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Court of Justice of the European Union: Decision on in-house counsel



On 6 September 2012, the Court of Justice of the European Union expressed its views on the standing of in-house counsel before the Luxembourg Courts (see [decision](#)). A Polish entity (the Polish telecommunications regulator) was represented before the General Court by its in-house legal advisors, which had an employment relationship with the entity. (Legal Advisors have a right of audience before Polish courts.) The General Court considered that this fell short from the requirement in Article 19 of the Statute of the Court of Justice (which requires representation by a ‘lawyer’); the General Court’s decision was appealed to the Court of Justice which – concurring with the views of the General Court - stated inter alia that “The requirement of independence of a lawyer implies that there must be no employment relationship between the lawyer and his client (...)” and that “Although (...) the conception of the lawyer’s role in the legal order of the European Union derives from the legal traditions common to the Member States, in the context of disputes brought before the Courts of the European Union, that conception is implemented objectively and is necessarily independent from the national legal orders.”

relationship between the lawyer and his client (...)” and that “Although (...) the conception of the lawyer’s role in the legal order of the European Union derives from the legal traditions common to the Member States, in the context of disputes brought before the Courts of the European Union, that conception is implemented objectively and is necessarily independent from the national legal orders.”

For further information, please contact Sieglinde Gamsjaeger (gamsjaeger@ccbe.eu).

Permanent Delegation to the Courts in Luxembourg (PD Lux)

Rules of Procedure

The CCBE was invited by the General Court to suggest changes to the current Rules of Procedure of the General Court. The CCBE prepared comprehensive [comments](#) which it hopes the General Court will take into account.

The Court of Justice has revised its Rules of Procedure. The [new Rules](#) will take effect from 1st November 2012. The CCBE also submitted extensive [comments](#) to the Court of Justice throughout 2011 when the Court of Justice was in the process of amending its Rules of Procedure.

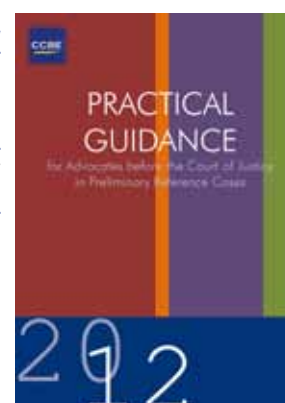
Practical advice for Advocates before the Court of Justice

The CCBE has prepared some [practical advice](#) for lawyers appearing before the Court of Justice. The advice is addressed principally to those appearing for the first time in the Court of Justice of the EU. It has been drafted in order to enhance the efficiency of the preliminary reference procedure. The advice is designed to complement the Court’s own guidance set out on the Court’s website under the heading “Procedure” and in particular in the Notes for the Guidance of Counsel: http://curia.europa.eu/jcms/upload/docs/application/pdf/2008-09/txt9_2008-09-25_17-37-52_275.pdf

See also Advice to Counsel at: http://curia.europa.eu/jcms/jcms/Jo2_12354/conseils-aux-plaideurs and the Information Note on References from National Courts for a preliminary ruling: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:160:0001:0005:EN:PDF>

The advice addresses three areas:

- Written pleadings
- Oral pleadings
- Practical issues



Draft accession to the ECHR

Upon the accession of the EU to the European Convention on Human Rights (ECHR), it is proposed that there be a procedure which permits the ECHR to submit questions of EU law to the Court of Justice prior to the European Court of Human Rights giving judgment in any particular case. This aspect is of concern to the CCBE. The CCBE submitted a letter to Ms Luisella Pavan-Woolfe (Ambassador, Head of Delegation of the European Union to the Council of Europe) seeking information with regard to the EU negotiating position on the procedural issues surrounding such questions – what is the position of litigants in the particular case and what are their remedies. Following

the letter, the CCBE will meet with the Commission to discuss the issue in further detail.

For further information, please contact Peter Mc Namee (mcnamee@ccbe.eu)

►► Independent study on economic significance of legal services



Professor George Yarrow,
Director of the
"Regulatory Policy Institute"

An independent study, commissioned by the CCBE, was recently published on assessing the economic significance of the legal services sector in the European Union. This study was conducted by Professor George Yarrow, Director of the "Regulatory Policy Institute" in Oxford.

