



ASSOCIATION EUROPÉENNE DES AVOCATS
EUROPEAN ASSOCIATION OF LAWYERS

NEWSLETTER

2017

WHAT'S NEW

Winter



★ HEADLINES & MAJOR EVENTS

FOREWORD BY PRESIDENT

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*We wish all of you Merry Christmas,
peace & prosperity and a Happy New Year!*



FOREWORD BY PRESIDENT



Dear Colleagues and Friends,

This year was very active for our Association with many events organized by the AEA-EAL or with our participation. Thanks to your engagement we have achieved a lot. Please let me only mention the most important: we unanimously decided about amending our Statutes, enhancing membership to lawyers from non-EU jurisdictions, including colleagues from other continents. Thanks to successful conferences in Barcelona and Olsztyn three new collective members and several individual members have been admitted. An extensive work has been done on our media - since July we issued two numbers of the Newsletter, improvements of

the AEA-EAL Facebook for better promotion of the Association has been introduced, our website have been changed and further developments are in progress. The AEA-EAL organized successful conference on cross-border insolvencies in Barcelona, holding on this occasion its annual congress. For Olsztyn GDPR conference, organised in cooperation with The Olsztyn Bar of Attorneys, we delivered four prestigious speakers, including prominent Chinese lawyer Susan Ning who familiarized us with the legislation on data protection in her country. Our Association took over a patronage on the celebrations of the 155 Anniversary of the Kraków Bar Association and participated in FBE conference in London. We organized meetings in Brussels and in Warsaw with the representatives of Georgian Bar Association -our new member bar, first one originating from country out of EU. Our committees have been working very intensively on new ideas and projects, including project submitted by young members of the AEA-EAL. Our Human Rights Committee sent a letter defending Belorussian lawyers, members of the Board had a number of bilateral meetings with our new collective members and potential partners in organizing future events. It was really a year full of work aiming on promotion of European values of our profession, on building a strong net among lawyers which in present times of globalization is very important for our practice, on exchange of information on legal matters.

I wish to say thank you very much to all of you for your engagement as well as for your hard and extensive work. Taking this opportunity, I permit myself to wish all members of the European Association of Lawyers all the best in your professional and private life. Merry Christmas and a Happy New Year!

With my best regards,

Maria Ślżak
President

OUR ACTIVITIES



AEA-EAL Annual Congress Barcelona, June 15 - 17

On June 15-17, 2017 in Barcelona the Annual Congress of our Association was held together with a successful 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. This new Regulation and the forthcoming Proposal for a Directive represent a major step forward in achieving uniform insolvency regulation at European level. This is to avoid obstacles in the management of processes, since more and more companies have branches and workplaces spread throughout Europe. The conference in Barcelona brought together a dozen experts from different countries who debated before the participants about their respective systems and the opportunities and advantages of a more harmonized system. The conference was opened by the member of the Board of the Barcelona Bar, responsible for international affairs.



GDPR Conference in Olsztyn, Poland, September 7-9, 2017

Conference "Practical aspects of the EU regulation 2016/679 concerning the protection of personal data. How the lawyers should be prepared?" took place on September 7-9, 2017 in Olsztyn. The AEA-EAL was a co-organizer of this event with its four prestigious speakers

from United Kingdom (Iain Mitchell QC), Hungary (Peter Homoki), China (Susan Ning) and Poland (Manana Topolewska). Dean of the Olsztyn Bar

Association Katarzyna Skrodzka - Sadowska and AEA-EAL President Maria Ślżak welcomed participants underlying that presence of lawyers and other guests from seven countries shows a European dimension of the conference.

