



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Luxembourg, October, 13th, 2016

The Presidents have been invited to write and send a short report for the booklet that will be published on the occasion of the 25th Anniversary of the FBE, with a maximum of 200 words, including a presentation of their commission and of the current and/or the future work of their commission, before September 5th, 2016.

Two reminders have been sent to the Presidents of the Commissions who did not send their contribution.

The reports of the following commissions have not been received by the Secretariat of the Commissions yet :

- Commission Law without borders, Rudolf Lauda
- Human Rights Commission, Yves Oschinsky
- Ethics Commission, Rod Mole
- Mediation Commission, Silvia Gimenez

Secretary General Charles Kaufhold has been asked to contact directly the Presidents of these commissions.

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Michele Lucherini - Vice President : Suzanne Stern - Secretary : Enrico Lattanzi

President Michele Lucherini has sent the following report to the Secretariat of the Commissions.

Access To Justice Commission - like the others - was refunded



*The number of members, three at the beginning - is now eight from Germany, Italy, Netherlands, Poland, Spain, Romania.
We want to integrate the work with the France and Britain experiences.*

We started working on these bases:

Access To Justice is the "equal right to participate in every institution where law is debated, created, found, organized, administered, interpreted and applied".

European systems recognize the need to guarantee better access to justice and we have different mechanisms to help citizens and companies to enforce their rights.

We are focusing our attention about these following aspects:

- 1. Taxes to access to justice;*
- 2. The costs of defense;*
- 3. The legal aid.*

We are preparing a smart and practical report with indications and conditions of access to justice in the nations members of the FBE.

We have gathered materials.

The members of the commission prepared the draft for writing the report.

There is great understanding and passion for this first work, to be completed with the experience of other nations that have not yet been studied.

Subsequently, we will extend the report on statistical data.

HUMAN RIGHTS COMMISSION - BRUSSELS

President : Yves Oschinsky - Vice President : Vincent Spira - Secretary : Julie Goffin

The members list of the Commission has been updated.

On behalf of former President Nazario de Oleaga, a request for support in the context of prosecutorial abuse against the legal profession in Romania has been forwarded to the Commission the 14th of January 2016.

ETHICS COMMISSION – DEVON

President : Rod Mole - Vice President : No information - Secretary : No information

The Secretariat of the Commissions didn't get any reply from the President.

LEGAL EDUCATION COMMISSION - MADRID

President : Maria Sonia Gumpert Melgosa - No Vice President - Secretary : Ana Casado Martin

The FBE International Contract Competition has been held in Warsaw from 7th to 9th October.

The Secretariat of the Commissions has been informed of the winning team, from Istanbul Bar Association, *Attorney-at-Law Sezil Durmuş (Mrs.) and Attorney-at-Law Selim Arda Gürata (Mr.)*.

As decided by the Presidency in Amsterdam, the winners have been invited to attend the Congress of Luxembourg where an award will be given during the General Assembly.

The Secretariat of the Commissions has contacted the team to organize their attendance.

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

President : Alessandro Senatore - Vice President : No information - Secretary : No information

The composition of the commission could not be updated yet.

The following report aimed to the brochure of the 25st Anniversary has been sent by President Alessandro Senatore.

Pochi giorni dopo che la presidenza della FBE, ha deciso di onorare la città di Napoli, assegnandole la sede della Commissione Arbitrale Internazionale, come Presidente della Commissione ho promosso un accordo di collaborazione con l'Università degli Studi di Napoli "Suor Orsola Benincasa", per approfondire lo studio di questa materia. L'arbitrato internazionale richiede una formazione altamente specializzata degli avvocati per garantire, in un mondo sempre più globalizzato, un'adeguata assistenza tecnica. La Commissione ha il compito di guardare al futuro perché sa che crescerà l'esigenza di affidarsi a Corti Internazionali indipendenti, che garantiscano decisioni più rapide, emesse da giudici altamente specializzati. L'avvocatura europea non può restare ancorata ad una figura novecentesca dell'avvocato rinchiuso solo nelle aule dei Tribunali domestici, ma dovrà essere in grado di dare il suo fondamentale contributo in questa materia.