The study concludes that the institutions and laws of a legal system condition and determine economic performance. Institutions that are stable and credible facilitate economic development and lead to higher levels of economic activity. Lawyers actively contribute, through their everyday actions and conduct, to both the shape of a legal system and how effectively it operates and functions.

The study emphasises the important relationship between legal services and economic performance which stems from the important role that lawyers' services play beyond the legal services market in itself in facilitating and sustaining markets and market growth.

The core activity of the professional legal services sector tends to expand market activity throughout the economy and therefore closely be linked to economic performance and growth. The study infers from this point that professional legal services markets themselves should function effectively and that potential (regulatory) reforms that could affect the quality or quantity of legal services require careful assessment in conceptual and analytical frameworks that are broad enough to encompass the wider economic effects.

The study is available on the CCBE website: http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/RPI_study_Yarrow_D1_1348650358.pdf

For further questions, please contact Antoine Fobe (fobe@ccbe.eu).

►► Access to justice

Conference on 'Justice in austerity: challenges and opportunities for access to justice'

On 6-7 December 2012, the European Parliament and the Fundamental Rights Agency of the European Union (FRA) are holding their annual human rights conference in Brussels on 'Justice in austerity: challenges and opportunities for access to justice'. Marcella Prunbauer-Glaser, CCBE President, will participate in the panel addressing the question of whether the current crisis offers opportunities for reform. There will be workshops on topics of interest for the profession, including on ensuring access to legal aid and access to a lawyer, on mediation and on the opportunities offered by e-technologies. The CCBE has recommended speakers for workshops. The organisers of the conference welcome a wide representation of CCBE members.



More information on this event can be found [here](#) on the FRA's website.

For further questions, please contact Antoine Fobe (fobe@ccbe.eu).

▶▶ Anti-money laundering

Proposal for a new Anti-Money Laundering Directive

The European Commission aims to present a proposal for a new Anti-Money Laundering Directive towards the end of November 2012. In July, the Commission submitted its impact assessment on the existing Directive. The impact assessment is not publicly available at this stage as it will only be made available at the same time as the Commission proposal is published. The CCBE has sent a number of papers to the Commission regarding the problems with the current Directive and suggestions for the forthcoming Directive. It is expected that the revised Directive will also incorporate the changes made to the Revised FATF 40 Recommendations that were concluded on 16 February.

Michaud case

In January 2011, a French lawyer, Patrick Michaud, took a case to the European Court of Human Rights to complain about the lack of conformity with the Convention between the rules on suspicious reporting and the right to legal advice. This is the first case before the Strasbourg Court on the question of compatibility between the lawyer's reporting duties under the money laundering legislation and Article 8 of the European Convention of Human Rights. The CCBE has been admitted as an intervening party in this case, and the CCBE intervention was sent to the Court of Human Rights in March. On 2 October, a hearing took place on the admissibility of the proceedings. A decision on admissibility will be issued at a later stage.

FATF Consultation

The Financial Action Task Force (FATF) has started a new typology project that will look at Money Laundering and Terrorist Financing vulnerabilities with regard to the legal profession. The FATF prepared a questionnaire which is aimed specifically at the legal profession. The questionnaire deals with:

- The application of anti-money laundering requirements
- Perceptions of risk and advice to members
- Supervision of members and ethical expectations
- Relationships with Financial Intelligence Units



On 4 October, the CCBE sent the questionnaire to delegations inviting member Bars and Law Societies to respond. It is believed that it is best that each national Bar and Law Society completes the questionnaire, as the questions require responses from a national perspective. The FATF has requested that replies be sent before the deadline of 2 November 2012.

For further information, please contact Peter Mc Namee (mcnamee@ccbe.eu)

▶▶ Corporate Social Responsibility

Given the developments at the international, European and national level, the Committee on CSR is in the process of updating its informatory guidelines. The revised guidelines will address

- New CSR developments;
- Why lawyers, law firms, bars and law societies have to deal with CSR (including advice on CSR);
- CSR for the legal profession (including lawyers as suppliers of services/law firms, bars and law societies as “enterprises”, outline of the essential elements of the responsibility of the legal profession)

The revised guidelines are expected to be presented for approval to the February 2013 Standing Committee.

For further information, please contact Peter Mc Namee (mcnamee@ccbe.eu).

