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The CCBE Standing Committee

## THE CCBE STANDING COMMITTEE: DIRECTOR-GENERAL TIINA ASTOLA'S SPEECH ON EU LAWYERS' ISSUES

**On 14 September, the CCBE held its Standing Committee in Brussels, where members discussed issues relevant to EU lawyers and Bars. The CCBE gave a warm welcome to a very special guest: Tiina Astola, Director-General for Justice and Consumers, who delivered a powerful speech on the European Commission's relationship with Bars and lawyers in the EU.**

Tiina Astola addressed key issues in EU justice, such as the Rule of Law, procedural safeguards, Brexit, the EPPO, e-CODEX, and artificial intelligence in the judicial field.

Upcoming CCBE events were addressed during the Standing Committee, such as [European Lawyers' Day](#), which will take place on 25 October, and the Conference on Artificial Intelligence – Humane Justice, which will take place on 30 November in Lille, France.

The CCBE President, Antonín Mokry, then led discussions on matters such as the Rule of Law and the proportionality test on future professional regulation. In addition, relevant texts were adopted, such as the Draft CCBE commentary on the revised EFTA Court's Rules of Procedure.

Members welcomed Tiina Astola with great enthusiasm. The CCBE is looking forward to further cooperation with the Directorate-General for Justice and Consumers and the European Commission.



Director-General Tiina Astola at the CCBE Standing Committee

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## WINNERS OF THE FIRST ERA-CCBE YOUNG LAWYERS CONTEST

On 6-7 September 2018, the first ERA-CCBE Young Lawyers Contest took place in Trier, Germany. Twenty contestants from ten nationalities nominated by their local or national Bars took part in the contest.



The jury and participants at the contest

The following Bars participated in the project: the [Dutch-speaking Brussels Bar](#) (Belgium), the [Lucca Bar Association](#) (Italy), the [Bucharest Bar](#) (Romania), the [Hamburg Bar Association](#) (Germany), the [Hamm Bar Association](#) (Germany), the [Training School of Central South Lawyers](#) (France), and the [Warsaw Bar Association](#) (Poland). To enhance the transnational character of the contest, contestants were divided into six teams comprising of contestants from different Member States with different legal traditions.

During each round of the contest, a different task was mastered: a written report on a legal question of EU business law, an oral debate, a negotiating exercise on company law, and a moot court exercise based on a real judgement.

Members of the CCBE Presidency, Margarete von Galen and Ranko Pelicarić, were part of the jury. Throughout the contest, the participants showed a lot of enthusiasm, commitment and motivation. The participants were:

### TEAMS AND MEMBERS

#### **Team 1: Marco Polo**

Ester Vets (BE) - Sini Tossavainen (FI) - Kyriaki Georgiou (CY)

#### **Team 2: Christopher Columbus**

Stéphane de Schutter (BE) - Dino Gliha (CR) - Lena Haffner (DE) - Guðrún Olsen (IS)

#### **Team 3: Ferdinand Magellan**

Rimma Abadjan (BE) - Michel Dayanithi (FR) - Andria Newton (CY) - Ivana Kikerec (CR)

#### **Team 4: Jacques Cartier**

Justine Van den Bon (BE) - Radosław Maruszkin (PO) - Vilma Markkola (FI)

#### **Team 5: Amerigo Vespucci**

Christian Straker (DE) - Nicoleta-Angela Cherciu (RO) - Diana Romanini (I)

#### **Team 6: Vasco da Gama**

Vincent Berthier (FR) - Ella Hiltunen (FI) - Livia Dianu-Buja (RO)

The winners of the contest were Team Vasco da Gama, whose members were: Vincent Berthier-De Bortoli (France), Ella Hiltunen (Finland), and Livia Dianu-Buja (Romania).

For more information, please check out the [Young Lawyers Contest website](#).

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## PUBLICATION OF THE CCBE-CEPEJ GUIDE TO MEDIATION FOR LAWYERS

The CCBE is proud to announce the publication of the [Guide to Mediation for Lawyers](#) which is the product of extensive cooperation with the Working Group on Mediation of the European Commission for the Efficiency of Justice (CEPEJ) to promote a better implementation of mediation in Member States of the Council of Europe.

The main purpose of the guide is to raise awareness amongst lawyers with respect to mediation and to demonstrate various professional challenges, opportunities and incentives for lawyers that stem from the use of mediation, as well as benefits for clients.

The Guide has been integrated into the Council of Europe [Mediation Development Toolkit](#).

The Guide provides a concise overview of the role of lawyers in mediation, particularly regarding lawyer-supported mediation, whereby one or more parties are assisted in preparation and/or accompanied in mediation sessions by their own lawyers, who will inform and advise them throughout the mediation process.

