

## "New Research and Training Programming of CIEEL" (NRTP)



From March 2017 to March 2019 CIEEL prepared the project: "New CIEEL Research and Training Programming" NRTP) with the donation of the Stavros Niarchos Foundation. The main objectives of the program were, on the one hand, the dynamic upgrading of the CIEEL's research work through the extension of its research activity in crucial areas of European law, and on the other, the enhancement of the CIEEL's research extroversion and international cooperation with the countries of Europe. Within the framework of the program young and highly skilled researchers, in particular Dr. Dimitrios-Panagiotis Tzakas, Dr. Virginia Tzortzi, Aphroditi-Kanella Dimopoulou, Christina Hadjikonstantinou and Dr. Dimitrios Goulas joined its scientific personnel for two years.

The research areas that were the focus of the program were Energy & Environment, European Banking Law, the Area of Freedom, Security & Justice and European Human Rights Protection.

The deliverables of all researchers were the organization of conferences with academics and professionals of the relevant scientific field and the preparation and publication of reports and working papers.

At the same time, as part of the project, CIEEL has upgraded and modernized its library by renewing its subscription to three international scientific journals for the years 2016 and 2017.

The project was executed with great success and its results are distinguished for their scientific quality. The publications and conferences of the program have

contributed to the extroversion of CIEEL and provide added value for its future actions. In addition, the researchers who worked on the program gained valuable experience, which they will use in their subsequent career path. CIEEL maintains excellent external co-operation with the above researchers in their respective areas of competence, notably as regards their authorial participation in the "Hellenic Review of European Law" issued by CIEEL and the Bar Association of Thessaloniki.

## B. CONFERENCES

### 1. "European Banking Law – Bank Lending"





On Wednesday, September 13<sup>th</sup> 2017, a conference on "European Banking Law - Bank Lending" was held at the premises of CIEEL with the donation of the Stavros Niarchos Foundation (SNF).

The first session on 'corporate banking' was chaired by the former President of the EU Court of Justice and President of CIEEL, Emeritus Professor Mr. Vassilios Skouris. During this session, Professor Ms. Haroula Apalagaki, Secretary General of the Hellenic Union of Banks, analyzed the legal framework for managing business loans. Ms. Tatiana Dermati, Senior Institutional Officer and Head of the Athens Office of the European Investment Bank presented the rules for European Investment Bank financing for businesses.

The second session of the conference was dedicated to retail banking. Under the chairmanship of the Director of CIEEL, Professor Vasilios Christianos, Professor and Deputy Dean, Ms. Despina Klavanidou, raised the issue of the principle of responsible lending in consumer credit contracts. Subsequently, Mr. Dimitrios-Panagiotis Tzakas, lawyer and researcher at CIEEL with the financing of the SNF on the subject of European banking law, addressed issues related to mortgage credit and foreign currency lending in his presentation, in the light of Law 4438/2016 "Harmonization of Greek legislation with Directive 2014/17/EU on consumer credit agreements for residential use" and the recent related case-law on Swiss franc loans.

Both sessions were completed with interesting questions from the participants and a lively dialogue with the rapporteurs.

The conference provided a comprehensive overview of the framework for bank lending, assessing legislative and jurisprudential developments at EU and national level. Emphasis was placed on issues arising when providing credit to businesses and consumers, raising concerns about the current legislative framework.

## 2. "Protection of Personal Data in the Area of Freedom, Security and Justice - Developments with a view to the implementation of the new EU General Regulation 2016/679"





On Monday, September 18<sup>th</sup> 2017, CIEEL, with the donation of the Stavros Niarchos Foundation (SNF) and the contribution of Konrad Adenauer Stiftung, organized a conference on the protection of personal data in view of the implementation of the new EU General Regulation 2016/67.

The conference, which was conducted in both Greek and English with simultaneous interpretation, was attended by distinguished personalities of academia and the judiciary, as well as representatives of the Data Protection Authority.

The focus of the conference was the extremely important and crucial issue of the new General Regulation, which will be implemented in May 2018, which marks the most significant legislative reform of the last 20 years in data protection, with key implications for the entire digital environment of businesses.

At the first session, chaired by Mr. Dimitrios Kranis, Vice President of the Hellenic Supreme Court and General Director of the National School of Judges, Professor Dr. Dres.h.c. Burkhard Hess, Director of the Max Planck Institute for International, European and Regulatory Procedural Law in Luxembourg, raised the issue of the protection of 'privacy' in the light of recent EU Court of Justice (CJEU) case-law. Subsequently the Professor of the Law School of the NKUA and a full member of the Protection Authority, Mr. Spyridon Vlachopoulos, analyzed the latest developments for the cross-border transfer of personal data from the

EU to third countries. This session ended with the recommendation of the Associate Professor of the Department of Information and Communication Systems Engineering of the University of the Aegean, Ms. Lilian Mitrou, on the right to be forgotten in accordance with the provisions of the new Regulation.

At the second session, on the occasion of questions asked by Ms. Virginia Tzortzi, Lawyer and Researcher at CIEEL with the funding of the SNF on the theme of the Area of Freedom, Security and Justice, the Honorable President of the Council of State and former President of the Authority, Mr. Christos Geraris, the current President of the Authority and also Honorable President of the Council of State, Mr. Konstantinos Menoudakos, and Former President of the CJEU, Emeritus Professor and President of the CIEEL Mr. Vassilios Skouris, discussed and exchanged particularly interesting views on the relationship between security and freedom and the protection of personal data.

