



L'Association européenne des Avocats
European Association of Lawyers

The network for dynamic Lawyers who want to stay informed and connected

NEWSLETTER

1/2017

WHAT'S NEW

July - August



HEADLINES & MAJOR EVENTS

FOREWORD BY PRESIDENT

Welcome all of you to create together our Newsletter! I do hope you will use it to know more about the AEA-EAL!

See page 2

INTERVENTION IN POLAND

AEA-EAL sent a letter to President of Poland, expressing its concern on recent legislative proposals.

See page 5

FB AND NEW LINKEDIN GROUP

We created a new AEA-EAL fanpage on facebook and new LinkedIn group for you

See page 6

SEPTEMBER

7-9

INVITATION TO OLSZTYN:

CONFERENCE & GENERAL ASSEMBLY

See page 3

We express our deepest condolences to all Catalonian and Spanish people, but above all, to the families of those, who have been killed in a terrorist attack, which happened in Barcelona on August 17.

TO FOSTER COMMUNITY SPIRIT OF LAWYERS

FOREWORD BY PRESIDENT



Dear Friends,

It is a great honor to be the president of the European Association of Lawyers, the first European organization for individual lawyers, created in 1986. Last year we celebrated 30th anniversary of our Association. I am looking forward to close involvement of all members in the work of our Association to make its activities most useful for us and for lawyers of those countries who have been still fighting for full respect for European standards of our profession.

The AEA-EAL is well-known of promoting European law and EU policies. Each year we organize conferences and seminars being met with

interest of lawyers in countries, where such events take place. We will continue these activities also in new jurisdictions. Our next event will be held on September 7-9, 2017 in Olsztyn, Poland, in the heart of the beautiful Mazury region, which is known as "The land of thousand lakes". Together with the Olsztyn Bar Association we organize a seminar on data protection, the topic which nowadays is very lively discussed in the legal environment. [Here you can register for our event.](#) I invite you all to join us in Olsztyn!

With my best regards,

Maria Ślżak
President

Successful congress in Barcelona

On June 16, 2017 the AEA-EAL conference on the new European Regulation about cross-border insolvencies and the forthcoming Proposal for a Directive on preventive restructuring frameworks and Fresh Start opportunities was held in Barcelona. New legal instruments are major steps towards uniformed insolvency regulation in European Union. More information is available [here](#).

Georgian Bar applies for membership

Mr. Zaza Khatiashvili, Chairman of the Georgian Bar Association (GBA) send a letter to AEA-EAL President and Secretary General applying for membership of the GBA in the AEA-EAL. GBA associates more than 3.600 Georgian lawyers and cooperates strongly with Council of Europe in framework of programmes on strengthening rule of law in Georgia.

INVITATION TO OLSZTYN



The conference seeks to introduce its participants to EU General Data Protection Regulation (GDPR) and the practical aspects of its implementation. We also focus on cross-border issues related to data processing, including use and storage of data outside the EU, including such jurisdiction as China. We also will consider impact the GDPR has on citizens' rights, the right to the court in particular. From lawyers' perspective, important problems on professional secrecy will be discussed. We will also provide information from practitioners and IT and cyber security specialists.

The dedicated website of the conference:

<http://www.gdpr2017.eu/en/>



Greetings from Katarzyna Skrodzka-Sadowska Dean of the Olsztyn Bar Association

Dear Colleagues, Dear Friends,

On May 25, 2018 the EU General Regulation on Data Protection will enter into force. From that day all entities participating in business trading must be ready to use these new regulations. One may think, that there is plenty of time for implementation of new provisions, however changes needed to be introduced by companies are serious and we need to start their implementation now.

Therefore, Olsztyn Bar Association, together with the European Association of Lawyers (AEA-EAL) are organizing a conference on "Practical aspects of the EU regulation 2016/679 concerning the protection of personal data. How lawyers should be prepared?".

How to prepare legally for implementation of new regulations? How implement systems protecting from advanced and directed cyber-attacks, which cannot be blocked with traditional methods? You will find answers from specialists - speakers on our conference.

See you soon in Olsztyn!

Katarzyna Skrodzka - Sadowska
Dean of the Olsztyn Bar Association



**Letter from prof. Sara Chandler
President of the Federation
of the European Bars (FBE)**

Dear Colleagues,

Europe is facing considerable challenges at this time, and it is important that we build and strengthen our organisations and institutions. As a fellow organisation to the AEA/EAL the European Bars Federation (FBE) greets you and wishes you a successful conference. We stand together in facing challenges to the legal profession, the administration of justice and the rule of law.

I highlight three major challenges in which the FBE is engaged at present: the independence of judges and lawyers, particularly in Poland and Turkey; the human rights of refugees and immigrants and the threats to the planet from climate change. What can we do as lawyers, as practitioners serving our clients? These are not remote issues, they may impact on our legal practice without our recognition. We can become more aware through our international organisations. We can participate in the valuable training and capacity building programmes that our organisations offer, we can network with our colleagues from other jurisdictions, and we can share with colleagues the insights we gain from activity at the international level.

