

**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 - Amsterdam, June 15, 2023

A complete report on the activities and achievements of the commissions has been requested with a deadline on 31st of May 2023.

COMMISSION ACCESS TO JUSTICE - LUCCA

President : Michele Lucherini - Vice President : None - Secretary : Elena Picchetti

No information at this time.

HUMAN RIGHTS COMMISSION - POZNAN

*President : Artur Wierzbicki - Vice President : Izaskun Azpitarte Astobiza –
Secretary : Sara Chandler*

Report enclosed.

ETHICS COMMISSION – BILBAO

President : Maria Begona Angulo - Vice President : Andrea Griem - Secretary : Leo Bouteligier

Maria Begonia is waiting for an answer of the Presidency, whether and in which way her commission could cooperate with the Deontology commission of the CCBE



At the meeting of the Ethics Commission in Palermo, we discussed about how to protect better the independence and confidentiality of Lawyers.

It is in the report of the meeting:

"• Convenience of cooperating with CCBE for protection of professional independence & confidentiality.

The Commission decides to ask the Presidency of the FBE about contacting the President of the Deontology (Ethics) Committee of the CCBE in order to cooperate."

We thought that in such important topic, that seems to be at risk in Europe nowadays, it would be more effective to work together with the CCBE.

The way to cooperate would be to share the information about proposals or documents of the EU and EC that pretend to reduce or limit the rights to secrecy and confidentiality of Lawyers, and afterwards to share our respective conclusions after analysing the documents. And finally, if both Commissions agree, to send our common conclusion to the EU/EC in order to strength the pressure to change the text into another one more respectful of the lawyer's independence and the client's right to secrecy and the Lawyer's obligation to confidentiality.

Thank you very much.

Warmest regards,

*Maria Begoña Angulo Fuertes
mb.angulo@aol.com*

LEGAL EDUCATION COMMISSION - MADRID

President : Victor Gamero - Vice President : Maria Begona Angulo Fuertes - Secretary : None

The commission is currently working on the FBE International contract competition 2023 which will take place after the Congress of Amsterdam.

ARBITRATION COMMISSION - PALERMO

President : Michele Calantropo - Vice President : Carmen Perez Andujar - Secretary : Iva Koleva

No information at this time.

EASTERN BARS COMMISSION - VOJVODINA

President : Rajko Maric - Vice President : Calin Iuga - Secretary : None

Report enclosed

Rajko informed the Secretariat of the Commissions that his commission would be interested to participate in the following working groups of the Compact & Forum, or at least one of those two **depending how much work , and what kind of work is needed.**

The Lawyer's Cookbook on Access Law and Justice WG
The Right to Asylum in the Americas WG

Marta will provide more information about it soon.

MEDIATION COMMISSION - BARCELONA

President : Carles Garcia Roqueta - Vice President : No information - Secretary : No information

A complete report will be presented in Amsterdam on the basis of a survey sent to the FBE member Bars.

The commission has also set up the "FBE European ADR Awards", in order to promote even further the recognition the institution of Mediation deserves, the excellent work that the professional mediators accomplish in a daily basis and the importance of Mediation as an alternative way to resolve a wide variety of conflicts.

COMMISSION COORDINATION DES ACTIONS DES BARREAUX - CLUJ

President : Stanca Gidro - Vice President : Calin Iuga - Secretary : None

Report attached.

Stanca informed the Secretariat of the commissions her commission would be interested to participate in the two following working groups of Compact & Forum :

International Women in Law WG
The Lawyer's Cookbook on Access Law and Justice WG

COMMISSION FUTURE OF THE PROFESSION – LUXEMBOURG

President : Bertrand Christmann - Vice President : Marc Labbé - Secretary : None

Following report has been sent by Bertrand.

Mon Cher Philippe,

J'espère que tu vas bien. Je t'écris afin de te faire le compte-rendu des travaux en cours au sein de la commission futur.

1. Membres

La commission compte formellement 10 membres mais seuls 5 sont à ce jour actifs et partie prenantes dans les travaux en cours.

Nous souhaitons donc profiter du prochain congrès pour solliciter les barreaux présents afin d'étoffer la commission.

En toutes hypothèses, nous souhaitons que les barreaux nationaux qui sont membres de la FBE nous envoient un représentant.

2. Réunions / travaux

La commission s'est réunie en comité restreint après le congrès de Nice. Une réunion teams a eu lieu aujourd'hui au cours de laquelle nous avons approuvé le contenu du questionnaire relatif à la situation des jeunes avocats et la désaffection à l'égard de la profession.

Nous passons donc à présents à la phase de réponse à ce questionnaire. Nous souhaitons avoir une personne de contact par barreau et aussi diffuser auprès des associations de jeunes avocats.

Ce travail n'a de pertinence que si un nombre minimum de barreaux y répond, afin que nous puissions faire comparaison et statistiques.

Nous avons besoin de l'appui de la FBE pour diffuser ce questionnaire. Un simple emailing restera probablement inefficace.

Je suppose que vous avez déjà procédé à ce type de diffusion dans le passé ?

3. Congrès d'Amsterdam

La commission se réunira la prochaine fois lors du congrès d'Amsterdam.

Nous restons à ta disposition pour tout complément d'information

Amicalement,

Bertrand

COMMISSION NEW TECHNOLOGIES - WROCLAW

*President : Maria Dymitruk - Vice President : Franceso Tregnaghi -
Secretary : Ludmila Glembotzky*

Report enclosed.

Regarding the working groups of Compact & Forum, following answer has been sent by Maria :

Dear Philippe,

thank you for reaching out regarding the FBE's application to become a member of the Compact & Forum. As a NT Commission we are excited about this opportunity to contribute to the promotion of the rule of law and increasing access to justice in accordance with the UN's Sustainable Development Goals.

We appreciate your invitation to indicate in which working group we would like to take part or even create a new working group on a certain issue of interest. However, before we make a decision, we would appreciate more specific information on what each working group does in practice? How often does it meet? In what form?

