

# CCBE *Info*

The newsletter of European Lawyers

ISSUE :

June - September 2020

# #88



## SPECIAL FOCUS: *60<sup>th</sup> anniversary of the CCBE*

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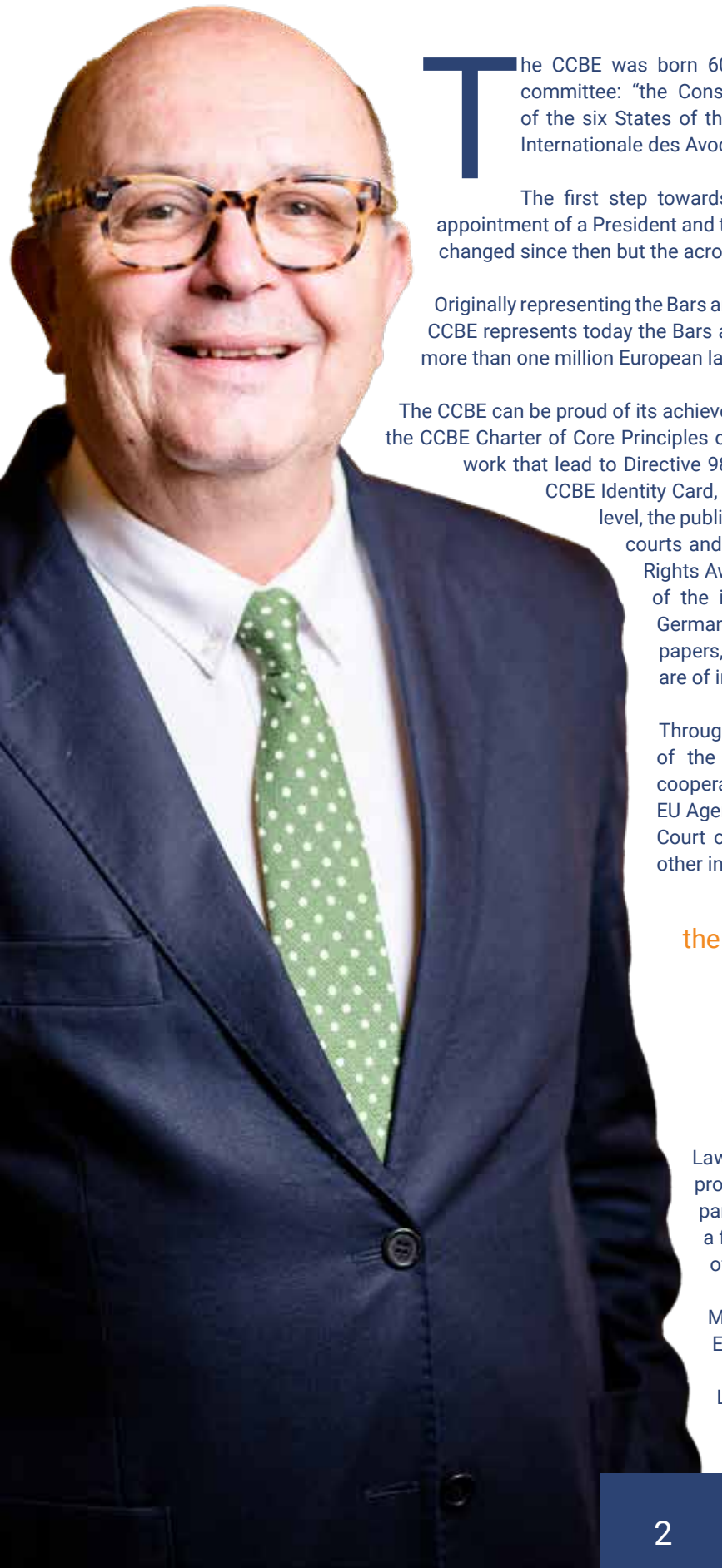
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### Statement of the President



**T**he CCBE was born 60 years ago, in September 1960. Initially created as a committee: “the Consultative Committee of Bars and national associations of the six States of the EEC”, the CCBE was nursed at the heart of the Union Internationale des Avocats (UIA) during its first years of existence.

The first step towards independence from its mother organisation was the appointment of a President and the adoption of a “règlement organique” in 1966. Its name changed since then but the acronym “CCBE” remained.

Originally representing the Bars and national associations of the six EEC Member States, the CCBE represents today the Bars and Law Societies of 45 European countries representing more than one million European lawyers.

The CCBE can be proud of its achievements. To name a few them: the CCBE Code of Conduct, the CCBE Charter of Core Principles of the European Legal Profession, the participation in the work that led to Directive 98/5/EC on the Freedom of establishment of lawyers, the CCBE Identity Card, the CCBE interventions in major court cases at European level, the publication of practical guides for lawyers acting before the EU courts and the European Court of Human Rights, the CCBE Human Rights Award, the creation of a European Lawyers’ Day, the launch of the initiative European Lawyers in Lesbos (jointly with the German Bar) and of course, the regular publication of position papers, recommendations, guidance, statements on issues that are of importance to justice and the legal profession.

Through the years, the CCBE has become the recognised voice of the European legal profession and has developed close cooperation with the EU institutions and EU agencies (such as the EU Agency for Fundamental Rights), the EU courts, the European Court of Human Rights, the Council of Europe as well as with other international and European lawyers’ organisations.

**Today, many challenges are ahead such as the continuity of Justice in times of pandemic, threats to the Rule of Law, human rights violations, attacks on lawyers worldwide, the impact of technological developments, the digitisation of justice, the impact of globalisation and market liberalisation, etc.**

Lawyers play a crucial role for access to justice and the protection of human rights and fundamental freedoms, in particular the rights of the defence and the guarantees of a fair trial. The legal profession is a cornerstone of the Rule of Law.

More than ever, the CCBE will continue to have the voice of European lawyers heard in these challenging times.

Long live the CCBE!

# CCBE Past Presidents 2010 - 2019

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2019 – José de Freitas  
Portugal

count the 60 candles of the birthday cake of the CCBE and try to dedicate each one to an achievement, an event or a name from the many with whom the history of the 60 years of existence of the CCBE is written. An exercise that appeared to be easy, but which has proved to be of the greatest difficulty due to so many achievements, events and names to commemorate on this date that the candles, many at first sight, run out in the blow of the first memories.

An avalanche of candidates for the first candles came to my mind, beginning by the great achievements in the creation and development of a European legal profession, free in movement and establishment, the consolidation and codification of the core values of the legal profession, the affirmation of the independence and dignity of lawyers, the resistance to the liberalisation of legal services, the demand for an ethic order for the digital legal world framed by integrity and impartiality and respect for the non-disclosure obligations, the vigilant defence of the rule of law and human rights, interventions in support of the independence of the judiciary, the aid to refugees and many events, many names that glitter along the lines of the history of the CCBE.

So many achievements, for so few candles!

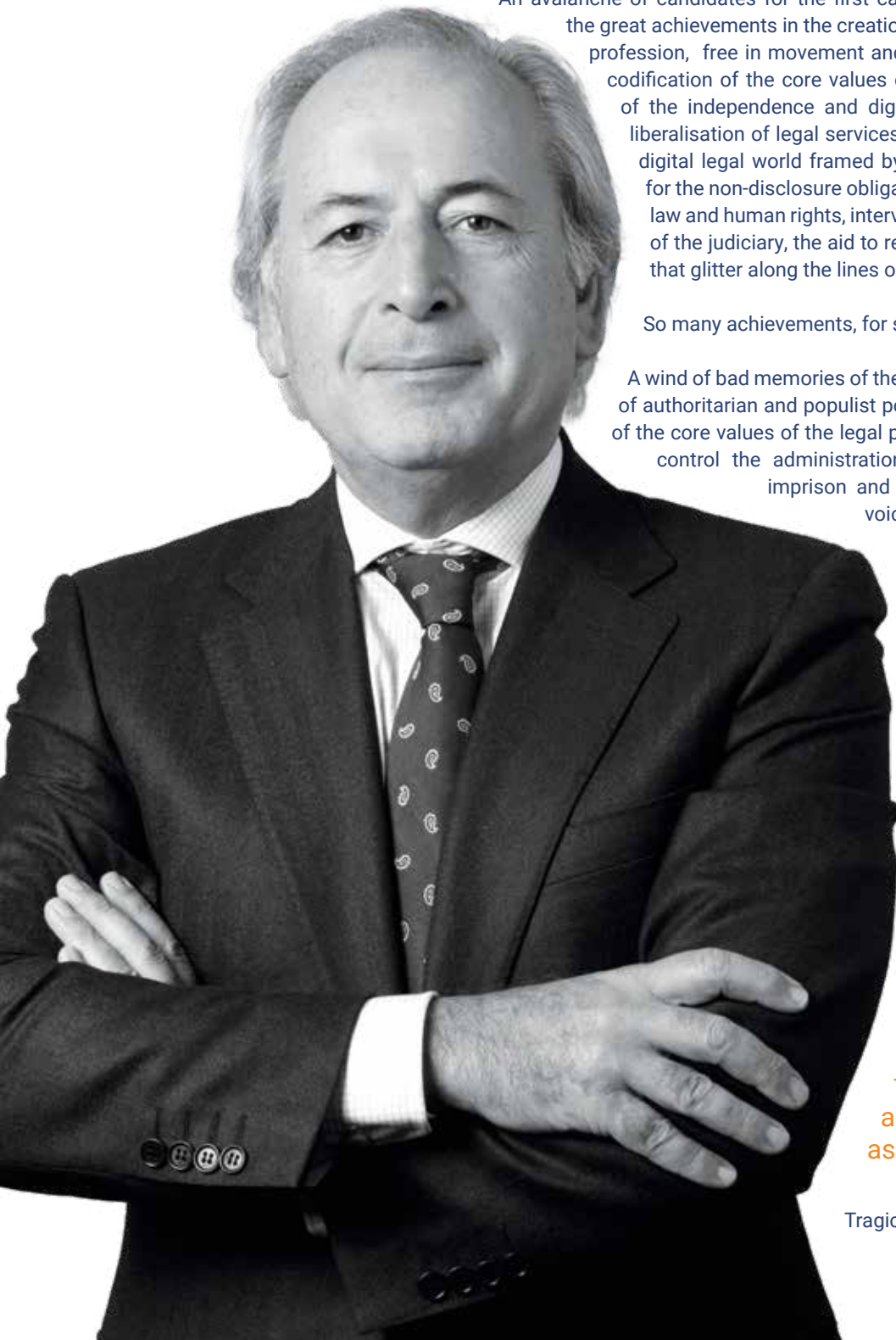
A wind of bad memories of the degradation of the rule of law as result of authoritarian and populist political regimes which are disrespectful of the core values of the legal profession and of the human rights and control the administration of justice and threaten, persecute, imprison and kill the independent and complaining voice of lawyers, passed and caused the flames of the candles to sway and tilt, close of being blown out.

