



Annual Report

20 22



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> CCBE President James MacGuill.



JAMES MACGUILL

Foreword of the President

2022 was an exceptionally challenging year for our organisation, committed as it is to defending the Rule of Law. The 24 February illegal invasion of Ukraine by the Russian Federation, followed swiftly by countless war crimes committed by the invaders (and helpfully fully documented by modern technology), presented many challenges for the CCBE and its member Bars and Law Societies. I believe we were equal to those challenges and led by example in supporting the people of Ukraine and especially our colleagues.

Our support took many forms: our public pronouncements, the work of our Migration Committee, providing physical and financial assistance, supporting European Union measures designed to impact on the capacity of the Russian Federation to prolong this illegal war, whilst also pointing out that the Rule of Law is there for everyone's protection - through our support for the International Criminal Court (ICC), including guidance on evidence gathering - through our guidance to

colleagues as to how best to assist the displaced - providing training to colleagues on conflict related legal issues such as sanctions and the ICC through very popular free webinars presented together with the European Lawyers Foundation - and most recently of course, through the generosity of our member Bars and Law Societies in supporting the plea from the Ukrainian National Bar Association (UNBA) to secure essential power generators to enable them to continue their work.



> The CCBE President travelled to Ukraine to address an extraordinary meeting of the Bar Council of Ukraine at the Ukrainian National Bar Association.

I was honoured to be invited to represent the CCBE at a special UNBA Council meeting in Ukraine in September to express, in person, our collective solidarity. Many of our colleagues have given up the practice of law to take up arms to defend their country. Others, at great personal risk, have remained in dangerous areas to represent their clients. Their collective courage puts everything in perspective.

“

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”

Accordingly, it was a singular pleasure to present the human rights award for 2022 jointly to the UNBA represented by President Lidiya Izovitova and Vice President Valentyn Gvozdiy and to our colleague, Nadia Volkova, of the Ukrainian Legal Advisory Group.

In a similar vein, we continue to support the Afghan Independent Bar Association and particularly the female colleagues and judges exposed to real danger by the Taliban.

Separately, in 2022, normality was restored by our having the capacity to resume in-person meetings. Such meetings generate the energy and collegiality which is essential for the success of an organisation such as ours. However, the positive experience we had in 2020 and 2021 in continuing our work supported by technology, both through fully remote and latterly hybrid meetings, means there will be no going back to precisely the way things were before the pandemic. Hybrid meetings have a future, particularly in the context of specialist committees as a way of

involving younger colleagues in the work of the CCBE when for professional or personal reasons travel is difficult for them. There remains of course no substitute for personal contact which can never be replaced.

One of the privileges of being President is witnessing at first hand in engagements with European institutions, and other outside bodies, the appreciation those bodies have for the tremendous work done by the CCBE across a broad range of files and measures. Those meetings are fully documented in the annual report, but it may be of interest to you to learn that many of the institutions were quite intrigued to learn of how we carry out our work.

Typically, we explain at meetings that the organisation comprises Bars and Law Societies of both European Union and Council of Europe countries. The national delegations decide the policy of the organisations informed by the hard work of our 27 specialist committees whose membership is drawn from practitioners with expertise from throughout Europe and from every legal tradition, supported by our excellent legal advisors. As our experts are practitioners, they have a significant advantage over purely academic or governmental voices. Our ability to provide quick responses to queries and surveys is extremely welcome by the institutions. An obvious benefit for any lawmaker, be it in the Commission, the Council or the Parliament, is to have access to accurate practical as opposed to theoretical information about how intended laws will impact citizens and the CCBE has become a trusted resource in that regard. It is critical we maintain the high quality of our submissions.

This year, the post of Head of Public Affairs was established improving our capacity to connect, as reflected in this report.

As can be seen from the report, many of our active projects develop over many years and consistency is the key to success. I want to thank all concerned for their hard work and application.

There are projects which are wholly positive, such as the work on the Convention of the Profession of Lawyer, and the annual collation of information for the Justice Scoreboard and the Rule of Law reports.

Regrettably, some of the ever present tasks are responses to negative forces including interventions on behalf of endangered lawyers throughout the world. Depressingly, requests for assistance seem to be on an ever-increasing upward curve.

In addition to engagement with our own Bars, Law Societies and lawmakers, we also had a lot of engagement with other lawyers' organisations providing an opportunity for the CCBE analysis to be heard and to secure support elsewhere for our core values. We participated in the conferences of the American Bar Association, European Criminal Bar Association, European Young Bar Association, the European Bars Federation, International Bar Association and Union Internationale des Avocats. Our relationships with the European Union Agency for Fundamental Rights and the European Lawyers Foundation go from strength to strength.

We represent our core values to the European Courts annually through our Permanent

Delegation to the European Court of Human Rights and our Permanent Delegation to the Court of Justice and the General Court and the EFTA Court and in addition, this year, we held a significant meeting with Laura Codruța Kövesi and her team in the European Public Prosecutor's Office (EPPO). The CCBE were in a position to articulate concerns around the deficiency in procedural safeguards, supported by our colleagues in the European Criminal Bar Association. We received a constructive reception and the practice of the EPPO will be the better for it.

A little more challenging was our meeting with the Organisation for Economic Co-operation and Development. There we had to explain the role of lawyers and rebut the suggestion that lawyers are wholesale professional enablers of improper conduct, a view that is increasingly expressed despite the lack of evidence. Naturally, lawyers, like anyone else, can be complicit in crime which all Bars and Law Societies condemn and they do not extend professional protection to transgressors. Such criminal colleagues are very much the minority. However, some ill-informed comments blur the line between what is permitted and what is prohibited. In truth, the responsibility for ensuring that there are no undesired legal loopholes lies not with practitioners but with lawmakers.

I do not wish to comment on all of the activities of the year as they are set out appropriately in their own sections of this report. Some words of thanks are due.

Firstly, to all of our delegations, particularly the Heads of Delegation and Information Officers.

Secondly, our specialist committees and Chairs of committees. Our Past Presidents are a great source of support, and as happy as the rest of us to resume in person meetings and attend Plenary Sessions and Standing Committees in great numbers to give the benefit of wisdom and experience. I hope I will be forgiven for singling out one past President who was particularly patient and watchful to ensure I did not fall into *error*. Evangelos Tsouroulis, thank you.

The CCBE could not succeed in the work that it undertakes without the very efficient Secretariat lead by our Secretary General, Simone Cuomo. We have all had experience of our domestic organisations and indeed in our own firms and in my opinion the professionalism of the CCBE is unparalleled. Our team of legal advisors, managers, communications experts and administrators and most recently public affairs expert total no more than 13 and look how much they achieve.

On that note I would like to pay a special word of thanks to Sophie Testaert who has moved on from the organisation after 24 years. We wish her well for the future.

Finally it was a pleasure to be part of a Presidency team that were never found wanting when work had to be done. Our weekly video calls proved to be both professional and cordial.



Thank you Panagiotis, Dominique and Thierry who, together with Roman as next year's team, will be a great combination. I wish you every success personally and for the organisation.

I wish everyone a happy and prosperous 2023 and peace with justice.

JAMES MACGUILL

CCBE Membership in 2022

Change in the CCBE membership

- Full Members
- Affiliate Member
- Associate Members
- Observer Members

Azerbaijan: Following a presentation by the Azerbaijani Bar Association (ABA) containing detailed explanations of improvements in the Azerbaijani legal system and with clear commitments for the future, the application of the ABA for observer membership of the CCBE was accepted at the CCBE Plenary Session of 13 May 2022 in Dublin.

FULL MEMBERS

AFFILIATE MEMBERS

ASSOCIATE MEMBERS

OBSERVER MEMBERS

Bars and Law Societies from 46 European countries

31 — **1** — **7** — **7**

Full Members — Affiliate Member — Associate Members — Observer Members

The CCBE in figures



+1 Million
European lawyers

The CCBE is recognised as the voice of the European legal profession representing, through its members, more than 1 million European lawyers.

58 

Bars & Law Societies

The CCBE represents European Bars and Law Societies in their common interests before European and other international institutions.



46
Countries

31 full members
1 affiliate member
7 associate members
7 observer members

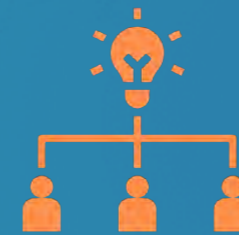


29
Positions
& publications

- 12 Position Papers
- 12 Statements
- 2 Responses to EU Consultations
- 1 Guidance on Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers
- 1 Guide for a Model Foreign Legal Consultant (Status)
- 1 Guide on the use of Artificial Intelligence-based tools by lawyers and law firms in the EU

6

Plenary Sessions & Standing Committees



82
Committee & Working Group Meetings

54

Participations in external events and meetings

Including events organised at European or international level including meetings with key actors at EU level and other leading institutions, like the Council of Europe.

