STATE OF PLAY – CCBE PRIORITIES – (updated May 2024)

**Overview of main achievements**

 I. Annual priorities 2024 – Main achievements (January - May 2024)

The following priorities were agreed for 2024:

1. European Convention on the protection of the profession of lawyer
2. A manifesto for the EU 2024 elections
3. Self-regulation of the legal profession practice
4. Generative AI in legal practice

 II. High-level 3-year policy objectives for the period 05/2021- 05/2024 – Main achievements

The following priorities were agreed as part of high-level 3-year policy objectives for the period 05/2021- 05/2024:

1. Improving access to EU training funds for lawyers
2. Establish effective ways to influence the decision-making process at Council level
3. Establish a coherent and credible position with regard to innovation of legal services.

 I. Annual priorities 2024 – Main achievements: January - May 2024

| **Priorities** | Past events/activities | **Upcoming events/activities** |
| --- | --- | --- |
| 1. **European Convention on the protection of the profession of lawyer**

*Since its very initiation in 2017, the CCBE has strongly supported the work carried out by the Council of Europe on the establishment of a new legal instrument on the profession of lawyer, i.e. a European Convention on the profession of lawyer. According to the CCBE, a binding legal instrument is needed in order to respond to the growing attacks and challenges faced by the legal profession which directly hinder the respect for the rule of law and access to justice for the lawyers’ clients* | Following the achievements that were reported in the Overview of main achievements on the 2023 main priorities, here are the main activities that took since 01/01/2024:**30.01.2024 - 01.02.2024:** The Chair of the European Convention WG, Laurent Pettiti, and CCBE Legal Advisor, Nathan Roosbeek, participated in the 7th meeting of the Committee of experts on the protection of lawyers (CJ-AV) to further work on the draft European Convention on the protection of the profession of lawyer**09.04.2024:** The CCBE sent its contribution to the draft Convention and Explanatory Report on the protection of lawyer in view of the 8th meeting of the Committee of experts on the protection of lawyers (CJ-AV).**13 – 15.05.2024:** The Chair of CCBE European Convention WG, Laurent Pettiti and CCBE Legal Advisor, Nathan Roosbeek participated in the 8th meeting of the Committee of experts on the protection of lawyers (CJ-AV), and defended the CCBE contributions sent earlier on 09 April 2024.**14.05.2024:** The CCBE, together with Ambassador Patrick Engelberg, Permanent Representative of Luxembourg to the Council of Europe, organised a reception in the margins of the 8th meeting of the Committee of Experts on the protection of the profession of lawyer. The CCBE Presidency, together with Secretary-General, Simone Cuomo, the Chair of CCBE European Convention WG, Laurent Pettiti, CCBE Legal Advisor, Nathan Roosbeek and CCBE Digital Communications Officer, Céline Ségure participated in this reception. The reception was organised in view of the upcoming conclusion of the drafting of the European Convention on the protection of the profession of lawyer. The event aimed at gathering the participants of the CJ-AV, ambassadors to the Council of Europe and several representatives of the Council of Europe in order to stress the importance of the Convention and convince the Member States, through their Ambassadors to support its adoption in the coming months. | **11-13.06.2024:** 102nd plenary meeting of the CDCJ**October 2024:** 9th and last meeting of the CJ-AV.**19-21.11.2024:** 103rd plenary meeting of the CDCJ and adoption by the CDCJ of the draft text of the future Convention |
| 1. **A manifesto for the EU 2024 elections**
