

#97 MAY - JUNE 2022

CCBE-INFO

Newsletter

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EUROPEAN LAWYERS
EUROPEAN BARS
BAREAUX EUROPÉENS
AVOCATS EUROPÉENS

CCBE

SPECIAL FOCUS: Ukraine

Since the invasion of Ukraine by Russia and its considerable impact on the populations concerned, the CCBE took several initiatives to support the Ukrainian legal profession as well as people in need of legal assistance. The CCBE regularly liaises with key players at EU level on this topic. Furthermore, given the repercussions of this situation at European and international level, the CCBE together with the European Lawyers Foundation also organised two webinars helping European lawyers navigate the EU Russian sanction packages and explaining their role in respect of the International Criminal Court and Ukraine.

Liaison with the European Commission

A Task Force on 'Freeze and Seize' to coordinate EU and national actions following the implementation of sanctions against Russia has been established by the European Commission. This Task Force has set-up a sub-group which looks at possible measures that go beyond asset freezing, e.g. confiscation. The sub-group includes representatives of Member States, and is coordinated by DG FISMA (Financial Stability, Financial Services and Capital Markets Union). The CCBE participated in a meeting with the Commission subgroup on asset freezing in April together with several other European associations. In order for the CCBE to be in a position to contribute to the discussions with the Commission Task Force and Member States, and in order to determine whether CCBE Bars and Law Societies required any assistance regarding the sanction-related measures, the CCBE conducted a survey among its members on this topic. The CCBE is also in regular contact with the EU Agency for Fundamental Rights (FRA) in this regard.

Support to Ukrainian lawyers and people in need of legal assistance

The CCBE is in constant contact with the Ukrainian National Bar Association (UNBA), the representatives of which regularly report on the developments in Ukraine, in particular as regards the situation of Ukrainian lawyers as well as the current work of the UNBA.

The CCBE created a [webpage](#) specifically dedicated to the situation in Ukraine which gathers information on initiatives of the CCBE and its member Bars and Law Societies in reaction to the current situation in Ukraine. One of the elements visible on the CCBE website is the link to an initiative of the Council of Europe Programme for Human Rights Education for Legal Professionals (HELP) that



set up a virtual Asylum/Migration HELP eDesks for lawyers assisting people fleeing the war in Ukraine. They are managed by HELP tutors which include CCBE experts. Moreover, the Ukraine section of the CCBE website was also embedded in the e-Desks General Resources section of the Council of Europe, to create visibility for CCBE activities in regard to Ukraine on the e-Desks, allowing national officers to disseminate this information within their country.

The CCBE webpage includes in particular a [list of national and/or local contact points](#) indicated by Bars and Law Societies which can be contacted by people fleeing Ukraine and who need legal assistance. This list has been regularly updated since its initial publication and is now available [in Ukrainian language](#). The updated document has also been published by the European Commission on its [website](#) dedicated to Ukraine, giving this initiative more visibility.

At its May Plenary Session, the CCBE adopted a [statement](#) on the application of the Temporary Protection Directive (TPD) to certain persons displaced by the Russian invasion of Ukraine. In this statement, the CCBE welcomes the historic decision of the Council of the EU to give protection to Ukrainians fleeing the war in their country by activating the Temporary Protection Directive (TPD). At the same time, the CCBE points to several issues that have been identified in the first two months of the application of the Directive and which require clarification or raise concerns. Amongst others, the CCBE provides its opinion on how certain provisions of the TPD should be interpreted, for example, regarding free movement of beneficiaries of the temporary protection. Moreover, the CCBE points to problems, such as the limited scope of the directive. Finally, the CCBE stresses that access to adequate legal information and assistance is essential to ensure that the procedural and substantive benefits of the Directive are actually made available to those who are in need. It is also necessary that advice be provided by qualified and experienced asylum law practitioners. Therefore, the CCBE urges the EU and national authorities to make adequate resources available to Bars and lawyers and encourages its members to address their authorities in this regard.