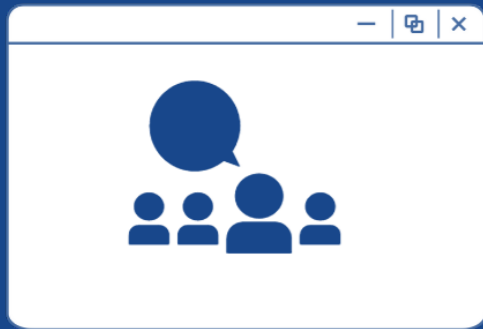


The CCBE in figures



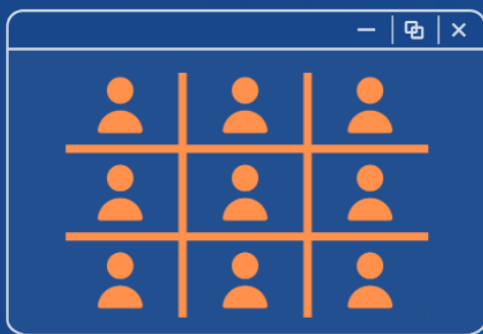
6
online events

17/01/2022 Online joint Training Committee meeting with the European Lawyers Foundation (ELF) network



15/06/2022 Online joint webinar with ELF on Ukraine and EU Sanctions

23/06/2022 Joint CCBE and Federation of European Bar Associations (FBE) conference



11/07/2022 Special meeting of the Migration Committee with participation of guests from FRA on the implementation of the TPD

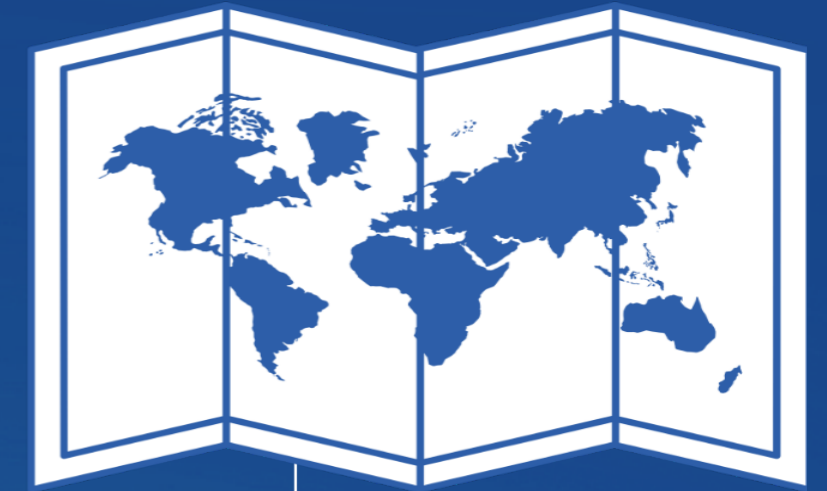
19/07/2022 Webinar on the European Judicial Training Report and its questionnaire organised jointly by the CCBE and the European Commission

10/10/2022 Event on Surveillance and the impact of modern spyware tools on fundamental rights

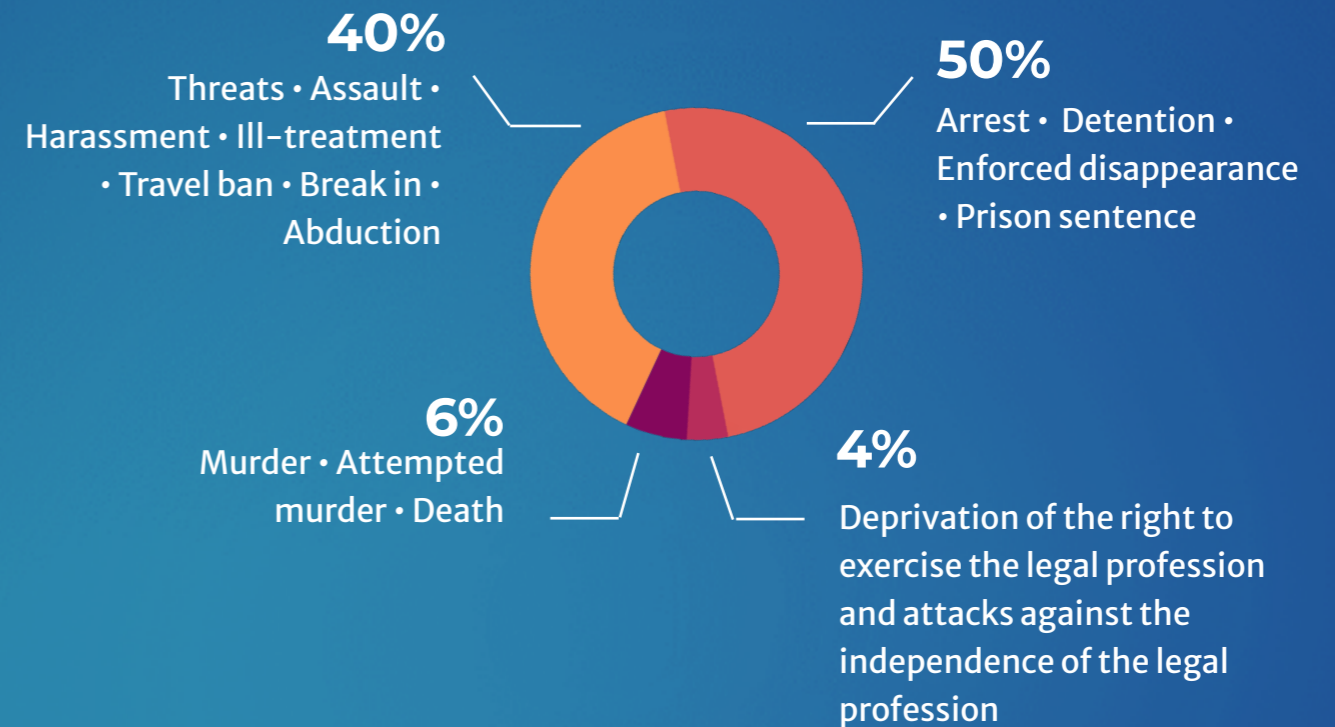
81

letters in support of endangered lawyers

sent to **40** countries around the world



Type of attacks



HIGHLIGHTS OF 2022

Ukraine

The invasion of Ukraine by Russia has been at the focal point of the CCBE in 2022. From the very beginning, the CCBE took action to provide assistance through various initiatives and dedicated several webinars meetings and work to this matter. Furthermore, the CCBE has been in constant close contact with the Ukrainian National Bar Association (UNBA) and invited them to address and report developments at each Standing Committee and Plenary Session that took place in order to ensure that the assistance provided is as effective and useful as can be to the UNBA, Ukrainian lawyers and citizens. Moreover, the CCBE decided to change the membership status of the UNBA from observer member to associate member at its November Plenary Session.

Statement on the invasion of Ukraine and video message

Following the Russian attack on Ukraine, a CCBE statement was immediately unanimously approved at its February Standing Committee, calling on the International Criminal Court Prosecutor to commence an immediate investigation with a view to the trial of the President of Russia, Vladimir Putin, and his accomplices.

In parallel, the CCBE President, James MacGuill, also prepared a video message which was published together with the statement.

> Watch the official CCBE video statement on the invasion of Ukraine



Letter to the International Criminal Court Prosecutor on the CCBE statement

On 4 March 2022, a CCBE letter was sent to the Prosecutor of the International Criminal Court (ICC), Karim A.A. Khan QC, drawing attention to the above-mentioned CCBE statement on the invasion of Ukraine and offering any necessary support of the CCBE and its members.

Read the document

Statement on the application of the Temporary Protection Directive to certain persons displaced by the Russian invasion of Ukraine

In addition, a further statement was adopted at the CCBE May Plenary Session on the application of the Temporary Protection Directive (TPD) to certain persons displaced by the Russian invasion of Ukraine. In this statement, the CCBE welcomed the

historic decision of the Council of the EU to give protection to Ukrainians fleeing the war in their country by activating the Temporary Protection Directive (TPD). At the same time, the CCBE points to several issues that have been identified in the first two months of the application of the Directive and which require clarification or raise concerns.

Read the document

Recommendations on qualifications of Ukrainian lawyers

Moreover, following the approval at the June Standing Committee, the CCBE published recommendations for Bars and Law Societies regarding the qualifications of Ukrainian lawyers, taking into consideration the Recommendation of the European Commission on the recognition of qualifications for people fleeing Russia's invasion of Ukraine.

Read the document

Training for lawyers

The CCBE, in cooperation with the European Lawyers Foundation (ELF), organised two webinars focused on the impact of the situation in Ukraine and the role of the legal profession. The first took place on 20 May, and focused on "[Ukraine and the International Criminal Court \(ICC\): the role of European lawyers](#)". The webinar, which included presentations from several ICC key speakers, provided

→ continued on page 18

→ Training for lawyers

an introduction to the ICC and the Rome Statute, and particularly on the role of lawyers defending victims before the Court. The webinar also addressed the application of the universal jurisdiction principle whereby States can prosecute criminals who are on their territory, regardless of where the crimes may have been committed or of the nationality of the perpetrators and the victims. The event gathered more than 200 participants and can be watched [here](#). The second joint CCBE-ELF webinar entitled “EU sanctions and Ukraine – the role of the legal profession” took place on 15 June. The aim of this webinar was to help European lawyers navigate the EU Russian sanction packages. This event was a huge success as it gathered over 700 participants, which is the largest number of participants in any CCBE/ELF webinar to date. During the event, there were presentations from the European Commission, as well as several lawyers and Bars and Law Societies. The main outcomes of the webinar are available [here](#).

Sanctions on Russia

The CCBE established a pool of experts to consider sanctions related measures which impact on legal advisory services following the introduction on 6 October 2022 of measures which prohibit the provision of legal advisory services, directly or indirectly to the Government of Russia, or legal persons, entities or bodies established in Russia. The prohibition does not apply in a number of circumstances. The CCBE has been considering the impact of the sanctions



> From left to right: Nadia Volkova, Ukrainian lawyer, Valentyn Gvozdiy Vice-President of the UNBA, Lidiya Izovitova, President of the UNBA, Marie Arena, Chair of the Subcommittee on Human Rights of the European Parliament (DROI), Stefan von Raumer, Chair of the CCBE Human Rights Committee, and James MacGuill, President of the CCBE during the CCBE Human Rights Award 2022.

and has been in contact with the Commission seeking clarification regarding a number of aspects. The CCBE also began to examine the Commission proposal (from December 2022) for a Directive on the definition of criminal offences and penalties for the violation of Union restrictive measures (sanctions).

