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Prague Plenary Session

PLENARY SESSION IN PRAGUE

On 18 May, the CCBE held its 129th Plenary Session in Prague, Czech Republic. The CCBE President, Antonín Mokrý, opened the debate in the historical National House of Vinohrady and led discussions on matters such as Migration, Deontology, the Future of the legal profession, and the European Convention on the Profession of Lawyer.

The CCBE welcomed a number of special guests during proceedings which included Martin Šolc, the President of the International Bar Association, Wiebe De Vries, President of the International Association of Young Lawyers, and Michal Bobek, Advocate General at the Court of Justice.

The following documents were also approved by the CCBE Plenary Session:

- [Interpretation of the Principles and Rules of the CCBE Charter of Core Principles of the European Legal Profession, Code of Conduct for European Lawyers and Model Code of Conduct;](#)
- [CCBE and FBE joint Statement on the Rule of Law and the principle of mutual recognition;](#)
- [Preliminary CCBE comments on the Proposal for a Directive on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC.](#)

INNOVATIVE LEGAL SERVICES FORUM

On 17 May, the CCBE organised a panel discussion at the Innovative Legal Services Forum 2018 under the following title: “The Future of the legal profession”.

The ILSF focused on three major areas: technology, business, and CEE visions. The conference gathered some of the finest experts in their respective fields such as Ms. Catherine Bamford, Mr. Andrew Arruda, and Ms. Nilema Bhakta. In addition to these men and women, partners of major law firms, heads of corporate legal teams, and pioneers of legal innovation also headed to the conference to share their case studies, their in-depth knowledge of legal services, and their vast experience to over a hundred participants.

Led by CCBE representative, Mr. Martin Maisner, the panel also welcomed fellow CCBE members Mr. Thierry Wickers, Mr. Bertrand Debosque, Mr. Péter Homoki, and Mr. Simone Cuomo. Discussions and debates centred on the risks and challenges of cybersecurity for the legal profession, the expectations of millennials – a generation of clients with new demands for the legal profession –, the use of platforms and the potential deontological issues for lawyers which might arise, and finally the integration of law firms into the eJustice of tomorrow.



The CCBE panel on the Future of the Legal Profession in action. From left to right: Simone Cuomo, Martin Maisner, Thierry Wickers, Bertrand Debosque, and Péter Homoki

YOUNG LAWYERS CONTEST

This year, the CCBE committed itself to assisting the Academy of European Law (ERA) in the organisation of a Young Lawyers Contest which aims to shine a light on the importance of European Law to young and newly-qualified lawyers. The CCBE believes this contest represents an excellent opportunity for budding members of national and regional Bars who wish to become better acquainted with the workings of European law.

The contest will consist of three rounds during which transnational teams will need to demonstrate their abilities as lawyers in front of leading European law practitioners in areas such as business law, criminal justice, and human rights. The CCBE not only assisted ERA in the organisation of the contest but it was also eager to contribute its expertise to the proceedings. In light of this, both the second Vice-President, Mr. Ranko Pelicarić, and the third Vice-President, Ms. Margarete Gräfin von Galen, will be participating as members of the jury.

The contest will take place in Trier, Germany, on 6-7 September 2018.

More information is accessible [here](#).

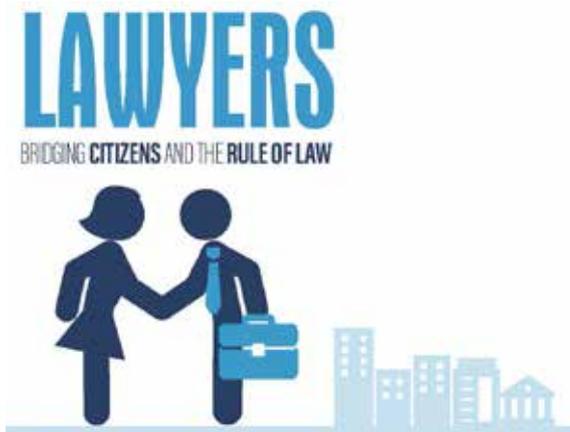


COMMISSION PROPOSAL FOR A DIRECTIVE ON THE PROTECTION OF PERSONS REPORTING ON BREACHES OF UNION LAW

On 23 April 2018, the Commission published its [proposal](#) concerning the protection of persons reporting on breaches of Union law. Last year, the CCBE made a [submission on whistle-blowing protections](#) which highlighted how important professional secrecy and legal professional privilege are if any new legislation in relation to whistle-blowing is contemplated. The CCBE's Deontology Committee is currently following the developments regarding the new proposal.

