



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - London, November, 9th , 2017

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

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

President Lucherini has sent an updated report on access to justice, available on the homepage of the FBE website.

The Bar Association of Lucca has sent the following application :

L'Ordine degli Avvocati di Lucca propone e chiede di continuare ad ospitare la Commissione della FBE Accesso alla Giustizia per i prossimi due anni, al fine di proseguire l'attività e completare i resoconti.
Vi ringraziamo.
Con i migliori saluti.

Lucca bar association propose and kindly ask to continue to guest the FBE Access to Justice Commissione for the incoming next two years, with the aim to keep on studying, collecting documents and reporting.
Thanking you all.
Best wishes

Il Presidente dell'Ordine
avv. Maria Grazia Fontana



Il Presidente della Commissione
avv. Michele Lucherini

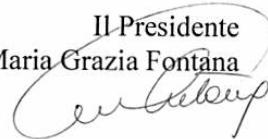


Following letter has also been sent recently to the Secretariat of the Commissions :

M. Philippe Loew
Secrétaire des Commissions FBE
Strasbourg

Cher Secrétaire,
L'ordre des avocats de Lucques, étant donné la fonction Michele Lucherini devra prendre à partir de 2018, propose la nomination de M. Enrico Lattanzi à la présidence de la Commission Access à la justice pour l'exercice biennal 2017-2018. Le secrétaire sera M.me Elena Picchetti.
Avec nos meilleures salutations.

Il-Presidente
avv. Maria Grazia Fontana



HUMAN RIGHTS COMMISSION - BRUSSELS

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Wien.

Presidency has proposed to the Madrid Bar to host the Human Rights Commission. According to the last information received through Silvia Gimenez, Madrid agreed this proposal.

ETHICS COMMISSION – BILBAO

President : Michael Auer - Vice President : Rod Mole - Secretary : Nazario de Oleaga

The hosting Bar of the Commission has already been decided by the Presidency in its meeting in Paris. The commission will be hosted by the Bilbao Bar Association and chaired by Michael Auer.

Following agenda has been sent to the members of the commission for the meeting of the 9th of November :

1.- NEW MEMBERS

- *How to increase membership.*
- *Attendance to the congresses*

How to increase membership?

This is a point that should be worked on.

FBE contact in each country: FBE is the Organization of bars and not of national bars like CCBE is. But the idea is should be pushed on. It is important to have one or two Bars members in each country, so that they are notifying us both legislative developments that may arise in each country in terms of Ethics, to try to establish, as far as possible, common guidelines

Is the way that FBE Ethics Commission is actually communicating the right way? Are there things that have to be improved or changed?

Lobbying, writing, acting proactive ... is interesting.

Attendance to the Congresses

Difficult to say what subjects could be interesting. Having two meetings a year, all subjects have a chance to come through. Possibly a completely different type of congress? To have the opportunity to treat the contents of the various committees in "Workshops"

Permanent contact between the members of the Commission.

2.- PANA COMMITTEE

Michael Auer, Ethics Commission President suggests to discuss one of our main topics in Europe: PANA committee

Please read the European Parliament Draft Recommendation to the Council and the Commission (2016/3044(RSP) 4.4.2.). The PANA committee of the European Parliament, Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion, fulfils me with anxiety.

This draft recommendation suggests the demolition of our professional self-administration and professional self-regulation.

"Urges for a shift from self-regulation to appropriate supervision and state controlled regulation for currently self-regulated professions via a separate and independent national regulator/supervisor."

The draft suggests further the restriction of our duty of confidentiality (2016/3044(RSP) 4.39.).

"Regrets that intermediaries currently are regulated in a non-homogenous manner across the EU, calls on the Council to swiftly adopt the Commission proposal on mandatory exchange of information by intermediaries with the aim of strengthening the reporting obligations of intermediaries."

This would be irresponsible with respect to the European People.