The purpose of the conference, which, according to the general opinion of all participating academic, judicial and public officials, lawyers, business representatives and students, was ultimately achieved, was to present the framework for assessing the current situation and future developments in data protection, an area which has undergone major reforms mainly through the new General Regulation, while at the same time raise the dilemmas of how best to secure the fundamental rights.



### 3. "Renewable Energy Sources: Current Legal Issues"





On Monday, March 12<sup>th</sup> 2018, a conference on the current legal issues of Renewable Energy Sources (RES) was held at the premises of CIEEL, with the donation of the Stavros Niarchos Foundation (SNF).

The event was attended by distinguished personalities of the academia as well as representatives of the energy sector. The conference was chaired by Mr. Vassilios Tsolakidis, bio-architect, engineer and President of the Center for Renewable Resources and Energy Saving (CRES).

During the first session, the Assistant Professor of NKUA, Ms. Aikaterini Iliadou presented the key parameters and targets of European renewable energy support policy, which are included in the so-called 'Winter Package' concerning the energy sector and will directly affect the entirety of the energy markets of the member states of the Union and, therefore, the Greek energy market. In the second presentation of the session titled: "The new RES support mechanism. Regulatory and Legislative Framework of permanent competitive renewable energy bidding processes", Mr. Dionysios Papachristou, Electrical Engineer, Specialist Scientist and Director of the Press and Public Relations Office of the Energy Regulatory Authority (RAE), analyzed the regulatory and legislative framework of this new institution for RES projects.

During the second session, which focused on the environmental dimension of RES, AUTH Professor Konstantinos Gogos analyzed the current legal issues related to spatial planning of wind parks in Greece. Finally, the Energy and

Environment Researcher of CIEEL, Ms. Christina Hadjikonstantinou, presented the legislative and jurisprudential dimensions related to the protection of the forest environment in Greece regarding the construction of RES projects.

Both sessions were followed by interesting questions from the participants and a live dialogue with the rapporteurs. The conference provided a comprehensive presentation of the RES regulatory framework, outlining key legislative and jurisprudential developments at Union and national level. At the same time, through presentations and fruitful dialogue, the current situation for RES and future developments in the Greek energy market was highlighted.

The event was extremely successful, given the immense turnout and presence of lawyers, academics, judicial officers, administration bodies and many individuals and business representatives of the energy market.

#### 4. "Television Authorizations: Current Legal Issues"





The conference organized by CIEEL with the donation of the Stavros Niarchos Foundation (SNF) was held with great success on Tuesday, March 27<sup>th</sup> 2018, on the current legal issues of television licensing. The conference was coordinated by the President of the NCRTV and Honorable President of the Hellenic Supreme Court, Mr. Athanasios Koutromanos, while the President of CIEEL, Emeritus Professor Mr. Vassilios Skouris addressed the opening ceremony.

The first rapporteur, Ms. Dimitra Papadopoulou-Klamari, Professor of NKUA and member of NCRTV, presented in detail the competencies of NCRTV, using particularly well-illustrated examples of its wide range of responsibilities, which are not exhaustive in the content of the broadcasts programs, but extend to the operation of stations, licensing, transmission issues, the approval of the transmission of social content messages and to many other issues.

Ms. Tonia Pediaditaki, Legal Adviser at the Ministry of Digital Politics, addressed the issue of spectrum, referring to the principle of subsidiarity in light of the single digital market and the EU spectrum strategy, as well as a series of legislative measures and proposals by the European Commission regarding the digital market. She pointed out that spectrum is a valuable and finite natural resource and emphasized the challenge of making it more effective in order to maximize its use.

Mr. Panagiotis Mantzoufas, Associate Professor of AUTH, focused on the question of the constitutional foundations of pluralism in the information and public good of television frequencies in the authorization process and analyzed the

constitutionally guaranteed rights to freedom of expression, information and freedom of doing business. Mr Mantzoufas underlined that any form of media monopoly without sufficient justification undermines pluralism and emphasized that, in order to meet public interest objectives, the selection of licensed providers should be based on qualitative criteria relevant to broadcasting and should not be restricted to the criterion of financial viability of the stations;

NKUA Professor George Gerapetritis approached the issue of television licensing in the light of fundamental freedoms. Given the wide discretion of the member states in matters related to the licensing process, Mr. Gerapetritis identified elements that could constitute the legal basis for subjecting the licensing process to EU law, such as the existence of cross-border interest and the application of the general principles of EU law on the radio and television market as well.

Finally, Ms. Aphroditi-Kanella Dimopoulou, a researcher at CIEEL in the field of European protection of human rights, presented issues related to the ECHR's approach in the field of broadcasting licensing and referred to the principles and rules that its case-law has shaped. Ms. Dimopoulou analyzed the regulatory framework governing freedom of expression and, in particular, the structure of Article 10 of the ECHR and the importance of its interpretation in the formulation of rules.

After the conclusion of the speeches, a discussion followed, during which some very interesting positions and interventions were expressed.

## 5. «Freedom of Contracts and Prohibition of Discrimination»





The seminar under the general title of “Freedom of Contracts and Prohibition of Discriminations” was held with particular success, which was organized by CIEEL, with the donation of the Stavros Niarchos Foundation (SNF) on Monday, September 17<sup>th</sup> 2018 at the Dimitrios Evrigenis auditorium.

During the first session of the conference, in which the chair was Professor Mr. Dimitrios Zerdelis, the relationship between freedom contracts and non-discrimination law was examined by the professor of the Law School of the University of Jena, in Germany, Mr. Achim Seifert. Later on, the Emeritus Professor Mr. Philippos Doris, analyzed the effect of the constitutional principle of equality on private law. Afterwards, Assistant Professor of AUTH, Ms. Aspasia Tsaousi, focused on issues raised by the economic analysis of non-discrimination law that have raised the interest of international literature.