I believe that among all indicated WGs, we find it nearest to the Lawyer's Cookbook on Access Law and Justice WG. Do you know what specific activities or projects in this WG are planned? This information would help us make a well-informed decision and ensure that our participation is meaningful and aligned with our goals.

*Best regards,
Maria*

Marta will provide more information soon.

EQUALITY COMMISSION - PARIS

President : Solenne Brugere - Vice President : Carles MCCRAGH - Secretary : Alice de Larminat

Following email has been sent to the Secretariat of the Commissions :

Cher Philippe,

Jeudi dernier s'est tenue au sein de l'Ordre une réunion avec Christian Brugerolles, responsable des affaires internationales du barreau de Paris et Laetitia Marchand, responsable de la Commission Egalité.

En effet, j'ai sollicité leur aide pour disposer des moyens de réaliser l'ambition de comparer les différentes réglementations européennes en matière d'égalité et diversité, portée par la Commission égalité.

Cette réunion prévue de longue date a mis plusieurs mois à pouvoir être organisée pour des raisons d'agenda des différents interlocuteurs et interlocutrices.

Mes deux vices présidents ont bien sûr été informés mais ils n'ont pu participer, et cette réunion ayant été difficile à organiser, il a été décidé de la maintenir.

Mon souhait depuis la reconduction du Barreau de Paris à la tête de la Commission a été d'actualiser le questionnaire égalité / diversité, d'une part, en le proposant sous un format numérique, d'autre part, afin de faciliter considérablement le recueil des réponses et leur analyse, car les tableaux excels initiaux se sont révélés très difficilement exploitables, freinant l'élan de l'initiative.

Cette rencontre m'est apparue d'autant plus nécessaire qu'à l'occasion de cette démarche, j'ai appris que la Bâtonnière de Paris Julie Couturier avait formulé le même souhait au niveau international en ce compris l'Europe, et que des travaux en ce sens venaient d'être initiés récemment par les services internationaux.

Il me fallait donc impérativement les rencontrer pour éviter un doublon avec notre action.

Il a donc été décidé d'unir nos forces et mutualiser nos actions, à partir du questionnaire initial de la FBE, qui va être actualisé et transformé en google form dans les prochains jours. Mon objectif est que cette version améliorée puisse être présentée lors du prochain congrès.

Si vous en êtes d'accord, une fois validé avec mes coprésidents, nous vous demanderons de bien vouloir le diffuser (donc avant ou juste après le congrès) et celui-ci sera également diffusé en parallèle à d'autres barreaux européens via le Barreau de Paris et le CCBE (proposition de Christian Brugerolles que j'ai trouvé intéressante. J'en ai informé Dominique Attias via un message téléphonique pour recueillir son accord jeudi dernier).

Il a été convenu qu'il serait bien précisé qu'il s'agit d'un questionnaire de la Commission Egalité de la FBE, qui va ainsi connaître un destin encore plus impactant grâce à cette conjonction d'initiatives avec une large diffusion et visibilité, ce qui permettra d'avoir une vision globale et une analyse de résultat encore plus pertinente.

Je trouve ainsi que cette longue attente valait la peine car cette initiative me tient à cœur

En espérant avoir répondu à votre attente, je me tiens à votre disposition et vous tient informé de l'évolution de la démarche

Bien à vous,

Solenne

COMMISSION NON ACCOMPANIED MINORS – GENEVA

President : Céline Squaratti – Livio Natala - Vice President : TBD - Secretary : TBD

Following report has been sent :

Active members:

France

Mélanie Duverney Prat

Delphine Lassailly

Josine Bitton

Anita Bouix

Germany

Barbara Wilsing

Jonas Erkan

Italy

Sara Gini

Béatrice Rigotti

Spain

Andres de Ceballos

Switzerland

Livio Natale

Céline Squaratti

Kathryn Kruglak

Milena Peeva

Mahault Frei de Clavière

Brice Van Erps

Estelle Donati

We are currently looking for new members in other European Bars like Greece, UK, etc.

Activities in 2022-2023:

We have completed, consolidated and finalized the General Outline “*Unaccompanied minors: from their arrival through their possible deportation & Application of the Children’s rights Convention in Europe*” (cf. attached document). It is therefore ready to circulate in the various European bars.

Next activities:

We will have, during the month of June 2023, a plenary meeting to discuss the continuation of our activities in order to draft a new outline.

We will also discuss the next congress in Gdansk in order to organize, if possible, a webinar. Several members of the Commission have proposed various et very interesting topics and would be interested in participating as speakers.

FAMILY LAW COMMISSION – SOFIA

President : Yordanka Bekirska - Vice President : Joanna Wsolek - Secretary : TBD

Following email has been sent to the Secretariat of the commissions :

Dear Philippe,

I am planning the first meeting of the Family Law Commission to take place at the General Congress in Amsterdam. That is why I would like to ask you to let me know the logistics and the details - date, hour, place, in order to invite the members. The meeting is going to be in presence and online.

I have decided to open a call for nominations of Family Law experts as part of my goal to popularize the activities of the FBE commission. That is why I am sending you a

draft of notification letter that I would love you ask you to forward to all FBE Bar members, so the nominated lawyers can apply to become members in case they meet the requirements.

Please have a look and let me know if it works along the politics of the FBE strategy.

Once you approve it, I will sign it ready to be send.

Thank you in advance! I am looking forward to hearing from you!

Yordanka

Attached draft letter :

Dear FBE members,

Federation des Barreaux d'Europe newly established Family Law Commission, hosted by Sofia Bar Association. As President of the Commission and as a prolongation of our effective collaboration I would like to invite you to nominate family lawyers from your Bar Association to contribute to the development strategy of FBE in order to expand the activities in the field of Family Law as an important and essential part of the legal world.