The CCBE also had several exchanges with the European Commission in order to discuss several issues in regard to Ukraine, including sanctions. Following the implementation of sanctions against Russia, the European Commission created a Task Force on ‘Freeze and Seize’, which aims to coordinate EU and national actions. A subgroup of the Task Force was also created and is coordinated by DG FISMA (Financial Stability, Financial Services and Capital Markets Union), which looks at possible measures that go beyond asset freezing, for example confiscation, and includes representatives of Member States. The CCBE was invited to participate in a meeting with the subgroup on asset freezing in April together with several other European associations. In order for the CCBE to be in a position to contribute to the discussions

and to determine whether CCBE Bars and Law Societies required any assistance regarding the sanction-related measures, the CCBE conducted a survey among its members on this topic. The CCBE was regularly in contact with the EU Agency for Fundamental Rights (FRA) in this regard as well.

European Lawyers Day 2022

In light of the invasion of Ukraine and the impact on the populations concerned, the CCBE chose the focus theme for the 2022 European Lawyers’ Day on 25 October to be on “making the law prevail in times of war: the role of lawyers”. The aim of this focus was to highlight the important role lawyers and Bars and Law Societies can play in such a context of war by safeguarding



individual human rights. Among other things, lawyers play an important role in the context of war by assisting people fleeing conflict and in search of safe haven. By being present at the borders or opening up contact points providing legal assistance to refugees, lawyers contribute to defending the right to asylum guaranteed by instruments such as the EU Charter of Fundamental Rights (Article 18) or the Geneva Convention of 1951. Lawyers also play a key role in relation to sanctions imposed by governments in the context of war, both in terms of evaluating the impact of sanctions on legal services, and in relation to lawyers’ role in advising clients regarding how to comply with measures and sanctions. Several Bars and Law Societies prepared similar initiatives and events in order to promote this day and important themes.



[More information on ELD here.](#)

CCBE Human Rights Award 2022: Ukraine in the spotlight

As mentioned in the dedicated section on the CCBE Human Rights Award 2022, this year’s award was granted at the November Plenary Session to Ukrainian lawyer Nadia Volkova and the Ukrainian National Bar Association (UNBA). With this award, the CCBE wishes to highlight the important role that the legal profession plays for Ukrainian citizens in defending their fundamental rights. It also demonstrates the need to preserve the integrity of the administration of justice and the rule of law, especially in times of war.

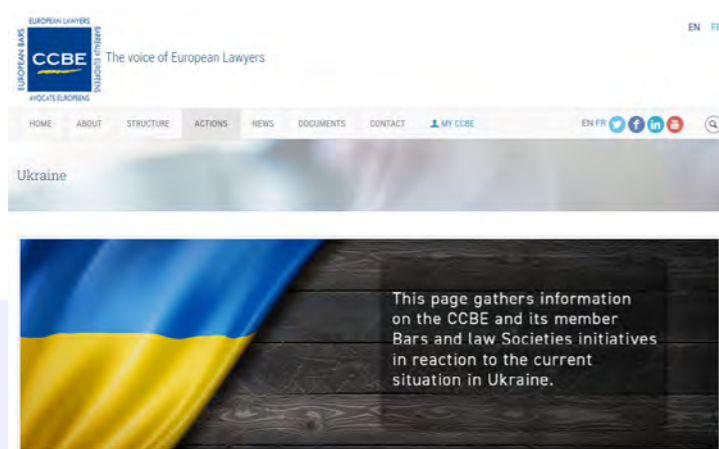


[More information on the CCBE Human Rights Award here.](#)

→ Continued Highlights of 2022 – Ukraine

Financial support and aid

The CCBE as well as several of its member Bars and Law Societies provided financial support which will be used to support Ukrainian lawyers and their families. ■



Consult the CCBE webpage dedicated to Ukraine

With aim to make it easier for Ukrainian lawyers and people in need to receive legal assistance, the CCBE created a webpage specifically dedicated to the situation in Ukraine which gathers information on initiatives of the CCBE and its member Bars and Law Societies. An example of this is the link to an initiative of the Council of Europe Programme for Human Rights Education for Legal Professionals (HELP) and the European Commission which involves the setting up

of virtual Asylum/Migration HELP eDesks for lawyers assisting people fleeing the war in Ukraine. These eDesks are managed by HELP tutors, which include CCBE experts. The CCBE webpage, and in particular this initiative, was also embedded in the e-Desks General Resources section of the Council of Europe, which in turn created visibility for the CCBE's involvement as well as allowed national officers to disseminate this information within their country. Moreover, the

webpage also includes a list of national and/or local contact points indicated by Bars and Law Societies which can be contacted by people fleeing Ukraine who need legal assistance. This list has been regularly updated since its initial publication and is now available in Ukrainian language. The updated document has also been published by the European Commission on its website dedicated to Ukraine, giving this initiative more visibility.



READ MORE

HIGHLIGHTS OF 2022

The digitalisation of justice

Throughout the year, the CCBE organised and engaged in numerous initiatives on the digitalisation of justice as it remained a key priority for the CCBE in 2022 as it was in 2021.

While the CCBE welcomes initiatives that support the digitalisation of judicial procedures, foster interoperability of different national systems, and support the uptake of new technologies in the day-to-day functioning of justice systems, it is vital to remain vigilant about the guarantees which must be in place to protect fundamental rights and to respect the core values of the legal profession. This concern raised by the CCBE was also fully agreed within the speech of the Director for Civil and Commercial Justice, Salla Saastamoinen, at the CCBE November Plenary Session.

will contribute to a stronger, healthier, more secure and more widely used digital ecosystem of the EU. However, the CCBE also identified various concerns which are outlined in the position paper.



Read the document

Position paper on the proposal for a regulation laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act)

Throughout the year, the CCBE continued to closely follow the EU legislative process on the use of Artificial Intelligence as well as the work of the Council of Europe for a legal framework on AI undertaken by the Committee on Artificial Intelligence (CAI), for which the CCBE participated in the inaugural meeting on 4 to 6 April 2022. To this end, following the publication of the European Commission

Position paper on the e-ID proposal: a good initiative but some amendments and clarifications are needed

On 1 April 2022, the CCBE adopted a position paper in response to the e-ID proposal which reviews the e-IDAS regulation. The CCBE considers that the new proposal

→ Continued on page 22



> Peter Homoki, author of the *Guide on the use of AI-based tools by lawyers and law firms in the EU*

proposal on the Artificial Intelligence Act, the CCBE adopted a position paper on 8 October 2022, which was also discussed and presented to a range of MEPs. This paper builds on previous papers prepared by the CCBE and wishes to further develop its position in relation to several aspects of the proposal for Artificial Intelligence Act.

[Read the document](#)

Position paper on the proposal for a regulation on harmonised rules on fair access to and use of data (Data Act)

In response to the European Commission proposal for a regulation on harmonised rules on fair access to and use of data (Data Act), the CCBE adopted a position paper on 11 November 2022. The aim of the proposal is to ensure fairness in the allocation of value from data among actors in the data economy and to foster access to and use of data. However, the CCBE considers, among others, that the personal and material scope of the Data Act proposal is too broad, that the Data Act should provide for a general provision to ensure an adequate protection of Professional Secrecy/Legal Professional Privilege and that the

scope and the conditions for making the data available to public bodies should be clarified.

[Read the document](#)

Position paper on the proposal for a regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters

On 29 July 2022, the CCBE adopted an additional position paper in response to the European Commission proposal for a regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters. This position paper follows several other papers prepared by the CCBE in 2021 regarding this initiative.

[Read the document](#)

Statement on the Pegasus scandal

On 1 February 2022, the CCBE released a statement to express its serious concern over the so-called “Pegasus scandal” and the surveillance or potential surveillance of lawyers, and reiterated the importance of Professional Secrecy and Legal Professional Privilege. In this regard, the CCBE called upon national and European authorities, through EU institutions and the Council

of Europe, to take steps to protect and enhance the confidentiality of lawyer-client communications when modern technology is used and that it should be ensured that material protected by professional secrecy and legal professional privilege is out of the scope of surveillance operations through instruments of international law, such as a European Convention on the legal profession. Lastly, in the statement, the CCBE invited national and European authorities to consider its recommendations on the protection of fundamental rights in the context of ‘national security’ as well as on the protection of client confidentiality within the context of surveillance activities.

[Read the document](#)

Joint statement to call on the EU to ban predictive and profiling systems in policing and criminal justice in the AI

The CCBE signed a joint statement published on 1 March 2022 calling upon the European Union to ban predictive and profiling systems in policing and criminal justice in the AI. The statement notes that while significant steps have been taken to regulate AI systems, including in the area of law enforcement and criminal justice, the EU institutions and all EU Member States should prohibit AI predictive and profiling AI systems in law enforcement and criminal justice in the AIA.

[Read the document](#)

CCBE-ELF Guide on the use of AI by lawyers and law firms in the EU

As part of the joint CCBE and the European Lawyers Foundation (ELF) project “AI4Lawyers”, which was financed with the support of the Justice Programme of the European Union, the fourth and last phase was finalised in 2022 in the form of a *Guide on the Use of AI by lawyers and law firms in the EU*. The objective of the project was to provide a better understanding for lawyers and small and medium-sized law firms on how to use the opportunities provided by new technologies, such as conversational systems, which can open up new service channels to clients. More specifically, the Guide will help lawyers to better understand the use of AI and other novel IT technologies in their daily practice. The Guide’s approach is educational and provides practical information on what tools to use and how to use them. The Guide was officially presented during a public presentation organised by the CCBE and ELF on 31 March 2022. After opening speeches from the CCBE President, James MacGuill, and the Chair of the ELF Board of Directors, Péter Szabó, the event was followed by two panels focused on (1) “The digital transformation of law firms – challenges and opportunities” and (2) “Can AI deliver Justice?”.

[Read the document](#)



Watch the videos of the different presentations and exchanges dedicated to the event.