Since 19.10.2017 the suggestion for a separate and independent national regulator, I think, is cancelled, but the restriction of our duty of confidentiality is still valid.

Maybe it would be helpful, to intervene at the European Commission and for this we should work out our postulation/requirement.

LEGAL EDUCATION COMMISSION - MADRID

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

The Madrid Bar organized the first FBE international Oratory competition the 6st and 7th October 2017. Ten candidates from six European countries took part.

The winner of the competition is: Mr GRIGORE POP from the Cluj Bar. He has been invited to attend the London Congress and will get an award.

A proposal has been sent to Dominique ATTIAS, Vice-Bâtonnière of the Paris Bar, for the hosting of the Legal Education Commission.

*Madame la Vice-Bâtonnière,
Mon Cher Confrère,*

Comme vous le savez sans doute, la Fédération des Barreaux d'Europe a modifié ses statuts au courant de l'année 2015 afin d'assurer aux commissions des conditions de fonctionnement et de travail plus efficaces.

Ainsi les treize commissions permanentes et ad hoc sont désormais « hébergées » par un barreau membre pour une période de deux ans.

La première période s'achèvera lors du Congrès qui aura lieu à Londres au mois de novembre prochain.

Lors de sa dernière réunion, la Présidence a étudié les sollicitations des barreaux d'accueil en vue du renouvellement éventuel de cet hébergement.

La commission Formation de la FBE est actuellement hébergée par le Barreau de Madrid qui n'a pas formulé de demande de renouvellement afin de permettre à un autre barreau de prendre la direction de cette commission importante.

Il est apparu évident à la Présidence que le Barreau de Paris serait un hôte d'exception pour la commission Formation pour les deux prochaines années.

Nous vous serions reconnaissants de bien vouloir nous faire savoir si le Barreau de Paris pouvait être intéressé par la présidence de cette commission, éventuellement en collaboration étroite avec l'EFB.

Je joins, à toutes fins utiles, les règles de fonctionnement des commissions en vigueur depuis la modification statutaire.

Je reste bien évidemment à votre disposition pour tout renseignement complémentaire que vous pourriez souhaiter et vous prie de me croire, Madame la Vice-Bâtonnière, Mon Cher Confrère,

Votre bien dévoué,

Philippe LOEW

Dominique Attias has sent the following answer to the Secretariat of the Commissions :

*Mon Cher Confrère, Monsieur le Secrétaire des Commissions,
Je suis très touchée et le Barreau de Paris également de cette proposition.*

*Je l'examine de manière attentive avec le Bâtonnier et nos successeurs et reviens vers vous dans les meilleurs délais.
Inutile de vous dire que je serai ravie que nous puissions héberger cette Commission.
Très cordialement.*

A reminder has been sent recently as follows

*Madame la Vice-Bâtonnière,
Mon Cher Confrère,*

Je fais suite à votre message du 20 octobre dernier dont je vous remercie.

Je vous saurais gré de bien vouloir me faire connaître la décision du Barreau de Paris dès que possible, étant donné que la Présidence se réunira le 9 novembre prochain pour arrêter les Barreaux d'accueil pour les commissions.

Je reste bien entendu à votre disposition pour tout renseignement complémentaire que vous pourriez souhaiter et vous prie de me croire, Madame la Vice-Bâtonnière, mon Cher Confrère,

Votre bien dévoué,

As there is no official answer until now, it is proposed to the Presidency to have a meeting with Dominique Attias before the General Assembly of London.

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

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

There was no information sent to the Secretariat of the Commissions since the Presidency Meeting of Wien. No application has been sent.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

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

The President of the commission has sent the following information :

Dear Philippe,

*I duly received your mail of the 29th of August 2017.
The Commission Professional Insurance can remain hosted at the Antwerp Bar.*

Yours sincerely,

Mr Leo Bouteligier

EASTERN BARS COMMISSION - CLUJ

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

The Cluj Bar Association has sent the following application :

*National Bar Association
Cluj Bar Association*

Decision no. 77 of 8th of June 2017

Cluj Council Bar, reunited in 8th of June 2017, bringing up to the question the issue of hosting the FBE Commission of Eastern Bars by Cluj Bar Association

DECIDES

It is approved the renewal of hosting of Eastern Bar Commission of FBE by the Bar of Cluj for over of two more years, under conditions approved By the Decision no. 169 issued on 30th of September 2015 by the Council of Cluj Bar Association.