However, the core values of the legal profession rushed to protect the candles and the flames resumed their radiance.

I then realised that it would be better to dedicate the 60 candles to this rescue force in permanent alert, which has as its greatest interpreters lawyers who suffer the hardships of not bending in defence of the rule of law and who defend human rights firmly and at a high personal cost.

**I have therefore decided to devote a candle to each of the lawyers murdered only and because of having acted as a lawyer.**

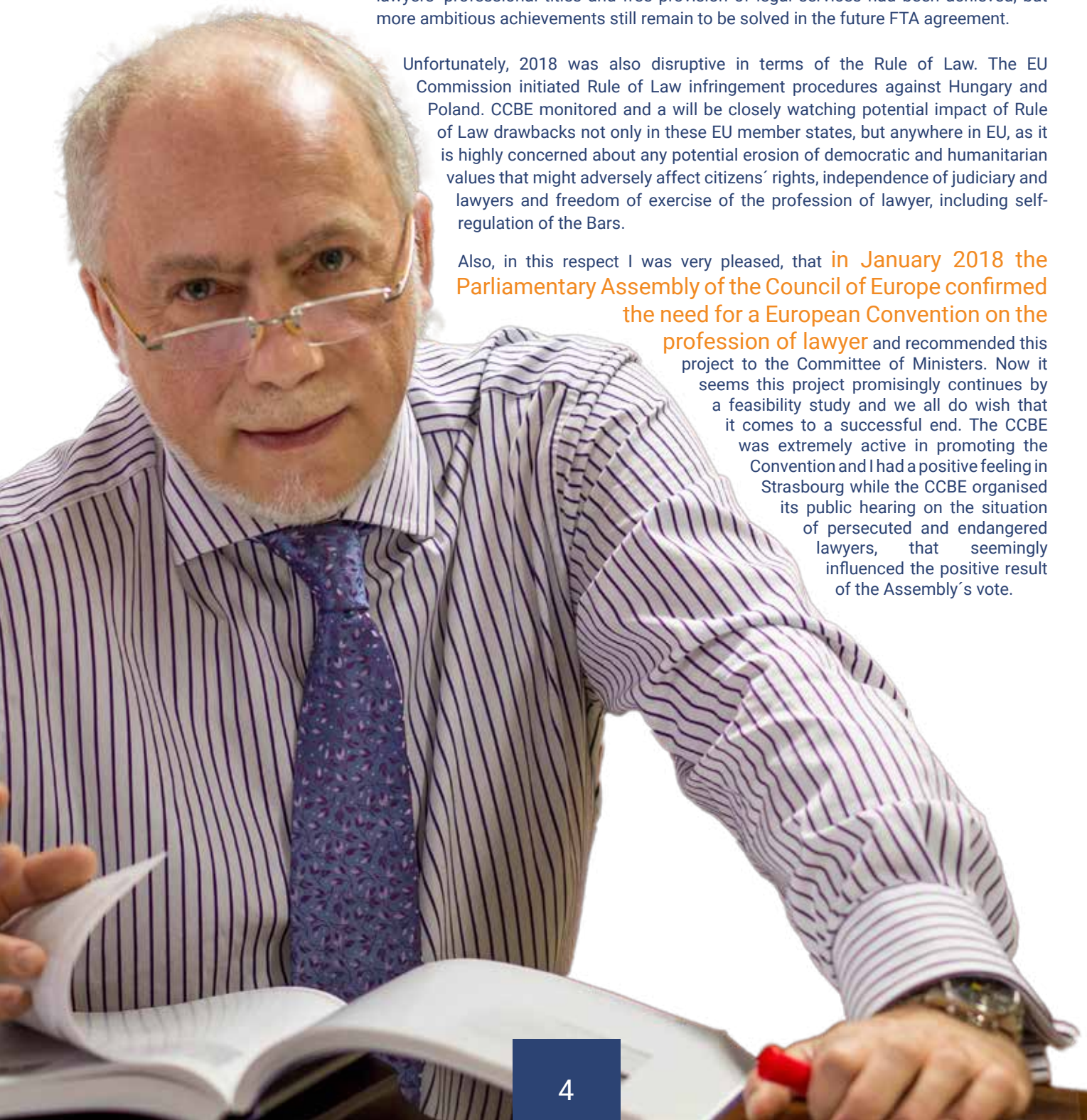
Tragically, few, very few candles remain...



The year 2018 was a year of intense Brexit political negotiations between European Union and the United Kingdom on the terms of leave and the shape of their future mutual relations. New challenges for the preservation of the rights of citizens and entrepreneurs, including lawyers, arose in relation to the Brexit negotiations. As a president, I dedicated my best efforts to promoting the most reasonable solutions, both to maintain UK lawyers as an integral part of the legal profession in Europe, and in voicing the need for the mutually most favourable conditions for both EU and UK citizens and businesses on the continent and across the Channel. Certain essential safeguards relating to citizen's rights as well as the recognition of lawyers' professional titles and free provision of legal services had been achieved, but more ambitious achievements still remain to be solved in the future FTA agreement.

Unfortunately, 2018 was also disruptive in terms of the Rule of Law. The EU Commission initiated Rule of Law infringement procedures against Hungary and Poland. CCBE monitored and will be closely watching potential impact of Rule of Law drawbacks not only in these EU member states, but anywhere in EU, as it is highly concerned about any potential erosion of democratic and humanitarian values that might adversely affect citizens' rights, independence of judiciary and lawyers and freedom of exercise of the profession of lawyer, including self-regulation of the Bars.

Also, in this respect I was very pleased, that in January 2018 the Parliamentary Assembly of the Council of Europe confirmed the need for a European Convention on the profession of lawyer and recommended this project to the Committee of Ministers. Now it seems this project promisingly continues by a feasibility study and we all do wish that it comes to a successful end. The CCBE was extremely active in promoting the Convention and I had a positive feeling in Strasbourg while the CCBE organised its public hearing on the situation of persecuted and endangered lawyers, that seemingly influenced the positive result of the Assembly's vote.



## 2017 – Ruthven Gemmell United Kingdom

was fortunate in 2017 to follow as President, Michel Benichou who was an inspirational president and whose passion for fundamental rights had amongst other things aided the launch, with the DAV, of the European Lawyers in Lesvos (ELIL) organisation.

In 2017 a delegation and I visited Athens to establish a new agreement with the Greek government and legal profession and then visit the island of Lesvos to observe at first-hand how the assistance to asylum seekers was being delivered, to meet the local Bar, who acted for claimants after their ELIL initial advice, and to observe the conditions in which they were temporarily accommodated and 'processed'. This initiative, with which I am still involved as the Board member representing the CCBE, continues some three years later and goes from strength to strength.

2017 also saw the considerable strengthening of links with the International Association of Young Lawyers (AIJA) who joined the high level bar meeting with the UIA, IBA, ABA and the CCBE for the first time and with my high level of engagement with AIJA and its office bearers especially at their conference that year in Japan. This expanded our contact with a representative international body of the future of the legal profession which was, in 2017, coupled with the publication of an eBook on 'Innovation and Future of the Legal profession in Europe'.

Throughout 2017 the Council continued to work towards the fundamental core principles of the CCBE but on looking back at the many successes of the Council over many years I think the ELIL project was, to me, a very memorable event as it involved the active work of the Council itself, with others, in providing, directly a very practical solution to a problem which dealt, quite manifestly, with the core principles, aims and objectives of the CCBE.



**T**he 365 days of a Presidency of the Council of Bars and Law Societies of Europe is a particularly short period of time to try to reform the institution and to carry out some of the projects which have been imagined.

The year 2016 was marked by the vote in favour of Brexit. This was a shock for the whole of the European Union and particularly for the Council of European Bars and Law Societies. European lawyers immediately assured British lawyers of their confraternity.

2016 was also the high point in terms of immigration to the European Union.