In June, in light of the difficult situation in which Ukrainian lawyers find themselves after the Russian invasion of Ukraine, the CCBE also published [recommendations](#) for Bars and Law Societies regarding the qualifications of Ukrainian lawyers, taking into consideration the Recommendation of the European Commission on the recognition of qualifications for people fleeing Russia's invasion of Ukraine. The CCBE notes that recognition of professional qualifications could only be done in accordance with the rules and exceptions provided for in GATS and is regulated at national level. The approach to Ukrainian lawyers varies from one Member State to another. Therefore, the CCBE declares itself ready for any coordination activity that may be useful and addresses a series of recommendations to the Bars and Law Societies of the EU Member States to encourage steps that assist Ukrainian lawyers regarding the recognition of their diplomas and professional qualifications.



Рада адвокатів і юридичних колегіатів Європи (CCBE) надавала адвokatів та юридичну допомогу 45 країн, а через них – тисячам людей з майже всіх європейських країн. Цей документ надає перелік осіб, які втілюють ці цілі в Україні, CCBE виключно з інформацією, отриманою від самих людей інформацію про ситуацію в Україні, не надаючи правову допомогу в зоні війни. Цей документ надає інформацію про національні та місцеві контактні центри в різних країнах, до яких можуть звернутися люди, які вимушені бути в Україні, та відповідно допомогти їм. Цей документ надає інформацію про національні та місцеві контактні центри в різних країнах, до яких можуть звернутися люди, які вимушені бути в Україні, та відповідно допомогти їм. Цей документ надає інформацію про національні та місцеві контактні центри в різних країнах, до яких можуть звернутися люди, які вимушені бути в Україні, та відповідно допомогти їм.

Країна	Контактні центри
Австрія	3
Бельгія	8
Франція (CCBE)	8
Валлонія	3
Велика Британія	8
Італія	7
Нідерланди	8
Данія	9
Іспанія	22
Італія	11
Франція	12
Нідерланди	13
Греція	15
Україна	39
Італія	17
Франція	18
Італія (Sofistik)	18
Італія (Sofistik)	18
Італія	19
Італія	20



The CCBE also made a recent donation to the Ukrainian Bar Association to support Ukrainian lawyers and their families. More information on the call for donations launched by the UNBA is available [here](#).

Training for lawyers

The CCBE, together with the European Lawyers Foundation (ELF), organised two webinars focused on the impact of the situation in Ukraine and the role of the legal profession.



International Criminal Court

On 20 May, a webinar took place on Ukraine and the International Criminal Court (ICC). The webinar, which included presentations from several ICC key speakers, provided an introduction to the ICC and the Rome Statute, and focused on the role of lawyers defending victims before the Court. The webinar also addressed the application of the universal jurisdiction principle whereby States can prosecute criminals who are on their territory, regardless of where the crimes may have been committed or of the nationality of the perpetrators and the victims. The event gathered more than 200 participants. The video recording of the event is available [here](#).



EU sanctions

A second CCBE-ELF webinar was held on 15 June helping European lawyers navigate the EU Russian sanction packages. This event gathered over 700 participants, which is the largest number of participants in any CCBE/ELF webinar to date. There were presentations from the European Commission, lawyers and Bars and Law Societies. The main outcomes of the webinar have been included in a document entitled "[Helping EU lawyers navigate the Russian sanctions' packages](#)".

CCBE Plenary Session in Dublin



The CCBE Plenary Session took place on 13 May in Dublin. The meeting was opened with a tribute to former CCBE President John Cooke who recently passed away. After a welcoming video message from the Taoiseach (Prime Minister) of Ireland, Micheál Martin T.D., the CCBE was delighted to welcome two keynote speakers: James Browne, Irish Minister of State at the Department of Justice and Equality, and Laura Codruța Kövesi, European Chief Prosecutor, who presented the essential work of the European Public Prosecutor's Office (EPPO) in investigating fraud against the EU budget.

