

ISSUE #98 : OCTOBER – NOVEMBER

CCBE-INFO

Newsletter



Our latest news and events

CCBE Standing
Committee
in Andorra

3

Main CCBE
Events
& Activities

6



Table of Contents

— 3

CCBE Standing Committee in Andorra

A full summary of the meetings that took place in Andorra la Vella, including press conferences and reports.

— 6

Main CCBE Events & Activities

- European Lawyers' Day 2022
- The Annual IBA Conference
- Workshop on the digitalisation of justice
- ELF and CCBE Webinar
- CCBE Amicus Curiae Contest
- Final of the Young European Lawyers Contest
- EU Sanctions against Russia
- Focus on Human Rights: in support of arrested lawyers in Iran

— 20

Upcoming Events



07.10.2022

CCBE Standing Committee in Andorra



On 7 October 2022, the CCBE held its Standing Committee in Andorra la Vella. The day before, the CCBE President, James MacGuill, and the Chairman of the Working Group on the European Convention, Laurent Pettiti, took part in a press conference organised by the Andorran Bar Association.

The Standing Committee was delighted to commence its meeting with opening speeches from the Head of Government of Andorra, Xavier Espot Zamora, the Mayor of Andorra la Vella, Conxita Marsol Riart, as well as the President of the Bar Association of Andorra, Sònia Baixench Marco (as seen in the photos above). In addition, the CCBE was pleased to have the Head of Unit for Justice Policy and Rule of Law (European Commission's Directorate General for Fundamental Rights

and Consumers), Florian Geyer, as a keynote speaker to present the European Commission's 2022 Rule of Law Report via videoconference. Further to the Rule of Law Report, several other matters were discussed during the Standing Committee, including the situation in Ukraine, human rights, environment and climate change, the European Convention on the Profession of Lawyer and Corporate Social Responsibility.

[> More on the next page](#)



> Meeting with the Bar Association of Andorra : **Laurent Pettiti**, Chairman of the Working Group on the European Convention, **Sònia Baixench Marco**, President of the Bar Association of Andorra, **James MacGuill**, President of the CCBE, and **Xavier Sopena**, Vice-President of the Bar Association of Andorra.

Moreover, during the meeting, the CCBE also adopted its response to the European Commission consultation on “Tax evasion & aggressive tax planning in the EU – tackling the role of enablers”. In its response, the CCBE reaffirms that it firmly condemns any lawyer engaging in illegal activities and reminds that such lawyers face both criminal charges in front of ordinary courts and disciplinary sanctions, including disbarment. However, the CCBE strongly opposes the generic categorisation of lawyers as “enablers”. Lawyers are genuinely “gatekeepers”, not “enablers”. As underlined by the Organisation

for Economic Co-operation and Development (OECD), “The majority of professionals are law-abiding and play an important role in assisting businesses and individuals to understand and comply with the law and helping the financial system run smoothly. Such law-abiding professionals are to be differentiated from a small set of professionals who use their skills and knowledge of the law to actively promote, market and facilitate the commission of crimes by their clients”.

Now available

CCBE Response to the European Commission

consultation on:

« Tax evasion & aggressive tax planning in the EU – tackling the role of enablers »



25.10.2022

European Lawyers' Day 2022

As each year, European Lawyers' Day was held on 25 October, in the framework of the European Day of Justice. The focus theme of this year was: "Making the law prevail in times of war: the role of lawyers".

Following the invasion of Ukraine by Russia at the beginning of the year and its considerable impact on the populations concerned, but also more widely on Europe and the rest of the world, it appeared relevant to highlight the important role lawyers and Bars and Law Societies can play in such a context of war by safeguarding individual human rights. Among other things, lawyers play an important role in the context of war by assisting people fleeing conflict and in search of safe haven. By being present at the borders or opening up contact points providing legal assistance

to refugees, lawyers contribute to defending the right to asylum guaranteed by instruments such as the EU Charter of Fundamental Rights (Article 18) or the Geneva Convention 1951. Lawyers also play a key role in relation to sanctions imposed by governments in the context of war, both in terms of evaluating the impact of sanctions on legal services, and in relation to lawyers' role in advising clients regarding how to comply with measures and sanctions.

[> More on the next page](#)



#EuropeanLawyersDay

On this occasion, the CCBE published two articles highlighting the crucial role of lawyers:



“The role of lawyers in supporting people fleeing war”



by Noemí Alarcón Velasco,
Chair of the CCBE Migration
Committee.