**In order to assume our role as lawyers and therefore as legal advisors, the DAV and the Council of European Bars have joined forces to create the operation “European Lawyers in Lesbos” (ELIL).**

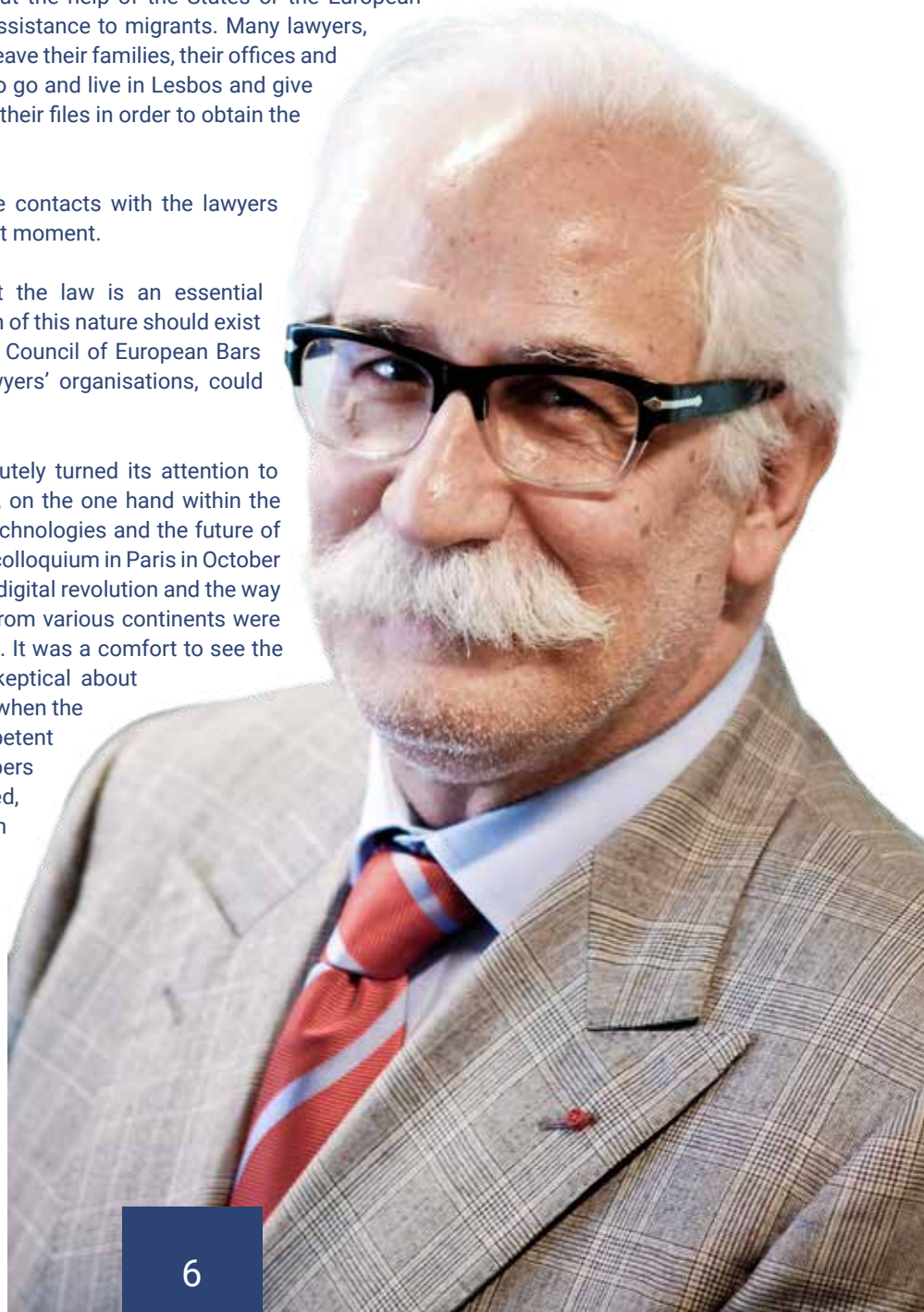
It was an immediate success, as large sums of money were donated by some Bars to finance this humanitarian initiative without the help of the States or the European institutions. Lawyers paid to provide legal assistance to migrants. Many lawyers, coming from all over Europe, volunteered to leave their families, their offices and their comfort for a minimum of two weeks to go and live in Lesbos and give daily consultations to help migrants build up their files in order to obtain the right of asylum.

In 2017, I visited the Lesbos camp and the contacts with the lawyers present were, for me, a moving and important moment.

This ongoing operation demonstrates that the law is an essential component of humanitarian aid. No operation of this nature should exist without the active presence of lawyers. The Council of European Bars and Law Societies, together with other lawyers’ organisations, could take this idea forward.

Finally, the European Bar Council has resolutely turned its attention to new technologies and the future of lawyers, on the one hand within the committees devoted to these topics (new technologies and the future of the profession) but above all by organising a colloquium in Paris in October 2016 to address all the issues related to this digital revolution and the way in which lawyers can approach it. Lawyers from various continents were present and worked together during this day. It was a comfort to see the modernity of our profession. Many were skeptical about the success of such a conference. However, when the European Bar Council, with its team of competent permanent staff, experts, committee members and members of the presidency is mobilised, success is assured. The e-book that has been produced from this event demonstrates the quality of the interventions and debates.

The Council of European Bars is therefore in good shape. Sixty is certainly a respectable age, but it does not detract in any way from its dynamism, its willingness to serve lawyers and its futuristic vision of our profession. Thus, as Jean-Jaurès, a French politician, used to say: “We must have no regrets for the past, no remorse for the present, and an unshakeable confidence in the future”.



In my presidency, I concentrated on how to increase - by various speaking opportunities - the visibility of the CCBE, its activities and its achievements among lawyers and lawyers' organisations. With the same objective, I initiated a translation of the CCBE newsletter into several national languages, in particular into languages of those member states who joined the EU at the latter stage, as well as those of our associate and observer members.

To help new members to speed up their active participation in our activities, I proposed "Twinning Agreements" between more experienced members and newcomers.

In presence of President Lech Wałęsa - creator of "Solidarity", the Twinning Agreement between the Georgian Bar Association and the Polish National Bar Council of Attorneys at law, was signed on the occasion of the Plenary Session in Gdansk on 27-30 May 2015, which took place in the so-called BHP Hall - a symbol of fight against communism, where the Polish non-violent road to real freedom and independence started.



The last months of my presidency were marked with a tragedy that occurred in Paris and Brussels – terrorist attacks, and one of them happened so close to the CCBE premises. The majority of the CCBE delegations supported the CCBE Presidency in cancelling the Standing Committee that was foreseen to be held in Mons. In this context, I really admired the position expressed by the French and Belgian colleagues to stand against violence and attacks and to meet in Mons despite of potential danger.

A very bright element of my term was the Standing Committee in London in February 2015 – as the President of our prestigious organisation I was invited at a reception at Buckingham Palace and had great pleasure talking with Queen Elizabeth II, who expressed kind interest in our activities.

I am really proud that as the third woman who presided the CCBE, where I met a lot of wonderful people and with many of whom I built very friendly relations and stay in contact till today.

2014 – Aldo Bulgarelli  
Italy

I had the honour to be President of the CCBE.

I had the privilege of working with so fantastic people from the CCBE delegations and staff, always treating and considering each and everyone of them as he/she was really the most essential part of the CCBE, which indeed was the case.

I signed the act of purchase of our beautiful premises in Rue Joseph II in Brussels.

I started our European Lawyers' Foundation, a fundamental instrument to allow CCBE members to enjoy EU Projects, without involving directly the CCBE staff, already in that time extremely engaged, as it still is nowadays.

**It was a pleasure for me to inaugurate the tradition of European Lawyers' Day.**

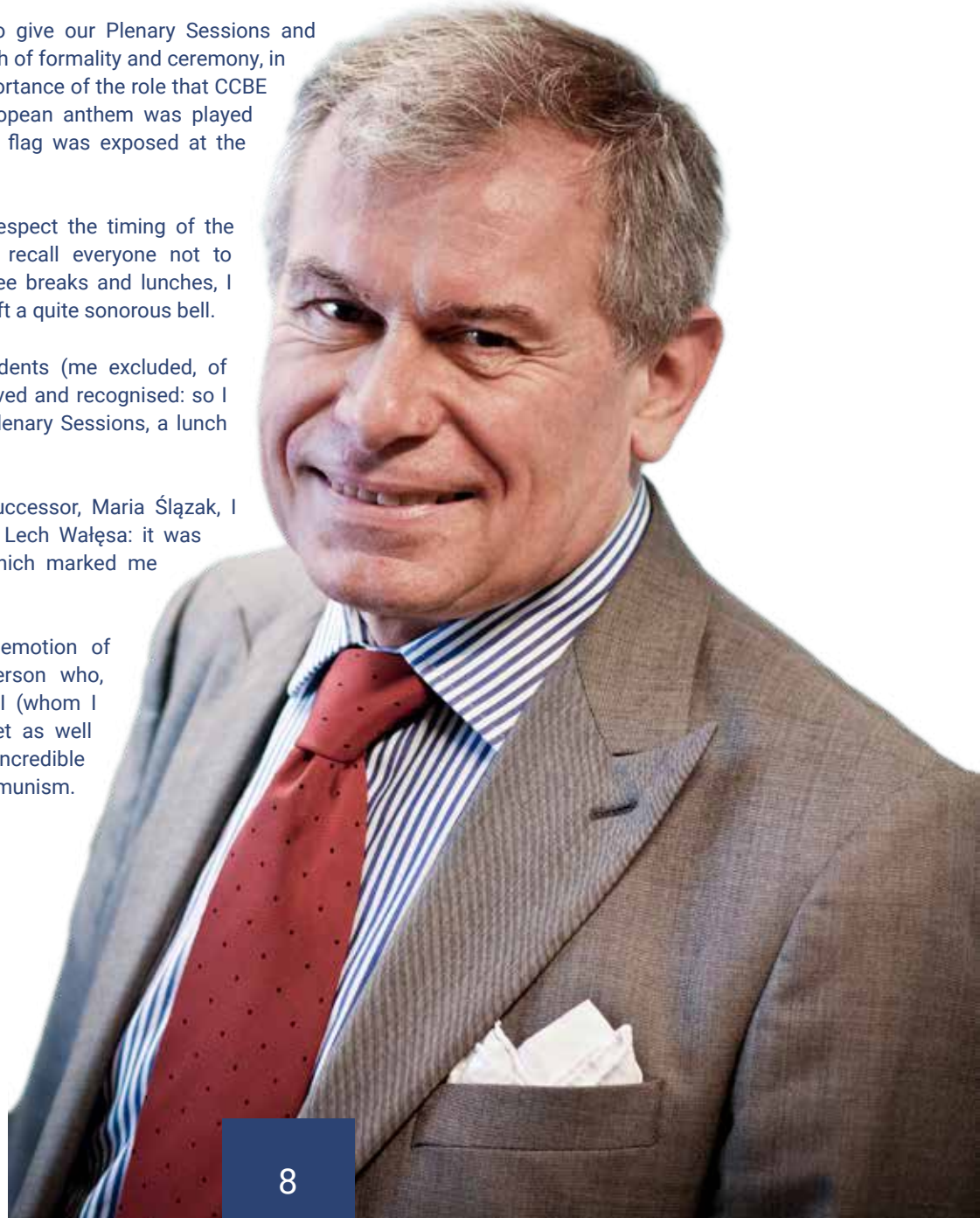
During my Presidency, I tried to give our Plenary Sessions and Standing Committees some touch of formality and ceremony, in order to better underline the importance of the role that CCBE meetings have: so that the European anthem was played at the beginning, and the CCBE flag was exposed at the Presidency table.

