



Annual Report 2023



Table of contents

4 |

Foreword of the President

PANAGIOTIS PERAKIS



34 |

Committees & Working Groups



60 |

Projects

62 |

Who's Who

PRESIDENCY

COMMITTEE CHAIRS

SECRETARIAT



8 |

CCBE Membership in 2023

12 |

Key Figures

16 |

Highlights of 2023

14 AWARENESS RAISING CAMPAIGN ON
THE IMPORTANCE OF LAWYER-CLIENT
CONFIDENTIALITY

22 PROTECTING LAWYER-CLIENT
CONFIDENTIALITY AGAINST
SURVEILLANCE

24 DEFENDING THE PRINCIPLE
OF NON-IDENTIFICATION OF LAWYERS
WITH THEIR CLIENTS

28 THE CONVENTION ON THE PROTECTION
OF THE PROFESSION OF LAWYER

30 SUPPORTING THE LEGAL PROFESSION
IN UKRAINE IN TIMES OF WAR

32 ENGAGING WITH THE ISSUES YOUNG
LAWYERS FACE

> CCBE President Panagiotis Perakis



PANAGIOTIS PERAKIS

Foreword of the President

Our organisation, the CCBE, the European lawyers' organisation, has already proven to be strong and resilient, during the pandemic, under the leadership of Ranko Pelicarić and Margarete von Galen, succeeding the immediate adaptation to these unprecedented conditions in the most effective way.

In 2022, under James McGill's presidency, the CCBE also showed its immediate reflexes with the prompt and clear reaction to the Russian invasion of Ukraine and the continuous support to our Ukrainian colleagues. Plus, we returned to our usual working mode, enriching our functions with the experience from the COVID period, reducing costs, and gaining efficiency.

In 2023, the CCBE tried to make a step forward by:

- increasing its visibility and making its presence in the European justice landscape really indispensable;
- strengthening even more our relationships with the EU institutions;
- building tighter relations with our members, as well as with other European and international lawyers' organisations.

We went everywhere our assistance was needed, such as in Portugal or Poland, supporting our members and fighting for the rule of law, as required to make our voice heard and our profession respected. We organised numerous successful workshops, training programs, and many events, including the high-level event for European Lawyers Day at the European Parliament on 23 October 2023.

> CCBE President Panagiotis Perakis interviewed by Greek journalists during the Plenary Session in Chania, Greece.



“

We were very present in the global discussion on artificial intelligence, and we followed very actively other big issues of our times, like in the areas of climate change and migration. In addition, of course, we continued working effectively towards the adoption of the Convention of the Council of Europe for the protection of our profession.

”

We were very present in the global discussion on artificial intelligence, and we followed very actively other big issues of our times, like in the areas of climate change and migration. In addition, of course, we continued working effectively towards the adoption of the Convention of the Council of Europe for the protection of our profession.

While being outwardly oriented, we have continuously strived for improvement. We have focused more on our young colleagues' needs, as well as modernised our internal function by introducing more transparency and changing our Bye-Laws. We have also overcome difficult situations through the most democratic proceedings, and we have started the much-needed discussion about our strategy for the future and the strengthening of our finances.

All the above has been achieved thanks to the continuous contribution of our members, the work of our experts, and the top quality of our staff under the direction of our Secretary-General, Simone Cuomo; plus, of course, the Presidency's collective work. As CCBE President, I want to thank all of them for their work and their contribution.

I am confident that the year 2024 will be even more successful. Under Pierre-Dominique Schupp's presidency, the European voice of the profession will become even stronger, and the CCBE will continue to serve the 1.1 million European lawyers and defend their independence, the rule of law, and fundamental rights.

PANAGIOTIS PERAKIS

CCBE Membership in 2023

- Full Members
- Affiliate Members
- Associate Members
- Observer Members
- Suspended Members



Bars and Law Societies from 46 European countries

31 — 1 — 8 — 6

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
8 associate members
6 observer members



32
Positions
& publications

6 Position Papers

15 Statements

7 Responses to EU
consultations

2 Open letters

1 Guide on the European Court
of Human Rights: Questions &
Answers for Lawyers

1 Contribution for the 2023
Rule of Law Report

6

Plenary
Sessions &
Standing
Committees



81
Committee &
working group
meetings

87

Participations in external
events and meetings

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



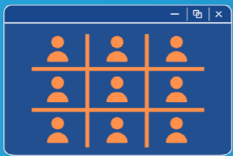
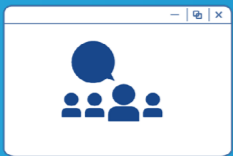
The CCBE in figures

1 High-level event in the European Parliament

23/10/2023
In the framework of European Lawyers Day 2023
3 panel discussions
14 speakers



6 Online events



03/02/2023: Annual meeting between the CCBE and the Fundamental Rights Agency (FRA)

27/02/2023: Online joint webinar with the European Lawyers Foundation (ELF) on the impact of climate change on lawyers' practice

19/06/2023: Online Training Committee meeting and webinar on the questionnaire for the European Judicial Training Report

26/06/2023: Online joint webinar with ELF on artificial intelligence and lawyers: what you need to know now

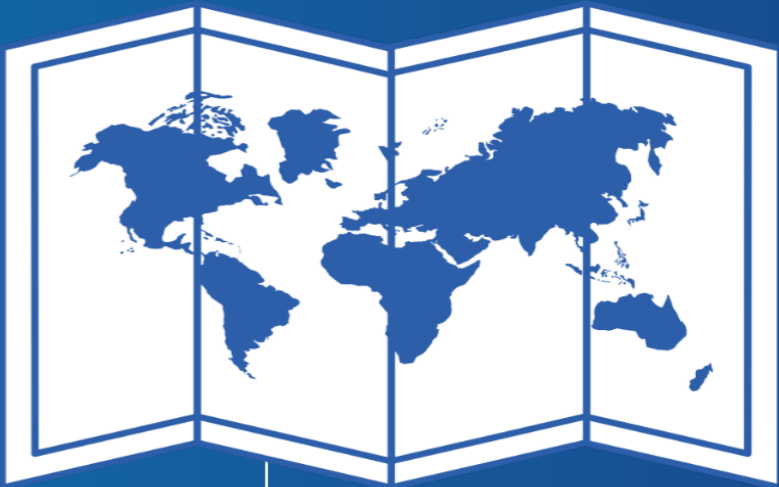
25/10/2023: Online joint webinar with ELF on SLAPPS and lawyers

04/12/2023: Online joint webinar with ELF on the European Court of Human Rights: Case-law application at national level – how to enhance subsidiarity

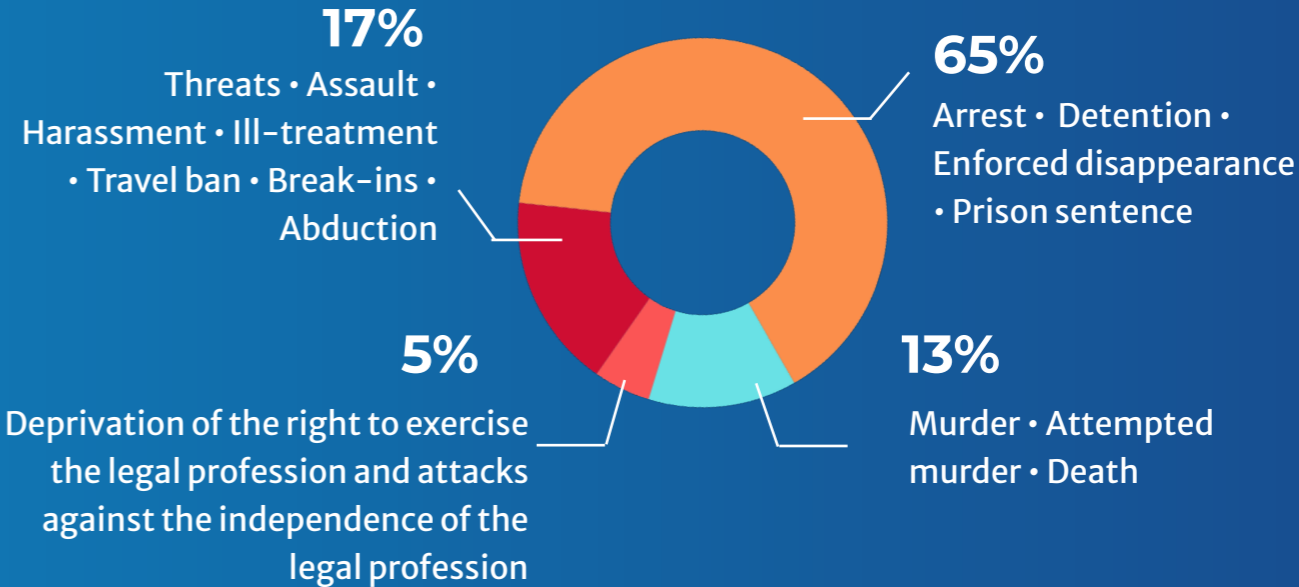
81

Letters in support of endangered lawyers

sent to **38** countries around the world



Type of attacks



HIGHLIGHTS OF 2023

Awareness raising campaign on the importance of lawyer-client confidentiality

Among the CCBE priorities of this year was the issue of confidentiality of exchanges between a client and their lawyer. This confidentiality is a key element in establishing a relationship of trust between a lawyer and his/her client, and is protected by the principle of professional secrecy (also known as legal professional privilege). However, this concept is not always well understood and can be seen as a lawyer's privilege when, on the contrary, it is a fundamental right of every citizen to receive effective legal advice.

