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# PRESS RELEASE

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## CCBE comments on Commission report on lawyers' reporting obligations

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The Council of Bars and Law Societies of Europe (CCBE), representing over 700,000 lawyers from the European Union and European Economic Area through their member bars and law societies, participated today in a meeting with the European Commission and EU Member States in order to discuss the December 2006 Commission report on the impact of the 2001 money laundering Directive on the legal profession.

The 2001 Directive imposed for the first time reporting obligations on lawyers. The CCBE at the time heavily lobbied the institutions against the applicability of reporting obligations on the legal profession, since such obligations violate the principle of client-confidentiality which exists between a client and lawyer.

The Commission report has been drafted following the insistence by the European Parliament that a provision be included in the 2001 Directive that the Commission examine the impact of the Directive on the legal profession.

Today, the CCBE continues to hold the view that the right of a client to consult a lawyer in confidence is a fundamental right and is constitutionally protected in a number of countries.

The CCBE has consistently requested that the Commission provide evidence that lawyers are being unwittingly used to facilitate money laundering activities on a scale to justify the breach of such a fundamental right. This evidence has never been provided by the Commission. Further, and as admitted by the Commission in its report, the response to the Commission questionnaire (which formed the basis of the report) was disappointingly low. As a result, it would be most unwise to place too much reliance on the accuracy or validity of the information contained in the report.

The CCBE believes that reliance upon the explanations set out in the Report for either the low level of reporting by legal professionals or the perceived reluctance on the part of legal professionals to report, should not, in the absence of a more in-depth and scientific examination of the issues involved, justify any substantive conclusion.

CCBE President, Colin Tyre QC, said today: "The CCBE does not condone the actions of any lawyer who knowingly participates in any criminal activity, whether relating to money laundering or anything else. There are already professional ethical rules, disciplinary sanctions and the criminal law to deal with lawyers like this. The CCBE believes that the introduction of reporting requirements on lawyers is a disproportionate and unnecessary initiative. More appropriate and useful measures could be put in place. The CCBE is willing to work with the Commission towards developing practical and effective suggestions to this end."

[A copy of the CCBE comments on the Commission report is attached to this press release](#)

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