La nostra commissione, intende continuare su questa strada, promuovendo alleanze tra il mondo universitario e quello dell'avvocatura, per creare un gruppo di lavoro che studi e approfondisca i vari aspetti dell'arbitrato internazionale. Una Commissione alla quale appartengono non solo gli avvocati europei ma anche avvocati della sponda sud del Mediterraneo. Un progetto ambizioso, che richiede un grande lavoro, una sfida affascinante, che porteremo avanti impegno.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

President : Leo Bouteligier - Vice President : Luc De Somer - Secretary : Stefanie Verstraete

The members list of the Commission has been updated.

The Secretariat of the Commissions has been informed that the Commission is currently working on the topic "Lawyers and the legal expenses insurance".

EASTERN BARS COMMISSION - CLUJ

President : Stanca Gidro - Vice President : Christoph Munz - Secretary : Diana Andrasoni

The following 5 months report has been sent to the Secretariat of the Commission :

This Periodic Activity Report covers the activities of the Eastern Bars Commission for a period of 5 months, since previous report, from the meeting of Strasbourg.

During this period, the scientific works consisted in one meeting in Cluj-Napoca, between 16-17 september 2016. In this period dr. Dariusz Gibasiewicz, an active member of our commission had a public conference on the topic of the application of EU law directives by the national court and the obligation to interpret national law in conformity with EU law as an instrument for ensuring the effectiveness of EU law and dr. Mariusz Maciejewski also an active member of our commission had been a speaker in same conference on the topic of General overview of a law firm management.

Eastern Bar Commission has developed a program to implement juridical education in high schools across Romanian Country, based on a handbook that shall be presented in Luxemburg by its author, Romanian judge Cristi Danilet. The program, the English and German version of the handbook and accomplishment of implementation of this program will be presented by our commission at the Luxemburg Congress. In Romania the Education Inspectorate of Cluj agreed to implement it.

Eastern Bar Commission has supported the FBE International Contract Competition, that will take place in Warsaw, Poland between 7-9 October 2016. One of our members, Mr. Voicu Sarb was designated as a judge in this competition, as well.

Eastern Bar Commission had some results in its objective of increasing cooperation amongst Eastern Bars. Cluj Bar Association has signed two twinning agreements with Barcelona Bar and with Krakow Bar.

We plan on holding a commission meeting in Romania, Cluj-Napoca in the upcoming 2 months.

The working program proposed for the next 6 months:

- 1. State interference in freedom and independence of advocacy.*
- 2. Legal education in schools*
- 3. The principle of equality of arms threatened in ex-communist countries by the magistrate prosecutors statute. Professional relationship between Magistrates (Judges and prosecutors) and attorneys.*

MEDIATION COMMISSION - BARCELONA

President : Silvia Gimenez-Salinas - Vice President : No information - Secretary : Marta Isern

The composition of the commission could not been updated yet.

The Secretariat of the Commissions didn't get any information from the President.

**COMMISSION ORGANISATION AND OPERATION
OF THE BAR ASSOCIATIONS AND LAW SOCIETIES - FFM**

President : Andrea Griem - Vice President : Rudolf Lauda - Secretary : Heike Steinbach-Rohn

The composition of the commission could not be updated yet.

The following report has been sent to the Secretariat of the Commissions by President Andrea Griem.

According to the autonomy and independence of the member organisations, it is the aim of this commission to find an European model of the main principles of professional self governance.

The first step of the examination is the comparison of the different systems and ways of self governance of legal profession in the law systems of our members.

For this purpose the commission has send a questionnaire to the members of the FBE concerning the rules of self governance and organisation of the legal profession. The answers have been listed in country reports.

In the future the commission expects more replies to complete the country reports in order to start a comprehensive comparison of the different regulations.

President Andrea Griem has also sent an update of the reports received from the members regarding the organization of the Bars.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

President : Bas Martens - Vice President : David de Knijff - Secretary : Saskia van der Toorn

President Bas Martens has sent his report aimed to the brochure of the 25th Anniversary, in which he is highlighting the current works of the Commission, especially "development and protection of the legal privilege for lawyers" and "the status of in house or company lawyers".

