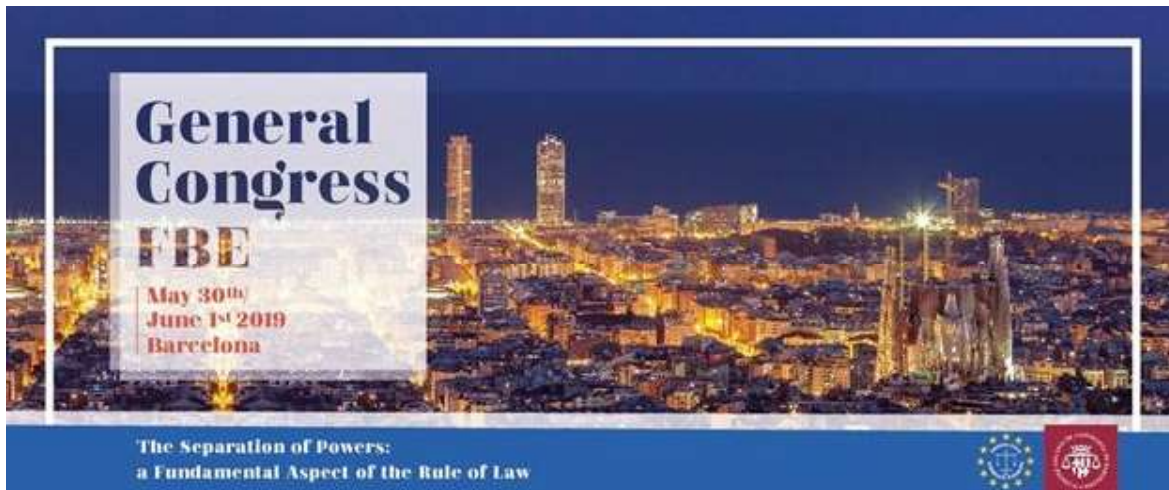


53rd FBE General Congress in Barcelona

“The Separation of Powers: a Fundamental Aspect of the Rule of Law” was the thought that ruled the 53rd General Congress of the Fédération des Barreaux d’Europe (FBE) in Barcelona, May 30th to June 1st, 2019.



Over 120 people gathered in Barcelona last week to discuss a key aspect for our democracies: The Separation of Powers: a Fundamental Aspect of the Rule of Law.

However, the intention was not addressing the issue of whether this separation has been broken or not, but to think about to which extent the system designed by Montesquieu is still valid in a society whose structure and composition has changed considerably.

More than 20 European bars were present in the Congress (Lecce, Paris, Porto, Ankara, England and Wales, Lyon and Frankfurt, among others), as well as **Michele Lucherini**, president of the FBE, **Maria Eugènia Gay**, dean of the Consejo de la Abogacía de Barcelona (Barcelona’s Bar Association), Jean-Pierre Gross, former president of the FBE, **Marie-Aimée Peyron**, dean of Paris’ Bar Association), **Patrick Henry**, president of the Commission of Human Rights at the Council of Bars and Law Societies of Europe, **Maria Eugènia Alegret** judge and president of the High Court of Justice of Catalonia between 2004 and 2010, and **Victoria Ortega**, president of the General Council of Spanish Lawyers, among other relevant public figures.



Thursday, May 30th

The 53rd FBE Congress in Barcelona started on May 30th with the **joint presidency meeting**, with **Michele Lucherini**, FBE president, and the presidents of the **Commissions** of which the Fédération des Barreaux d'Europe is made up (Access to the legal profession, Arbitration, Law without borders, Equality, Ethics and Mediation, among others). This meeting took place in the Board Room of the Ilustre Colegio de la Abogacía de Barcelona (ICAB).

The **official opening of the Congress** was held at Palau de Pedralbes and was hosted by **Ester Capella**, Catalonia's regional minister for Justice, **Michele Lucherini**, former president of the FBE, **Silvia Giménez-Salinas**, current president of the FBE and *emeritus* dean of the ICAB, and **Maria Eugènia Gay**, dean of Barcelona's bar, along with the congress participants, who joined the celebration at Palau de Pedralbes to welcome the 53rd General Congress of the FBE in Barcelona.



Friday, May 31st

On Friday, 31st May, the attendees attended different sessions in which the scientific program of the Congress was developed, with the participation of many top-level national and European speakers.

On behalf of the hosts, **Maria Eugènia Gay** opened the **53rd FBE General Congress** with a speech that focused on the importance of the separation of powers in the Rule of Law as the base for democratic strength, and the importance of the legal profession in this separation. Next, **Michele Lucherini** emphasized the lawyers' independence as guarantors of legality within the civil society.

In the **introductory conference** offered by **Daniel Innerarity Ph.D.**, professor of Political and Social Philosophy at the University of the Basque Country, before the start of the Congress' scientific program, the speaker stressed on the elements that define our democracies and the necessary balance between all of them to avoid a democratic crisis.

