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CCBE LETTER TO POLISH PRESIDENT ANDRZEJ DUDA CONCERNING LEGISLATIVE INITIATIVES ON JUDICIAL REFORMS IN POLAND

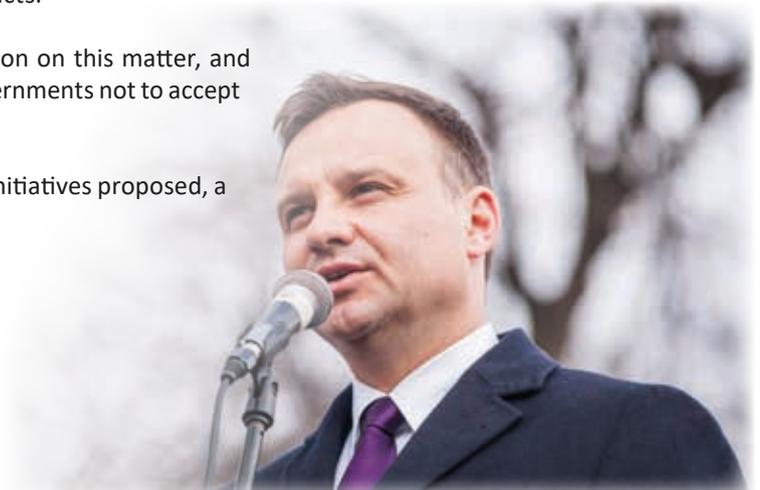
On 18 July, the CCBE wrote to the President of Poland, Mr Andrzej Duda, concerning the proposed amendments to the Polish Act on the National Council of the Judiciary and the Act – Law on Common Courts Organisation. In its letter, the CCBE raised its serious concerns about the proposed legislative initiatives on judicial reforms in Poland.

CCBE President, Ruthven Gemmell, wrote to President Duda that “violating or threatening the autonomy and independence of courts is not only an internal problem of Poland. It has consequences for international legal community as well and affects directly the application of European Union law. The right of access to an independent court is one of the primary elements underpinning the legal systems of states.” He further urged President Duda to refuse to sign the Act of 12 July 2017 amending the Act on the National Council of the Judiciary and certain other acts, and also the Act of 12 July 2017 amending the Act – Law on the Common Courts Organisation and certain other acts.

The CCBE urged the European Commission to take action on this matter, and further asked its Members to pressure their national governments not to accept such an attack on the rule of law.

On 24 July, President Duda vetoed two out of the three initiatives proposed, a decision welcomed by the CCBE.

More information is available [here](#).



COMING SOON: CCBE E-BOOK ON THE FUTURE OF THE LEGAL PROFESSION

Following the “[Innovation and the Future of the Legal Profession](#)” conference organised in October 2016 by the CCBE, an e-book will be published this September, containing a collection of essays by the expert speakers, elaborating on their ideas and thoughts on their respective topics. The e-book will address questions such as: how will the legal profession evolve or reinvent itself to be an essential part of its future? Can the

profession’s core values be upheld whilst adapting to these challenges? Who are the key players innovating and positioning the legal profession in an ever-changing environment? How are European lawyers responding to these questions?

The e-book will be presented at the CCBE Standing Committee in September.

CCBE TRAINING CONFERENCE

On 14 December, the CCBE will organise a Training conference in Brussels. The event will focus on innovation taking place in the legal training industry. The conference themes will be artificial intelligence in the context of legal training, neuroscience and effective learning, the transforming management of law firms in the digital era, etc. The event will also highlight best practices and practical case studies from law schools and training centres from across Europe. It is hoped that the new European Training Platform will be launched by the European Commission during the conference. For more information or to register your interest, please email event@ccbe.eu.

EUROPEAN LAWYERS DAY 2017

The 2017 edition of European Lawyers Day (ELD) will take place on October 25th. European Lawyers Day is a day that celebrates the rule of law and the legal profession’s intrinsic role in its defence, as well as lawyers’ common values and contribution to the justice system. The theme for this year is: “E-volving lawyers: how digital transformation can enrich the relationship between the citizen and the lawyer”.

The event aims at familiarising citizens with the new technologies available to the legal profession, and their positive impact on the evolving relationship between lawyers and citizens. Each bar and law society is encouraged to organise events in their national countries to ensure that ELD gains the widest reach possible. More information will be available in the coming weeks on the [CCBE website](#).