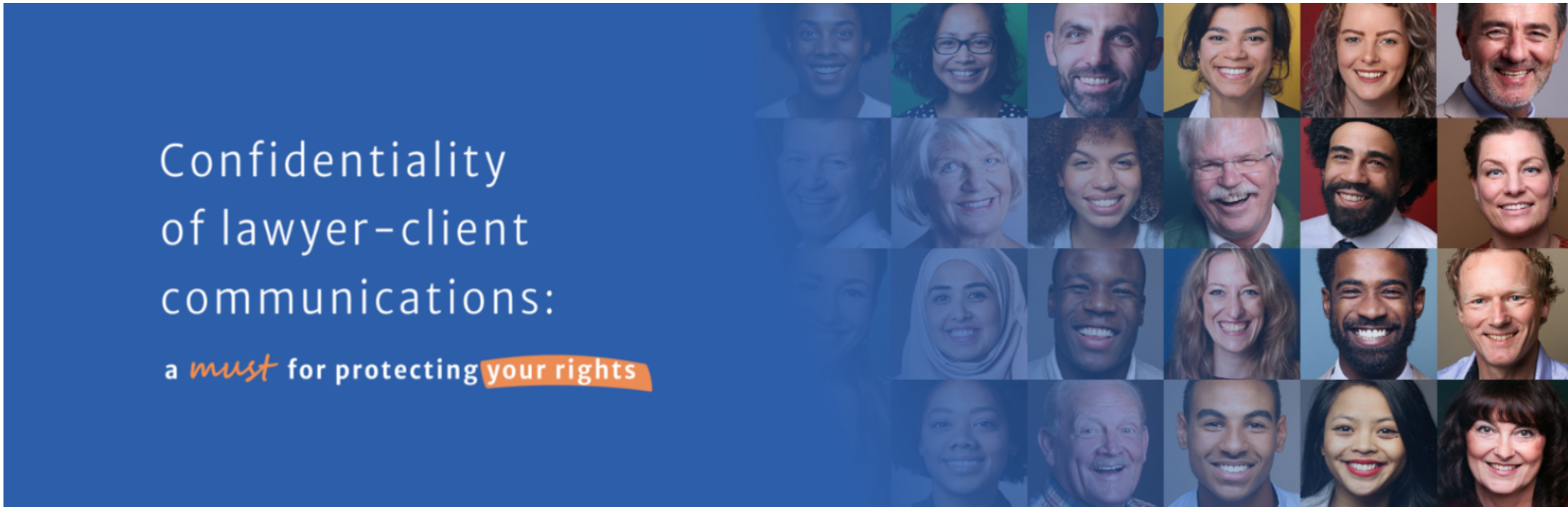
Several initiatives were taken by the CCBE to shed light on the crucial importance of lawyer-client confidentiality, including:

European Lawyers Day (ELD) 2023

ELD's theme for this year was: **"Confidentiality of lawyer-client communications: a must for protecting your rights!"**





The CCBE wished to remind all that clients can only receive appropriate legal advice if they can communicate openly and in confidence. It is the duty of lawyers to keep this information confidential to allow individuals to feel safe in disclosing details in order to receive the most appropriate legal advice relevant to their situation. Without this protection of confidentiality, there is no genuine right to seek legal advice, and there cannot be any genuine access to justice without the right to legal advice.

On this occasion, a communication campaign was launched on social media to raise awareness of what lawyer-client confidentiality entails (as well as what it does not entail), and why it is so important to protect it!



Confidentiality
of lawyer-client
communications:
a *must* for protecting **your rights**

THE CCBE ALSO PREPARED AN INFORMATION PACK CONTAINING:

-  a helpful CCBE explanatory leaflet on the importance of the fundamental right to confidentiality;
-  a social network package and posters for others to use to spread awareness on this pertinent matter; and
-  an insightful and inspiring article written by the Chair of the CCBE Anti-Money Laundering Committee, Claudio Cocuzza, highlighting that the confidentiality of lawyer-client communication offers a shield without which one would ultimately feel unsafe and not free to communicate;
-  a guide for Bars and Law Societies on how to help promote awareness themselves. Find an overview of some of the various events they organised on our ELD webpage!

ELD is celebrated each year on 25 October, in the framework of the European Day of Justice.

More information on European lawyers Day [here](#).

More information on European Day of Justice [here](#).

HIGHLIGHTS OF 2023

CCBE High-level Event

In connection with ELD, the CCBE organised an exceptional event on 23 October 2023, focused on “[The role of the European institutions in upholding the core values of the legal profession in the administration of justice](#)”. This event brought together high-level speakers from the European institutions and lawyers from all over Europe! The event was held at the European Parliament in Brussels ([photo 1](#)) with the possibility to join via web stream, gathering around 500 participants in total.

The event started with an opening message from the European Parliament Vice-President, Katarina Barley ([photo 2](#)), who stressed, among other things, the utmost importance of the confidentiality of lawyer-client communications, reminding

that the Pegasus Inquiry Committee of the European Parliament requested new legislation to protect lawyers from breaches against confidentiality. Additionally, CCBE President Panagiotis Perakis, gave a welcome address highlighting the importance of the fundamental values of the legal profession for the interest of European citizens. He also stressed that the right of a client to seek legal advice in confidence is a fundamental right and that the European institutions must ensure that legal professional privilege is upheld and respected throughout the continent.

Subsequently, the welcome remarks were followed by 3 panel sessions.

→ Continued on page 18



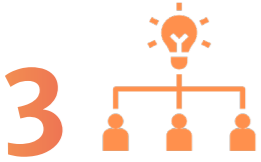
Replay of the event



→ Playlist of the event on the CCBE YouTube channel



> European Commissioner for Justice, Didier Reynders, and CCBE President, Panagiotis Perakis



Panel sessions



→ Continued: " CCBE High-level Event"

Panel 1, moderated by the Chairman of the Nobel Peace Prize Committee, Berit Reiss-Andersen (photo 1), highlighted the **fundamental importance of an independent legal profession for the administration of justice**. The speakers of the first session were: European Commissioner for Justice, Didier Reynders (photo 2), Director-General for International Legal Cooperation and Human Rights and member of the Spanish Ministry of Justice, David Vilas (photo 3) and the Director of the EU Agency for Fundamental Rights, Michael O'Flaherty (photo 4).

[WATCH PANEL 1](#)



Panel 2, which was moderated by CCBE Secretary-General, Simone Cuomo (photo 1), delved into the question of **what is the relationship between new technologies and core values**: are they potential partners or an inevitable mismatch? The panel was composed of the following speakers: the Secretary-General of the Council of Europe, Marija Pejčinović Burić (photo 2), the European Commission Deputy Director-General of the Directorate-General for Justice and Consumers (DG JUST), Nils Behrndt (photo 3), and CCBE Second Vice-President, Thierry Wickers (photo 4).

[WATCH PANEL 2](#)



Panel 3, moderated by CCBE First Vice-President, Pierre-Dominique Schupp (photo 1), covered the topic of confidentiality of lawyer-client communications – the theme of ELD 2023. In particular, the panel sought to answer **whether this essential pillar of the lawyer-client relationship is adequately safeguarded**. The President of the General Court of the European Union, Marc van der Woude (photo 2), Judge of the European Court of Human Rights, Mattias Guyomar (photo 3), and former CCBE President, Margarete von Galen (photo 4), expressed their opinion on this issue.

[WATCH PANEL 3](#)

The event closed with inspiring concluding remarks from CCBE President Panagiotis Perakis, and the Chair of the European Parliament Committee on Civil Liberties, Justice, and Home Affairs (LIBE) Committee, Juan Fernando López Aguilar (see photo below).

