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PRESS RELEASE

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European Bar Presidents unanimously support delaying the Proposal for a Third Money Laundering Directive

The Presidents of European Bars have unanimously adopted a proposal to delay the 3rd draft directive on money laundering during a meeting of European Bar Presidents in Vienna on Friday 4th February 2005.

The Bar Presidents earnestly request the European institutions to delay the examination of the proposal for a 3rd money laundering directive until a proper evaluation of the implementation of the 2nd money laundering directive in relation to lawyers has been carried out.

The 2nd directive imposed on lawyers an obligation to report suspicions under certain circumstances. The directive expressly provided that the provisions relating to this reporting obligation placed on lawyers should be reviewed after three years, to assess their effects (Article 2 of the 2nd directive).

European lawyers have long argued, and continue to argue, that the reporting obligations imposed on them by the 2nd directive breach the fundamental rights of EU citizens. In Vienna, the Bar Presidents restated that, in a country governed by the rule of law, it is a fundamental right for citizens to be able to consult and retain lawyers in full confidentiality, without the lawyer reporting on them to government authorities.

The Bar Presidents highlight that no research into the human rights' and civil liberties' effects of the 2nd directive has been carried out. They also state that the disparate ways in which the 2nd directive has been implemented have led to variable and unworkable levels of severity in reporting and due diligence in cross-border matters. There is no research into which systems, if any, are more effective than others with respect to the stated aims of the 2nd directive.

Bernard Vatier, CCBE President, said today: "We all believe new legislation should not be contemplated until proper assessment of existing directives as regards fundamental rights and civil liberties has been undertaken. This is why we need to delay the proposal for a 3rd Directive as long as the assessment of the 2nd Directive has not been made."

[A copy of the letter is attached.](#)

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