ANTI-MONEY LAUNDERING

Revision to the 4th AML Directive

The European Council and Parliament are expected to continue ‘trilogue’ negotiations on the proposal for a revised 4th AML Directive by late September or early October 2017. The European Parliament and the Council are carrying out ‘trilogue’ negotiations, assisted by the Commission, with a view of reaching an agreement on the proposal. The sixth ‘trilogue’ took place on 12 July 2017. The Council has now indicated that the next ‘trilogue’ will take place by either the end of September or early October 2017. However, no dates have been specified at this stage. The Estonian Council Presidency has identified the proposal as one of its priorities.

Supra-National Risk Assessment

The European Commission recently completed a Supra National Risk Assessment (SNRA) on money laundering and terrorist financing, which was very critical of the legal profession. A SNRA is a Commission tool which is required under EU law to understand risks and to elaborate policies for the legal sector and other sectors which address the risk of money laundering and terrorist financing relating to cross-border activities i.e. identification, analysis and evaluation of these risks. The Commission report includes recommendations to Member States on the measures suitable to address those risks for each sector. The CCBE AML Committee is preparing a response to the Report.

The report is available [here](#).

Panama Papers

The CCBE has been following developments regarding the European Parliament Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion (PANA). On 28 June, the two Co-Rapporteurs published their draft Report and draft Recommendations. The draft Report and Recommendation are open to amendments until 5 September. A copy of the draft Report and Recommendations can be found [here](#).

HUMAN RIGHTS – DEFENCE OF THE DEFENDERS

The CCBE has recently become an associate member of the International Observatory of Lawyers at Risk (OIAD) and participated in its first General Assembly on 3 July in Madrid.

The OIAD was created in 2015 by four founding members: the Conseil National des Barreaux (CNB), the Paris Bar, the Consejo General de la Abogacía Española, and the Consiglio Nazionale Forense. Its aim is to defend lawyers who are threatened in the exercise of their profession and to denounce violations

of the rights to a defence. Through attentive and permanent monitoring, the Observatory aims to identify lawyers who suffer threats, pressure, tortures or other violations all over the world. The CCBE cooperates with OIAD in the framework of its activities in support of lawyers in danger around the world, in particular through the “Defence of the defenders” network launched by the CCBE in 2015.

IMCO COMMITTEE WORKSHOP ON REFORMING PROFESSIONAL SERVICES - DRAFT REPORT OF MEP NICOLA DANTI

On 11 July, Hugh Mercer, chair of the EU lawyers committee, represented the CCBE at the European Parliament’s (EP) Workshop on reforming professional services. This event was organised by Nicola Danti MEP (IT, S&D), rapporteur of the own-initiative report in response to the European Commission Communication on reform recommendations (as part of the “Services package”). The purpose of the workshop was to reflect on how to ensure a balanced approach between professional regulations, the need to preserve public interest objectives, more consumer choice and free movement of professionals in EU.

The chair of the Internal Market and Consumer Protection (IMCO) Committee, Anneleen van Bossuyt (BE, ECR), opened the workshop by presenting the main issue at stake: whether or not professional rules are still fit for purpose, or are further reforms needed? She remarked that barriers are being challenged by other providers (offering services mainly by electronic means), and one may consider that professional rules should be reformed. However, many still believe that professional restrictions are justified as they protect quality of services and the consumers.

Two expert panels considered ‘economic effects of regulating professional services’ and ‘recommendations for policy-makers’, followed by a presentation by the European Commission which identified several restrictions, notably for lawyers: “legal advice of any kind is reserved to lawyers in many Member States hindering other legal consultancy services, in particular online services”.

[The OECD’s presentation](#) focused on disruptive innovation in the field of legal services, referring to the scope of regulatory restrictions and recent reforms in some Member States (France and UK/upcoming reforms in Portugal).

Representing the legal profession, Hugh Mercer recalled the benefits of professional rules (such as competence, independence, confidentiality, avoiding conflict of interests) to ensure high quality standards, and the role of lawyers in upholding the rule of law. While presenting the CCBE’s Free Movement of Lawyers Guide as an example of concrete initiatives taken by the CCBE to facilitate free movement of lawyers, he remarked that free movement is not taken into account by the Commission’s new restrictiveness indicator (measuring the restrictiveness of occupational regulation for seven professions including lawyers) of the Service Package.

The Consumer Choice Centre highlighted the problems faced by consumers in accessing services of the regulated professional service sectors, with little choice available, and pointed out that market access barriers are often too high and called for more competition and more services quality.