[WATCH THE CONCLUDING REMARKS](#)



Other actions

More generally, the CCBE tried to also raise awareness of the importance of lawyer–client confidentiality in numerous external events where possible, such as at the 51st European Presidents' Conference on 17 February 2023 regarding “How much transparency does the Rule of Law need?”. During his speech, CCBE President Perakis ([photo 1 and 2](#)) stressed that the fundamental principle of professional secrecy and legal professional privilege protects clients, is part of the rule of law, and should not be undermined in the name of transparency.

Read the full speech of the CCBE President [here](#).

The CCBE also raised concerns in regard to lawyer–client confidentiality in response to several European Commission legislation proposals. For example, on 31 March 2023, the CCBE adopted a **position paper on the proposal for a Directive to harmonise criminal offences and penalties for the violation of EU restrictive measures of 2 December 2022**. In the position paper, the CCBE positively welcomed that Recital (7) of the Preamble and paragraph (5) of Article 3 acknowledges that lawyer–client confidentiality applies in the outlined circumstances, and pushed for this to be also expressly acknowledged in Article 5n of the Council Regulation concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.

See [here](#) for the CCBE position paper.



Furthermore, in a joint open letter with a number of associations and internet service providers sent on 12 June 2023, the CCBE called for the Members of the European Parliament to **reject the European Commission's so-called “e-Evidence package”** during their Plenary vote on this matter. The letter lists several concerns regarding the proposal as it risks severely undermining fundamental rights, including press and media freedom, the right to privacy, the right to a fair trial, as well as lawyer–client confidentiality.

Find the joint open letter available [here](#).



Additionally, the CCBE adopted and circulated to the EU institutions a **position paper on the proposal for a Directive regarding VAT rules for the digital age (DAC6)** and its potential impact on professional secrecy on 10 November 2023. The paper outlines potential problems which may arise for lawyers from the introduction of e-report and e-invoicing, as well as stressed the need for concrete amendments to the proposal to preserve lawyer–client confidentiality.

Read all the CCBE's proposed amendments [here](#), as well as other related efforts to defend confidentiality in the field of tax in the relevant section under Committees & Working Groups.

Moreover, the CCBE further raised concerns in regard to the need for respect of lawyer–client confidentiality in a **statement issued on 30 June 2023 in response to the adoption of a new Polish Law**. The new law, which was adopted on 30 May 2023, establishes a State Committee for the examination of Russian influence on the internal security of Poland between 2007 and 2022, which the CCBE is concerned will lead to the right to lawyer–client secrecy not being respected, in addition to several other concerns. The CCBE concluded the statement by calling for an immediate repeal of this new legislation by the Polish Parliament. ■

Find the CCBE statement available [here](#).

HIGHLIGHTS OF 2023

Protecting lawyer-client confidentiality against surveillance

Further to raising awareness on the importance of lawyer-client confidentiality, the CCBE concentrated this year more specifically also on the protection of lawyer-client confidentiality against surveillance, especially in light of the European Parliament Report regarding Pegasus spyware and the European Commission proposal for a Regulation laying down rules to prevent and combat child sexual abuse.

In regard to the Pegasus scandal, the CCBE continued to actively monitor and engage with the relevant MEPs during the inquiry in the European Parliament. The close engagement and cooperation with the European Parliament during the previous year and in 2023 on this matter was proven very fruitful, as evidenced by the Recommendation adopted on 15 June 2023,

which reflects the position of the CCBE regarding the importance of protecting information covered by lawyer-client confidentiality (see more details under the Committees & Working Groups section).

Additionally, subsequent to the CCBE [response](#) of 25 November 2022 on the European Commission proposal for a Regulation on preventing and combatting child sexual abuse, the CCBE continued to campaign regarding the need for the protection of lawyer-client communications through various letters and written inputs to the EU institutions (for more information see the relevant section under the overview of the work of Committees & Working Groups). ■



HIGHLIGHTS OF 2023

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



In light of the continuation of events giving rise to situations whereby lawyers have been presented as enablers of illegal or unethical practices, the CCBE focused also in 2023 on defending the principle of non-identification of lawyers with their clients when the lawyer has not knowingly participated in any criminal activity of a client.

With this aim in mind, the CCBE had numerous meetings and contacts throughout the year to campaign against the misleading perception that all lawyers are enablers. In particular, with respect to anti-money laundering (AML), the CCBE continued lobbying for its concerns on the European Commission's so-called "AML package", which foresees measures motivated by the perception that more supervision of lawyers is needed as a result of the view that they are enablers of money laundering. The CCBE also had several meetings with other organisations to

discuss this matter, including the Financial Action Task Force (FATF) Private Sector Consultative Forum, the American Bar Association and Transparency International.

Additionally, on 28 June 2023, the Chair of the CCBE AML Committee and an AML expert participated in a workshop entitled "Revealing and Reining in the Professional Enablers of Corruption", which was organised by Global Anti-Corruption Consortium (GACC) and Transparency International. The majority of the participants were hostile towards the legal profession, highlighting the importance of the CCBE's participation to present the perspective of the legal profession so as to balance the debate and try to engage constructively with civil society.

Furthermore, with respect to tax, the CCBE similarly arranged meetings to address

the perceptions of lawyers as enablers in the field, such as with Benjamin Angel, Director for direct taxation, tax coordination, economic analysis and evaluation (DG TAXUD) at the European Commission, and three other European Commission officials, as well as with a representative of the Spanish Presidency of the Council to discuss the expected proposed Directive on "Securing the Activity Framework for Enablers" (SAFE). In regard to the awaited SAFE proposal, a CCBE expert also attended on 28 June 2023 a conference organised by the European Tax Adviser Federation on the matter in order to understand and report back on what to expect.

Moreover, the CCBE further worked against strategic lawsuits against public participation (SLAPP) during the year, which lawyers can often be victims of due to being identified with the cause of their client and

subsequently targeted for this reason. For example, on 31 March 2023, following much discussion and analysis, the CCBE adopted and circulated to the EU institutions a position paper on the draft Directive and European Commission Recommendation on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings. In its position paper, the CCBE provides comments and suggestions on several articles of the draft Directive in order to ensure the equal protection of rights, as well as highlight that lawyers may be victims of unfounded and abusive court proceedings themselves when strategic lawsuits against their public participation are filed with the purpose to silence the lawyer.

→ Continued on page 26



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

In relation to the European Commission Recommendation, among other things, the CCBE further underlined the concerns that the European Commission may give the wrong impression that it invites Member States to govern and influence self-regulatory bodies and that there are no ethical or deontological rules **forbidding and discouraging the initiation of manifestly unfounded or abusive court proceedings** or governing the conduct of lawyers in such cases. It was also highlighted in the **paper** that when carrying out their duties, lawyers shall respect principles of dignity, conscience, integrity, and loyalty. These principles are prescribed in the CCBE [Model Code of Conduct](#) for European Lawyers

and the [Charter of Core Principles](#) of the European Legal Profession, as well as in the national ethical/deontological rules set by relevant national Bars and Law Societies of Member States.

Read the full position paper [here](#).

Subsequently, experts of the CCBE attended the meetings of the Council of Europe's Committee of Experts on Strategic Lawsuits Against Public Participation (MSI-SLP) in order to express the CCBE's position on the draft Recommendations on SLAPP of the Council of Europe, and submitted written comments as well. While the final version of the Recommendation is not available yet,

the updated draft took into account the vast majority of the CCBE's comments expressed in the meetings and in writing.

Relatedly, the CCBE also organised a webinar for lawyers with the European Lawyers Foundation (ELF) regarding SLAPP-related issues as part of the ELF programme of webinars for EU lawyers. The webinar was a huge success, attracting over 500 participants!



For details on the webinar and to watch the recording, see [here](#).

Lastly, throughout the year, the CCBE sent 81 letters in support of more than 360 endangered lawyers in more than 38 countries. Many of these endangered lawyers are attacked or hindered in their work due to being identified with their client's cause. The CCBE also decided to give its 2023 Human Rights Award to Chinese Lawyers Hang Tung Chow, Xu Zhiyong, and Ding Jiaxi for their courage, determination, and commitment to defending human rights and the rule of law in China. ■

More information on the CCBE Human Rights Award and the winners is available in the special focus of our past [newsletter](#).

Missed our video of the 2023 Human Rights Award Ceremony? Watch it [here](#)!