▶▶ Council of Europe

CEPEJ report evaluating the functioning of the European judicial systems



In the framework of the Conference of Ministers of Justice of the Council of Europe (Vienna, Austria, 20 September), the European Commission for the Efficiency of Justice (CEPEJ) proceeded to the official publication of its 2012 report “European judicial systems”. This report provides a detailed and comparative picture of the daily operations of judicial systems in 46 European states and gives a view of the main trends of the evolution of judicial policies in Europe.

Founded ten years ago, the aim of the CEPEJ is the improvement of the efficiency and functioning of justice in the member States, and the development of the implementation of the instruments adopted by the Council of Europe to this end. Since its inception, the CCBE has been an observer member of the CEPEJ. It attends all plenary meetings, which are held twice a year in Strasbourg (France), at the seat of the Council of Europe.

Documents:

- [Evaluation report on European judicial systems](#)
- [Appendix: additional tables](#)
- [Errata](#)
- [Overview of the evaluation report of European judicial systems](#)
- [Replies by country](#)

For further questions, please contact Simone Cuomo (cuomo@ccbe.eu).

CCBE’s 117th Plenary Session will be hosted by the European Court of Human Rights

For the first time, European Court of Human Rights will host our next Plenary Session, on 30 November in Strasbourg. This is to be seen in the context of a CCBE effort to develop its relations with the Strasbourg Court. Dean Spielmann, the newly elected President of the Court, will deliver a welcome speech.

The Plenary Session will be preceded, on Thursday afternoon, by a roundtable which will address the following three topics: the relevance of the European Convention on Human Rights in business law; the role of lawyers in judicial proceedings before the European Court of Human Rights; recent institutional developments in bringing the European Union into the European Convention on Human Rights system.



For further questions, please contact Antoine Fobe (fobe@ccbe.eu).

▶▶ Criminal law

Access to a lawyer in criminal proceedings

The Criminal Law Committee has been following developments regarding the Commission proposal on the right of access to a lawyer in criminal proceedings and on the right to communicate upon arrest. In June 2011, the Commission presented its proposal which is the third in a line of measures called for by the EU Council to ensure that citizens have the same basic rights in their dealings with criminal justice systems, regardless of the Member State where they are suspected or accused of having committed a criminal offence.

On 8 June 2012, the Council (Member State level), agreed a “General approach” (similar to a common position). The General Approach reflects the Council’s view and has been sent to the Commission and Parliament. The relevant Committee in the Parliament adopted its position on 12 July, which is mainly in line with the CCBE’s wishes. The three EU institutions now have their position (the Commission position is contained in their original proposal of June 2011). To date, two trilogues (discussions between the Council, Parliament and Commission) have taken place with a number of further trilogues scheduled.

The Criminal Law Committee is feeding into the discussions in order to ensure that a positive outcome is reached, and the CCBE will maintain its regular contact with the Parliament and Commission and continue to communicate its position to the Council.

For further information, please contact Peter Mc Namee (mcnamee@ccbe.eu)

▶▶ European Private Law

European lawyers welcome the Common European Sales Law proposal and suggest wider scope

In its [position paper](#) adopted on 7 September 2012, the CCBE expressed its support for the proposed Regulation on a Common European Sales Law (CESL) and called on the EU institutions to adopt it, with an enlarged scope.

“The proposal reflects a number of important legal principles underlined by the CCBE and is a useful legal instrument”, said the CCBE President Marcella Prunbauer-Glaser. “We see no reason to limit the scope of the CESL Regulation to cross-border sales and to SMEs, as is the case with the proposal”, she added.

In particular, the CCBE welcomed the fact that the proposal is very much in line with its suggestions that were made in a number of its prior position papers. For instance, in respect of ensuring freedom of contract as a guiding principle underlying the CESL, providing common lists of unfair and potentially unfair contract terms (including for business-to-business transactions), and including the concept of “individually negotiated” contract terms which excludes the applicability of the unfairness test in those cases where the parties were able to influence the terms of the contract.

“With regard to the meaning of “unfair” in contracts between traders, it would be useful to also include a reference to the underlying “legal principles” from which the standard contract terms may not grossly deviate, as a further benchmark of the unfairness test”, Marcella Prunbauer-Glaser said.

