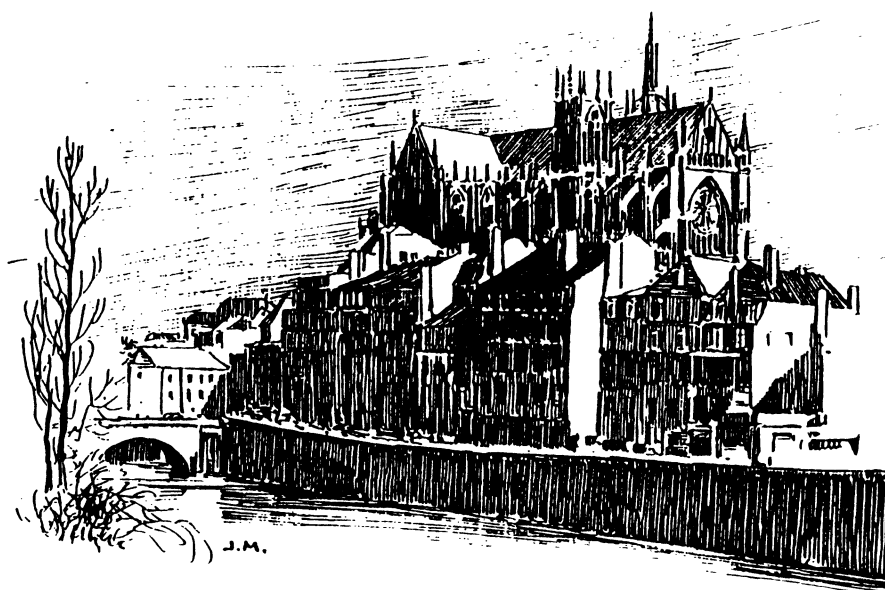


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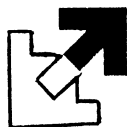


COMMISSION
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LEGAL EDUCATION AND TRAINING IN TOMORROW'S EUROPE



GREECE



UNIVERSITÉ DE METZ

LEGAL EDUCATION AND TRAINING

IN TOMORROW'S EUROPE

Greece

Drafted by

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1. THE EDUCATION AND TRAINING OF JURISTS

1.1. HIGHER EDUCATION

1.1.1. GENERAL

1.1.1.1. Contents

The curriculum for legal training in general is more or less similar in all three Faculties of Law in Greek Universities (Athens, Saloniki, Thrace). The syllabus in its details is set up by each Faculty and then certified by a Decree issued by the Ministry of National Education and published in the Official Journal. Each faculty has a right to modify its curricula on a yearly basis; though the decision should be made before the end of the academic year preceding the change. The right that each Faculty has to set up and then modify its curricula is based on Art. 16 of the 1975 Constitution providing for self-administration in Universities.

The primary purpose of the legal education in Greek Universities is to prepare for the function of advocate; this holds true because, apart from those who will find a position in the Civil Service or as junior officers in the private sector, most other graduates will become members of the Bar after a two-year traineeship. This does not mean that such disciplines that does not give direct access to the labour market, such as the History of law, Philosophy, Sociology and Judicial Methodology, are left aside. On the contrary, Greek faculties are made prominent by the importance given to and the number of *Ph.Ds* awarded in these disciplines.

The programme of the Athens Faculty of Law is currently under thorough revision and it is therefore impossible to provide accurate information about the syllabus of each course. The draft proposal made by the Select Board, to be later developed by the Full Board of the Faculty is the following :

1st Semester

1. History of law
2. Constitutional law
3. International public law
4. Introduction to law and legal science
5. Political Science
6. Political economics
7. Sociology, general

2nd Semester

1. Family law
2. Criminal law, general
3. International public law
4. Administrative law, general
5. Rights in ancient Greece
6. Greek constitutional history

3rd Semester

1. General Bond Law
2. Substantive law

3. Criminal law, special
4. Business Law (general, industrial property, etc)
5. Criminology
6. General theory of the State
7. Sociology of law
8. Political and constitutional history of Greece
9. History of political and constitutional institutions
10. International Institutions

