

**FEDERATION DES BARREAUX D'EUROPE
EUROPEAN BARS FEDERATION
VERBAND EUROPÄISCHER RECHTSANWALTSKAMMERN
FEDERACION DE LOS COLEGIOS DE ABOGADOS DE EUROPA
FEDERAZIONE DEGLI ORDINI FORENSI D'EUROPA**



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Bruxelles, January, 9th, 2020

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Michele Lucherini - Vice President : Suzanne Stern - Secretary : Elena Picchetti

No report has been sent to SeCo since the meeting in Paris.

HUMAN RIGHTS COMMISSION - POZNAN

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

President Wierzbicki will organize a meeting in Barcelona during the Festivity of San Raimon.

No report has been sent to SeCo since the meeting in Paris.

ETHICS COMMISSION – BILBAO

President : Michael Auer - Vice President : Rod Mole - Secretary : Maria Begoña Angulo

Following email has been sent by Maria Begoña Angulo :

Dear all,



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I send you this e-mail in order to know if you wish me to introduce any concrete item on the agenda of the Ethics Commission meeting of 31 January in Barcelona. I will wait for your suggestions. Thank you very much.

With my best wishes for the New Year,

Maria Begoña Angulo Fuertes
Vicepresident of the International Relations Commission of the Bilbao-Biscay Bar Association
Secretary of the Ethics Commission of the FBE

Following report on the Task Force on the Role of Lawyers and International Commercial Structures has also been sent :

In the late 2016 the International Bar Association (IBA) and the Secretariat of the Organisation for Economic Co-operation & Development (OECD) established the Task Force on the Role of Lawyers and International Commercial Structures in order to examine the role of lawyers, as operators capable of recognizing, and preventing illegal conduct in commercial transactions, especially international ones.

The activities and the Statement of Principles elaborated by the Task Force, in consultation with the internal constituencies of the two organisations, have been summarized in a Report, dated May 2019.

Its aim is to sensitize the lawyers, who, since they play a crucial role in society, are considered the "guardians of the rule of law". Indeed, as key components in the administration of justice, it's crucial for them to give independent legal advice and to respect professional duties to their clients. Furthermore, they must not act in any manner that can encourage or facilitate illegal conduct.

Although the objective of this Report, in its will of educating lawyers to give value to their role, duties and activities, it's important also to underline the wrongness of the functioning approach.

It is wrong to assume that, thanks to some lawyers who don't act diligently, there is a proliferation of illegal activities, but, on the contrary, it would have been better to set the discussion by focusing on their key role: in particular, a professional behaviour, in compliance with law and ethical principles, is able to affect the operational choices of clients, acting as a dissuader and to alienate them from unlawful conduct.

The lawyer must have a "mission": to protect the rights of those who rely on him, first of all, but also of the community: for this reason, all his decisions and performances must be ethical; on the other hand, the prevailing values must be that of loyalty, rightness and consistency of every action.

Faced with this need to raise the awareness of professionals, as a condition felt not only at EU level, but also internationally, a possible solution that is already being adopted by our country, is to enshrine the obligation of refresher courses for lawyers, organized by the Councils of the Bar Association, by the Legal Fund or by public bodies with certain requirements, in order to ensure an all-round and continuous training.

The participation at events, such as courses on specific subjects of particular professional and cultural qualification or aimed at obtaining the qualification of specialist, first and second level master's degrees, can be useful for the improvement of professional competences in legal and interdisciplinary subject.

The general principle that inspires the rules governing an obligation of continuous training is that of "freedom of preparation", aimed at giving the lawyer the broadest choice, consistently with the "training needs" of each member; as a consequence, it is introduced the possibility to follow teaching events not only on the national territory, but also abroad. Moreover, it would be useful and profitable, to add Deontology as a subject of the state Examination for the profession of lawyer, so as to confirm its importance and return to this discipline the real primacy that is due to it.

Although the above mentioned solutions are only few examples of a possible strategic improvement approach, they can ensure an increasingly active sharing of common values and ideals.

LEGAL EDUCATION COMMISSION - MADRID

President : Raúl Ochoa Marco - Vice President : To be determined - Secretary : Victor Gamero

Following report has been sent to SeCo after the meeting in Paris :

The FBE General Congress celebrated in Barcelona in May 2019 served the FBE Legal Education Commission as the perfect venue to exchange views on the legal education matters and ongoing issues faced by the FBE members. In particular, the Commission agreed to continue promoting the different initiatives:

- *The Commission members would work to present the FBE Training Needs Assessment to the FBE presidency as the first step to investigate the main legal education issues faced by each participating country in order to exchange information and best practices.*
- *The Bilbao Bar committed to boost the organization of the 3rd edition of the International Contract Competition designed for young lawyers and with an especial focus on new technologies.*
- *The Madrid Bar proposed to initiate the organization of a Court Skills Competition for young lawyers willing to experience the presentation of a case in equivalent conditions to a courtroom.*
- *Finally, the Commission members decided to explore with the FBE presidency the possibility of offering internships in Law firms abroad, using the relationship between the Bar members of the Commission and their contacts.*

STATUS OF THE ONGOING ACTIVITIES OF THE LEGAL EDUCATION COMMISSION.

