Military judges are paid different amounts as they belong to the National Armed Forces.
- m) No
- n) No

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

- a) Yes, bar associations are organised as separate legal entities at the prefecture of every Court of First Instance.
- b) No, specialization is voluntary.
- c) Yes, as the Public Prosecution Body.
- d) Public Prosecutors serve almost exclusively at penal courts and only exceptionally at civil courts.
- e) Yes, they are assisted by specialised staff, recruited after a special practice and taking into account the specific experience.

4. Specialisation and governance

Special judicial councils exist for every separate judicial institution (Civil and Criminal justice, Military justice, Court of Audit). The independence of the judiciary is protected by the Greek Constitution.

5. Specialisation, professional associations of judges, judicial ethics

- a) Yes, there are professional associations consisted of judges of each of the above mentioned judicial institutions.
- b) In the Greek judicial system there are no “principles of judicial ethics”, but disciplinary provisions, separately for civil and criminal justice and for administrative justice.

6. Conclusion

- a) As advantages of the specialization of both courts and judges are considered the following: a) experience, b) good knowledge of specific issues c) better quality of work d) justice is rendered more quickly.
- b) To the disadvantages belong the following a) that judges, due to specialization, lack of knowledge of law as a whole b) no occupation with generalist issues has also an impact on specific issues.