Regarding the wording of the text, in order to optimise the practical interest of the CESL, the CCBE recommended clarifying some general concepts open to interpretation (e.g. ‘good faith and fair dealing’, ‘reasonableness’) and carefully verifying the consistency of the terminology used throughout the text and between the different linguistic versions.



The CCBE had issued an earlier [preliminary position paper](#) on the proposed CESL, in which it called upon the EU institutions to engage in an in-depth analysis of the appropriateness of the legal basis chosen by the Commission and the relationship of the proposal with Article 6 of the Regulation on the law applicable to contractual obligations (“Rome I”).

For further questions, please contact Simone Cuomo (cuomo@ccbe.eu).

▶▶ Family & Successions Law

Adopted regulation on international successions

On 8 June, the Justice and Home Affairs Council adopted the Regulation on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession, clearing the way for it to become law. The text has already been published in the official journal and is currently available at this [link](#).



The CCBE is satisfied with the adopted text, as it reflects the most important issues for the CCBE. In particular the CCBE welcomes the recognition that in some Member States legally binding instruments in matters of succession are drawn up by legal professionals other than notaries, since not every Member State has a notarial system. “This has always been a key point for the CCBE”, said the CCBE President Marcella Prunbauer-Glaser. “Free movement must benefit all EU citizens who invoke the status and effect of a legally binding instrument in matters of succession established under the national law of a Member State”, she added.

“Even if we would have preferred a more precise definition of ‘habitual residence’ as connecting factor, the new law will bring more legal certainty to the many families confronted with international successions in Europe”, the CCBE President Marcella Prunbauer-Glaser stated.

In its [position](#) to this legislative proposal, the CCBE had welcomed the initiative of the Commission to propose an identical connecting factor concerning jurisdiction and applicable law – the deceased’s habitual place of residence – and a single scheme for the estate as a whole in order to avoid the system of scission. The CCBE had also supported the Commission’s intention to reduce the present possibilities for forum shopping and to provide legal certainty in cross border succession cases.

The new law also paves the way for the introduction of the European Certificate of Succession, which should result in faster and cheaper procedures.

The new regulation will be directly applicable in all EU member states except Denmark, which has an opt-out in matters concerning justice and home affairs, and the United Kingdom and Ireland which did not opt in to the initial proposal within the three months set out in Article 3 of the Protocol on the position on those two member states. The new Regulation will start applying three years after its entry into force.

Property rights of international couples

During its Standing Committee on 7 September, the CCBE adopted its [position](#) on the proposals for Council regulations on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes ([COM \(2011\) 126/2](#)) and regarding property consequences of registered partnerships ([COM \(2011\) 127/2](#)).

In March 2012, Justice Commissioner Viviane Reding presented these two draft regulations, which were meant to facilitate legal procedures in cases concerning cross-border ownership. One regulation concerns European or international married couples with property in an EU state other than their state of origin, and the other regulation, registered couples, although only 14 member states recognise unions other than marriage. With these proposals, the European Commission aims to bring legal clarity to property rights for married international couples and for registered partnerships with an international dimension.

In its position, the CCBE welcomes these proposals and proposes some amendments in order to allow better movement of persons with greater legal certainty.

For further questions, please contact Simone Cuomo (cuomo@ccbe.eu).

IT Law

European lawyers call for a single and comprehensive data protection regime

On 7 September the CCBE adopted its [position](#) on the [data protection reform package](#) proposed by the European Commission in January 2012 and consisting of:

- a General Data Protection Regulation (replacing Directive 95/46/EC) setting out a general EU framework for data protection; and
- a Directive (replacing Framework Decision 2008/977/JHA) setting out rules on the protection of personal data processed for the purposes of prevention, detection, investigation or prosecution of criminal offences and related judicial activities.



In its position, the CCBE called on the EU institutions to create a single comprehensive and high level data protection regime, rather than having two separate regimes for civil matters and law enforcement matters respectively. “We regret that the Commission did not choose to extend the general data protection rules to the areas of police and judicial cooperation in criminal matters,” said the CCBE President Marcella Prunbauer-Glaser. She added: “Like the European Data Protection Supervisor, we believe that the processing of data in the areas of police and judicial cooperation in criminal matters requires at least as much protection as provided under the proposed Regulation, and not less under a separate Directive, given the specific risks for citizens.”