First initiative: the FBE Training Needs Assessment was reviewed and approved by the Commission Members on October 16th and will be sent to all FBE Bar Members the week after the Lisbon Congress, unless the FBE presidency proposes to delay it.

The Legal Education Centre of the Madrid Bar Association designed a brief questionnaire of 15 questions oriented to ascertain the needs and challenges faced by the European Bars. During the General Assembly in Lisbon, the Commission will explain the main objectives of the Assessment and the project overall. It is important to clarify that the Assessment is only the beginning of a project oriented to create a shared legal education platform for the benefit of all FBE members.

Second initiative: The organization of the 3rd edition of the FBE International Contract Competition.

The Bilbao Bar is currently organizing the 3rd edition of the FBE International Contract Competition which will be celebrated on March 2020 to be able to present the competition results on the next FBE General Congress in May 2020 celebrated in Paris. In particular, the Bilbao Bar is working at the moment with the following timeline:

The FBE International Contract Competition 2020 Timeline

<i>Date</i>	<i>Task</i>
<i>December 2019</i>	<i>Sponsors call</i>
<i>January 2020</i>	<i>Invitation sending</i>
<i>10 February 2020</i>	<i>Deadline for applications submission</i>
<i>March 2020</i>	<i>Competition</i>
<i>—</i>	<i>Report during the FBE Meeting</i>
<i>—</i>	<i>Presentation of the project at the FBE</i>

The structure of the competition will be similar to the first and second editions organized by the Bilbao Bar.

The Madrid Bar will assist the Bilbao Bar with the promotion of the event as well as conforming a team of qualified members to participate in the competition.

Third initiative: the organization of a FBE Court Skills Competition.

The Madrid Bar Association proposed the organization of a Court Skills Competition providing young lawyers the unique opportunity of getting involved in a real-world simulation.

The Competition will be based on a homicide case where prosecutors and defense attorneys will be evaluated in terms of oral advocacy skills. Evidence and police statements will play an important role during the tournament.

Last year, the Association of Young Lawyers of Madrid organized a successful Oral Advocacy Tournament which might be of consideration for the organization of the next FBE Court Skills Competition. The tournament could be structured as follows:

- 1st Round of debates*
- 2nd Round of debates*
- Semi-final rounds*
- Final*

The winners and finalists received an economic compensation for their achievements.

The new tournament will take place in spring 2021 in order to have enough time to coordinate our efforts so that a high participation rate be guaranteed. The Lisbon Congress will be the venue to debate possible dates for celebrating the event.

Fourth initiative: program of internships abroad.

In the last FBE meeting, it was suggested the possibility of offering internships in law firms abroad, using the relationship between the Bar members of the Commission and their contacts.

In relation to the above, the Madrid Bar Association has consistently been organizing an internship program, in collaboration with law firms and different Bar Associations to assist students in their legal education so that this new program could be an extension of the program already put in practice by the Madrid Bar. The program already developed is as follows:

The duration of the internship in the country of placement is generally of 2 months and, if nothing is stated on the contrary, the working language is English.

The expenses are only partially covered by the Madrid Bar in order to assist students and foster a high participation on the internship program.

Notwithstanding the aforesaid, since the intention of this proposal is to extend the ICAM's internal program and thus develop a permanent FBE Internship Program, in case there is a high number of bars interested in participating, the program format should be deeply discussed to accommodate it to the Bars' needs in order to guarantee a high participation rate and, consequently, the success of the program.

As it occurs with regards to the previous initiative, the Lisbon Intermediate Congress will be a suitable venue to discuss the details, proposal and possible participants for the development of the program.

Formal approval from the Presidency on the survey on training needs assessment is requested. The survey will then be sent to our member Bars (see attachment).

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

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

No report has been sent to SeCo.