The Commission notices that pressure from governments on the position of lawyers in the legal field is growing in several countries. The role of the lawyer as the independent council needs protection as governments try to impose government supervision.

The commission continues to work on an important subject, the 'development and protection of the legal privilege for lawyers'. Another topic is chosen because the profession and position of the lawyer is subject to change. The commission studies the 'the status of in house or company lawyers'.

During the meeting of the commission in Luxembourg, members will discuss further the themes 'Future of the FBE' and the 'Role of the lawyer working for private companies and institutions'. President Martens also would like to analyze the challenges of digitalization of the profession like Rocket Lawyer and intelligent legal search engines.

COMMISSION NEW TECHNOLOGIES - WROCLAW

President : Iza Konopacka - Vice President : Franceso Tregnaghi - Secretary : Anna Materla

Following the Presidency meetings of Strasbourg and Berlin, the Presidency has decided to ask for several budgets in consideration of the audit of the FBE website conducted by the Commission. This topic will be discussed during the next Presidency meetings.

An agenda regarding the commission meeting of Luxembourg has been sent by President Konopacka to the members of the Commissions

- 1. Discussion on an exchange of ideas and knowledge on the eIDes (digital signatures across Europe) <https://ec.europa.eu/digital-single-market/en/trust-services-and-eid-introduction>*
- 2. Future system of certified e-mail or registered electronic mail (REM)-Italian Model. http://www.iit.cnr.it/sites/default/files/Buzzi%20IADIS_PEC_2014_Submitted.pdf*
- 3. Investing in litigation as a legal innovation-benefits and risks.*
- 4. Artificial Intelligence and legal consequences arising in connection with the use of it.*
- 5. Introducing new project to the NT Commission members.*
- 6. Discussion on the project i.e. international conference to be held in Wrocław on 24 th April 2017 devoted to LEGAL INOVATION.*
- 7. Determining the relevant topics to be included in the Conference Programme.*
- 8. Giving proposals as to the speakers.*
- 9. The honorary patronage of the FBE-letter to the Presidency.*
- 10. Allocating tasks to the NT Commission members.*

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

President : Artur Wierzbicki - Vice President : Marc Wesser - Secretary : Renata Karbowska-Kuźma

President Artur Wierzbicki has sent the following report to the Secretariat of the Commissions:

On 10 th September 2016, planned meeting of the Human Rights and Freedom Commission (further herein referred to as "HRFC") of Federation des Barreaux d' Europe (further herein referred to as the "FBE") was held in Poznań Bar (Poland).

The following persons took part in the meeting:

- 1. Mr Artur Wierzbicki - President of Human Rights Freedom Commission of FBE,*
- 2. Mrs Renata Karbowska- Kuźma - secretary of Human Rights Freedom Commission of FBE,*
- 3. Ms Sara Chandler – Vice President of FBE,*

4. Mr Marc Wesser – Vice President of Human Rights Freedom Commission of FBE,
5. Mr Jose Ramon Anton Boix,
6. Mrs Izaskun Azpitarte Astobiza
7. Ms. Izabella Konopacka
8. Mr Paweł Koehler
9. Mr Jarosław Rymer

The President confirmed that all Members of the HRFC had been duly invited to participate in the meeting.

The President announced the following agenda:

1. Opening of the meeting.
2. Taking the chair of the meeting and presentation of all members of HRFC.
3. Commission activity for last some months and next 6 months.
4. Motions, recommendations, determining dates and places of next meetings of the
5. HRFC, close the meeting.

Re.1.

The Meeting started at 12.30 p.m.

The President checked the presence of the members and informed that a few persons, who confirmed, didn't come.

Re.2.

Once again the President of the commission presented information about the Commissions and its goals. The all participants presented what they have done (work for HR&FC) since May 2016 in Strasbourg.

Jose Ramon:

We started crowdfunding campaign for our project dedicated to refugees, immigrants in camps. We need more people (exactly lawyers, experts in international law) to work. We have to pay them for help even slightly. Now about 20 people work in camps. In some camps there are small legal education centers.

