



FBE – Federation des Barreaux d' Europe
EASTERN BAR COMMISSION

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MINUTE

of the videoconference meeting of the Eastern Bar Commission of the F.B.E. from 8th of April 2020

On April 8, 2020, at 12.00, the Eastern Bar Commission of the F.B.E. has met by videoconference, via the 8x8 platform, with the following agenda:

1. The situation of the lawyers and the legal profession in Eastern Europe
2. State of emergency and access to justice
3. Ways to continue working remotely during a state of emergency
4. Remote Courts
5. Proposals for a resolution on the situation of the lawyers and the legal profession in Eastern Europe.

All members of the Commission were invited to the videoconference and participated Mrs. Stanca Ioana Gidro, Mr. Cristoph Munz, Mr. Alexander Mashev, Mrs. Diana Andrasoni, Mr. Voicu Sârb and Mr. Calin Viorel Iuga. Mr. Vice-President of the Commission Rajko Maric informed us that due to technical problems he was unable to attend the meeting.

As a preliminary point, Ms. Stanca Ioana Gidro brought into discussion the fact that Mr. Cristoph Munz was and is Vice-President of the Eastern Bars Commission and the appointment by the Presidency of Mr. Rajko Maric as Vice President does not remove the quality of the first one (two vice presidents can coexist). This clarification is necessary, as Mr. Cristoph Munz participated to all the meetings of the commission, including the meeting from Craiova (Romania) and was and is very active. Thus, its removal from Vice-President position was not justified. She proposes a request to the F.B.E. with this mention and with the wish to highlight the quality of Mr. Cristoph Munz on the FBE website. The members of the Commission unanimously accepted the proposal.

Following the discussions, were reached the following conclusions regarding the topics of the meeting.

In Germany, Romania and Bulgaria the situation of the lawyers and of the legal profession is relatively similar, being drastically affected by the measures taken by states during the state of emergency.

In all states, the activity of the courts has been reduced to cases of special urgency, the trials being allowed remotely, by videoconference. Citizens' movement has also been restricted. These measures have led to the total or partial interruption of the lawyers' professional activity.

Communication with the courts can be done during the state of emergency only remotely, by mail and electronic means of communication.

Lawyers' communication with clients is also carried out remotely, by electronic means of communication and videoconferencing.

States have provided compensation to the lawyers in need who meet the award criteria set by them.

The measures to help lawyers in Romania consisted in postponing the payment of the taxes to the Bars for a limited period and in eliminating the penalties related to the delay in paying the taxes to the lawyers' social funds. At the same time, the judges were asked to extend the categories of cases that can be tried during the state of emergency and to judge them remotely, by videoconference. Proposals have also been made to the state to take fiscal measures in favor of lawyers. It was also proposed to be created a national solidarity fund for the lawyers in need. All the activities of the Bars are carried out remotely, by electronic means and videoconferencing.

In Bulgaria, measures to assist lawyers consisted in postponing the payment of taxes to the Bars for a limited period and in proposals made to the state for tax facilities, including an increase of the level of deduction for the professional expenses from 25% to 40%. All the activities of the bar, including the educational ones, are carried out remotely by electronic means and videoconferencing.

The members of the Commission unanimously approved the proposal to the General Assembly of the F.B.E. adopting a resolution on state support for lawyers and for the legal profession, including through fiscal measures in the case of Romania and Bulgaria, and on ensuring a real access to justice for citizens, including by continuing the trial remotely for all cases allowed to be judged in this manner, the judicial system having the duty to be in solidarity with the citizens and the business environment affected by the pandemic.

President of the Eastern Bar Commission
Mrs. Stanca Ioana Gidro

RESOLUTION DRAFT

Resolution on the protection of lawyers and the acces to justice in the European Union – Paris, 1 - 3th of October 2020

On October 3th, 2020, the General Assembly of the FBE, which represents 250 member bar associations and their 1 million member lawyers request to the states to support the lawyers and the legal profession, including through fiscal measures in the case of Romania and Bulgaria, and to ensure a real access to justice for citizens, including by continuing the trial remotely for all cases allowed to be judged in this manner, the judicial system having the duty to be in solidarity with the citizens and the business environment affected by the pandemic.