EASTERN BARS COMMISSION - CLUJ

President : Stanca Gidro - Vice President : Rajko Maric - Secretary : Diana Andrasoni

Following letter has been sent to SeCo by President Stanca Gidro, in French and English :

FRENCH

À la suite de la discussion à Lisbonne avec Madame la Présidente SILVIA GIMÉNEZ-SALINAS et avec Monsieur le Secrétaire des Commissions PHILIPPE LOEW, la Commission des Barreaux de l'Est, hébergée par le Barreau de Cluj, réitère la proposition faite lors de la réunion des présidents des commissions de la FBE du 24/10/2019 de créer au niveau de la FBE une plate-forme pour assurer une communication directe entre les avocats et les justiciers des pays membres de l'UE afin de rendre efficace la fourniture de services juridiques au profit de toutes les parties concernées.

Pour atteindre cet objectif, nous avons pensé à une plate-forme en ligne qui aiderait les citoyens résidant dans un pays autre que celui d'origine à trouver un avocat familiarisé avec le droit de l'État résident et celui de l'État d'origine ou du droit international privé et connaissant en même temps une langue commune avec celle ou celles connue(s) par le citoyen ayant besoin d'assistance.

L'idée est née de :

- Varsovie, où le consul de Roumanie a demandé notre soutien pour les citoyens roumains résidant en Pologne (environ 5 000) pour trouver des avocats basés en Pologne avec qui communiquer et se consulter sur la législation polonaise et, éventuellement, roumaine ;
- le fait qu'à l'heure actuelle, il y a environ 4 millions de Roumains vivant dans les pays de l'UE et des dizaines de millions de citoyens d'autres pays de l'Est.

Le phénomène de migration de force de travail d'est en ouest est apparu, en particulier, après l'adhésion des anciens États communistes à l'Union européenne et a été accentué par la crise économique dans certains États de l'est et n'est pas typique de la Roumanie.

La migration (souvent d'un seul membre de la famille) a des conséquences juridiques sur les biens, la famille - le divorce, le domicile des enfants, la relation avec le parent parti, les troubles antisociaux - la succession, etc.)

Les normes applicables à de telles situations peuvent provoquer l'ingérence de législations différentes tant en droit matériel qu'en droit procédural. Ainsi, les personnes résidant dans un pays européen et les citoyens d'autres États européens se trouvent souvent dans la situation de ne pas trouver ou de trouver extrêmement difficile des avocats qui puissent résoudre leur problème ou (au moins) les conseiller.

D'autre part, l'Union européenne autorise les avocats à exercer leur métier, sous certaines conditions, dans un pays de l'Union autre que celui d'origine.

L'accès au site Web CCBE ne suffit pas à couvrir ces besoins, car il fait référence au portail e-Justice, où l'interface « trouve un avocat » fait référence au groupe d'avocats de chaque pays, ce qui n'aide pas beaucoup les parties intéressées, car ces listes ne contiennent pas toutes les données nécessaires.

La plate-forme aurait pour objectif de fournir des informations sur les avocats connaissant les langues étrangères et, éventuellement, la législation de plusieurs pays, et plusieurs filtres seront appliqués dans ce but.

Bien entendu, une telle approche implique des coûts, que nous détaillerons dans la suite. Nous avons contacté une société informatique qui a offert son aide. Ils nous ont fait une offre de sorte que, au début, les coûts sont minimes et que, pendant le cours, il est possible d'obtenir un revenu à la fois pour la FBE et pour la société informatique.

VARIANTE I. Elle est plus simple et implique uniquement la possibilité de rechercher un avocat dans plusieurs langues sur la base de plusieurs critères (pays, expertise, langues parlées, etc.) et d'évaluer ses services.

VARIANTE II. Elle comprend également un réseau social impliquant un profil social et la possibilité de communiquer entre avocats, de publier des articles, des nouvelles, des photos, des événements, etc.

La partie financière suppose un montant de 2 000 euros + TVA (19%) pour l'installation puis ceux qui s'inscrivent sur la plate-forme paient un montant de 0,50 euro / mois ou 1 euro / mois, selon la version choisie, le revenu sera réparti entre la FBE et la société informatique, selon le tableau.

Le montant de 2 000 euros + TVA requis pour démarrer le projet peut être assuré en obtenant des parrainages au cas où la FBE ne disposerait pas de ces fonds.

Dans la mesure où vous accepterez notre proposition, la participation de la FBE consistera en la publicité de la plate-forme, en vue d'attirer autant d'avocats que possible, puis vers les ambassades, consulats, etc. et dans la gestion de la plate-forme et des montants que nous espérons collecter.

Dans cette situation, il faudra évidemment nous informer au préalable de la version convenue par vous, afin de pouvoir poursuivre les étapes afin de concrétiser la proposition, en précisant que, à notre avis, la deuxième option serait préférable car elle comprend plus d'opportunités pour les intéressés.

