



CCBE June Standing Committee in Brussels

CCBE Info

N° 53
June 2016

Editorial - European Lawyers in Lesvos - Call for Volunteer Lawyers - With or Without Us? - New amendments to the 4th Anti-Money Laundering (AML) Directive - Public Consultation on "Regulation of Professions: Proportionality and National Action Plans" - European Commission: Supranational Risk assessment - European Court of Human Rights Seminar - Conference in Georgia - FRA Handbook on European Law Relating to Access to Justice - PECO seminar in Albania - General Assembly of the European Network of Councils for the Judiciary - CCBE June Standing Committee - 'HELP IN THE 28' online courses - European Parliament: Committee of Enquiry

EDITORIAL - CONFRATERNITY

On Friday 24 June 2016, Europe woke up shocked by the vote of the British people to leave the European Union. It represents, unfortunately, a vote of the anti-European camp, but it also seems like a victory for xenophobes. Unfortunately, politicians, regardless of their background, political inclination, or beliefs, were unable to find the right words to positively talk about Europe. We cannot win by scaremongering and feeding the fear of the unknown. We must recapture the fundamental roots of the European discourse, which is both coherent and positive.

Whatever happens, the United Kingdom remains geographically linked to Europe. This vote must not mark the sunset of the European project, or beyond that, the end of a particular idea of civilisation. For us at the CCBE, this does not change anything. British lawyers remain, regardless of a vote, our colleagues. Confraternity is a professional and personal friendship that cannot be altered. We will always find adequate solutions so that our British colleagues will have their rightful place within the CCBE.

Michel Benichou
CCBE President

EUROPEAN LAWYERS IN LESVOS - CALL FOR VOLUNTEER LAWYERS

European Lawyers in Lesvos is a project organised jointly by the Council of Bars and Law Societies of Europe (CCBE) and the German Bar Association (DAV). Its main aim is to send European lawyers to the island of Lesvos to support Greek lawyers in the

provision of legal assistance to migrants requiring international protection.

For more information on how to become a volunteer lawyer, please see the [project website](#).



WITH OR WITHOUT US?

'Success in creating AI would be the biggest event in human history. Unfortunately, it might also be the last...'

This delightfully provocative quote from Stephen Hawking serves, among others, as the basis of Luc Ferry's latest essay: *The transhumanist revolution. How technomedicine and uberisation of the world will change our lives?*

Will the man of tomorrow be a genetically modified, computationally enhanced, universally connected hybrid? While this may be a prolific promise, delusional projects and dreadful dangers remain.

We are not there yet. Not quite yet. But those who refuse to understand that this is tomorrow's world, already in the making, are condemning themselves. Those who will not adapt will die. If you are not moving forward, you are moving backwards. We have known this since the time of Charles Darwin.

One cannot deny artificial intelligence. It is there. It will overwhelm us. The debate is not 'for or against' artificial intelligence. It is not even about when. It is here and now.

Since one cannot deny the future, one must tame it, own it, build it, try to control it, and make it their own.

The debate is therefore: with us or against us?

What are the challenges brought by collaborative economies? By paperless law firms? By the storage of our clients' secrets in remote clouds? By the automated recording of all electronic communications (and their systematic processing by AI)? By videoconferencing tools? And many other things I cannot even begin to imagine...

We will either be able to take part in this trend and in the building of our future, or it will be imposed upon us.

In such a case, the awakening will be difficult... and not only for us...

These are the issues. What do we want for tomorrow, do we want to be small or big?

We will see you in Paris on 21 October 2016 at the '[Innovation & Future of the Legal Profession](#)' conference.

Let us continue the struggle,

Patrick Henry
Chair of the CCBE Human Rights Committee



NEW AMENDMENTS TO THE 4TH ANTI-MONEY LAUNDERING (AML) DIRECTIVE

On **5 July**, the Commission will present a legislative proposal to amend the 4th AML Directive.