 | In light of the 2024 European Parliament elections and the next European Commission, the CCBE prepared a manifesto which calls on the European Union (EU) institutions to stand up for a fair and effective judicial system that upholds the principles of justice, fundamental rights, and the rule of lawTo this end, the CCBE urges the EU policymakers to prioritise five key points in their policy agendas:1. A Europe that defends the rule of law, fundamental rights, and democracy, as well as safeguards the role of an independent legal profession in upholding these values. The EU institutions should enforce strict adherence to these principles among all parties involved in their decision-making process and ensure that EU legislation upholds the core values and role of the legal profession in order to maintain the rule of law and the integrity of European justice systems.
2. The need to ensure that the EU legislative process is guided by standards that have a positive impact on the administration of justice. The EU should organise annual meetings with all actors involved in the administration of justice in order to have a continuous and constructive exchange of views on legislation and issues which impact the rule of law.
3. Adequate resources for the judicial system and an effective and well-resourced legal aid system. The EU should ensure that Member States allocate adequate financial and human resources to the judicial system and guarantee ample EU funding to support the development of a European justice area which allows individuals to effectively enforce their rights in other EU Member States and ensures a well-functioning cross-border judicial cooperation mechanism. The EU institutions should also ensure that Member States have an accessible, uncomplicated, and well-resourced legal aid system in order to guarantee adequate legal representation for all.
4. Comprehensive training for legal professionals. The EU should introduce a funding mechanism designed to facilitate large-scale, cost-effective, well-resourced, and structured training for lawyers across the EU.
5. Proper implementation of procedural safeguards in criminal matters. The EU should ensure the proper implementation of existing procedural safeguards and introduce new procedural safeguards to increase confidence in the mutual recognition of criminal justice measures
 | **March/April/May - 2024** The CCBE has circulated its manifesto in an extensive manner and referred to it in exchanges with EU representatives and institutions. |
| 1. **Self-regulation of the legal profession practice**
 | During the March 2024 Standing Committee, the theme of the importance of self-regulation of the profession of lawyer, was approved as the theme for European Lawyers' Day (ELD) 2024. (ELD 2023 had a special focus on lawyer-client confidentiality).  | **European Lawyers Day (ELD) 2024**The CCBE will prepare the 2024 ELD with a focus on promoting the understanding and importance of the principle of self-regulation (the term ‘self-regulation’ will be clearly defined and explained, as there are nuances and the perception of this concept may differ depending on the country or legal culture). **CCBE event October 2024**The CCBE will aim to organise an event in October with a special focus on self-regulation.  |
| 1. **Generative AI in legal practice**
 | The CCBE will focus on developing a guidance note on Generative AI in legal practice, including deontological aspects.The CCBE set up a drafting group to prepare a paper (guidelines) on the use of generative AI by lawyers. The group is composed of the members of the Future Committee, Deontology Committee and IT Law Committee (the latter being the lead Committee).  | **Meetings**The drafting group met three times in 2024 and is currently working on the first draft of the paper (with a part focusing on what generative AI is and what its use cases in legal practice are).The next steps will include reflecting on risks stemming from the use of generative AI and the considerations on lawyers’ professional obligations. **Autumn 2024**The group intends to finalise the guidance note in Autumn 2024.  |