The scientific program was divided into four panels with top-level speakers which, throughout Friday's session, analyzed different relevant aspects related to the Congress' main topic: "The Separation of Powers: a Fundamental Aspect of the Rule of Law".

The first panel, “**Real separation in contrast with power balance**”, analyzed during an hour and a half the current shape of European constitutions and to which extent these are adapted to the existing sociopolitical reality.

Céline Romainville Ph.D., professor at the Catholic University of Louvain, was the main speaker for this first panel and focused on the need of adapting the separation of powers described in Constitutions to the social and political changes that take place with the development of societies.

During the conference, **Erinç SAĞKAN**, dean of the Ankara Bar Association, **Jean-Pierre Buyle**, dean of the Ordre des Barreaux Francophones et Germanophones de Belgique (the French-speaking and German-speaking Order of the Belgium Bar) and **Francisco Vellozo**, president of the Council of Deontology of Porto’s Regional Council, offered enriching speeches and shared their views on the topic, mainly on whether an actual separation of powers is feasible or not. The panel was chaired by **Victoria Ortega**, president of the General Council of Spanish Lawyers.



The **second panel**, “**The parliamentary immunity system in different states**”, had an introductory speech by **Josep Joan Moreso Ph.D.**, Professor of Philosophy of Law at the Pompeu Fabra University, who mainly focused on analyzing the parliamentary immunity system, as well as with the presence of different speakers who described the system in their country: **José María Alonso**, dean of Madrid’s Bar, **Jean-Pierre Gross**,

former president of the FBE and **Laura Bruno**, member of the *Ordine degli Avvocati di Lecce* (Bar of Lecce). The panel moderator was **Marie-Aymée Peyron**, dean of the Paris Bar.

“**The influence of lobbies: the role of Bar Associations**” was the topic for the third panel on the second day of the General Congress held by the FBE in Barcelona.

The panel was introduced by **Rafael Rubio Ph.D.**, professor and director of the Grupo de Investigación en Participación y Nuevas Tecnologías (I+DEM) at the Complutense University of Madrid, who emphasized on the obscurantism around the role of lobbies and how society can benefit from their activities.

The conversation on the role that Bar Associations play in the lobbying industry and on how they can influence the legislator was held between **Patrick Henry**, president of the Commission of Human Rights of the Council of Bars and Law Societies of Europe, **Christina Blacklaws**, president of the Law Society of England and Wales, and **Margarete Gräfin von Galen**, third vice president of the Council of Bars and Law Societies of Europe.

The panel was chaired by the dean of Barcelona’s Bar, **M^a Eugènia Gay**, who recalled how lobbying allows a dialogue that lets the society take part in public affairs, stimulating an active and reciprocal listening between the authorities and the citizenship.

The last panel of the session argued about the **capacity of courts to create law**, by examining the rules and its adaptation to a changing and globalized social system.

Christina Eckes Ph.D., European Law professor and the University of Amsterdam and director of the Amsterdam Center of European Law and Governance (ACELG), focused on the role European courts play as law interpreters and examiners.

The panel was very rich for both speakers and attendees, who took part in the discussion by asking questions and sharing their thoughts. The main speakers were **Farid Hamel**, dean of the Lyon Bar, **José María Fernández**, magistrate in Section 15 of the *Audiencia Provincial* of Barcelona, **Maria Eugènia Alegret**, judge and president of the High Court of Justice of Catalonia between 2004 and 2010, and **Michael Griem**, dean of the Frankfurt am Main Bar Association. The debate was chaired by **Manuel Camas**, former dean of the Málaga Bar Association.

Eugenio Gay Montalvo, founder and first president of the FBE, was responsible for closing the second day of the Congress with a speech that focused on the FBE’s founding objective and the Foundation’s remarkable importance in changing times.

Saturday, June 1st

The **General Assembly** took place on the last day of the Congress in which FBE members adopted **three resolutions**. The first one dealt with the rule of law and freedom of speech in Turkey; the second one was about the attacks against lawyers in Colombia, while the third one focused on the adhesion to the Charter on Citizens' Rights in the digital era, a project promoted by Barcelona's Bar Association.

In the assembly, the members of the FBE elected **Silvia Giménez-Salinas**, dean of the Barcelona Bar between 2005 and 2009 and former first vice president of the FBE, as the **new president of the Fédération des Barreaux d'Europe** for the 2019-2020 period.

During the session, **Dominique Attias (France)**, vice dean of the Paris Bar between 2015 and 2017, was appointed first vice president, **Bas Martens (Netherlands)** was appointed second vice president, and **Patrick Dillen (Belgium)**, vice dean of l'Ordre néerlandophone des Avocats du Barreau de Bruxelles (NOAB) (the Dutch-speaking Order of the Brussels Bar), was appointed secretary-general.



Both the outgoing president, Michele Lucherini, and the newly appointed president of the FBE, Silvia Giménez-Salinas, thanked the committees and members of the Federation for their effort and compromise, especially the organization of the 53rd FBE General Congress, which consolidated Barcelona as the European law capital until 2020, when Lisbon will take over and host the 54th FBE General Congress.