

Interview with Representatives of Bar Associations in Brussels 2018

- 1) First of all, could you describe the Bar Association/ Organisation of lawyers in your country which you represent?
- 2) Could you introduce your work in Brussels?
- 3) What do you consider to be the main advantages of having a Brussels office? What do you consider to be the main achievements?



Eva Indruchová (CZECH REPUBLIC)

Head of Permanent Representation of the
Czech Bar Association in Brussels



1) The Czech Bar Association is a self-governing organization performing public administration in the area of the legal profession and, as such, it protects and guarantees the quality of the provision of the legal services by lawyers in the Czech Republic. The Czech Bar Association is the one and only national Bar (we have no regional bars) and thus the biggest legal professional organization in the Czech Republic. Its seat is in Prague, our capital and there is a branch-office in Brno, our second-largest city.

Lawyers have to be registered in the Register of Lawyers administered by the Czech Bar Association - the membership in the Czech Bar Association is obligatory for all. On 1st June 2018, we had 13.287 lawyers and 2861 legal trainees registered within the Bar.

For more information, you may consult our website in English: <https://www.cak.cz/en/>

2) I started to work for the Czech Bar Association in Brussels as of January 2013. This year, in 2018, our Brussels office will celebrate already its 10th anniversary and I am

very proud that the Czech Bar Association considers international relations as one of the cornerstones of its work.

The main role of our office is to keep the management of the Czech Bar Association and its members informed about the most important European legislation which may have an impact on lawyers and their clients. We therefore closely monitor the work of all the European institutions. Our main partner is the Council of Bars and Law Societies of Europe (CCBE) which has its seat in Brussels and the Czech Bar Association is its member. We meet regularly also with other Bar Associations which have their representations in Brussels.

3) In Brussels, we all work closely together and from my own experience I must say that it is a fruitful and efficient cooperation. Our office is located on the same floor together with colleagues representing other Bar Associations from different countries and thus, we have established extraordinary relationships with other Bars.

We obtain all information first-hand and quickly inform the Board of Directors and our members. This is also very helpful for the purpose of different comparative studies that we frequently need and also for our national lobbying purposes.

We publish regular EU News informing our members about the new European legislation and we have a special block in our monthly magazine dedicated to information from Brussels.

Thanks to the Brussels office, we can seek inspiration from abroad (be it the involvement of the Czech Bar in social media or initiating discussions about online platforms etc). I also try to bring high profile experts and officials (for example from the European Commission) to Prague and we organize seminars, conferences and other events together. We are also involved in many international projects, such as the International exchange of young lawyers through the European Lawyers Foundation.

I have also organized a meeting of the Board of Directors of the Czech Bar Association in Brussels which was a big success, meeting the Commissioner and other representatives from the European Commission and members of the European Parliament. We have outstanding relations to the officials and other Czech colleagues working in Brussels.

One of the big achievements of the Brussels Office is also on personal level, such as having our colleague, member of the Board of Directors of the Czech Bar Association, Mr. Antonín Mokřý, as current President of the CCBE.

Apart from many lobbying successes I consider as the biggest asset the positive feedback I receive and the growing importance of the Czech Bar Association's Brussels office. I believe, that more than ever, it is important for our Bars, for our lawyers and for our clients, to be present in the heart of European Union.

Julen Fernander Conte (SPAIN)

Head of the Representation of The Consejo General de la Abogacía Española in Brussels



1) The Consejo General de la Abogacía Española represents more than 140.000 practicing lawyers (and more than 100,000 non practising) through the 83 local Bars and 10 Regional Councils. It is a public law body acting as representative, coordinator and executive body of the legal profession in Spain. In addition to the regulatory and disciplinary functions, in Spain, Bars also have a wide competence in the management of legal aid.

2) In 1994, the CGAE established the Brussels Representative Office in order to work in the centre of the European Union, building a bridge between Spanish lawyers and European institutions. Since then the Representative Office also acts as an information office on European law and professional practice. It provides services and support to bars and bar members in their involvement with European institutions. In addition to its representative and informative „core functions“, the Representation also acts as a project management team, a networking platform and an observatory of the profession. Our team is composed by two lawyers, one administrative assistant and two trainee lawyers in addition to myself as Director and as member of our CCBE delegation.

3) It is extremely difficult to sum up nearly 25 years of activity in a few words. The legislative landmarks concerning the profession as such are probably the 1998 Establishment directive (and, in general, the lawyers regime of freedom of movement composed by both sectorial directives), the procedural safeguards package of 2010-2014 (in particular the access to a lawyer directive) and the directives on civil & commercial and criminal legal aid of 2003 and 2016 respectively.