The second session of the day, chaired by the President of CIEEL, Professor Ms. Christina Deliyianni-Dimitrakou, illuminated the more specific aspects of the general topic. Ms. Athena Papikinou, Doctor of Laws, lawyer, presented her report on the prohibition of discrimination in the provision of financial and insurance products and services. Afterwards, Mr. Dimitrios Goulas, lawyer and researcher of CIEEL in the area of non-discrimination law, discussed the issue of the influence of third party preferences (clients, employees, shareholders etc.) while implementing the law on prohibition of discriminations.



The goal of this conference was to provide a spherical presentation of the framework which governs the relationship of freedom of contracts and the prohibition of discriminations at a national and European level. The conference was attended by academics, judicial officers, lawyers and students. After the completion of each session, long and interesting conversations began between the audience and the lecturers.

## 6. «Judicial Cooperation on Cross-Border Cases in the European Union - Current Issues and Developments»





On Monday, October 1<sup>st</sup> 2018, a conference, which was held with a donation of the Stavros Niarchos Foundation, took place. The subject of the conference was the current legal issues and recent developments in the area of judicial cooperation in cross-border cases in the European Union.

During the first session, which concerned the developments on civil justice of the European Union, the Vice President of the Hellenic Supreme Court and Director General of National School of Judicial Officers, Mr. Dimitrios Kranis was the chairman. NKUA Professor, Haris Paboukis presented a significant evaluation of the Brussels system. Afterwards Mr. Evaggelos Vasilakakis, Professor at AUTH, analyzed some really interesting issues of universal jurisdiction and applicable law relating to succession. Later on, Ms. Virginia Tzortzi, Doctor of Laws, lawyer, Secretary of CIEEL and researcher on “the Area of Freedom, Security and Justice”, developed the subject of property relations of international couples, as they form with the new Regulations on property relations of spouses and registered companions

The second session of the conference, held under the chair of the President of CIEEL and Emeritus Professor, Mr. Vasilios Skouris, was concerning the developments in Criminal Justice of the EU. AUTH Professor Maria Kaiafa - Gbandi focused on the crucial issue of basic directions and modern trends that are shaped by the jurisprudence of the CJEU on the European Arrest Warrant. This session came to an end after the report of Mr. Ilias Konstantakopoulos, Public Prosecutor and Justice Advisor at the Permanent Representation of Greece

to the EU, for the establishment of the European Prosecutor's Public Office and the protection of financial interests of the EU.

The conference concerned issues of daily juridical practices, and offered the right framework for the academics specialized in civil and criminal law of the Union, judges and lawyers to exchange their thoughts on theoretical and practical issues.

## 7. «Waste Management - Current Legal Issues»



On Monday, February 11<sup>th</sup> 2019, a conference about the legal issues that may occur during waste management, which was held with a donation of the Stavros Niarchos Foundation, took place.

The chair of the conference was the Senior Lecturer of Law School of AUTH, Ms. Anna Gizari-Xanthopoulou. During the first session, Mr. George Kremlis, Honorary Director in the European Commission, Executive Advisor on Circular Economy and Insularity issues of Directorate-General of Environment, deeply analyzed the basic parameters of newer developments that concern waste management and the transition to Circular Economy model. On the second contribution of the session, Ms. Aggeliki Harokopou, lawyer, discussed in detail crucial legal issues on waste management, as they have emerged in the case-law of State Council.

In the context of the second session, Ms. Ioanna Koufaki, Doctor of Laws, lawyer and advisor at the Permanent Representation of Greece for the European Union in the field of Transport, focused on the economic dimension of waste in the Union and referred to the relevant case-law of CJEU. Lastly, lawyer and researcher at CIEEL on the field of energy and environment, Ms. Christina Hadjikonstantinou, developed her report on the aspects of waste management which are linked with the participation of the civilians, emphasizing on the practices of private and public sectors pursuant to Law 3389/2005.

Both sessions were accompanied by interesting questions raised by the participants and a conversation with the rapporteurs. The conference provided a spherical presentation of the regulatory framework of waste management, and also of the case-law developments at a national and Union level. At the same time, the current situation in Greece, the future developments and the perspectives of waste management were shown up through these reports and conversations.

At this event, which had interdisciplinary interest, academics, representatives of local authorities and the private sector, engineers and students from the field of Law and Technical Universities took part.

## 8. «Religious Freedom - Current Legal Issues»





On Monday, February 25<sup>th</sup> 2019, the conference under the title “Religious Freedom - Current Legal Issues”, took place in the “Dimitrios Evrigenis” auditorium with great success, which was organized by CIEEL, with the donation of Stavros Niarchos Foundation (SNF).

At the first session of the conference, in which the President of CIEEL, Emeritus Professor Vassilios Skouris, was chairing, Associate Professor of AUTH, Mr. Konstantinos Papageorgiou, analyzed one of the most current issues of the ongoing constitutional revision, and specifically, the relations between the state and the church, as they are regulated based upon article 3 of the Hellenic Constitution, and referred, among other, to the proposal which is currently developed to include a clause to that article concerning the safeguarding of religious neutrality of the state. Mr. Papageorgiou examined whether the recommended clause of religious neutrality is consistent with the already existing clause of article 3 referring to the dominant religion, or if it provokes intra-constitutional conflicts, and what will the consequences be from the future coexistence of the two clauses.