Lawyers play a relevant role in the context of war by assisting people fleeing conflict and searching for a safe haven. By being present at the borders or opening up contact points providing legal assistance to refugees, lawyers contribute to defending the right to asylum.



“Lawyers upholding justice in times of war”



by Ondrej Laciak, Chair of the
CCBE Criminal Law Committee.



A crisis, such as war, brings about a high level of legal uncertainty. Lawyers are well equipped to weather the legislative storm, to provide legal aid and to solve what can be solved by ascertaining rights and obligations.



Several Bars and Law Societies have taken initiatives to promote European Lawyers' Day. Find them on the dedicated page of the CCBE website.

Find more initiatives online

30.10.2022 to 04.11.2022

Annual IBA Conference



From 30 October to 4 November 2022, the International Bar Association (IBA) held its annual conference in Miami.

The conference consisted of numerous highly esteemed participants and intriguing sessions on a plethora of topical issues.

The President of the CCBE, James MacGuill, addressed one of these sessions, namely on “Reversing the Rule of Law deficit in Europe: how commercial law firms can help”. In his presentation, he explained the role of the CCBE in defending the rule of law in Europe, including the independence of the profession of lawyers as a key element of the rule of law.

Furthermore, the Secretary-General of the CCBE, Simone Cuomo, was also invited as

a speaker at the session on “Do ‘bad’ clients deserve ‘good’ lawyers?”. In his speech, he stressed that the right of access to a lawyer should, of course, always be guaranteed to anyone accused of a criminal offence. However, for legal services in general, it is important that lawyers be encouraged to always consider the broader implications of their work and be supported to prevent their clients from misusing their advice for illegal activities or abuse of the judicial process.



Source : Judge Arkadiusz Krupa

Further information on the conference and the specific session is available on the IBA website.

[More information here](#)



> Secretary-General Simone Cuomo participating in a workshop organised by the Czech Presidency of the Council of the EU.

WORKSHOP 24.10.2022

Workshop on the digitalisation of justice: towards an EU roadmap?

On 24 October 2022, the Secretary-General of the CCBE, Simone Cuomo, participated in a workshop regarding a possible EU roadmap for the digitalisation of justice, which was organised by the Czech Presidency of the Council of the EU.

In his presentation, he underlined that “when digitalising judicial proceedings, governments should strive to improve justice, rather than simply seeking cost benefits or efficiency gains. If the aim is only to make justice cheaper, the quality of justice will certainly suffer. On the other hand, if digitalisation is used as a means to improve the judicial process by ensuring that the needs of all parties are properly taken into account and integrated into the process, then e-justice has the potential to increase access to justice!”



[Watch the recording here](#)

Surveillance and the impact of modern spyware tools on fundamental rights

Webinar – 10th October 2022, 10:00 – 12:00 CET

WEBINAR 10.10.2022

Surveillance and the impact of modern spyware tools on fundamental rights

On 10 October 2022, the European Lawyers Foundation (ELF), in cooperation with the CCBE, organised a webinar on “Surveillance and the impact of modern spyware tools on fundamental rights”. The webinar was a huge success, having attracted more than 800 participants from various Member States and even outside of the EU.

Following welcome remarks from the President of the CCBE, James MacGuill, the webinar commenced with the first topic, namely the impact of modern spyware tools on fundamental rights, and particularly on the rights to privacy and data protection, which was presented by European Data Protection Supervisor, Wojciech Wiewiórowski.

Subsequently, the Chair of the European Parliament Committee of Inquiry investigating the use of

Pegasus and other spyware, Jeroen Lenaers, and the Rapporteur for the PEGA Report in the European Parliament, Sophie In 't Veld, spoke about the work that their committee is doing.

The last topic was presented by the Chair of the CCBE's Surveillance Working Group, Sebastian Cording, and addressed the protection of lawyer-client confidentiality in the context of surveillance activities.

[More details on the programme here](#)



26.09.2022

Annual Conference on Fundamental Rights and the Rule of Law

On 26 September, the European Economic and Social Committee (EESC) held its annual conference on the European Commission's latest Rule of Law Report (Report).

During the conference, the Report, which synthesises the outcomes of the country visits carried out by the Fundamental Rights and Rule of Law Group of the EESC in 2020-2021, was presented. The event brought together civil society representatives and EU institutions to discuss key developments in the field of the rule of law in Europe and ways to ensure that the recommendations made in the Report result in tangible improvements in Member States.