 II. Multiannual priorities – High-level 3-year policy objectives for the period May 2021 to May 2024 – Update covering the period November 2023 to May 2024 (the previous update covered the period May 2023 to November 2023)

|  |  |  |
| --- | --- | --- |
| **Priorities** | **Past events/activities** | **Upcoming events/activities** |
| 1. **Improving access to EU training funds for lawyers**
 | In 2021, the CCBE adopted an **Action Plan** to improve access to EU training funds for lawyers consisting of 3 types of actions (short-medium- and long-term actions).  |  |
|  | **Medium goals**The medium-term provides that the CCBE should motivate the Commission to publish a tender which enables the implementation of a large-scale and fully financed training project for lawyers. As part of the goal, in 2023 a CCBE-ELF application was submitted to the Commission for a number of webinars. **26.07.2023**: The CCBE together with the ELF was successful in having a project application for 8 webinars supported by the Commission (TRAVAR project). **29.02.2024:** The TRAVAR kick-off meeting took place between the CCBE and ELF. **18 March 2024**A joint CCBE-ELF webinar on what EU lawyers need to know regarding intellectual property enforcementwas organised with the European Union Intellectual Property Office (EUIPO) through the European Observatory on Infringements of Intellectual Property Rights. The topic of the webinar was “Intellectual property enforcement – what EU lawyers need to know”. This webinar was launched in the framework of the TRAVAR project (Training of Lawyers on Various Areas of EU Law) financed by the support of the Justice Programme of the EU. There were more than 750 participants from all EU Member States and beyond. The recording of the webinar can be accessed [here](https://elf-fae.eu/webinars/), and more information on the TRAVAR project [here](https://www.ccbe.eu/actions/projects/).  | **Medium term****2024-2025**: 2024 and 2025 will see the delivery of 8 webinars as part of the EU funded TRAVAR project (action grant).  |
|  | **Long-term goals**The long-term goals provide that the CCBE should work towards a long-term solution for a more substantive, easily accessible, and structural EU funding scheme for the training of lawyers, on the basis of a special operating grant similar to the EJTN. **04.04.2023**: The CCBE sent a l**etter to Ana Gallego, Director-General for DG Justice** requesting a meeting to discuss a number of issues (mainly training related). The was supported with a CCBE annex which went into great detail on the current system of accessing EU funds for training purposes and suggestions for how this could be improved. **19.06.2023:** The CCBE had a **meeting with Richard Sonnenchein, DG Justice.** The CCBE referred to the success of the European Judicial Training Network (EJTN) and indicated that the EJTN is a good reference point for a training structure and a training resource for lawyers as the EJTN can plan extensive training programmes due to being well-resourced in terms of human and long-term guaranteed financial resources (at the same time the CCBE highlighted that it is not seeking the exact same structure of the EJTN - but rather a resourced structure that will facilitate accessibility and predictability).The Commission indicated that there is currently no training network among CCBE Bars that is similar to the EJTN. In particular, the Commission stressed the absence of a CCBE network specifically dedicated to training. This appears to be a key point for the Commission. In response, the CCBE highlighted that it has a very strong network covering all EU Member States including, through some Bars, a number of national training providers. In addition the Commission indicated the importance of being able to conduct a Training Needs Assessment. The CCBE indicated that it is well-positioned and well-specialised in this regard. The CCBE raised the point that it believes that there could be a better use of the resources which the Commission is supporting – there are many random projects which are taking place on an ad hoc basis with no coordination and transferability of outputs. **The Commission was interested in this point as it too is seeking the best use of resources (this appears to be a point of high impact).** **The Commission recognised that the range and financing of smaller projects may not be delivering efficiencies.**The Commission indicated that a constructive approach could be for the CCBE to apply for an Action Grant to build a training network and develop a methodology to reach a point where it could seek an operating grant with a more concrete proposal on how to optimise and structure the training of lawyers on EU Law. It would be a step-by-step approach over time to identify the best way forward. **It was clear that the Commission was open to ideas which can result in a better use of resources. It was also clear that the Commission is supportive and encouraging regarding a step-by-step approach towards building a training network and developing a structure to organise large-scale training of lawyers on EU Law.** **01.12.2023:** At the meeting with the ECtHR, the CCBE asked the Court whether it would be interested in collaborating with us for establishing a long-term traineeship for lawyers similar to the one existing at the EJTN for judges and prosecutor, possibly through the EU JUST-JTRA funding. The Court would in this regard be interested to collaborate with the CCBE if it were to find a way to fund and organise this type of training program. Similar to the one existing at the EJTN the CCBE would also check to have similar program at the Court in Luxembourg and possibly the EU IPO.