



CCBE RESPONSE TO EUROPEAN PARLIAMENT MOTION FOR A RESOLUTION ON THE EUROPEAN COMMISSION COMMUNICATION ‘AN AREA OF FREEDOM, SECURITY AND JUSTICE SERVING THE CITIZEN - STOCKHOLM PROGRAMME’

CCBE response to European Parliament motion for a resolution on the European Commission Communication ‘An area of freedom, security and justice serving the citizen - Stockholm programme’

The Council of Bars and Law Societies of Europe (CCBE) represents more than 700,000 European lawyers through its member bars and law societies of the European Union and the European Economic Area. In addition to membership from EU bars, it has also associate and observer representatives from a further ten European countries’ bars. The CCBE responds regularly on behalf of its members to policy consultations which affect European citizens and lawyers.

The CCBE welcomes, in principle, the European Union’s efforts to create a European judicial culture.

With regard to the specific proposals put forward by the European Parliament in its motion for a resolution of 6 October 2009, the CCBE has the following comments:

First paragraph of point 38

The CCBE calls for lawyers to be put on an equal footing with judges and prosecutors in funding initiatives. Training should be provided through existing training bodies at the national and European levels, taking into account the independence of the lawyer’s profession (see also [CCBE response to the Stockholm programme](#)).

The CCBE notes that the first paragraph of point 38 refers to ‘practitioners’ and the ‘judiciary’ but it is not entirely clear whether this also covers the lawyer’s profession. The CCBE suggests therefore the following wording.

- *the Network of the Presidents of the Supreme Judicial Courts, the European Network of the Councils for the Judiciary, the Association of the Councils of State and of the Supreme Administrative Courts and the Network of Prosecutors General to the Supreme Courts, officers of the court and practitioners have a huge amount to offer by coordinating and promoting professional training ~~for the judiciary~~ and mutual understanding of other Member States’ legal systems and making it easier to resolve cross-border disputes and problems, and their activities must be facilitated and receive sufficient funding; this must lead to a fully-funded plan for European ~~judicial~~ training drawn up in liaison with the above-mentioned judicial networks, ~~and~~ the European Judicial Training Network ~~and the relevant professional associations~~;*

Second paragraph of point 38

The CCBE assumes that the second paragraph is also of relevance to lawyers (since it specifically refers to professional organisations) but again the CCBE would like to have clarification on this.

The CCBE would like to emphasise that the legal profession has always been at the forefront of promoting mutual recognition of training. In relation with the Establishment Directive 98/5/EC, the CCBE has developed [Guidelines](#) which deal with the issue of double continuing training obligations of lawyers who establish themselves in other than their home countries (point 13 of the Guidelines). The [CCBE Model Scheme for Continuing Professional Training](#) (25 November 2006) specifically mentions that Bars introducing continuing training regimes need to consider inter alia the mutual recognition of continuing training that is followed abroad. Bars and Law Societies should introduce a system of recognition of training followed in training institutions of other EEA jurisdictions.

The CCBE sees no need to create “a common system of training points/credits for legal practitioners” but rather considers that co-ordination of existing national regimes for legal training across the EU could provide for familiarisation courses in national law for practitioners and judges and therefore suggests the following wording:

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association internationale sans but lucratif

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- *there must be active policies designed to foster mutual knowledge and understanding of foreign law and so achieve more certainty in the law and foster the mutual trust essential for mutual recognition; these must provide for exchanges of experiences, exchanges, visits and information and courses for practitioners and the judiciary; the creation by the professional organisations of a common system of training points/credits for legal practitioners, coupled with a network of legal training bodies across the EU accredited to provide familiarisation courses in national law for practitioners and judges; co-ordination of existing national regimes for legal training across the EU could provide for familiarisation courses in national law for legal practitioners and judges.*