The present decision may be contested at Romanian National Bar Association Council, on basis of article 66, para p. Of the Law no. 51/1995 and art. 76, para 1 of Romanian Lawyers Statute.

Cluj Council Bar

President

att. Mircea POP

Following activity report has been sent to the Secretariat of the Commissions :

Reporting period: 01.06.2017 – 01.11.2017

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 Hague.

In Hague Eastern Bars Commission has set the next meeting for London, during the general congress. Due to the participation of many Eastern Europe Bars, non-yet members of FBE, the presidency of FBE has appreciated the great importance of this meeting, in order to promote the FBE to the bars of the Eastern Europe and to help the Federation to retain and increase its influence, by the adhesion of new members.

Representants of Easten Bar Commission have participated as well at 155th Anniversary of Kraków Bar Association from October 06 to 07, 2017 in Krakow, Poland, East Europe. Eastern Bar Commission was represented by Att.PhD Stanca Ioana Gidro, president, Cristoph Munz, vicepresident, att. Diana Andrasoni, secretary, Att. Voicu Sarb, second secretary. As a speaker was Ms. Diana Andrasoni, from Eastern Bars Commission.

The Eastern Bars Commission has supported the first International Oratory Competition organized at the Madrid Bar Association under the patronage of Fédération des Barreaux d'Europe (F.B.E.) on October 6-8 by sending delegate lawyers from the Cluj Bar Association. Grigore Pop, representative of the Cluj Bar Association (Romania) won the competition.

*Eastern Bar Commission had some results in its objective of increasing cooperation amongst Eastern Bars. New members and observers projects will be developed.
The project of legal education in schools is started and ongoing.*

The working subject for London meeting will be judicial reform problems in Eastern Europe. Controversies and difficulties in Poland, Romania, Hungary and Serbia.

- ☐ *actual problems of process of appointment of a Judge in Eastern Europe.*
- ☐ *Changing profession issues – from judge to attorney and viceversa.*

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 Barcelona Bar would like to renew the hosting of the commission for a second two years period.

President Gimenez-Salinas will propose to the new elected President of the Barcelona Bar, Eugenia Gay, to chair the commission.

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

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

Following application has been sent by the Frankfurt am Main Bar Association :

Hosting bars for the Commissions

Dear Presidency,

in relation to your e-mail from 29th of August 2017 to the president of the Commission "Organisation and Operation of the Bar Associations and Law Societies", Mrs. Andrea Griem and the president of the commission "Law without borders", Mr. Dr. Rudolf Lauda, I would like to inform you that it would be a pleasure for the Bar Frankfurt am Main to renew the hosting of the two commissions for a second two years period.

With kind regards,


(Dr. Griem)
Präsident

The composition of the commission has been updated as there were only four active members.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

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

The President of the commission has sent the following message :

Hello Philippe,

The Hague Bar is happy to continue its mandate for the next two years.

With warm regards,

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

The President of the commission has sent the following message :

Dear Philippe

I would like to inform you on behalf of my Bar that the Bar Association in Wrocław would like to host the New Technology commission for another two - year period.