Participation in European wide conferences is an expression of the leadership of the international legal community, of which you are part. As a fellow organisation, the FBE salutes the AEA/EAL and looks forward to our future cooperation and support for each other as European lawyers. May your conference bring you all that you wish and expect and that you meet new colleagues and make new friends in the beautiful surroundings of the city of Olsztyn.

Yours sincerely,

Sara Chandler

Professor Sara Chandler QC (Hon), President of the Federation of European Bars

Article 29 Working Party GDPR Implementation Guidance

The Article 29 Working Party (**WP29**) issued guidelines and FAQs on the provisions in the General Data Protection Regulation (the **GDPR**) relating to data portability (Guidelines / FAQs), data protection officers (Guidelines / FAQs), and the lead supervisory authority (Guidelines / FAQs). WP29 also published comments on these guidelines. Several key points are highlighted in those Guidelines, such as language knowledge requirements for data protection officers (DPO), problems related to potential conflict of interests of DPO, data portability rights, application the "one-stop-shop" principle to cross border processing only or issues of indicating the location of "main establishment" of cross border processing activities.

INTERVENTION IN POLAND



At the beginning of July 2017, Polish Parliament approved two bills which have been the subject of trenchant criticism over the past year - on National Council of Judiciary and on common courts. Furthermore a draft law was introduced in Parliament that affects the composition of the Supreme Court. The first law is the reform of the National Council of Judiciary. This reform involves the following main changes:

- termination of the mandates of the National Council's members;
- appointment of the judicial members of the National Council by Parliament
- establishment of two assemblies within the National Council of Judiciary (the first one formed by the 15 judges appointed by Parliament and the second one including six members from the Polish Parliament, the Minister of Justice, a representative of the Head of State, the President of the Supreme Court and the President of the Highest Administrative Court), allied with a requirement that any resolution by the Judges' Council has to be adopted by both assemblies sitting separately.

The second law approved by Parliament gives the Minister of Justice the power to dismiss court presidents and substitute them within the next six months after entering into force of this new law. These laws will involve an erosion in judicial independence with an equally inevitable impact on the rule of law.

The third draft law introduced on 12th July involves the dissolution of the current Supreme Court by imposing retirement on its members and giving the Minister of Justice the discretionary power to designate those judges who shall remain in active service.

On July 18, 2017, after consultation with the AEA-EAL Board, President Maria Slazak sent a letter to Mr. Andrzej Duda, President of the Republic of Poland, in which she pointed out lack of public consultation on three bills passed or discussed in the Parliament, negative consequences that may arise for citizens' rights guaranteed by Article 6 of the European Convention on human rights and fundamental freedoms and by Article 47 of the Charter of Fundamental Rights of the European Union. President Slazak asked President Duda to conduct wide public consultations on judicial reform and to issue new proposals within the President's powers of legislative initiative.

On July 24, 2017 President Andrzej Duda declared presidential veto against the bill on National Council of Judiciary and the bill on Supreme Court as well as announced preparation of new drafts within next two months. President's spokesman informed us that President decided to sign the bill on common courts.

OUR SOCIAL MEDIA



We invite you to know, like and subscribe to our fanpage on facebook. It is intended for fast and easy communication of AEA-EAL activities as well as for better communication with our members and friends.

Like it! Subscribe! Comment!



We created our group on LinkedIn. Its aim is to enhance networking within our members. The group is open for searching lawyers from other jurisdictions for professional and social cooperation on [our LinkedIn](#)

Join! Discuss! Connect with others!



New membership fees (from July 1)

Individual membership:

- Participant of a conference (taking part for the first time in AEA-EAL event) - membership fee included in conference fee of the year of registration;
- Full member above 35 years - 50 - 175 euro (increasing from 1st till 4th year of membership)
- Full member up to 35 years - 50 euro
- Associate and correspondent member - 50 euro

Collective membership

- Full member - legal entity (law office) - between 150 and 400 euro (depending on advice of the Board of Directors).
- Full member - private law or public law entity (e.g. Bars and professional organizations) - up to 1.000 euro (depending on advice of the Board of Directors).
- Associate or correspondent member - between 75 and 500 euro (depending on decision of the Board of Directors).
- Associate or corresponding member - private law or public law entity up to 1.000 euro.

EUROPEAN & NATIONAL



Highlight: brexit. state of play

Michel Barnier, the European Commission's chief negotiator for the Brexit negotiations with the UK, held a press conference on 12 July 2017, outlining the state-of-play of the Brexit negotiations so far.

The first phase of the negotiations deals with citizens' rights, the single financial settlement, the new borders, in particular in Ireland, and other separation issues, such as Euratom and the treatment of goods placed on the market before Brexit day. Mr. Barnier emphasised that the EU had published nine position papers on these issues so far and called on the UK to clarify its position, in order to make progress in the negotiations, as time was short.

