

**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 - Paris, November, 28th, 2019

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

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

President Lucherini has sent the following report to SeCo after the meeting of the commission in Lisbon :

1. Topics

The Bar Association of Lucca has requested to host the commission for the next two years.

Michele Lucherini has been appointed as the new President to replace Enrico Lattanzi, who has asked to devote himself to the work of other commissions.

The committee met in the presence of two new members:

The work done so far with regard to the report on the conditions for access to justice and free legal aid has been described.

The committee discussed the new aspects of the investigation: 1) access to justice for minors; 2) conditions for promoting collective actions.

The Commission discussed in broad terms the first topic, which was chosen as the first area of work.

*The French situation was analysed and it appeared to be worthy of great interest for the autonomous access to justice of minors also in disputes with parents.
The aspects of Bulgarian and Italian legislation were also described.*

It was therefore decided to draw up a first descriptive draft of the conditions under which minors can access justice autonomously or under the protection of their parents or ad hoc persons.



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The Commission's future activity will be also the cooperation with the Equality Committee and, in particular, analysing the conditions of equality for the access to justice (id est, for people in situations of hardship).

2. Timetable

The Commission will meet again in Paris in November 2019 during the rentrée du barreaux de Paris, setting a join meeting with some members of the Equality Committee.

HUMAN RIGHTS COMMISSION - POZNAN

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

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

ETHICS COMMISSION – BILBAO

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

Following report has been sent by Maria Begoña Angulo to SeCo regarding the meeting in Lisbon :

MEMBERS PRESENT:

- President: Mr. Michael Auer
- Secretary of the Commission: Maria Begoña Angulo
- Mr. Florenzo Storelli
- Mr. Tiziano Simi
- Mr. Klaus Edelthammer

1.- NEW MEMBERS

We welcome Mr. Florenzo Storelli (Lucca), Mr. Tiziano Simi (Lucca), and Mr. Klaus W. Edelthammer (Nürnberg) as new members of our Commission.

How to increase membership?

FBE contact in each country: FBE is the Organization of bars and not of national bars like CCBE is. But the idea 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.

We have contacted the colleagues who are listed as members of our Commission in the Website and who have not participated in the Commission's meetings in the last three years and only Mr. Lange has answered informing he was not going to participate at the Commission anymore because he has retired. Many email addresses were inexistent in the moment we sent the communication so we suppose they are not interested in being members of the Ethics Commission anymore. We will ask the Secretary of the Commissions of the FBE to actualize the list of members of our Commission.

Attendance to the Congresses

We know sometimes it is difficult to be present in all the meetings of our Commission; that is why it might be interesting to meet and share using Skype. It is an easy way to keep in touch, share opinions and make decisions. 3

2.- DISCUSSION ON THE FUTURE WORK OF THE COMMISSION.

- *Report of the Task Force on the Role of Lawyers and International Commercial Structures of the OECD and the IBA.*

According to the wish of the Presidency of the FBE, the members of the Ethics Commission present in the meeting discussed about the report elaborated by the International Bar Association and the Organisation for Economic Co-operation and Development dated May 2019.

Accepting the petition of the President of our Commission, Mr. Storelli will examine the report and will extract the conclusions to send to the Presidency of FBE.

- *Candidature of Bilbao Bar to host this Commission for the next two years.*

Bilbao Bar Association presented its candidature to continue hosting the Ethics Commission for the next two years and it was elected by the Presidency of the FBE and announced in Lisbon on 24th of October. The President of the Commission will be Mr. Auer (Wien).

- *Convenience of cooperating with CCBE for protection of professional independence & confidentiality;*
- *Convenience of protecting the right of citizens to confidentiality. Necessary change of words (confidentiality instead of secrecy).*
- *Contribution of self-regulation to achieving a balance between the quality of services and respect for ethical principles. The balance between ethical values and quality in lawyer's work.*

3.- ANY OTHER BUSINESS (AOB)

Next meeting will be in Barcelona, 30th January - 1st February (Festividad de Sant Raimon de Penyafort - Trobades de Barcelona) but we might meet before via Skype.

The members list of the commission has also been updated by the Secretary of the commissions Maria Begoña Angulo.

LEGAL EDUCATION COMMISSION - MADRID

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

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

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.

Veuillez 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 Lisbon.

**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 Lisbon.

COMMISSION FUTURE OF THE PROFESSION – LUXEMBOURG

President : Bertrand Christmann - Vice President : - Secretary :

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

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

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

EQUALITY COMMISSION - PARIS

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

As President, Valence Borgia is setting up the Equality Commission.

The first members of the commission may be Claudia Senatore, Coral Hill, Elisabetta Baldo (verone), Kinga Konopka (cracovie) ; Gerrit Jan Pulles, Enrico Lattanzi, Stéphane Campana and Iciar Angulo (Bilbao).

SeCo is now waiting for their contact details in order to update the website.

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 Lisbon.