The Family Law Commission (FLC, the Commission) aims to focus on raising awareness on family law issues in order to exchange international expertise and professional experience among its members. The FLC will develop strategy for raising awareness of the international and European family law standards. Based on the impact of FBE and by using the rule of law the violations of the main principles in each jurisdiction will be addressed. The members will be encouraged to study national and international family law issues and to prepare short reports about the good practices and the challenges they face related to the legal standards in each represented country. The reports will be published as part of the outcome of each meeting of the FLC.

The members of the Commission should represent European jurisdiction and should be professionally engaged with the Family Law or/and International Family Law field. The activities and the value of the work of the Commission will be spread out via social media.

From womb to the tomb people are deeply connected to the Family Law and by addressing the Right to Family as a basic human right the FLC will establish genuine collaboration among its members.

The comprehensive approach of the work includes the Family Law Commission to collaborate and exchange practices with the FBE Human Rights Commission, Mediation Commission, Equality Commission and Arbitration Commission.

The nominated Family lawyers from your jurisdiction, who are interested to join our Commission, can contact directly at familylaw@fbe.org in order to exchange information, details and to finalize the application and membership procedure. The official working language of the Commission is English. The first meeting of the new Commission members will take place in Amsterdam during the FBE General Congress 2023 – in presence and via Zoom.

Thank you in advance for your professional input!

Sincerely,

YORDANKA BEKIRSKA, LL. M.

After approval of the Presidency, the letter will be sent to the member Bars.

COMMISSION PROFESSIONAL SOLIDARITY – KRAKOW

President : Joanna Wsolek - Vice President : TBD - Secretary : TBD

No information at this time.



HUMAN RIGHTS COMMISSION EUROPEAN BARS FEDERATION

REPORT BEFORE THE GENERAL ASSEMBLY OF FBE (December 2022 - May 2023) The Meeting with FBE Presidency, June 15, 2023

Dear Mr President,

Dear Presidency,

I would like to present the short composition of the FBE Human Rights Commission (HRC) activities done last months (Nov. 2022-May 2023) and planned in the coming:

As Commission and its Members:

1. UKRAINE / **WAR in UKRAINE form Feb. 24, 2022** – FBE HRC permanent full support,
2. we celebrated:
 - The International Day for the Elimination of Violence against Women, November 2022 and
 - the Human Rights Day, December 10, 2022 and
 - the Endangered Lawyers Day January 2023,
3. we act in the Steering Group for the year 2023 on behalf of FBE with the International Fair Trial Day and Ebru Timtik Award, June 14, 2023,
4. we participated in the Colombia Caravana Report for 2022, we act for 2023
5. we plan to organized the fourth addition (*after Poznań 2018 and Berlin 2019 and Bilbao 2022*) - FBE HRC Competition on Human Rights for young lawyers and law students, **Rotterdam, Sept. 15-16, 2023**
6. we go on with the HRC project “International Trial Observation - Turkey”, some of our representatives regularly take part in the hearings in the selected trials in Turkey,
7. we participated in several on line meetings on the persecution of lawyers in Turkey,
8. we still care on independence of Judiciary and Lawyers in : Belarus / Turkey / Ukraine / Romania / Afghanistan / Colombia and Poland,



HUMAN RIGHTS COMMISSION EUROPEAN BARS FEDERATION

9. we supported all international activities on human rights, e.g. in Ukraine, in Iran, in Afghanistan, in Belarus - website reports and press statement,
10. HRC consists of 38 participants, working regulary (also “*on – line*” meetings), we had the HRC Meeting In Barcelona 2023, coming working session is planned in Amsterdam at the FBE Congress June 15, 2023.

Thank you

Yours sincerely,

ARTUR WIERZBICKI
President of
Human Rights Commission
FBE

Eastern Bar Committee Report

During the last year the Committee has worked a lot.

There were a lot of activities.

The President of the EBC took a lot of business trips to visit and meet colleagues as well as to organize meetings on specific topics from Eastern Europe.

We have been in touch with bar representatives from Bosnia, Croatia, Montenegro, Northern Macedonia, Republic of Srpska, Slovenia, Bulgaria, Turkey, Romania, Azerbaijan, Hungaria, BA Vojvodina (Serbia) etc.

During this period we were informed about happenings in Bar Associations, as well as about some news, about the usual way how Bar Associations work in some specific areas, about general problems which lawyers and Bar Association face.

From all those countries, Bars, news and activities, I would like to abstract, by opinion of the committee, the most important occasion from Romania. „, with a series of attempts against the independence of the Romanian lawyer profession regarding the digitalization of the lawyer profession and the monthly "subscription" legal consulting services" as they said.

We received a request from a lawyer from Romania which I am sending to you as an attachment, together with a translation in English. Here you will find a proposal for a resolution FBE prepared by our member from Romania Mr Iuga Calin.

Best Regards,

Rajko Maric
President of the EBC- FBE

I. THE STRATEGY OF NATIONAL ASSOCIATION OF THE ROMANIAN BARS (N.A.R.B.) REGARDING THE DIGITALIZATION OF THE LAWYER PROFESSION

This strategy has as objectives the following:

1. creating a single point of online interaction through the N.A.R.B. platform between lawyers and clients.
2. storage of electronic legal assistance contracts and electronic power of attorneys compulsorily by N.A.R.B.
3. intermediating access to electronic state services through the N.A.R.B. platform secured by the Romanian Special Telecommunications Service (S.T.S.).

The strategy violates the fundamental principles of the lawyer profession: independence, freedom of the lawyer profession and attorney-client privilege.

1. The intermediation of legal services by creating a single point of online interaction through the N.A.R.B. platform between lawyers and clients will create the standardization of the legal offers through the platform which violates the principle of economic freedom of the lawyer, removing the competition and the diversity of legal services.
2. The mandatory storage of electronic legal assistance contracts and electronic power of attorneys by a third party even is N.A.R.B. (the lawyer is the only one responsible for maintaining professional secrecy to which N.A.R.B. is a third party) violates attorney-client privilege.

