



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Warsaw, September, 20th , 2018

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Enrico Lattanzi - Vice President : Suzanne Stern - Secretary : Elena Picchetti

Following information has been sent by President Lattanzi to the Secretariat of the Commissions (SeCo) :

*Dear Philippe, dear friends,
it will be a pleasure to meet up again soon.
I forward a recent list of our members, although I believe Philippe should already have got it already.
With reference to our Commission works, we are carrying on our outlook at respective costs of justice, from different perspectives (in this phase we are focusing our attention on costs of introducing the case and taxation of the economic transaction determined by the judgment).
I attach an updated version of our report but we still have to complete it and we plan to do it within next General Meeting of Barcellona.
With my warmest regards
Enrico Lattanzi*

The updated report has been downloaded on the website (works of the commission). The member's list had already been updated.

HUMAN RIGHTS COMMISSION - POZNAN

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

An updated list of the commission members has been sent to the SeCo.



ETHICS COMMISSION – BILBAO

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

There was no information sent to the Secretariat of the Commissions since February 2018.

LEGAL EDUCATION COMMISSION - MADRID

President : To be determined - Vice President : To be determined - Secretary : To be determined

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting at Le Figaret.

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 August 2017.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

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

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting at Le Figaret.

EASTERN BARS COMMISSION - CLUJ

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

Following report has been sent to the SeCo :

ACTIVITY REPORT

Warsaw September 22nd, 2018

The period elapsed since the last meeting was very short, but equally intense, especially for the Romanian lawyers.

We posted on the platform created by Dolj Bar - www.easternbars.net - the Committee's activity report and resolutions adopted at previous meetings, on the independence of lawyers, judges and prosecutors in the administration of justice in Eastern Europe - adopted in London - and the intervention of the Romanian Intelligence Service, which affects or may affect the independence of the judiciary - adopted in Bologna. The platform is a means of communication and information of the Eastern European bars, which, as we have already said before, having scarce financial means, find here the possibility of communication.

In order to shed some light on the problems of Eastern Europe's lawyers and the existence of similar problems in Western Europe, we have devised a set of questions that we have submitted to the FBE member bars and summarised the answers:

1. Do you face unfair competition to the profession of lawyer? (for example, legal services provided by non-lawyers, diversion of clients, etc.).

1.1. Bulgaria stated that notaries public, through certain consultancy actions, and private bailiffs, and sometimes even accountants, perform actions that represent unfair competition to the profession of lawyer.

1.2. Germany is facing the same problem, unfair competition to the profession of lawyer under the form of tax advisory firms drafting and concluding contracts, certain commercial companies offering such services, often on the internet, and insurance companies, often through their legal advisor hired to provide the company such services, not to third parties.

1.3. Serbia faces a serious problem with private bailiffs and notaries public, who, through their actions, violate even the Constitution of Serbia.

1. Are there alternative dispute resolution procedures and, if so, do these procedures adversely affect the pursuit of the profession of lawyer?

2.1. Bulgaria has the Arbitration courts as a unique way of alternative dispute resolution, which does not adversely affect the exercise of the profession of lawyer.

2.2. Exercising the profession of lawyer in Germany is affected by mediations performed by insurance companies, which are not independent, cannot guarantee impartiality, assuming rights that they do not have.

2.3 - Serbia and Poland have stated they have no problems in this regard.

1. Do you think the lawyer services taxation is high?

3. None of the delegations in the above-mentioned countries deems that the taxation of the lawyers' services is high.

1. Do you face the interference of the State in exercising the lawyer's profession (for example, ordered inquiries, excessive controls by tax authorities, etc.)?

4. None of the delegations in the above-mentioned countries did not invoke the interference of the State in exercising the lawyer's profession.

1. Are there any legal provisions or other obstacles to the freedom and independence of the lawyer service?

5. All delegates of Poland, Bulgaria, Serbia and Germany believe that only the consistent provisions on the specific information of the National Services to prevent and combat money

laundering may affect the freedom and independence of the lawyers' services, but they have legal and social justification.

1. Please mention if there are other issues that prevent the pursuit of the profession of lawyer.

6. Serbia is faced with a severe problem in terms of regulation and activity of public lawyers. That is why national protests of lawyers and bars that want to keep their independence are taking place.

In conclusion, the major problems of Eastern European law are related to the unfair competition of bailiffs, notaries public, consulting companies, correlated with the lack of reaction of countries in protecting lawyers' activity.

The Committee continued to monitor the "Legal Education in Schools and High Schools" project, involving over 60 lawyers from the Cluj Bar, who teach legal education lessons in schools.

The Committee has supported and will further support the development of young lawyers by involving and sending competitors from member bars to competitions organised under the auspices of the FBE. We even think of proposing to the Cluj Bar to organise such a contest in 2019, when Cluj Bar will celebrate 100 years of existence.

Looking ahead, the Committee will monitor the legislative changes of Eastern European countries that affect or may affect the independence of the judiciary and lawyers.