11. Roman law
12. Law of Cyprus, elements

4th Semester

1. European Labour Law
2. Public liberties and Fundamental rights
3. Special Bond Law
4. Civil Proceedings I (organisation of Courts, proceedings, evidence)
5. Insurance law
6. Intellectual Property
7. International Protection of Human Rights
8. Parliamentary Law
9. Law for Minors of Age
10. Economic Law
11. Byzantine and Post-Byzantine Law

5th Semester

1. Criminal procedure
2. Administrative litigation law
3. Commercial company Law
4. Succession law
5. Maritime law
6. Industrial operation law
7. Law and Science of the service of sanctions
8. Administrative law, special (De-centralisation - Civil service law - Police law)
9. Comparative law
10. Law of Media
11. Canon law of the Greek Orthodox Church

6th Semester

1. Commercial law, special
2. Individual labour law
3. Application of the international and European law
4. Law of Civil Procedure II (recourse, sale by order of the court)
5. European Economy Law
6. Social security law
7. Special forms of procedure in civil procedure
8. Banking law
9. Business contracts law
10. International criminal law
11. Medicine law
12. Aviation law

13. Judicial psychology
14. Organisation of churches and international ecclesiastical organisation
15. Aliens law
16. Law of cooperatives
17. The science of law and the other social sciences in the context to the European integration (Jean Monnet lectures)
18. European social security law (Jean Monnet lectures)

7th Semester

1. Philosophy of law
2. Applied Civil Law
3. Collective labour law
4. International private law
5. Bankruptcy law
6. Industrial operation law
7. Law applicable to the environment, country and urban planning
8. Criminal law, special
9. Environmental law
10. International economics law
11. Modern procedures for transactions on credit and credit insurance
12. Arbitration – International and European Procedural law

(Seminars can also be attended during the 8th semester)

13. Seminar on public law
14. Seminar on labour law
15. Seminar on business law
16. Seminar on criminal law and criminal procedure
17. Seminar on civil law
18. Seminar on civil procedure
19. Seminar on history, philosophy and sociology of law
20. Seminar on European law
21. Seminar on international public law
22. Seminar on international private law
23. Seminar on environmental law

8th semester

1. Applied public law
2. Applied criminal law and criminal procedure
3. Applied civil procedure
3. Taxation law
4. Methodology of law
5. International transactions law
6. Law applicable to juvenile delinquency
9. European environmental law (Jean Monnet lectures).

NB. In each semester the first category of lectures is mandatory for all students, the second category corresponds to the mandatory courses for selection; the third category is composed of the free electives.

1.1.1.2. Course Structure

Studies in all disciplines are currently organised in Greece in two stages – first and second – of 4 semesters each. The major part of first-stage courses must be completed and the corresponding exams passed to have access to the second stage.

To gain admission to the Faculty of Law, candidates must have passed the competitive exam organised at the national level for all secondary school-leavers. The courses are structured in semesters, two being offered each academic year. The first semester starts on Oct. 1 and ends on Jan. 15, the second one starts on Feb. 15 and ends on May 30. Students take their exams between two consecutive semesters, in June and in Sept.. The Sept. exams relate to the subjects taught in the course of the whole year and can also be considered as a second chance offered to students who failed earlier.

Apart from end-of-semester exams, there is no legal provision for other forms of assessment of the elements of knowledge acquired. But it is understood that all professors enjoy sufficient autonomy to implement his/her own mode of assessment, to skip the end-of-semester exam and to organise tests in the way that appears most appropriate.

Most exams are written. But some Law Faculties – particularly in Athens – have a tradition of oral exams when they relate to courses which are offered at the end of studies and can be considered as a synthesis of the elements of knowledge acquired during the previous years (they are called "applications") and have a wider scope than that of ordinary courses.

1.1.1.3. Impact of European Programmes

The impact of European programmes is both modest and important.

The major problem with European programmes – in particular in relation to student mobility – is the language barrier. This is not so much a problem for Greek students going abroad, but rather for exchange students coming to Greece who, generally, have no command of Greek. The Faculty has then to organise special training in Greek as a foreign language to try to find a solution to this problem. However, as no financial support has been provided for this type of courses, neither by the lawmakers, nor in the EC programmes, the teaching staff is not so strongly motivated to initiate such language courses.

