



Dariusz Salajewski - President of the National Council of Legal Advisers

CCBE Info

N° 38
January 2015

2015 CCBE Presidency - European Lawyers Day - V.A.T. - Mass Surveillance - Find-A-Lawyer Search Engine - Use of Videoconferencing - Guidelines on Migration - e-Justice Action Plan - Data Protection - European Convention of Human Rights

As President of the CCBE this year, I would like to wish you all a Happy New Year 2015.

My presidency goals take into the consideration the future of the legal profession and the need to establish solidarity among European lawyers and our bars and law societies in order to guarantee the fundamental values of our profession and to create a truly common justice space in Europe.

To this end, the CCBE is addressing the wish of many of our members who would like to translate our newsletter into their native languages in order to better promote our organisation at the national level. To make such translation easy and efficient on our members, we will now publish the newsletter on a monthly basis.

With this timely focus on the CCBE's activities, events and publications, we hope to keep the issues engaging and informative to you, our readers. In fact, we encourage you to be part of our discussions - send us your feedback or start a discussion on any of our newsletter content via Twitter ([@ccbeinfo](https://twitter.com/ccbeinfo)) or email (ccbe@ccbe.eu).

Through our member bars and law societies, the CCBE represents over 1 million European lawyers – let's make it our goal in 2015 to reach all of them!

Maria Ślęzak
CCBE President



2015 CCBE PRESIDENCY

At the CCBE Plenary Meeting in November, the CCBE delegations elected our 2015 Presidency.



President
Maria Ślężak
(Poland)



First Vice President
Michel Benichou
(France)



Second Vice President
Ruthven Gemmell
(United Kingdom)



Third Vice President
Antonín Mokřý
(Czech Republic)

FIRST EUROPEAN LAWYERS' DAY WAS A SUCCESS

On 10 December 2014, bars and law societies across Europe marked the first European Lawyers Day, a national day 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.

This event coincided with International Human Rights Day since the day's chosen theme of 'mass governmental surveillance' has an impact on citizens' basic rights of

access to justice and the rule of law. Events were held in 17 different countries along with an online debate via Twitter @CCBEinfo.

The topic and date for our second European Lawyers Day in 2015 will be discussed at the February Standing Committee in London.

Read more about national activities, along with background documents: www.ccbe.eu/lawyersday

BELGIAN LAWYERS TAKE FIGHT AGAINST VAT TO THE EUROPEAN COURT OF JUSTICE

TVA

Belgian Bars, with the support of the CCBE, continue to fight the abolition of the VAT exemption that was granted to Belgian lawyers until the end of 2013, claiming it violates the Belgian Constitution, the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Belgian Constitutional Court delivered its judgment on 13 November 2014 and decided to submit a set of questions to the Court of Justice of the European Union for a preliminary ruling before making its decision on the merits of the case. The decision now rests with the judges in Luxembourg.

Read more (FR): <http://www.infos-tva-avocats.be/>

EUROPEAN DATA PROTECTION AUTHORITIES ADOPT JOINT STATEMENT ON MASS SURVEILLANCE

Prior to European Lawyers Day, on 26 November, the Article 29 Data Protection Working Party adopted a statement recognising the protection of personal data as a fundamental right. The attached working document analyses the European legal framework of mass surveillance.

Read more:

- [\[Joint Statement of the European Data Protection Authorities\]](#)
- [\[Working Document on Surveillance of Electronic Communications for Intelligence and National Security Purposes\]](#)



LAUNCH OF THE FIND-A-LAWYER SEARCH ENGINE ON THE EUROPEAN COMMISSION E-JUSTICE PORTAL



Initiated by the CCBE in 2009, the Find-A-Lawyer online search engine enables cross-border searches for lawyers from a central source on the internet and according to common search fields (including location, practice fields, languages spoken and specialisation). The first release of Find-A-Lawyer allows users to search for a lawyer in 20 countries, with more to be added in the future.

Find a lawyer now: [\[Find-A-Lawyer on the e-Justice Portal\]](#)

CCBE ADOPTS RECOMMENDATIONS ON THE USE OF VIDEOCONFERENCING IN CROSS-BORDER CASES

The use of videoconferencing systems in cross-border cases provides a number of advantages, which governments are beginning to exploit, but the CCBE believes that there are also potential risks and drawbacks that must be considered before legal practitioners rush to adopt the technology. In its position paper, the CCBE outlines its concerns and issues regarding

a number of specific recommendations to ensure a reliable, fair and efficient use of these systems. Nevertheless, the CCBE is participating in discussions with EU governments about how to take forward further developments in this field.

Read more: [\[CCBE Recommendations on the Use of Videoconferencing in Cross-Border Cases\]](#)



CCBE PUBLISHES GUIDELINES ON MIGRATION



Migration is a complex and diverse matter giving rise to concerns across a broad spectrum of rights and laws. The CCBE, in a declaration on migration, calls for the European Union to guarantee the rights and dignity of migrants, including access to tribunal courts. Specific guidelines, published in a separate document, aim to assist lawyers practising in the field of migration law by highlighting some key issues and concerns.

Read more:

- [\[CCBE Guidelines on Migration\]](#)
- [\[CCBE Declaration on Migration\]](#)

EU MEMBER STATES APPROVE E-JUSTICE ACTION PLAN

On 21 November, the Ministers of Justice of the Member States approved guidelines for the practical implementation of the e-Justice Action Plan from 2014 to 2018. The action plan lists a number of future projects (e-service of documents, interconnection of register of wills, and videoconferencing among others), and foresees annual meetings with representatives of the judiciary and legal practitioners, including the legal profession, in order to enhance

cooperation between stakeholders and professions.

The most visible part of European e-Justice is the [European e-Justice Portal](#), which hosts the [Find-a-Lawyer search engine](#). Additional information and functionalities on the Portal will be added in the coming years.

Read more: [\[Implementation of the Multiannual European e-Justice Action Plan 2014-2018\]](#)



MINISTERS REACH PARTIAL COMPROMISE ON GENERAL DATA PROTECTION REGULATION



Justice Ministers meeting in Brussels on 4 December found common ground on the way forward on the revision of the data protection regulation. The proposal to update the ageing 1995 framework on data protection for the internet age has been progressing at a snail's pace since 2012, in part due to a number of disagreements between the Member States and the European Parliament. The partial compromise makes provision for better protection of lawyer-client confidentiality in processing personal data, yet cautiously adds that "nothing is agreed until everything is agreed", echoing the position of Parliament rapporteur Jan Philip Albrecht, who is "not certain" that a compromise between the institutions can be reached before the end of 2015.

Read more: [\[Council General Approach on the General Data Protection Regulation\]](#)

COURT OF JUSTICE REJECTS DRAFT AGREEMENT OF EU ACCESSION TO ECHR

The judges in Luxembourg ruled on 18 December that the draft agreement on the accession of the European Union to the European Convention on Human Rights is not compatible with EU law. While all Member

States are party to the Convention, the 2007 Lisbon treaty provided for European Union to become a party in its own right. With this decision the Court stands against the Commission, the Council of Ministers and

the European Parliament.

Read more: [\[Opinion of the Court of Justice of the EU on the accession to the ECHR\]](#)

UPCOMING EVENTS

29-31/01/15: *Rentrée of the Barcelona Bar, Spain*

12-14/02/15: *European Bar Presidents' Conference, Vienna*

22/02/15: *CCBE Standing Committee, London*

23-25/02/15: *Global Law Summit, London*