The CCBE furthermore welcomed a new observer member. Following a presentation by the Azerbaijani Bar Association (ABA) containing detailed explanations of improvements in the Azerbaijani legal system and with clear commitments for the future, the application of the ABA for observer membership of the CCBE was accepted.

The current activities and challenges of [European Lawyers in Lesvos \(ELIL\)](#) were also highlighted by a presentation of Berit Reiss-Andersen, Chair of ELIL's Board, and Phil Worthington, ELIL's Managing Director.

The CCBE also adopted several position papers i.e. its [first comments](#) on the European Parliament recommendations to the Commission on Responsible private funding of litigation, a [statement](#) in favour of strengthening key procedural safeguards for unaccompanied children in transnational procedures and a [statement](#) on the application of the Temporary Protection Directive to certain persons displaced by the Russian invasion of Ukraine (further information in the Special Focus on Ukraine and the section "Main events and activities").

CCBE Standing Committee in Sofia



The CCBE Standing Committee took place on 24 June in Sofia. After a welcome address by Ivaylo Dermendjiev, President of the Supreme Bar Council of Bulgaria, and a video message of Alexander Kornesov, Judge at the General Court of the EU, several topics were discussed by the CCBE delegations, such as the situation in Ukraine, consumer rights, the recognition of parenthood between Member States, and the implementation of the Memorandum of Understanding between the Council of Europe and the CCBE. The CCBE adopted [recommendations](#)

for Bars and Law Societies regarding qualifications of Ukrainian lawyers (For further information, see the Special Focus on Ukraine). The CCBE also adopted its [response](#) to the European Commission consultation on improving compliance with consumer rights across the EU (See below).

In conjunction with the CCBE Standing Committee, a joint conference was organised the day before by the CCBE and the European Bars Federation (FBE) on "The Role of lawyers post-pandemic 2022 - The dynamics of working in polarised societies, the changing image of lawyers, and the evolution of legal practice". Several issues were addressed such as the promotion of social responsibility and countering abusive litigation, as well as innovation and the digitalisation of legal practice.



Main CCBE events and activities

CEPEJ 20th Anniversary

The CCBE President, James MacGuill, and the Secretary General, Simone Cuomo, participated in the events organised in Malta on the occasion of the 20th anniversary of the Council of Europe European Commission for the efficiency of justice (CEPEJ). The CEPEJ plays a crucial role in improving the quality and efficiency of the European judicial systems and strengthening citizens' confidence in those systems.



From left to right: Simone Cuomo, CCBE Secretary-General, Francesco Depasquale, Vice President of the CEPEJ and James MacGuill, CCBE President

World Justice Forum



The CCBE Secretary General, Simone Cuomo, addressed the World Justice Forum Plenary - Realizing Tech for Good: Political, Legal, and Ethical Challenges on 31 May in The Hague. He underlined that “with the great benefits offered by technology, also comes a great responsibility to ensure that the use of technologies in justice remains ethical, fair and human centred.”

Meeting with the OECD Task Force on Tax Crimes and Other Crimes

The CCBE was invited to a meeting with the Organisation for Economic Cooperation and Development (OECD) Task Force on Tax Crimes and Other Crimes, which took place in Paris on 29 June 2022. This Task Force is composed of representatives from more than 40 countries. The delegates were mainly coming from three types of institutions: tax administrations; ministries of finance; law enforcement (police, public prosecutors...). During a session entitled “The role of professional associations in fighting professional enablers”, the CCBE had the opportunity to present what professional associations do in the field of prevention, and any work and measures put in place that aim to tackle crime by professionals. The meeting was also an opportunity to engage in a