One aspect of the mediation process that makes it so effective is the opportunity it presents for disputing parties to speak directly to each other and to be heard by the other(s). Lawyer-supported mediation can be enormously beneficial because it ensures that both parties have quality independent legal advice, are confident to begin an informed dialogue and helps redress any power imbalance between parties. Lawyers, in particular, may be able to facilitate the mediation process and support the mediator in reaching a satisfactory outcome.

Moreover, the Guide also addresses situations where a lawyer acts as a mediator, instead of as the client's lawyer, during proceedings. In this specific role, instead of acting in the interest of any of the parties, lawyers need to comply with all the requirements applicable to a mediator and seek a solution which will allow the parties to reach an agreement. Although the mediator is not required to be a lawyer, there are many skills that lawyers possess that may help them to become effective mediators.

The CCBE will continue the collaboration on mediation with the CEPEJ, particularly concerning the development of tools for raising awareness and training programmes for lawyers.

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## THE CZECH BRUSSELS OFFICE CELEBRATES ITS 10TH ANNIVERSARY

The Czech delegation to the CCBE is comprised of Stanislav Balík, Head of the Delegation, Vladimír Jirousek, President of the Czech Bar Association (CBA), Eva Indruchová, Head of the International Department of the CBA and Head of its Brussels Office, Petr Čáp, Chair of the Disciplinary Commission of the CBA and Jiří Novák, member of the Disciplinary Commission of the CBA.



The Czech delegation in Brussels, Jiří Novák, Petr Čáp, Eva Indruchová, Vladimír Jirousek and Stanislav Balík.

The Czech delegation to the CCBE is very active and involved in several CCBE committees and working groups. Stanislav Balík is Chair of the PECO Committee and Jiří Novák is the new Chair of the IT Law Committee as of this year (2018), Eva Indruchová is a CCBE Information Officer and Brussels Representative and a member of several CCBE committees. Petr Čáp is an active member of both the Deontology Committee and the Towards a Model Code of Conduct Committee.

The Czech delegation is supported by the Brussels office of the Czech Bar Association. The year 2018 marks the 10th anniversary of the Czech Brussels office. For the Czech delegation, the year 2018 is also particularly important because the previous Head of the Czech delegation to the CCBE, Antonín Mokřý, is currently the President of the CCBE.

The Czech delegation informs members of the Czech Bar Association about the work of the CCBE and new European legislation (by translating the CCBE newsletter and by setting up an official Twitter account of the Bar. They publish regular electronic EU news and have a special block in their monthly magazine dedicated to information from Brussels.

The Czech Bar Association is the one and only national Bar in the Czech Republic, as there are no regional bars in the country.

For more information on the Czech Bar Association, please check out their website in English: <https://www.cak.cz/en/>

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## THE LITHUANIAN BAR COUNCIL APPOINTS ITS NEW DELEGATION TO THE CCBE

On 27 August, the Lithuanian Bar Council adopted its decision concerning the Lithuanian delegation to the CCBE.

The newly appointed delegation is as follows:

- Prof. dr. Ignas Végèlè, Chair of the Bar Council: Head of Delegation.
- Dr. Dalia Foigt-Norvaišienė Member of the Bar Council, who would like to participate in the European Private Law Committee.
- Dr. Romualdas Drakšas, Member of the Bar Council, who would like to participate in the Criminal Law Committee.
- Dr. Tomas Bagdanskis, Member of the Bar Council, who would like to participate in the Future of the Legal Profession and Legal Services Committee.
- Mindaugas Kukaitis, Member of the Bar Council, who would like to participate in the activities of two committees: the Deontology Committee and the Towards a Model Code of Conduct Committee.

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## TRAINING LAWYERS ON ASYLUM AND IMMIGRATION LAW

Building on the successful results of the project “Training of Lawyers on EU Asylum and Immigration Law” (TRALIM) of the European Lawyers Foundation (ELF), TRALIM 2 is a continuation of the efforts of lawyers to respond in a timely fashion to the growing need for legal training in the field of immigration and asylum in the EU.



TRALIM 2 is another ambitious project, co-funded by the Justice Programme of the EU and coordinated by the European Lawyers Foundation, in partnership with the national bars of Spain and Italy, the local bars of Paris and Athens, the Law Society of Ireland and the Polish Bar. The project began on Monday 3 September 2018 and will run for a period of two years.

The new project expands the number of participating countries (six instead of five in TRALIM 1, with the addition of France), the scope of activities (adding visits to reception centres in conjunction with training activities), the training content (with the addition of specific seminars on unaccompanied migrant minors) and the number of lawyers to be trained (600 lawyers instead of 150 in the previous project). The structure of the new project is as follows:

**1<sup>st</sup> pillar – Immigration and asylum (TRALIM seminars):** 390 lawyers from six EU Member States will receive high quality training on EU law relating to immigration and asylum through the organisation of 13 training events in all partner countries.

