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CCBE-INFO
Newsletter

Special Focus:
The role of lawyers in climate change

CCBE Standing Committee in Vienna 8

Main CCBE Events & Activities 11

EUROPEAN LAWYERS
EUROPEAN BARS
CCBE
BARREAUX EUROPÉENS
AVOCATS EUROPÉENS

Table of Contents

3

Special Focus: The role of lawyers in climate change

- CCBE statement on climate change
- Questions to Jean-Marc Gollier, Chair of the CCBE Environment and Climate Change Committee
- Corporate social responsibility and sustainability
- CCBE-ELF Webinar on climate change and lawyers

8

CCBE Standing Committee in Vienna

- Rule of Law Report 2023
- 3rd Supranational Risk Assessment (SNRA)
- Migration and asylum

11

Main CCBE Events & Activities

- 51st European Presidents' Conference
- CCBE-ELF BREULAW project
- PECO seminar for associate and observer members on anti-money laundering related issues for Bars
- Day of the Endangered Lawyer 2023
- Council of Europe
- Human Rights

Upcoming events

READ NEXT

Special Focus: The role of lawyers in climate change

SPECIAL FOCUS

CCBE statement on climate change

The CCBE adopted its initial statement on the role of lawyers in combating climate change. In this statement, the CCBE commits to take action in relation to its own activities and to assist its member Bars and Law Societies in promoting a climate conscious legal practice. In particular, the statement:

- acknowledges the climate change urgency situation and the role Bars, Law Societies and lawyers can play;
- sets out its' own commitments in view of the climate change urgency;
- and proposes possible ways Bars and Law Societies could consider in order to encourage lawyers to engage in climate conscious legal practice, in a way which is compatible with their professional duties, the administration of justice, and the rule of law.

Read the CCBE initial statement on climate change:

> Click here to read

Questions to JEAN-MARC GOLLIER, Chair of the CCBE Environment and Climate Change Committee

What is the objective of this initial statement and what concrete impact do you expect from it?

A train has left the station, particularly in Europe, but not only: the train of change in our societies to deal with climate change. For now, this train is rather slow. But it is already very powerful and it is significantly changing our habits.

By publishing a "statement" on climate change and by committing as an institution, the CCBE can play a decisive role for our profession. Some of our behaviours (travel, work habits, offices, etc.) leave an environmental footprint we are not aware of, and therefore cannot manage. The CCBE wants to identify what can be improved for a "sustainable" world.

Secondly, we seek to encourage the sharing of professional experiences in this growing field. This could involve not only our professional organisations, but also our legal practices. "Climate conscious legal practice" will commonly be used in the future.

> *The role of lawyers in climate change must be well understood so that we can continue to play our crucial social role in defending all parties affected by this change (...)*

What are the next priorities of the Environment and Climate Change Committee?

I would like the Committee to address the major environmental and climate issues to come. And there are plenty of them. The role of lawyers in climate change must be well understood so that we can continue to play our crucial social role in defending all parties affected by this change, both the companies creating our material wealth but polluting, and the victims affected by this pollution and not benefiting from a fair distribution of wealth.

Human rights are increasingly relevant to our thinking on environmental Law, turning it from administrative law into a kind of law where our fundamental freedoms are involved.
Liability law takes on a new turn when climate change becomes a possible source of liability. This issue, linked to that of the liability of the major players of our economy, is coming to the foreground not only in new EU regulations (CSRD) or those being drafted (CSDD), but also in case law, which is sometimes surprisingly bold, and whose signals must be captured for our legal practices.

I would like to work on these topics, and I invite the Committee members to contribute to providing a substantial input on these current and future major changes.

SPECIAL FOCUS

Corporate social responsibility and sustainability

The CCBE published key considerations to prepare lawyers, law firms and Bars for current and future standards and challenges regarding corporate social Responsibility (CSR) and sustainability.

More specifically, the purpose of this guidance is to prepare lawyers, law firms and Bars for the challenges they will have to meet to live up to the current soft and hard law standards, as well as future standards regarding CSR, including standards in the field of sustainability.