**22 March 2024**During the Standing Committee in March 2024 presentations and discussions took place related to the European e-Justice Strategy, digital transition of justice and, in this context, the need for the training of lawyers. Similar issues were addressed during the Training Committee the previous day when a presentation of the European Judicial Training Report was presented and an exchange of views took place.The CCBE Standing Committee welcomed [**Alain Pilette**](https://www.linkedin.com/in/ACoAAALFXzUBzsJJaBWlgImeHqGXftyZIdG4Aqo)**, Deputy-Director, Justice and Home Affairs at the**[**Council of the European Union**](https://www.linkedin.com/company/eucouncil/)**, w**ho presented the European e-Justice Strategy 2024-2028 and its relevance for the legal profession in the coming years. Mr Pilette outlined the future plans of the Council and the Member States in the implementation of the strategy and stressed that [lawyers](https://www.linkedin.com/feed/hashtag/?keywords=lawyers&highlightedUpdateUrns=urn%3Ali%3Aactivity%3A7176890087249477632) are important partners in this process and must be involved in all aspects of the implementation.This presentation was followed by an online presentation on digital transition of justice and training of lawyers by **Dirk Staudenmayer, Head of Digital Transition and Judicial Training Unit of DG JUST** at the [European Commission](https://www.linkedin.com/company/european-commission/). He presented the main priorities and developments related to the digital transition of [justice](https://www.linkedin.com/feed/hashtag/?keywords=justice&highlightedUpdateUrns=urn%3Ali%3Aactivity%3A7176890087249477632), the role of [lawyers](https://www.linkedin.com/feed/hashtag/?keywords=lawyers&highlightedUpdateUrns=urn%3Ali%3Aactivity%3A7176890087249477632) in digitalisation and the need to train lawyers in digital tools. The presentation was followed by an in-depth discussion on the role of the CCBE and the legal profession in relation to the EU’s e-Justice and judicial training strategy. **April 2024**During the European Judicial Training Conference, organised by the European Commission and the Belgian Judicial Training Institute on the 25- 26 April 2024 in Brussels, the CCBE Secretary-General, Simone Cuomo and Senior Legal Advisor, Indra Bule, as well as CCBE experts, provided their contribution for the upcoming European Judicial Training Strategy and repeatedly stressed the need to ensure that all legal professionals, including lawyers, could equally benefit from judicial training on EU law supported by EU funding. It was also explained that providing lawyers with similar training resources at an EU level to that which exists at a centralised level for judges and prosecutors, would contribute to maintaining a fair, effective and consistent legal system and facilitate access to justice for citizens and promote respect for the rule of law. | **Long-term: suggested action points**The following are the main next steps towards a long-term solution for a more substantive, easily accessible, and structural EU funding scheme for the training of lawyers, on the basis of a special operating grant similar to the EJTN:1. **2024 (January-May):** to establish a training network and structure for the large-scale continuous training of lawyers on EU Law (building on the existing structure of the ELF). In this respect, the Training Committee could transform into a kind of training platform with operational capacity, including contact persons dealing with training issues at their national Bar.
2. **2024-2025:** delivery of webinars as part of the EU funded TRAVAR project (action grant).
3. **2024-2025:** To apply for an Action Grant to deliver a training program with the training network as established under 1. The general project proposal was submitted for approval to the February 2024 Standing Committee, and a detailed project application was drafted together with ELF. As usual, the project will be managed by the ELF, while the CCBE Secretariat will provide input regarding the content of the training programme and the speakers.
4. **2025-2027:** To apply for an Operating grant (appr. 500.000 euro) upon completion of the project as mentioned under 3. The CCBE will need to start lobbying the Commission in the course of 2024 to ensure that funding is made available for this.
5. **2027:** To seek the establishment of an exclusive Operating Grant of 1-5 million euro (exclusive in the sense that only the CCBE can apply for it). This would require a separate legal instrument and financial provision in the EU’s multiannual financial framework (MFF) for the period 2028-2034. The lobbying for this should therefore already start in the course of 2024.
 |
| **Priorities** | **Past events/activities** | **Upcoming events/activities** |
| 1. **Establish effective ways to influence the decision-making process at Council level.**
 | In order to begin the process to “Establish effective ways to influence the decision-making process at Council level” the CCBE sent letters to the (a) French Presidency (January 2022), (b) the Czech Presidency (July 2022), and (c) the Swedish Presidency (January 2023). There was also a very high level of contact and engagement with the Spanish Presidency (July 2023) on a wide number of issues. **20.03.2023:** In addition to a meeting which took place with the Council Secretariat in March 2022, a further meeting took place with the Council Secretariat on 20 March 2023. This **meeting included Serge de Biolley (Director - Justice), Alain Pilette (Deputy Director - Justice), and a wide number of other participants from the Council.** A significant number of issues were discussed: * Access to justice – the Council’s current and future work on issues relating to access to justice
* Defending the principle of non-identification of lawyers with their clients
* Protection of lawyer-client confidentiality against surveillance
* Procedural safeguards for suspects and defendants in criminal proceedings (do the Council expect any new initiatives in this area or revision of existing legislation?)
* Digitalisation of Justice
* Effective use of Artificial intelligence – are there any AI projects planned for the future?
* Regulation on the recognition of parenthood between Member States
* European day of Justice 25 October/CCBE European Lawyers Day - EU institutions engagement with the legal profession