Best wishes

An agenda has been sent to the members of the commission on behalf of President Konopacka for the meeting on November 9th :

- *DISCUSSION ON NATIONAL IMPLEMENTATION OF THE GDPR
(The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679))-MEMBERS WILL BE ASKED ABOUT ANY STEPS UNDERTAKEN BY THEIR BARS IN CONNECTION WITH THE NEW REQUIREMENTS FOR LAWYERS AND LAW FIRMS CONCERNING DATA PROTECTION.*
- *DELIVERING LEGAL SERVICES ONLINE BY NON-LAWYERS
(potential risks for clients).*
- *USE OF LEGAL PLATFORMS BY LAWYERS- THE ISSUE OF DATA TRANSFERRED TO PROVIDERS OF SUCH PLATFORMS.*
- *THE PARIS BAR INCUBATOR-A MODEL TO BE FOLLOWED WITH RESPECT TO INNOVATIVE SOLUTIONS FOR LAWYERS.*
- *FBE COMPETITION FOR YOUNG LAWYERS: "THE LAW FIRM OF THE FUTURE"- OCTOBER 2018.*
- *DISCUSSING POTENTIAL CHALLENGES THAT LAWYERS FACE REGARDING IT.*
- *IT COMMISSION TASKS SCHEDULE FOR THE NEXT MONTHS.*

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

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

The commission met in Vienna the 16th of September 2017. Following report has been sent to the Secretariat of the Commissions :

1. *Approval of the last minutes from The Hague: MS has prepared the minutes and Artur will send it to the members for eventual observations and approval.*

2. *HRF Commission in Vienna*

Artur: there are not many members present; of course, it is difficult to come to Vienna for one meeting.

The next meeting will take place in London: Thursday November 09, 2017 at 3.00 pm

It will be before the Congress and all members of the HRF Commission should be present for the Congress.

3. *London : Celebration 25th Anniversary*

Sara: Opening of the Congress on 10th November

There will be speeches of the Presidency of UIA, CCBE, AEA-EAL Sara would underline the European Female Leadership

The HRFC will also diffuse a information:

SAVE THE DATE: Katowice; Conference about Independence of Lawyers 19th-21. April 2018

4. *Project International Obsevation*

Artur reminds on the Project from the Girona-Bar/Spain

There should be a group of lawyers to attend some trials, for example in Turkey to support the lawyers at risk.

There is the support from London with relation between HRFC and lawyers in Turkey

There should be a training for the volunteers before the project starts.

The project should be Implemented before London

5. *Project Human Rights at Schools*

Project in cooperation with the Verona Bar : Nicoletta has to report about the survey in the different Bars of FBE.

Artur reports about the experience during the seminar in Olsztyn (BAR + AEA-EAL): visit in jail

It should be done for young people to realize how impressive it is to be caught in a small space, the pressure – risk of suicide.

Sara reminds the Document presented by a Judge in Romania

There is also a project in England: law at school and in the street: not specific for Human rights but they have the methodology (Law students)

Poland: Street law in High schools

France (Paris) has already organized a presentation by lawyers in schools

*Madrid Bar: draft of a project Human Rights in n Spanish; English version for London
Annexe to the minutes*

6. *GDPR (General Data Protection Regulation)*

Artur reports about the congress of the Olsztyn Bar and AEA-EAL about GDPR: there was a very speaker from Hungary (Chairman IT-Commission CCBE): Presentation about the Consequences for Lawyers

The HRFC should make an announcement in London? Awareness about this new Regulation and its consequences for lawyer

7. Madrid Bar: 6/7th October, 2017 : Oratory Human Rights Competition for Lawyers under 40 years

Artur: will be one of the judges

8. Competition for Students: 23-24 march 2018 Poznan

Competition for students about human rights

Emma Izas MS: will prepare the project

Constance will support the project for the practical organization.

The competition will take place at the university or in the Court room for trainees at the Poznań Bar/ Poznań, Poland

Sara: should be invited to this competition:

- The Association of European Students for Liberty
- ELSA: European Law Students Association

9. Survey on Human Rights

Artur reports again about the survey: it was a failure : the survey has been distributed twice but too late to be presented at the following FBE-congress.

Sara: The problem is probably that the survey doesn't reach the right person in each Bar. For the quality of the survey, personal contacts with the right person are necessary.