In Romania, which celebrates this year 100 years of existence as a unitary national State, the problems of justice and abuse of the governors cast a shadow over the joy of the moment. (In 2018, we commemorate 100 years since the major political event of the 1918: the completion of the Romanian national State achieved through the union of the Romanian provinces with Romania. At first there was the union of Bessarabia with Romania (March 27th, 1918), then the union of Bucovina with Romania (November 28th, 1918), and finally the union of Transylvania, Banat, Crişana and Maramureş with the Mother Country, Romania (December 1st, 1918). The three unions form together The Great Union of 1918.)

The Romanian people turned out to be perhaps the naivest people in Europe. We have lived almost 30 years of unfulfilled hopes only to find that we have "an indigenous capitalism and democracy" - the economy is in recession, the investment is dropping, the purchasing power decreases, the human capital leaves the country. The sanitary system, the education, road infrastructure do not exist, being the victims of the national robbery.

We have been stunned by the amendments proposed over the past months by the parties holding the parliamentary majority on the laws of justice (judiciary organisation, magistrate status) and amendments proposed to the Criminal Code and Criminal Procedure Code, largely in the interest of majority politicians, in order to escape punishments or criminal prosecution. And the manner in which the Chief Prosecutor of the National Anti-Corruption Directorate was replaced.

The topic of these past few days is the attempt to pardon and grant amnesty for a series of crimes, which is obviously also in the interest of majority politicians.

The events from August 10th, 2018, when the diaspora meeting in front of the Romanian Government ended with unimaginable aggressions in modern history, was also something that triggered the reaction of people with good faith, both inside the country and abroad.

These events led us to propose 2 resolutions:

- on the violation of the rule of law in Romania*
- on the violation of the right to free expression in Romania*

Furthermore, with regard to the events in Serbia, we propose another resolution:

- against attacks on the life and integrity of Serbian lawyers and their families.*

Drafted by

Registrar

Diana Andrasoni, Attorney-at-Law

MEDIATION COMMISSION - BARCELONA

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

Following letter has been sent the 31st of July to the members of Mediation Commission by President Eugenia Gay. A reminder has been sent the 04.09.18.



M^a Eugènia Gay Rosell
President

July 31st, 2018

Dear Colleague,

Through this letter I would like to introduce myself as president of the Mediation Commission of the FBE, position that I hold since the intermediary meeting of the FBE that took place in London from 9 to 11 November 2017.

Following the work done by the previous president of the commission, Silvia Giménez-Salinas, we have designed an action plan for the two-year term. The aim of this plan is to deepen the comparative study carried out in 2016, analyzing and comparing the different mediation laws in the member countries of the FBE, detecting common elements, good practices and common problems. All of this, in order to comply with the objective, set by the EU in directive 2008/52 / CE, to design a proposal that harmonizes the legislations of the member states and solves the common problems.

For me, as president of the Mediation Commission of the FBE, it would be a pleasure to continue counting on your help and collaboration in this great project. It is thanks to your active and participatory involvement, that allows us to achieve the objectives required by such a vibrant and heterogeneous environment as is the one formed by the different European Bar Associations.

Therefore, I would appreciate it if, for the proper functioning of the commission, you inform us about your availability to continue forming part of it.

I remain at your disposal for any information you need

M^a Eugènia Gay
President
FBE's Mediation Committee



ACTION PLAN OF THE FBE'S MEDIATION COMMITTEE

For the two years as President of the FBE's Mediation Committee it is proposed to carry out two actions:

FIRST. - RESEARCH WORK: Comparative of the different laws and regulations of mediation that exist in the States of the Bar Members of the FBE

- (i) It is proposed to the Mediation Committee to carry out a **research work consisting of a comparison of the different laws and regulations of mediation that exist in the States of the FBE Bar Members** in order to extract from them the common aspects in all the legislations on mediation and being able to propose to the EU a harmonization directive that regulates some essential parameters that will be common to all the mediation laws of the member countries of the EU.

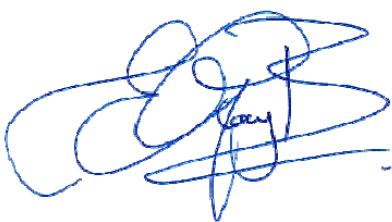
This work would be articulated and organized under the following parameters:

- a) The Bar Associations of the FBE would be contacted to facilitate the laws and regulations of mediation existing in their State.
 - b) You would be contacted directly in order to report on the following aspects:
 - o If there is a law of mediation in your country
 - o If different laws and regulations of mediation coexist in your country
 - o To send us the laws and regulations in force and in turn make a brief summary (no more than 3 or 4 sheets) in which indicate which are the main problems that are found in the application of its law of mediation or regulation that develops it.
- (ii) Once we have all these data, we will analyze the common elements in all the laws and regulations, and in turn, we will also put in common the possible problems of application in each country, in order to be able to propose improvement actions.
- This research work will allow us to know the real situation of mediation in the countries of the FBE's Bar Association members, the degree of implementation of mediation in different countries and Bars and establish proposals for harmonization and improvement.
- (iii) Barcelona Bar Association is proposed as the headquarters and as the management entity responsible for the research work.