AEA-EAL President highlighted also importance General Data Protection Regulation (further GDPR), its practical aspects of implementation and preparation of lawyers and law firms for the new legal regime. AEA-EAL speakers presented relations of the coming law with the professional secrecy, guidelines of international organization of lawyers on implementation GDPR rules by



lawyers and on how to advise clients on application of the Regulation, influence of the GDPR on business processes inside the company as well as on non- EU regulations in the area of data protection including transfer of data to another jurisdiction. The presentations also touched upon the best personal data protection practices under the GDPR, the tools for safe, effective and compliant with law transfer of personal data and practical examples of GDPR implementation challenges for lawyers. Participants also benefitted from the comprehensive cultural program, which allowed them to discover the beauty and hospitality of Warmia and Masuria Region.



OTHER ACTIVITIES



155 Anniversary of the Kraków Bar Association Kraków, October 6-7, 2017

The AEA-EAL took a patronage over the celebrations of the 155 anniversary of the Krakow Bar Association. On this occasion, a seminar "Can Lawyer Still Preserve Secrets?" was organized in Krakow on October 5, 2017. Monique Stengel, past President of the AEA-EAL made a presentation about rules on

obligation to preserve secrets in France. Full information and photos from the event are available [here](#).



50 Congress of the Federation of the European Bars

On November 9 - 11, 2017 the 50 Congress of the Federation of the European Bars on "The role of lawyers in protecting the planet" took place. On this occasion President Maria Ślżak

sent a letter to the FBE thanking for the invitation for this event and underlying significance of the problem of protecting the Earth by all, also by lawyers. AEA-EAL immediate past President Monique Stengel participated this conference. Her article and pictures are available [here](#).



Meeting with the Georgian Bar Association

On November 24, 2017 President Maria Slzak and Patrick Conrads, member of the Board of Directors, met with Mr. Irakli Kandashvili, responsible for legal training in the Georgian Bar Association. The main issue of the discussion was the issue of organizing common event on new challenges for lawyers in the forthcoming years as well as presentation of extranet for lawyers designed

by the Georgian Bar. This IT tool allows advocates secure communication with the Bar, on-line access to many services like registering and participation in continuing training activities organized by the Bar as well as provide information for find-a-lawyer search engine.

AEA-EAL Human Rights letter



The Human Rights Committee issued a letter to Belorussian authorities in defense of advocates from this country, who are threatened, persecuted, disbarred and even imprisoned for their legal professional practice and activities for the rule of law and rights of citizens. The AEA-EAL called to stop all persecutions and to allow free exercising of the profession of a lawyer guaranteed by international documents of United Nations. The full text of the letter can be found [here](#).



Use of the AEA-EAL logo

All full members of the AEA-EAL are entitled to use of the AEA-EAL logo (as well as to indicate: "member of AEA-EAL") in their professional communication, i.e. web page, official fan page on Facebook as well as in electronic and traditional correspondence (on a letterhead). If you wish to obtain the file with official logo, please contact us at office@aea-eal.eu.



Meeting with Mr. Zaza Khatiashvili

On December 1st, 2017, Magdalena Witkowska, Chair of the Human Rights Committee of the Polish National Bar of Attorneys-at-law and the member of the AEA-EAL Human Rights Committee as well as Aleksandra Siewicka Marszałek, Secretary General of the AEA-EAL and Anna Kaczynska, member of the AEA-EAL Young Lawyers Committee, had a meeting with Mr. Zaza Khatiashvili, President of the Georgian Bar Association (our collective member) and Mr. Fridon Sikhuashvili, human rights lawyer, on the occasion of the conference held in Warsaw—"Balancing freedom of expression in the modern world". At this conference Mr. Khatiashvili thanked Maria Slazak as past president of CCBE for her help in building up the Georgian Bar Association under fundamental lawyers' principles. We are pleased to inform that on November 24th Mr. Khatiashvili was granted a very prestigious Annual Human Rights Award by the Council of Bars and Law Societies of Europe (CCBE). One of the key speakers in Warsaw was Director Michael O'Flaherty from the European Union Agency for Fundamental Rights (FRA); the information is available [here](#).

AEA-EAL COMMITTEES

The AEA - EAL works are structured, apart from its statutory organs - within committees responsible for different areas of activity of the Association. On its meeting of November 14, 2017, the Board of Directors decided to create new committees with the aim for better structuring and boosting of our works. Please find below description of existing and newly established committees. We invite all members to contact Committees at commissions@aea-eal.eu and to participate actively in their works!