I always tried to scrupulously respect the timing of the meetings which I presided: to recall everyone not to dedicate too much time to coffee breaks and lunches, I gave the CCBE as my personal gift a quite sonorous bell.

I believe that CCBE Past Presidents (me excluded, of course) are a value to be preserved and recognised: so I organised, on the occasion of Plenary Sessions, a lunch with them.

During the Presidency of my successor, Maria Ślężak, I had the opportunity of meeting Lech Wałęsa: it was a touching, special moment, which marked me forever.

It is difficult to describe the emotion of meeting such an important person who, together with Pope John Paul II (whom I was so lucky to meet and greet as well personally in 1979), had the incredible merit to start the breakup of Communism.





**2**013 brought one of our most significant challenges to date. The continued imposition of austerity measures by governments, EU Authorities and in particular the ‘troika’, aimed at staving off economic crisis, directly affected the citizens’ right to access to justice; the independence of the judiciary; and the independence and regulatory authority of the Bars throughout Europe.

Together with my colleagues in the Presidency, Aldo Bulgareli, Maria Ślązak and Michel Benichou, we reinforced existing and established new ties with EU institutions, particularly with E.C. Vice-President and Commissioner of Justice Viviane Reding and Commissioner of Internal Market Barnier, both of whom recognized the role of the CCBE and the independence of the Bars. I represented the CCBE and spoke about ‘The Independence of Justice’ at the Assises de la Justice conference organized by the Directorate-General for Justice. Additionally many CCBE delegates were speakers at a Law Conference organised by the Directorate-General of Internal Market where Commissioner Barnier praised “Regulation” and the Establishment Directive.

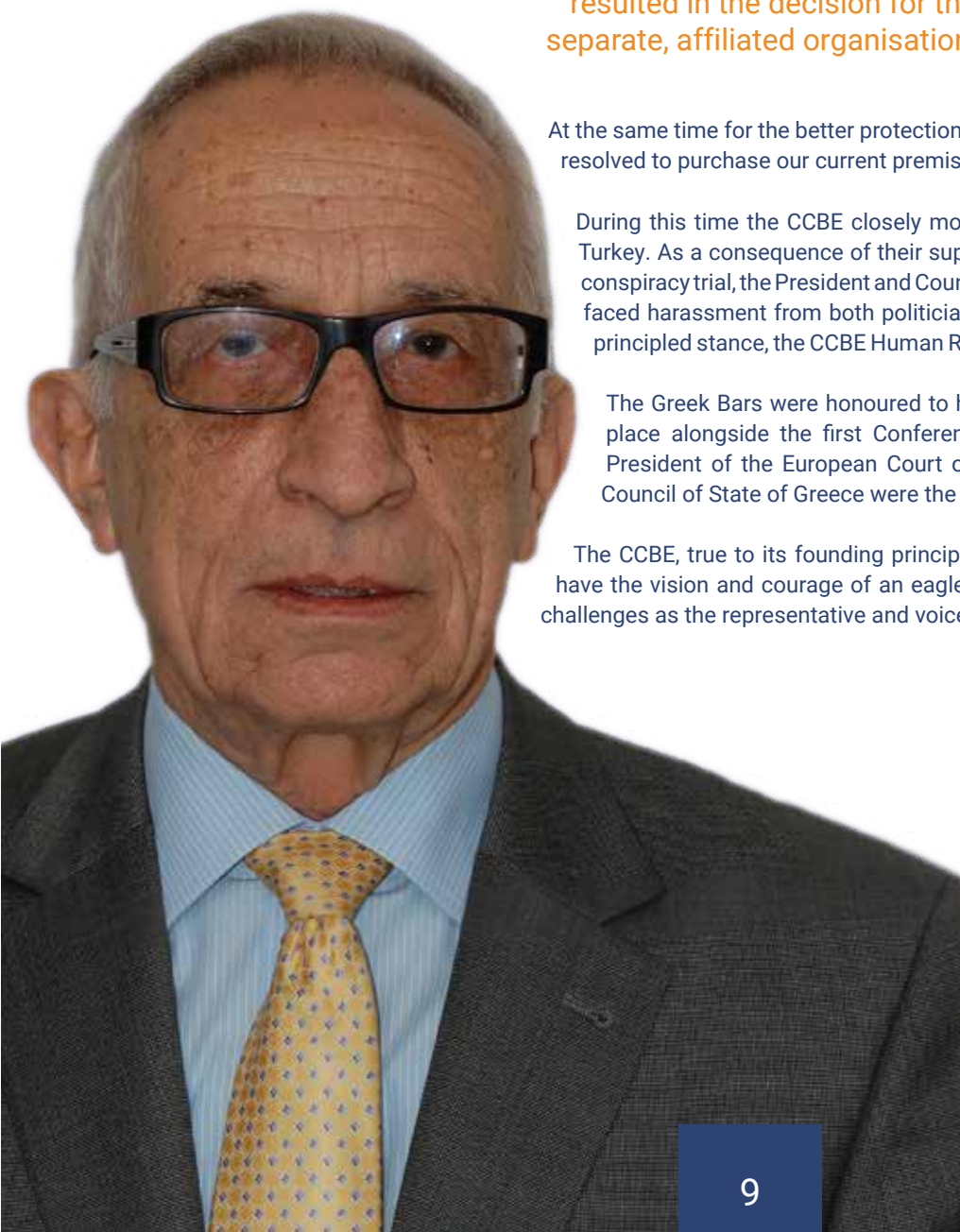
**The rapid expansion of the CCBE’s excellent work on projects resulted in the decision for this huge effort to be handled by a separate, affiliated organisation which led to the creation of the European Lawyers’ Foundation.**

At the same time for the better protection of the CCBE’s position and finances, it was resolved to purchase our current premises.

During this time the CCBE closely monitored the difficulties faced by lawyers in Turkey. As a consequence of their support for defence lawyers in a controversial conspiracy trial, the President and Council Members of the Istanbul Bar Association faced harassment from both politicians and the judiciary. In recognition of their principled stance, the CCBE Human Rights Award for 2013 was awarded to them.

The Greek Bars were honoured to host the May Plenary in Athens which took place alongside the first Conference on Human Rights, at which the Vice-President of the European Court of Human Rights and the President of the Council of State of Greece were the main speakers.

The CCBE, true to its founding principles and aims, still has and will continue to have the vision and courage of an eagle to face and successfully deal with all the challenges as the representative and voice of European lawyers.



2012 – Marcella Prunbauer-Glaser  
Austria

**M**y Presidency in 2012, soon after the CCBE had celebrated its 50<sup>th</sup> Anniversary at the place of its “birth” in Basle, could be summarised as a continued year of harsh winds of change blowing at the profession and the autonomy of Bars and Law Societies, which was particularly driven by the consequences of the financial crisis, the “troika-siege” experience in some member bars and continued efforts to “liberalise” the regulatory framework under commercial competition viewpoints, on one hand, combined with quite some positive moves of the CCBE towards something new.

The new moves included a first time ever Plenary Session in the premises of the European Court of Human Rights in Strasbourg which underlined the very important work of the CCBE in the area of fundamental rights, a profound economic study to counter the recurring arguments for the need of further liberalisation (the Yarrow Report) and the move in the true sense of the word to the new premises which are still the current seat of the organisation.

I am glad to see that the first introduction of an annual report in 2012 as means of information for our constituents about the multiple tasks and activities of the CCBE during each year has prospered well and became a good tradition. These annual reports could also serve as treasure chest once it should be decided to update the former booklet of the History of the CCBE which was once dedicated to the CCBE by one of my predecessors – maybe at the occasion of a next anniversary.

Years of upheaval have not ended yet and winds of change are blowing steadily. The CCBE has now 60 years of good experience to face and cope duly with new challenges and will certainly continue to do so. Happy Anniversary and *ad multos annos!*



## 2011 – Georges-Albert Dal Belgium

joined the Belgian delegation in 1995, when I was President of the French-speaking order of the Brussels Bar.

Heinz Weil was the CCBE President, but my involvement at the time was fleeting because I was a practising President of the Bar while being active in the European Bars Federation, of which I was to become president at the end of my term of office. At the end of this presidency, I was able to become more actively involved in our work through becoming Information Officer, then Head of the Belgian delegation.

Over the years, I became more active and chaired various committees, which gave me the opportunity to study in depth the ethical principles of the profession from an international perspective. It was comparative ethics live. Fascinating!

All these contacts have created a network of strong friendships. These friendships led to my election as CCBE Second Vice-President in 2009. I had the privilege to work under the presidency of Anne-Birgit Gammeljord, then under the presidency of José-María Davó-Fernández and finally, after my presidency in 2011, alongside my friend Marcella Prunbauer.

**During these four years, I had the immense privilege of living at the heart of the European Bar, a group of more than one million colleagues who have the essential in common.**

Memories? There are too many. I'll remember two of them. The Three Bars Meeting bringing together Japanese, Chinese and European bars in Tianjin where Marcella Prunbauer, Jonathan Goldsmith and I experienced the inside of China and found ourselves lost in a unilingual crowd, amidst incomprehensible inscriptions, without a Latin character or a word in English.

But above all, that day in Vienna when, on the occasion of the Präsidentenkonferenz, a small group helped me for several hours to draw up the French and English texts of the ten core principles of the profession which, together with the Code of Conduct, are one of the cornerstones of the CCBE.



2010 - José María Davó Fernández  
Spain

**M**y presidency took place in 2010, during the 50<sup>th</sup> anniversary of the CCBE. A special commemorative programme was organised on the occasion. Starting with a colloquium in Brussels in January on professional secrecy/legal professional privilege, with the participation of judges from EU Courts, it continued with a meeting of the Presidents of the European and South American national councils of lawyers in May in Malaga (Spain), analysing human rights in each of their countries, followed by a ceremony in Basel (Switzerland) commemorating the founding act, and ending with a conference in November on legal aid, with the intervention of the European Commission Vice-President Viviane Reding.