Read *Corporate Social Responsibilty and the Legal Profession: Key Considerations for Bars and Lawyers*

> Read the document

SPECIAL FOCUS

CCBE-ELF webinar on the impact of climate change on lawyers' practices

On 27 February 2023, the CCBE and the European Lawyers Foundation (ELF) organised a webinar on climate change and lawyers, co-funded by the European Union. The objective of the webinar was to address the impact of climate change in lawyers' daily practice. The event was a great success, with more than 550 participants.

Following a welcome from the Chair of ELF's Board of Directors, Dominique Attias, there was a substantive introduction to the topic by Jean-Marc Gollier, Chair of the CCBE's Committee on Environment and Climate Change, and, subsequently, presentations on '*Climate Conscious Lawyering*', '*Recent climate change litigation in Europe*', and the question of whether climate change poses ethical challenges to lawyers.

The video of the webinar, as well as the speakers' presentations, are available here:

READ NEXT

CCBE Standing Committee in Vienna

16.02.2023

The CCBE held its first meetings of the year on 16 February 2023 in Vienna, in conjunction with the 51st European Presidents' Conference of Bars and Law Societies that took place the following day.

The CCBE meetings commenced with a special Plenary Session, which was followed by a Standing Committee.

The CCBE President for 2023, Panagiotis Perakis, opened the Plenary Session by expressing his condolences to the victims of the devastating earthquake in Turkey and Syria. Additionally, during the Plenary Session, in view of the continuous difficult situation for the Ukrainian lawyers and their families, the Plenary Session decided to waive the annual CCBE subscription fee of the Ukrainian National Bar Association for 2023.

The CCBE Standing Committee was delighted to welcome Deborah Enix-Ross, President of the American Bar Association (ABA), who in her speech addressed the future of the profession of lawyer in the US, the use of new technologies in the profession and the protection of the values of the legal profession.

The main topics of the Standing Committee included: the CCBE contribution for the Rule of Law Report, a CCBE position on the draft Convention on the protection of the profession of lawyer, a CCBE position on the proposal for a Regulation on situations of instrumentalisation in the field of migration and asylum, CCBE comments on the 3rd Supra National Risk Assessment in the area of anti-money laundering, a CCBE statement on climate change, a CCBE statement on the European Declaration on digital rights and principles, as well as a training project proposal for lawyers.

> More on the next page

Adopted Papers during the CCBE Standing Committee in Vienna

> From left to right: Roman Završek, CCBE 3rd Vice-President, Simone Cuomo, CCBE Secretary-General, Panagiotis Perakis, CCBE President, Pierre-Dominique Schupp, CCBE 1st Vice-President, and Thierry Wickers, CCBE 2nd Vice-President

RULE OF LAW

Rule of Law Report 2023

READ THE DOCUMENT

In February, the CCBE submitted its contribution for the Rule of Law Report 2023. In its contribution, the CCBE welcomes the explicit recognition in the 2022 Rule of Law Report of lawyers as key actors for judicial systems based on the rule of law.

In addition, the CCBE lists its actions, activities and policy documents relevant to different rule of law related aspects, as well as includes the input received from the national Bars and Law Societies of 26 EU Member States on different rule of law developments in their countries, with a particular focus on those posing a risk and undermining the independence of lawyers and Bars, access to justice, quality of justice, fundamental rights and freedoms.

The input received from the national Bars and Law Societies confirms that they are all independent from the executive or other state authorities in the EU Member States; however, many have provided information on recent developments and trends which pose a risk to the independence of the legal profession and functioning of the justice system in particular Member States in some areas. Nevertheless, they also provided some positive examples and best practices relevant to this assessment, which can be found in the annex of the contribution.

ANTI-MONEY LAUNDERING

3rd Supranational Risk Assessment (SNRA)

READ THE DOCUMENT

The CCBE adopted comments on the 3rd Supranational Risk Assessment. In this paper, the CCBE comments on the assessment of the risk of money laundering and terrorist financing affecting the internal market and relating to cross-border activities, which was published by the European Commission in October 2022. The CCBE recalls that lawyers act as gatekeepers and most of them respect their anti-money laundering (AML) compliance duties. Moreover, the CCBE welcomes that the Commission recognises the importance of the training for lawyers in the AML field. Nevertheless, the CCBE regrets that many serious findings are not supported by any references and data. Moreover, throughout the document, the CCBE suggests a number of improvements and solutions, such as establishing a permanent and regular dialogue with the Commission regarding AML requirements and awareness raising measures for lawyers.