3. Intermediary access to the electronic state services is unnecessary, the lawyer having direct access like any citizen (the interconnection with the state platforms must be done individually, not collectively).

Obliging the lawyer to access the electronic services of the state institutions through a secure platform managed by the secret services violates attorney-client privilege. The cyber security of state institutions, including in the field of justice, is ensured by Romanian Special Telecommunications Service (S.T.S.). The N.A.R.B. platform will not be able to be interconnected to state-managed platforms without the cyber control of the Romanian Special Telecommunications Service (S.T.S.).

It is a false premise that participating in video conferences and exchanging information and data will be secured only through this N.A.R.B. platform. Just as the participation of any citizen is possible in electronic state services without access to an intermediate platform, it is also possible for lawyers.

Even if enrollment in the platform will not be declared mandatory, by offering free services by N.A.R.B. lawyers will be indirectly attracted. In order to respect the fundamental principles of the lawyer profession, the idea of controlling the lawyer's electronic activity and the involvement of the state and the secret services in his activity, both directly and indirectly, must be rejected from the start.

The danger of this strategy is if it will succeed in one EU country, will be a bad example for another one.

2. THE INTERFERENCE OF THE PROSECUTORS IN THE ATTORNEY-CLIENT PRIVILEGE

In Romania, the judicial bodies interpret the monthly "subscription" legal consulting services as non-existent and accuse the lawyers of fraudulent agreements with their clients in order to damage the state. On the basis of these accusations, the legal reports of the lawyers are raised by serious violation of the attorney-client privilege and of case law of the Court of Justice of the European Union (CJEU Decision C-463/14) which does not condition the performance of an activity within the legal services of the "subscription" type. Within this type of service, there is no obligation to prove the actual provision of services, the provision of services being performed by the very fact of being available to the beneficiary, independent of the volume and nature of the services actually provided. This practice violate as well the case law of the independence of lawyers in Romania

The most famous Romanian case was that of the former prime minister of Romania, Victor Ponta, a lawyer by profession, who was finally acquitted and the most recent case is that of lawyer Ioan Băraș from the Cluj Bar, who is currently being investigated by prosecutors.

For these reasons I request F.B.E. to adopt a resolution regarding the condemnation of the NATIONAL ASSOCIATION OF THE ROMANIAN BARS (N.A.R.B.) digitization strategy of the Romanian lawyer profession and the interference of judicial bodies in the "subscription" services of lawyers.

Resolution on violation of the independence of lawyers in Romania - Amsterdam, June 17th, 2023

On June 17th, 2023, the FBE's General Assembly, representing 250 member bars together with its 1 million member lawyers, expressed its deep concern about the independence of lawyers in Romania regarding the digitization strategy of the NATIONAL ASSOCIATION OF THE ROMANIAN BARS (N.A.R.B.) and the violation of the fundamental principles of the lawyer profession by it, as well as the breach of attorney-client privilege by the Romanian judicial bodies in the the monthly "subscription" legal consulting services.

We call upon the NATIONAL ASSOCIATION OF THE ROMANIAN BARS (N.A.R.B.) to revise the digitization strategy in compliance with the fundamental principles of the lawyer profession and the judicial bodies of the Romanian State to respect the case law of the Court of Justice of the European Union in the matter of legal services of the "subscription" type and the attorney-client privilege stopping to rise any documents and information from lawyers regarding this kind of activity.



FBE - Federation des Barreaux d'Europe - European Bars
Federation

COMMISSION DES COORDINATION DES ACTIONS DES BARREAUX
BARS ACTIONS COORDINATION COMMISSION

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Mr President Bas Martens,

In view of your position as President of the FBE in relation to our proposal for an online platform, and given that in your letter of December 21, 2022 you informed us that:

- a.- There is a misunderstanding on the part of Rodeapps regarding the objectives of the FBE;
- b.- The FBE has no commercial purpose, the statues being posted on fbe.org website.;
- c.- Rodeapps wishes to launch a commercial platform for lawyers under the auspices of the FBE, aimed at offering services and goods to lawyers;
- d.- The EBF should provide to Rodeapps with the database of bar associations, which the Federation does not want;
- e.- And **probably** neither do the member bars;
- f.- The support of a commercial platform does not suit the Federation,
- g.- Its purpose is to represent the interests of the bars in the field of human rights, deontology and information sharing.

We express our disappointment and respond to you, although a discussion should have taken place before a categorical response.

a.- There is a misunderstanding on the part of Rodeapps regarding the objectives of the FBE;

It is obvious that there is a misunderstanding but certainly not on our part and not on the part of Rodeapps, because there was no real discussion about the purpose and the way to achieve the platform.

However, any misunderstanding could have been cleared up in a direct discussion and, not least, at the FBE's General Assembly, where decisions are made.

**The need for the platform should be decided in the General Assembly of the FBE and only then,
if the vote is favourable, the concrete method of implementation shall be established.**

We are convinced of the need for this platform in this digital age and we cannot agree with the President's categorical refusal. Any argument against the platform can be discussed and the practicalities of implementation can be reconsidered.

We presented the offer of HOLISAN in Lisbon in 2019, which asked for an amount of EUR 2,000 plus VAT for the realization of the platform and the sharing of the amount resulting from the registration and use fees of the platform. After the meeting in Lisbon, I sent the Presidency a request to give their opinion on our proposal. ^1)

We have not received a response from the Presidency. In Paris, we raised this issue again and, again, we received no response, only verbal praise.

In 2022, in Sofia, we presented the offer of RODEAPPS and the Presidency decided to set up the Commission for the coordination of the actions of the bars associations, with the obvious idea of setting up this platform, a Commission that loses its main purpose and the working tool if it is not realized.

b.- The FBE has no commercial purpose, the statutes being posted on fbe.org website.;

The Statutes of the FBE reads as follows in the Preamble:

"The Federation of European Bars is a non-profit making organisation with a legal personality acting according to the law in the country of its registered office and these present statutes. Its purpose is to foster permanent links between the Bars established in member states of the Council of Europe."