SECOND. - MEETING OF THE MEDIATION CENTERS OF THE FBE BAR MEMBERS

It is proposed to organize during these two years of mandate, a meeting of all the mediation Bars of the FBE members to share, among other aspects, how Bar Associations work, whether or not they have public support, whether or not they manage public mediation services, whether they are independent or not of the bar associations, etc.

It would be proposed to be carried out in the spring of 2020 in Barcelona, and we could also take advantage of this meeting to present the work proposed in the previous point to the Bar Associations.



M^a Eugènia Gay
President
FBE's Mediation Committee



Barcelona, 31st July 2018

<p>COMMISSION ORGANISATION AND OPERATION OF THE BAR ASSOCIATIONS AND LAW SOCIETIES - FFM</p>

<p><i>President : Andrea Griem - Vice President : Rudolf Lauda - Secretary : Heike Steinbach-Rohn</i></p>

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting at Le Figaret.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

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

Following message has been sent to the members of the commission by President Martens :

- 1. MEETING OF THE COMMISSION FUTURE OF THE PROFESSION WITH THE NEW TECHNOLOGIES COMMISSION IN WARSAW ON SEPTEMBER 20, 16 O'CLOCK**
- 2. DO YOU WANT TO REMAIN A MEMBER OF THE FBE-COMMISSION/GDPR?**

Dear Colleagues,

1. We hereby inform you that the Commission Future of the Profession of the FBE will meet at the FBE intermediate congress in Warsaw next Thursday, September 20, at 16 o'clock. In view of the theme of the Congress, **we will join the discussions of Izabela Konopacka's commission New Technologies**. One of the subjects will be the organization of a **Future of the Law Firm competition**, to be held in Wroclaw at a date to be set.

2. Please read the following remarks carefully:

As a valued member of the Fédération des Barreaux d'Europe (FBE), a permanent or ad hoc commission of the FBE, your personal data are processed in a database controlled by the FBE.

At a certain time you or your (bar-)association has send us your personal data in your function related to the FBE. You are registered as a member of the ad hoc commission: Future of the Profession.

I write you this letter with two reasons:

- *We would like to know if you wish to remain a member of the commission Future of the Profession*
- *We inform you about our privacy-policy und the EU General Data Protection Regulation (GDPR)*

The database of the FBE and the Commission Future of the Profession allows us to keep up-to-date contact details and to inform you with relevant news and information on FBE-congresses and commissions via newsletters and the like.

In view of the EU General Data Protection Regulation (GDPR), in force since 25 May 2018, we – as data managers - take the opportunity to update the information about the personal data that we store.

In accordance with applicable e-privacy laws, we may only process your data if you have consented to do so. With this e-mail, we are reconfirming your consent.

Your personal data processed by us may include the name of the member-bar, your name, gender, postal address, e-mail address, phone number, job title, function, information about the sector you work in, reports of our contacts with you and mailing lists. We do not distribute those data to third parties, except where explicitly permitted by the new rules (e.g. in order to enable suppliers to maintain the database).

Under the GDPR you have the right to know what personal data we collect and store and you may request a copy at any time and/or to receive this information in a commonly used format. You are also entitled to have personal data corrected, you may request us to delete your personal data and/or you can object to certain personal data being used or, where

applicable, ask us to restrict the processing of personal data. You have the right to lodge a complaint with the competent supervisory data protection authority.

By checking approval boxes below, or replying on the e-mail accordingly, we will update your membership of the FBE-commission of preference.

We will register your consent to collect and store your personal data and you can change your preferences. We will store your personal data until your consent is explicitly withdrawn in writing.

Please keep in mind that limiting or deleting your personal data might result in us being unable to send you any FBE-related information.

- I wish to remain a member of the FBE-commission Future of the Profession and consent to the storage of my personal data for communication in the commissions*
- I do not wish to remain a member of the FBE-commission Future of the Profession. Please remove my personal data from the commission*
- I consent to the storage of my personal data for general information from the FBE on congresses and other general information*
- Please remove all my personal data from the FBE-databases*

Should you have any questions or suggestions, please let us know through commissions@fbe-strasbourg.eu and we will be in touch soon.

Warm regards,

*Bas Martens
Chair of the Commission Future of the Profession*

*Cc:
Philippe Loew
Secrétaire des Commissions*

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting at Le Figaret.

EQUALITY COMMISSION - PARIS

President : To be determined - Vice President : To be determined - Secretary : To be determined

Information is awaited from the Paris Bar Association regarding the presidency and the composition of the commission.

COMMISSION LAW WITHOUT BORDERS - FFM

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

There was no new information sent to the Secretariat of the Commissions since the Presidency meeting at Le Figaret.