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PRESS RELEASE

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CCBE welcomes Belgian court decision to refer second money laundering Directive to European Court of Justice

The Council of Bars and Law Societies of Europe (CCBE), representing over 700,000 lawyers through their member bars and law societies, welcomes the decision of the Belgian *Cour d'Arbitrage* to refer a question to the European Court of Justice on the compatibility of the 2001 Money Laundering Directive with the right to a fair trial. The CCBE has long and actively lobbied the European institutions on the dangers of certain provisions of the second money laundering directive as it applies to lawyers.

Following a request made to it by the Belgian bars to look at the compatibility of the implementing law in Belgium regarding the second money laundering directive, and supported by the CCBE, the Belgian Court, in its decision of Wednesday 13 July, in the light of its doubts on the validity of the implementing law, referred to the European Court of Justice the question of whether the directive, in including reporting obligations on lawyers, has violated the right to a fair trial.

This is a line which the CCBE raised on many occasions with the European institutions during the passage of the second money laundering directive. The CCBE further warned the European institutions of the dangers in proceeding with a proposal for a third money laundering Directive before fundamental difficulties with the second money laundering directive had been resolved, but the discussions on a third directive were concluded this June at an alarming pace and without regard to the concerns raised by the CCBE.

The CCBE alerted the institutions to the fact that constitutional challenges had been commenced in a number of EU Member States with respect to the provisions of the second directive, and specifically highlighted the case of Belgium, but the institutions proceeded regardless.

CCBE President, Bernard Vatier, said today: "We are very pleased with this decision, as it endorses the CCBE's concerns on the money laundering directives. It further highlights the reasons why the European institutions should not have proceeded with a third directive when a number of fundamental questions had yet to be resolved with regard to the provisions contained in the second money laundering directive. The CCBE hopes the institutions will sit up and listen to the concerns of the European legal profession instead of racing ahead with legislation that has not been properly checked against the fundamental rights of citizens".

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

For further information,
please contact Peter Mc Namee
Tel: +32.(0)2.234.65.10
Fax: +32.(0)2.234.65.11/12
E-mail: mcnamee@ccbe.org

Conseil des barreaux européens – Council of Bars and Law Societies of Europe

association internationale sans but lucratif

Avenue de la Joyeuse Entrée 1-5 – B 1040 Brussels – Belgium – Tel.+32 (0)2 234 65 10 – Fax.+32 (0)2 234 65 11/12 – E-mail ccbe@ccbe.org – www.ccbe.org