Afterwards, Mr. Iosif Ktenidis, Associate Professor of AUTH, focused on religious freedom linked with the principle of equal treatment based on the new case-law of CJEU and developed at length the particularities of the protection of religious freedom in Union Law. Mr. Ktenidis presented very interesting cases concerning the manifestation of religious faith and the prohibition of discriminations because of religion in the workplace, referring to related provisions of secondary



EU law and the concepts of direct and indirect discriminations. In the end, he highlighted the need for high specifications on justifying the decisions that provoke deviations from the principle of non-discrimination, stressing the difficulty of weighing the legal goods at stake.

At the second session, under the chairmanship of the Director of CIEEL, Professor Ms. Christina Deliyianni-Dimitrakou, Ms. Athina Kotzambasi, Professor of AUTH, referred to the particular issues of religious freedom that arise in family relationships. Distinguishing the positive and the negative aspect of the right, Ms. Kotzambasi emphasized the individual issues of the divorce system in relation to the type of marriage (civil or religious), the choice of their religion by children themselves, and the discriminations based on the religion of the parent in the context of parental responsibility and the practices that it involves based on the case-law. Lastly, she referred to issues concerning the “sharia” regarding the right of Greek Muslims to choose the regulation of their family legal relationships thereby.

Ms. Aphroditi-Kanella Dimopoulou, lawyer, researcher at CIEEL on the field of European human rights protection, approached religious freedom from the point of view of case-law of European Court of Human Rights. Ms. Dimopoulou described the familiar regulatory framework of the European Convention of Human Rights, focusing later on the negative aspect of the right of religious freedom which is also related to cases of Greek interest. She also referred to current issues of legal and other interest, such as the right of religious freedom at the education field and the use of religious symbols, as well as the teaching of the religious education course.

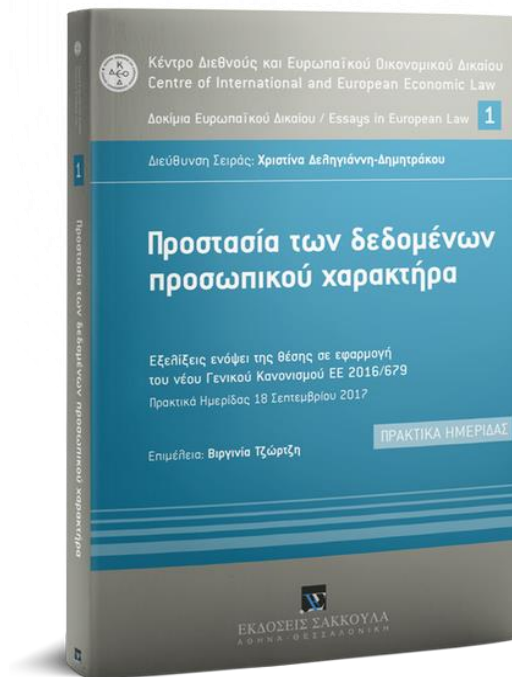
The conference came to an end with the contribution of Ms. Lina Papadopoulou, Associate Professor of AUTH and academic coordinator of Jean Monnet Center of Excellence AUTH, who made an overall critical evaluation of the issues that were discussed at the event.

Academics, judicial officials, lawyers and students attended the conference. As the discourses came to an end, an extensive conversation followed, with a really interesting exchange of views between the rapporteurs and the audience.

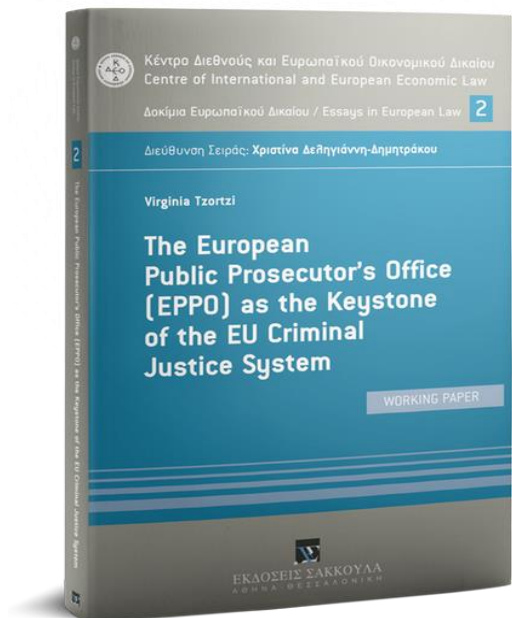
The texts of the contributions will be published in the volumes of the conference proceedings.

## C. PUBLICATIONS

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2.



## **Abstract**

The long awaited establishment of the European Public Prosecutor's Office (EPPO) signifies a new era for EU criminal justice. EPPO shall investigate and prosecute crimes affecting the financial interests of the EU. For the first time, binding Union decisions are adopted in relation to individuals in the sensitive area of criminal law.

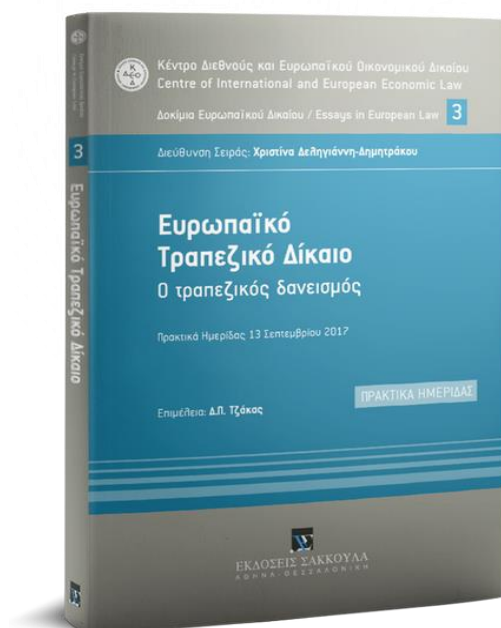
This working paper argues that assuming the "arch" is the EU criminal justice system and the "other stones" are national authorities, EPPO has been assigned with all the features, capacities and qualities to be considered as the "keystone" of the EU criminal justice system.