HIGHLIGHTS OF 2023

The Convention on the Protection of the Profession of Lawyer

In 2023, the CCBE continued to actively engage in the work carried out by the Council of Europe on the elaboration of a future European Convention on the Profession of Lawyer. It played an active role in contributing to the drafting of the Convention by submitting several proposals for amendments which were discussed during each of the three meetings of the Council of Europe Committee of Experts on the Protection of Lawyers (CJ-AV), which is tasked with the elaboration of a Convention aimed at strengthening the protection of the profession of lawyer under the authority of the Council of Europe Committee of Ministers and of the European Committee on Legal Co-operation (CDCJ). Among these contributions was a **position paper** on some of the most important **drafting proposals to be included in the Convention**, which was adopted by the CCBE Standing Committee on 16 February 2023, in view of the 4th meeting of the CJ-AV.

Read the full position paper [here](#).

The CCBE also made more specific drafting proposals prior to and after the 5th and 6th meeting of the CJ-AV, which took place from 3 to 5 July 2023 and 17 to 19 October 2023 respectively. Overall, the CCBE's contributions were well received, and the discussions within the CJ-AV were very constructive.

Find out more about the work of the Committee of Experts on the Protection of Lawyers (CJ-AV) [here](#).

In addition, the Chair of the CCBE European Convention Working Group, Laurent Pettiti, also represented the CCBE as a guest speaker on 30 May 2023 at the celebration of the 60th anniversary of the Council of Europe Steering Committee on Legal Co-operation (CDCJ). The Chair's intervention was on the topic "Towards an instrument for the protection of lawyers", during which he highlighted the CCBE's position and stressed the necessity of a binding Council of Europe legal instrument on the protection of lawyers in response to the risks they may face.



> 4th meeting of the CJ-AV in Strasbourg from 1 to 3 March 2023.

This event was organised in conjunction with the 100th Plenary meeting of the CDCJ, in which the CCBE participated as an observer member and was represented by the CCBE Secretary-General, Simone Cuomo. During the meeting, several pertinent matters were touched upon, including justice and the rule of law, the draft Convention on the Protection

of the Profession of Lawyer, family law and children's rights, artificial intelligence, and the administrative detention of migrants. ■

More information about the CDCJ and its 60th anniversary available [here](#) and on its general [website](#).

HIGHLIGHTS OF 2023

Supporting the legal profession in Ukraine in times of war

During 2023, the CCBE's Platform for Exchange, Cooperation and Outreach (PECO) Committee continued to closely monitor the situation in Ukraine through regular updates provided by the Ukrainian National Bar Association. The CCBE Standing Committee and Plenary Session were also frequently provided updates, and issues which arose were highlighted to the CCBE members.

In addition, the CCBE submitted a **statement on recommitting to the Convention System as the cornerstone of the Council of Europe's protection of human rights** and attended the 4th Council of Europe Summit in Reykjavik on 16 and 17 May 2023. In its contribution, among other things, the CCBE highlighted in particular the role that the Council of Europe can play in ensuring the accountability of Russia for its aggression against Ukraine.

Find the CCBE statement [here](#).

Moreover, on 30 June 2023, the CCBE adopted a statement in response to the decision on 16 May 2023 by the Committee of Ministers of the Council of Europe to create a **Register of Damage caused by the aggression of the Russian Federation against Ukraine**. In its statement, the CCBE recommended that the Conference of the Register invites the Board of the Register to take into account the views of lawyers with practical experience in different categories of mass claims, and that candidates for the Board of the Register appointed by the Conference should include lawyers with private practice experience of bringing or handling mass claims before national or international courts and tribunals. The CCBE also offered the Council of Europe and organs of the Register assistance in identifying lawyers with such experience.

Read the CCBE statement available [here](#).

Relatedly, the CCBE adopted a more general **statement on the protection and enforcement of international law** on 29 September 2023. The statement calls upon all governments and lawyers to protect and enforce the fundamental values upon which our shared humanity thrives, namely an international legal order based on democratic values and a strict adherence to the rule of law. ■

For the full CCBE statement, please see [here](#).



HIGHLIGHTS OF 2023

Engaging with the issues young lawyers face

The CCBE wished to focus this year on improving the visibility of the CCBE among lawyers, particularly young lawyers, as to engage with the issues they are facing. With this aim in mind, the CCBE established a Young Lawyers Committee in 2023.

The Committee, chaired by Iina-Mari Supperi, held several meetings in 2023 in order to discuss the objectives of the new committee and identify key issues which should be addressed within the given scope, which includes, among other things, policy issues regarding the entrance to the profession, gender issues and other discriminations young lawyers face, trainee lawyers' legal framework and relevant issues, the attractiveness of the

profession, as well as the coordination of a European young lawyers network through the national Bars.

Furthermore, the CCBE generally, as well as through the Young Lawyers Committee, has closely interacted throughout the year with European and International organisations for young lawyers, including the European Young Bar Association and the International Association of Young Lawyers. ■

For more information on the work done by the Young Lawyers Committee, please see the relevant section below under Committees & Working Groups, as well as our past [newsletter](#) with a special focus on this new committee and an insightful Q&A with the Chair.



> The first Young Lawyers Committee meeting took place on 11 May 2023 in Brussels, chaired by Iina-Mari Supperi, with the CCBE President, Panagiotis Perakis, and Secretary-General, Simone Cuomo, in attendance.

Committees & Working Groups

OVERVIEW OF PUBLICATIONS IN 2023

Anti-Money Laundering

- CCBE comments on the 3rd Supranational Risk Assessment (16/02/2023)

Access to Justice

- CCBE position paper on the draft Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings and the Commission Recommendation on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings (31/03/2023)
- CCBE recommendations on legal aid (31/03/2023)

Criminal Law

- CCBE position paper on the Commission proposal for a Directive to harmonise criminal offences and penalties for the violations of EU restrictive measures (31/03/2023)

- CCBE position paper on the proposal for a Regulation of the European Parliament and of the Council on the transfer of proceedings in criminal matters (30/06/2023)

Company Law

- CCBE response to the Commission proposal for a Directive amending the use of digital tools and processes in company law (12/05/2023)

EU Lawyers

- CCBE statement of the CCBE on the occasion of the 25th anniversary of the Lawyer's Establishment Directive and the 30th anniversary of the Single Market (12/05/2023)

Family & Succession Law

- CCBE position paper on the proposed Council Regulation regarding the recognition of parenthood between Member States (31/03/2023)

CCBE initial comments on the Council of Europe draft Recommendation on the protection of the best interests of the child and his or her rights in parental separation proceedings (26/07/2023)

CCBE response to the Commission consultation on integrated child protection systems (29/09/2023)

Human Rights

- The CCBE sent 81 letters in support of endangered lawyers to 38 countries around the world.

- Joint statement on Turkey's terror list: an attack on lawyers and human rights – the case of lawyer Günay Dag (10/02/2023)

- Joint statement calling to urgently lift travel restrictions and safeguard human rights of Li Heping and his family (22/06/2023)

- Joint statement on the '709 Crackdown 2.0' – global call against China's renewed crackdown on human rights lawyers (10/07/2023)

- Joint statement calling for support from the International Legal Community for Hong Kong lawyers wanted under the Hong Kong National Security Law (13/07/2023)



Joint statement in support of Guatemalan lawyer Claudia Gonzalez condemning her detention and calling for her immediate release (05/09/2023)

International Fair Trial Day 2023: joint statement on the situation in Mexico (26/09/2023)

Joint statement calling for the release and adequate treatment of Chinese human rights lawyer Li Yuhan (09/10/2023)

Joint statement for the urgent request for intervention in favour of Mrs Nasrin Sotoudeh (02/11/2023)

Environment and Climate Change

CCBE initial statement on climate change (16/02/2023)

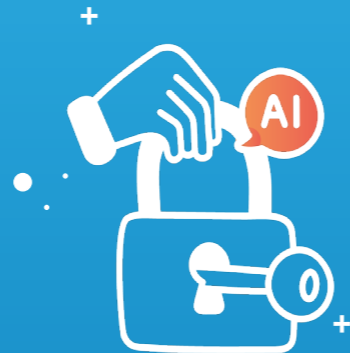


Permanent Delegation to the Human Court of Human Rights

CCBE statement on the declaration made at the 4th Council of Europe Summit on recommitting to the Convention System as the cornerstone of the Council of Europe's protection of human rights (02/06/2023)

CCBE statement in response to the creation of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine (30/06/2023)

Guide on *The European Court of Human Rights: Questions & Answers for Lawyers* (2023)



IT Law

CCBE statement on the European Declaration on Digital Rights and Principles (16/02/2023)

CCBE statement on the use of AI in the justice system and law enforcement (25/05/2023)