**AEA-EAL
President**
Maria Ślżak

Management Committee a statutory body of AEA-EAL is vested with full powers for the day-to day management of the Association. It consists of the following members: President, who chairs its works, Vice-President (dr Christoph von Wilcken), immediate Past President (Monique Stengel), Secretary General (Aleksandra Siewicka - Maszałek) and Treasurer (Sabine Perquy - Forke).



Chair
dr Elisabeth
Hoffmann

The Scientific - European Law Committee is in charge to observe the developments of the legislation and case law in Europe, more specifically in European law, to establish and keep links with the European Instances and to suggest topics for new interesting events and seminars of high scientific standard. The Committee will elaborate the scientific part of the events and if necessary assist the organizers by finding interesting and competent speakers. At the present time, the Scientific - European Law Committee has the following members: Elisabeth Hoffmann, Jean-Pierre Van Cutsem, prof. Philipp Zurkinden, dr Thomas Simons and dr Dariusz Gibasiewicz. New candidates for membership will be welcome!



CHAIR
Jean Pierre
van Cutsem

Marketing Committee has two principal goals: to promote AEA-EAL at every time and everywhere, showing by various means the interest for a lawyer to join our Association and to promote our scientific activities to recruit a maximum of participants, and after the event/conference by a personal follow up of the lawyers showing an interest to join AEA-EAL. At the present time, the MC consists of 7 members: Jean-Pierre van Cutsem (chair), Juan Nunez, prof. Philipp Zurkinden, dr Elisabeth Hoffmann, Monique Stengel, dr Christoph von Wilcken, Pawel Szcześniewski. It

is a real task force but it is only a beginning; the Committee wishes to have a member in each country within the scope of the AEA-EAL's activity.



CHAIR
Juan Nunez

Networking – Membership Committee. It is indisputable that one of the most valuable benefits in an association is to be able to benefit from support or get advice from other members of our association. To obtain the contact details of a specialized colleague you would need, raising a doubt in a foreign law, or obtaining an opinion in a complicated case can be an invaluable help. Our mission will be to set up such a tool to facilitate this project. It will also serve to circulate the Newsletter and any news of interest to the members of the association. The Committee consists of the following members: Juan Nunez (chair), Monique Stengel, Patrick Conrads.



CHAIR
prof. Philipp
Zurkinden

Young Lawyers Committee. The legal landscape significantly changed during the last few decades. Globalisation increasingly led to legal issues based on facts that cross-national borders implying the involvement of foreign jurisdictions and lawyers. New complex legal areas emerged, e.g. in international public law launching fierce discussions not only between practitioners but also amongst specialised Professors of University. We would like to provide our young colleagues with helpful connections to lawyers, authorities and institutions outside their own jurisdiction. The Young Lawyers Committee shall also organise conferences on current legal issues to enable our young members getting

familiar with new practice areas and meeting internationally recognised specialists. In brief, our committee's work is dedicated to helping talented and motivated young lawyers coping with the challenges of a complex legal environment for the benefit of our society. The Committee consists of the following members: prof. Philipp Zurkinden, dr Dariusz Gibasiewicz, Magdalena Witkowska, Monique Stengel, and Paolo Sguotti.



CHAIR
dr Dariusz
Gibasiewicz

Human Rights Committee

The Human Rights Committee was created to develop AEA-EAL policy and to undertake intervention in cases of endanger of human rights and rule of law. The Committee is a platform to discuss, to share information and to plan for the future. The members of the Committee focus on the key points of scientific and professional policies and strategies, helping to define how we should encourage responsible conduct in political and legal decisions, to promote Human Rights at the world and European level. The Committee consists of the following members: dr Dariusz Gibasiewicz, Magdalena Witkowska, Monique Stengel and Paolo Sguotti.

