



Représentant les avocats d'Europe
Representing Europe's lawyers

Minimum standards for European Lawyers' Professional Indemnity Insurance

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

Minimum standards for European Lawyers' Professional Indemnity Insurance

I. Introduction

The CCBE recommends to its member bars, and to all lawyers registered with these bars, to adopt the following minimum standards relating to professional indemnity insurance.

These standards are intended to be applicable across all legal practice in the EU and EEA, both domestically and cross-border, and are expressly minimum standards which do not prevent higher standards from applying.

II. Minimum standards

The CCBE recommends to all its member bars, and to lawyers who are members of these bars, that the following minimum standards be adopted:

1. There should be mandatory requirements for all lawyers to be insured against civil (or public) legal liability arising out of their legal practice.
2. The minimum amount of such cover for the period beginning 2005 should be euros 100,000, any one claim, with an aggregate level of euros 200,000, in total in any one year. For the States which became members of the European Union on 1st of May 2004, and for the States which will become members of the European Union in 2007, this should be implemented by 2008. These amounts will be revised periodically. In any case, stricter rules in existence in some States regarding either the minimum amount or the aggregate level or both shall prevail.
3. Defence costs should be covered, in addition to the aggregate mentioned.
4. The cover should be extended, where appropriate, to all partners, principals, former partners, trainees & employees, or any other such eligible person.
5. Where a lawyer or a firm ceases to practise whilst insured on a claims-made basis, the insurance policy should provide run-off cover for a period as near as possible to the statute of limitation in that Member State.
6. The decision as to whether policies are to be written on an "act committed" basis or on a "claims-made" basis should be left to determination at national level.