Migration

- CCBE position paper on the proposal addressing situations of instrumentalisation in the field of migration and asylum (16/02/2023)
- CCBE preliminary comments on Article 17(4) of the proposal for a Long-Term Residents Directive recast (27/07/2023)
- CCBE statement following the shipwreck off Pylos regarding unacceptable practices at EU borders (28/07/2023)

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

CCBE comments on the draft amendment to Protocol No 3 on the Statute of the Court of Justice of the European Union (05/05/2023)

Rule of Law

- CCBE contribution for the 2023 Rule of Law Report (16/02/2023)
- CCBE statement on the protection and enforcement of international law (29/09/2023)
- CCBE statement on upholding the independence and self-regulation of the legal profession in Poland (29/09/2023)



Surveillance

- Joint open letter: e-evidence package lacks appropriate safeguards, EU Parliament must reject it (12/06/2023)
- CCBE open letter regarding the interception of communications between Julian Assange and his lawyers (31/07/2023)
- CCBE calls for the respect of legal professional privilege and the fundamental right of Julian Assange to a fair trial 02/08/2023)

Tax



CCBE position paper on the proposal for a Directive regarding VAT rules for the digital age and its potential impact on professional secrecy (10/11/2023)

Committees & Working Groups

OVERVIEW OF ACTIVITIES IN 2023

CHAIR: ELISABETH SCHEUBA (AUSTRIA)

Access to Justice

The Access to Justice Committee discussed several aspects of legal aid and finalised its work on the update of the CCBE [recommendations](#) on legal aid. The recommendations were adopted on 31 March 2023 and published for further use by CCBE members when addressing their governments and relevant national authorities.

In addition, the Committee finalised the work on its [position](#) regarding the draft Directive and European Commission Recommendation on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings. In addition, the Committee monitored the work of the Expert Group Against Strategic Lawsuits Against Public Participation (SLAPP) of the European Commission, as well as the work of the European Parliament and the Council on this draft Directive, and submitted in response its suggestions and comments for legislators to consider.

The Committee also followed the work of the Committee of Experts on Strategic Lawsuits Against Public Participation (MSI-SLP) of the Council of Europe, analysing its draft Recommendation on SLAPP and providing contributions to the discussions.

See further details under the Highlights section!

As in previous years, the Committee further 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 supported the European Lawyers Foundation (ELF) in its work on the Report on the cost of living crisis and its impact on access to justice in the EU.



CHAIR: RUPERT MANHART (AUSTRIA);

SINCE FEBRUARY 2023: CLAUDIO COCUZZA (ITALY)

Anti-Money Laundering

In 2023, the Anti-Money Laundering (AML) Committee continued to follow the work of the EU institutions on the so-called “anti-money laundering package”, which was published in July 2021. The CCBE was in regular contact with the co-legislators (the Council and the European Parliament), and the CCBE’s actions included, for example, preparing and sending comments to the institutions with regard to their positions for trialogue negotiations. In line with its [position paper](#) adopted in December 2021, 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 EU supervisory body can directly or indirectly interfere with the independence of lawyers, which is an integral component of the rule of law.

On 16 February 2023, the CCBE adopted [comments](#) on the European Commission’s 3rd Supranational Risk Assessment. Due to the importance of the topic, but also due to the apparent misunderstanding of professional secrecy, an important part of the paper was devoted to explaining how legal professional privilege applies in the field of AML. The idea was to show that legal professional privilege cannot be considered as an obstacle to effective AML. The CCBE hopes that this explanation provided will improve the understanding of decision-makers.

The CCBE also continued to undertake activities that allow the sharing of best practices and challenges amongst Bars, such as by collecting various information from its members and raising awareness of the AML framework. Moreover, on 15 February 2023, a seminar was organised on AML-related issues for the Bars from CCBE associate and observer member countries.

Additionally, throughout the year, the CCBE continued to build and maintain contacts with European and international stakeholders, such as the Financial Action Task Force (FATF), the European Parliament, the European Commission's Directorate-General for Financial Stability, Financial Services and Capital Markets Union (DG FISMA), as well as the International Bar Association (IBA).

CHAIR: ANTIGONI ALEXANDROPOULOU (GREECE)

Company Law

This year, the Company Law Committee has particularly followed the publication of a new legislative proposal on upgrading the use of digital tools and processes in company law on 29 March 2023 and prepared CCBE [comments](#) in response, which were approved by the CCBE Standing Committee on 12 May 2023. Several meetings were also organised between the CCBE Chair and key representatives of the institutions negotiating this file at European level in order to convey our comments in more detail.

Following the closure of the CCBE Corporate Social Responsibility Committee, the Company Law Committee additionally monitored the European Commission proposals in the areas of corporate sustainability reporting and corporate sustainability due diligence during the year.



CHAIR: ONDREJ LACIAK (SLOVAKIA)

Criminal Law

On 13 September 2023, representatives from the CCBE, together with colleagues from the European Criminal Bar Association (ECBA), had a meeting in Luxembourg with representatives from the European Public Prosecutor Office (EPPO). This was the second annual meeting with the EPPO since the EPPO became operational on 1 June 2021. As part of the discussions, the CCBE and ECBA representatives raised issues concerning the gathering of evidence in cross-border investigations, access to the case file, and issues regarding interpretation and translation. These meetings are of great benefit as they allow for an exchange and appreciation of perspectives on issues of varying complexity.

During 2023, the Criminal Law Committee also prepared a [response](#) to the European Commission proposal for a Directive on the definition of criminal offences for the violation of sanctions, as well as a [response](#) to the European Commission proposal for a Regulation on the transfer of proceedings in criminal matters.

In addition, the Committee had a meeting with a representative from the Council of Ministers regarding the 9th round of mutual evaluations on mutual recognition of legal instruments in the field of deprivation or restriction of liberty (covering the following four instruments: the Framework Decision on the European Arrest Warrant, the Framework Decision on mutual recognition of judgements imposing custodial sentences, the Framework Decision on the mutual recognition of probation measures and alternative sanctions, and the Framework Decision on the European Supervision Order). Furthermore, the Committee followed the current 10th round of mutual evaluations, which involves Member State by Member State assessments of the European Investigation Order in criminal matters.

Towards the end of 2023, the Committee also began to look at measures to prepare for the application of the E-evidence Regulation, which is due to come into effect in 2026.

CHAIR: BERTRAND DEBOSQUE (FRANCE)

Deontology

Following the adoption of the CCBE [Model Code of Conduct](#) for European Lawyers in 2021, the Deontology Committee continued the assessment and review of the CCBE Model Code of Conduct. It also continued to answer requests from CCBE delegations on the application of the CCBE Code of Conduct, including on virtual offices.

Furthermore, it carried on monitoring the developments around third-party litigation funding and third-party investment in law firms. Moreover, the Committee finalised its proposal on the new core principle of non-discrimination, equality, and diversity, which will be considered and put to vote in 2024.



CHAIR: JEAN-MARC GOLLIER (BELGIUM)

Environment and Climate Change

In the beginning of 2023, the CCBE adopted its initial [statement](#) on the role of lawyers in combating climate change. In this statement, the CCBE committed to take action in relation to its own activities in a manner consistent with restricting global warming to 1.5°C and to assist its member Bars and Law Societies in promoting a climate-conscious legal practice. Following the adoption of this statement, the CCBE took immediate steps to tackle the impact of its own activities on climate change, showing its commitment to the environment, not only by word, but by taking concrete actions.

Firstly, the CCBE Secretariat took steps towards eco-management, through an official application for eco-labelling of the management of its activities. It obtained the Ecodynamic Organisation Label with two stars. The Ecodynamic Organisation Label is an official recognition of the Brussels-Capital Region, which recognises eco-management initiatives based on a three-level scale: one, two, or three stars. The aim of this eco-labelling is to integrate the environment into the day-to-day management of the CCBE Secretariat. Therefore, obtaining this label required the CCBE Secretariat to implement a whole series of initiatives, such as waste prevention and the circular

economy, rational use of energy, good management of employee mobility, and sustainable food.

Check out the CCBE's Ecodynamic Organisation Label [here](#)!

Secondly, the CCBE undertook to calculate its [corporate carbon footprint](#) (CCF). This CCF includes the calculation of the footprint generated in 2022 by the professional activities of the CCBE Secretariat at their base in Brussels, and by the business travels of the CCBE Presidency. Then, in accordance with the commitments taken by the CCBE and given that no reduction target has been established yet, the CCBE decided to compensate two-fold its CCF by financing officially recognised climate projects through the UN Carbon Offset Platform.

For more information on the CCBE's efforts, please see [here](#).