Regarding the proposed General Data Protection Regulation, the CCBE made some comments based on the need to respect professional secrecy and independence as core values of the lawyers’ profession to safeguard the rights of citizens, and self-regulation as a corollary of independence. “Our profession profoundly respects the fundamental right to the protection of personal data, and the CCBE, aware of its responsibilities in this area, has issued recommendations for best practice to its members. However, some of the provisions contained in the draft Regulation do not sufficiently take into account the guarantees already offered by lawyers to their clients, the role of Bars and Law Societies as regulators of the profession and the practical problems created for lawyers in light of the professional secrecy to which they are bound,” said Marcella Prunbauer-Glaser.

This reform is a follow-up to the public consultation which the European Commission held in November 2010 following the publication of its Communication called “[A comprehensive approach on personal data protection in the European Union](#)”. In its [response](#) to that consultation, the CCBE urged the European institutions to take into account a number of guidelines when shaping Europe’s legal framework on the fundamental right to protection of personal data.

CCBE adopts guidelines on the use of cloud computing services by lawyers

During the Standing Committee on 7 September 2012, the CCBE adopted a set of [guidelines on the use of cloud computing services by lawyers](#). Cloud computing is a general term for IT infrastructure that involves storing and processing data and software remotely in the cloud provider's data centre or interlinked centres, accessed as a service by using the Internet. Alongside many significant benefits, cloud computing also brings its own set of risks and challenges for lawyers, most significantly in relation, first, to questions of data protection, second, to professional obligations of confidentiality and, third, to other professional and regulatory obligations incumbent on the lawyer.



The CCBE believes it is imperative that lawyers, when considering deploying cloud computing in their offices, take necessary steps to ensure that the concerns identified in the paper are adequately addressed. Nevertheless, like other consumers, lawyers will often not know enough to be certain that security measures are sufficient. Within this context, the CCBE has developed this set of guidelines

on the use of cloud-computing services by lawyers. The CCBE guidelines are intended to make lawyers more mindful of the various risks associated with cloud computing and to assist them in making informed technology decisions.

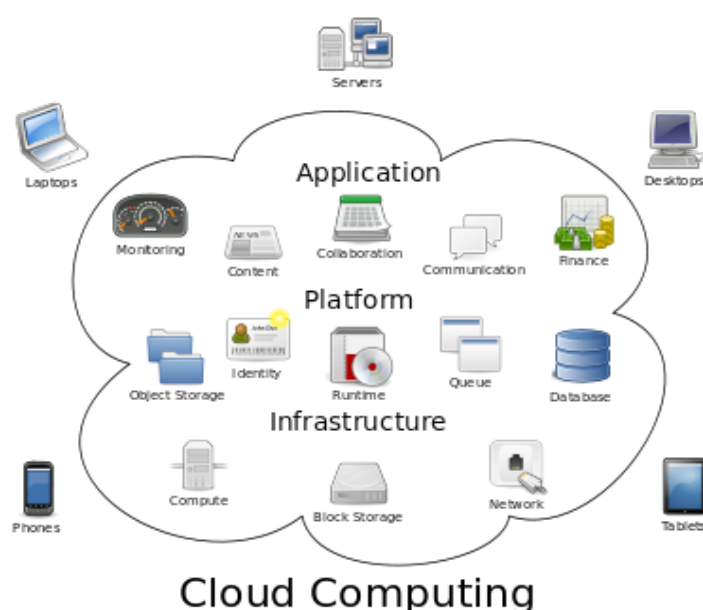
As such, the guidelines include recommendations as to the type of precautionary measures lawyers need to take when considering the use of cloud computing, such as:

- Preliminary examination of cloud computing services, e.g. the experience; reputation; registered address; providers' solvency, reliability, ownership and capital adequacy; localisation of the storing servers.
- Comparing existing in-house IT infrastructure with cloud services.
- Assessment of ability to recover data in the event of the failure of the cloud service provider, failure of the law firm or contractual dispute between the provider and law firm.
- Contractual precautions, e.g. system availability; deadlines for error corrections and removal of malfunctions; exclusion of engagement of sub-contractors without prior consent; ownership of data stored and exclusive right of access; non-disclosure obligations; back-up, disaster recovery contingency plan; applicable law and jurisdiction.
- Transparency: in some jurisdictions a lawyers may be under a duty to seek client consent.