**2<sup>nd</sup> pillar – Unaccompanied migrant minors (TRAUMA seminars):** one of the major contributions of this project is to specifically target the protection of unaccompanied migrant minors through the training of professionals who will defend their rights. Training will take place through the organisation of six seminars (one seminar in each partner country) addressed to 180 lawyers.

**3<sup>rd</sup> pillar – Field experience (short visits to reception centres):** 30 lawyers (five per partner country) will have the chance to participate in short visits (three days) to reception centres in Greece, Italy and Spain, which are the usual gateways for immigrants, refugees and unaccompanied migrant minors to enter the EU. The aim for participating lawyers is to learn from the experience of local lawyers in reception centres, so that good practices can be exchanged.

Partners are now becoming active and will make every effort to ensure that 600 European lawyers will take part in the project’s activities. This will allow the 600 participating lawyers to better protect the rights of immigrants, asylum seekers and unaccompanied minors in Europe.

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## HUMAN RIGHTS – THE DARK SIDE OF THE MOON: THE NORMALISATION OF THE STATE OF EMERGENCY AND THE SITUATION OF THE JUDICIARY IN TURKEY

7 – 9 September 2018 - Istanbul

Following the call of the main Turkish Bar Associations and numerous European lawyers' organisations (including the CCBE, the UIA, the FBE, the ELHD the AED, the IBAHRI), several hundred lawyers attended a conference in Istanbul, from 7 to 9 September 2018, concerning the normalisation of the state of emergency in Turkey.

Adopted in July 2016, just after the failed coup d'état, the state of emergency served as a pretext to adopt several decree-laws (as the President of the Istanbul Bar, Mehmet Durakoğlu, said, a decree-law is not a law, it is the opposite of a law) which allowed more than 130,000 civil servants, teachers, magistrates, etc. to be suspended, many lawyers to be imprisoned and, in general, it allowed an autocratic power that has very little tolerance for dissent to be established (moreover when this dissent comes from the Gülenist movement who are accused of being the culprits behind the plot, or from completely different or even totally opposed movements, such as the Kurdish or Alevi movements).

This conference gave me the opportunity to deliver a speech on «[Human rights must survive terrorism](#)», as part of the panel devoted to «State of emergency and international law».



Istanbul conference on the normalisation of the state of emergency in Turkey

The conference also gave me the opportunity to meet Ramazan Demir and Ayşe Acınıklı for the first time. They are two of the winners of the CCBE 2016 Human Rights Award who had not been allowed to leave Turkey at the time to receive their awards. The day before we met, the trial against them was postponed until 11 December after an express hearing lasting 15 minutes.

The day after the conference, it was the turn of our colleagues from the CHD to appear before the Istanbul court to respond to accusations of participating in terrorist activities, with the support of many European colleagues. The debates were extremely tense, as you may read for yourself in the [minutes of the hearing drafted by our observers](#).

Direnin! (Resist! In Turkish)

Patrick Henry, President of the CCBE Human Rights Committee

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## THE RULE OF LAW IN VENEZUELA



Citizens waving the Venezuelan flag

The European Lawyers Foundation (ELF) implemented a second project on Venezuela from October 2017 to September 2018. The aim of the project was to make proposals concerning justice reform to re-establish the Rule of Law in Venezuela.

The main outcome is a report on re-establishing the independence of the judiciary in Venezuela, drafted with the contribution of European lawyers and in cooperation with Venezuelan NGOs working in the justice field.

The report deals with key issues, such as the possible establishment of an independent Constitutional Court in Venezuela, various aspects affecting judicial careers, provisional judges and prosecutors, and the establishment of a Council of the Judiciary based on definitions provided by the Council of Europe. The report is available in Spanish on the [European Lawyers Foundation's website](#).

## UPCOMING EVENTS

<i>12/10/2018</i>	<i>Conference on the liability of elected officials and their co-workers, comparative law (<a href="mailto:b.cambier@cambieravocats.be">b.cambier@cambieravocats.be</a>) – Brussels</i>
<i>19/10/2018</i>	<i>Standing Committee – Brussels</i>
<i>25/10/2018</i>	<i>European Lawyers' Day</i>
<i>28-29/10/2018</i>	<i>L5 Meeting – Porto</i>
<i>29/11/2018</i>	<i>CCBE Plenary Session - Lille</i>
<i>30/11/2018</i>	<i>CCBE Conference: Artificial Intelligence – Humane Justice - Lille</i>