In the field of projects, our Office is particularly proud to contribute to the CCBE project of free legal assistance to asylum seekers in Lesbos, to the consolidation of E-justice as a political priority and to organize many courses on European law and on Human Rights over the years, more recently in the framework of the HELP program of the Council of Europe.

As an information antenna, we publish a daily brief with the main headlines of EU news, a weekly newsletter on EU law, we provide the translation of the CCBE-Info and the CCBE main documents and positions, we produce a biannual newsletter to the Deans and, of course, an annual report for the Bar and its members. We are also proud to be the largest twitter account amongst the EU Bars (we have more than 12,000 followers in Twitter @abogacia_es_eu) and, finally, we are the only EU Lawyers Office having

its own mobile app „Abogacía Europea, Contigo“ available for free in both Android and Apple stores, which is currently used by 4,000 people.

Finally, the best outcome of our work and presence in Brussels is the strong cooperation with the Czech Bar and all other national Bars in seeking joint European solutions and common approaches based on our shared values of the legal profession.

French Bar Delegation



1) On 1st January 2017, there were 65,480 practicing lawyers in France, of whom 42% were members of the Paris Bar and 58% were members of the 163 other local Bars. At a national level, French lawyers are represented by three key entities, which have distinct roles: the *French National Council*, the *Paris Bar* and the *Conference of Bar Associations Presidents*.

The National Bar Council (CNB), chaired by Christiane Feral-Schuhl since 2018, is the national Institution representing all practicing lawyers in France, also registered in one of the 164 local bars. The CNB is the profession's liaison with public authorities and French Institutions, so it can address proposals to them on any change believed to be useful or necessary. It also contributes to the preparation of written materials that could be relevant to the legal profession and the conditions under which it is practiced. In addition, it plays a role in all matters related to the judicial system and legal texts on which the legal profession decides to give their opinion.

The Paris Bar, chaired by Marie-Aimée Peyron and Basile Ader since 2018, is the Paris local bar. It represents its 27,461 members.

The Conference of Bar Associations Presidents, chaired by Jérôme Gavaudan since 2018, represents all the local Bars except Paris. It represents the Presidents of 163 local Bars as well as the lawyers from these Bars.

2) The French Bar's Delegation was founded in 1983 by the Paris Bar, as a contact point with the European Institutions. The Conference of Bar Associations Presidents has joined the structure in 1993, followed by the National Bar Council in 2003. Therefore, the Delegation of French Bars represents the 65,480 practicing lawyers as well as the three national entities (the National Bar Council, the Paris Bar and the Conference of Bar Associations Presidents) before the European Institutions.

We provide four main services to the French lawyers and to the 164 French local Bars:

Training - We organize training days in Brussels, for all French lawyers, called the "*Entretiens Européens*". They take place over a full day and deal in a pragmatic way with current topics of interest. The speakers are senior officials in the European institutions, magistrates and European lawyers. These training days offer a qualification to the participants and offer them opportunity to create contacts directly with senior officials and magistrates within the European Union. We also organize training session in European law for trainee lawyers in the French Law Schools.

We are also partner of the European Programme for Human Rights Education for Legal Professionals (HELP), a distance-learning course created by the Council of Europe and co-funded by the European Union. The programme aims to help lawyers to apply the European Convention of Human Rights in their daily work.

Publication - We publish two main law reviews: *L'Europe en Bref*, a weekly legal information newsletter that includes the latest developments in European law, and *L'Observateur de Bruxelles*, a quarterly law review of European Union law. *L'Observateur de Bruxelles* gathers both the high quality contribution of external writers, being Commission officials, Members of the European Parliament, law professors or lawyers and a detailed legal monitoring of European Union legislative initiatives and case law of the European Court of Justice and of the European Court of human rights.

Research - We offer research support to lawyers, on request, for any question relating to European law. For instance, we provide practical information to lawyers who are seeking to use of their freedom of movement towards the European Union, and who wonder how they practice the profession of lawyer in another Member State.

Promoting and protecting French lawyer's interests - We carry out lobbying campaigns defending the interests and values of the profession within the European Union, ensuring that the voice of French Lawyers is raised in Brussels. For that, part of our daily work consists in monitoring and analyzing the latest EU legislative developments. Furthermore, we are part of the European judicial network (EJN), helping legal professionals to use effectively European regulations in civil and family matters.