Cloud computing on the EU agenda

Cloud computing has also been part of the Digital Agenda of the European Commission, and on 27 September the cloud computing strategy was published in a Communication called '[Unleashing the potential of cloud computing in Europe](#)'. Key actions of the strategy include:

- Standards and certification: development of technical standards so that cloud users enjoy interoperability, data portability and reversibility.
- Safe and Fair Contract Terms and Conditions: development of model contract terms to cover issues such as data preservation after termination of the contract, data disclosure and integrity, data location and transfer, ownership of the data, direct and indirect liability, change of service by cloud providers and subcontracting.
- Establishing a European Cloud Partnership to drive innovation and growth from the public sector: driving the first steps towards better public procurement of cloud services in Europe, based on common definitions of requirements and possibly eventually going as far as joint procurement across borders.



The IT Law Committee is closely following any development in this area that may be useful for lawyers to comply with their regulatory requirements, such as safe and fair standard contract terms and conditions.

Cross-border e-identification and e-signature services

The European Commission published its proposal for a [Regulation](#) “on electronic identification and trusted services for electronic transactions in the internal market”. The proposal will now go through the ordinary legislative procedure for its adoption by co-decision of the European Parliament and the Council.

This Regulation is intended to be a comprehensive cross-border and cross-sector framework for secure, trustworthy and easy-to-use electronic transactions that encompasses electronic identification, authentication and signatures.

Among other things, the new framework for electronic identification and electronic trust services will:

- Ensure mutual recognition and acceptance of electronic identification across borders;
- Give legal effect and mutual recognition to trust services including enhancing current rules on e-signatures and providing a legal framework for electronic seals, time stamping, electronic document acceptability, electronic delivery and website authentication.

This Regulation is being proposed in the context of the [Digital Agenda for Europe](#) and as a follow-up to the consultation that was launched by the European Commission in February 2011 regarding electronic identification, authentication and signatures. The CCBE replied to that consultation by submitting a general [response](#) raising some general issues and points of concern from the legal profession’s point of view.

The current proposal represents the first milestone in the implementation of the objectives of the Legislation Team (eIDAS) Task Force set up by the Commission in order to deliver a predictable regulatory environment for electronic identification and trust services for electronic transactions in the internal market to boost the user convenience, trust and confidence in the digital world.

The IT Law Committee is currently reviewing this proposal and working on a CCBE position paper which should be adopted in the course of 2012.



Adoption Directive on the interconnection of business registers

On 10 May, the Council adopted a [directive](#) setting up a system for the interconnection of central, commercial and company registers aimed at improving access to up-to-date and trustworthy information on companies.

Under the new directive, all EU member states engage in enabling electronic communication between registers and transmitting information to individual users in a standardised way, by means of identical content and interoperable technologies, throughout the EU.

The interoperability of registers should be ensured through the Member States’ delivery of information from their registers, by providing services which will constitute interfaces to a European central platform. This platform will be a centralised set of information technology tools and services, used by all domestic registers. The European [e-Justice Portal](#) will serve as one of the electronic access points.

Companies and their branches in other member states will have a unique identifier that allows them to be unequivocally identified.

For further questions, please contact Simone Cuomo (cuomo@ccbe.eu).

PECO

Slovenia

On 27 August 2012, the CCBE sent a [letter](#) to the Slovenian authorities to express its concern about the intention of the Slovenian government to abolish mandatory membership in the Bar and to transfer certain competencies of the Bar to state or state-influenced authorities. The CCBE stressed the importance of mandatory membership as a pre-requisite of a self-regulated and properly independent Bar. It urged the Slovenian government not to consider abolishing mandatory Bar membership.



Croatia



In September 2012, the Croatian Bar Association addressed the CCBE with the request to assist the legal profession concerning government proposals which consider the introduction of fiscal cash registers for lawyers. In a [letter](#) to the Prime Minister and the Minister of Justice of the Republic of Croatia, the CCBE expressed its concern about these proposals: it explained that such fiscal cash registers would be contrary to independence of the profession and they would put at risk the lawyer's duty to professional secrecy which is essential to every lawyer-client relationship.

Council of Europe Report “The Profession of Lawyer”

In May 2012, the Council of Europe released the [Report “The Profession of Lawyer”](#). This Report focuses on issues such as the role of Bar Associations, access to the profession of lawyer, initial and continuous training of lawyers, disciplinary liability of lawyers. The report also contains an overview of developments and main trends, main obstacles and recommendations for implementation of the European standards in the Eastern Partnership countries, namely Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus, as regards the profession of lawyer.