Veillez bien vouloir analyser notre proposition et nous laisser connaître la réponse afin que, d'ici à la réunion de mai 2020 à Paris, nous puissions aller de l'avant avec notre projet.

ENGLISH

Following the discussion in Lisbon with Ms SILVIA GIMÉNEZ-SALINAS and with Mr Secretary of the Commissions, PHILIPPE LOEW, the Eastern Bar Committee, hosted by the Cluj Bar, reiterates the proposal made during the meeting of the presidents of the FBE committees from October 24, 2019 to create a platform within FBE to ensure direct communication between lawyers and litigants from EU member countries in order to make the provision of legal services more efficient for the benefit of all parties involved.

In order to achieve this goal, we thought of an online platform that would help the citizens resident in another country than the one of origin to find a lawyer who is knowledgeable both of the legislation of the resident State and of the State of origin or of the private international law and, at the same time, speaks a common language with the one or those spoken by the citizen in need of assistance.

The idea originated from:

- Warsaw, where the Romanian consul asked for our support for the Romanian citizens living in Poland (approx. 5,000) in finding lawyers based in Poland with whom to communicate and consult on Polish and, possibly, Romanian legislation;*
- The fact that, at present, there are approx. 4,000,000 Romanians resident in EU countries and tens of millions of citizens from other eastern countries.*

The phenomenon of labour force migration from east to west emerged, in particular, after the accession of the former communist States to the European Union and was intensified by the economic crisis in some eastern States and is not typical only for Romania.

Migration (often only of one family member) has legal consequences for property, family - divorce, children's home, relationship with departed parent, antisocial disorders - succession, etc.)

The rules applicable to such situations can cause the interference of different legislations both in terms of material and procedural law. Thus, people residing in a European country, who are citizens of other European States, often find themselves in the situation of not finding or finding particularly difficult lawyers who could solve their problem or (at least) advise them.

On the other hand, the European Union allows lawyers to practice, under certain conditions, in another country of the Union than the country of origin.

Accessing CCBE website is not enough to cover such needs, as it refers to the e-Justice portal, where the interface 'Find a lawyer' refers to the panel of lawyers in each country, which does not help the interested parties too much, as these lists do not contain all the necessary data.

The purpose of the platform is to provide information on lawyers who speak foreign languages and know the legislation of several countries, with several filters in this regard.

It must be pointed out that such an approach involves costs, to be detailed below.

We got in touch with an IT company, which has offered its help. They made us an offer so that at first the costs would be minimal and thereafter there is the possibility to obtain income for both the FBE and the IT company.

- VERSION I. It is simpler and only implies the possibility of seeking a lawyer in several languages on the basis of several criteria (country, expertise, spoken languages, etc.) and to evaluate his/her services.

- VERSION II. It also includes a social network with a social profile and the possibility to communicate between lawyers, to post articles, news, photos, events, etc.

The financial side supposes an amount of EUR 2,000 + VAT (19%) for installation and then those who register on the platform pay an amount of 0.50 euro cents / month or 1 euro / month, depending on the chosen version, the income shall be divided between FBE and the IT company, according to the table.

The amount of EUR 2,000 + VAT required to start the project can be ensured by obtaining sponsorships in case the FBE is unable to provide it.

Should you agree to our proposal, the participation of the FBE will consist in the publicization of the platform, to attract as many lawyers as possible, then to embassies, consulates, etc. and in managing the platform and the amounts we hope to collect.

In this situation, obviously, it will be necessary to inform us beforehand of the version you agree, in order to be able to continue the steps to implement the proposal, mentioning that, in our opinion, the second option would be preferable due to the fact that it includes more opportunities for those interested.

Would you kindly review our proposal and let us know the answer so that by the meeting from May 2020 in Paris we can move forward with our project.

The offer presented in Lisbon is attached.

MEDIATION COMMISSION - BARCELONA

President : Eugenia Gay - Vice President : No information - Secretary : No information

No report has been sent to SeCo since the meeting in Paris.

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

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

No report has been sent to SeCo since the meeting in Paris.

COMMISSION FUTURE OF THE PROFESSION – LUXEMBOURG

President : Bertrand Christmann - Vice President : - Secretary :

No report has been sent to SeCo since the meeting in Paris.

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

The composition of the commission's members has been updated (GDPR letter).

EQUALITY COMMISSION - PARIS

President : Valence Borgia - Vice President : Roberta Altavilla - Secretary : To be determined

No report has been sent to SeCo since the meeting in Paris.

COMMISSION ACCESS TO THE PROFESSION – AMSTERDAM & ANTWERP

President : Gerrit Jan W. Pulles & Leo Bouteligier - Vice President : TBD - Secretary : TBD

No report has been sent to SeCo since the meeting in Paris.