

# CCBE-INFO

## Newsletter



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# CCBE February Standing Committee

The CCBE Standing Committee met online on 11 February 2021. The main topics on the agenda included among other things the nomination of the new CCBE Secretary General, European Judicial Training, the digitalisation of justice, the rule of law, deontology, International Legal Services, and the cooperation with the Council of Europe.



## Appointment of a new Secretary-General

Simone Cuomo was appointed Secretary-General by the CCBE Standing Committee. He has been a CCBE staff member since 2010 where he managed as Senior Legal Advisor a range of CCBE committees in areas of data protection as well as cross-border judicial cooperation in civil and criminal matters. Besides policy advocacy towards the EU institutions, he also managed the CCBE's activities with the Council of Europe's European Commission for the Efficiency of Justice of the (CEPEJ) where he contributed to various papers and working groups. For many years he has been closely involved in EU policy developments as regards the digitalisation of justice, with the main focus on translating lawyers' needs in electronic judicial proceedings, as well as procedural safeguards and the impact of modern technologies in the legal profession. Before joining the CCBE in 2010, Simone Cuomo worked for more than six years in the field of EU legal affairs for both private and public entities.





## European judicial training

The CCBE was delighted to welcome the guest speaker, Peter Csonka, Head of Unit (General criminal law and judicial training) and Deputy Director on Criminal Justice of the European Commission, who gave a presentation on judicial training issues. Peter Csonka informed about the long-term [European judicial training strategy 2021-2024](#) adopted by the European Commission in December 2020. According to the Commission, judicial training should embrace not only the new developments in EU law but also the soft skills. When it comes to methodology, the new Strategy refers to the quality and efficiency of the training allowing practitioners to be fit for the digital age. The importance of the numerical objective proposing to train 15% of lawyers on EU law and cross-border issues was stressed. The Commission counts on the support and involvement of the CCBE in this regard. According to data collected for the [Annual report](#), 3.36% of lawyers were trained on EU law last year. Members were also informed about the availability of EU funding for the implementation of the Strategy and invited to apply for this funding. To this end, the CCBE Training Committee will, with the kind support of the European Commission, organise a workshop on available EU funds for Bars and lawyers on 9 March 2021.



Furthermore, Peter Csonka informed that the [European training platform \(ETP\)](#) was launched in the test phase. The ETP is a search tool for legal practitioners which was developed by the CCBE in collaboration with the European Lawyers Foundation and co-funded by the European Commission. It offers information on training courses and self-learning material on a great variety of topics. The CCBE expressed its hope that the ETP will facilitate the access of lawyers to training and informed that the CCBE Training Committee is working regarding its considerations on the new strategy.

## Adoption of the draft model article on relations between lawyers

As the Deontology Committee is continuing its work on the drafting of the Model Code of Conduct, the Standing Committee adopted the fifth model article on relations between lawyers. This follows the adoption of the model articles on relations with clients in 2020 and on the independence of lawyers in 2017, as well as the adoption of the model articles on conflict of interests and confidentiality

in 2016. The model article on relations between lawyers still needs to be approved by the CCBE Plenary Session. Once all the articles have been adopted, these provisions will provide a Model Code of Conduct which will be a source of inspiration for Bars when drafting or revising their own national Code of Conduct.

## Meeting with the European Commissioner for Justice

On 22 February, the CCBE Presidency had a fruitful online meeting with the European Commissioner for Justice, Didier Reynders, to discuss among others, the digitalisation of Justice,

the European Public Prosecutor as well as rule of law issues, in particular in relation to the independence of the legal profession.



## Meeting with the Fundamental Rights Agency

On 10 February 2021, representatives from the CCBE Presidency, Criminal Law Committee, IT Law Committee, Future of the Legal Profession and Legal Service Committee, Migration Committee and Surveillance Working Group had a virtual meeting with representatives from the Fundamental Rights Agency (FRA). This meeting followed previous meetings in 2017, 2018, 2019 and 2020. In common with previous meetings, the discussions took place in a positive, open and very welcoming environment. This meeting was in addition to the various exchanges with the FRA throughout the year.



The meeting discussed a wide range of topics, including procedural safeguards for suspects and defendants in criminal proceedings, detention/alternatives to detention, Artificial intelligence/digitalisation/remote working tools, implications of COVID-19 on defence rights, electronic evidence in criminal matters, promotion and awareness of the Charter of Fundamental Rights by practitioners, CCBE work on the rule of law/Fundamental Rights, migration and the issue of Business and Human Rights.