Workshop on Digitalisation of justice: Towards an EU roadmap?
24 October 2022
 Organised by the Czech Presidency of the Council of the European Union in cooperation with the European Commission at the premises of the Permanent Representation of the Czech Republic to the EU
 Rue du Trône 130, 1050, Ixelles, Brussels

16:00 - 16:15 Welcome speech
 Martin Sustr, Head of the Justice and Home Affairs Unit at the Permanent Representation of the Czech Republic to the EU

16:15 - 16:45 Overview of EU measures by the European Commission
 The Commission will take stock of the recent and current initiatives on digitalisation of the EU area of justice.
Areas and speakers:

- Cristian Nicolau, DG JUST - the e-Evidence Digital Exchange System (e-EDES)
- Haldi Koit, DG JUST - Digitalisation in the context of the Service of Documents and Taking of Evidence (precast) Regulations
- Katerina Entcheva, DG JUST - Proposal on the digitalisation of cross-border judicial cooperation
- Anna von Hamier, DG JUST - Proposal on establishing a Joint Investigations Teams (JITs) collaboration platform, Proposal on the counter-terrorism register

16:45 - 18:00 Strategies for e-justice - is a roadmap for the digitalisation of justice needed?
 The goal of this panel discussion is to explore whether there is a need for a roadmap that would consolidate the current and expected digitalisation initiatives and help set out the implementation strategy in the field of e-justice.
Moderator: Pavel Loutocký, Researcher at the Institute of Law and Technology of Masaryk University, Czech Republic
Speakers:

- Pauline Dubarry, Permanent Representation of France to the EU, PRES Trio
- Radek Měrika, Ministry of Justice of the Czech Republic, PRES Trio
- Pontus Nilsson, Ministry of Justice of Sweden, PRES Trio
- Alain Pilette, General Secretariat of the Council of the European Union

18:00 - 18:30 Coffee break

18:30 - 20:00 Reflections and possible ways forward - what areas of digitalisation of justice should a potential roadmap prioritise?
 This moderated debate will bring the voices of different actors to the table and allow them to discuss outstanding challenges and opportunities at the Union level where digitalisation could bring value. Allowing them also the opportunity to suggest possible ways forward towards the definition of a potential roadmap.
Moderator: Cristian Nicolau, Head of Unit JUST B3, European Commission
Speakers:

- Sandra Taal, Ministry of Justice and Security of the Netherlands
- Representative of Spain (TBC)
- Ledi Hommik, Permanent Representation of Estonia to the EU
- Jorge Espina, Eurojust Cybercrime Team
- Giampaolo Marozz, Council of the Notariats of the EU
- Simone Cuomo, Council of Bars and Law Societies of Europe
- Pavel Loutocký, Institute of Law and Technology, Masaryk University, Czech

EU2022.CZ

proceedings, governments should strive to improve justice, rather than simply seeking cost benefits or efficiency gains. If the aim is only to make justice cheaper, the quality of justice will certainly suffer. On the other hand, if digitalisation is used as a means to improve the judicial process by ensuring that the needs of all parties are properly taken into account and integrated into the process, then e-justice has the potential to increase access to justice!"

EU Forum of the Legal Professions on "Maintaining the attractiveness of the legal professions: how can we anticipate future trends"

On 2 December 2022, representatives of the CCBE participated in the first conference of the EU Forum of the Legal Professions, which is facilitated by the Academy of European Law and brings together numerous European legal professions organisations. As part of the CCBE's involvement, the Chair of the CCBE Future of the Legal Profession and Legal Services Committee, Christian Lemke,

and the Chair of the CCBE Corporate Social Responsibility Committee, Alix Frank-Thomasser, presented respectively in the second session of the conference on "The image of the legal professions" and third session on "Access to the legal professions". Amongst other things, in his speech, Christian Lemke described the impact of LegalTech on both the public's expectations of the justice system and the skills required of future lawyers. Furthermore, he underlined the need for legal professionals to invest on digitalisation in order to follow these expectations. In addition, Alix Frank-Thomasser underlined also in regard to digitalisation that COVID-19 has acted as a catalyst to turbocharge digital developments, and it is thus essential for legal professionals to successfully deal with digitalisation, automation, artificial intelligence and remote work. ■



> The CCBE President addressing the IBA Miami session on "Reversing the Rule of Law deficit in Europe: how commercial law firms can help".

World Justice Forum

On 31 May 2022, the CCBE Secretary-General, Simone Cuomo, addressed the World Justice Forum Plenary in the Hague on "Realising Tech for Good: Political, Legal, and Ethical Challenges". In his presentation, he highlighted in particular that "with the great benefits offered by technology, also comes a great responsibility to ensure that the use of technologies in justice remains ethical, fair and human centred."

lawyers?". In his speech, he stressed that the right of access to a lawyer should always be guaranteed to anyone accused of a criminal offense. However, for legal services in general, it is important that lawyers be encouraged to always consider the broader implications of their work and be supported to prevent their clients from misusing their advice for illegal activities or abuse of the judicial process.

IBA Miami session on "Do 'bad' clients deserve 'good' lawyers?"

On 3 November 2022, the CCBE Secretary-General, Simone Cuomo, participated in a session as part of the International Bar Association 2022 annual conference in Miami on "Do 'bad' clients deserve 'good'

Workshop on the digitalisation of justice: towards an EU roadmap?

On 24 October 2022, the Secretary-General of the CCBE, Simone Cuomo, participated in a workshop regarding a possible EU roadmap for the digitalisation of justice, which was organised by the Czech Presidency of the Council of the EU. During his presentation to the government officials, he stressed in particular that "when digitalising judicial

HIGHLIGHTS OF 2022

Defending the principle of non-identification of lawyers with their clients



Recent events at a European and international level have given rise to situations whereby lawyers have been presented as enablers of illegal or unethical practices (see [highlight](#) regarding the role of lawyers in relation to invasion of Ukraine by Russia). The CCBE and its member Bars and Law Societies found it important to make it clear that they would never condone the actions of any lawyer who knowingly participates in any criminal activity of a client, whether relating to money laundering, tax evasion or any other criminal activity. However, recent proposals would have a serious impact on the legal profession and society at a wider level. To this end, the CCBE considered it vital to make this a priority and raise its voice in this regard to ensure that the risks and consequences of proposed measures are explained and understood.

Response to the public consultation on tackling the role of enablers

The CCBE adopted its response to the European Commission consultation on “Tax evasion & aggressive tax planning in the EU – tackling the role of enablers”. In its response, the CCBE reaffirms that it firmly condemns any lawyer engaging in illegal activities and reminds that such lawyers face both criminal charges in front of ordinary courts and disciplinary sanctions, including disbarment. However, the CCBE strongly opposes the generic categorisation of lawyers as “enablers”. Lawyers are genuinely “gatekeepers”, not “enablers”. As underlined by the Organisation for Economic Co-operation and Development (OECD), “The majority of professionals are law-abiding and play an important role in assisting businesses and individuals to understand and comply with the law and helping the financial system

run smoothly. Such law-abiding professionals are to be differentiated from a small set of professionals who use their skills and knowledge of the law to actively promote, market and facilitate the commission of crimes by their clients”.



[Read the document](#)

Guidance on “Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers”

The CCBE adopted its Guidance on “Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers”. The CCBE has been following for many years the developments in the field of corporate social responsibility (CSR) and its impact on the profession of lawyers in general.

The adopted guidance, which is directed to lawyers, law firms, Bars and Law Societies, provides an overview of recent social and political developments in CSR and can thus serve as a tool to consider key issues in the practice of the legal profession today. This Guidance builds on previous CCBE Guidances, the last one dating from 2017, and contains two updated lists of practical questions for self-assessment, one specifically for lawyers and law firms, and the other for Bars and Law Societies.



[Read the document](#)

[→ Continued on page 28](#)



→ Continued: "Defending the principle of non-identification of lawyers" with their clients

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The CCBE and its member Bars and Law Societies found it important to make it clear that they would never condone the actions of any lawyer who knowingly participates in any criminal activity of a client, whether relating to money laundering, tax evasion or any other criminal activity. However, recent proposals would have a serious impact on the legal profession and society at a wider level. To this end, the CCBE considered it vital to make this a priority and raise its voice in this regard to ensure that the risks and consequences of proposed measures are explained and understood.

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Conference on the Role of lawyers post-pandemic 2022: the dynamics of working in polarised societies, the changing image of lawyers, and the evolution of legal practice

In conjunction with the CCBE June Standing Committee, a joint conference was organised by the CCBE and the European Bars Federation (FBE) on "The Role of lawyers post-pandemic 2022 - The dynamics of working in polarised societies, the changing image of lawyers, and the evolution of legal practice". Several important issues were addressed during the conference, including the promotion of social responsibility and countering abusive litigation, as well as innovation and digitalisation of legal practice (see previous highlight for more information on the CCBE's work regarding digitalisation).

Meeting with the OECD Task Force on Tax Crimes and Other Crimes

Similarly to the previous year, the CCBE was invited to another meeting on 29 June 2022 with the Organisation for Economic Cooperation and Development (OECD) Task Force on Tax Crimes and Other Crimes. The Task Force is composed of representatives from more than 40 countries and the delegates mainly came from three types of institutions: tax administrations; ministries of finance; and law enforcement (police, public prosecutors, etc.). During this meeting, the CCBE was represented by its President, James

MacGuill, the Chair of the CCBE Tax Committee, Jacques Taquet, the Chair of the Anti Money Laundering Committee, Rupert Manhart, the Chair of the Deontology Committee, Bertrand Debosque, and the CCBE Head of Public Affairs, Peter McNamee. During one of the session of the meeting on "The role of professional associations in fighting professional enablers", the CCBE had the opportunity to present what professional associations do in the field of prevention, and any work and measures put in place that aim to tackle crime by professionals. legal professionals to successfully deal with digitalisation, automation, artificial intelligence and remote work. ■

HIGHLIGHTS OF 2022

European Convention on the protection of the profession of lawyer

Since its very initiation in 2017, the CCBE has strongly supported the work carried out by the Council of Europe on the establishment of a new legal instrument on the protection of the profession of lawyer. The CCBE strongly believes that a binding legal instrument is needed in order to respond to the increasing attacks and challenges faced by the legal profession, which directly hinder the respect for the rule of law and access to justice for lawyers' clients.

