



CCBE Info

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CCBE STANDING COMMITTEE IN VIENNA

On 23 February, the CCBE held its 221st Standing Committee at the Palais Ferstel, in Vienna. Rupert Wolff, President of the Austrian Bar opened the event by welcoming everyone to Vienna. He then signed the CCBE Memorandum on Mutual Recognition of Lawyers' Cross Border Continuing Professional Development. Following that, there was a presentation of the European Judicial Training Report 2016 by Marc Jorna, Head of Unit, Unit B4 – Judicial training and e-Justice, DG Justice and Consumers.

At the Standing Committee, the following papers were approved:

- [CCBE Comments on EP Draft Report Proposed Directive on Digital Content](#)
- [CCBE Comments on the draft Regulation presented on July 13, 2016 by the European Commission establishing a common asylum procedure for international protection and repealing Directive 2013/32/EU relating to minimal standards concerning the procedures for the granting and withdrawal of international protection](#)
- [The CCBE Response to the European Commission Public Consultation on disincentives for advisors and intermediaries for potentially aggressive tax planning schemes](#)

EUROPEAN LAWYERS DAY 2017

The next European Lawyers Day will be organised on 25 October 2017, to coincide with European Justice Day. The theme for this year will be the impact of technology on the legal profession, in particular how this affects citizens.

More information about ELD will be available over the coming months.

DEFENCE OF THE DEFENDERS WORKSHOP

On March 30, the CCBE is organising, in conjunction with ProtectDefenders.eu, a workshop entitled “How to improve the protection of threatened lawyers worldwide? Practical tools from the EU Human Rights Defenders mechanism”. The objective of the workshop is to present the online platform for the protection of lawyers/human rights

defenders and its added value, and to share information about the different types of support which are available for threatened lawyers (emergency helpline, financial assistance, training, temporary relocation...). The target audience is the CCBE network “Defence of the Defenders” i.e. the Bars and Law Societies and International/European

lawyers’ organisations active in the support of endangered lawyers. Human Rights NGOs active in the support of human rights defenders are also invited to participate.

For more information metayer@ccbe.eu or to register event@ccbe.eu.

CCBE MEMORANDUM ON MUTUAL RECOGNITION OF LAWYERS’ CROSS BORDER CONTINUING PROFESSIONAL DEVELOPMENT

At the European Presidents’ Conference in Vienna on 24 February, 40 Bars and Law Societies from across Europe signed the CCBE Memorandum on Mutual Recognition of Lawyers’ Cross Border Continuing Professional Development

The Memorandum promotes and facilitates the free movement of lawyers within CCBE member countries where Continuing Professional Development (CPD) is mandatory or recommended and to allow greater flexibility for members.

The signed Memorandum can be found on the [CCBE website](http://www.ccbe.eu).



REGULATION ON THE MUTUAL RECOGNITION OF FREEZING AND CONFISCATION ORDERS

On 21 December 2016, the Commission proposed a Regulation on the mutual recognition of freezing and confiscation orders. This proposal is part of a Commission Action Plan to strengthen the fight against terrorist financing which was presented in February 2016.

The Commission believes that the recognition of a confiscation and freezing order from one EU country to the other is still too slow, allowing criminals to keep their assets or move them across Europe. According to the Commission, the proposed Regulation

will facilitate cross-border recovery of criminal assets and will lead to more efficient freezing and confiscation of funds from illicit origin in the EU without cumbersome formalities. The CCBE will be preparing a response to the proposal.