OTHER NEWS & DEVELOPMENTS



Tax heavens blacklist agree

On December 5, 2017, the EU adopted on Tuesday a blacklist of 17 tax havens and a 'grey list' of 44 countries and jurisdictions that will have to take measures against tax evasion and tax avoidance, but it suspended works on list of planning sanctions. The blacklist by finance ministers is available [here](#).

The significance of China "the Belt and Road" economic initiative and the enormous potential for the legal service market



**Guan
Zhengrong**
Grandall
Law Firm

"The Belt and Road" is short for the "Silk Road Economic Belt" and the "maritime Silk Road in 21Century". In 2013, China began to make the economic strategy initiative, which connecting Asia, Africa and Europe, a total of 65 countries and regions along the line. In May 2017, guests from more than 100 countries gathered in Beijing, to take part in "the Belt and Road" international cooperation summit, and discuss the plan of cooperation. "The Belt and Road" helps the countries along it to promote the development of economy. China provided a huge amount of money for economic assistance to other countries. Only in 2015, China enterprises invested in 49 countries along the line directly. The China Development Bank and the Export-Import Bank of China will set up specialized lending schemes which worth RMB380 billion together to support "the Belt and Road" cooperation on infrastructure and financing. "The

Belt and Road" Initiative gives a great potential for the legal services market in particular in countries which belong to it, and not only in those countries.



Eastern Partnership summit,

On November 24, 2017 in Brussels a summit of the Eastern Partnership (EaP) was organized. With this occasion EU leaders met with their six Eastern partners – Armenia,

Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine. They

agreed on a joint declaration reconfirming their commitment and the high importance they attach to the Eastern Partnership. The EaP was launched in 2009 to promote political association and economic integration between the EU and the six Eastern European partner countries: **Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine**. The summit is organized once a year with the participation of leaders from all EU and EaP Countries. More information about the summit is available [here](#).



Current and former Polish Ombudsmen

30th Anniversary of the Ombudsman in Poland

On December 8 - 9, 2017 in Warsaw a Citizen's Rights Congress Took Place on the occasion of the 30th Anniversary of the institution of the Ombudsman in Poland. The Congress gathered hundreds of participants on plenary sessions as well as on 36 thematic panels raising issues from protecting constitutional rights, women rights and minority treatment till problem related to psychical condition. Current Ombudsman, Mr. Adam Bodnar is the seventh person

holding this position. He is known from his official interventions in defence of independence of Constitutional Tribunal, National Council of Judiciary, Supreme Court and common courts. But his office undertakes over a thousand of individual intervention every year defending people wrongly treated by state authorities.



All workers must have right to paid annual leave

Workers are entitled to paid leave and can claim compensation if they are not allowed to take their holidays, the EU Court of Justice ruled on November 29, 2017 in Case C-214/16. The case was related to a British citizen who worked for a company on 'self-employed commission-only contract'. The contract had not foreseen payment for leave. After termination of the contract, the worker demanded a payment both for taken leave and for this he was not able to take. The company refused arguing that there was no right to leave nor to be paid for. The case was brought to the Employment Tribunal, which referred it to the EU Court of Justice. The Court ruled that EU law precludes a situation in which the worker has to take his leave before establishing whether he has the right to be paid in respect of that leave as well as EU law precludes national provisions or practices that prevent a worker from carrying over paid annual leave rights because his employer refused to remunerate that leave.

MEMBERS ROOM

We invite all our members to send information on your activities (1000 characters max) and short information on your business activity (600 characters max).

Members of the Board profiles



Patrick Conrads is a founding partner of the KEY LEGAL, one of the latest firms to joined EAL. This young firm is rapidly growing by attracting young (av. age 38), dynamic lawyers who have already distinguished themselves in well-known and respected larger law firms but crave new challenges. At KEY LEGAL its members strive to be very 'lean', flexible and close to clients whose businesses is seeking to deeply understand.