Moreover, the CCBE, together with the European Lawyers Foundation (ELF), organised a [webinar](#) on 27 February 2023 regarding the impact of climate change on lawyers' practices. The Environment and Climate Change Committee also continued to monitor the developments in relation to the environment and the legal profession at national, European, and international level.



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 EU and continued to follow policy developments initiated by the European Commission in the field of regulated professions and legal services. In this respect, the Committee prepared a CCBE [statement](#) on the occasion of the 25th anniversary of the Lawyer's Establishment Directive and the 30th anniversary of the Single Market, which was adopted by the CCBE Standing Committee on 12 May 2023. Moreover, the Committee

continued to discuss modern ways to enhance the cooperation between Bars in cross-border matters. Lastly, the Committee kept regular contact with the European Commission's Directorate for the Internal Market, Industry, Entrepreneurship & SMEs (DG GROW) on key developments affecting the free movement of lawyers, and a meeting took place in September with the relevant Policy Units dealing with the profession of lawyers as to renew contact and express the willingness for further cooperation.

CHAIR: LAURENT PETTITI (FRANCE)

European Convention on the Profession of Lawyer

Throughout 2023, the European Convention on the Profession of Lawyer Working Group closely followed and participated in the work of the Council of Europe's Committee of Experts on the Protection of Lawyers (CJ-AV). In this context, it submitted and discussed several proposals for amendments to the draft text of the future Convention on the Protection of the Profession of Lawyer. These contributions also included the CCBE [position](#) on the draft Convention on the protection of the profession of lawyer, which was adopted on 16 February 2023 (see the Highlights section for more details).

Additionally, as mentioned in the Highlights section, the CCBE also participated as an observer member in the meetings of the Council of Europe Steering Committee on Legal Co-operation (CDCJ) with regard to the work on the draft Convention. Overall, the outcome of the CCBE's participation in those meetings was positive as numerous suggestions of the CCBE were taken into consideration, and good progress was made.

CHAIR: PEDRO PORTELLANO DÍEZ (SPAIN)

European Private Law

During 2023, the European Private Law Committee continued to monitor the developments of the legislative files regarding the European Commission proposal for a Directive on artificial intelligence liability and on liability for defective products.

In addition, the Committee examined the European Commission initiative on the Package Travel Directive, as well as the various legislative proposals from the European Commission related to consumers and sustainability, such as the proposal for a Directive on the right

to repair and the proposal for a Directive on green claims.

Moreover, following several postponements, the European Commission published its package proposals regarding alternative dispute resolution and online dispute resolution on 17 October 2023. The Committee, together with the CCBE Access to Justice Committee and IT Law Committee, began to review the package towards the end of the year with the aim to provide a response in 2024.

CHAIR: KATELL DROUET-BASSOU (FRANCE)
SINCE FEBRUARY 2023: ELODIE MULON (FRANCE)

Family and Succession Law

In 2023, the Family and Succession Law Committee continued to work on the recognition of parenthood between Member States and adopted its [position paper](#) on 31 March 2023 regarding the proposal of the European Commission for a Council Regulation on this matter. This position paper follows some [preliminary observations](#) prepared by the CCBE in advance of the publication of the proposal and a [response](#) to the European Commission consultation on this matter. While the CCBE welcomed the proposal of the European Commission, the CCBE considered that several amendments were necessary in order to ensure the best interests of the child, facilitate the establishment of parenthood, and guarantee that the established parenthood is recognised in other Member States. The position paper of the CCBE was well-received by the EU institutions and taken into account during their deliberations.

Additionally, on 26 July 2023, the CCBE provided some [initial comments](#) on the Council of Europe draft Recommendation on the protection of the best interests of the child and his or her rights in parental separation proceedings. As part of the comments, the CCBE reiterated the importance that the best interests of the child is the primary consideration, and delved into

important considerations for lawyers or other appointed persons when assisting children in proceedings. In particular, the CCBE stressed the importance that lawyers assisting children in proceedings are specialised in doing so.

Moreover, the CCBE further adopted a [response](#) to the European Commission consultation on strengthening integrated child protection systems on 9 September 2023, noting several issues and stressing the need for harmonisation and minimum standards across the EU Member States.

The Committee also worked on preparing a position paper in response to the two proposals from the European Commission for a Regulation and a Council Decision on the protection of adults, as well as on a questionnaire regarding lawyers assisting children in proceedings, which will be made available in 2024.

Lastly, the Committee continued to attend meetings and monitor relevant work done by the European Law Institute (ELI), the Hague Conference on Private International Law (HCCH), and the European Judicial Network (EJN) in civil and commercial matters.

CHAIR: CHRISTIAN LEMKE (GERMANY)

Future of the Legal Profession and Legal Services

In 2023, the Future of the Legal Profession and Legal Services Committee continued its work on the CCBE position paper on innovation in legal services and the legal profession. To this end, it developed a draft paper that summarises the various drivers of change in legal services to form the basis for further work, including a questionnaire.

In addition, the Committee continued working on the topic of the attractiveness of the legal profession. During the year, the Committee gathered evidence on the available information and trends in several EU Member States and prepared an overview report. This report was also shared with the CCBE Young Lawyers Committee and discussed therein.



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

Human Rights

In addition to the CCBE Human Rights Award (see the Highlights section for further details), the CCBE continued to act in support of lawyers being harassed, threatened, imprisoned, and even murdered because of their professional activities. In 2023, the CCBE sent over 81 letters addressing the situation of more than 360 endangered lawyers in 38 countries around the world.

Moreover, the CCBE, with other Bars, Law Societies, and lawyers' associations, issued joint statements and participated in joint actions in support of endangered lawyers, including the International Day of the Endangered Lawyer 2023, which was focused on Afghanistan. On this occasion, the CCBE organised, together with the International Bar Association (IBA) and the French-speaking Brussels Bar, a press conference to announce the reopening of the Afghan Independent Bar Association (AIBA) in exile in Brussels.

More details on the work of the CCBE available on the [CCBE Human Rights Portal](#).

Furthermore, the CCBE continued to strengthen its cooperation with its "Human Rights" Network, as well as with Human Rights NGOs, in order to achieve synergies in support of persecuted

lawyers. The CCBE also collaborated with the new UN Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, in support of persecuted lawyers.

Lastly, the CCBE granted the first award of its Amicus Curiae Contest at the CCBE Plenary Session on 30 June 2023. The winner of this year's award was Lily Coisman, a student at the Haute Ecole des Avocats Conseils des Barreaux du ressort de la Cour d'appel de Versailles.

For more information on this year's winner, see the special focus of our past [newsletter](#), and watch our video of the [ceremony](#)!

Want to know more about the CCBE Amicus Curiae Contest? See our dedicated webpage [here](#)!



CHAIR: HERMAN BUYSENS (BELGIUM)

Insurance

The Insurance Committee regularly monitored and analysed issues regarding the lawyers' professional indemnity insurance (PII), especially in cross-border practices. This year, the Committee updated a questionnaire and publicised the responses with a summary report which was made available to the CCBE members. This report provides an overview of the regulatory framework and cost of PII for lawyers at national level.

In addition, in the area of legal expenses insurance, the Committee continued its work for a better dialogue between lawyers and legal protection insurers, in particular as to enhance the understanding of the principle of free choice of a lawyer. In this respect, the Committee would like to put forward some key recommendations for best practices with a view to finalising them in 2024.

CHAIR: CARLO FORTE (ITALY)

International Legal Services

The CCBE monitored the publication and analysed the Recommendation of the European Commission regarding the recognition of qualifications of third-country nationals, which was published on 15 November 2023. The CCBE also had a meeting with the European Commission's Directorate for the Internal Market, Industry, Entrepreneurship & SMEs (DG GROW) to better understand the document and its implications for Bars and lawyers. Moreover, the CCBE had a meeting with the European Commission's Directorate-General for Trade (DG TRADE) and held internal discussions on various aspects of recognition of

qualifications from third countries or of third-country nationals.

Continuing its work regarding the qualifications of Ukrainian lawyers, the CCBE also analysed the assessment report of the European Commission Recommendation on the recognition of qualifications of people fleeing the war in Ukraine, which mentions the 2022 CCBE [recommendation](#) on Ukrainian lawyers.

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

IT Law

During the year, the IT Law Committee followed the legislative work on the artificial intelligence (AI) Act and provided input to the trilogue negotiations. The Committee members also had the opportunity to exchange views with the representative of the European Parliament on the progress of the trilogue. In May, the Committee, along with the CCBE Surveillance Working Group, developed a [statement](#) on the use of AI in the justice system and law enforcement.