As an overview, the conference was opened by the President of the EESC, Christa Schweng, and the EU Commissioner for Justice,

Didier Reynders. In addition, the Second Vice-President of the CCBE, Pierre-Dominique Schupp, participated in the roundtable discussions covering the role of civil society in promoting the rule of law and the follow-up to the recommendations of the Report. In his presentation, he particularly stressed the importance of the role of lawyers in upholding and promoting the rule of law. Moreover, in her closing remarks, the Ambassador and the Permanent Representative of the Czech Republic to the EU, Edita Hrdá, emphasised the importance of civil society in the decision-making process.

A summary of the discussions and the recording of the conference is available on the EESC website.

[More information here](#)



15.09.2022

Meeting with the European Public Prosecutor Office

On 15 September 2022, representatives from the CCBE had a meeting with the European Public Prosecutor Office (EPPO).

The meeting was extremely constructive and informative, covering a wide range of issues which are important for defence practitioners. The range of issues covered included remedies in cross-border cases, the application of procedural safeguards,

communication between the defence and prosecution and the role of “non-participating members”. The CCBE work will now focus on the practical follow-up to the various agenda point discussions and outcomes.

READ NEXT

Launch of the European Programme for Human Rights Education for Legal Professionals (HELP) in Strasbourg

> **Panagiotis Perakis**, First Vice-President of the CCBE, and **Eva Pastrana**, Head of the Justice and Human Rights Training Division for the Council of Europe, together with an international group of lawyers

Joint HELP/CCBE launch of the online course on Ethics for Judges, Prosecutors and Lawyers

On 20 October 2022, an international group of 30 lawyers from 24 EU countries attended the launch of the European Programme for Human Rights Education for Legal Professionals (HELP) course on Ethics for Judges, Prosecutors and Lawyers in Strasbourg.

The launch of this HELP course was organised in cooperation with the CCBE and was funded under the European Union's Justice Programme (2021-2027).

The group was welcomed by the Head of the Justice and Human Rights Training Division for the Council of Europe, Eva Pastrana, and the First Vice-President of the CCBE, Panagiotis Perakis. Both emphasised the importance of ethics for legal professionals, the crucial role they play for society and welcomed the fruitful cooperation between the Council of Europe (CoE) and the CCBE. In addition, an expert of the CCBE's Deontology Committee, Jean-Louis Joris, gave an insightful overview of the rules of the CCBE Model Code

of Conduct. Furthermore, the Judge at the European Court of Human Rights, Raffaele Sabato, delivered a keynote speech on the importance of ethics in preserving the rule of law.

As part of the launch, the participants were introduced to the HELP Programme and its online platform, which includes a catalogue of over 45 courses on human rights. Following the online launch event, all participants will be enrolled on the dedicated course page and start the tutored course. Those among them who successfully complete the course will receive HELP certificates issued by the CoE and the CCBE.



Council of Europe
HELP Programme

Now available

Discover the HELP Online Platform



An illustration of a diverse group of ten people of various ethnicities and ages, including a man with a mustache and hat, a woman in a pink hijab, a man in a white thobe, a woman with red hair, a man in a white thobe, a man in a red plaid shirt, a woman with a large afro, a man with sunglasses, a woman with long brown hair, and a man with a beard. They are all smiling and looking towards the viewer.

– REGISTRATIONS OPEN FROM –
01.09.2022 TO 30.11.2022

CCBE Amicus Curiae Contest

The CCBE is delighted to launch this year the first edition of its Amicus Curiae Contest. The CCBE Amicus Curiae Contest is a competition which, from this year forth, will be organised every year, and is addressed to law students at the end of their studies (in the final 2 years) whose degree is a prerequisite to enter the legal profession in countries that the Bars and Law Societies of which are members of the CCBE.

As part of the CCBE Amicus Curiae Contest, the law students will be required to submit a fictitious Amicus Curiae brief, which will then be evaluated by a jury, and the student with the best brief will be selected as the winner. It should be noted that this Amicus Curiae brief is fictitious in the sense that it is not intended to be used in any actual ongoing proceedings. > [More on the next page](#)

CCBE

Amicus
Curiae
Contest





The aim of CCBE Amicus Curiae contest is as follows :

