



Secrétariat des Commissions

REPORT ON FBE COMMISSIONS

Presidency Meeting - Amsterdam, September, 26st, 2016

Following the joint meeting in Strasbourg, the Presidents have been invited to write and send a short report for the booklet that will be published on the occasion of the 25th Anniversary of the FBE, with a maximum of 200 words, including a presentation of their commission and of the current and/or the future work of their commission, before September 5th, 2016.

Two reminders have been sent to the Presidents of the Commissions who did not send their contribution.

The reports of the following commissions have not been received by the Secretariat of the Commissions yet :

- Commission Law without borders, Rudolf Lauda
- Human Rights Commission, Yves Oschinsky
- Ethics Commission, Rod Mole
- Mediation Commission, Silvia Gimenez

Secretary General Charles Kaufhold has been asked to contact directly the Presidents of these commissions.

PERMANENT COMMISSIONS

COMMISSION ACCESS TO JUSTICE - LUCCA

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

Following the meeting of the Commission during the General Meeting held in Strasbourg, President Michele Lucherini has sent the following report to the Secretariat of the Commissions and to the members of the Commission.



1 - Present members

BRIZIO	Roberto	Torino	
IUGA	Viorel Calin	Cluj	excused
LATTANZI	Enrico	Lucca	excused
LUCHERINI	Michele	Lucca	
STERN	Susanne	Celle-Hannover	
PARENTI	Gianfrancesco	Lucca	
PERZANOWSKI	Dariusz	Zielona Góra	

2 - Topics

In order to achieve its target, the commission has planned to proceed with the following steps:

1. Prepare tables to be filled, to help the various members and colleagues to expose the various national laws, in a clear and uniform manner.
- The tables should take account of the divisions to existing matters in the legal systems: civil, criminal, administrative, fiscal, mediation, arbitration.
 - A first set of tables will cover: 1) the introduction costs of litigation; 2) taxes on the decision.
 - A second set of tables will cover the defence costs.
 - A third set of tables will describe the legal aid system.
 - We'll also provide an outline of the overall relations between access to justice and legal aid.
 - The tables are intended to write a memorandum to access to justice in different countries, with divisions for matters described above.

2. Another discussion topic: the decision of disputes by means of computerised procedures: for example, what happens in business on the internet.
3. Encourage the participation of other colleagues (also external from the committee) to obtain the description of a greater number of national laws.

3 - Timetable

1. The tables will be drafted by the end of June 2016.
2. The contents will be gathered of by July 2016.
3. The draft text will be written by September 2016.
4. The test will be discussed during the intermediate meeting in October 2016.

The list of the Commission's members has also been updated following this meeting.

<p style="text-align: center;">HUMAN RIGHTS COMMISSION - BRUSSELS</p>
--

<p style="text-align: center;"><i>President : Yves Oschinsky - Vice President : Vincent Spira - Secretary : Julie Goffin</i></p>
--

The members list of the Commission has been updated.

On behalf of former President Nazario de Oleaga, a request for support in the context of prosecutorial abuse against the legal profession in Romania has been forwarded to the Commission the 14th of January 2016.

<p style="text-align: center;">ETHICS COMMISSION – DEVON</p>

<p style="text-align: center;"><i>President : Rod Mole - Vice President : No information - Secretary : No information</i></p>

The Secretariat of the Commissions didn't get any reply from the President.

LEGAL EDUCATION COMMISSION - MADRID

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

The composition of the Commission has been updated.

The commission is currently conducting the International Contract Competition for young lawyers at training level organized by the Warsaw Bar Association which will take place the from 7th to 9th October in Warsaw.

The relevant information and registration form have been sent to the members Bars at the beginning of June 2016 and put on the Homepage of our website.

The competition will gather ten teams of two members, each one representing a Bar Association.

The Commission is also organizing a seminar in the headquarters of the Madrid Bar Association, counting on the experience of its Legal Education Center, on the subject of the Transatlantic Trade and Investment Partnership (TTIP), in order to analyze the main aspects of the TTIP and its consequences on UE members.

AD HOC COMMISSIONS

ARBITRATION COMMISSION - NAPOLI

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

The composition of the commission could not been updated yet.

The following report aimed to the brochure of the 25st Anniversary has been sent by President Alessandro Senatore.

Pochi giorni dopo che la presidenza della FBE, ha deciso di onorare la città di Napoli, assegnandole la sede della Commissione Arbitrale Internazionale, come Presidente della Commissione ho promosso un accordo di collaborazione con l'Università degli Studi di Napoli "Suor Orsola Benincasa", per approfondire lo studio di questa materia. L'arbitrato internazionale richiede una formazione altamente specializzata degli avvocati per garantire, in un mondo sempre più globalizzato, un'adeguata assistenza tecnica. La Commissione ha il compito di guardare al futuro perché sa che crescerà l'esigenza di affidarsi a Corti Internazionali indipendenti, che garantiscano decisioni più rapide, emesse da giudici altamente specializzati. L'avvocatura europea non può restare ancorata ad una figura novecentesca dell'avvocato rinchiuso solo nelle aule dei Tribunali domestici, ma dovrà essere in grado di dare il suo fondamentale contributo in questa materia.

La nostra commissione, intende continuare su questa strada, promuovendo alleanze tra il

mondo universitario e quello dell'avvocatura, per creare un gruppo di lavoro che studi e approfondisca i vari aspetti dell'arbitrato internazionale. Una Commissione alla quale appartengono non solo gli avvocati europei ma anche avvocati della sponda sud del Mediterraneo. Un progetto ambizioso, che richiede un grande lavoro, una sfida affascinante, che porteremo avanti impegno.