A book on the fiftieth anniversary was also published, with a summary of the history of the organisation. All former CCBE Presidents and the Presidents of the two European Union Courts contributed to this book.

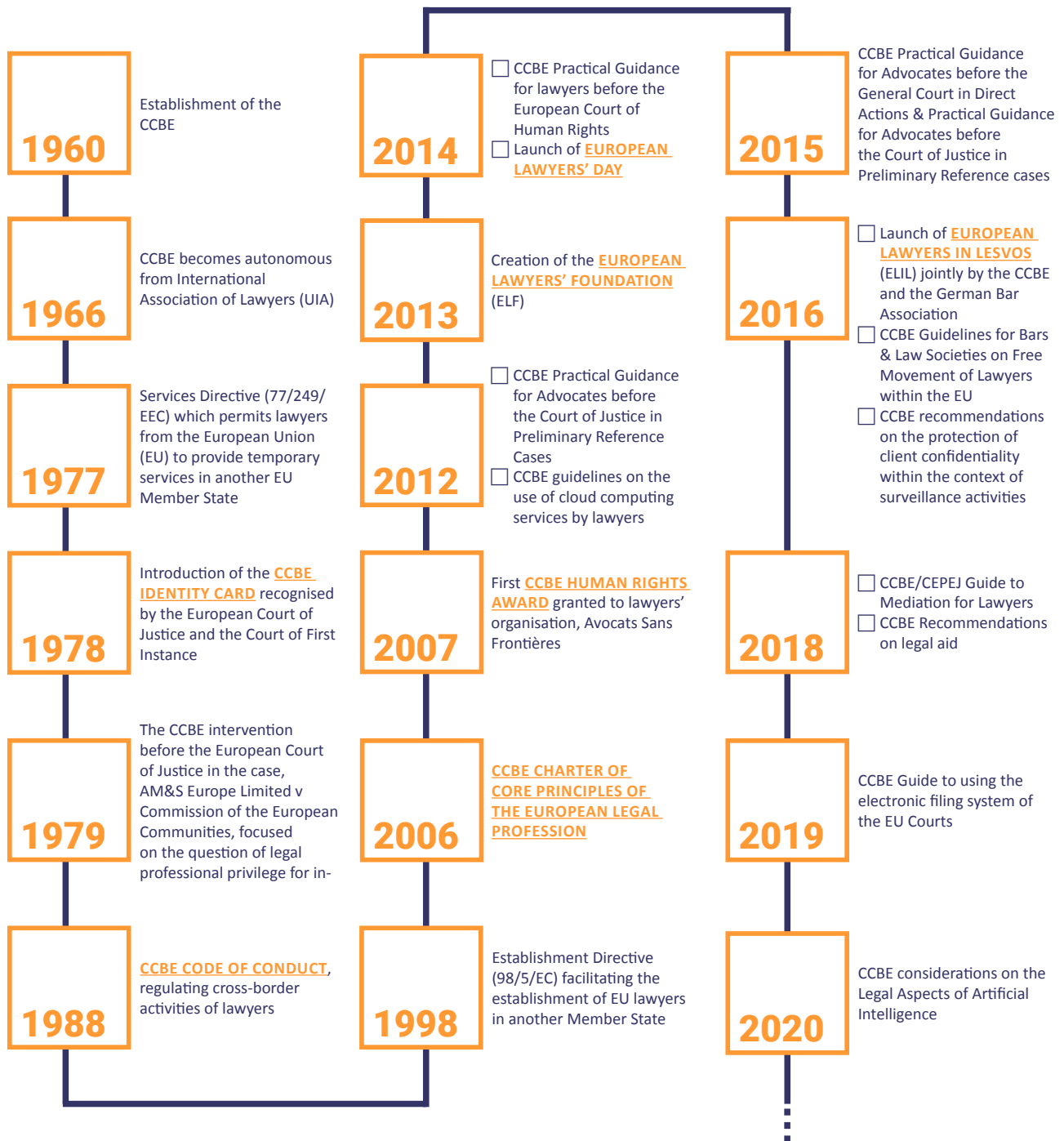
**The Human Rights Award, created on my initiative three years earlier, was given to two Mexican lawyers defending the victims of mass murders of women, which led to the creation of the criminal category of *femicide*.**

In addition, I travelled the world to spread the importance of our organisation. As an anecdote, I could tell you that when I attended the historic ceremony of the first joint meeting of Serbian and Croatian lawyers at the Parliament in Belgrade, after the clashes between the two countries, all speakers spoke in Serbian or Croatian, without me being able to understand anything they were saying. Surprisingly, I was invited to speak without prior notice. I spoke in English and French, without being sure that the assistants could understand me either!

Fortunately, at the end of the ceremony, some of the international observers present congratulated me for having spoken about the work of harmonising lawyers, as well as about the use of both languages, as a sign of union between the two peoples.

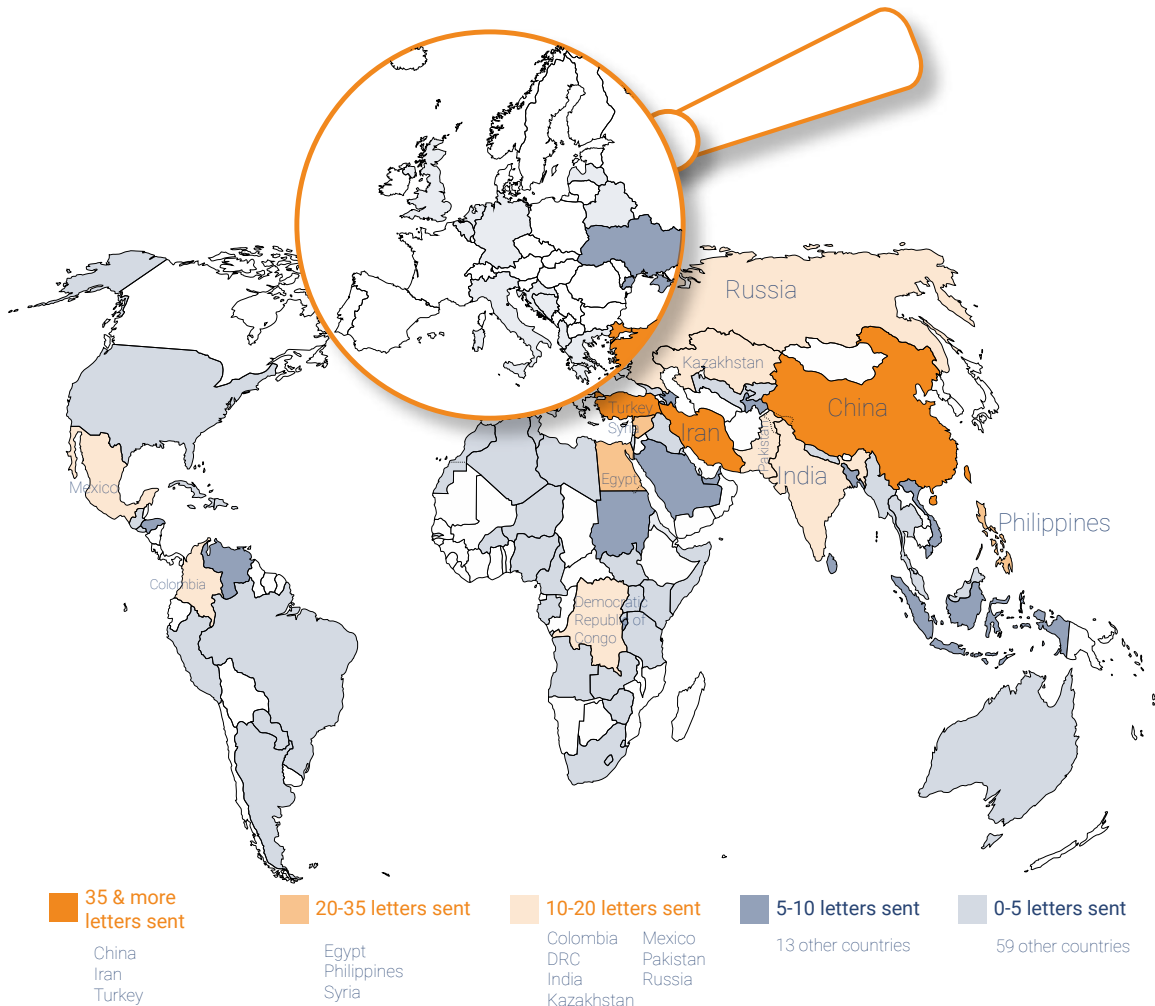


# Key dates in the history of the CCBE



## Defence of the defenders

Between **2010** and **2020** the CCBE sent more than **500** letters in support of endangered lawyers in **85** countries around the world





The CCBE held its Plenary Session online on 4 September. The Plenary opened with a minute's silence in tribute to Turkish lawyer Ebru Timtik, who died on 27 August as a result of the hunger strike she had started to obtain a fair trial.

The CCBE then welcomed a prominent guest speaker: Ms. Birgit Van Hout, Regional Representative for Europe of the UN Office of the High Commissioner for Human rights. She addressed the role of the UN Special Rapporteur on the Independence of Judges and Lawyers, attacks against lawyers and the role of the basic principles on the role of lawyers, the place of International human rights in the EU, mechanisms to safeguard the rule of law in Europe and mechanisms to protect human rights defenders (HRDs) not only outside, but also inside the EU. The full version of her statement is available [here](#).

The topics discussed during the Plenary covered among other things: human rights, the roadmap on the digitalisation of justice, the Digital services Act, the Commission Action plan on anti-money



Birgit Van Hout

laundering and the reform of the EU General Court.

## CCBE RESPONSE TO THE COMMISSION'S ROADMAP ON DIGITALIZATION OF JUSTICE IN THE EU

**A**s part of its new [Digital Strategy](#), the Commission is promoting the use of digital tools and encouraging all sectors to advance in the digital transformation.