1: Supporting a threatened lawyer by providing a forum for their defence

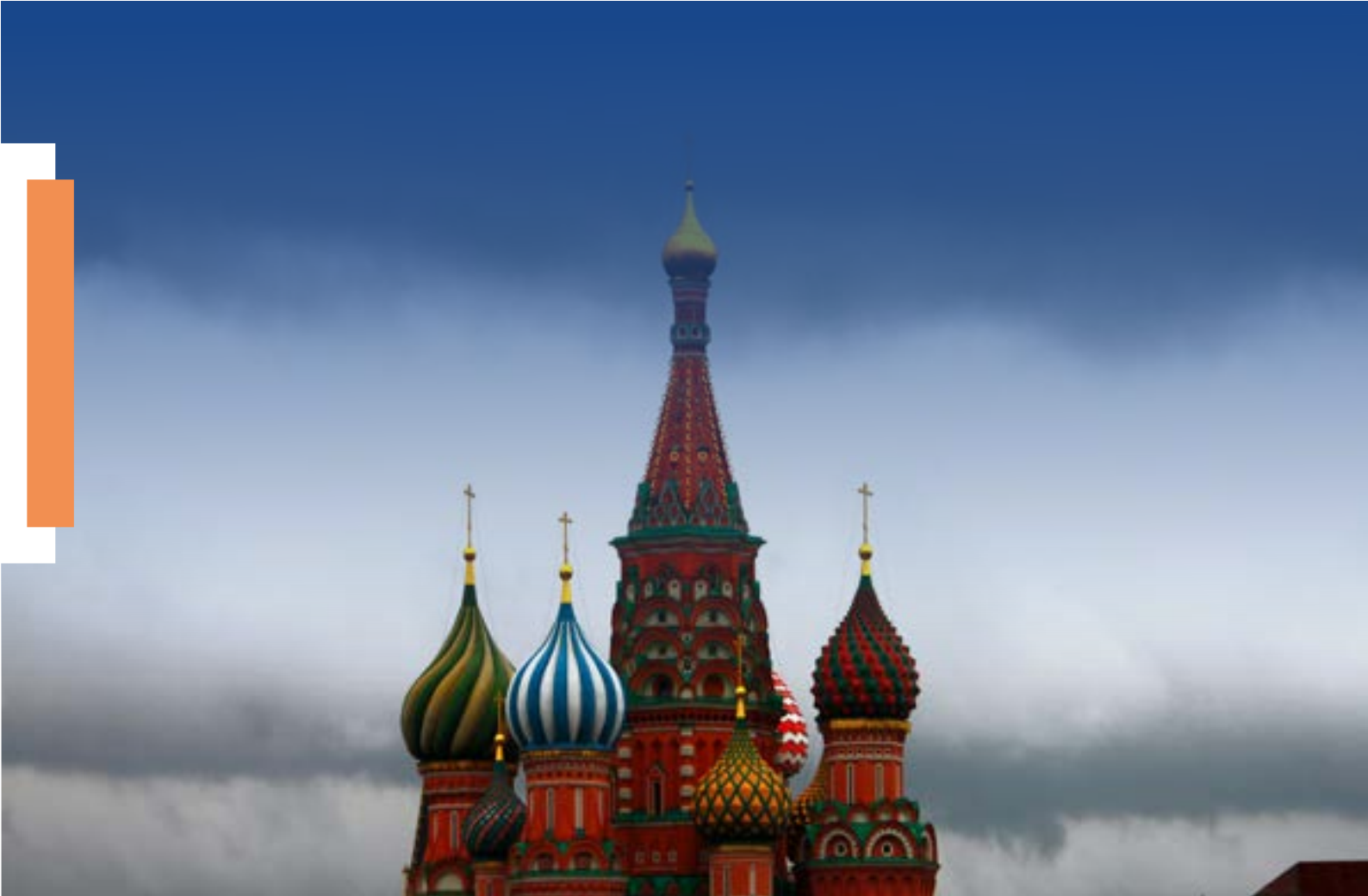
2: Emphasising the essential role of lawyers in the construction and defence of the rule of law

3: Making the CCBE and its work known to the population of young European aspiring lawyers

4: Providing practical experience to law students aspiring to become lawyers by giving them the opportunity to practice writing a note that would take the form of an Amicus Curiae brief

The registration for this contest opened on 1 September 2022 and will close on 30 November 2022.

[More information about the contest here](#)



06.10.2022

EU Sanctions against Russia

On 22 July 2022, the Council introduced measures which prohibit the provision of certain business-relevant services (accounting, auditing, including statutory audit, bookkeeping and tax consulting services), as well as business and management consulting or public relations services. On 6 October 2022, the Council extended the prohibition of various services to include architectural and engineering services, as well as IT consultancy services and legal advisory services.

[> More on the next page](#)

> Updates on EU Sanctions against Russia



It is now prohibited to provide, directly or indirectly, legal advisory services to the Government of Russia, or legal persons, entities, or bodies established in Russia.