## European Presidents' Conference



The CCBE President, Margarete von Galen, addressed the 49<sup>th</sup> European Presidents' Conference which was held online and focused on the theme: "Rule of law and democracy – closing the gap between policy and practice". She highlighted some of the existing gaps such as the delay in the EU accession to the European Convention

on Human Rights, the differing prison conditions within the EU and the lack of transparency when it comes to (possible) infringements of EU Law by the member states. She also stressed the crucial role played by lawyers as guardians of the rule of law. Her full speech is available [here](#).

## Human Rights



International Fair Trial Day

### International Fair Trial Day and the Ebru Timtik Award: Save the Date - 14 June 2021

On 14 June 2021, the CCBE will launch the 1<sup>st</sup> edition of the International Fair Trial Day and the Ebru Timtik Award together with the European Association of Lawyers for Democracy and World Human Rights (ELDH), European Bars Federation (FBE), European Democratic Lawyers (EDL-AED), French National Bar Council (CNB), International Association of Democratic Lawyers (IADL), International Association of Lawyers (UIA), International Bar Association's Human Rights Institute (IBAHRI), Italian National Bar Council (CNF), Law Society of England and Wales, Lawyers for Lawyers (L4L), Ayşe Bingöl Demir and Şerife Ceren Uysal. More information available on the [CCBE Human Rights Portal](#).



### Defence of the defenders

Since January 2021, the CCBE sent 17 letters in support of endangered lawyers in Belarus, Brazil, China, Egypt, Iraq, Iran, Philippines, Turkey, Uganda and Zimbabwe. All CCBE letters of support to endangered lawyers and other joint initiatives can be consulted on the [CCBE Human Rights portal "Defence of the defenders"](#). All lawyers should be able to remain free and independent as well as to carry out their professional duties without fear of reprisal, hindrance, intimidation or harassment in order to preserve the independence and integrity of the administration of justice and the rule of law.



### The Day of the endangered lawyer 2021

24 January 2021 marked the 11<sup>th</sup> Day of the [Endangered Lawyer](#), which this year was dedicated to the situation of lawyers in Azerbaijan. This day, which was created in 2010, is jointly organised by the European Democratic Lawyers' Association (AED-EDL), the European Association of Lawyers for Democracy (ELDH) and the foundation "The Day of the Endangered Lawyer". On this occasion, the CCBE with more than 35 lawyers' organisations co-signed a [petition](#), calling for the full implementation of the European Convention on Human Rights and the UN Basic Principles on the Role of Lawyers as to guarantee that all lawyers in Azerbaijan are able to carry out their professional duties without fear of reprisal, intimidation, harassment or other improper interference in their work.

## Criminal Law

On 13 February, the Criminal Law Committee had a meeting with representatives from the current Portuguese Presidency of the European Union in order to discuss the work plan of the Portuguese Presidency on the topic of judicial cooperation in criminal matters.

On the same day, the Committee also had a meeting with a Commission representative to have an exchange on the latest developments regarding the European Public Prosecutor Office (EPPO). The EPPO is an issue which the CCBE has been following for many years and it is expected that the EPPO will be operational in Q2 of 2021.





# Permanent Delegation to the European Court of Human Rights

On 21 January 2021, the CCBE Permanent Delegation to the ECtHR (PD STRAS) organised a Round Table on National Enforcement of ECtHR's Monetary Awards of Just Satisfaction. The CCBE was honoured to welcome Dr Veronika Fikfak, Associate Professor in Human Rights Law at the Centre of Excellence, iCourts at the University of Copenhagen, who is currently running the Human Rights Nudge Project. The aim of this roundtable was to explore the proposal made in the CCBE Proposals for reform of the [ECHR machinery](#) calling for a study of the enforcement by national courts of monetary awards of just satisfaction of the ECtHR, including, but not limited to, those of the respondent State.

The reason for this proposal is straightforward: Redress in Strasbourg is very slow, not only before the Court (3 to 10 years), but also in the specialised CMDH

subcommittee of the Committee of Ministers, which supervises the execution of the Court's judgements under Article 46 (1 to 7 years). As a result, not only is it not unusual for the resolution of a case in Strasbourg to take fifteen years, the number of pending awards of monetary just satisfaction which have not been paid by Respondent Governments has grown and is now at record levels with approximately 1370 [payments outstanding](#).