KEY LEGAL is ambitious and, therefore, eager to meet its European colleagues. KEY LEGAL will be represented at the EAL activities this year and look forward to the opportunity of connecting.



Elisabeth Hoffmann, a former president of the AEA-EAL, studied in Germany, France and Belgium and is the founder of HOFFMANN & PARTNERS, law firm, providing since over 40 years advice and litigation in Belgian and European law. Mrs. Hoffmann is author of many legal articles and books. Lawyers being from different international backgrounds, make HOFFMANN & PARTNERS legible to defend their clients' interests in English, French, Flemish and German. They have solid knowledge and expertise in the field of commercial and contract law, distribution law, corporate law, intellectual property law, labour law, competition law and EU law.

New members

We are delighted to inform you that new members, individual and collective, have joined our Association. Among collective members we warmly welcome the **Georgian Bar Association**, which is the only official bar in Georgia and gathers over 3,600 members. We are also delighted with accession of the **Białystok Bar Association**, which cooperated with the AEA-EAL in the

past organizing a conference on family law in 2015. Among several individual members who joined us recently, we warmly welcome Ms. Assel Tokayeva, well-known lawyer from Kazakhstan.



Meeting of FBE Past Presidents and past Board Members

AEA-EAL Immediate Past President Monique Stengel and AEA-EAL Past President Juan Núñez took part on December 2nd, at the yearly lunch offered by the Federation of European Bars to its Board and Past Board Members at Centre de l'Union Interalliée, in Paris. Juan Núñez has been General Secretary in the past, and Monique

Stengel was invited as representative of the link between both organisations. Monique Stengel spoke to the assisting members, to thank this clear sight of height interaction between AEA-EAL and FBE.



Singing in a Brussels choir. International relations are not only important to some of our members in business matters. They also enjoy international friendship by sharing the beauty of music. One of those members is our treasurer - Sabine Perquy-Forke, singing in a Brussels choir who just had the pleasure to perform the Requiem of Verdi in the Bozar in Brussels in cooperation with a French and an Italian Choir. More details and photo is available [here](#)



European Corporate Law and Corporate Governance Conference

Juan Núñez participated on October 12 - 13, 2017 in the Conference about European Corporate Law and Corporate Governance at the European Institute ERA in Trier. The conference is organized once a year for higher management teams.



Law to support entrepreneurial capital and simplified stock companies

Prof. Marcelo Castrogiovanni - our member from Argentina, informed us that within the framework of a law of entrepreneurial capital support, which promotes productive investment with financial and tax benefits, although not limited to these projects, a new type of company has been

created in his country: the simplified stock company (SAS). The SAS offer the best way to establish a micro or small business via internet in a single day and free of charge, including tax registration, by using electronic signature. It can be formed by a single partner, and its accounting is entirely digital. The information was translated into English by Juan Nunez.



National Convention of Lawyers in France

Olivier Raynaud, member of the Marseille Bar Association and its Council, founding member of the Incubator in his Bar, in October 18, 2017 during National Lawyers' Convention in Bordeaux, participated in the launch of National Network of Incubators, which is to encourage lawyers to innovate and to create modern solutions to be more present in the digital field and also to

facilitate access to law and to lawyers, respecting however the rules of professional ethics. A large national consultation following the event will constitute a public synthesis of the issue and result in concrete proposals that will be sent to the Government at the beginning of 2018.



UNALEX - a new legal information system

Dr Thomas Simons is promoter and main founder of UNALEX - an international information system on European and International Uniform Law with special emphasis on international private and civil procedural law. UNALEX consists of collection of court cases of more than 8000 deliberately chosen decisions with guiding principles; a Compendium, which is a systematic collection, assigned by articles, with explanations and summaries of principles on selected legal instruments as well as legislative texts and materials. You may access the UNALEX [here](#)



A short break

Even lawyers need some break in their busy professional life: trip to Alps. Patrick Conrads sent us some beautiful photos from his autumn trip to Alps. He did a nice trekking in Switzerland together with his family. You may find the relation and photos on our [Facebook](#).