Many of the presentations given at the workshop are available on the [IMCO website](#). The event can also be watched via [the webstream video](#).

The “[draft report](#) on the Professional Qualifications Directive and the need for reform in professional services” by MEP Nicola Danti has also been published, and will be presented at the next IMCO committee meeting scheduled on 4 September. The deadline for amendments is 12 September.

TRADATA: TRAINING OF LAWYERS ON THE EU DATA PROTECTION REFORM

The European Lawyers Foundation (ELF) has been awarded by the European Commission a project whose main objective is to train 630 lawyers from 8 jurisdictions (Germany, France, Spain, Italy, Belgium, Ireland, Northern Ireland and England & Wales) on EU data protection reform. The project will consist of 21 seminars in 21 different cities of partner countries. Each seminar will last one day, and it will be delivered in national languages, although participants will be required to have a good knowledge of English, as there will be training material in English. Each seminar will focus on theoretical and practical issues.

The project will last 24 months and is expected to kick-off in October 2017. The first seminars will take place at the beginning of 2018.

The project will be coordinated by ELF, and will be implemented together with the following partners: DeutscheAnwaltAkademie (Germany), Ordre des Avocats de Paris (France), Consejo General de la Abogacía Española (Spain), Consiglio Nazionale Forense (Italy), Law Society of Ireland, Law Society of Northern Ireland,

L'Ecole des Avocats Centre Sud (France), Orde van Vlaamse Balies (Belgium) and the Bar Council of England and Wales.



With this project, ELF and the project partners aim to engage a large number of lawyers from different jurisdictions in a very important topic of much interest for the legal profession and for lawyers’ daily work.

UPCOMING EVENTS

14-15/09	2nd Annual Ireland and UK Streetlaw Best Practice Conference, Dublin
15/09	<i>Standing Committee, Brussels</i>
28-29/09	The European Circuit Annual Conference, Brussels
25/10	<i>European Lawyers Day</i>
27-31/10	UIA 61st Congress, Toronto
14/12	<i>CCBE Training Conference, Brussels</i>

ADOPTED PAPERS IN 2017

- [European Parliament Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion \(PANA\) 24 January 2017 Committee of inquiry questions to the Council of Bars and Law Societies of Europe \(CCBE\)](#)
- [European Parliament Committee of Inquiry into Money Laundering, Tax Avoidance and Tax Evasion \(PANA\) 24 January 2017 Statement from the Council of Bars and Law Societies of Europe \(CCBE\)](#)
- [Joint statement on Fair Trial in China](#)
- [Memorandum on mutual Recognition of Lawyers Cross Border Continuing Professional Development](#)
- [Comments of the Council of Bars and Law Societies of Europe \(CCBE\) on the draft Regulation presented on July 13, 2016 by the European Commission establishing a common asylum procedure for international protection and repealing Directive 2013/32/EU relating to minimal standards concerning the procedures for the granting and withdrawal of international protection](#)
- [European Commission Public Consultation on Disincentives for advisors and intermediaries for potentially aggressive tax planning schemes Response from the CCBE](#)
- [CCBE comments on the IMCO/JURI report on the Proposal for a directive on certain aspects concerning contracts for the supply of digital content](#)
- [CCBE comments on the ELI ENCJ Consultation Paper on The Relationship between Formal and Informal Justice the Court and Alternative Dispute Resolution](#)
- [CCBE comments on the proposal for a Directive on the enforcement of the Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services, and amending Directive 2006/123/EC and Regulation \(EU\) No 1024/2012 on administrative cooperation through the Internal Market Information System](#)
- [CCBE comments on the proposal for a Directive on a proportionality test before adoption of new regulation of professions](#)
- [CCBE Comments on the Proposal for a Directive of the European Parliament and of the Council on countering money laundering by criminal law COM\(2016\) 826 final 2016/0414 \(COD\)](#)
- [Joint statement by lawyers, judges and journalists on the ongoing crackdown on the rule of law in Turkey](#)
- [Submission on whistle-blowing protections](#)
- [CCBE Model Article on Independence](#)
- [CCBE Guidance on the main new compliance measures for lawyers regarding the General Data Protection Regulation](#)
- [Practical Guide for Lawyers on Corporate Social Responsibility – Guidance III](#)
- [Response from the CCBE regarding the proposal for a regulation on the mutual recognition of freezing and confiscation orders](#)