There are different people in camps. Poor and quite rich (have telephones, mobiles, tablets etc.). Some really need help.

Moreover he explains how they help people in the caps (e.g. give advice, solve legal problem in camps concerning violence, they rights and duties, obligations)

Izaskun Azpitarte:

If there are any recommendation to go to exact country? e.g. Germany, Denmark

Jose Ramon denied, but they know where is good social. Refugees situation in camps is terrible. It is only temporary solution.

Artur Wierzbicki told about his own remarks from Calais (France).

Iza Konopacka told about her own observations from Italy near Switzerland border.

Summary:

Sara Chandler:

formal request to General Assamble is needed from Madrid Bar for financial support. Also proposition to spread project for Europe. In Luxemburg Commission should prepare presentation of project.

Resolution in this meeting to assembly:

Resolution no 1

FBE should support "Greek refugees project" in all ways, especially financial way.

Artur Wierzbicki told that Poznan's Bar (hosting Bar for HRFC) wants to found new Commission "The Human Rights Commission". In Poznan's Bar there are a lot of people who want to work in this way.

Information from Artur Wierzbicki about imigrants/refugees situation in Poland.

Summary:

We should educate ourselves in imigrants/ refugesse topic. Only then we can effectively help them. If the commission will be created then we should educate younger in school about human rights and how to respect other people.

Paweł Koehler speaking:

We are not free from emigrants problem.
We should do everything to understand that topic.
We need some programs to help them.

Mark Wasser:

Some regions in Germany want to limit refugesse.
People want to forget history that's bad way.

Sara Chandler:

We must remember our history.
Legal education in school is very important.
Media, social media has big influence, support in network is very important.

Iza Konopcka:

Consider to include other bars to the programme
Prepare some cases, topic for discussion about human rights.
The role for us (Lawyers) is to educate young people.
Open for others in need.

President of the Commission- next topic to work is situation in Turkey:

We should observe more and read more about situation in Turkey. How we can help lawyers there? In Luxemburg we'll discuss Turkey case. Prepare information about our observation.
Izaskun and Marc will be responsible for "Turkey".

Artur Wierzbicki told about Colombian Caravana 2016.

The "Columbian Caravana 2016 Report" will be presented by the President at the Conference in Luxemburg at the meeting with the Presidency and at the General Assembly.

Artur Wierzbicki presented already prepared the draft of 12 questions about refugees dedicated to all FBE Member Bars. The draft of the survey was accepted by the Commission. The results of the Survey will be presented by the President in Luxemburg at the general Assembly.

Paweł Koehler idea of Tribunal:

Agenda of human right (national). Enter the judiciary of human rights in each European country. National agenda of human rights on the level of regional courts.
Proposition for FBE resolution – authorities in EU should support idea.

Our Commission should intensify work on Paweł's project and develop it, moreover prepare a resolution for Luxemburg to make court (human rights court system) more accessible. The Commission should investigate how it can realise and support Paweł Koehler's proposal.

Sara Chandler backed the idea : we can work on it.

Re.3.

Prof. Sara Chandler (the First Vice President of FBE) acting on behalf of FBE Presidency officially congratulated and thanked to Mr Artur Wierzbicki for his deep work and great involvement in "Colombian Caravana Project".

"Good work" She said !

Re.4.

The next meeting of the HRFC will be in Luxembourg, September 13, 2016 during The General Autumn FBE Congress in Luxembourg 13 – 15 October 2016 “The Lawyer in dialogue with the Court of Justice of the European Union”.

The President in extra mail to all Members of HRFC till October 10, 2016 will confirm the place, date and exact time of the next working Commission Meeting.

On behalf of the President, a survey regarding refugees has been sent to the FBE members. The first results of the survey should be presented during the General Assembly in Luxembourg.

COMMISSION LAW WITHOUT BORDERS - FFM

President : Rudolf Lauda - Vice President : Sergiusz Foltynowicz - Secretary : Tanja Wolf

Following the joint meeting in Strasbourg, President Rudolf Lauda informed the Secretariat of the Commissions that he will work on the composition of the commission and present a program as soon as possible.