To this purpose it goes through the main provisions of the EPPO Regulation, focusing on its layout, functions and material competence of EPPO. It further considers its investigative and prosecutorial powers, the rights of suspects and accused, the judicial review of EPPO's acts and its relations with the partners.

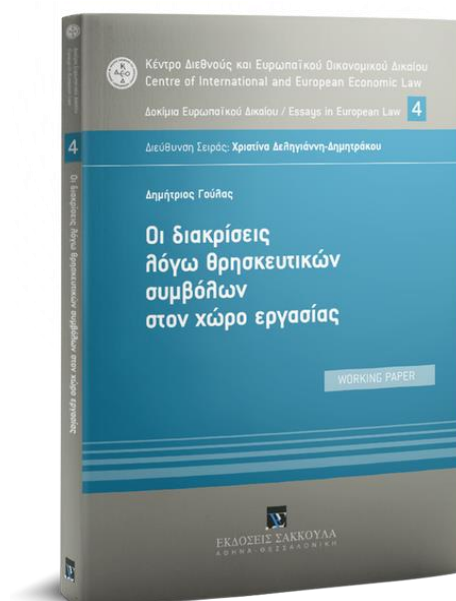
This contribution identifies the challenges and offers answers to the following questions: 1. Why is the EPPO so controversial? 2. What are the challenges it might face? 3. Has the new body lost its character by becoming too much of an emanation of the judicial structures of the member states? 4. Will EPPO finally have added value?

The analysis concludes that, though the EPPO Regulation leaves much to be desired, EPPO's establishment will constitute a landmark development for the EU Institutional set up, despite all the unresolved issues and the remaining challenges will inevitably face.

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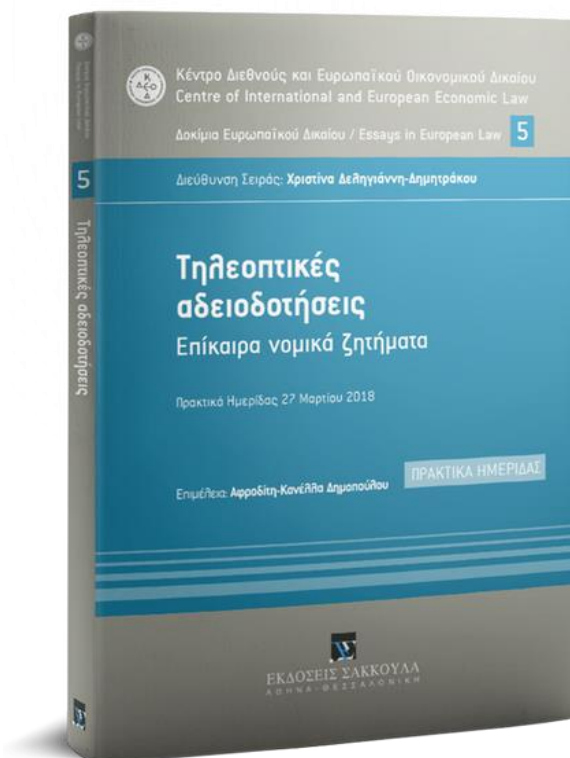


### **Abstract**

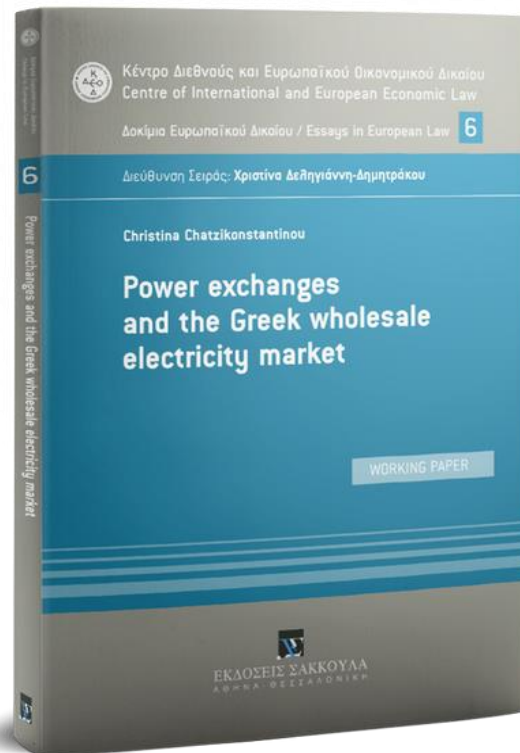
The objective of this study is to present some of the basic aspects of discriminations in the field of work and employment, especially in private sector

enterprises. Discriminations against employees of the public sector, on one hand, and of churches or other public or private associations the ethics of which are based on religion or beliefs, on the other hand, will be considered in this study only partially, to the extent that the concerns are similar to those that apply to the employees in the purely private sector, without a specific evaluation of the various specificities presented by work to such employers.