The area of justice is not an exception to this trend and, on 30 July 2020, the Commission published a [Roadmap on the digitalisation of justice in the EU](#). This initiative is of utmost importance for lawyers, as one of the main users of justice systems. For this reason the CCBE, in its [comments](#) on the Roadmap, is stressing the importance that lawyers, through their Bars and Law Societies, are fully involved in the development of e-justice. The CCBE believes that digitalisation of justice could bring many advantages, such as better access to justice and faster and more efficient proceedings. Nevertheless, these developments must be coupled with sufficient safeguards ensuring a due process and protection of professional secrecy.

The CCBE therefore proposes to establish a set of EU-wide minimum standards to ensure that national e-justice systems are able to guarantee the right to a fair trial. In addition, the CCBE calls upon the EU institutions to adopt as soon as possible a legal instrument establishing [e-CODEX](#) as a common mechanism for standardised secure exchange of cross-border information in judicial proceedings between EU Member States.

When it comes to the possible use of AI tools in justice, the CCBE makes reference to its [Response to the consultation on the European Commission's White Paper on Artificial Intelligence \(05/05/2020\)](#) and underlines that AI tools must be properly adapted to the justice environment taking into account the principles and procedural architecture underpinning judicial proceedings.

### L5

**6 July:** The CCBE President Ranko Pelicarić and Vice-President Margarete von Galen participated in the L5 online meeting on 6 July focused on the issue of leadership roles for women in the profession and relationship management with non-independent

bar associations. L5 gathers the following lawyers' organisations: the International Bar Association (IBA), the American Bar Association (ABA), the International Association of Young Lawyers (AIJA) and the International Association of Lawyers (UIA).

### GERMAN PRESIDENCY EVENTS



**24 September:** Vice-president James MacGuill participated in the [German Presidency virtual conference on the European Arrest Warrant: Current Challenges and the Way Forward](#).

**16 July:** Vice-Presidents Margarete von Galen and James MacGuill participated in the [Conference on Access to Justice in the Digital Age – Perspectives and Challenges, organised by German Ministry of Justice and Consumer Protection](#).



**31 July:** The CCBE President participated in the [ABA Virtual Annual Meeting - Convening for Justice](#), in particular the part devoted to the theme “Justice in the Crosshairs: Defending Judicial Independence - the Keystone of Justice - in the U.S. and the World”



## TRAINING

### Finalisation of the REFOTRA project

**T**he REFOTRA project (Recognition of foreign training activities for lawyers) was finalised in June 2020.

The recognition of foreign training activities for lawyers (i.e. training pursued by EU lawyers in a Member State other than the one where they are registered) is an issue considered for some years by the CCBE Training Committee. In February 2017, the [CCBE Memorandum on Mutual Recognition of Lawyers' Cross-Border Continuing Professional Development](#) (CPD), was signed by 40 European Bars and Law Societies. The Memorandum was an important step towards mutual recognition. Through this Memorandum the signatory parties agreed that: “The number of CPD course hours attended or CPD credits of the



training courses obtained by lawyers enrolled in a Bar or Law Society of a member country, should be considered in their signatory jurisdiction of origin to help fulfil their requirements of CPD obligations, in accordance with national, regional or local rules or regulations and without prejudice to each national, regional or local evaluation system.”

### Major objectives and phases of the REFOTRA project

**T**he project was divided into 3 different phases, and each phase dealt with an important objective:

1. to complete the research undertaken by the CCBE in 2015 and 2016 on national mandatory continuing training regimes (<http://training.ccbe.eu/update-national-continuous-training-rules/>) in order to have a full understanding of the current situation of mutual recognition of cross-border training in EU Member States;
2. to produce recommendations;
3. to evaluate with Bars and Law Societies of some EU Member States as to how recognition based on the recommendation(s) would work.

In the margins of the Phase 1 of the project REFOTRA questionnaire on continuing legal education was developed by a core group. The results of the questionnaire were compiled in the [Assessment report on the situation in EU and EEA Member States regarding recognition of foreign training](#).

The [CCBE's recommendations on solutions to facilitate the recognition of cross-border training](#) were approved in July 2019 as a result of the Phase 2.

During the Phase 3 of the project the proposed [certificate template](#) for cross-border CLE training was tested by volunteer Bars, Law Societies and training providers.

There were two kinds of test undertaken during Phase 3 – real testing and simulated testing (because of concerns that not sufficient number of real template certificates would be returned within the short period during which the test ran).

The number of certificates used as well as feedback received was assessed. As a result, the [Phase 3 evaluation report](#) was prepared with conclusion “in the light of the positive experiences reported during the project’s test phase, and if individual bars decide to support it, the REFOTRA certificate template is

suggested for use to facilitate the recognition of cross-border continuing legal education within the EU”.

The CCBE members are invited to use this [certificate template](#) and to circulate it to the training providers, if and where possible, to facilitate the recognition of cross-border continuing legal education within the EU.

More detailed information about this project: <https://www.ccbe.eu/actions/projects/>

## MIGRATION

### Consultation on the new Pact on Migration and Asylum roadmap

**O**n 26 August 2020, the CCBE responded to the EU Commission consultation on the New Pact on Migration and Asylum roadmap stressing, among other things, that any person seeking international protection must receive adequate legal and procedural information. The CCBE response is available [here](#).



### Participation in external events

**O**n 12 June the CCBE Migration Committee Vice-Chair, Noemi Alarcon, participated as a speaker in a [webinar on “The EU Migration, Border Management and Asylum Reform in the Aftermath of the “Refugee Crisis”: Towards an Effective Enforcement?”](#) to share her practitioner

experience in the implementation of EU law in EU Border Management. On 23 July, the CCBE Migration Committee Chair, David Conlan Smyth participated in the European Asylum Support Office (EASO) webinar regarding the impact of COVID-19 on EASO and the asylum and reception systems in the European Union.

Since June 2020, the CCBE sent more than 30 letters and joined several initiatives in support of endangered lawyers in Bahrain, Bangladesh, Belarus, Cameroon, China, Egypt, Haiti, India, Iran, Kazakhstan, Kyrgyzstan, Mexico, Pakistan, Sri Lanka, Sudan, Thailand, Turkey and Zimbabwe.

All CCBE letters of support to endangered lawyers are available in the [CCBE Human Rights portal](#) “Defence of the defenders” and other joint initiatives can be consulted on the [CCBE Human Rights portal under “other initiatives”](#).

A particular focus was given to the situation of lawyers in Turkey, Iran and Belarus.

**Turkey:** the CCBE was deeply saddened by the death of Turkish lawyer Ebru Timtik as a result of the hunger strike she had started in January 2020 fighting for a fair trial for her and her colleagues. The CCBE followed and supported her case and those of her colleagues since the beginning of their trial.



Ebru Timtik

The CCBE also recently expressed its serious concerns about the adoption of a new bill, now law no. 7249, which entered into force on 15 July 2020, modifying the electoral system of the chambers of the bar and further restricting the independence of bar associations and the legal profession in Turkey.

**Iran:** The situation of Iranian lawyer Nasrin Sotoudeh (winner of the CCBE Human Rights Award 2019 alongside with Abdolfattah Soltani, Mohammad Najafi and Amirsalar Davoudi) is particularly worrying. Nasrin Sotoudeh started a hunger strike on 11 August 2020 to demand the release of political prisoners threatened by COVID-19. Her health has recently deteriorated and she was transferred into a hospital. The CCBE regularly writes to the Iranian authorities to ask for her release and will continue to support her.



**Belarus :** the CCBE condemned the recent arrests of several lawyers in the context of the recent presidential elections.

## UN BASIC PRINCIPLES ON THE ROLE OF LAWYERS

On the occasion of the 30th anniversary of the UN Basic Principles on the role of lawyers, the CCBE issued a [joint statement](#) supported by more than 60 National and International Bars and lawyers organisations calling for a more effective

application of the guarantees provided by the UN Basic Principles on the role of lawyers and reiterating our strong support to the work carried out by the Council of Europe on a future European Convention on the profession of lawyer.

## DAC 6 – CCBE intervention in a challenge by the Belgian bars

Following the support of the CCBE delegations, the CCBE will intervene in a Constitutional challenge by the Belgian Bars against certain provisions in the Belgian national legislation implementing the DAC 6 Directive. DAC 6 refers to Council Directive (EU) 2018/822 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements. It provides for mandatory disclosure of cross-border arrangements by intermediaries or taxpayers to the

tax authorities. It also requires automatic exchange of this information among EU Member States. The challenge will focus on provisions concerning legal professional privilege/professional secrecy. The Belgian challenge also contains a request to send a preliminary reference to the Court of Justice of the European Union. A CCBE intervention at the level of the Belgian Constitutional Court would also allow the CCBE to intervene in proceedings before the Court of Justice of the European Union, should such a preliminary reference be made by the Belgian Constitutional Court.

## COURT OF JUSTICE OF THE EUROPEAN UNION

### CCBE comments on the functioning of the General Court in the wake of the 2015 reform

On 4th September the CCBE adopted a position paper regarding the [functioning of the General Court in the wake of the 2015 Reform](#). The position paper is a contribution to the ongoing debate on the Reform of the judicial framework of the Court of Justice of the European Union as it contains comments on the efficiency of the General Court, the necessity and effectiveness of the increase to 54 Judges, and the further establishment of specialised chambers and/or other structural changes. The Reform process commenced in 2015 following a Regulation of the European Parliament and the Council to double the number of judges at the General Court. The Court of Justice is currently preparing a report on the functioning of the General Court which is expected to be submitted to the European Parliament, the Council and the Commission before the end of 2020.



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In its position the CCBE underlines the importance of ensuring all litigants in the European Union may enjoy effective access to justice and quality of justice, as well as the handling of cases in a relatively short time. The CCBE acknowledges that it is a complex challenge that involves taking into consideration different aspects of the functioning of the Court, such as the method of selection of EU Judges by Member States, the intensity of the review exercised by the General Court over decisions of EU Institutions, the quality of hearings, and active case management as used to good effect in certain Member State courts. The CCBE therefore advocates a thorough and independent review by representatives of all stakeholders of how the Union Courts can deliver impartial, high quality justice in the coming years. The CCBE hopes its comments will assist the Court in its efforts to ensure effective access to justice.

