

Newsletter

Summer
2018

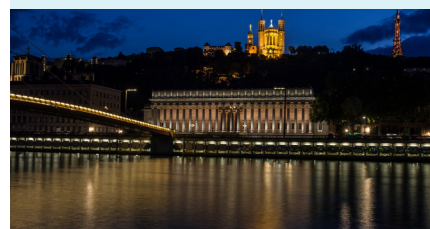


Success of the conference held in Almaty

*120 lawyers from 14 countries,
5 moderators and 33 speakers
discussed in Almaty in June 15 -
16 how to improve the quality of
legal services in Kazakhstan and in
other countries of the Central Asia.*

Five conference sessions: INDEPENDENCE was chaired by Maria Ślęzak, CONTINUING LEGAL EDUCATION chaired by Sergiey Sizintzev, PROFESSIONAL ETHICS chaired by Jędrzej Klatka, LEGAL AID, chaired by Jonathan Goldsmith, and DISCIPLINARY PROCEEDINGS chaired by Norville Conolly. For more information go to page 3 and to attached relation from the conference (in English).

Save a date!



AEA-EAL CONFERENCE ON POSTED WORKERS

When and where?

November 23, 2018, Lyon, France

What about?

Practical info on ongoing EU legislative process on posted workers

Who should participate?

Lawyers and business posting and employing workers from other EU countries

Foreword of President

There were very active months of the 2018 year for the AEA-EAL. We organized a successful conference in Almaty and a seminar with Moldovian Young Lawyers Association (MYLA), initiated works on cooperation with other international organizations of lawyers and invited new members to the AEA-EAL.

During the General Assembly in Almaty new members of the Board of Directors were elected: David Asiatiani, President of the Georgian Bar Association and Andrzej Kaliński, Dean of the Białystok Regional Bar of Polish Attorneys-at-law. In October a panel of experts will discuss in Bern the issue of access to the Single European Market by others than EU members. This discussion and its conclusions should be interesting for many parties: UK-based companies and law firms, entities from the EFTA countries as well as others from outside the EU. We are also preparing a seminar on amended directive on posted workers in Lyon. More information will be available soon on our website and Facebook.



Young Lawyers Conference in Chisinau

The event took place on May 4, 2018 and was organized by the AEA - EAL in cooperation with the Moldovan Young Lawyers Association (MYLA)



AEA-EAL delegates - Maria Ślęzak and Olivier Raynaud were received by Emanoil Plosnita, President of the Union of Advocates of the Republic of Moldova. Following this warm welcome, our representatives continued with a presentation as part of a "Meetup" organized with young lawyers. It has to be underlined that the presentation was in English, without interpretation due to very good knowledge of English of participants. Olivier Raynaud made a presentation on the arrival of new technologies and their impact on the legal profession; the main issues were predictive justice and the Blockchain.

The main part of the afternoon event was the conference attended by 60 lawyers as well as representatives of the following organizations - ABA ROLI, Council of Europe, OSCE, UNDP and Human Rights Embassy. Maria spoke on an importance of the Convention on Profession

of Lawyer and some deontology issues - professional secrecy, independence, conflict of interest. The next topic presented by Olivier was the management of law firms with the arrival of new technologies. All participants underlined the importance of the work undertaken by us for Moldovan justice system.

Maria and Olivier were very pleased with this exchange, and do hope that it will lead to a good cooperation as well as that our European bodies will take this opportunity to support such active bars like that of Chisinau. Our President and Olivier passed particular words of gratitude to Vladimir Palamarcu, and Olga Diaconu, members of the Moldovan Young Lawyers Association for their engagement in organization the event.

Elections in the FBE

Monique Stengel, AEA-EAL immediate past President and our liason person to the Federation of the European Bars has been elected for the post of the FBE Treasurer.



Monique Stengel, immediate past President of the AEA-EAL and newly elected Treasurer of the FBE.

The FBE's General Assembly on May 19th, 2018 has elected the new Presidency for the year 2018-2019.

Michele Lucherini (IT - Lucca) is the new President; Silvia Giménez-Salinas Colomer (ES - Barcelona), the first Vice President; Dominique Attias (FR - Paris), the second Vice President; Monique Stengel (FR - Paris) is the new Treasurer; Charles Kaufhold (Luxembourg), the General Secretary. Congratulations to the new Presidency members and wish for successful activity for benefit of the European legal profession. We also say thank you to descending President Sara Chandler.



Forthcoming and planned events

- 26 October 2018, Bern
MARKET ACCESS
Discussion panel of experts on different ways of access to the single European market.
- 23 November 2018, Lyon
POSTED WORKERS
Seminar on new EU regulations for lawyers, business and representatives of trade unions.
- 15 December 2018, Gdańsk (tbc)
GDPR AND RIGHT TO PRIVACY
Conference for EU and non-EU lawyers on practical use of GDPR in law firms.