MIGRATION

Migration and asylum

READ THE DOCUMENT

The CCBE adopted a position paper on the proposal for a Regulation addressing situations of instrumentalisation in the field of migration and asylum. In this paper, the CCBE sets out its position regarding the proposal for an instrumentalisation Regulation published by the European Commission in December 2021. In the first part of the paper, the CCBE expresses its general concerns about derogations that this proposal would allows and is critical about such an approach. In the second part, the CCBE formulates suggestions for improvements of specific provisions with regard to the issue of access to justice and access to a lawyer which are matters within the particular field of activity of the CCBE. In this regard, the CCBE finds the lack of any provisions in the proposal regarding legal assistance for people subject to the special procedures to be a striking omission.

READ NEXT

Main CCBE Events & Activities

> The CCBE President Panagiotis Perakis at the 51st European Presidents' Conference

17.02.2023

51st European Presidents' Conference

The CCBE President delivered a speech at the 51st European Presidents' Conference on the topic: "How much transparency does the Rule of Law need?" In his speech, the CCBE President argued that transparency plays an important role in a democratic society and is one of the prerequisites of the rule of law. However, he noted that complete transparency would not work in favour of the rule of law. In some cases, transparency aims can be disproportionate or can negatively affect other fundamental principles or rights protected by EU law. Therefore, a balance is needed between the different fundamental rights at stake, as shown, for example, by recent case law of the Court of Justice of the European Union relating to beneficial ownership or to reporting requirements imposed on lawyers in the field of cross-border tax arrangements (DAC6). Moreover, the CCBE President stressed that the fundamental principle of professional secrecy and legal professional privilege protects clients and is part of the rule of law, and should not be undermined in the name of transparency.

> Read the complete speech

01.02.2023

CCBE-ELF BREULAW project

On 1 February 2023, the new project on the "Development of a lawyer's training curriculum in EU law and study visits to EU institutions in Brussels" (BREULAW) was launched. This joint CCBE-ELF project is co-funded by the European Union and will be implemented over a period of 24 months.

The BREULAW project consists of two sets of training activities that are considered necessary for EU lawyers, and were identified in the study on the state of play of lawyers' training in the EU. The first set of training activities focuses on the development of a lawyer's training curriculum in EU law, the curriculum of which will complement the 2007 CCBE recommendations on training outcomes for European lawyers.

The second set of training activities is in regard to lawyers' study visits to EU institutions, as there has never been an EU-wide programme to enable lawyers to participate in study visits to Brussels to learn first-hand about the work undertaken by the EU institutions, and it is very important for lawyers to understand better how EU law originates and how it is expected to be implemented.

Following the launch of the project, a kick-off meeting of the project team was held on 8 March 2023 to discuss the objectives and project calendar, in addition to the details on the project activities and administrative aspects.

For more information on the project, please see the dedicated section on the CCBE webpage:

> Click here to read more

PECO seminar for associate and observer members on anti-money laundering related issues for Bars

On 15 February 2023, the PECO Committee organised a seminar for CCBE associate and observer members on anti-money laundering (AML) related issues for Bars. This event aimed to provide information on existing rules in the EU as regards AML-related issues for Bars, and to provide a platform for exchange and discussion for CCBE associate and observer members with AML experts from EU Member State Bars on this topic. The experts from the CCBE AML Committee prepared presentations and answered questions during a lively debate that followed. Rupert Manhart, former Chair of the CCBE AML Committee, presented the EU framework on AML and on the supervision of lawyers and sanctions in Austria. Subsequently, Claudio Cocuzza, the current Chair of the AML Committee, explained reporting of suspicious transactions in Italy. Furthermore, Arne Engels, German expert to the CCBE AML Committee, spoke about identification of beneficial ownership in Germany.

Day of the Endangered Lawyer 2023

This year, the Day of the Endangered Lawyer focused on the situation of lawyers in Afghanistan. On this occasion, the CCBE organised a press conference in Brussels to officially announce the reopening of the Afghanistan Independent Bar Association (AIBA) as an organisation in exile in Brussels and give more information about their future activities and the situation of lawyers in Afghanistan. The press conference was organised in cooperation with the International Bar Association (IBA) and the French-speaking Brussels Bar.