The Commission presented an inception impact assessment on the expected proposal on 7 April 2016, which sets out measures the Commission intends to propose, and possible alternatives. Certain shortcomings in the current legislative framework are identified as the following: (a) Member States have different approaches towards high-risk countries, (b) virtual currencies are

difficult to trace, (c) terrorists can make use of anonymous prepaid cards, (d) there are divergent interpretations of international standards, or fragmentation regarding the competence, powers or cooperation of Financial Intelligence Units (FIUs), and (e) FIUs have delayed access to information.

The Commission believes that, should Member States take individual action to strengthen the fight against terrorist financing, this would create an uneven playing field between Member States,

which terrorists could then exploit. The Commission further believes that improving the implementation and enforcement of existing legislation could address the aforementioned problems, since these relate to new emerging threats.

From a CCBE point of view it is expected that there will be proposals that will impact on beneficial ownership provisions and Trusts. The CCBE Secretariat is following developments, and is in contact with the Commission.

PUBLIC CONSULTATION ON "REGULATION OF PROFESSIONS: PROPORTIONALITY AND NATIONAL ACTION PLANS"

As previously announced, the European Commission has launched a public consultation on the "Regulation of professions: proportionality and national action plans" which includes lawyers' activities.

This consultation is now available in all the languages of the European Union, and will remain accessible [online](#) for answering until 19 August 2016.

EUROPEAN COMMISSION - SUPRANATIONAL RISK ASSESSMENT

The European Commission is undertaking a Supranational Risk assessment on money laundering and terrorist financing. A "Supranational risk assessment" 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. The Commission is undertaking two tasks (a) conducting an assessment of the money laundering/terrorist financing risks affecting the internal market relating to cross-border activities i.e. identification, analysis and evaluation of

these risks and (b) following the assessment, making recommendations to Member States on the measures suitable to address those risks on a "comply or explain" basis. The CCBE is following developments.

EUROPEAN COURT OF HUMAN RIGHTS SEMINAR

On 19 October 2016, the CCBE is organising a seminar in Paris on “Lawyers and the European Court of Human Rights”. The seminar will focus on two themes: the role of the lawyer towards the court, and the future

of the European Court of Human Rights (ECHR). Dean Spielmann, the immediate past-president of the ECHR will deliver the opening address. The event will also see the launch of the new and updated CCBE guide

on the ECHR. Please note that the seminar will be in French. [Event programme.](#)

For more information about the seminar or to register, please email Madeleine Kelleher (kelleher@ccbe.eu).

CONFERENCE IN GEORGIA

On 20-21 June 2016, the Georgian Bar Association in partnership with the Council of Europe and CCBE held a conference on ‘Bar associations working towards an independent, qualified and ethical exercise of the profession of lawyers’ in Tbilisi, Georgia. The conference, hosted by Tbilisi State University, was opened with a speech from the President of Georgia, Giorgi Margvelashvili, in which he underlined his regard for the legal profession and the importance of its independent, qualified and ethical exercise.

The event brought together legal professionals, diplomats, scholars and representatives from various international organisations. The CCBE was represented by its First Vice-President, Ruthven Gemmill WS and Past-President, Maria Ślęzak. During the conference, the participants explored and exchanged their views on the role of bar associations in such areas as professional deontology, lawyers training and defense and promotion of lawyers rights. On the initiative of the Council of Europe, an inventory of good practices shared by participants will be prepared after the event.

The programme of the conference is available [here](#).



CCBE Vice-President Ruthven Gemmill and Past-President, Maria Ślęzak in Tirana

FRA HANDBOOK ON EUROPEAN LAW RELATING TO ACCESS TO JUSTICE

The EU Agency for Fundamental Rights (FRA) recently published its “Handbook on European law relating to access to justice”. During the development phase of this handbook, the CCBE was consulted by the FRA and provided a number of comments on various chapters.

This handbook summarises the key European legal principles in the area of access to justice, focusing on civil and criminal law. It seeks to raise awareness on the relevant legal standards set by the European Union and the Council of Europe, particularly through case law of the Court of Justice of the European Union and the European Court of Human Rights.

