



ΠΑΓΚΥΠΡΙΟΣ ΔΙΚΗΓΟΡΙΚΟΣ ΣΥΛΛΟΓΟΣ
CYPRUS BAR ASSOCIATION

MEMO OF THE CBA – MEETING WITH THE EUROPEAN COMMISSION - 2026 RULE OF LAW REPORT

A. Introduction

The issues under discussion may, in our view, be divided into two distinct but interrelated parts, the reform of the Law Office, which raises primarily constitutional, institutional, and rule-of-law questions, and the remaining four points, which relate to the overall efficiency, effectiveness, and credibility of the justice system as a whole.

This memorandum sets out the position of the Cyprus Bar Association (CBA) on both aspects. In doing so, it takes into account the relevant recommendations of the European Commission, recent national legislative developments, and the practical realities faced daily by legal professionals, litigants, and court users.

B. Points for Discussion

1. Reform of the Law Office

General Observations

- 1.1 In its 2025 Rule of Law Report, the European Commission issued a significant recommendation concerning the proper functioning of the administration of justice in Cyprus. In particular, *to further advance the ongoing reform of the Law Office and the establishment of the Office of the Public Prosecutor and to introduce an effective review mechanism for decisions not to prosecute or to discontinue proceedings, taking into account European standards on the independence and autonomy of the prosecutorial authority*. These recommendations reflect concerns that have been repeatedly raised both in public discourse and by certain political parties, particularly with regard to transparency, accountability, and institutional checks and balances within the prosecutorial system.
- 1.2 The CBA fully respects the views of the European Commission, the positions of political stakeholders, and prevailing public opinion. However, as an independent professional body representing the legal profession, our approach must be guided primarily by considerations of constitutional legality, institutional coherence, and long-term stability, rather than by considerations of expediency alone.

- 1.3 The questions of separating the powers currently vested in the Attorney General, and subjecting prosecutorial decisions to judicial review, are exceptionally sensitive matters with far-reaching constitutional implications. They therefore require careful, measured, and legally sound handling.

Legislative Developments

- 1.4 In 2025, the Government of the Republic of Cyprus submitted a series of bills concerning the reform of the Law Office. These bills are currently under examination by the competent parliamentary committee, and the positions expressed by stakeholders differ significantly, both as to the necessity of reform and as to its constitutional permissibility. The principal objective of the proposed legislation is to transfer the criminal law-related powers currently exercised by the Attorney General to a newly established Office of the Public Prosecutor.
- 1.5 In parallel, a separate bill has recently been approved by the Council of Ministers providing for the reviewability of decisions to suspend criminal prosecutions taken by the Attorney General. If adopted by Parliament, this mechanism would allow for judicial review of such decisions, whether they are taken by the Attorney General under the existing framework or, should the reform proceed, by the Public Prosecutor.

Constitutional Concerns and Legal Risk

- 1.6 The CBA is aware that constitutional experts appointed by the Attorney General, highly respected legal practitioners and former Supreme Court judges, have expressed divergent views regarding the constitutionality of the proposed separation of prosecutorial powers. Some experts have concluded that such a separation would be incompatible with the Constitution. Others have taken the view that it could be constitutionally permissible. This divergence of expert opinion clearly illustrates the complexity of the issue and the significant legal risk involved.
- 1.7 In these circumstances, the CBA considers that the most prudent and institutionally responsible course of action would be for Parliament to proceed with the adoption of the relevant legislation and for the President of the Republic to refer the law to the Constitutional Court for a determination of its compatibility with the Constitution prior to its implementation.
- 1.8 Allowing the legislation to enter into force without prior constitutional scrutiny carries serious risks. Should prosecutors be appointed and criminal proceedings initiated under a legal framework that is subsequently declared unconstitutional, the consequences for legal certainty, pending cases, and the administration of justice would be profound and potentially chaotic. Preventive constitutional review is therefore not merely desirable, but essential.
- 1.9 Notwithstanding the issue of the constitutionality of the government legislative proposals, the Cyprus Bar Association via its Council and various Expert Committees, is currently reviewing the Government submitted bills as to their potential advantages for the administration of justice and the rule of law, in order to formulate its final position on the matter, ahead of ongoing discussion of the government bills at the Cypriot Parliament.