Towards a new legal instrument

As of January 2022, the [Committee of Ministers of the Council of Europe](#) established a Committee of experts on the protection of lawyers (CJ-AV). The Committee is tasked with the elaboration of a legal instrument aimed at strengthening the protection of the profession of lawyer and the right to practice the profession without prejudice or restraint, under the authority of the Committee of Ministers and of the European Committee on Legal Co-operation (CDCJ).

The CJ-AV consists of 15 representatives

of Member States, as well as participants and observers, including the CCBE, as set out in the adopted [terms of reference](#). As an observer, the CCBE actively contributed to the work of the CJ-AV during and in between the three meetings of the CJ-AV that were organised in 2022. Three additional meetings will be organised in 2023 to further discuss the content of this future legal instrument.



> Laurent Pettiti, Chair of the CCBE European Convention WG as representative for the CCBE in the CJ-AV's meetings.

New observer status for the CCBE

In relation to the work of the CJ-AV, but also the broader activities of the CCBE, [the European Committee on Legal Cooperation \(CDCJ\)](#) decided at its 99th plenary meeting in November 2022, to grant observer status to the CCBE in order to contribute to the achievement of its objectives.

Since its establishment in 1963, the CDCJ is responsible for the standard-setting activities of the Council of Europe in the field of public and private law. The achievements of the CDCJ are to be found, in particular, in the large number of binding or non-binding international legal instruments it has prepared for the Committee of Ministers.

Report of the UN Special Rapporteur on the independence of judges and lawyers

The CCBE participated in the 50th UN Human Rights Council in Geneva, where the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, presented his [report](#) on the "Protection of lawyers against undue interference in the free and independent exercise of the legal profession".

In his concluding remarks to the UN Human Rights Council, the Special Rapporteur particularly underlined his gratitude to the CCBE for its collaboration and [contribution](#) to the preparation of the report, praising its work for the "defence of defenders". He ended his presentation by appealing again to the Council of Europe Member States to support the adoption of a binding legal instrument on the protection of the free and independent exercise of the legal profession, which is open to accession by non-Member States of the Council of Europe. ■



Watch the video presentation of the report at the UN Human Rights Council in replay.



Watch the interview with the UN Special Rapporteur on the Independence of Judges and Lawyers.

HIGHLIGHTS OF 2022

Environment and climate change

The protection of the environment and the pressing challenges posed by the current climate crisis directly affect the fundamental rights and freedoms of citizens, as well as the right of access to justice. As a key organisation representing the legal profession in Europe and defending the rule of law, fundamental and human rights, the CCBE, together with its member Bars, has a role to play in addressing the climate crisis and its consequences on the profession of lawyer. Furthermore, a strong commitment from the legal profession to engage with current and future legislative and policymaking efforts to address the climate crisis is crucial and should be further promoted.



To this end, the CCBE established a new Committee on Environment and Climate Change at the beginning of 2022 to deal with issues related to the environment and climate change where relevant to the profession of lawyer. During its first year of existence, the Committee met several times to discuss various aspects of climate change and the environment and its impact on the legal profession. The Committee expressed its views on the content of a report by the

European Lawyers Foundation (ELF) on “The impact of climate change on EU citizens’ fundamental rights - perspective from the point of view of lawyers”. Moreover, the CCBE participated in several events, including in the “International Meeting between Bars and Law Societies on Climate Change” organised by the Law Society of England and Wales, and the [workshop](#) on “Implementing human rights and environmental due diligence” which was co-organised by the Council of

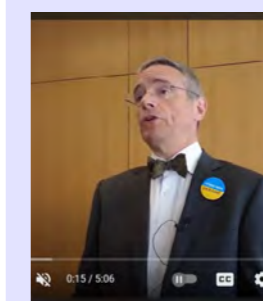
Europe Steering Committee for Human Rights (CDDH) and the Transversal Challenges and Multilateral Projects Division of the Council of Europe.

The Committee also had a thorough reflection on the approach to be taken in its future work. The results of these reflections are expected to be published in the course of 2023.

Furthermore, in the framework of its relationship with the Council of Europe, the CCBE closely followed the work of the Council

of Europe Drafting Group on Environment and Human Rights (CDDH-ENV). In particular, the CCBE contributed to the work on the revised recommendation on human rights and the protection of the environment calling on the 46 Council of Europe Member States to actively consider recognizing, at national level, the right to a clean, healthy and sustainable environment, as a human right.

In 2022, the CDDH also published the [3rd edition of its Manual on Human Rights and the Environment](#), which the CCBE circulated to its members. The aim of this Manual is to promote a better understanding of the relationship between human rights and the environment. It examines how the European Convention on Human Rights and the European Social Charter, in particular, contribute to the strengthening of environmental protection at national level, through the evolving case law of the European Court of Human Rights and the conclusions and decisions of the European Committee on Social Rights. The Manual also includes examples of good national practices amongst Member States in its appendix. ■



Watch the video interview of the Chair of the CCBE Environment and Climate Change Committee, Jean-Marc Gollier.



Committees & Working Groups

OVERVIEW OF PUBLICATIONS IN 2022

Deontology Towards a Model Code of Conduct

- CCBE first comments on the European Parliament's recommendations to the Commission on Responsible private funding of litigation (13/05/2022)

European Private Law

- CCBE introductory remark and response to the EC consultation on improving compliance with consumer rights across the EU (24/06/2022)

International Legal Services

- CCBE recommendation on qualifications of Ukrainian lawyers (24/06/2022)
- CCBE Guideline for a Foreign Legal Consultant Status (25/11/2022)

Rule of Law

- CCBE Contribution for the 2022 Rule of Law Report (25/05/22)

Corporate Social Responsibility

- Guidance: *Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers*

Family & Succession Law

- CCBE response to the EC consultation on the cross border protection of vulnerable adults (25/02/2022)
- CCBE preliminary observations on the creation of a European instrument on parenthood (29/07/2022)

Tax

- CCBE statement on VAT rates applicable to legal services in reaction to the Draft Council Directive dated 7 December 2021 (01/04/2022)
- CCBE response to the public consultation on tackling the role of enablers (07/10/2022)

IT Law

- Guide on the use of AI by lawyers and law firms in the EU*

- Joint statement to call on the EU to ban predictive and profiling systems in policing and criminal justice in the AI (01/03/2022)
- CCBE position paper on the e-ID proposal (01/04/2022)

- CCBE position paper on the proposal for a regulation on the digitalisation of judicial cooperation and access to justice in cross border civil commercial and criminal matters (29/07/2022)
- CCBE position paper on the Data Act (25/11/2022)



Permanent Delegation to the Human Court of Human Rights

- CCBE open letter on the proposed new Rule 44F and the proposed amendment to Rule 33§1 of the Rules of the Court (20/05/2022)



Human Rights

- The CCBE sent 81 letters in support of endangered lawyers to 40 countries around the world.
- Joint statement in support of the Gezi defendants (Turkey) (29/04/2022)
- International Fair Trial Day 2022: joint statement on the situation in Egypt (17-18/06/2022)
- Joint statement on the continued administrative detention and harassment through judicial proceedings of Salah Hammouri (09/08/2022)
- Joint oral statement at the 51st Session of the United Nations Human Rights Council: "Interactive dialogue on the interim oral update of the High Commissioner on the situation of human rights in Belarus" (23/09/2022)
- Joint oral statement on the situation of lawyers and human rights in Belarus at the OSCE Warsaw Human Dimension Conference (04/10/2022)
- Joint statement calling for the release of Li Yuhan (29/11/2022)



Migration

- List of contact points which can be contacted by people fleeing Ukraine and in need of legal assistance (20/04/2022)
- CCBE statement in favour of strengthening key procedural safeguards for unaccompanied children in transnational procedures (13/05/2022)
- CCBE statement on the application of the Temporary Protection Directive to certain persons displaced by the Russian invasion of Ukraine (13/05/2022)
- CCBE statement following the deaths of migrants attempting to cross from Morocco to Melilla (04/08/2022)
- CCBE recommendation on the framework on legal aid in the field of migration and international protection (25/11/2022)

Permanent Delegation to the Court of Justice and the General Court of the European Union and the EFTA Court

- CCBE preliminary observations future changes to the Rules of Procedure of the General Court the development towards an Integrated Case Management System (01/04/2022)



Surveillance

- CCBE statement on the Pegasus Scandal (01/02/2022)
- CCBE position on the proposal for a regulation laying down rules to prevent and combat child sexual abuse (25/11/2022)
- CCBE open letter on the signature and ratification of the Second additional protocol of the Budapest Convention (27/04/2022)

Committees & Working Groups

OVERVIEW OF ACTIVITIES IN 2022

CHAIR: ELISABETH SCHEUBA (AUSTRIA)

Access to Justice

The Committee analysed the draft Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings, carried out a survey on several aspects of the draft Directive and worked on the position of the CCBE. In addition, the Committee monitored the work of the [Expert Group against SLAPP](#) of the European Commission, as well as the work of the European Parliament and the Council on this draft Directive.

Following the official request of the CCBE, the Steering Committee on Media and Information Society (CDMSI) of the Council of Europe granted the CCBE observer status to its subordinate Committee of Experts on Strategic lawsuits against public participation (MSI-SLP). Therefore, the Committee followed the work of the MSI-SLP of the Council of Europe and analysed the draft Recommendation on strategic lawsuits against public participation (SLAPP).

As in previous years, the Committee also discussed the content of the [EU Justice Scoreboard](#) and provided its support to the European Commission in relation to gathering data on the level of court fees, financial eligibility criteria for legal aid in civil and commercial law across EU Member States, as well as on the independence of Bars, Law Societies and lawyers for the annual edition of the [EU Justice Scoreboard](#).

Furthermore, the Committee discussed several aspects of legal aid and continued its work on the update of the CCBE Recommendations on legal aid adopted in 2018.