Notwithstanding these difficulties, both students and teaching staff hardly miss an opportunity to take advantage of EC programmes and the Faculties implement various programmes every year, with due consideration for the above-mentioned problems. Two Jean-Monnet courses are currently offered on a permanent basis.

1.1.2. POST-GRADUATE STUDIES

1.1.2.1. Contents

Post-graduate studies have been started this year for the first time in a consistent and comprehensive manner; so far there was just a post-graduate study programme in Saloniki, which was an exception.

The legislation in force provides that post-graduate studies can be offered by Law Faculties and the decisions made are submitted for approval to the Ministry. The obtention of the diploma awarded at the end of post-graduate studies is necessary to gain admission to doctoral studies.

1.1.2.2. Course Structure

The law made provisions for the structuring of courses, but the major part of regulations depend basically on the initiatives made by the Faculties.

The basic structure is the same as that applying to undergraduate general studies. Courses are offered in semesters. The duration of studies is fixed by the law : it should be 4 semesters. All other arrangements concerning the form of assessment are the responsibility of the Faculties. We do not have sufficient experience as of yet to draw conclusions.

1.1.2.3. Impact of European Programmes

The same remarks apply as to the impact of European programmes.

1.1.3. DOCTORAL STUDIES

1.1.3.1. Contents

Doctoral studies have existed in the Greek Faculties of law as they have for many years – since the 19th century –in other faculties. Following the German model, the idea was to write a thesis under the guidance of a Professor - thesis director; it is defended before the Faculty to obtain the title of *doctor juris*.

In fact, there is a tradition for Greek faculties to send students abroad to write their doctorates, mostly to Germany or France, and in recent times also to Britain and the States. This is a way to maintain fruitful contacts with the main European institutions for higher education. A possible variant to this system is to take doctoral studies abroad and then defend the thesis in Greek before a Hellenic faculty.

According to the new legislation, students willing to be admitted for doctoral studies must have obtained first a post-graduate diploma. They must also be accepted by the department and the Faculty, which appoints three of its staff members to become the directors of the thesis. They should have a meeting with the candidate and determine the exact title of the work to be produced. When the thesis has been completed, the 3 co-directors submit a report to the department; the latter proposes and the Faculty appoints 4 more staff members who then make up a 7-member thesis committee with the 3 co-directors. The thesis is defended before the committee and, if accepted, the title of *doctor juris* is awarded with the appropriate distinction.

1.1.3.3. Impact of European Programmes

As we have a tradition of sending some of our students abroad for doctoral studies, any reinforcement of student mobility through EC programmes would obviously be considered a major asset.

1.2. TRAINING

1.2.1. ADVOCATES

After obtaining their diplomas, the Greek jurists can register at the Bar in the jurisdiction corresponding to the Lower Court where they would like to practice their profession. To become an advocate in training, candidates must be accepted in the office of an advocate accredited by the Supreme Court of Appeals. The training period is two years long, at the end of which time candidates have to take exams before a board composed of judges and advocates. There is in principle no educational offer for advocates in training. As for exams, they have the reputation of being rather easy.

1.2.2. JUDGES

No special education or training is required from new judges in present times. The only exception applies to candidates to a post at the State Council. According to tradition, magistrates attend the training period offered by the members of the State Council, hoping that it will improve their chances of passing the admission exams. But it is in no way mandatory.

1.2.4. CORPORATE LAWYERS

There is no specific professional training for corporate lawyers.

1.2.5. CIVIL SERVICE

There are in Greece a National High School for Public Administration and a Public Administration Institute. No specific training is provided for civil servants.

2. NEW NEEDS AS TO EDUCATION AND TRAINING

2.1. SHORTCOMINGS AND LACKS

2.1.1. FROM THE POINT OF VIEW OF THE CHANGES IN LAW

Some shortcomings can be observed, mostly concerning the educational methods and the new areas of law studies.