COMMISSION PROFESSIONAL INSURANCE - ANTWERP

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

The members list of the Commission has been updated.

The Secretariat of the Commissions has been informed that the Commission is currently working on the topic "Lawyers and the legal expenses insurance".

EASTERN BARS COMMISSION - CLUJ

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

The Secretariat of the Commissions has been informed that the Commission is currently working on the following topics :

- *State interference in freedom and independence of advocacy.*
- *Migration, asylum and infringement procedures against East European States for missing implementation of the Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.*
- *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.*

An updated members list has also been sent to the Secretariat of the Commissions.

MEDIATION COMMISSION - BARCELONA

President : Silvia Gimenez-Salinas - Vice President : No information - Secretary : Marta Isern

The composition of the commission could not been updated yet.

The Secretariat of the Commissions didn't get any information from the President.

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

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

The composition of the commission could not be updated yet.

The following report has been sent to the Secretariat of the Commissions by President Andrea Griem.

According to the autonomy and independence of the member organisations, it is the aim of this commission to find an European model of the main principles of professional self governance.

The first step of the examination is the comparison of the different systems and ways of self governance of legal profession in the law systems of our members.

For this purpose the commission has send a questionnaire to the members of the FBE concerning the rules of self governance and organisation of the legal profession. The answers have been listed in country reports.

In the future the commission expects more replies to complete the country reports in order to start a comprehensive comparison of the different regulations.

COMMISSION FUTURE OF THE PROFESSION – THE HAAGUE

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

President Bas Martens has sent his report aimed to the brochure of the 25th Anniversary, in which he is highlighting the current works of the Commission, especially “development and protection of the legal privilege for lawyers” and “the status of in house or company lawyers”.

The Commission notices that pressure from governments on the position of lawyers in the legal field is growing in several countries. The role of the lawyer as the independent council needs protection as governments try to impose government supervision.

The commission continues to work on an important subject, the ‘development and protection of the legal privilege for lawyers’. Another topic is chosen because the profession and position of the lawyer is subject to change. The commission studies the ‘the status of in house or company lawyers’.

COMMISSION NEW TECHNOLOGIES - WROCLAW

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

Following the Presidency meetings of Strasbourg and Berlin, the Presidency has decided to ask for several budgets in consideration of the audit of the FBE website conducted by the Commission. This topic will be discussed during the meeting in Amsterdam.

HUMAN RIGHTS FREEDOM COMMISSION - POZNAN

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

Following the meeting in Strasbourg, President Artur Wierzbicki has sent the following report to the Secretariat of the Commissions :

1. *A brief reminder action of the commission from Barcelona (February 2016), Kraków (April 2016). Next meeting in Poznan (September 2016), Luxemburg (October 2016).*

2. *Cooperation proposal:*

- *exchange emails,*
- *exchange informations (activity between meetings)*
- *support one another,*
- *send an agenda before every meeting,*
- *send suggestion to agenda before every meeting,*

3. *Area of the present activity HRFC: refugees/immigrants.*

Action for next 6 months for Presidency:

- *proposal to prepare in public the report on refugees actions encourage our members, develop own initiatives,*
- *follow the work of Madrid bar (above presented document) for FBE commission in details,*
- *training ideas for refugees actions,*
- *develop training program for community legal and education program in schools and community centers on human rights for use of our members bars associations,*
- *carry the study on transposition of directives of UE 2010/64, 2010/13,*
- *carry the study on the UE & Turkey agreement on refugees matters,*
- *prepare survey – basic on ideas from our members of FBE (simple questions – answer YES/NO) what bars do for refugees ? and ideas from every bar (or neighbor bar),*
- *permanent program for school and bar association – regular training on human rights,*
- *international conference/s on human rights in future (with any bar or organisation)*
- *access to the profession for lawyers in Europe,*
- *support interacional action for lawyers e.g. send letter to release arrested lawyers from China,*
- *meetings every quarter in Poznań (Poland), twice a year is not enough, plus email correspondence at least one a month.*

Mr Jose Ramon Anton Boix presented document (Madrid Bar) „The Business & Human Rights Guide in English”. It will be send to every member bar (FBE) after this meeting.

Mr. Wierzbicki presented refugees/imigrants situation in Europe, highlighting the fact that question which were send to bars in Europe, few months ago, weren't answered. The HRFC decided to repeat it, because most of bars assosiation didn't anwser for the first time. Only four from 21, which are in federation, sent anwserws.

Members share their experiences how they help refugees or how others bars, lawyes help in their countries –discussion.

Speaking:

Mrs Sara Chandler

Mrs Loredana Tossone

Miss Monique Stengel

Mrs Karina Noeker

Mr Artur Wierzbicki

and others.

The President of the meeting ask to implement some of these idea in member's bars.

The next meeting of the HRFC was pre-scheduled to take place in Poznań, Poland (OIRP Poznań, 69 Chwaliszewo street, 61-105 Poznań) – September 2016. The President will confirm the place, date and time of meeting by email. At the end he recalled that some of us will also attend The General Congress in Luxemburg 13 – 15 October 2016 (Subject: "The Lawyer in dialogue with the Court of Justice of the European Union") as a follow up of our General Congress in Strasbourg.

COMMISSION LAW WITHOUT BORDERS - FFM

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

Following the joint meeting in Strasbourg, President Rudolf Lauda informed the Secretariat of the Commissions that he will work on the composition of the commission and present a program as soon as possible.