Furthermore, several members of the Committee took part as speakers in the European Lawyers Foundation (ELF) [webinar](#) regarding “Artificial

Intelligence and Lawyers” on 26 June 2023, along with the representative of the European Commission.

The Committee also monitored the negotiations on the Convention on Artificial Intelligence of the Council of Europe, which started in 2022, and observed several revised versions of the draft Convention.

Moreover, together with the CCBE Surveillance Working Group, the Committee held an exchange of views on 15 February 2023 with the representatives of the European Data Protection Supervisor (EDPS) on the current policy agenda.

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

Migration

On 16 February 2023, the CCBE adopted its [position paper](#) on the European Commission proposal for a Regulation addressing situations of instrumentalisation in the field of migration and asylum. In the paper, the CCBE expressed its general concerns about derogations that this proposal would allow and was critical of such an approach. Moreover, the CCBE formulated suggestions for improvements of specific provisions with regard to the issue of access to justice and access to a lawyer, which are matters within the particular field of activity of the CCBE. In this regard, the CCBE argued that the lack of any provisions in the proposal regarding legal assistance for people subject to the special procedures to be a striking omission.

In addition, on 27 July 2023, the CCBE adopted its [preliminary comments](#) on Article 17(4) of the proposal for a Long-Term Residents Directive (recast). The CCBE presented its tentative views on some provisions of this proposal and their potential consequences. The CCBE is of the view that, in principle, the proposal introduces several positive changes for long-term residents. However, the new Article 17(4) raises some practical questions and needs to be clarified as regards its consequences on the rules governing access to the

lawyer's profession, especially on the special EU lawyers' regime set in the Lawyers' Establishment Directive.

Furthermore, the CCBE issued a [statement](#) on 28 July 2023 to react to the shipwreck that occurred off the coast of Pylos, Greece, in which many people died while trying to reach the EU.

In the second half of the year, the CCBE intensified its contacts with the EU legislators working towards the adoption of the New Pact on Migration and Asylum. In particular, the Migration Committee closely monitored the work on Asylum Procedure Regulation, Screening Regulation, and Crisis Regulation (later on also the Instrumentalisation Regulation). The CCBE contacted legislators on several occasions to stress that the new legislation must secure and respect fundamental rights of migrants, such as the right to legal assistance, which ensures effective access to justice and access to asylum.

Lastly, the CCBE continued to act as a member and contribute to the work of Frontex and the European Union Agency for Asylum (EUAA) Consultative Forum, as well as undertook efforts to build and develop cooperation with various stakeholders, for instance, the European Commission's Directorate-General Migration and Home Affairs (DG HOME),



the European Union Agency for Asylum (EUAA), the Frontex Fundamental Rights Office, the Parliamentary Assembly of the Council of Europe (PACE), the United Nations High Commissioner for Refugees (UNHCR), and European Council on Refugees and Exiles (ECRE).

CHAIR: KLAVDIJA KERIN (SLOVENIA)

Platform for Exchange, Cooperation and Outreach (PECO)

Following the requests received, the Platform for Exchange, Cooperation and Outreach (PECO) Committee continued to monitor and assess the developments concerning the legal profession and justice systems in different CCBE associate and observer member countries by organising exchanges between its members, collecting information on different topics, as well as providing relevant assistance if and where possible.

One of the main issues on the agenda of the Committee for 2023 was the monitoring of the situation in Ukraine as regards lawyers and legal services,

based on the information provided by the Ukrainian National Bar Association. In addition, after the decision of the European Council to grant the status of EU candidate country to Bosnia and Herzegovina, the Committee conducted an assessment and prepared recommendations for the CCBE Plenary Session in order to change the CCBE observer membership status of the Bar Association of the Republic of Srpska and the Bar Association of the Federation of Bosnia and Herzegovina to an associate membership status.



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)

On 20 March 2023, representatives of the CCBE and Permanent delegation of the Court of Justice and the General Court of the European Union and the EFTA Court (PD LUX) Committee met with the President and members of the Court of Justice, the General Court, and the European Free Trade Association States Court. Generally, such meetings allow practitioners to exchange on a range of practical difficulties, ongoing procedural changes, and on future evolutions from the Courts' side. This year's meeting was also an opportunity to exchange in more detail with the General Court after the adoption of changes to its Rules of Procedure and Practice Rules, which were published on 1 April 2023.

Moreover, the Committee continued to follow the discussions on the legislative

proposal made by the Court of Justice for amending its Statute, which includes, inter alia, transfer of the preliminary ruling competence to the General Court in certain areas. In response, a CCBE [position paper](#) was prepared and sent to the EU institutions (the Court of Justice, the Council, the European Parliament, and the European Commission).

Lastly, the Committee was kept informed by the CCBE Training Committee on the finalisation of a project on "CJEU hearings' recording as a judicial training tool", which is financed by the European Commission.



CHAIR: PIERS GARDNER (UNITED KINGDOM)

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

A major achievement of Permanent Delegation to the European Court of Human Rights (PD STRAS) Committee in 2023 was the complete revision of its practical guide for lawyers applying before the European Court of Human Rights (ECtHR), which was prepared in consultation with the Council of Europe and the ECtHR.

Additionally, the Committee published two statements during the year. The first [statement](#), which was adopted on 2 June 2023, concerned the declaration made at the 4th Council of Europe Summit on recommitting to the Convention System. In this statement, the CCBE welcomed the commitments undertaken by Member States in relation to the Convention system, as well as expressed its readiness to work together with the relevant bodies of the Council of Europe to facilitate their implementation to address the Court's backlog and to achieve the more effective implementation of the Court's judgments. The second [statement](#), which was adopted on 30 June 2023, was in response to the creation of the Register of Damage caused by the aggression of

the Russian Federation against Ukraine (more information on this statement can be found in the Highlights section). Furthermore, the CCBE and various national Bars and Law Societies met with the ECtHR on 1 December 2023 in Strasbourg, France. This meeting was a great success and provided the opportunity for further cooperation, as well as for the CCBE to discuss issues of common interest relating to the Court's proceedings.

Moreover, on 4 December 2023, the CCBE and the European Lawyers Foundation (ELF) organised a [webinar](#) on the ECtHR, its case-law application at national level, and how to enhance subsidiarity.

Lastly, the Committee continued to follow the work of the Council of Europe on the accession of the EU to the European Convention on Human Rights (ECHR).



Rule of Law

The CCBE [contribution](#) to the 2022 Rule of Law Report (RoL Report) was adopted by the Standing Committee on 16 February 2023, which was prepared in response to the invitation and the public consultation launched by the European Commission on this matter. In its submission, the CCBE highlighted the most important rule of law developments and concerns involving legal professionals, as well as some trends which may pose a risk to the independence of lawyers and Bars as identified by its members in the respective Member States.

In addition, the CCBE monitored relevant developments in different countries and, among other issues, on the request of the Polish delegation, issued a [statement](#) on upholding the independence and self-regulation of the legal profession in Poland, and a [statement](#) on the Polish law establishing a State Committee for the examination of Russian impacts on internal security (see Highlights section for more details).

Moreover, following the CCBE Plenary Session in June 2023 and the agreement of the CCBE delegations, a network of CCBE contact points on rule of law-related issues was created. This network monitors and reports to the CCBE the relevant national rule of law-related issues during the year, as

well as facilitates and strengthens the contributions from national Bars and Law Societies to the draft CCBE input on the RoL Report of the European Commission.

During its initial meetings, the structure was agreed upon regarding the data collection from national Bars and Law Societies for the CCBE submission to the 2023 RoL Report of the European Commission. Among other matters, the network of contact points also assessed the draft Report of the European Lawyers Foundation (ELF) on the Bars' contributions to the rule of law in the EU, which was prepared in the margins of their operating grant. In addition, the network worked on suggestions for the questionnaire of the EU Justice Scoreboard and on comments in response to the draft Report of the European Parliament on the RoL Report of the European Commission, as well as had some exchanges on relevant national developments.

CHAIR: ANNE BIRGITTE GAMMELJORD (DENMARK)

Statutes

Following the amendments to the CCBE Statutes in 2022, the Bye-Laws needed to be updated accordingly, as well as to reflect the current practices of the CCBE. Throughout the year, the Statutes Review Working Group met several times to review the comments received from members, and it was also put for discussion in several Standing

Committees and Plenary Sessions. After extensive deliberation, the final proposed amendments to the Bye-Laws were put to a vote and approved by the CCBE Plenary Session on 24 November 2023.