The handbook was designed to serve as a practical guide for lawyers, judges and other legal practitioners involved in litigation in the EU and in Council of Europe member states, as well as for individuals who work for NGOs and other entities that deal with the administration of justice.

The handbook is available [here](#).

PECO SEMINAR IN ALBANIA

The CCBE PECO Committee is organising a seminar in Tirana, Albania on 30 September 2016. The seminar will discuss the following topics: *Comparative analysis of Bars and Law Societies in selected EU Member States and Serbia – Report from the World Bank; The*

Core Values of the Legal Profession and Enforcement Mechanisms; The Organisation of Initial and Continuous Training and the Use of New Training Methods.

Further information about the seminar will be available shortly.

GENERAL ASSEMBLY OF THE EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY

On 2 and 3 June, CCBE President Michel Benichou participated in the General Assembly of European Network of Councils for the Judiciary (ENCJ) in Warsaw. The event saw many high level speakers including

Koen Lenaerts, President of the European Court of Justice and Diana Wallis, President of the European Law Institute. During the event, the new president of the ENCJ was elected, Ms Nuria Díaz Abad, who is taking

over from Lord Justice Geoffrey Vos. The discussion centred around online justice, the future of the legal profession and legal services, as well as the current situation in Poland regarding the rule of law.

CCBE JUNE STANDING COMMITTEE



Emmanuel Crabit

On 23 June 2016, the CCBE held its June Standing Committee in Brussels and hosted two guest speakers.

Firstly, **Emmanuel Crabit, Head of Unit, Directorate-General Justice and Consumers at the European Commission** who presented the EU Justice Scoreboard 2016. Mr. Crabit also thanked the CCBE for its excellent collaboration in relation to the provision of data regarding national legal aid schemes in a specific consumer case, which was one of the new indicators in this year's edition of the Scoreboard. The Scoreboard is available [here](#).

Secondly, **Heiko Wagner, member of the European Judicial Training team of DG Justice**, who presented the [European Judicial Training Report 2015](#), and thanked CCBE members for their contributions. The European Commission has started gathering

information for the next European Judicial Training Report, which is due for this year. The report will provide information about the training activities (for EU law and other Member State law) which were followed by lawyers in 2015.



Heiko Wagner

'HELP IN THE 28' ONLINE COURSES

The European Programme for **H**uman Rights **E**ducation for **L**egal **P**rofessionals (HELP) has recently launched several "**HELP in the 28**" online courses. The first is the online course on "Fight against racism, xenophobia, homophobia and transphobia". This course has been created by legal professionals and Council of Europe experts and includes the latest European jurisprudence of both the European Court of Human Rights and the Court of Justice of the European Union. It has two substantive modules, one on racism and xenophobia, and the other one on homophobia and transphobia.

The second is the course on "**Right to the Integrity of the Person (Bioethics)**" online. One of the key reference documents was the Handbook on European non-discrimination law jointly produced by the Fundamental Rights Agency (FRA) and the European Court of Human Rights.

There are two more online courses available on 'Data Protection and Privacy Rights' and 'Labour Rights'.

For more information about these courses please see the ['HELP IN THE 28' website](#).

EUROPEAN PARLIAMENT - COMMITTEE OF ENQUIRY

On 8 June, the European Parliament agreed to establish a Committee of Inquiry into the "Panama Papers" which will investigate alleged contraventions and maladministration in the application of Union law in relation to money laundering and tax avoidance and tax

evasion. The CCBE is following developments as part of the focus will be on professions that facilitate the creation of offshore accounts, shell companies, etc. The Committee will be composed of 65 MEPs and will have 12 months to complete its work.

UPCOMING EVENTS

- 7-8/07 L4 Meeting, London
- 4-9/09 ABA Annual Meeting, San Francisco
- 10-11/09 Three Bar Meeting, Bordeaux
- 16/09 CCBE Standing Committee, Barcelona
- 18-23/09 IBA Annual Conference, Washington DC