Concerning the educational methods, theoretical lectures still dominate in Greek law faculties. Some major progress has been made in the past decade toward a form of education that is more practical and closer to everyday realities. But there is still much to do in this direction.

Concerning the new branches of legal studies, it has been very difficult for them to find their way into curricula. First because programmes are still structured on the basis of the traditionally accepted distribution, which entails some problems for the courses that do not follow strictly the time-honoured boundaries between disciplines. Second because the teaching staff are themselves the heirs of former divisions and sub-divisions and are devotedly attached to their home departments; which is indeed an additional obstacle on the way to modernisation of education.

2.1.2.FROM THE POINT OF VIEW OF THE BUILDING UP OF THE EUROPEAN UNION

From the point of view of the building up of the European Union, shortcomings are blatant. There is at the moment only one faculty member teaching one single course on European law at the University of Athens. The economic crisis has had an impact on the appointment of staff prepared to teach new subjects and this is the main reason for this unacceptable situation. Moreover, most professors and lecturers in the various areas of law were educated before Greece joined the European Community and they are not really accustomed to taking the latest developments from the European institutions into consideration.

2.2. PERSPECTIVE

2.2.1.FROM THE POINT OF VIEW OF THE CHANGES IN LAW

From that point of view, it can be said that Greek law evolves very rapidly in full convergence with the developments of European law. As previously stated, Greek law has always followed the main options adopted by the European judicial systems and we can expect it to go on doing so. The Faculty of Law of the University of Athens, with its renewed curriculum, has perfectly served that purpose and it can be imagined that, in the near future, lawyers graduating from our Faculty will be better informed about European law and be more sensitive to issues in relation to the modernisation of legal studies.

2.2.2.FROM THE POINT OF VIEW OF THE BUILDING UP OF THE EUROPEAN UNION

The remarks made under § 2.2.1. point to the perspectives in this respect. The present study programme cannot be but transitional. What matters in this programme is that international and European studies which, in former times, corresponded to the weaker segment in the curriculum offered by the Faculty, now assumes as much importance as that granted to other traditionally prominent disciplines such as Civil law or National public law. This opens new perspectives for the building up of Europe.

2.3. QUESTIONING JUDICIAL "NATIONAL PROVINCIALISM"

2.3.1. WHY ?

For the simple reason that Europe is a reality and it has now become impossible to study national law without taking European law in the wide sense of the term into consideration.

2.3.2. HOW ?

Through the development of inter-university programmes for common education and research actions. For instance, with the assistance of the Erasmus programme and through the initiative of the University of Paris I and the University of Athens, it was possible to create 5 years ago the *Revue Européenne de Droit Public*, and *Groupe Européen de Droit Public* which served as a forum for joint work open to European researchers wishing to publish and contribute to a better understanding of the systems of public law in Europe, in view of a more efficient integration.

3. MEASURES TO BE TAKEN IN ORDER TO MEET THESE REQUIREMENTS

3.1. MEASURES TO BE IMPLEMENTED IN UNIVERSITIES

EU funding would be necessary to create courses with a European dimension, together with special sections on European law in libraries. Money would also be required to ensure greater mobility of the teaching staff in Europe. The mobility of students is something positive, but if we want professors and lecturers to maintain a European dimension in their teaching and research, they should be offered the possibility of moving more easily, to collect information, teach abroad, etc. In other terms, national teachers should change into European teachers. We should also find ways to provide financial support to such initiatives as the *Revue* and the *Groupe de Droit Public*, which by nature and definition are running a deficit.

3.2. MEASURES TO BE TAKEN IN TRAINING ORGANISATIONS

As there is at the moment no organised professional training, it should first and foremost be stated that such a training is necessary. This training programme should have a content designed in such a way that trainees would understand that it will be increasingly impossible to make a legal career in the new Europe if they ignore developments in the European Union and in the other European countries.

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Remarques générales

Conformément aux instructions données par le comité d'organisation et le comité scientifique, les rapports nationaux ont été soumis en anglais ou en français, à la seule exception du rapport allemand (présenté en allemand).