Lastly, following the requests of its members, the Committee carried out some surveys on judicial review and the length of written pleadings in appeal proceedings.



CHAIR: RUPERT MANHART (AUSTRIA)

Anti-Money Laundering

In 2022, the Anti-Money Laundering (AML) Committee continued to follow the work of the institutions on the so-called anti-money laundering package, which was published in July 2021. The CCBE has been in regular contact with co-legislators (the Council and the European Parliament), and the CCBE's actions included, for example, analysing draft reports issued by MEPs-rapporteurs and submitting written suggestions for amendments to these reports or participating in a public hearing in the European Parliament, regarding proposals for a 6th AMLD, AML Regulation and AML Authority Regulation. In line with its [position paper](#) adopted in December 2021 and taking into account positions of co-legislators, in its communications and contacts, the CCBE insisted that the new provisions on the oversight by national authorities and

by a supranational European body have the potential to erode the independence of lawyers and Bars from governments and other State actors. These proposals should ensure that neither Member States nor the AML Authority as the European Union supervisory body can directly or indirectly interfere with the independence of lawyers which is an integral component of the rule of law.

Throughout the year, the CCBE also participated in a series of meetings of the Network of Experts on Beneficial Ownership Transparency ([NEBOT](#)). The CCBE contributed to one of the papers that constituted the outcome of the NEBOT's work and that was forwarded to the European Commission.

CHAIR: ANTIGONI ALEXANDROPOULOU (GREECE)

Company Law

The Company Law Committee followed several policy initiatives, including on corporate sustainability reporting, corporate reporting, corporate sustainability due diligence and the Capital Markets Union Action Plan. Furthermore, the Chair was invited to a

meeting with DG JUST of the European Commission to discuss the views of the committee's experts in relation to the forthcoming legislative proposal on upgrading digital company law.

CHAIR: ALIX FRANK-THOMASSER (AUSTRIA)

Corporate Social Responsibility (CSR)

The CSR Committee examined several European Commission proposals, including on corporate sustainability reporting and corporate sustainability due diligence. The Committee also followed and contributed to the work of various other CCBE committees, such as to the Access to Justice Committee on Strategic Lawsuits

Against Public Participation (SLAPP) and the Environment and Climate Change Committee. In addition, an updated guidance on "[Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers](#)" was drafted and adopted at the Plenary Session on 25 November 2022.

CHAIR: ONDREJ LACIAK (SLOVAKIA)

Criminal Law

On 15 September, representatives from the CCBE, together with colleagues from the European Criminal Bar Association (ECBA), had a meeting with the European Public Prosecutor Office (EPPO). The meeting was extremely constructive and informative, and covered a wide-range of issues which are important for defence practitioners, such as remedies in cross-border cases, the application of procedural safeguards, communication

between the defence and prosecution and the role of "non-participating members".

In addition, on 26 September, the CCBE also participated in a conference organised by the Czech Presidency in Prague concerning "Balance and Perspective of EU Criminal Law and its Application in the Member States" and in an experts meeting on 3 and 4 October

in Vienna organised by the Fundamental Rights Agency on the topic of "Access to a lawyer and EAW meeting".

Furthermore, the CCBE sent a letter to the Czech Presidency of the Council of the EU (which commenced in July 2022) and a letter to the upcoming Swedish Presidency (which has now commenced in January 2023). These letters covered a number of issues, including the specific need for additional procedural safeguards. In its letters, the CCBE

observes that criminal procedures vary enormously across European jurisdictions, and this is also true for the level of legal protection offered to suspects in criminal proceedings. The CCBE expressed the hope that the Czech Presidency and Swedish Presidency will share the CCBE's view that an effective area of EU judicial cooperation in criminal matters can only be achieved if fair and necessary safeguards have not been compromised.

CHAIR: BERTRAND DEBOSQUE (FRANCE)

Deontology

In 2022, the Deontology Committee drafted CCBE comments, which were adopted in May, on the European Parliament's recommendations to the European Commission on responsible private funding of litigation. Additionally, the Committee reviewed the recommendations of the European Commission on the protection of persons who engage in public participation from manifestly unfounded or abusive court proceedings with regard to deontological rules that govern the

conduct of legal professionals and the disciplinary sanctions.

Moreover, following the adoption of the CCBE Model Code in 2021, the Committee launched in 2022 the assessment and review of the CCBE Code of Conduct for European Lawyers. It also continued to answer requests from CCBE delegations on the application of the CCBE Code of Conduct, and discussed the project of the creation of a database of the legal profession in Europe.



CHAIR: JEAN-MARC GOLLIER (BELGIUM)

Environment and Climate Change

In the beginning of 2022, the CCBE established a new Committee on environment and climate change which will deal with issues related to the environment and climate change where relevant for the profession of lawyers. The Committee had several meetings throughout the year to discuss various aspects of climate change and the environment and its impact on the legal profession. The Committee notably expressed its views on the content of a report by the European Lawyers Foundation (ELF) on “the impact of climate change on EU citizens’ fundamental rights - perspective from the point of view of lawyers”.

Moreover, the CCBE participated in several events, including in the “International Meeting between Bars and Law Societies on Climate Change” organised by the Law Society of England and Wales, and the [workshop](#) on “Implementing human rights and environmental due diligence” which was co-organised by the Steering Committee for Human Rights (CDDH) and the Transversal Challenges and Multilateral Projects Division of the Council of Europe.

CHAIR: JOANNA WISŁA-PŁONKA (POLAND)

VICE-CHAIRS: ALDO BULGARELLI (ITALY) AND MICHAEL JÜRGEN WERNER (GERMANY)

EU Lawyers

The EU Lawyers Committee examined questions concerning the lawyers’ cross-border practice in the European Union and continued to follow policy developments and studies initiated by the European Commission when dealing with the regulation of lawyers. The Committee prepared a letter which was sent by the CCBE to DG GROW of the European Commission regarding an ongoing study they are conducting.

Lastly, the Committee continued to explore ways to enhance the cooperation between Bars in cross-border matters. In this context, a meeting was dedicated to the Internal Market Information (IMI) system, where the functionalities of this platform were presented and discussed with the European Commission in November.

CHAIR: LAURENT PETTITI (FRANCE)

European Convention on the Profession of Lawyer

In January 2022, the Committee of Ministers of the Council of Europe established a [Committee of experts on the protection of lawyers \(CJ-AV\)](#) tasked with the elaboration of a legal instrument aimed at strengthening the protection of the profession of lawyer and the right to practice the profession without prejudice or restraint, under the authority of the Committee of Ministers and of the European Committee on Legal

Co-operation (CDCJ). As an observer, the CCBE with the help of the Working Group actively contributed to the work of the CJ-AV during and in-between the three meetings of the CJ-AV that were organised in 2022. Three additional meetings will be organised in 2023 to further discuss and finalise the content of this future legal instrument.

CHAIR: PEDRO PORTELLANO DÍEZ (SPAIN)

European Private Law

The European Private Law Committee continued to discuss the European Commission initiative on adapting liability rules to the digital age and AI, and subsequently analysed the two European Commission proposals published on 29 September regarding revising the Product Liability Directive and for a Directive on adapting non-contractual civil liability rules to AI. Relatedly, the CCBE appointed the Chair as an Advisor regarding a project of the European Law Institute (ELI) on the Reform of the Product Liability Directive.

consultation on improving compliance with consumer rights across the EU, which was adopted on 24 June. The responses of this consultation will help the European Commission assess the progression of the implementation of the Consumer Protection Cooperation (CPC) Regulation, Alternative Dispute Resolution (ADR) Regulation, and Online Dispute Resolution (ODR) Directive.

Moreover, the Committee analysed other European Commission initiatives, including the initiative regarding the Package Travel Directive, and provided other CCBE committees input from a European Private Law aspect.

In addition, the Committee prepared the CCBE [introductory remarks and response](#) to the European Commission

CHAIR: KATELL DROUET-BASSOU (FRANCE)

Family and Succession Law

The main focus of the Committee for 2022 was the European Commission initiative on the creation of a European instrument on the recognition of parenthood between Member States. The Committee had several meetings, in addition to attending stakeholder events organised by the European Commission, to discuss this matter and prepared [preliminary observations](#), which were adopted on 29 July and were of great interest to the EU institutions. Following some delay, the European Commission published on 7 December its proposal for a Council regulation on jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood, which the Committee will be analysing and preparing a position paper on in 2023.

The Family and Succession Law Committee continued to also follow several other initiatives of the European Commission, as well as of other organisations such as the Hague Conference on Private International Law (HCCH) and the European Law Institute (ELI). As an example, on 29 July, the CCBE provided a [response](#) to the European Commission consultation on the cross-border protection of vulnerable adults. Subsequently, the Chair represented the CCBE at several related events from

the European Commission, including a focus group on the costs of cross-border procedures in the field of adults' protection, a stakeholder meeting and a workshop on the cross-border protection of vulnerable adults.

The Chair of the Committee was further invited to a conference and a stakeholder hearing in Dublin, Ireland. The conference was organised under the Irish Chairmanship of the Committee of Ministers of the Council of Europe, on the "Rights and best interests of the child in parental separation and care proceedings". The hearing, which followed the next day, addressed the best interests of the child in parental separation and in care proceedings and was organised by the Council of Europe, through its Committee of Experts on the Rights and the Best interests of the Child in Parental Separation and in Care Proceedings (CJ/ENF-ISE).

Moreover, the Committee especially strengthened its connections with the European Judicial Network in Civil and Commercial Matters on Judicial Cooperation as well as with the International Academy for Family Lawyers (IAFL) in 2022, in particular, to discuss the situation of Ukrainian children.

CHAIR: CHRISTIAN LEMKE (GERMANY)

Future of the Legal Profession and Legal Services

In 2022, the Future Committee worked on the CCBE initiative concerning innovation in legal services and the legal profession. The Committee developed a definition of the notion of innovation and had a specific focus during the year on the attractiveness of the legal profession. In this regard, the Committee invited representatives of other organisations, such as the President of the Bar of Saxony, who presented issues related to the attractiveness of the legal profession in Germany, as well as the President of the European Young Bar Association (EYBA) to discuss issues, including in regard

to the wellbeing and remuneration of young lawyers, legal studies, diversity and multiprofessionality within the legal profession.