**D**uring the June Criminal Law Committee meeting the Committee was delighted to welcome two specialists from the Criminal Law team of the German Presidency who presented the priorities of the German Presidency (which commenced on 1<sup>st</sup> July). The two specialists were responsible for negotiating the topics of e-evidence, the European Arrest Warrant, European Public Prosecutor, and related issues, under the German Presidency. The Committee benefitted from an extremely open and helpful exchange of views and an update on latest developments and expected developments on these topics. The committee was also delighted to welcome and have an exchange of views with Wouter Van Ballegooij, author of the [Study on the implementation of the European Arrest Warrant](#)

On 12 September, the Chair of the CCBE Criminal Law Committee, Ondrej Laciak, participated in the European Criminal Bar Association conference to speak about the European Public Prosecutor and the role of the defence.



## ANTI-MONEY LAUNDERING

### CCBE response to the Commission Action Plan on preventing money laundering and terrorism financing

**O**n 7 May 2020, the European Commission adopted an Action Plan for a comprehensive Union policy on preventing money laundering and terrorism financing. The Action Plan contains 6 pillars of which 2 are of primary importance for the legal profession. The first concerns a Regulation rather than a Directive, and secondly, an EU level of supervision in which the EU seeks to establish a supervisory body of which the exact nature is not clear at this stage. The Commission launched a public consultation which was open for feedback until 26 August 2020. In August the CCBE submitted a response to the Action Plan and prepared two additional papers



which accompanied the CCBE response. These papers focussed on “Efficiency in anti-money laundering regulation - The path to combating the laundering of proceeds of crime effectively”, and “Proportionality in anti-money laundering regulation: Balancing the fight against laundering proceeds of crime with protective rights of the citizen”. The CCBE is following the various developments relating to the [Action Plan](#).



### Training of lawyers on anti-money laundering and counter terrorist financing

In 2019, the European Commission awarded a public contract to the European Lawyers Foundation (ELF) and the CCBE on the “Development and organisation of training for lawyers on anti-money laundering and counter terrorist financing (AML/CTF) rules at EU level”. The work on this project started on 18 November 2019 and will run for 24 months. The project has three different blocks of activities: (1) Development of

a strategy for training lawyers on their obligations under AML/CTF Directives; (2) Production of an EU-level training programme; and (3) Training activities.

During the period November 2019-August 2020, ELF and the CCBE have focused on the first block, which has resulted in the preparation of a Training Needs Assessment and a Strategy to offer training for lawyers on their legal obligations under the EU legal framework on AML/CTF.

More information can be found on the project’s own dedicated website <http://aml4lawyers.eu/> and on CCBE and ELF websites and social media accounts.

## INTERNATIONAL LEGAL SERVICES (ILS)

During the June Standing Committee the CCBE delegations approved an information package containing an:

- ▷ overview table on the legal status of third country lawyers (Foreign Legal Consultant) rules in each EU Member State and in the UK,
- ▷ ILS Paper on a Model Mutual Recognition Agreement (MRA) on Legal Services,
- ▷ ILS Paper on the International exchange of information among Bars and Law Societies according to GDPR rules, and
- ▷ an ILS Note on a Regulatory basis for Legal Services in the EU-UK Partnership Agreement (this was an analysis of the EU-UK/UK-EU draft agreement which has some very preliminary conclusions as there may be modifications during the negotiations).

The ILS Committee also had a meeting with the Commission regarding the WTO Multi-Party Interim Appeal Arbitration Arrangement (MPIA). As background, in December 2019 the CCBE contacted the EU Commissioner for Trade, Commissioner Phil Hogan, to express CCBE concerns with developments regarding the WTO Appellate Body and the possibility that the WTO Appellate Body might

cease its activities as a consequence of the actions of some WTO Members. The CCBE mentioned the impact this could have on the rule of law and for international trade relations which with the WTO are based on common legal principles accepted by the majority of the International Community. In July 2020 the CCBE contacted Commissioner Hogan to express the appreciation of the CCBE for the development of the WTO Multi-Party Interim Appeal Arbitration Arrangement (MPIA) in response to the challenges which the WTO Appellate Body was encountering. The CCBE offered it support with regard to advancing the increased use of the MIPA and any measures towards the wider issue of protecting the WTO Appellate Body.

In addition, Carlo Forte, the Chair of the CCBE International Legal Services Committee, spoke at the webinar organised by the French Bar Association (*Conseil National des Barreaux*) about the free movement of lawyers. Carlo Forte’s intervention focused more specifically on the following question: «The free movement of lawyers in the European Union: What is the general framework and what are the issues at stake for British lawyers? What kind of agreement is the CCBE working on today within its International Legal Services Committee?»

### Rule of law

The [European Commission's first annual Rule of Law Report](#) was published on 30 September 2020. As announced in the Political Guidelines of President von der Leyen, this report is a part of the comprehensive European rule of law mechanism and one of the major initiatives of the Commission's Work Programme for 2020. This mechanism covers all Member States and monitors significant developments, both positive and negative, relating to the rule of law. The [CCBE contribution sent to the European Commission in May 2020](#) is mentioned in the report (page 5)

Regarding the area of justice, the report shows that a number of Member States, particularly those where judicial independence has traditionally been seen as high, are undertaking reforms to strengthen judicial independence and are reducing the influence of the executive or legislative power over the judiciary. However, the country specific assessments show that judicial independence remains an issue of concern in some Member States, some of which have led to infringements or Article 7(1) proceedings.

The report underlines that the COVID-19 pandemic has further highlighted the need for digitalisation of justice systems. The pandemic has shown the importance of accelerating reforms to digitalise the handling of cases by the judicial institutions, the exchange of information and documents with parties and lawyers, and the continued and easy access to justice for all (see pages 11-12).

Moreover, acknowledging that effective justice systems are essential for upholding the rule of law, the report stresses the need to invest in justice in order to address efficiency challenges. The report underlines that "Effective justice systems rely on adequate human and financial resources. While government expenditure on the justice system is in general increasing, in a number of Member States the judiciary has to cope with limited resources. Investment in justice systems is also indispensable for addressing the efficiency challenges that certain Member States still face. The excessive length of proceedings and backlogs in the justice systems need to be addressed through appropriate measures. The economic and social effects of the COVID-19 crisis has underlined the need to strengthen the resilience of the justice system, namely because caseload can be expected to increase. Inefficiency can generate mistrust in justice systems, which can become a pretext for inadequate justice reforms affecting the rule of law" (page 12).

The CCBE will further assess the findings of the report and will continue to cooperate with the European Commission to strengthen the rule of law in the EU while highlighting the essential role of lawyers and bars.



### European Lawyers In Lesvos (ELIL)



Several fires ravaged Moria reception centre on 8 September, fortunately without causing any deaths. However, all of the inside of the camp has been destroyed. As a result, everyone who was living in Moria had to leave the camp being stranded on the roads between Moria and Mytilene.

ELIL's team is safe and they are following up with their applicants, particularly the unaccompanied minors. ELIL remains unable to access the camp and the government has declared a four-month state of emergency in Lesvos, effective immediately. ELIL is working from its office in Mytilene and preparing people for their interview as normal (to the extent possible). Once it becomes clearer where people will be staying, ELIL will explore how best to provide accessible legal assistance to them. <https://www.europeanlawyersinlesvos.eu/>

The immediate focus is on providing temporary shelter and food to the 12,000 or so people who are still on the road between Mytilene and Moria. Several actions have already taken at EU level. All remaining 406 unaccompanied minors in Moria have been transferred to the Greek mainland and more transfers and relocations are expected in the next few months. And according to the EU Commission the supply of food and water has now been secured. In that regard, on 17 September, Commissioner for Home affairs, Ylva Johansson, gave a statement during the debate at the Plenary Session of the European Parliament on “The need for an immediate and humanitarian EU response to the current situation in the refugee camp in Moria” which can be consulted [here](#).

This humanitarian crisis shows more than ever that more permanent and sustainable solutions must urgently be found to ensure the safety and fundamental rights of asylum seekers and migrants protected under EU and International law and that there is an urgent need for a truly European Migration and Asylum policy.

## European convention on the profession of lawyer

**O**n 9 September, the Committee on Legal Affairs of the Parliamentary Assembly of the Council of Europe (PACE) adopted a draft resolution, based on the report prepared by Aleksandr Bashkin (Russian Federation, NR) calling for domestic legislative frameworks that guarantee “efficiency, independence and safety of lawyers’ work”, in particular by ensuring that national legislations and law enforcement practice improve the conditions and guarantees of lawyers’ work.

In a draft recommendation also adopted by the Committee based on the above mentioned report, the Committee on Legal Affairs also called on the Committee of Ministers to proceed with the drafting and adoption of a legally-binding instrument as a priority and reiterated the call made in PACE Recommendation 2121 (2018) to establish a [platform for the protection of advocates from any interference with the exercise of their professional activities](#).



## European Commission studies on e-Justice

**O**n 14 September, the [European Commission published two thorough studies on e-justice](#), namely on the use of innovative technologies in the justice field and on cross-border digital criminal justice. Whereas the former examines the existing policies on innovative technologies and reviews the state-of-play of its use in justice systems, the latter focuses on the main challenges yet to face in the pursuit of a safe digital system for the exchange of case-related data in the context of cross-border cooperation. The overall conclusion of both studies is that further cooperation is still necessary. Several CCBE’s initiatives such as the AI4Lawyers project and the “Find a Lawyer” platform are mentioned in the studies, as ongoing activities in this area and sources of inspiration for future developments.