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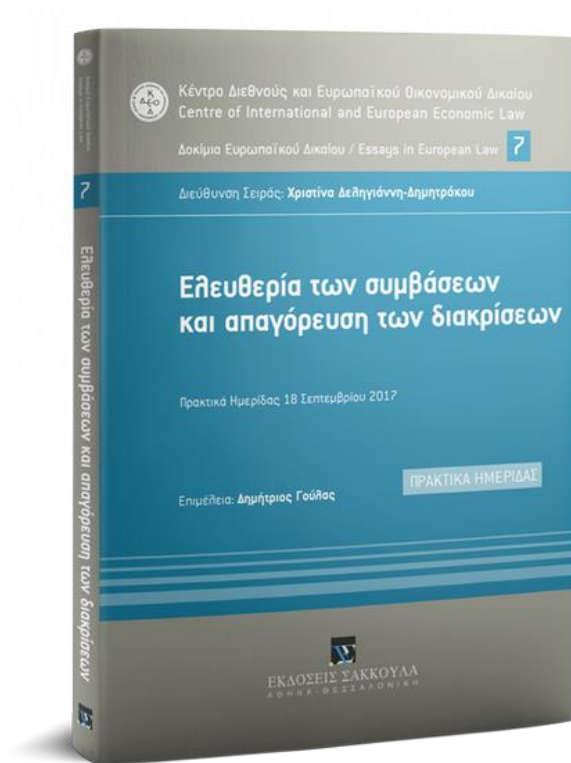


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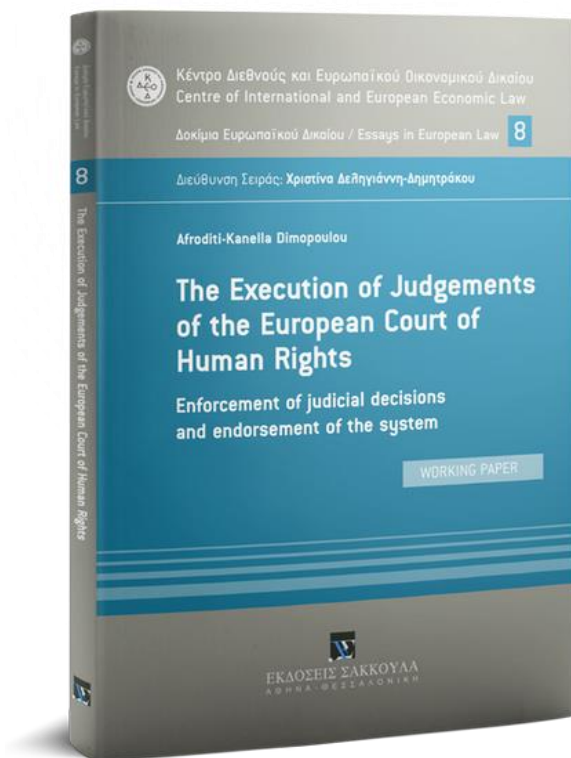


The focus of the working paper is to provide, from the scope of energy law, a review of the basic functioning of power exchanges, both as marketplaces and as institutions in the context of the European Integral Energy market.

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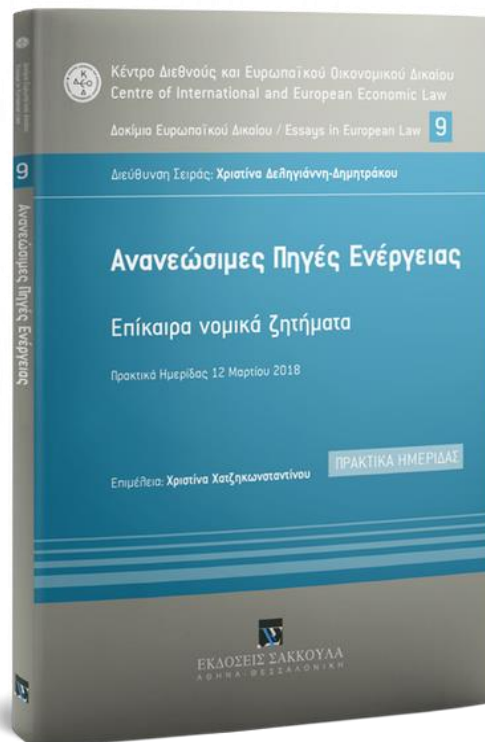




