



NEWSLETTER – September 2011

GLOBALIZATION: THE ROAD TO HARMONIZATION

The world moves, evolves and changes, mutates... Its jolts spare no one and certainly not our profession, which must withstand the turmoil to continue to provide legal security to which every citizen is entitled.

Globalization affects us.

It comes from the interdependence between people, states, economies, systems, services.

The process of globalization, initially limited to economic exchanges, now extends to all activities.

Justice and judicial systems are submitted to it.

Communication, comparison, and the need for legal security which sets to offer the same guarantees to citizens of all states are leading us to a need for harmonization.

To find solutions, this requires not only a comprehensive approach but also careful inter-regional consideration.

The UIHJ includes 71 countries from Africa, America, Asia and Europe (in this becoming one of the leading international organizations) and thereby offers comparison tools, is capable to organize the exchange of best practices worldwide. It draws its strength, its credibility in its power to rally.

A French proverb says, "Unity is strength"...

Each year we welcome judicial officers of new countries.

Every year our family grows, along with our force, our energy...

Through its internationalization with the UIHJ our profession has a broad vision appreciated and demanded from various global or regional institutions.

We will continue to give strength and dynamism to our Union by sticking together!

You will find in this newsletter some professional news gathered from member countries of the UIHJ and an interview as we wanted to hear your voice within this communication tool...

Yours,

Leo Netten
President of the UIHJ



NEWSLETTER – September 2011

European Law Institute

Leo Netten: founding member ex-officio

The Institute of European Law is an organization of European jurists: teachers, lawyers, notaries as well as judicial officers through the UIHJ which was invited to participate in the founding committee of the Institute in Athens on 15 and 16 April.

Its purpose is to study and stimulate the development of European law by analyzing, comparing and evaluating the rights of member states.

The institute, modeled on the American Law Institute, aims to prepare, evaluate and improve the common principles and tools to help states, legislators, judges or the legal profession.

It will host forums for discussion between professionals, academics, judges.

The founding congress of the European Law Institute was held in June in Paris,

President Leo Netten took the floor at the roundtable on the challenges of European jurists. He presented the UIHJ recalling its scientific vocation (particularly through the development of the world code of enforcement), which supports the development and the harmonization of our profession.

We are delighted to announce that the president of the UIHJ is now in an official capacity a founding member of the institute.

Balkan Enforcement Reform Project (BERP)

On 20 and June 21 was held in The Hague (the Netherlands), a conference organized by the CILC (Center for International Legal Cooperation) under the leadership of Eric Vincken, BERP Project Manager.

The UIHJ, partner in this project, was largely represented by its president, Leo Netten, its first vice president, Bernard Menut, its vice secretary, Dionysios Kriaris, its general secretary, Françoise Andrieux, and his first quaestor, Jos Uitdehaag expert of the project.

The aim was to expose the first results of the project and the challenges of the future.

The themes have demonstrated the scale of the project: the structural organization, tariff, training, and the strengthening of cooperation between states.

All work undertaken in this project and the data were the subject of a book entitled "Civil Enforcement in the Western Balkans".

This book is the result of an incomparable work, and is undoubtedly an invaluable resource as a source of comparative law!

OHADAC

The emergence of a common business law in the Caribbean led to the development of a project for the creation of a Harmonization of Business Law in the Caribbean (OHADAC) based on the OHADA program which includes now 17 OHADA countries in sub-Saharan Africa.

The difficulty rising from the coexistence of common law systems specific to English-speaking countries and continental law systems for French, Spanish and Dutch speaking countries should not prevent the development of a unified business law.

The UIHJ can only support and encourage this project and obviously get involved.



NEWSLETTER – September 2011

Sue Collins (USA), Member of the board of the UIHJ, is in charge with our colleague Jacky Sizam Guadeloupe (France) to make contact with this organization.

GREECE

Interview of Dionysios Kriaris

President of the National Chamber of Judicial officers of Greece
Vice Secretary of the board of the UIHJ

1) A new Act relating to the opening of professions was passed earlier this year. Can you explain its purpose?

The purpose of the Act 3919/2011 "*The principle of professional freedom, abolition of inexcusable restrictions on access and practice of professions*" was to completely deregulate all professions by removing restrictions that exist in terms of access and their practice. 347 professions are covered by this law, including the profession of judicial officer.

2) In what way was the law dangerous for the judicial officers?

The danger for the profession of judicial officer was considerable, for at least two reasons. On the one hand, this law provides a period of four months to enable the Ministries of Finance and Justice to exclude a profession from this complete deregulation. If, within that period, no presidential decree would have been signed up to make exclusions, our profession would have been completely deregulated! That period expired July 2, 2011. On the other hand, banks thought to use this law to serve their interests and reduce the cost of the services they ask us.

3) Can you explain your action and its result?

Early on, that is to say, before the publication of Act 3919/2011, we began to work around five themes, since we knew almost for certain its content:

- A European perspective: the existing EU directives concerning our profession allow us to know what are the countries with statutory regulations and what are the laws involved in these regulations (numerus clausus, territorial jurisdiction, tariff, etc.)..
- Greek law,
- European guidelines of the CEPEJ
- Greek and European case law,
- Comparative elements, etc.

After the adoption of the law in the Greek Parliament we urged the Minister of Justice to establish a committee responsible for preparing the publication of a decree providing for the exclusion of our profession for reasons of general interest.

I will not go into details of the actions we deployed and the contacts we had. But I can tell you one thing: this war of four months was ruthless! You can imagine the financial powers of this world that can control entire governments (I need not remind you of the situation Greece is facing today). But we won: the decree in which the profession of judicial officer was totally excluded from the deregulation was signed on the last day (that is to say on 1 July 2011)! Be aware that only one decree was published and it concerned our profession of judicial officer.

The contribution of the UIHJ was crucial in gathering all the necessary elements for the justification of our arguments. So in my capacity as President of the judicial officers of Greece, I would like to thank the official intervention of the UIHJ in all the forums, especially with the Position Paper



NEWSLETTER – September 2011

concerning the judicial officer in Europe. The Union support was decisive both in substance and in its support to our cause.

4) What are the highlights of this presidential decree?

The Presidential Decree totally excludes the profession of judicial officer of the deregulation of professions as regards:

- a) Numerus clausus,
- b) Territorial jurisdiction,
- c) Tariff,
- d) Conditions of access to the profession,
- e) Creation and operation of companies or group of judicial officers.

Thank you for the opportunity you gave me to present the actions of the Greek judicial officers. Greece is the cradle of legality, rights and freedoms of human civilization, law and democracy. Globalization and "markets" bully these values and try to create a new empire. But may they not forget that the Mediterranean has already engulfed several of these attempts...