



FBE – Federation des Barreaux d' Europe
EASTERN BAR COMMISSION
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ACTIVITY REPORT OF FBE CONGRESS Bologna

During the period November 11th, 2017 - May 17th, 2018, the Eastern Bars Committee carried out the following activities:

Dolj Bar, a member of our Committee, has launched a website of Eastern Bars - EASTERN BARS NETWORK - the members of which are of Arges, Bucharest, Cluj, Dolj (Romania), Chisinau (Republic of Moldova) Bars, FBE, Eastern Bars Committee, Nis and Zajecar (Serbia), Thessaloniki (Greece), Tirana (Albania) and Vidin (Bulgaria) Bars, accessible at www.easternbars.net/v2/. The site was launched on February 22nd, 2018 under the aegis of "We Celebrate ROMANIA 100 Years". On this site we will publish the work and activities carried out by our Committee.

Following the meeting of the Eastern Bar Committee of the European Bar Federation, organized by Dolj Bar in Craiova on Friday May 5th, 2017, attended by representatives of the Bars in Albania, Bulgaria, Germany, Greece, Luxembourg, Republic of Moldova, Poland, Serbia and Romania, acknowledging the need for a communication platform for the Bar Associations in the region and assuming this important task of international cooperation in the profession of lawyer, Dolj Bar developed the Eastern Bars Network communication platform that it launches today, February 22nd, 2018 and accessible at the Internet address www.easternbars.net.

The "Eastern Bars Network" is an informal communication platform for deans and bar representatives in the region, which can be used to publish information, questions and opinions important to the lawyer's profession, irrespective of the country where it is exercised.

"Eastern Bars Network" aims to help increase bars and lawyers cohesiveness by creating a virtual, informal and open space for meeting and communicating on topics of common interest, challenges, problems, solutions or joint actions.

The "Eastern Bars Network" is open to any bar expressing interest in accessing this space, as soon as logging in data is communicated to the dean and other two or three appointed representatives of that bar.

The platform contains a publicly accessible news area where content can be viewed directly without logging in. Furthermore, representatives of member bar associations can access an area for members to post and read articles, or to participate in members' discussions based on existing content.

In order to shed some light on the problems of Eastern Europe law practice and the existence of similar problems in Western Europe, we designed a questionnaire which we sent to the FBE member bars with the request to respond until the Bologna Congress, with the following questions:

- 1. Do you face unfair competition to the profession of lawyer? (for example, legal services provided by non-lawyers, diversion of clients, etc.).*
- 2. Are there alternative dispute resolution procedures and, if so, do these procedures adversely affect the pursuit of the profession of lawyer?*
- 3. Do you think the lawyer services taxation is high?*
- 4. Do you face the interference of the State in exercising the lawyer's profession (for example, custom inquiries, excessive controls by tax authorities, etc.)?*
- 5. Are there any legal provisions or other obstacles to the freedom and independence of the lawyer service?*
- 6. Please mention if there are other issues that prevent the pursuit of the profession of lawyer.*

The Committee meeting on May 17th, 2018 will address **the adoption of the resolution - support for Romania - on the interference of the Romanian Intelligence Service in the justice proceedings, which affects or may affect the independence of justice, with the following text:**

The General Assembly of the FBE, which represents 250 member bar associations with 800,000 lawyer members, gathered on May 19th, 2018, in Bologna, has expressed its deep concern regarding the right of access of Romanian citizens to a free and independent court and about the situation of judges, prosecutors and lawyers from Romania, noting that there is an interference with the independence of judges, prosecutors, lawyers and the administration of justice due to the intervention of Romanian Intelligence Service in the work of judges and prosecutors through the conclusion of the protocols of cooperation between the secret service and the Superior Council of Magistrates, the Judicial Inspection, the High Court of Cassation and Justice, the Court of Appeal and the General Prosecutor's Office.

This resolution shall be submitted for approval to the FBE General Assembly.

We mention that the Romanian Bar Union the Cluj Bar condemned the secret protocols concluded between the Romanian Intelligence Service and the Prosecutor's Office attached to the High Court of Cassation and Justice, the Superior Council of Magistrates, the Judicial Inspection, the High Court of Cassation and Justice, Bucharest Court of Appeal. Protocols attempt to validate obvious violations of criminal law rules, starting precisely from its principles. It also resulted in the existence of other such secret collaboration documents: - June 28th, 2005; Romanian Intelligence Service - National Anticorruption Directorate Protocol - January 28th, 2003; Romanian Intelligence Service - Bucharest Court of Appeal Protocol - June 4th, 2007.

The Cluj Bar and the National Association of the Romanian Bars have condemned the existence of such unconstitutional and unlawful arrangements between the State authorities and have called for such a practice to be abolished in the future, circumventing the principles enshrined in the ECHR Convention, the Romanian Constitution and the Code of Criminal Procedure, the right to a fair trial and the principle of the lawfulness of the criminal proceedings.

Furthermore, the lawyers also requested that, to the extent that the above-mentioned Protocol was revised or replaced by another at the time of the entry into force of the new Codes (Criminal Code and Criminal Procedure Code), it should be declassified and disavowed by both signatory parties.

The Cluj Bar, in partnership with the VeDem Just Association and the School Inspectorate, the Ministry of Justice and National Education further develops the project "Legal Education in Schools and High Schools", with 60 lawyers from the Cluj Bar, enrolled in the program and teaching law lectures at different levels of education.

As near future work, the Commission will finalize the study on the problems faced by European lawyer practice after receiving the answers to the questionnaire submitted.

President

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