Pawel: the HRFC should send a first question to personal contact to obtain the name of the responsible who is personally competent for HR in each Bar; the HRFC could then contact the right person.

The HRFC will prepare a questionnaire to the Deans at the general assembly in London to obtain Name and email address of the competent person for HR.

Sara: it should search in each country if HR topics are of the competence of the Local and/or national council.

10. Guidance HR and commercial activity

The Guidance established has been translated and published in English.

They still need a translation in the other FBE Languages French – German – Italian and also Polish.

It is still necessary to obtain a financial support: Maybe from the Madrid Bar?

Artur: Maybe the translation would be cheaper in Poland.

The guidance should be distributed to all Bar members as soon as possible.

Jose: the Madrid Bar has established a plan for companies and for the Bar;

They will try to get the English version for London.

And the document would be launched in Bologna/ May 2018

11. HRFC – meeting in Cologne on Invitation of the Bar: January 13 or 27 January 2018

12. Cooperation with other commissions

HRC (Yves) : Brussels doesn't want to host HR Commission

(Sara) It is one of the 5. Standing commissions but it is a "Virtual commission" with no real activity.

(Sara) The HRFC is a very active Commission of FBE and the Presidency decided to host it in Poznań from next two years (2017/2019) with Artur as the President, The Presidency believes the Madrid Bar will understand that

(Sara) Presidency would like the Madrid Bar to host the FBE permanent HR commissions

Discussion before:

Jose: do we need 2 commissions?

For Madrid Bar it is difficult to present the projects of the HRFC to obtain budgets if there are other FBE-Commissions.

Artur: Poznań with HRFC Members did a great work with and for HRFC, it started and built it from the beginning and work in FBE structures well during last two years, if Poznań is not hosting HRFC the Poznań Bar will go off the FBE, Poznań Bar Dean as the Member of FBE from 2012 sees no reason to take the HRFC from Poznań, Poznań Bar hosts only that one Commission

Madrid is already hosting a FBE Educational Commission and with that reason can obtain necessary funds for its activity in FBE

Poznań must have a leading position (as young member of FBE); it is specially important at the moment in FBE and in Poland as well

Paweł: the National Polish Council: suppressed the foreign affairs commission! If this continues, Poland will be soon closed for international relationship. That is why it is specially important that the Polish local Bars apart from Warsaw stay in FBE.

Artur: it is necessary to support Poland (Macron, Junker....) in the 2-5 next years (in 2 years new elections, even if new party, needs time to re-establish new relationship with Europe)

Paweł: important because FBE represents local Bars

Sara / FBE Presidency wants generally to encourage small bars and law societies: Internationalism is very important at the moment (anti-populism, racism)

FBE has to encourage small bars and individual members

HR Commission could represent FBE outside (foreign authorities, courts, other organizations)

HRFC: do many other projects but no budget because it is an ad hoc commission; it would be possible to cooperate between the 2 commissions.

Madrid could manage to contact other HR organizations

Jose: To get budget from Madrid, necessary cooperation between the 2 commissions

Sara: suggests for the next meeting in London to book the same room for the 2 commissions: there will be then the opportunity to cooperate

Artur: possible common projects, common meetings, better exchange of information

13. How to encourage the members to participate to the HRFC?

Choice of the date (On week-end?)

Choice of the Place?

Costs?

Artur: he is conscious about the extra costs but he thinks it is necessary to meet not only twice a year at congresses; to be effective in the different projects, it is necessary to meet more often.

Sara: the problem is that some members are members in other commissions.

The HRFC decides to establish a Skype-Connexion during the meeting to allow non-present members to participate.

Artur suggests to establish small reports about the projects of the HRFC to be sent to other commissions (twice a year): :

There could be then a possible cooperation between commissions if they are informed about our projects.

Maybe all commissions will also do such reports.