As its seat in Strasbourg, French law applies. French law allows not-for-profit organisations to carry out commercial activities, provided that they pay tax on the income generated. <https://www.votre-expert-des-associations.fr/2022-11-22-filialisation-et-activite-lucrative-au-sens-fiscal/>

Any non-profit organization may engage in commercial activities in order to obtain financial support for the achievement of its stated purpose.

However, the implementation of the communication platform will not constitute a commercial activity on the part of FBE.

The objectives of the Federation, according to the Statutes, are: ^2)

It is certain that the very realization of the platform is precisely in the spirit of the objectives and that that sticking to the few annual meetings is no longer in line with the digital age of the 21st century.

c.- Rodeapps wishes to launch a commercial platform for lawyers under the auspices of the FBE, aimed at offering services and goods to lawyers;

It is not Rodeapps that wants to set up the platform but we lawyers have proposed it and asked the General Assembly to support it.

The platform is not commercial, we have shown since Lisbon that:

"The platform would aim to provide information on lawyers with knowledge of foreign languages and possibly the legislation of several countries, and several filters will be applied for this purpose"

"It also includes a social network involving a social profile and the possibility to communicate between lawyers, to publish articles, news, photos, events, etc."

It may also be used to provide certain services to lawyers, but only in connection with the practice of the profession, and only on an ancillary and optional basis.

d.- The EBF should provide to Rodeapps with the database of bar associations, which the Federation does not want.

It is not the Federation that should make the database available, it is the lawyers or bars. In fact, we do not even believe that the Federation has this database.

There is no expression of the will of the bar associations, as this possibility has not been subject to the General Assembly.

REGULATION (EU) 2016/679 of the EUROPEAN Parliament and of the COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation):

*(4) Personal data processing should be **at the service of citizens. The right to the protection of personal data is not an absolute right**; it must be considered in relation to its function in society and balanced against other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and freedoms and observes the principles recognized in the Charter as enshrined in the Treaties, in particular respect for private and family life, residence and communications, the protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial, and cultural, religious and linguistic diversity.*

Article 4 Definitions

11. "Consent" of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

In addition, the data in the lawyers' records become public by publishing them on the Bar's website or via the "National Lawyers' Register" software application as are all the data of the lawyers affiliated to the CCBE. The CCBE refers to the national registers of some of its member States, and therefore it does not offer what we want to offer to lawyers and litigants.

e.- And probably neither do the member bars;

Not being included in the discussion of the General Assembly, there is no expression of the position of the Bars.

f.- The support of a commercial platform does not suit the Federation,

We repeat, the platform is not commercial and the bars have not expressed their opinion.

g.- Its purpose is to represent the interests of the bars in the field of human rights, deontology and information sharing.

The platform would be the modern, future means of bringing together the member bars – the bars being the lawyers who make them up, rather than an abstract entity - and it is the concrete way of exchanging information on the legal practice and on issues relating to the evolution of the regulations of the profession.

All these issues had to be discussed face to face and a way found to reconcile views.

PhD. Stanca Ioana GIDRO
President of Coordination of Bar Actions Commission

..... 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.

^2)

- 1. To bring together the Bars of Member States of the Council of Europe to put in place common activity while respecting their autonomy and independence.*
- 2. To establish a permanent link between Member Bars particularly by the organisation of periodic meetings.*
- 3. To represent the profession of lawyer with the European institutions.*
- 4. To promote the supremacy of law, the independence of justice and the right to a fair trial*
- 5. To stand for the defence of human rights in Europe and in the world.*
- 6. To provide support for Lawyers or Bars who are wrongly persecuted for complying with their profession or duties.*
- 7. To promote the harmonisation of the profession in Europe equally in professional practice and professional ethics particularly in regard to independence, legal privilege, forms of professional organisations, training, remuneration, insurance and publicity.*
- 8. To ensure exchanges with lawyers of different continents and particularly with the Bars bordering the Mediterranean.*
- 9. To ensure the level of professional quality and technical competence of lawyers and to monitor the harmonisation of specialisations, as well as the mutual recognition of continuing training.*
- 10. To promote exchanges and training contracts for young lawyers.*
- 11. To bring together generally all information and assistance to improve the conditions for the exercise of the profession of lawyer particularly in the field of advice and defence but also in the protection of professional rules and in ensuring the defence of all liberties against every political economic and judicial authority.*
- 12. To exchange information between Member Bars concerning practice, problems and changes in regulation of the profession in their country and to give mutual assistance when required.*



FBE - Fédération des Barreaux d'Europe - European Bars Federation

COMMISSION DES COORDINATION DES ACTIONS DES BARREAUX
BARS ACTIONS COORDINATION COMMISSION

email: FBE_commission_coordination_des_actions_des_barreaux@baroul-cluj.ro

Phone +40729931435, [+40728311929](tel:+40728311929), [+40744565359](tel:+40744565359), Fax [+40371601597](tel:+40371601597)

ACTIVITY REPORT

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II. MEETINGS

In Palermo, at the meeting of the Commission on November 17, 2022, we received and approved the application for membership of our colleague Stefan Naubauer from the Bucharest Bar. The Commission met every two months, either in Cluj-Napoca or online.

III. WORK IN RECENT MONTHS

We focused on the possible rethinking of the purpose, objectives and priorities of the Commission, given the deadlock caused by the response of President Bas Martens on the rejection of the possibility of creating the online platform, which would have created a bridge among the member bars of the Federation and among lawyers across Europe.

In Palermo, I attached to the report a letter addressed to all the deans of the FBE member bars with a view to their active participation in the work of our Commission, with the intention of sending it to all the FBE member bars. After receiving the President's categorical reply, we initially gave up, wondering about the lack of support from the Federation, but then we realized that this would be a mistake and sent the letter.

