



## PRESS RELEASE

# The Council of Bars and Law Societies of Europe welcomes EU Rule of Law initiatives regarding Poland and Hungary

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**The Council of Bars and Law Societies of Europe is a membership organisation uniting the Bars and Law Societies of 45 countries from the European Union, the European Economic Area, and wider Europe. Recognised as the voice of the European legal profession, the CCBE represents, through its members, more than 1 million European lawyers.**

The regulation of the profession, the defence of the Rule of Law, human rights and democratic values are the most important missions of the CCBE. Areas of special concern include, amongst others, the right of access to justice, the development of the Rule of Law, and the protection of the individual citizen.

The CCBE welcomes the increased vigilance of European institutions for the respect of the Rule of Law or "*Rechtsstaat*".

Asking the Council to vote on a motion declaring that Hungary is at risk of breaching the EU's core values, the European Parliament decided on Wednesday 12 September – for the first time in its history – to initiate the so-called Article 7 process. The motion cited concerns about judicial independence, corruption, freedom of expression, academic freedom, the rights of minorities and migrants, and other issues.

According to Article 7 of the Treaty on European Union, the responsibility now lies with the governments of EU Member States in the Council of the European Union, who "may determine that there is a clear risk of a serious breach" of the EU's fundamental values. "Before making such a determination, the Council shall hear the Member State in question and may address recommendations to it (...). The Council shall regularly verify that the grounds on which such a determination was made continue to apply."

The CCBE is in regular contact with Members of the European Parliament regarding questions of Rule of Law, independence of justice actors, surveillance practices and privacy, procedural safeguards and other issues. The CCBE also had the opportunity on more than one occasion to express its concerns to

the European Parliament and the Commission about the worrying erosion of the Rule of Law in Poland.

The Rule of Law underpins legal certainty and mutual trust, indispensable for the European Union to thrive and prosper. Based on principles such as legality, proportionality, non-discrimination in civil, criminal and commercial interactions, the Rule of Law enhances cross-border mobility, free movement of goods, services and capital, and thus facilitates prosperity and peace. These are the very reasons why the European Union has been created and why it should promote and defend these values. Only democracies based on principles of the Rule of Law guarantee to their citizens proper access to justice and the right to call upon a lawyer who can exercise their profession by representing and defending citizens' rights in a free and unrestricted way. This freedom of exercise and the independence of justice actors, such as lawyers and judges, are cornerstones of the Rule of Law.

Therefore, the CCBE commits to further monitoring the respect for the Rule of Law, for the rights of individuals in judicial and legal matters, as well as the respect for the independence of justice actors and the freedom of exercise of the legal profession in EU Member States and neighbouring countries. The CCBE will continue to share its findings and promote the Rule of Law with European institutions.

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