Certains rapports ont nécessité un travail plus ou moins conséquent de remise en forme ou même de réécriture, en particulier (mais pas seulement) lorsque la langue maternelle du rapporteur n'était pas l'une ou l'autre de ces langues. Dans tous les cas, les propositions de modifications ont été soumises aux auteurs qui ont donc pu valider les changements suggérés.

Toutes les versions traduites ont également été soumises aux rapporteurs pour validation avant impression.

Options retenues pour la traduction

L'équipe des traducteurs a pris les options suivantes dans son travail et les a appliquées de façon systématique à tous les rapports nationaux (textes originaux et traduits), dans un souci de cohérence et de bonne compréhension

- le premier terme des expressions désignant une discipline porte une capitale lorsqu'un s'agit de renvoyer au nom d'un enseignement (cours, modul, unité de valeur, etc.)
- les termes donnés dans la langue originale du rapporteur sont écrits en italiques; il s'agit essentiellement de désignations de diplômes, titres, ou encore d'institutions et d'organismes propres au pays. Les italiques sont également employés pour les mots pleins ou en abrégé repris du latin.

En conséquence, un terme ou une expression pourra apparaître en italique même s'il s'agit, par exemple d'un mot français dans le rapport français ou belge.

General

Following the guidelines provided by the organising committee and the scientific committee, all national reports were submitted in English or French, with the sole exception of the German report (drafted in German).

Some reports required more or less extensive editorial work or even re-writing, especially –but not exclusively – when the rapporteur's mother tongue was neither of these two languages. In all cases, proposals for amendments were submitted to the corresponding authors who were thus given the opportunity to validate the suggestions for changes.

All translated versions were also submitted to rapporteurs for validation before printing.

Decisions made for the translation

The translation team made the following decisions for their work and then systematically applied them throughout the national reports (original and translated texts) for the sake of greater consistency and readability

- the first term of phrases referring to a specific discipline is capitalised whenever they identify a part of a curriculum (course, module, study unit, etc.)
- terms provided in the rapporteur's original language have been italicized. This holds true in particular for references to degrees and diplomas, or for the names of institutions and organisations proper to the country concerned. Full words or abbreviations in Latin have also been italicized.

Consequently, a term of expression can be italicised even if, for instance, it is an English word found in the English or Irish report.

Dans certains cas, les traducteurs proposent – entre parenthèses – une traduction du terme original. Cette traduction est mise entre guillemets simples lorsqu'il s'agit d'une approximation plus ou moins grossière.

- certains éléments de la terminologie employée dans les traductions peut paraître artificiel. Il ne pouvait pas en être autrement. On citera comme exemple l'emploi systématique du mot *advocate* pour traduire *avocat*, alors que ce terme n'est pas le plus courant dans la pratique anglaise ou irlandaise.
- la table des matières est en principe identique pour tous les rapports. Il peut se faire que certaines rubriques, jugées sans objet par les rapporteurs, n'ont pas donné lieu à un quelconque texte. La numérotation peut alors présenter des lacunes. Certains rapporteurs ont ajouté des explications et des rubriques, généralement en introduction. Ces paragraphes ont été numérotés logiquement, en respectant la structure de base et en usant du Ø... lorsque cela était nécessaire. D'autres rapporteurs se sont éloignés du plan-type qui leur avait été proposé. L'équipe de traduction a pris la liberté de chercher à rapprocher les plans proposés du plan type en question.

In certain cases, the translators suggested – in parentheses – a translation of the original term. This suggestion is in single quotation marks when it is only a tentative approximation.

- some elements of the terminology used in translated texts may appear as artificial. But it could hardly be otherwise. A typical example is using the word *advocate* to translate the French *avocat*, even though this term is not so common in English or Irish practice.
- the table of contents is supposed to be identical for all reports. But it can happen that some items were deemed not applicable by rapporteurs and that there is no corresponding text. Consequently, there can be some gaps in the numbering sequence.

Certain rapporteurs provided some additional information and inserted new items, in most cases in the introduction. These paragraphs have been numbered in logical order, following the basic structure and using Ø... when necessary. Some other rapporteurs departed from the suggested outline, in which case the translation team took the liberty of making the proposed structures conform to this reference structure as closely as possible.