Paweł: the Presidency should underline: being member of FBE, not only be present at congress (cocktails!) but being active in working commissions

Sara agrees absolutely (with Michele Lucerini support)

Artur reports about the example of the Cooperation with AEA-EAL

MS became "ambassador" of AEA-EAL to FBE by decision of the Board of AEA-EAL.

Artur is "ambassador" of FBE by AEA-EAL as he is member of both organizations so that information can be exchanged about the activities of both associations.

- Artur Request to members: For London proposals for activities

*Madrid : Cooperation with commission access to justice:
For prisoners: first contact with lawyer in police and in court*

- 14. Colombia Caravana 2018:
Coordinator in Spain :
Film: October
August 2018: Host in Colombia: one organization + bilateral links with local place

Following application has been sent by the Poznan Bar Association :

RE: HOSTING HUMAN RIGHTS & FREEDOM COMMISSION FBE in Poznań

Dear Ms President,

In the first words, on behalf of Okręgowa Izba Radców Prawnych in Poznań (*OIRP Poznań it is Poznań Chamber/ Bar*), I would like to thank you once more for admission Poznań Chamber to the community of FBE Members and stayin together for last five years.

As the Dean I am very happy that Mr Artur Wierzbicki, Member of this Chamber - with the 1st of June, 2015 became the President of Human Rights & Freedom Commission of FBE.

I would be very pleased if Poznań Chamber with its over 3,400 Members could engage more in the activities of FBE to strengthen the cooperation between its Members.

Therefore, I would like to renew - for the second two years till end of 2019 - and propose *The Poznań Regional Chamber of Legal Advisers* to be the hosting Chamber for the Human Rights & Freedom Commission of FBE, with its administration and secretarial support, communications networking and email for commission members and wider FBE members. Additionally Poznań Chamber can offer in the future organisation of training in human rights law and advocacy in joint work with other bar associations, working with specialists from other countries (*Poznań Chamber can host small conferences on human rights -eg for 20 lawyers*).

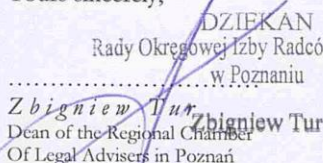
The issues for the Human Rights Commission include the protection of human rights in Europe (*Lawyers at risk in Europe and/or in other jurisdictions*) and the rest of the world, raising awareness among FBE member bar associations and all their members, protection of human rights where the European Convention on Human Rights is contravened.

The Poznań Chamber through the Human Rights Commission will continue to build relationships with Amnesty International, Human Rights Watch and other relevant organisations and incorporate the Human Rights & Freedom Commission into these links. Also working with other FBE Commissions on issues such as legal professional privilege and digital rights, where rights such as professional secrecy and privacy are contravened.

In consideration of the above I would therefore kindly like to obtain your approval for the following proposal as it would be honour for Poznań Regional Chamber to host the Human Rights & Freedom Commission with its President Mr Artur Wierzbicki.

In case of any questions, please do not hesitate to contact me also via following email address: dziekan.zi@poznan.oirp.pl or vie Mr Artur Wierzbicki email address : wierzbicki.kancelaria@wp.pl

Yours sincerely,


DZIEKAN
Rady Okręgowej Izby Radców Prawnych
w Poznaniu
Zbigniew Tur
Dean of the Regional Chamber
Of Legal Advisers in Poznań

COMMISSION LAW WITHOUT BORDERS - FFM

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

Following application has been sent by the Frankfurt am Main Bar Association :

Hosting bars for the Commissions

Dear Presidency,

in relation to your e-mail from 29th of August 2017 to the president of the Commission "Organisation and Operation of the Bar Associations and Law Societies", Mrs. Andrea Griem and the president of the commission "Law without borders", Mr. Dr. Rudolf Lauda, I would like to inform you that it would be a pleasure for the Bar Frankfurt am Main to renew the hosting of the two commissions for a second two years period.

With kind regards,


(Dr. Griem)
Präsident