IV. WORK IN PROGRESS

1. ONLINE PLATFORM

The development of the platform has stopped due to the position of President Bas Martens. We would have liked to take the first concrete steps by Amsterdam.

We are now waiting for the opinion of the FBE GENERAL ASSEMBLY to see if and how we will proceed.

The aim is:

- To provide resident citizens and, more recently, refugees living in a country other than their country of origin with lawyers who know the law of both countries
- To create a link between lawyers from EU member countries and beyond, so that they would be able to:
 - Seek advice
 - Exchange views
 - Refer a client to a colleague who specializes in a particular field

taking into account the legislation of the country/countries concerned and the language spoken by the client and the lawyer.

The Commission presented a model for such a platform at the General Congress in Sofia in June 2022, and it should have been put to a vote of the member bars at the Intermediate Congress in Palermo. The Commission continued to work with the IT company RODEAPPS, which had the technical solution to create the platform and whose representatives were present in Palermo, without being given the opportunity to present the steps taken.

2. ATTRACTING MEMBERS

We have gained two new members ,Anca-Daniela Baciuc and Stefan Naubauer.

The Commission drafted a letter, which I sent to all the member bars.

Some of the email addresses turned out to be incorrect. The data on the website should be updated.

I received a reply from l'Ordine degli Avvocati di Messina, which delegated Antonio Cappuccio (avvantoniocappuccio@gmail.com).

3. PROJECTS

1. Online platform.

We do not want to give up on the idea of the platform.

It is certain that the very realization of the platform is precisely in the spirit of the Federation's objectives and that that sticking to the few annual meetings is no longer in line with the digital age of the 21st century.

"Its purpose is to represent the interests of the bars in the field of human rights, deontology and information sharing."

12. To exchange information between Member Bars concerning practice, problems and changes in regulation of the profession in their country and to give mutual assistance when required.
(FBE Statutes)

The platform would be the modern, future means of bringing together the member bars – the bars being the lawyers who make them up, rather than an abstract entity - and it is the concrete

way of exchanging information on the legal practice and on issues relating to the evolution of the regulations of the profession.

A way must be found that costs the Federation nothing, or as little as possible. **Now we have lost two options, one for EUR 2,000 plus VAT, the other for free.** To create such a platform, funding has to come from somewhere, and our proposal, together with SC RODEAPSSS, was that it should come from the lawyers who became associates or paid a subscription.

Considering that Cluj-Napoca is a European "Silicon Valley", we can find other ways to create the platform but only if the Federation agrees.

2. Carrying out joint activities of several bars on various topics of interest, both professional and art, culinary, sports, tourism, etc., with the aim of mutual knowledge of the specifics of each country.

The aim of the TASTE OF LAW program is to promote professional cooperation between law firms and lawyers through art and cuisine, two universal ways of getting to know each other and getting to know each other better.

The objectives of the program are as follows:

- To promote cooperation between bars and between lawyers through the knowledge of the art and cuisine of the lawyers of the FBE bars, in accordance with the motto of the European Union "Unity in Diversity".
- To encourage lawyers' involvement in art and cuisine by responding to topical legal scientific themes in the field of culture and by organising an exhibition featuring the works of participating lawyers
- The organisation of legal workshops in areas of law of interest to the participants
- Organizing social networking for the participants

The first edition of the program will be held in Cluj-Napoca on May 16-18, 2024. The first FBE bar to announce its participation in the program is the Westminster & Holborn Law Society.

Each bar association wishing to participate in the program will be able to send a maximum of 10 lawyers.

The intention to participate in the program should be sent to the Bar Action Cooperation Commission email address FBE_commission_coordination_des_actions_des_barreaux@baroul-cluj.ro no later than February 28, 2024. The following should be mentioned:

- The agreement to organize one of the following editions of the program in the future
- The number of participating lawyers and areas of law concerned
- Whether any of the participating lawyers are artists who wish to exhibit their work and what it consists of (painting, sculpture, books, music, etc.).

The final structure of the program for May 16-18, 2024 and the invitation to participate in the program will be communicated to each FBE member bar in June 2023.

Any bar that wants to discover and discover itself through art and cuisine is welcome to join the Commission's program.

3. Exchange of young lawyers for a fixed period.

4. Thematic competitions for young lawyers in collaboration with other commissions.

5. Collaboration between lawyers of countries with large number of refugees.

6. Online publication on the FBE page of guides in refugee languages summarizing the rights of refugees in all EU Member States and EU legislation.

7. Publication on the FBE page of all links through which unions and/or bars provide PRO BONO legal assistance to refugees through their lawyers.

8. Establishment of common issues of member bars

VI. DIFFICULTIES

The work of the Commission is currently affected by:

- The recent establishment of the Commission;
- The uncertainty of accepting the implementation of the proposed platform.

President of the Commission
Attorney-at-Law Stanca GIDRO PhD

Secretary
Attorney-at-Law Călin Viorel IUGA



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

NEW TECHNOLOGIES COMMISSION

Report on the activity of the Commission

(for the period between 15 November 2022 to 31 May 2023)

List of Members of the Commission

(in alphabetical order)

Member	Bar Association	Function
Mario Arabistanov	Sofia (Bulgaria)	Member
Gabriela Bar	Wrocław (Poland)	Member
Maria Dymitruk	Wrocław (Poland)	President
Ludmila Glembotzky	Bilbao (Spain)	Secretary
Christian Klostermann	Sachsen (Germany)	Member
Paulina Kolowca	Warszawa (Poland)	Member
Izabela Konopacka	Wrocław (Poland)	Former President
Christoph Munz	Dresden (Germany)	Member
Grzegorz Policht	Wrocław (Poland)	Member
Agnieszka Poteralska	Wrocław (Poland)	Member
Michał Skrzywanek	Wrocław (Poland)	Member
Francesco Spina	Lucca (Italy)	Member
Sławomir Szczerba	Wrocław (Poland)	Member
Francesco Tregnaghi	Verona (Italy)	Vice-President
Małgorzata Węgrzak	Gdańsk (Poland)	Member

Report on the activity of the FBE New Technologies Commission *(for the period between 15 November 2022 to 31 May 2023)*

1. Hybrid meeting of the Commission in Palermo

During the FBE Congress in Palermo on November 17, 2022, the NT Commission organized a hybrid meeting, enabling all members of the Commission to participate. The meeting focused on the upcoming edition of the International Legal Tech Competition, primarily discussing and drafting the Terms and Conditions for the 2023 edition. Through fruitful discussions, the final Terms and Conditions were agreed upon, allowing the competition to be officially announced at the General Assembly on November 19, 2022. Additionally, the location for the final of the third edition of the competition was confirmed to be at Wrocław's Bar Association in Poland on June 23, 2023.