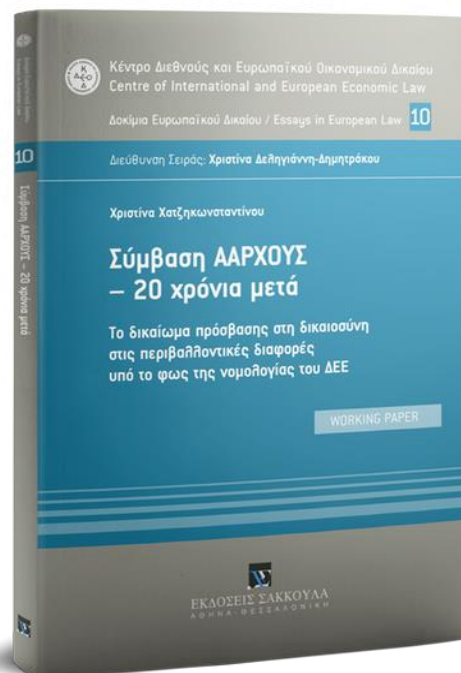
## **Abstract**

The implementation of judgments constitutes one of the pillars of the Rule of Law and is inextricably linked to the quality of the administration of justice. From this starting point and keeping in mind that selective enforcement results in selective justice, the present paper focuses on the execution of judgments of the European Court of Human Rights (ECtHR). The paper attempts to look into the complex question of the binding effect that judgments have on Member States. Is the effect actually binding or does it on occasion remain “wishful thinking”? The study aims at examining the interrelated dimensions of the above-mentioned issue. To this end, it is divided into five parts. The first one focuses on pertinently presenting the existing implementation mechanism of the ECtHR’s judgments and reflecting on the role assumed by the political bodies engaged in the process. The second part examines the evolution of the implementation mechanism under the prism of the ECtHR’s jurisprudence. The third part is concerned with the underlying causes relating to the problem of defective or non-implementation including the ones encountered in interstate affairs. In the fourth part emphasis is put on the impact of the implementation of ECtHR judgments in the Greek legal order, as well as on reasoning on the way the supranational legislative text has affected the domestic practice and legislation, while adducing specific examples. In view of the fact that slow or non-implementation is a sore point in the Convention’s system, the study finally contemplates on potential means of amelioration that could endorse the effectiveness of the implementation system.

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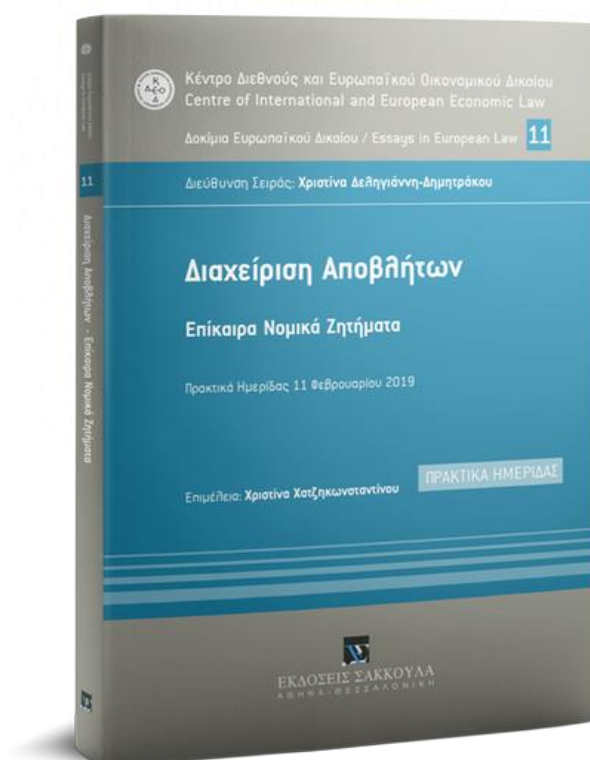


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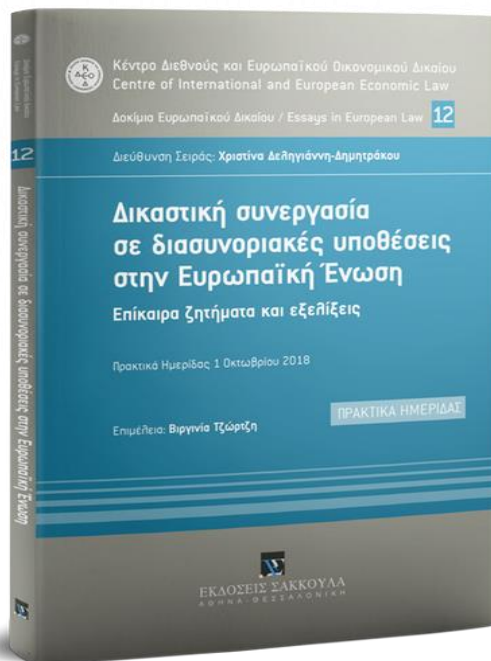


Twenty years after the signing of this international Convention, the present study focuses on the Third Pillar in particular and more specifically on the right to access to justice, in the context of environmental disputes. The main objective of the study is to promote the basic aspects of this right in the basis of the relevant provisions of the Convention and, furthermore, to examine the regulatory effect on the EU environmental law, as demonstrated, in particular, by the case-law of the Court of Justice of the Union, which has had a catalytic effect on the reinforcement and specialization of the regulatory content of the Convention.