PROPOSAL FOR A DIRECTIVE ON COUNTERING MONEY LAUNDERING BY CRIMINAL LAW

On 21 December 2016, the Commission proposed a Directive on the criminalisation of money laundering. The Commission believes that the current criminal law framework against money laundering in the EU is neither comprehensive nor sufficiently coherent to be fully effective. All Member States criminalise money laundering; however, existing differences in the definition, scope and sanctions of money laundering offences affect cross-border police and judicial cooperation between national authorities as well as the exchange of information. These differences in legal frameworks can also

be exploited by criminals and terrorists, who could carry out financial transactions where they perceive anti-money laundering measures to be weakest. The Commission proposal aims to establish minimum rules concerning the definition of criminal offences and sanctions in the area of money laundering, as well as common provisions to improve the investigation of those offences and to ensure better cooperation in the fight against money laundering. The CCBE will be preparing a response to the proposal.

MEETING WITH REPRESENTATIVES FROM THE FUNDAMENTAL RIGHTS AGENCY (FRA)

On 24 February 2017, representatives from the CCBE Criminal Law Committee had a meeting with representatives from the Fundamental Rights Agency (FRA). The meeting took place at the offices of the FRA in Vienna. The meeting discussed EU procedural safeguards, the European Public Prosecutor, Migration and other issues. The meeting was extremely informative and the CCBE will continue this engagement.

ANTI-MONEY LAUNDERING

Amendments to the 4th AML Directive

The CCBE is following developments regarding the proposed amendments to the 4th Anti-Money Laundering Directive (4th AML Directive). The CCBE has expressed concern about a number of provisions of the proposed amendments, including the provisions concerning Beneficial Ownership and the role of Financial Intelligence Units. The CCBE has examined a recent Opinion from the European Data Protection Supervisor (EDPS). The European Data Protection Supervisor is an independent institution of the EU which, with regard to the specific point of processing personal data, “is responsible for ensuring that the fundamental rights and freedoms of natural persons, and in particular their right to privacy, are respected by the Community institutions and bodies”. The Opinion analyses certain provisions of the proposed amendments to the 4th AML Directive. In its Opinion, the EDPS identifies a number of significant concerns relating to Beneficial

Ownership provisions. The Opinion also identifies concerns regarding proportionality issues with respect to the role of Financial Intelligence Units, and proportionality concerns regarding the need to depart from the well-established risk-based approach. This Opinion also refers to concerns regarding the fact that the proposed amendments exceed the stated goal of countering money laundering and terrorist financing, and violate the principle of purpose limitation of gathering personal data. The CCBE shares the concerns of the EDPS and has expressed similar concerns.

Update on the Supra-National Risk Assessments (SNRA)

The Commission is continuing its work on Supra-National Risk assessments (SNRA). This involves assessing the level of “threat and risk” of money laundering and then assessing the “mitigating measures” for a number of sectors, including the legal sector. The CCBE is providing input to the Commission.

THE BREACH OF RULE OF LAW CONTINUES IN VENEZUELA

The European Lawyers Foundation (ELF) is currently implementing a project on helping to re-establish the rule of law in Venezuela. As part of this project, ELF’s managing Director Alonso Hernandez-Pinzon and Jani Trias (Spanish lawyer and member of Barcelona’s Bar Steering Committee) visited Venezuela from 19 to 23 February 2017. The aim was to meet with various stakeholders in order to analyse the action plan on judicial independence that ELF has prepared as part of the project. ELF met with the Venezuelan experts who are helping in drafting the action plan. But

ELF also met with the President of the Venezuelan National Assembly and with relatives of political prisoners detained by the Venezuelan Government in clear violation of basic human rights. ELF also met with representatives of Foro Penal Venezolano, Alfredo Romero and Gonzalo Himiob. Foro Penal Venezolano is the leading NGO representing political prisoners on a legal aid basis in the courts. Last but not least, ELF met with the Venezuelan lawyer Juan Carlos Gutierrez, who represents the most well-known Venezuelan political prisoner, Leopoldo Lopez.



Jani Trias and Alonso Hernandez-Pinzon with Julio Borges, President of the Venezuelan National Assembly.

UPCOMING EVENTS

16-17/03 35th Croatian Lawyers Day, Zagreb

31/03 CCBE Standing Committee, Brussels