Photos from a hybrid meeting of the Commission:



2. Third edition of the International LegalTech Competition: Algorithms, Ethics and Law

Following the official announcement of the third edition of ILTC, an active promotion period for the competition commenced. Details about the competition, including the Terms and Conditions of participation and the application form, were published on the FBE website and the Wrocław Bar Association of Attorneys-At-Law. Subsequently, this information was shared through various social media channels. Additionally, emails containing information about the competition were sent to each FBE Member Bar. It is worth noting that the event was held under the patronage of the European Commission.

The topic for ILTC 2023 has been selected as "Algorithms, Ethics, and Law." As the New Technologies Commission recognizes the growing significance of new technologies and artificial intelligence in our democratic societies and their potential to enhance the quality and efficiency of justice, the objective of the competition is to raise awareness and foster innovative thinking among legal professionals regarding the integration of modern technologies in legal services and exploring novel areas at the intersection of law and artificial intelligence.

The first stage of the competition involved the submission of presentations that considered not only the theoretical possibilities of utilizing new technologies in legal services (such as theories on the legal implications of AI) but also the practical consequences of such phenomena for society and potential technical implementations in this field.

The deadline for project submissions was April 30, 2023. All submissions were evaluated by members of the New Technologies Commission (please refer to the section 4 for further details). The finalists will have the opportunity to present their projects during the live final of the competition in Wrocław on June 23, 2023.

The New Technologies Commission of the European Bars Federation (FBE) is proud to announce

International LegalTech Competition

ALGORITHMS, ETHICS AND LAW

Use of artificial intelligence in legal practice

- I stage (online)
- 30 April 2023
- II stage (onsite)
- TBA, Wrocław (Poland)

Organizers:   Patronage: 

More info:
<https://www.fbe.org/>
<https://oirp.wroclaw.pl/>

International LegalTech Competition

ALGORITHMS, ETHICS AND LAW

Through advanced AI/ML models, legal services will potentially change more drastically over the next decades than in the last centuries. Lawyers need to face not only an emerging possibility of using algorithms in law firms to make their work easier and to increase the quality of their services, but also to tackle the consequences of AI for the proper functioning of the legal systems.

Many within the legal profession appreciate the opportunities which will arise from the use of advanced algorithms in their legal practice. However, on the other hand many worry about the adequacy of the current legal framework to challenges that AI creates. The European Bars Federation shares a trustworthy and ethical approach to AI, based on respecting fundamental rights and shared European values. The Competition aims to both enhance the use of secure AI/ML solutions in the legal system and to point the efforts collectively given the functioning of advanced algorithms in contemporary society.

Dear Participants, your task in the Competition is to prepare a project that focuses on the use of AI and its impact on legal services, with particular emphasis on the practical (current or future) effects on the legal domain. Please bear in mind that your project may present an already existing or underway technological solution or the legal implications of AI, as long as they affect (or will affect in the foreseeable future) the way legal services are provided.

Maria Dymitruk
President of the FBE New Technologies Commission

- I stage (online)
- Please submit your presentation together with the application form to the following e-mail address: mdymitruk@oirp.wroclaw.pl by midnight on 30 April 2023
- II stage (onsite)
- We shall select finalists who will take part in the second stage of the competition that will take place in Wrocław (Poland). The exact date will be announced later. In this stage the finalists shall make their speeches to the jury.

More info:
<http://www.fbe.org/home/>
<https://oirp.wroclaw.pl/>


Fédération des Barreaux d'Europe

3. Online meeting of the Commission on 5/4/2023 concerning the impact of large language models on legal practice

On April 5, 2023, the NT Commission organized an online meeting to discuss the potential impact of large language models and generative AI on the work of European lawyers. The topic was introduced by the President of the Commission in response to significant media coverage of ChatGPT, which had been tested by several members. Gabriela Bar, a Commission member, delivered a presentation on generative artificial intelligence, covering legal challenges, including copyright, data protection, and intellectual property laws. The importance of intellectual property rights and potential issues related to personal data protection, privacy, bias, and discrimination were emphasized.

The presentation was followed by a productive discussion among Commission members, addressing thought-provoking questions and concerns regarding AI tools. This meeting marks the first step towards the next activity of the NT Commission, i.e. developing a recommendation for lawyers affiliated with FBE member bars on the responsible use of large language models.

The full minutes of the meeting together with Gabriela Bar's presentation can be found at <https://www.fbe.org/wp-content/uploads/2023/05/2023-04-05-Minutes-of-the-NT-Commission-Meeting.pdf>.



MODELS OF GEN AI - ANN

- GAN (Generative Adversarial Network)
- Diffusion models
- Seq2Seq
- Long short-term memory – LSTM
- Variational autoencoder (VAE)

The diffusion model is already being used to reconstruct **high-resolution images of human brain activity**.

This allows visual images to be created **directly** from the human imagination without the need for external visual input.

• <https://news.berkeley.edu/2011/09/22/brain-movies/>

LAWSUITS

Law suits against GitHub Copilot, Stability AI, DeviantArt and Midjourney - based on allegations of copyrights infringement by:

- Multiplication of works - primarily at the stage of downloading them in order to train the AI,
- Creating and distributing "derivatives"(!),
- Indirect copyright infringement - providing a tool through which others can create forgeries/plagiarisms of other people's works,
- Removal or "circumvention" of rights management information (copyright notices, titles, names of authors and copyright holders (called CMI)).