Our team is chaired by Jean Jacques Forrer, former President of the Strasbourg Bar, and is composed of five lawyers, two executive assistants, and two interns.

3) Our location in the heart of the European quarter in Brussels is a real added value for us, as we can have regular meetings with the European Commission, the European Parliament, and we can be involved in the decision making processes of the European institutions.

Our lobbying and advocacy campaign is mainly carried out through the *Council of Bars and Law Society of Europe* (the CCBE), as we provide support to the French Delegation to the CCBE. Aware that there is strength in unity, the French Bar's Delegation seeks to ensure, together with the other National Delegations to the CCBE, that the EU law integrates a proper regulation of our profession, a defense of the rule of law, of human rights and of the democratic values.

We work on all issues that can affect lawyers at the European level, and in particular on the impact of technological evolutions on the profession's core values, on the

relationship between the duties of lawyers and the duties of governments to provide security for citizens, and on the impact of globalisation and market liberalisation on the legal profession.

Concerning specific French action, when the unified patent jurisdiction was created, the French Delegation to the CCBE has deployed an active campaign, supporting the Paris Bar, for the creation of a Paris office. After the signing of the agreement on a unified patent jurisdiction, Paris obtained a seat for a local division of the Unified Patent jurisdiction.

Furthermore, concerning public procurements, in 2014, on the basis of the work carried out by one of our French expert, the French Delegation to the CCBE has worked for the exclusion of lawyers from the proposal on public procurement, and has obtained this exclusion in article 10 of Directive 2014/24/UE.



Eva Schriever (GERMANY)

Head of Representation of the German Bar Association
in Brussels



1) The German Bar Association (Deutscher Anwaltverein – DAV) is a professional body comprising more than 66,000 German lawyers. Being politically independent, the DAV represents and promotes the professional and economic interests of the German legal profession. At the moment we have 258 local Bar Associations.

2) The Brussels office was founded in 1995 and serves as the liaison office of the German Bar Association. In our office we are currently seven colleagues. On the one hand, our task is to represent the interests of the German legal profession towards the European institutions. On the other hand, the Brussels office informs the DAV-members of recent developments in EU law and answers their questions about cross-border legal services. The German Bar Association shares premises with the Council of Bars and Law Societies of Europe (CCBE) and the Italian Bar (Consiglio Nazionale Forense, CNF) and closely works together with all European Bars and law societies. Our activities regarding EU law are manifold: while striving for the best possible representation of the legal profession, we defend the core values of the legal profession in professional law as well as in certain areas of law where core issues are touched upon. Current topics which we follow closely and where we contribute a maximum are the Services package of the European Commission, the data protection reform and the establishment of a European Public Prosecutor's Office.

3) The main advantage of our Brussels office is the ability to cooperate closely between European Bars and Law Societies and with decision makers in the European Institutions.

Talking about achievements, I would mention the General Data Protection Regulation as one recent legislative file in which we have – in cooperation with our fellow European lawyers – achieved a great level of protection of professional secrecy.

 **Bernadett Kopár (HUNGARY)**
Representative of the Hungarian Bar Association



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- 1)** At present, 12,715 lawyers are registered in Hungary; of these, 5,680 are women. There are 7,082 lawyers who practice law in the capital city of Budapest. The legal profession in Hungary is governed by Act XI of 1998 on Attorneys at Law and by the by-laws issued pursuant to the Act by the national and regional bar associations. The Act provides for the establishment of the Hungarian Bar Association and several regional bar associations whose territory of jurisdiction corresponds to that of the county courts (or in Budapest, the Municipal Court). Currently, there are 20 regional bar associations in Hungary. The HBA and the regional bars are autonomous, self-governing public bodies, each having its elected officers and own budget.
 - 2)** My main duties and responsibilities include keeping regular contact with the Brussels based representatives of all other national bars and attending the meetings organised by the CCBE in order to harmonise our lobbying work. Being the author of numerous articles published in EU-related subjects and in particular on the work of the CCBE in the Hungarian Journal of Lawyers (paper and electronic editions), I have contributed to broadening the knowledge of Hungarian lawyers in these matters.
 - 3)** The main advantages of having representation in Brussels are that several lawyers' and bar associations have the possibility to pool their efforts to establish a permanent dialogue between the lawyer's profession and the European institutions have their voices heard and to communicate their common messages at union level, thanks to the successful lobbying activities. It is very important to enlighten the EU institutions, such as the European Commission and the European Parliament, as to the values and objectives relayed by our professions. We are fighting to defend professional secrecy because this is not a privilege granted to a lawyer, it is a right of every person going to court and of every citizen. Professional secrecy protects right to privacy and is the indispensable foundation of a democratic society. We collaborate in the interest of the professions we represent, but also in the interest of the citizens defended by our members.