CHAIR: SEBASTIAN CORDING (GERMANY)

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

Surveillance

In 2023, 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 their conclusion. In June 2023, the CCBE joined several pan-EU organisations to call for the rejection of the European Commission's so-called "e-evidence package" in an [open letter](#), stating, among other things, that the package risks undermining fundamental rights, including the protection of professional secrecy. In addition, the Working Group held a joint meeting with the CCBE Criminal Law Committee to explore the implications of the e-evidence package on the legal profession.

Furthermore, subsequently to its first [open letter](#), the Working Group sent on 31 July 2023 a second [open letter](#) regarding the interception of communications between Julian Assange and his lawyers.

Moreover, following revelations on the Pegasus scandal and the surveillance of lawyers within EU Member States, the Working Group prepared a CCBE input to the European Parliament's Committee of Inquiry to investigate the use of

Pegasus and equivalent surveillance spyware (PEGA) and monitored its work and recommendations. Adopted in June, the European Parliament [Recommendations](#) called for common standards on the use of spyware which should include, among others, at least: the protection of lawyer-client confidentiality, the reinforcement of the rights of the defence and the right to a fair trial, and minimum standards on the admissibility of evidence collected through spyware. On national security, the recommendations regretted the problems stemming from the lack of a common definition, and mention concerns regarding the possibility of a wide scope of interpretation of the national security carve out, as well as consider that it is necessary for 'national security' to be clearly defined.

Lastly, the Working Group monitored the legislative work on the proposal for a Regulation laying down rules to prevent and combat child sexual abuse and contributed in the form of two letters in August and September, as well as restated our positions in e-mails to relevant contact points in May, to the European Parliament's and the Council's legislative deliberations.



CHAIR: JACQUES TAQUET (FRANCE);
SINCE NOVEMBER 2023: SILVIA SPARFELD (GERMANY)

Tax

In 2023, the Tax Committee analysed the ruling of 8 December 2022 in Case C-694/20 (*Orde van Vlaamse Balies and Others*) and engaged with institutions with regard to the amendment of the Council Directive regarding the mandatory automatic exchange of information in the field of taxation (DAC6) following this ruling. More generally, the CCBE continued to discuss the implementation of DAC6, as well as monitored the cases before the Belgian Constitutional Court, French Conseil d'Etat, and the Court of Justice of the EU regarding the validity of certain national provisions implementing the DAC6 Directive.

Additionally, the Committee analysed the recent European Commission proposals introducing mandatory e-reporting and e-invoicing (so-called “VAT in the digital age package”). The CCBE looked at these proposals from the point of view of professional secrecy and whether it could be undermined because it would no longer be possible to refrain from reporting some elements (normally covered by professional secrecy) due to the digital character of invoices. Subsequently, on 10 November 2023, a CCBE [position paper](#) was adopted on the European Commission proposal for a Directive regarding VAT rules for the digital age and its potential impact on professional secrecy.

Moreover, on 9 November 2023, the CCBE issued a document prepared in order to support the Luxembourg Bar in its intervention in Case C-432/23 regarding the scope of professional secrecy as interpreted in the context of Article 17 of DAC6. The submission stressed that legal professional secrecy is protected by the provisions of the EU Charter of Fundamental Rights and the European Convention on Human Rights (ECHR) when it comes to both lawyers' activities related to judicial proceedings and outside of such proceedings when the lawyers provide legal advice.

Lastly, the Committee has further continued to build and maintain contacts with various stakeholders, such as the European Commission's Directorate-General Taxation and Customs Union (DG TAXUD), the Council of the EU, and the Belgian Association of Tax Lawyers.



CHAIR: NIKOLAOS KOUTKIAS (GREECE)

Training

As every year, the Training Committee organised a presentation of the annual European Judicial Training Report of the European Commission, as well as meetings for members to have exchanges on this matter. It also supported the European Commission in collecting data from its members for the next annual Report. In this regard, a webinar was organised on the European Judicial Training Report and a questionnaire for data collection on 19 June 2023.

The Committee also provided its input and expertise for the conference entitled “Judicial training: the right skills to embrace the digitalisation of justice”, which was organised by the European Commission.

Furthermore, the Committee, jointly with the Secretariat of the Human Rights Education for Legal Professionals (HELP) Programme of the Council of Europe, organised the launch event followed by the online training for the group of lawyers from different EU countries. The topic of this training was chosen by the Committee and was on “The Environment and Human Rights”. This training course reached a 96% success rate, with 23 out of 24 participants successfully passing the final assignment and receiving their certificates.

Lastly, the Committee also monitored and provided its input in regard to the implementation of the Action Plan to improve access to EU training funds for lawyers, which was adopted in 2021.

CHAIR: IINA-MARI SUPPERI (FINLAND)

Young Lawyers Committee

In 2023, the CCBE established a Young Lawyer Committee to concentrate on policy issues that young lawyers may be facing at the start of their legal career. The Committee held its first meeting on 11 May 2023, followed by two online meetings. During its meetings, the Committee set up its terms of reference and outlined the areas of interest for grounding their work: 1) to explore

the issue of representation of young lawyers through the national Bars and 2) to particularly focus on specific topics, such as the attractiveness of the legal profession, the issue of work-life balance, the well-being in the profession, as well as technological developments and new evolutions in the legal practice areas.

OVERVIEW OF PROJECTS IN 2023

CCBE Projects

BREULAW



BREULAW (the short name for “Development of a lawyer’s training curriculum in EU law and study visits to EU institutions in Brussels”) is a project co-funded by the EU and run by a consortium composed of the European Lawyers Foundation (ELF) and the CCBE. The project started on 1 February 2023 and extends for a period of 24 months.

The project is derived from the [Study](#) on the state of play of lawyers’ training in the EU, whose Recommendation 1 dealt with the possibility of developing a curriculum for lawyers in EU law, and recommended that the CCBE should “promote a dialogue amongst Bars, Law Societies and other competent authorities with a view to obtaining an agreement on the EU-related outcomes of the training process in EU law that all European Union lawyers should possess on their entry into the profession”. Likewise, Recommendation 8 of the Study urged the organisation of “study visits in cooperation with one or several bars from other Member States to familiarise their lawyers with the EU institutions and bodies”. Both the development of the curriculum and the study visits are considered of crucial importance in the training of lawyers in order to improve their skills in EU law and their understanding of EU institutions. The importance of these two activities has also been underlined in the past by the European Commission’s Directorate-General for Justice and Consumers (DG JUST).

With these recommendations in mind, the BREULAW project deals with two sets of training activities that were identified in the Study and are considered necessary for EU lawyers. The project’s first activity deals with the development of a lawyer’s training curriculum in EU law.

A lawyer’s training curriculum will complement the CCBE [recommendation](#) on Training Outcomes for European lawyers (adopted in 2007). A project core group, which includes four experts nominated by the CCBE’s delegations, started to work on it in 2023, and it is planned to finalise the lawyer’s training curriculum in EU law in 2024.

The second target of the project focuses on lawyers’ study visits to EU institutions. Whereas lawyers participate in visits to the European Court of Justice (ECJ) in the framework of other EU-funded projects, there has never been an EU-wide programme to enable lawyers to participate in study visits to Brussels in order to learn first-hand about the work undertaken by the EU institutions. These visits are very important for lawyers to understand better how EU law originates and how it is expected to be implemented. To this end, on 27 and 28 November 2023, the CCBE welcomed the first group of European lawyers to Brussels, and the second study visit is planned during the second semester of 2024.

Who's Who

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President



Pierre-Dominique Schupp
First Vice-President



Thierry Wickers
Second Vice-President



Roman Završek
Third Vice-President

Committees & Working Groups Chairs



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Migration



Antigoni Alexandropoulou
Company Law



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Insurance



Claudio Cocuzza
Anti-Money Laundering



Sebastian Cording
Surveillance



Bertrand Debosque
Deontology



Carlo Forte
International Legal Services



Anne Brigitte Gammeljord
Statutes Review



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



Jean-Marc Gollier
Environment and Climate
Change



Klavdija Kerin
Platform for Exchange,
Cooperation and Outreach
(PECO)



Nikolaos Koutkias
Training



Ondrej Laciak
Criminal Law



Christian Lemke
Future of the Legal Profession
and Legal Services



Elodie Mulon
Family and
Succession Law



Jiří Novák
IT Law



Laurent Petitti
European Convention



Pedro Portellano
European Private Law



Przemysław Kamil Rosiak
Permanent Delegation to
the Court of Justice and the
General Court and the EFTA
Court (PD LUX)



Elisabeth Scheuba
Access to Justice



Claudia Seibel
Finance



Ina-Mari Supperi
Young Lawyers



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Tax



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Head of Finance and
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(ad interim)

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