This Report is the result of the Council of Europe / European Union Joint Programme entitled “Enhancing judicial reform in the Eastern Partnership countries”, launched on 11 March 2011. Its aim was to promote the implementation of European standards on independence, professionalism and efficiency of the judiciary in six beneficiary countries.

CCBE experts participated in the meetings of working groups that analysed whether the laws in the Eastern Partnership countries are up to European standards. They measured them against the UN basic principles, the Convention of Human Rights, the Council of Europe recommendations on lawyers, the CCBE Code of Conduct and other relevant instruments.

For further information, please contact Sieglinde Gamsjaeger (gamsjaeger@ccbe.eu).

Projects

Find-A-Lawyer project



The Find-A-Lawyer (FAL) project ended on 4 April 2012. The European Commission (EC) approved the final report presented by the CCBE on FAL in August 2012. At the time of completion, 16 bars were up and running and others were making the necessary technical arrangements to integrate their national solutions into the FAL Search Engine (FAL SE). Recently, the Italian bar has completed its integration in the FAL SE and it is expected that in due course more Greek bars will join the Athens bar, which is already integrated in FAL SE. Although FAL has “officially” ended (since the contract with the European Commission came to an end), the

CCBE is continuing to provide for those national bars which are not currently in FAL the opportunity to join it. The EC has started to build the FAL SE in the European e-Justice portal.

For further information, please contact Alonso Hernández-Pinzón (pinzon@ccbe.eu).

e-CODEX

The e-CODEX project, which is a government-led EU-funded project to link national e-justice systems in Europe, is approaching its pilot phase. During this pilot phase (scheduled to start in January 2013), real life scenarios will be tested extensively. Upon completion of the pilot phase, an evaluation will be done and further adaptations will be undertaken before making the system available. The pilot phase will start with the testing of two civil uses cases: the small claims procedure and the European Payment order. The CCBE is glad to see that so far lawyers have been fully integrated into these trial cases as main actors in e-justice applications.

For further information, please contact Alonso Hernández-Pinzón (pinzon@ccbe.eu).

Future e-Justice projects

The European Commission has published its "Implementing Decision on the awarding of action grants for specific transnational and national projects within the frame of the specific Criminal Justice programme (call for proposals 2011-2012)". According to this Decision, two CCBE proposals for developing e-Justice projects have been awarded: Find-A-Lawyer 2 (FAL 2) and the European Training Platform (ETP).

The objective of FAL 2 is to build a prototype which will use the FAL Search Engine as a tool for verifying the identity of lawyers in e-justice applications. When a lawyer signs as a lawyer (filing a claim, etc.) in an e-procedure (e.g., in a small claims procedure), the system will check whether a lawyer is genuine, by searching FAL. FAL 2 was presented in the context of developments in other EC projects such as e-CODEX.

Regarding ETP, this project consists of building an IT platform that will increase the level and accessibility of information on available training courses for legal professionals. By providing a European overview of relevant training for the practitioner, the platform will promote training of legal practitioners cross-border and will therefore help to promote - at practitioner level - knowledge of how EU and national law is practised and administered in other Member States within the particularities of each Member State's judicial system.

For further information, please contact Alonso Hernández-Pinzón (pinzon@ccbe.eu).

▶▶ Contacts with the Cyprus Presidency of the European Union



On 27 August, the CCBE met with key contacts on justice issues at the Permanent Representation of Cyprus to the European Union. The meeting was an opportunity to learn about the work programme and priorities of the Presidency and to inform them about the CCBE's relevant concerns and recommendations. The discussion particularly revolved around the right of access to a lawyer in criminal proceedings, anti-money laundering, data protection, 'Brussels I', the patrimonial consequences of marriages and registered partnerships, the proposed Common European Sales Law and e-identification in e-transactions.

The Cypriot Presidency was represented at our Standing Committee of 7 September in Limassol (Cyprus), where the Cyprus Attorney General, Mr Petros Clerides, opened the session with a presentation of the priorities of the Presidency in the area of justice.

For further questions, please contact Antoine Fobe (fobe@ccbe.eu).