4. Evaluation of the ILTC 2023 submissions

On May 12, 2023, a special online meeting of the New Technologies Commission was held to evaluate the projects submitted for the first stage of the International LegalTech Competition 2023. As a result of the evaluation process, the following projects were selected as finalists:

- Abdullah Berat Balci, Istanbul Bar Association (Turkey)
- Angel Peña Perez, Ilustre Colegio de la Abogacía de Bizkaia (Spain)
- Beatriz Juarrero Olaizola, Ilustre Colegio de la Abogacía de Bizkaia (Spain)
- Cem Şanap, Istanbul Bar Association (Turkey)
- Maciej Białas, Aleksandra Kraśnicka, Anna Augustyn, Wrocław Bar Association of Attorneys-At-Law (Poland)
- Moreno Ferrarese, Ordine Avvocati Di Verona (Italy)
- Tomasz Palak, Michał Olszewski, Łukasz Matyja, Gdańsk Bar Association of Attorneys-At-Law (Poland)

These individuals or teams have successfully advanced to the 2nd stage of the competition. The Commission members expressed their satisfaction with the high professional standard of the presentations and the contestants' knowledge and dedication. The selected submissions will be presented during the final, which will be held as an onsite event on June 23, 2023, at the Wrocław Bar Association of Attorneys-At-Law in Poland. According to the competition's Terms and Conditions, the finalists will deliver an oral presentation to the jury, not exceeding 15 minutes, based on the same PDF file submitted in the first stage. The jury may pose questions related to the presentations.

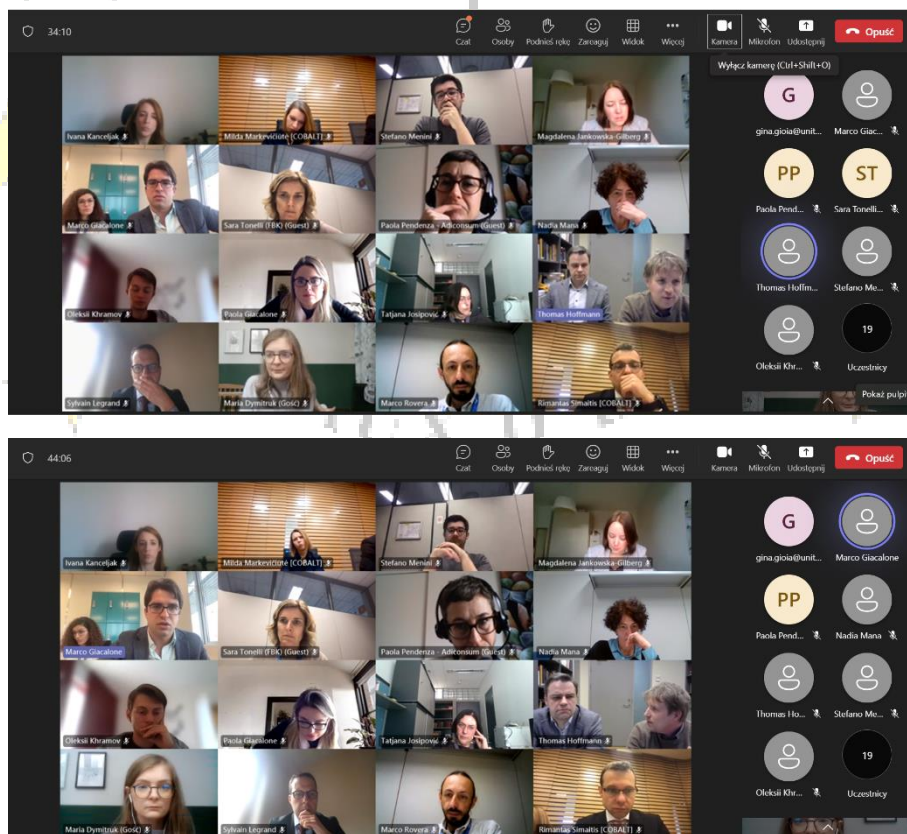
The results of the first stage of ILTC 2023 were announced and published on the websites of FBE (<https://www.fbe.org/results-of-the-1st-stage-of-the-international-legal-tech-competition-algorithms-ethics-and-law/>) and Wrocław Bar Association of Attorneys-At-Law (<https://oirp.wroclaw.pl/wyniki-pierwszego-etapu-international-legaltech-competition-2023>), in addition to being communicated via email to the competition participants and their respective Bar Associations.

We eagerly anticipate the final of the competition, as it presents an excellent opportunity to hear the perspectives of European lawyers on leveraging AI tools for the benefit of their clients, as well as discussing the necessary regulations to ensure AI aligns with European values.

5. Participation in scientific projects

The FBE New Technologies Commission is participating in two international scientific projects funded by the European Commission as part of the Justice Program (JUST): CREA II on AI ("Conflict Resolution with Equitative Algorithms 2") and SCAN II on the digitalization of the European Small Claims Procedure ("Small Claims Analysis Net 2"). The President of the Commission has actively contributed to the activities of both projects.

On March 8, 2023, an online mid-term coordination meeting of the SCAN II project took place, where the NT Commission President represented FBE as a project partner. During the meeting, the project coordinator, Marco Giacalone, provided a general update on the main activities carried out in the first year of the project and expressed appreciation to the project partners for their active participation and valuable contributions. The meeting involved presenting the research results achieved so far, including Roadmap for EU Enforcement Rules on ESCP Judgments and Comparative and Analytical Study of Best Practices for the National Enforcement Rules of the ESCP Judgments in Member States with a contribution from the Commission President, and planning future project activities, such as the involvement of FBE in tasks like distributing questionnaires.



Maria Dymitruk

President of the New Technologies Commission