Anne Jonlet (BELGIUM / LUXEMBURG)

Representative of the Ordre des Barreaux francophones et Germanophone de Belgique (AVOCATS.BE) and the Barreau de Luxembourg



1) AVOCATS.BE is the professional body representing the 8,000 French and German speaking lawyers through its 12 member bars (including the French Order of the Brussels Bar), to whom it provides services and support. Its objectives include:

- To defend the legal principles upon which democracy and the Rule of law are based;
- To organise the provision of legal aid;
- To regulate access to the profession, modalities of the mandatory internship, professional training and continuous training;
- To take the necessary measures and initiatives in training, disciplinary rules and professional loyalty, as well as advocacy of counsel and the defendant;
- To set and unify rules of the legal profession concerning relationships between different Bars that are part of the Order.

The Bar of Luxembourg represents the 2,400 lawyers of the Grand-Duchy of Luxembourg. The Bars' missions are in particular:

- To ensure the protection of the honor of the Bars, to uphold the principles of dignity, honesty which are the basis of the legal profession;
- To regulate professional behaviour, including professional conduct between lawyers and clients and vis-à-vis third parties, professional secrecy, fees and expenses,
- To inform the public about lawyers and their work to protect the interests of customers and third parties.

2) I was appointed in 2007 by the French and German speaking Bars of Belgium and by the Bar of Luxembourg to open the joint Brussels office of both bar organisations and I work alone. My main tasks include liaising with the EU institutions at the early stages of policy formation, monitoring what's going on and providing input to EU legislative proposals in order to make the law as good and effective as possible (1), but also cooperating with the CCBE (as the information officer of the Luxembourg delegation and as a Brussels representative for the Belgian delegation) (2) and bilateral relations with other national bars that face the same challenges (3).

3) A good location close to the EU institutions allows us to build contacts and to sit down face to face with policymakers. Furthermore, sharing premises with the Brussels representatives of other European Bar organisations makes it easy for us to discuss

and exchange views on the actual topics, have a better understanding of how things work in their legal system, organise joint meetings with EU officials and draft amendment proposals together and get the right MEPs on board to table them.

 **Philippe Gérard (BELGIUM)**
Representative of The Orde van Vlaamse Balies



1) I represent the Flemish Bar Association (Orde van Vlaamse Balies – OVB), which represents the Dutch speaking lawyers/advocates in Brussels and Flanders. The OVB is the Flemish successor organisation to its national predecessor the Belgian National Bar Association (Belgische Nationale Orde van Advocaten). The OVB represents the 10,520 Dutch speaking lawyers, who belong to the 13 local bars, which constitute the OVB, and of which de NOAB (Brussels Dutch speaking Bar) is the largest. The OVB only has bars as its members, not individual lawyers.

Its mission, and that of our francophone colleagues OBFGE, is laid down in article 495 of the code of civil procedure:

“Article 495 - The mission of the Flemish Bar Association and the French- and German speaking Bar Association, each for the Bars that form part of them, shall be to defend the honour, rights and common professional interests of their members and shall be in charge of legal aid, traineeships, professional training of trainee lawyers, and training of all lawyers belonging to the Bars that form part of them. They shall take any initiatives and measures that may be useful in connection with training, disciplinary rules and loyalty of the profession and for the promotion of the interests of lawyers and litigants. Either may make suggestions concerning those matters to the competent authorities.”

In this context we lobby to influence the legislative process, sometimes start annulment proceedings against legislation before the Constitutional Court, and organise permanent education for lawyers.

2) Our “Brussels office” is still quite young (2013) and consists of me alone. I began as a Brussels representative in November 2017. I do the CCBE representation in combination with my in house work for the OVB. I attend the committee meetings, try to read as much as I can the CCBE documents, and dispatch them internally.

3) I would consider the contact with other delegations as very interesting in many ways, in particular regarding the personal and intellectual exchanges which take place. During my short time as a Brussels rep, I tried to involve the CCBE in annulment

proceeding before the Belgian Constitutional Court, which, if the CCBE decides to intervene, I would see as my only and therefore biggest success.

**Prepared by Eva Indruchová, Head of Permanent Representation of the
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