Review of Prosecutorial Decisions and Court Capacity

- 1.10 With regard to the proposed review of decisions taken by the Attorney General, or in the future, by a Public Prosecutor, the CBA's primary concern relates to the institutional capacity of the Supreme Court.
- 1.11 The Supreme Court is already operating at the limits of its functional capacity. The introduction of a new and potentially substantial category of review applications, without a corresponding increase in the number of judges or a restructuring of judicial responsibilities, will inevitably result in further delays and a significant increase in backlog.
- 1.12 Any reform introducing additional judicial review mechanisms must therefore be accompanied by parallel institutional reinforcement. Without such measures, there is a serious risk that well-intentioned reforms will, in practice, exacerbate existing inefficiencies rather than remedy them.

2. Efficiency of the Justice System

General Observations

- 2.1 Turning to the broader justice system, the CBA must express its profound concern regarding the persistently slow pace of reform and the limited implementation of genuinely innovative measures. Public confidence in the administration of justice has been steadily eroded over several decades, primarily due to excessive delays in adjudication and the ineffective enforcement of court judgments. These systemic shortcomings have created a widespread perception that access to justice is neither timely nor reliable.
- 2.2 This erosion of trust is objectively reflected in a dramatic decline, estimated at approximately 70–80%, in the number of new cases filed annually compared to fifteen years ago. Such a reduction cannot be attributed solely to alternative dispute resolution mechanisms or changes in litigation culture, but rather it signals a deep-rooted lack of confidence in the system's ability to deliver timely and effective justice.
- 2.3 Restoring confidence requires comprehensive and structural reform, rather than isolated or incremental adjustments. In particular, despite the introduction of the new Civil Procedure Rules, which were expected to modernize proceedings and reduce delays, adjudication times have not improved to any meaningful extent. Beyond this reform, few tangible changes have been implemented, and the overall performance of the system remains largely unchanged.

Lack of specialisation – insufficient number of judges

- 2.4 One of the most serious and longstanding deficiencies of the justice system is that the justice system currently operates with an insufficient number of judges, but most importantly with a lack of specialisation.
- 2.5 More than 15 positions remain vacant for a number of years now due to the inability to find suitable candidates. This shortage leads to systemic inefficiency, excessive and often

unacceptable delays in the resolution of cases, and, inevitably, a deterioration in the quality of judicial decisions. Judges are required to manage an overwhelming caseload, leaving insufficient time for careful deliberation.

- 2.6 The situation is made worse by the lack of judicial specialization, a deficiency that has become increasingly untenable in the face of modern, complex litigation. A particularly striking paradox of the existing framework is that all judges are expected to adjudicate both civil and criminal cases. In practice, judges are transferred between civil and criminal jurisdiction every two to three years. While this may have worked in the past, it no longer suits today's legal system, where cases are more complex and require deeper expertise.
- 2.7 Judicial specialization is therefore essential. Judges should be able to work in either civil or criminal law throughout their careers. Such reform would improve efficiency, lead to better decisions, and reduce pressure on the courts.
- 2.8 The absence of specialization also makes it harder to attract qualified lawyers to the judiciary. In modern legal practice, lawyers are increasingly specialized. The prospect that, upon appointment, they may be required to exercise jurisdiction in areas, civil or criminal, in which they have little or no professional experience acts as a powerful deterrent.
- 2.9 This disincentive is further reinforced by the appointment interview process itself, during which candidates are examined in both civil and criminal law irrespective of their background or expertise. As a result, many highly qualified lawyers choose not to apply for judicial positions at all or fail the process of being appointed as judges due to incorrect or insufficient answers to a field which has not been their expertise to begin with.
- 2.10 The practical consequences are already evident. Judicial vacancies remain unfilled not because of a lack of need, but because of a lack of willing and suitable applicants. By way of example, in a recent recruitment process, fifteen judicial positions were opened, yet only four were ultimately filled. This shows that the current system discourages strong candidates and contributes directly to the ongoing shortage of judges.
- 2.11 In conclusion, the lack of judges and the difficulty in attracting good candidates are closely linked. Without introducing judicial specialization and a more realistic appointment process, the justice system will continue to struggle.

Specialized Courts

- 2.12 The CBA is particularly concerned about the prolonged delay in the operationalization of specialized courts, most notably the Commercial Court and the Admiralty Court.
- 2.13 Although the legislation establishing the Commercial Court was approved as early as 2023, the Supreme Court has yet to take the necessary steps to render the court operational. This delay undermines the very purpose of the reform and deprives litigants of access to specialized adjudication.
- 2.14 Specialized courts are essential not only for improving the quality and speed of judicial decision-making, but also for enhancing legal certainty and supporting key sectors of the Cypriot economy, including commerce, shipping, financial services, and international investment. Continued inaction in this area sends a negative signal to both domestic and international stakeholders.