**July – December 2023**There was continuous contact with the Spanish Presidency. **12.01.2024:** On 12 January 2024 a letter was sent to the Belgian Presidency indicating CCBE support and availability to assist the Belgian Presidency during its 6 month Presidency. The CCBE engaged with the Belgian Presidency in this regard. **March/April 2024**There has been continuous contact with the Council Secretariat on an ongoing and very friendly basis. In addition, on **21 March** the Deputy-Director, for the Council (Justice and Home Affairs) made a presentation to the CCBE Standing Committee on the EU’s e-Justice Strategy.**23 April 2024:** On 23 April a very constructive meeting took place between the CCBE and the Council Secretariat (Justice & Home Affairs). During this meeting the following issues were discussed: 1. Access to justice – the Council’s current and future work on issues relating to access to justice/[Council conclusions](https://data.consilium.europa.eu/doc/document/ST-7127-2024-INIT/en/pdf) on the Commission’s annual report on the application of the Charter: effective legal protection and access to justice
2. Digitalisation of Justice/Artificial intelligence – future developments/projects planned for the future.
3. Council 10th Round of mutual evaluations on the implementation of the European Investigation Order
4. Proposal for a directive laying down minimum rules to prevent and counter the facilitation of unauthorised entry, transit and stay in the Union (so called anti-smuggling directive)
5. New Pact on Migration and Asylum
6. CCBE [Manifesto](https://online.fliphtml5.com/anccs/bmfw/#p=1) for the 2024 elections and the next Commission
7. Issues for upcoming Council Presidencies
8. CCBE event - October 2024
 | **May – Dec 2024** The CCBE has achieved a significant level of continuous engagement with the Council over recent years and the CCBE will continue to maintain these exchanges. |
| **Priorities** | **Past events/activities** | **Upcoming events/activities** |
| 1. **Establish a coherent and credible position with regard to innovation of legal services**
 | *One of the high level policy objectives of the CCBE is the establishment of a coherent and credible position with regard to innovation of legal services, including which boundaries must be put in place and how to promote innovation in full compliance with the values of the legal profession. In 2022, the Future Committee created a steering group with regard to Innovation In Legal Services to monitor the high level objective* ***(IILS group)*** *in consultation with other committees, such as IT Law, Deontology, and EU Lawyers***11.05.2023:** The Future Committee discussed the issues of **attractiveness of the legal profession** and innovation in legal services. The committee prepared an overview of members’ responses to the **questionnaire** on the attractiveness of the legal profession and key trends that affect it. It was a subject of the discussion during the meeting on 11 May 2023. This exploratory exercise served as a basis for identifying trends of further interest to the committee, as well as providing a general context for further discussion on what innovation in legal services is and what purposes it should serve.**20.09.2023:** During the meeting on 11.05. 2023, members held a **brainstorming session on the concept of innovation** and its key characteristics. They also began to **identify the areas** which illustrate the tensions between the need to modernise and the need to respect the fundamental values of the profession. On that basis, the Secretariat prepared a first draft of a paper for discussion in the committee. The next step will be to prepare a **questionnaire** which will be sent to the delegations to gauge their views on innovation in legal services and on the areas in which it could happen. **01.02.2024:** A Future Committee meeting took place which discussed the questionnaire and attractiveness of the profession. **16.04.2024:** Further discussions took place within the Future Committee on the refined questionnaire. | CCBE work is currently taking place on the development of a roadmap for the CCBE on innovation (a questionnaire has been drafted which will be sent to the delegations). Following the determination of a roadmap, the roadmap will need to be implemented. This implementation will require the support and action of a range of committees over the next number of years.  |

\*\*\*