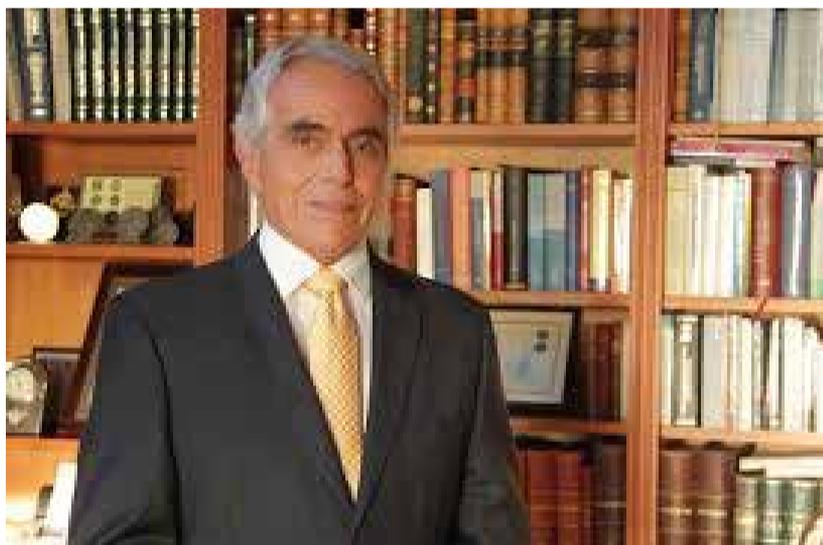
constructive exchange with the OECD. The CCBE was represented by its President, James MacGuill, the Chair of the CCBE Tax Committee, Jacques Taquet, the Chair of the AML Committee, Rupert Manhart, the Chair of the Deontology Committee, Bertrand Debosque, and the CCBE Head of Public Affairs, Peter McNamee.

Report of the UN Special Rapporteur on the Independence of judges and lawyers



The CCBE participated in the 50th UN Human Rights Council in Geneva where the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, presented his report on the “Protection of lawyers against undue interference in the free and independent exercise of the legal profession”.

The Special Rapporteur recommends, among others, that States should take all necessary measures to ensure the free exercise of the legal profession, in all circumstances, so that lawyers may exercise their legitimate professional rights and duties without fear of reprisals and free from all restrictions, including judicial harassment. In particular, the Special Rapporteur made a recommendation that States should design and carry out measures to prevent the identification of lawyers with their clients or the causes they defend. Additionally, the Special Report stresses the importance for Bars and Law Societies to remain independent and self-governing professional associations in order to promote and protect the independence and the integrity of lawyers as well as to safeguard their professional interests.



Diego García-Sayán, UN Special Rapporteur on the Independence of Judges and Lawyers

Most importantly, as regards the ongoing work of the Council of Europe on the drafting of an international legal instrument aimed at strengthening the protection of the legal profession and the right to practise law freely without prejudice or hindrance, the Special Rapporteur supports

the adoption of a binding instrument that is open to accession by non-member States of the Council of Europe. In its concluding remarks to the UN Human Rights Council, the Special Rapporteur particularly underlined his gratitude to the CCBE for its collaboration and [contribution](#) to the preparation of the report, praising its work for the “defence of defenders”. He ended by appealing again to the Council of Europe Member States to support the adoption of a binding legal instrument on the protection of the free and independent exercise of the legal profession that is open to accession by non-member States of the Council of Europe.

The report of the Special Rapporteur is available [here](#), and the presentation of his report at the UN Human Rights Council can be viewed in replay [here](#).

Watch the CCBE video interview with the UN Special Rapporteur on the Independence of Judges and Lawyers



Responsible private funding of litigation: the CCBE welcomes the proposed legal framework but underlines the need to protect the parties, lawyers' independence, and professional secrecy

The CCBE adopted its initial [comments](#) on the European Parliament recommendations to the Commission on Responsible private funding of litigation. The CCBE welcomes the initiative of the European Parliament on a legal framework on third party litigation funding (hereafter "TPLF"). Whereas such practice might be beneficial to access to justice, the CCBE recalls the dangers that it might have on the administration of justice. It considers that a framework on TPLF should also apply to relations between the third-party funder and the defendant. The draft directive only mentions and defines the claimant, without justifying the exclusion of the "defendant". In its paper, the CCBE also underlines the need to ensure the parties' autonomy in TPLF agreements, in particular by prohibiting any clause which may influence the task of lawyers and prevent them to act on behalf of their clients. Moreover, third party funding agreements should ensure the principle of professional secrecy.