[EC - press release](#) [EP - press release](#)

Source: <https://era.gv.at/object/news/3395>

International/European News

- Following the existing search engines of lawyers and notaries, the European Union is preparing also "Find a Bailiff II" as well as "Find an Expert" search engines. More information is available [here](#).
- UN Commission on International Trade Law issued a paper on Contractual aspects of cloud computing. The document can be viewed [here](#).
- Consortium of EVIDENCE project agreed and published a road map on implementation of use of electronic evidence in European and national justice systems.

National News

- In his new book, *Nouvelles conquêtes*, Belgium's Socialist Party (PS) chairman and former prime minister **Elio Di Rupo** presents a number of "red" ideas. Among others he calls for introducing four-day working week.
- In its Gaba case decision, the Swiss Supreme Court decided on horizontal and vertical agreements on price, resale prices, quantity and territory. In future, competition authorities are not required to show actual restrictions of competition to establish that the agreement at issue significantly restricts competition.

MEMBERS ROOM

We invite all our members to send information on your activities (500 characters max) and short information on your business activity (200 characters max).

Member of the Board profile

Monique Stengel has been President of the AEA-EAL 3 years from 2014 to 2017 and was before General Secretary since 1999. During her Presidency, the 30th Anniversary of the Association has been celebrated in Paris in 2016. In the same time, the relations of the Association with different European Bars as with the FBE-EFB could be developed. In April 2017 Monique Stengel represented the AEA-EAL by the congress organized by the Wroclaw Bar together with FBE-EFB on the topic of "E-justice in Europe. She had the opportunity to participate to different projects of the European Commission in Kazakhstan, Algeria, Tunisia where she was speaker as representative of the AEA-EAL.

News from Members

• **Jean-Pierre Van Cutsem** was a speaker on a conference „States and International Arbitration“, organized in Tashkent, Uzbekistan, in the framework of EU Rule of Law Initiative for Central Asia. The objective of the Tashkent seminar was to provide information and training to the civil servants and executives of public companies concerned with international arbitration, and to convey a meeting of the working group on international arbitration which can progress in its definition of a concept of international investment court. The participants of the seminar were also policy-makers and professionals susceptible to represent their country in international arbitration proceedings. Jean-Pierre van Cutsem, AEA-EAL past president (2000-2001) and member of the Board of Directors of EAL,

was in charge to explain the Multilateral Investment Court System, which is a new system of arbitration proposed by the EU Commission in the Multilateral Investment Treaty with third countries.

Members profile

- **Anna Kaczyńska** - attorney at law specializing in civil, contract, commercial, intellectual property, labour, medical and personal data protection law. Firm's website: <http://kancelaria-kaczynska.pl/en/>
- **Tomasz Nowak** - partner and head of International Department at KNTM attorneys at law (Katowice, Poland). Tomasz renders legal services to foreign entities and individuals in English, German, Italian and Russian. For more info please visit: www.kntm.pl



The European Association of Lawyers
Association Européenne des Avocats

www.aea-eal.eu

The dynamic lawyers' network who wants to stay informed and connected
Le réseau d'avocats dynamiques qui veulent rester informés et connectés

APPLICATION FORM

To return by fax +32 (0)2 466 32 22 (t.a.o. S. Perquy-Forke - Treasurer)
Or by email aea-eal@orange.fr – sabine.perquy@vlv-law.be – m.slazak@polishlawyer.com.pl

I, undersigned _____

Address _____

City _____ Country _____

Phone _____ Fax _____

Email _____

Professional occupation¹ _____

Hereby declare that I would like to adhere to the EAL²

- Full member - individual
 - ✓ If registration by conference - membership fee of that year will be included in the conference fee
 - ✓ 1st (full) year 50,00 €
 - ✓ 2nd year 75,00 €
 - ✓ 3rd year 100,00 €
 - ✓ Regular fee 175,00 €³
- Full member – individual under 30⁴ *progressive fee as above and max. 50,00 €*
- Full member – individual under 35⁵ *progressive fee as above and max. 100,00 €*
- Full member – legal entity (law firm) 400,00 €
- Full member – collective member (groupings representing the collective interests of the profession of Lawyer)
to be confirmed by an individual agreement and max 1.000,00 €
- Associate or correspondent – individual member 50,00 €
- Associate or correspondent member – legal entity 200,00 €
- Associate or correspondent member – collective member *to be confirmed by an individual agreement and max. 1.000,00 €*
- Honorary member 50,00 €

and undertake to abide by its articles.

The admission is the responsibility of the Board of Directors. It will only be effective after payment of the appropriate membership fee (or conference fee).

Date _____ Signature _____

¹ If lawyer, please indicate the bar you are a member of

² Tick off appropriate box

³ If new members join the association on specific recommendation of a member, the fee of this member will be reduced by 25 € per new member up to 75 € maximum for that year – to be compensated with the next conference fee or reduced at the following membership call

⁴ Young member rates are applied provided that we receive an evidence of applicants' age.

⁵ idem