## Consultation on an EU strategy on the rights of the child

The European Commission has been working on a new strategy on the rights of the child which will put forward a variety of actions contributing to the protection of children. In this context, on 1 September, the European Commission launched a [public consultation on a future EU Strategy on the rights of the child](#). The consultation is addressed to all relevant stakeholders and it aims at gathering policy opinions and identifying opportunities and challenges for future EU action in this field. It is expected that the new EU strategy will foster the protection of children's rights as a guiding principle for the action of, not only the EU institutions and bodies, but also the Member States.



## European Commission's New Pact on Migration and Asylum

On 23 September 2020, the European Commission published a [New Pact on Migration and Asylum](#).

The New Pact comprises a series of objectives which will be implemented in 2020 and 2021 through a series of already existing and future legislative and non-legislative proposals. With the publication of this New Pact, the European Commission has already published a series of new legislative proposals as well as some recommendations and guidance. All documents related to this New Pact are available [here](#).

Before the publication of this New Pact, the CCBE, on 26/08/2020, already outlined in its [response to the EU Commission consultation on the New Pact on Migration and Asylum roadmap](#), the principles in the area of international protection that should be given prominence in the New Pact.

The CCBE Migration Committee will examine this New Pact in detail in order to ensure the effective application of fundamental rights and procedural safeguards in this area.

## BAR & LAW SOCIETIES ACTIVITIES

### Belgium

**M**ore than 800 lawyers took part in the webinars of the AVOCATS.BE 2020 Summer Universities, which were a real success! This year, the training sessions were devoted to news on

criminal law, insurance and liability, judicial law and seizures, and evidence law.

### Czech Republic

#### ▷ Launch of the Publications “Lawyers to schools”

**O**n September 9, 2020, the ceremonial launch of the Publications for Pupils, Students and Teachers named “Lawyers to schools”, which were created as a part of a special Czech Bar Association Educational Project aimed at raising legal awareness at schools, took place at the Czech Bar Association in Prague. Ministry of Justice and Ministry of Education, Youth and Sports provided their patronage to this CBA Project and its Publications.



#### ▷ Exhibition on Lawyers Against Totalitarianism in Brno

**T**he exhibition Lawyers Against Totalitarianism originally inaugurated last year in Prague (and presented also at the occasion of the European Lawyers’ Day 2019) has been opened to the public in the second biggest city of the Czech Republic, in Brno as of September 2020. Lawyers against totalitarianism is a project of the Czech Bar Association about lawyers who did not hesitate to stand up for their clients and their beliefs in totalitarianism. The exhibition introduces brave lawyers through their personal items, documents, judgments, decorations, but also many other rare exhibits.



## Estonia

On 24 September, a reception of new sworn advocates and clerks of sworn advocates took place in the large hall of the Tallinn Circuit Court. After taking the oath, the Chairman of the Bar Association Jaanus Tehver handed over professional certificates to 6 new sworn advocates and 23 new clerks to the sworn advocate who were admitted to the Estonian Bar Association.

«After the event, which has become a tradition, a number of top specialists will apply their knowledge for the benefit of all people who need legal advice,» said Jaanus Tehver. He added that the growth of the membership of the Bar Association contributes to the aim of the Bar Association to make high-quality legal aid available to everyone in Estonia. «I dare to say that advocates' service is more available

in Estonia today than ever before. Every young colleague who joins the ranks of the Bar Association contributes to the fact that every person in need of professional legal advice finds a suitable specialist, and we all stand together to ensure that people's rights are protected in Estonia.» Tehver concluded.



## France

### ▷ Grand Atelier des Avocats and International Week:

From October 19 to 23, the «International Week» will mark the launch of the [Grand Atelier des Avocats](#), and will feature a series of webinars which are freely accessible, free of charge and available in English and French.



The major international issues of interest to the legal profession will be addressed, including the impact of Brexit on the free movement of court decisions, the future of the profession, the defence of women's rights, the free movement of lawyers and the defence of the defence, 30 years after the adoption of the UN Basic Principles on the Role of Lawyers.

These webinars will be broadcast from Monday to Friday morning at 9.00 am. Access to all the webinars of the Week is free of charge. (the link to register will be available soon).

The Grand Atelier des Avocats, a major gathering of the legal profession in France, will be held on 28 and 29 October.

With no registration fee for lawyers, honorary lawyers and student lawyers, the Grand Atelier des Avocats will be held both in person and in a dematerialised format, and will feature 12 hours of workshops and plenary sessions on the latest reforms of French law.

### ▷ CNB Photo Contest:

From 21 September to 14 October 2020, the 2<sup>nd</sup> edition of the [CNB Photo Competition](#) is dedicated to the theme «[The moment of decision](#)» and open to the G7 Lawyers.

Lawyers registered with a Bar in France, in a European Union country or in one of the member countries of the «G7 Lawyers» (Italy, Germany, United Kingdom, Canada, United States, Japan) are invited to take part in this edition by sending electronically, before midnight on 14 October, a photo which could reflect a «moment of decision».

The competition is also open to student lawyers enrolled in a law school or in initial training to join the legal profession in one of the G7 lawyers member countries.

The prize-giving ceremony for the competition will be held on 28 October.



## Germany

### ▷ International bar leaders' symposium (IBLS)

The IBLS took place as part of the DAV Annual Lawyers Conference from 15 to 19 June 2020. It gathered over 80 participants. The topic of the event was the Law firm as a business model for the 21<sup>st</sup> century. Further information is available [here](#)

### ▷ Campus Symposium:

The DAV is currently finalising the organisation of the 2<sup>nd</sup> German-French campus symposium with the Barreau de Paris with regard to questions arising in the context of digitalisation and the use

of artificial intelligence. This year's edition will focus on two topics: Smart contracts and blockchain as well as predictive justice. More information is available [here](#).

This is a two-part symposium which will provide first of all a comparative overview with regard to the applicable legal framework and the status quo of collective redress in different countries as well as introduce the new European directive as adopted on 30 June 2020. The second part of the symposium will focus on the question of how the directive can be implemented in Germany. The majority of presentations during the symposium will be in German. Further information (in German) is available [here](#).

## Ireland

### ▷ Solicitor Senior Counsel

For the first time in Ireland, 17 solicitors will be elevated to the position of senior counsel and will receive their patents of precedence during a virtual ceremony, presided over by the Chief Justice.

Those receiving their patents of precedent include the CCBE's Second Vice-President, Mr James MacGuill, the current Head of the Irish Delegation to the CCBE, Mr Cormac Little, and five members of the Law Society's Council.

## Lithuania

### ▷ First electronic general voting in the history of the Lithuanian Bar Association

On 28 August 2020, lawyers of Lithuania gathered at their annual self-governance meeting, i.e. the General Meeting of Lawyers. For the first time in the history of the Lithuanian Bar Association all lawyers not only registered to the supreme meeting of self-governance authority electronically and gathered remotely, connecting to a live meeting but also cast their votes on important self-government issues by electronic communication means for the first time. The survey on the opinion of lawyers suggests that the innovation was much welcomed.



▷ **The Lithuanian Bar Association provides a helping hand to colleagues in Belarus**

In response to the events of the neighbouring country in which excess and unlawful force is exercised, prosecution is carried out against unarmed people and our colleagues lawyers, fair defence is not ensured, the Lithuanian

Bar Association has revised and drawn up draft document templates in English and Russian. The documents will help the Belorussian lawyers to quicker prepare an application to the United Nations Human Rights Committee.



Malta

Over the past 3 months, events organised by Malta's Chamber of Advocates were suspended due to the COVID-19 pandemic. The start of the forensic year in October will bring about a new

season of quarterly law webinars, with the first one taking place on 07 October, entitled Misconceptions about the European Court of Human Rights.

Spain

▷ **8<sup>th</sup> Conference against Gender Violence**

Abogacía Española celebrated its 8<sup>th</sup> Conference against Gender Violence on 24 September, under the slogan «Protection of victims. New Scenarios». Victoria Ortega, President, stated: «Only

with an effective gender equality we could eradicate gender violence». The Ministry of Home Affairs and other representatives from the Bar and Judiciary also joined the event. Conclusions can be found [here](#).



## United Kingdom

### ▷ Law Society of England and Wales

#### Watch the Registered European Lawyers Webinar

**O**n 9 September 2020 the Law Society of England and Wales held a webinar for Registered European Lawyers. Panellists from the Law Society, the Solicitors Regulation Authority and the Ministry of Justice discussed the end of the Brexit transition period and the impact on European lawyers operating in England and Wales.

The recording of the event is available [here](#).

#### UK Law Societies' Brussels Office will host a webinar looking at the impact of the global Covid-19 pandemic on trade in services

**T**he event will take place on 14 October 2020 at 13:30 CET / 12:30 UK time. This [webinar](#) will explore implications of the pandemic from a professional services perspective, focusing on the consequences for professional services, the response from regulators and the political climate around trade in general. In particular, we will discuss the move towards the digital delivery of services and the future regulation.

Register [here](#).

### ▷ Faculty of Advocates, Scotland

**T**he admission of evidence about a complainer's sexual history in rape and other sexual offences trials is a highly contentious subject in Scotland, with an argument often made that statutory protections are not sufficiently effective. The Faculty of Advocates was delighted that Lady Dorrian, the Lord Justice Clerk – the country's second most senior judge – gave a Zoom talk to its members about "rape shield laws".

**T**he Faculty of Advocates held its annual Open Day, aimed at providing senior school pupils and university students with an insight into life at the Scottish Bar and how to pursue a career as an Advocate. This year, of course, the event had to move online but it remained popular with participants – "a fantastic experience" and "brilliant day" being typical comments on social media.



Lady Dorrian, the Lord Justice Clerk

## UPCOMING EVENTS



22 OCTOBER

CCBE Standing Committee (online)

25 OCTOBER

European Lawyers Day - Continuity of justice and respect of human rights in times of pandemic

27 OCTOBER

CCBE Roundtable on the digitalisation of justice (online)

28 OCTOBER - 1 NOVEMBER

UIA Annual Congress (online)

2 TO 27 NOVEMBER

IBA Annual Conference (online)

27 NOVEMBER

CCBE Plenary Session (online)



Council of Bars and Law Societies of Europe

*The voice of European Lawyers*

Conseil des barreaux européens

*La voix des avocats européens*

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