The CCBE stresses the importance of information, support, and access to free and quality legal assistance for children involved in transnational procedures



The CCBE also adopted a [statement](#) in favour of strengthening key procedural safeguards for unaccompanied children in transnational procedures. This statement aims at highlighting and providing the CCBE's support to a [report](#) published by Kids in Need of Defence (KIND) and Child Circle. The CCBE welcomes several points and recommendations made in this paper that have the potential to contribute to the strengthening of key procedural safeguards for unaccompanied children in such procedures. The CCBE also welcomes that the report recognises the importance of free and high-quality early legal assistance provided to unaccompanied children, the role played by lawyers in providing such assistance, and also the contribution that European networks such as the CCBE might have in different activities that would ultimately enhance procedural safeguards for unaccompanied children in transnational procedures.

Consumer Rights

In June, the CCBE [responded](#) to the European Commission consultation on improving compliance with consumer rights across the EU. The purpose of the consultation is to gather evidence on the enforcement of consumer protection and out-of-court dispute resolution for two reports that the European Commission is planning to publish in 2023. These reports may be used as a basis for a future legislative or non-legislative initiative aimed at improving the enforcement of consumer rights in the EU. In its introductory remark and response, the CCBE highlighted in particular the concern that Alternative Dispute Resolution for low-value disputes may not always be an adequate substitute for the judicial enforcement of consumer rights, as well as referred to its past work and considerations raised in relation to the use of AI tools.



European Court of Human Rights



The CCBE responded to the European Court of Human Rights' consultation on the insertion of a new Rule 44F and the amendment to Rule 33 § 1 of the Rules of Court on 20 May 2022. The proposed changes aim to ensure continued cooperation with the Court, even in cases involving extremely sensitive materials. The Rule proposes an elaborate consultation procedure, allowing for various means to accommodate extremely sensitive materials that are presented in a case before the Court.

The CCBE response stressed that adopting the proposed Rule 44F could be a mis-allocation of judicial resources to respond to a rare and intractable procedural problem. Therefore, the CCBE invited the Court to consider whether the additional demands on judicial resources which would arise from the operation of the proposed Rule 44F represents an appropriate balance between ensuring the fairness of its procedures and the reasonably prompt determination of all the applications before it.



CCBE Annual report



The CCBE [2021 Annual Report](#) is now available. The highlights of this challenging year include the signature of a Memorandum of Understanding with the Council of Europe, work towards a European Convention on the Profession of Lawyer, actions in the field of rule of law, digitalisation of justice, the protection of citizens' right to confidentiality of exchanges with their lawyer, and the CCBE cooperation with the European Court of Human Rights.



Recent CCBE videos



Overview of the CCBE's work on migration including an interview with Noemí Alarcón, Chair of the CCBE Migration Committee and Berit Reiss-Andersen, Chair of European Lawyers in Lesvos' Board.



Interview with Jean-Marc Gollier, Chair of the CCBE Environment and Climate Change Committee.



Interview with Diego García-Sayán, the UN Special Rapporteur on the Independence of Judges and Lawyers.



Upcoming events

19 JULY 2022
Webinar on the European Judicial Training Report and its questionnaire

7 OCTOBER 2022
CCBE Standing Committee in Andorra

25 OCTOBER 2022
European Lawyers Day

25 NOVEMBER 2022
CCBE Plenary Session in Brussels

Webinar on the European Judicial Training Report and its questionnaire

This is a free webinar organised jointly by the Council of Bars and Law Societies of Europe (CCBE) and the European Commission

More information on the programme is available on the [CCBE website](#).

WEBINAR

on the European Judicial Training Report
and its questionnaire

organised jointly by the CCBE and the European Commission



19 July 2022



10.00 - 11.30 (Brussels time)



Council of Bars and Law Societies of Europe

The voice of European Lawyers

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