Furthermore, the CCBE also participated in a workshop on whistle-blowers' protection which took place on 3 May in the European Parliament. The event was hosted by MEP Virginie Rozière with the support of the International Bar Association.

BRIDGING CITIZENS AND THE RULE OF LAW



As a representative of European bars and law societies in their common interests before European and other international institutions, the CCBE is committed to the regulation of the profession, the defence of the rule of law, human rights and democratic values. In light of this, the CCBE is proud to announce that it has recently finalised the production of a video which aims to highlight the added value of lawyers and bar associations to society.

Watch our videos [here](#) or visit the CCBE's YouTube channel [here](#).

EUROPEAN LAWYERS FOUNDATION



On 14 and 15 May 2018, the European Commission and the Bulgarian Presidency of the European Union organised a conference on the "Future of the e-Justice in the EU and the new technologies in service of the judiciary" in Sofia. A number of important issues were discussed during the conference as topics ranged from artificial intelligence, to the development of a draft e-Justice strategy and action plan in e-Law. The conference also discussed practical measures to improve cooperation with third countries and services providers, and the exchange of e-Evidence. Mr. Alonso Hernandez-Pinzon, from the European Lawyers Foundation, participated in a session dealing with the e-CODEX platform. He spoke about "Lawyers exploring opportunities for e-CODEX in Family Law", and he mainly focused on the manner in which the procedures foreseen in the Brussels II bis regulation could benefit from the e-CODEX infrastructure in cases such as the e-recognition of divorce judgments in Member States different to the one in which the Court settled the divorce.

ELF photo

CCBE COMMENTS ON THE PROPOSED DIRECTIVE REGARDING COLLECTIVE REDRESS

On 18 May, the CCBE issued a set of [preliminary comments](#) on the recently published [proposal](#) from the Commission for a Directive on representative actions for the protection of the collective interests of consumers.

The CCBE's response was mainly triggered by the Commission's press release announcing its proposal which suggested that law firms should not take part in the process of collective redress in order to avoid "abusive or unmerited litigation". This statement clearly misrepresents the role of lawyers. Qualified entities or groups of consumers will naturally need the advice and assistance of lawyers in order to prepare and file proceedings. Lawyers are key defenders of consumers' and citizens' rights. Their involvement serves the rule of law and extends access to justice.

Therefore, the principal issue addressed by the CCBE in its observations is that the proposal reserves the possibility to initiate representative actions aimed at the protection of the collective interests of consumers to qualified entities only. The CCBE considers that there are other and less restrictive mechanisms to prevent unreasonable, artificial and vexatious actions, such as introducing the loser-pays-principle or by prohibiting the right of representative entities or lawyers to receive a share of what was obtained in the proceedings. Moreover, the monopoly provided to qualified entities raises various difficulties, for example, in case of absence or inaction of qualified entities, conflict of interest, or refusal or obstruction of qualified entities.

In addition, the CCBE disagrees with the decision of the Commission (contrary to its previous recommendations) to establish an opt-out instead of an opt-in procedure. As collective redress is based on individual claims, the opt-in principle, whereby the natural or legal persons joining the action should do so based on their express consent only, is the only way to respect appropriately and guarantee the freedom of every single consumer to decide individually whether to pursue their claim or not in a self-determined and active way.

The CCBE will carry on assessing this proposal and, in due course, issue a more detailed position paper.

NEWS IN SHORT

- ▷ The second article of our new series on European lawyers who have been doing exceptional work in the defence of fundamental rights will be available in next month's issue.
- ▷ On 28 June, a roundtable hosted by MEP Birgit Sippel will take place in Brussels, at the European Parliament. The focus of this roundtable will be the European Commission's recently published [legislative proposal on Electronic Evidence in Criminal Matters](#) on 17 April.

UPCOMING EVENTS

29/06/2018	CCBE Standing Committee – Brussels
14/09/2018	CCBE Standing Committee – Brussels
19/10/2018	CCBE Standing Committee – Brussels
29/11/2018	CCBE Plenary Session – Lille
30/11/2018	CCBE Conference : Artificial Intelligence / Humane Justice – Lille