Furthermore, the CCBE helped organise and participated in the first European Forum of the Legal Professions launched by the Academy of European Law (ERA) and the conference entitled "Maintaining the attractiveness of the legal professions: how can we anticipate the future trends".



CHAIR: STEFAN VON RAUMER (GERMANY)
VICE-CHAIR: MAGDALENA WITKOWSKA (POLAND)

Human Rights

In addition to the CCBE Human Rights Award (see [Highlights](#)), the CCBE continued to act in support of lawyers being harassed, threatened, imprisoned and even murdered because of their professional activities. In 2022, the CCBE sent over 80 letters to national authorities of 40 different countries concerning cases where lawyers have been victims of human rights violations. These letters addressed the situation of more than 150 endangered lawyers. Additionally, the CCBE, with other Bars, Law Societies and lawyers associations, also issued joint statements and participated in joint actions in support of endangered lawyers ([available here](#)), including the International Day of the Endangered Lawyer 2022, which was focused on Colombia. Furthermore, the CCBE also continued to strengthen its cooperation with its "Defence of the Defenders" Network, as well as with Human Rights NGOs, to achieve synergies in support of persecuted lawyers. Moreover, the CCBE continued to provide its support to the Afghanistan Independent Bar Association (AIBA). It notably organised a meeting between the AIBA, the EU Special Representative for Human Rights (EUSR), Eamon Gilmore, and the European External Action Service (EEAS) in order to seek further support from the EU institutions.

Additionally, the CCBE participated in the 50th UN Human Rights Council in Geneva where the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, presented his report on the "Protection of lawyers against undue interference in the free and independent exercise of the legal profession" for which the CCBE actively participated in its preparation. In his concluding remarks to the UN Human Rights Council, the Special Rapporteur particularly underlined his gratitude to the CCBE for its collaboration and contribution to the preparation of the report, praising its work for the "defence of defenders".

Lastly, the CCBE also launched this year the first edition of its amicus curiae contest, the results of which will be revealed in 2023.



CHAIR: HERMAN BUYSSENS (BELGIUM)

Insurance

Throughout the year, the Insurance Committee monitored and analysed issues regarding the lawyers' professional indemnity insurance in cross-border practices. After having examined a study commissioned by the European Commission assessing national requirements regarding professional indemnity insurance for legal providers and their potential impact on the functioning of the single market, the Committee updated a previous questionnaire which was circulated amongst the CCBE delegations.

Furthermore, in the area of legal expenses insurance, the Committee continued its work for a better dialogue between lawyers and insurers, in particular as to enhance the understanding of the free choice of a lawyer. A meeting between some members of the committee and representatives of the Legal Protection International (International Association of Legal Expenses Insurance) took place in September and views were exchanged on a number of topics of mutual interest.

CHAIR: CARLO FORTE (ITALY)

International Legal Services

In light of the difficult situation in which Ukrainian lawyers found themselves after the Russian invasion of Ukraine, the CCBE adopted a [recommendation](#) on qualifications of Ukrainian lawyers. Although the approach to Ukrainian lawyers varies from one Member State to another, the CCBE declared itself ready for any coordination activity that may be useful and addressed a series of recommendations to the Bars and Law Societies of the EU Member States to encourage steps that assist Ukrainian lawyers.

In November, the CCBE adopted [Guidelines for a Model Foreign Legal Consultant \(Status\)](#), including

conditions to obtain a licence and a definition of the legal practice that third-country lawyers might perform in a CCBE Member State. The guidelines are intended to provide technical assistance regarding certain questions that may be considered useful by national regulators and legislators when defining such status in their respective jurisdictions.

The Committee also continued to liaise with the European Commission regarding the implementation of the EU-UK Trade and Cooperation Agreement and participated in several meetings of the Civil Society Dialogue organised by DG TRADE of the European

CHAIR: JIŘÍ NOVÁK (CZECHIA)
VICE-CHAIR: CARLA SECCHIERI (ITALY)

IT Law

In 2022, the IT Law Committee finalised the CCBE [position paper](#) on the European Commission e-identification proposal, which was adopted in April. Members had the opportunity to discuss with the e-Justice Unit of the DG JUST of the European Commission in order to prepare the CCBE [position paper](#) on the proposal adopted in July for a regulation on the digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters. The Committee also drafted the CCBE position paper on the proposal for a regulation on harmonised rules on fair access to and use of data (Data Act).

Throughout the year, the Committee monitored the drafting of the European Declaration on Digital Rights and Principles presented in January, as well as the work of the Committee on AI of the Council of Europe which presented during the summer a zero draft for a future instrument of the Council of Europe on a framework for AI. Moreover, several members of the Committee participated in the joint CCBE-ELF project called "AI4Lawyers", which was concluded in March 2022 with the organisation of a conference and the presentation of a [guide](#) on the use of AI-based tools by lawyers and law firms in the EU.

CHAIR: NOEMÍ ALARCÓN VELASCO (SPAIN)
VICE-CHAIR: BARBARA PORTA (ITALY)

Migration

In the context of the growing number of refugees coming to the EU from Ukraine, the CCBE liaised with its member Bars in order to put together a [list of contact points](#) that could be reached by people seeking protection and needing legal assistance. After the activation of the Temporary Protection Directive by the EU, the Migration Committee also prepared a CCBE [statement](#) on the application of this Directive.

In May, the CCBE adopted a [statement](#) in favour of strengthening key procedural safeguards for unaccompanied children in transnational procedures. This paper was based on a report published by Kids in Need of Defence and Child Circle and aimed at supporting this report.

In August, in order to react to the deaths of migrants attempting to cross from Morocco to Melilla, the CCBE issued a [statement](#) in which it opposed the wide-spreading tendency to use violence against people seeking asylum at EU borders and condemned the instrumentalisation of migrants.

In November, based on a survey carried out among its experts, the Migration Committee assessed the state of play

regarding a legal aid framework in the field of migration and international protection in different Member States. Building on this exercise, the CCBE listed several [recommendations](#) and identified best practices for a legal aid framework that guarantees access to justice and the protection of fundamental rights for migrants and people seeking international protection.

Moreover, the CCBE continued to contribute to the work of the Frontex Consultative Forum, as well as renewed its membership in the Consultative Forum of the EU Asylum Agency.

The Committee also actively followed the work of the Council of Europe and, crucially, established close contact with the Secretariat of the Parliamentary Assembly of the Council of Europe Committee on Migration, Refugees and Displaced Persons.

Lastly, the Migration Committee fed into a number of consultations organised by, for example, the Council of Europe, the Fundamental Rights Agency, and the Office of the United Nations High Commissioner for Human Rights.



CHAIR: ROMAN ZAVRŠEK (SLOVENIA)

VICE-CHAIR: MARC JOBERT (FRANCE)

Platform for Exchange, Cooperation and Outreach (PECO)

Following the requests received, the Committee continued to monitor and assess the developments concerning the regulation of lawyers and justice systems in different CCBE associate and observer member countries, by organising exchanges between its members and providing assistance, including in the form of support letters.

In 2022, one of the main issues on the agenda of the Committee was the coordination of support to the Ukrainian National Bar Association, and, more generally, the monitoring of the situation in Ukraine, as regards lawyers and legal services.

Additionally, in regard to the continuation of the dialogue with the

Azerbaijani Bar Association (ABA), informal contacts, exchanges and several rounds of discussions took place in 2022, which resulted in the decision of the May Plenary Session of the CCBE to grant observer member status to the ABA.

Following the decision of the European Council to grant the status of candidate country to Ukraine and Moldova, the Committee conducted an assessment and prepared recommendations to the CCBE Plenary Session to change the CCBE observer membership status to associate membership status of the Union of Advocates of the Republic of Moldova and the Ukrainian National Bar Association.



CHAIR: PRZEMYSŁAW KAMIL ROSIAK (POLAND)

Permanent delegation of the Court of Justice and the General Court of the European Union and the EFTA Court (PD LUX)

In the wake of the meetings which took place between the CCBE and members of the Court of Justice, General Court and European Free Trade Association States Court (EFTA Court) in November 2021, the PD Lux Committee prepared a letter which was sent to the Court in April 2022. The aim of the letter was to provide the Court with our views on several topics of practical interest, including the topic regarding the organisation of hearings via videoconference tools.

In this regard, the Committee also followed the proposal to amend the Rules of Procedures of the General Court and prepared the CCBE comments which were sent to the Council, the Court of Justice and the General Court. Lastly, the Committee followed a recent legislative proposal made by the Court of Justice to change its Statute which includes, inter alia, the transfer of preliminary rulings in specific areas to the General Court.



CHAIR: PIERS GARDNER (UK)

Permanent Delegation to the European Court of Human Rights (PD STRAS)

On 6 July, thanks to the CCBE [proposals](#) for further reform of the European Convention on Human Rights (ECHR) machinery which was adopted in 2021, the Committee of Ministers of the Council of Europe decided to partly amend Rule 9 of the Rules for the Supervision of the Execution of Judgments and Settlements operated by the Committee of Ministers, confirming that submissions from Bars, Law Societies and lawyers' associations on cases pending supervision fall within the scope of the rule. This possible involvement by Bars, Law Societies and their international associations will ensure a better implementation of the Court's judgments, reinforcing therefore the functioning of the rule of law.

Moreover, the PD STRAS Committee closely followed the work of the Steering Committee on Human Rights (CDDH) on the system of the ECHR, where it notably recalled on several occasions its second proposal from the proposals for reform of the ECHR adopted 2021,

recommending that the Committee of Ministers acting with the Member States of the Council of Europe should ensure that the payment of just satisfaction (compensation and fees) awarded by the Court and of friendly settlements agreed to by the parties are enforceable as a debt in their national courts.