AEA-EAL INFO

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Board of Directors elected on June 16, 2018

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Elisabeth Hoffmann



Thomas Simons



Philipp Zurkinder

At the General Assembly of the AEA-EAL on June 16, 2018 President - Maria Ślęzak, presented a report on AEA-EAL activities undertaken in 2017, which included *inter alia* two international conferences in Barcelona and in Olsztyn as well as participation of the AEA-EAL members as speakers and moderators on several international events. A structure of the daily work of the Association was enhanced by establishing five committees: marketing,

scientific, networking, young lawyers and human rights. The Board of Directors met regularly once a month in person or (in most cases) by teleconference. The AEA-EAL joined the Defence of Defenders Network, a world-wide initiative to protect and to defend lawyers appearing in human rights cases. New collective and individual members joined us strengthening our network. Sabine Perquy - Forke, Treasurer, presented financial report

for the last year. Both reports were approved unanimously. New layout of our Newsletter was introduced as well as an official fan page on Facebook with growing popularity among the legal community. Two new members of the Board of Directors has been elected: David Asatiani, President of the Georgian Bar Association and Andrzej Kaliński, Dean of the Białystok Bar of Attorneys at law. Both Bars have been engaging actively in works of the AEA EAL.

AEA-EAL Conference and General Assembly in Almaty, 15 - 16 June 2018



Within topics discussed during the conference "Advocates 2018" we promoted the concept of the self-regulated profession, boosted networking between advocates from Central Asia, Europe and other continents as well as promoted mutual professional co-operation

between legal practitioners from different regions and legal jurisdictions. The event allowed a wide participation of our colleagues from the diverse regions to create a real forum not only for exchanging opinions and views, but also for filling information deficits, debating different viewpoints

and for informal talks. It was probably the most important for advocates from Central Asia - lively discussions took place both on during sessions as well as on coffee breaks and lunches. Based on these discussion, conference recommendations have been drafted and presented.





Judgment in Case C-210/16

Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein v Wirtschaftsakademie Schleswig - Holstein GmbH

The administrator of a fan page on Facebook is jointly responsible with Facebook for the processing of data of visitors to the page. The data protection authority of the Member State in which the administrator has its seat may, under Directive 95/46,1 act both against the administrator and against the Facebook subsidiary established in that Member State

The German company Wirtschaftsakademie Schleswig-Holstein operates in the field of education. It offers educational services inter alia by means of a fan page hosted on Facebook at the address www.facebook.com/wirtschaftsakademie. Administrators of fan pages, such as Wirtschaftsakademie, can obtain anonymous statistical data on visitors to the fan pages via a function called 'Facebook Insights' which Facebook makes available to them free of charge under non-negotiable conditions of use. The data is collected by means of evidence files ('cookies'), each containing a unique user code; such code is collected and processed when the fan pages are opened. By decision of 3 November 2011, the Unabhängiges Landeszentrum für Datenschutz Schleswig-Holstein (Independent Data Protection Centre for the Land of Schleswig-Holstein, Germany) ordered Wirtschaftsakademie to deactivate its fan page. According to the Unabhängiges Landeszentrum, neither Wirtschaftsakademie nor Facebook informed visitors to the fan page that Facebook, by means of cookies, collected personal data concerning them and then processed the data. Wirtschaftsakademie brought an action against that decision before the German administrative courts, arguing that the processing of personal data by Facebook could not be attributed to it, and that it had not commissioned Facebook to process data that it controlled or was able to influence. Wirtschaftsakademie concluded that the Unabhängiges Landeszentrum should have acted directly against Facebook instead of against it. It is in that

"The Unabhängiges Landeszentrum is competent, for the purpose of ensuring compliance in German territory with the rules on the protection of personal data, to exercise with respect not only to Wirtschaftsakademie but also to Facebook Ireland all the powers conferred on it under the national provisions transposing Directive 95/46".

context that the Bundesverwaltungsgericht (Federal Administrative Court, Germany) asks the Court of Justice to interpret Directive 95/46 on data protection.

In its judgment delivered on June 5, 2018, the Court of Justice starts by observing that it is not disputed in the present case that the American company Facebook and, for the EU, its Irish subsidiary Facebook Ireland must be regarded as 'controllers' responsible for processing the personal data of Facebook users and persons visiting the fan pages hosted on Facebook. Those companies primarily determine the purposes and means of processing that data. Next, **the Court finds that an administrator such as Wirtschaftsakademie must be regarded as a controller jointly responsible, within the EU, with Facebook Ireland for the processing of that data.** Such an administrator takes part, by its definition of parameters (depending in particular on its target audience and the objectives of managing or promoting its own activities), in the determination of the purposes and means of processing the personal data of the visitors to its fan page. In particular, the Court notes that the administrator of the fan page can ask for demographic data (in anonymised form) – and thereby request the processing of that data – concerning its target audience (including trends in terms of age, sex, relationships and occupations), information on the lifestyles and centres of interests of the target audience (including information on the purchases and online purchasing habits of visitors to its page, and the categories of goods or services that appeal the most) and geographical data, telling the fan page administrator where to make special offers and organise events and more generally enabling it to target best the information it offers. According to the Court, the fact that an administrator of a fan page uses the platform provided by Facebook in order to benefit from the associated services cannot exempt it from compliance with its obligations concerning the protection of personal data. The Court states that the recognition of joint responsibility of the operator of the social network and the administrator of a fan page hosted on that network in relation to the processing of the personal data of visitors to that fan page contributes to ensuring more complete protection of the rights of persons visiting a fan page, in accordance with the requirements of Directive 95/46 on data protection. The Court also stated that that **supervisory authority is competent to assess, independently** of the supervisory authority of the other Member State (Ireland), **the lawfulness of such data processing and may exercise its powers of intervention with respect to the entity established in its territory without first calling on the supervisory authority of the other Member State to intervene.** Source: echr.coe.int.