



Focus Pocus LTD©Fotolia.com

CCBE Info

N° 45
September 2015

Reminder about European Lawyers Day - Human Rights Award 2015 -
Mandatory Disclosure on Tax Matters - First Ever Joint CCBE and Belarusian Bar Seminar -
Court of Justice and General Court - Blogs

REMINDER ABOUT EUROPEAN LAWYERS DAY

Following the success of European Lawyers' Day 2014, the event will be held again across Europe on **10 December 2015**, in conjunction with International Human Rights Day. The theme chosen this year is "**Freedom of Expression**", which reflects its place in and impact on our society.

European Lawyers' Day is an opportunity to celebrate the rule of law and the legal profession's intrinsic role in its defence, as well as lawyers' common values and contribution to the justice system.

CCBE will be sending out the European Lawyers Day Guide in the coming weeks.

More information is available at www.ccbe.eu/lawyersday.

Madeleine Kelleher of the CCBE is available for any questions or comments that you may have regarding European Lawyers Day 2015.

She can be reached at kelleher@ccbe.eu.



2014 European Lawyers Day - Croatian Bar Association

HUMAN RIGHTS AWARD 2015

Since 2007, the CCBE has annually granted a Human Rights Award to a lawyer or lawyers' organisation that has brought honour to the legal profession by upholding the highest values of professional and personal conduct in the field of human rights. The Standing Committee received the nominees for the Award and exceptionally approved to grant this year's award to two winners. The nominees are now being contacted and invited to attend the award ceremony which will be held, as is tradition, at the CCBE Plenary Session in November.

MANDATORY DISCLOSURE ON TAX MATTERS

On **September 8**, the CCBE responded to the online Public consultation of the European Commission on further corporate tax transparency where it raised its concerns about possible initiatives aiming at extending corporate tax transparency through reporting requirements; which would affect all lawyers, particularly those who advise on tax matters. A lawyer may not be able to disclose information because of the assertion of legal professional privilege or professional secrecy. In addition, a lawyer may not allow his or her independence to be compromised by a State authority or any other powerful interests. Hence, a lawyer cannot be compelled to report to tax authorities as confidentiality and independence are essential to the rule of law.

The CCBE also stressed that lawyers are bound to act within the law when providing legal advice or assisting clients, and if a lawyer acts as counsel or assists a client in a manner that they know to be illegal or fraudulent, be it in tax or other matters, such a lawyer would be liable for sanctions.

Similarly, the CCBE also put forward comments in response to a draft report of the European Parliament's Special Committee on Tax Rulings and other Measures similar in nature or effect, in which they raised their concerns. The report's proposal, for instance, that the Commission should look into "the possibility of introducing sanctions for firms implementing or promoting tax dodging and aggressive tax planning, in particular with regard to access to funding from the EU budget and any advisory role in EU institutions", may have implications which are not compatible with the core principles and obligations of lawyers. This also raises questions of concern regarding fundamental rights protected by the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union. Including, for example, the presumption of innocence, right to silence and not to incriminate oneself and legal certainty.

The CCBE's full response to the European Commission can be found [here](#).



Berlaymont entrance©EC

FIRST JOINT CCBE AND BELARUSIAN BAR SEMINAR

On **25 September 2015**, in Minsk, Belarus, the CCBE held the first ever joint seminar with the Belarusian Bar. The purpose of the seminar was to highlight the developments concerning mediation in European countries, the conditions and the procedure for admission to the

profession of mediator, the attitude of society, government bodies and others in relation to the profession, and also to make a comparison with the situation of Mediation in Belarus. The seminar's speakers were CCBE Vice-President Michel Benichou along with representatives from

Belarus, France, Georgia, Poland and the Czech Republic.

The PECO Committee also met on this occasion – on 24 September 2015 – in order to discuss the situation of the legal profession in Belarus and other countries in Eastern Europe.



Michel Benichou attending the first joint CCBE and Belarusian Bar Seminar in Minsk

COURT OF JUSTICE AND GENERAL COURT

On **16 and 17 September** meetings took place with members of the Court of Justice and General Court. This continued a long tradition of constructive exchanges between the CCBE and the Courts.



G.Fessy @ CJUE

BLOGS

CCBE is happy to announce the launch of **two new blogs**.

Firstly, the CCBE Training Portal which provides information regarding European developments affecting the training of lawyers.

Secondly, the CCBE PECO Portal provides information regarding the work of the PECO Committee and reports on any developments within the Bars and Law Societies in Central and Eastern Europe.

You can access these blogs at:

<https://ccbepeco.wordpress.com/>

<https://ccbetraining.wordpress.com/>



UPCOMING EVENTS

- 02/10** *European Commission's Conference on Company Law in the Digital Age, Brussels*
- 9-10/10** *UNBA-CoE-CCBE Strategic Planning for the Ukrainian National Bar Association, Kiev*
- 23/10** *CCBE Standing Committee, Brussels*
- 13/11** *AFAC Conference on local governments (or local authorities) and Europe, Paris*