In addition to this, on 5 December, the Committee met with the government agents to the European Court of Human Rights (ECtHR) to discuss several procedural topics related to the work of the ECtHR, including pending Russian cases, the impact strategy and the backlog, interim measures and the non-contentious phase. The discussions were aimed at assessing how best to tackle issues faced by the ECtHR, the applicants and the respondent States, as well as how lawyers can help to overcome these existing issues.



Rule of Law

The CCBE [contribution](#) to the 2022 Rule of Law Report (RoL Report) was adopted by the Standing Committee on 25 February 2022, in response to the invitation and the public consultation launched by the European Commission. In its submission, the CCBE highlighted the most important rule of law developments and concerns involving legal professionals, as well as the threats identified by its members to the independence of lawyers and the Bars within the EU Member States. In addition, the CCBE referred to its statement on the 2021 RoL Report adopted on 16 November 2021, where the CCBE called for an equal approach in the next RoL Report with a more developed analysis of the independence of lawyers and Bars as an indispensable component of the independence of the justice system and of the rule of law. Furthermore, the CCBE expressed support for the intention of the European Commission to include country-specific recommendations in the next RoL Report and suggested that these should refer, where appropriate, to the need to ensure the independence and safety of all justice actors, including lawyers and Bars, as well as the obligation for Member States to ensure access to justice, legal aid and relevant funding to safeguard such access. The contribution also set out a number of actions undertaken by the CCBE over the last year, which

addressed various issues related to the rule of law and independence of lawyers and Bars. This CCBE contribution was also accompanied by an annex with the inputs received from its members. Lastly, a summary was provided in the conclusion part of the contribution, which referred to different intrusions on the independence of the profession. For example, the following issues had been observed in different countries:

- surveillance of lawyers and breaches of the confidentiality of lawyer-client communications especially when modern technology is used;
- identification of lawyers with the actions of their clients;
- violations of the confidentiality and the professional secrecy of lawyers;
- substantive risk to the independence of the legal profession caused by the transposition of some EU laws into the national legislation;
- possible influence of the media in some countries sometimes contributing to the misinterpretation of the role of lawyers;
- various other national developments which indicate some trends which may pose a risk to the independence of the legal profession and functioning of justice.

CHAIR: ANNE BIRGITTE GAMMELJORD (DENMARK)

Statutes

Following several years of discussions on possible amendments to the [CCBE Statutes](#), on 13 May a range of amendments to the Statutes were adopted. Subsequently, in light of Russia leaving the Council of Europe, which the membership of is a condition for CCBE membership, further discussions took

place and relevant provisions to the Statutes were proposed and adopted on 25 November. In the meantime, the Statutes Review Working Group has also been reviewing the CCBE Bye-Laws and will aim to put forward proposed amendments for adoption in 2023.

CHAIR: SEBASTIAN CORDING (GERMANY)

VICE-CHAIR: IAIN G. MITCHELL (UNITED KINGDOM)

Surveillance

In 2022, the Surveillance Working Group continued to be involved in European and international developments regarding access to e-evidence in criminal matters. In particular, it closely monitored the negotiations over the e-evidence proposal and the procedure regarding the signature and ratification of the Second Additional Protocol to the Budapest Convention. It prepared a [CCBE letter](#) requesting the EU Member States to sign the proper reservations and declarations in relation to articles of the Protocol to ensure the involvement of judicial authorities and executing authorities.

Following revelations on the Pegasus scandal and the surveillance of lawyers within EU Member States, the Working Group also prepared a [CCBE statement](#) calling European authorities to take steps to protect and enhance the confidentiality of lawyer-

client communications when modern technology is used. In October 2022, a [joint CCBE-ELF webinar](#) was organised on surveillance and the impact of modern spyware tools on fundamental rights with representatives of the European Parliament and the European Data Protection Supervisor. Furthermore, the Working Group drafted a [CCBE position paper](#) on the proposal for a regulation laying down rules to prevent and combat child sexual abuse, which was adopted in November.

Lastly, the Working Group worked on the consequences of biometric identification systems on fundamental rights and lawyers and launched a questionnaire to prepare an overview of the situation in the CCBE member countries.

CHAIR: JACQUES TAQUET (FRANCE)

Tax

In April, the CCBE adopted a [statement](#) on VAT rates applicable to legal services in reaction to the Draft Council Directive dated 7 December 2021. The CCBE welcomed the inclusion of some categories of legal services among those which, as of 2025, could benefit from lower rates of VAT. However, it also considered that this improvement was insufficient.

In October, the CCBE submitted its [response](#) to the public consultation on tackling the role of enablers, which preceded an upcoming proposal by the European Commission. In its response, the CCBE strongly opposed the generic categorisation of lawyers as “enablers”.

The Tax Committee also continued to follow the implementation of the Council Directive regarding the mandatory automatic exchange of information

in the field of taxation in relation to reportable cross-border arrangements (the DAC 6 Directive). The Committee monitored the publication of judgments by the Belgian Constitutional Court and the Court of Justice of the EU regarding the validity of certain provisions in the Belgian national legislation implementing the DAC 6 Directive.

Lastly, the CCBE continued to build its relationship with the Organisation for Economic Cooperation and Development (OECD) and in June 2022, CCBE representatives took part in a meeting of the OECD Task Force on Tax Crimes and Other Crimes in Paris to present the work of Bars and Law Societies in tackling tax crime.





> Panagiotis Perakis and an international group of 30 lawyers from 24 EU countries attended the launch of the Human Rights Education for Legal Professionals (HELP) Programme course on Ethics for Judges, Prosecutors and Lawyers.

CHAIR: NIKOLAOS KOUTKIAS (GREECE)

Training

As every year, the Committee organised a presentation of the annual European Judicial Training Report of the European Commission and relevant discussions and exchanges between the members. It also supported the European Commission in collecting data from its members for the next Report. In this regard, a webinar on the European Judicial Training Report in conjunction with a questionnaire was organised, and a list of informal contact points responsible for the coordination and submission of data on trained lawyers in the relevant country was created.

The Committee and its members also provided their input and expertise for the conference "Initial training of justice professionals serving the rule of law" organised jointly by the French Council Presidency, the French national School of Judiciary and the European Commission. The contributions and the updated data on initial training for

lawyers are available on the [E-justice portal](#).

In relation to the cooperation with the Human Rights Education for Legal Professionals (HELP) Programme of the Council of Europe, the Committee co-organised the launch event and the continuation of the online training on ethics for lawyers provided by the group of lawyers from different EU countries. This training has given excellent results, with 96% of participants successfully completing the course as well as the final assignment, and received certificates issued by the HELP and the CCBE.

Lastly, the Committee also monitored the implementation of the Action Plan to improve access to EU training funds for lawyers adopted in 2021, and supported the development of the project of the European Commission on CJEU hearings' recording as a judicial training tool.

CCBE Projects

OVERVIEW OF PROJECTS IN 2022

Maintenance and handover of e-CODEX (Me-CODEX 3)



The CCBE continued its participation, through the involvement of the ELF, in the Me-CODEX project. The project aims to maintain the services already developed by e-CODEX, until it is delivered to the EU agency eu-LISA, and to pave the way for the long-term usage and sustainable governance of the e-CODEX building blocks. Under the e-CODEX project, electronic building blocks have been developed to establish a European interoperability layer for e-justice communications, therefore enabling electronic access to different Member States' judicial systems in different domains, such as the European Small Claims procedure and the European Payment Order. As part of this project, the CCBE developed, through

Find-a-Lawyer 2 (FAL 2), a mechanism to verify lawyers' e-ID in proceedings developed under e-CODEX. As regards the Me-CODEX 3 project, which aims to finalise the handover to eu-LISA, the CCBE and the ELF participated in the meetings of its Management and Advisory Board. The CCBE and the ELF also participated in several meetings with other stakeholders and national ministries participating in the project, as well as the European Commission, with a specific focus on user support for current and future e-CODEX participants. Finally, in September 2022, the CCBE also gave a presentation to the Advisory Board of the Me-CODEX 3 project on lawyers' use of e-CODEX.

Artificial Intelligence for Lawyers (AI4Lawyers)



In 2022, the CCBE and the European Lawyer Foundation (ELF) concluded the project AI4Lawyers, financed with the support of the Justice Programme of the European Union. The project's objective was to provide a better understanding for lawyers and small and medium-sized law firms on how to use the opportunities provided by new technologies, such as conversational systems, which can open up new service channels for clients. On 31 March 2022, the CCBE and the ELF published the [Guide on the use of AI by lawyers and law firms in Europe](#) during a public presentation with officials of the

European Parliament and the European Commission, Bar representatives, as well as lawyers. The guide aims to help lawyers to better understand the use of AI and other novel IT technologies in their daily practice. It has an educational approach and provides practical information on what tools to use and how to use them. The event also provided an opportunity to address the challenges posed by the digitalisation of justice, the digital transformation of law firms and the use of AI in justice.

See also the Highlight on "The digitalisation of justice".



Who's Who

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President



Panagiotis Perakis
First Vice-President

Pierre-Dominique Schupp
Second Vice-President

Thierry Wickers
Third Vice-President

Committees & Working Groups Chairs



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Migration



Antigoni Alexandropoulou
Company Law



Aldo Bulgarelli
Quality



Herman Buyskens
Insurance



Sebastian Cording
Surveillance



Bertrand Debosque
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Katell Drouet-Bassou
Family & Succession Law



Carlo Forte
International Legal Services



Alix Frank-Thomasser
Corporate Social
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Anne Brigitte Gammeljord
Statutes Review



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Jean-Marc Gollier
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Jean-Louis Joris
European Transparency
Register



Nikolaos Koutkias
Training



Ondrej Laciak
Criminal Law



Christian Lemke
Future of the Legal Profession
and Legal Services



Rupert Manhart
Anti-Money Laundering



Jiří Novák
IT Law



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