According to the new measures:

‘Legal advisory services’ covers



The provision of legal advice to customers in non-contentious matters, including commercial transactions, involving the application or interpretation of law; participation with or on behalf of clients in commercial transactions, negotiations and other dealings with third parties; and preparation, execution and verification of legal documents.

‘Legal advisory services’ does not include any representation, advice, preparation of documents or verification of documents in the context of legal representation services, namely in matters or proceedings before administrative agencies, courts or other duly constituted official tribunals, or in arbitral or mediation

[Find more initiatives online](#)



> More on EU Sanctions against Russia

The prohibition does not apply to the provision of services that are strictly necessary for the exercise of the right of defence in judicial proceedings and the right to an effective legal remedy, or to the provision of services which are strictly necessary to ensure access to judicial, administrative or arbitral proceedings in a Member State, or for the recognition or enforcement of a judgment or an arbitration award rendered in a Member State. In addition, the prohibition does not apply to the provision of services intended for the exclusive use of legal persons, entities or bodies established in Russia that are owned by, or solely or jointly controlled by, a legal person, en-

tity or body which is incorporated or constituted under the law of a Member State. The new measures also provide that the prohibition shall not apply to the provision of services that are strictly necessary for the termination by 8 January 2023 of contracts concluded before 7 October 2022, or of ancillary contracts necessary for the execution of such contracts.

The CCBE is currently considering the practical and legal implications of the new measures and is consulting the CCBE delegations in this regard.

The legal basis which imposes the new sanctions can be found here.

[Click here](#)

AWARDS

20.10.2022

Final of the Young European Lawyers Contest

The Young European Lawyers Contest is an annual contest organised by the Academy of European Law (ERA), with the support of the CCBE and national Bars.

As an update, the two best teams from each semi-final that took place in June 2022 participated in a three-day final from 10 to 12 October 2022, which took place at ERA's premises in Trier and at the General Court of the European Union in Luxembourg.

Following a training on "how to litigate before the Court of Justice" on 10 October 2022, a negotiation exercise was organised the next day, where 6 teams consisting of 4 candidates each, performed in front of a jury composed of well-known and highly experienced lawyers from the legal practice and the academic sphere (*Avocat honoraire* and former partner of Weil & Associés, Heinz Weil, First Vice-President of the CCBE, Panagiotis Perakis, Professor of Public law at University Panthéon-Assas, Fabrice Picod, as well as members of ERA's Board of Trustees). Subsequently, on 12 October 2022, a Moot Court

pleading took place at the General Court, where the two best teams were invited to defend a case before a jury composed of Judges of the General Court, academics, and lawyers in private practice.

The winners of the contest were Vlad Sulea, Stella Alessandrini, Vincenzo Maiorano, and Jan Spierzak. The second place was attributed to the team composed of Lucie Lavergne, Dimitrios Karagiannis, Justine Yansenne and Silvia Buliscakova.

The next contest organised by ERA will take place in 2023.

More information on 2023
Young European Lawyers
Contest can be found on
ERA's website.

[Click here](#)

11.10.2022

Human Rights

During the months of September and October 2022, the CCBE sent 7 letters and joined several initiatives in support of endangered lawyers in Afghanistan, Bangladesh, Belarus, Burundi, Democratic Republic of the Congo , Greece and Iran.

In addition, on 11 October 2022, following the tragic death of Mahsa Amini and the violent repression against Iranian citizens and lawyers rallying in solidarity with Iranian women, the CCBE published a statement calling for ending persecution in Iran and ensuring that everyone has access to a lawyer of their choice from the moment of their arrest. Furthermore, the statement called for ending all forms of harassment and intimidation of lawyers in Iran, as well as guaranteeing the immediate and unconditional freedom of all lawyers arbitrarily detained by the Iranian authorities, including Nasrin Sotoudeh. Lastly, it called for the establishment of a public enquiry into the death of Mahsa Amini and the other victims by an independent international commission.

Now available



CCBE statement in support of the arrested lawyers in Iran



All the CCBE letters of support to endangered lawyers and other joint initiatives

> [Consult the CCBE Human Rights portal](#)



Upcoming Events

> Consult the CCBE Agenda portal for a full review

: 25.11.2022

Plenary Session
in Brussels

: 25.11.2022

CCBE Human Rights
Awards Ceremony



: 16.02.2023

Standing Committee
in Vienna

**: 16.02
to 18.02.2023**

51st European Presidents'
Conference in Vienna