Enforcement of Judgments

- 2.15 Another serious and longstanding deficiencies of the justice system lies in the enforcement of court judgments. Even after enduring lengthy and costly litigation, successful litigants frequently encounter insurmountable obstacles when attempting to enforce judgments. These difficulties arise from a combination of legislative restrictions and practical impediments, including limited access to debtors' bank accounts, severe constraints on the seizure of movable property, and complex, time-consuming procedures for the sale of immovable property.
- 2.16 The inability to effectively enforce judgments fundamentally undermines the rule of law. A justice system that delivers judgments but cannot ensure their execution fails to provide meaningful justice.

Limited Use of Technology

- 2.17 The integration of technology into judicial proceedings remains extremely limited and inconsistent. There continues to be a notable reluctance, particularly at the level of the Supreme Court, to embrace modern technological tools that are now standard in many European jurisdictions.
- 2.18 Remote hearings, virtual appearances, and participation via telephone or video platforms (such as Zoom) are still not acceptable. This resistance reflects not only technical or logistical challenges, but also a deeply entrenched judicial culture that is slow to adapt to modern methods of case management.
- 2.19 The CBA has repeatedly advocated for the broader and systematic use of technology as a means of improving efficiency, reducing delays, and lowering costs for litigants and lawyers alike. We continue to urge a shift in mindset, recognizing that technology is no longer optional, but an essential component of a modern justice system.

i-Justice Platform

- 2.20 Following the collapse of the e-Justice project, the Deputy Ministry of Innovation and the Judicial Service announced plans to upgrade the existing i-Justice platform. The CBA is actively participating in this process and has consistently provided input based on the practical needs of lawyers and court users.
- 2.21 It must nevertheless be emphasized that, in its current and envisaged form, i-Justice remains largely limited to electronic filing and basic document exchange. It does not provide meaningful support for substantive case management, automated scheduling, monitoring of procedural deadlines, or the digital handling of hearings and evidence.
- 2.22 As a result, while i-Justice represents a step forward compared to purely paper-based procedures, it falls far short of a comprehensive digital justice system. Without a clear roadmap, sufficient funding, and strong institutional commitment, the platform risks becoming another partial solution that fails to deliver the transformative change required to improve efficiency, transparency, and user experience across the justice system.

Lack of Digital Recording

- 2.23 Court proceedings in Cyprus are still not digitally recorded, a deficiency that has serious practical and procedural consequences.
- 2.24 The absence of digital audio or audiovisual recording leads to significant delays in the preparation and approval of court minutes. These delays directly affect lawyers' ability to prepare submissions, effectively conduct cross-examinations, and properly prepare for subsequent hearings. They also impede judges in the timely drafting of decisions, particularly in complex or lengthy proceedings.
- 2.25 In modern judicial systems, digital recording is a basic and indispensable tool. Its continued absence represents a major obstacle to efficiency, transparency, and accuracy in judicial proceedings.

Independent Judicial Service and Infrastructure

- 2.26 The establishment of an independent Judicial Service remains pending, despite its central importance to the proper functioning of the courts.
- 2.27 An independent Judicial Service is essential to enable the judiciary to make timely and effective administrative, staffing, and operational decisions without undue dependence on other branches of the state. Its absence limits the courts' ability to respond dynamically to challenges, allocate resources efficiently, and implement reforms in a coordinated manner.

Support Staff, Infrastructure, and Administrative Delays

- 2.28 At the same time, the Judicial Service continues to suffer from a chronic shortage of support staff, outdated and inadequate infrastructure, and persistent administrative delays.
- 2.29 These shortcomings contribute directly to delays in the drafting of orders and judgments, as well as in the assessment and taxation of legal fees. The burden placed on judges is exacerbated by insufficient administrative assistance, diverting judicial time away from core adjudicative functions.
- 2.30 The situation is particularly acute in Nicosia, where court buildings are outdated and unsuitable for modern judicial needs. Despite decades of discussion, plans for new court facilities have stagnated, leaving the capital's courts operating under conditions that are wholly incompatible with a contemporary justice system.

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Cyprus Bar Association