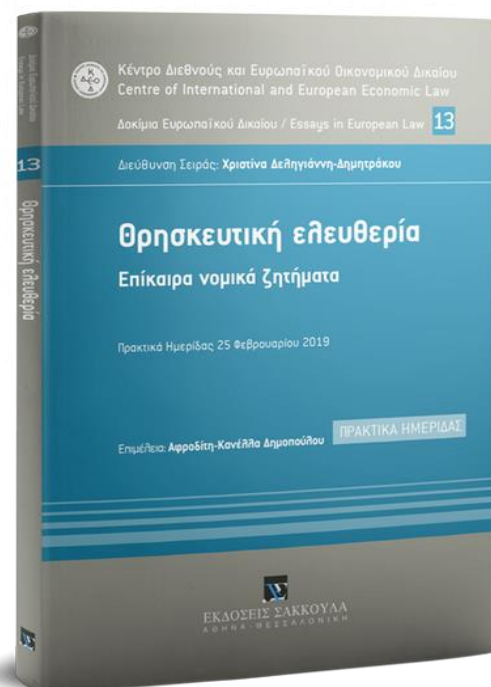
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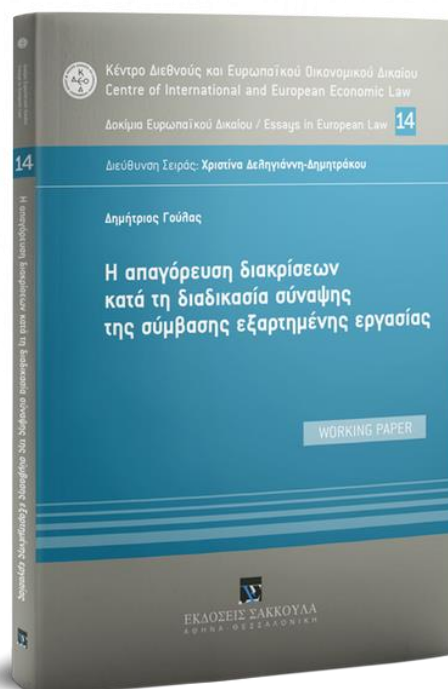
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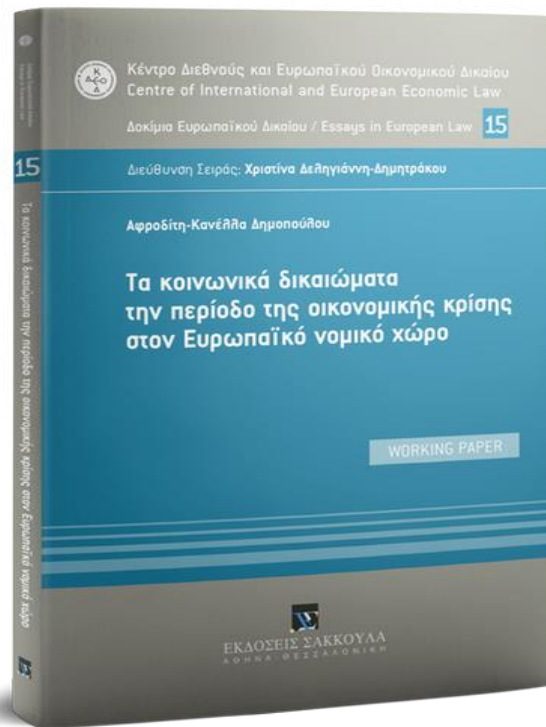


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The purpose of this study is to implement the law on prohibition of discriminations during the pre-contractual stage, especially in the field of work and employment. “Pre-contractual stage” means, in broad terms, the entire range of legal relationships developed from the parties’ initial transaction up to the conclusion of the contract or the failure of the negotiation.

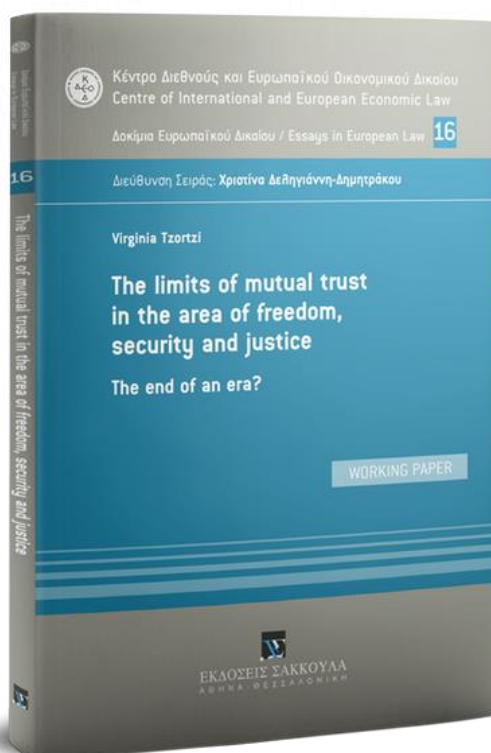
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This study attempts to examine how social rights were dealt with during the period of the economic crisis, which affected the European Union and especially the countries of the European south. Social rights are approached in this study as a whole. At the same time, however, specific cases are cited in order to demonstrate the limitations to specific social rights resulting from austerity measures.

The reflection, that tends to be answered in this study, is whether the financial crisis, that affected Greece and other heavily indebted countries of the Eurozone, has revealed the gap that exists between the rhetoric and the reality of social Europe. The subject of the examination is, in particular, the question of whether the provisions of international and European law that guarantee social rights can alleviate the social impact of the austerity measures, attributing a social profile to the economic and social policy of the Union.

16.



The principle of mutual trust is a principle of fundamental importance in the Area of Freedom, Security and Justice. However, external and internal crises have put a strain on the European Union, leading to the erosion of its founding values. In the midst of the current crises mutual trust between member states is derailed, threatening in turn the proper function, even the future of the Area of Freedom Security and Justice.

Mutual trust implies a presumption that the member states protect fundamental rights. However, this presumption is rebuttable.

The working paper goes through the nature and the function of the principle of mutual trust in the Area of Freedom, Security and Justice, especially under the current crisis.

It further considers the limits to mutual trust, focusing on the recent case-law of the European Court of Justice, the risks implied by the erosion of this principle and the future perspectives.

This contribution identifies the challenges and offers answers to the following questions: 1. When does mutual trust end? 2. Where is the balance to be found between blind mutual trust and mutual distrust? 3. What are the questions arising from the recent case - law of the Court? 4. How will the European project survive the mutual trust crisis?

This analysis argues that while the recent case-law of the Court provides for circumstances that result in the non-application of mutual trust, its approach rightly remains that the rebuttal of this principle should only occur in exceptional circumstances, in order to preserve the existence of the Area of Freedom, Security and Justice. It finally concludes that, since the landscape has changed due to the crisis of values, providing rules for a new construction of the principle of mutual trust, thereby carving the exceptions to it, is needed.