Panagiotis Perakis, the CCBE President, opened the press conference calling upon "the Bar Associations and Law Societies of the world to support Afghan lawyers, as well as the continued existence of the AIBA and its operations, now in exile."

Subsequently, the Vice-President of the International Bar Association, Claudio Visco, explained the context of the reopening of the AIBA in exile and the support provided by the IBA, including ongoing support for the creation of a new website for the AIBA.

The President of the French-speaking Brussels Bar, Emmanuel Plasschaert, then followed to report on the concrete assistance provided by the Brussels Bar Association to help set up the association under Belgian law and make premises available to the AIBA.

Lastly, the President of the AIBA, Rohullah Qarizada, provided an overview of the situation of lawyers and the judicial system in Afghanistan since the takeover by the Taliban, and stressed the AIBA's crucial role for the independence of lawyers and the rule of law.

The press conference can be viewed here:

The press conference was followed by a demonstration in Brussels where lawyers and lawyers' organisations, including the CCBE, gathered in support of Afghan lawyers and the AIBA. A meeting was also organised between the CCBE, the AIBA, Afghan lawyers, the EU Special Envoy for Afghanistan and the European External Action Service (EEAS) during which a petition was handed over.

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> Photo 1, 2, 4: European lawyers and lawyer's organisations protesting in support of Afghan lawyers and the AIBA.

> Photo 3: the President of the AIBA, Rohullah Qarizada, and lawyer Rafi Nadiri

> Photo 5: the President of the French-speaking Brussels Bar, Emmanuel Plasschaert

Council of Europe

16-17.05.2023

4th Council of Europe Summit

READ THE CONTRIBUTION

The CCBE submitted its contribution for the 4th Council of Europe Summit that will take place in Reykjavik on 16 and 17 May 2023. The CCBE addressed, in particular, the role that can be played by the Council of Europe in ensuring accountability for Russia's aggression against Ukraine. The CCBE also addressed the issue of how the Council of Europe can create a framework for efficient action on current and future challenges, including on the rule of law, the protection of lawyers, human rights, procedural safeguards, migration, digitalisation of justice and AI, as well as the environment and climate change.

Council of Europe Committee of Experts on the Protection of Lawyers

READ THE POSITION PAPER

The Chair of the CCBE European Convention Working Group, Laurent Pettiti, participated in the 4th meeting of the Council of Europe Committee of Experts on the Protection of Lawyers (CJ-AV) to defend the position of European lawyers in the drafting process of the Convention on the protection of the profession of lawyer.

In view of this meeting, the CCBE set out in a position paper some of the most important drafting proposals to be included in the future legal instrument on the protection of the profession of lawyer. This includes the following issues:

- the definition of "lawyer" and the scope of the future Convention;
- the definition of "professional associations";
- the need to protect the lawyer-client confidentiality principle, which requires a clear definition of "confidentiality" and a comprehensive provision protecting this right and duty of the lawyer;
- the need for both an effective monitoring mechanism of general compliance with the obligations created by the Convention, and a second mechanism to examine individual complaints of non-compliance with those obligations.

Human Rights

During the months of January and February 2023, the CCBE sent 13 letters and joined several initiatives in support of endangered lawyers in Bangladesh, Belarus, Cameroun, China, Colombia, Eswatini, Guatemala, Myanmar, Nigeria, Pakistan, Tajikistan, Turkey, Vietnam and Zimbabwe.

For more information, please visit the CCBE Human Rights portal:

> Click here to read

Read more about the CCBE activities

Want to know more about the new CCBE President and the main priorities of his presidency?

Read the interview with Panagiotis Perakis, President of the CCBE in 2023.

READ THE INTERVIEW

The CCBE annual report 2022 is available!

Find all the highlights of the year 2022: the CCBE key figures, publications and position papers, the activities of our committees and working groups, and more.

READ THE 2022 ANNUAL REPORT

Upcoming events

> Consult the CCBE Agenda portal for a full review

: 31.03.2023

CCBE Standing Committee
– *Brussels*

: 12.05.2023

CCBE Standing Committee
– *Brussels*

: 30.06.2023

CCBE Plenary Session
– *Chania, Greece*