On 5 February 2021, the PD STRAS Chair, Piers Gardner, intervened at the colloquium on "The execution of judgements and decisions of the ECHR" organised by the Institut de recherches Carré de Malberg de l'Université de Strasbourg, to discuss the role of lawyers and the lawyer's perspective on the implementation of ECtHR Judgements. He invited further reflection on the CCBE Proposals

for reform of the [ECHR machinery](#), which build on the recognition of the subsidiary role of the Court, the need to enhance national human rights protection, and to improve the transparency and effectiveness of the Court and the CMDH, so that the vital work of protecting human rights in Europe can progress.

On 18 February 2021, the CCBE represented by its PD STRAS Chair and one of its experts, Achilleas Demetriades, had a bilateral meeting with the Governments Agents before the ECtHR, notably to discuss the operation in practice of the compulsory non-contentious phase of proceedings following the communication of an application to the respondent Government and the operation of simplified procedure in WECL cases.



# Digitalisation of justice

On 2 December 2020, the Commission adopted a digital justice toolbox for the digitalisation of justice in the UE in which it presented various legislative and non-legislative actions to promote the use of digital tools by the Member States in the judicial field. In this context, the Commission launched on 16 February 2021 a [public consultation](#) on the digitalisation of cross-border judicial cooperation with a view to drafting a proposal for a regulation. The objective is, on the one hand, to use the new digital tools for electronic communication between courts and other competent authorities in the Member States and, on the other hand, to enable citizens, companies and legal practitioners to use electronic referral and communication before courts and competent authorities in other EU countries. This initiative is of paramount importance for lawyers as the main users of the judicial system.



The CCBE is extremely involved in this European action and has already given its [comments](#) on the roadmap on the digitalisation of justice which, while it can bring benefits in terms of access to justice and efficiency of procedures, must be accompanied by sufficient guarantees to ensure a fair trial and the protection of lawyer-client privilege. In keeping with this work, the CCBE is currently drafting a response to the public consultation in which it will insist, in particular, on the need to provide for such guarantees in any future legislative initiative.

## Appointment of new Committee/ Working Group Chairs and Vice-Chairs

The CCBE is delighted to welcome the following new Chairs and Vice-Chairs:

**Noemí Alarcón Velasco**

Spain



Chair  
Migration Committee

**Barbara Porta**

Italy



Vice-Chair  
Migration Committee

**Joanna Wisła-Płonka**

Poland



Chair  
EU lawyers Committee

**Sebastian Cording**

Germany



Chair  
Surveillance Working Group

# International Legal Services

On 29 January a very informative exchange took place with representatives from the Commission (DG Trade, DG GROW and the EU-UK taskforce) and members of the CCBE Committee on International legal Services in order to have a discussion on the outcome of the EU-UK Trade and Cooperation Agreement (TCA) with a focus on aspects which concern the provision of legal services. This was a very helpful and very clear exchange of views which provided practical clarification regarding various aspects of the TCA.

# Sustainable Corporate Governance

In February, the CCBE submitted a response to the Commission Consultation Document regarding a Proposal for an Initiative on Sustainable Corporate Governance. In its response, the CCBE highlighted that any future legislative proposal, specifically in respect of any regulations regarding supply chains, should not apply to lawyers and law firms when acting in their core area of providing legal advice and legal representation. The independence of lawyers and the effective respect of such a principle would be at risk if lawyers and law firms were to be bound by any regulations of supply chains or any other legislation planned or envisaged as a consequence of the consultation when acting in their core area of legal advice, legal opinion and legal (including forensic) representation. The CCBE stressed that a lawyer or law firm cannot be held responsible for the conduct of its client and if so, this will impact on the Rule of Law.

## CCBE annual report 2020



The CCBE published its 2020 annual report. The impact of the COVID-19 pandemic, the digitalisation of justice, the rule of law, human rights, and the CCBE's 60<sup>th</sup> anniversary are some of the main topics that have marked the year 2020.

## Agenda

### 8 MARCH 2021

CCBE-EWLA webinar on Gender and the legal profession – where are we now, where do we want to be and how to get there?

### 9 MARCH 2021

CCBE Workshop on available EU funds for Bars and Lawyers

### 26 MARCH 2021

CCBE Online Standing Committee

### 21 MAY 2021

CCBE Online Plenary Session

## Council of Bars and Law Societies of Europe

*The voice of European Lawyers*

Rue Joseph II, 40/8 - B-1000 Brussels | +32 (0)2 234 65 10 | [ccbe@ccbe.eu](mailto:ccbe@ccbe.eu)  
[ccbe.eu](http://ccbe.eu) | [Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)