



The role of lawyers before International Courts – Source: European Lawyers' Foundation

CCBE Info

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CCBE PRESIDENT MARIA ŚLĄZAK MEETS EUROPEAN COMMISSIONER FOR JUSTICE VĚRA JOUROVÁ

The meeting held on 23 March in Brussels was an opportunity to discuss issues of importance to the legal profession with the new Commissioner for Justice, Consumers and Gender Equality.

The participants addressed a number of key topics: European initiatives in criminal law, the proposed European Public Prosecutor's Office, the future of e-Justice, the training of lawyers, initiatives in support of gender equality, as well as the European Union's neighborhood policy and the state of the rule of law in Ukraine.

After Ms. Ślązak shared the concerns of lawyers over mass surveillance combing through the communications between lawyers and their clients, Ms. Jourová asked to receive reports on cases of surveillance of lawyers, notably recently reported cases in the United Kingdom and in the Netherlands.

The parties agreed to stay in contact and keep working closely together.



LAUNCH OF THE EUROPEAN LAWYERS' FOUNDATION

The launch of the European Lawyers Foundation took place on 23rd April 2015 with an international conference on **"The role of lawyers before International Courts"**.

Top speakers from international courts and tribunals gathered in The Hague to address a wide audience: Judge Theodor Meron (President of the International Criminal Tribunal for the former Yugoslavia), Judge Alexandra Prechal (Court of Justice of the European Union), Judge Daniel Nseroko (Special Tribunal for Lebanon), as well as staff

from the Permanent Court of Arbitration, the International Criminal Court and the European Court of Human Rights.

The main aim of the new Foundation is to implement added-value projects that create services for European lawyers and on issues related of Justice's policies in Europe. Furthermore, the Foundation may also implement projects related to other objectives as Human rights and Rule of Law.

Read more: [[Launch of the European Lawyers' Foundation](#)]

LAWMAKERS AGREE ON NEW ANTI-MONEY LAUNDERING DIRECTIVE

The European Parliament and the Council of Ministers reached an agreement on a review of the third anti-money laundering directive ((2005/60/EC) on 20 April.

The text introduces a number of changes for the legal profession: tax advice provided by lawyers is explicitly within the scope of reporting; the definition of serious crimes now refers to tax crimes; and obliged entities including lawyers must maintain for at least five years the necessary information obtained through customer due diligence measures.

The role of the self-regulatory body (Bar or Law Society) is now protected with regard to first instance reporting. The Directive also provides that Member States should provide for the means and manner by which to achieve the protection of professional secrecy, confidentiality and privacy.

Once the Parliament confirms its agreement in a second reading, member states will have two years to transpose the directive into national law.

BRITISH GOVERNMENT ADMITS TO LISTENING TO LAWYER-CLIENT COMMUNICATIONS

The confidentiality of communications between lawyer and client is an essential guarantee of a fair and impartial trial. Yet the British government admitted in February that its intelligence services had been unlawfully monitoring conversations that should have been protected by lawyer-client confidentiality. The

admission came after a case was brought before the Investigatory Powers Tribunal regarding the alleged rendition and torture of two Libyans at the hands of British and American agents in 2004.

Read more: [[UK admits unlawfully monitoring legally privileged communications](#)]

PUBLIC PROCUREMENT: ISSUES WITH TRANSPOSITION

Directive 2014/24/EU of 26 February 2014 on public procurement repeals a 2004 directive and introduces additional rules on public procurement contracts.

During the revision process the CCBE pointed to the necessity to preserve the specific status of legal services in public procurement procedures. It now appears that some Member States are not properly

implementing provisions on legal services, in particular the 'light regime'. French bars have been the first to sound the alarm.

In a formal letter sent to Internal Market Commissioner Elżbieta Bieńkowska in April, CCBE President Maria Ślęzak drew attention to the problems reported in France, and raised concerns that other Member States might similarly choose

not to implement the Directive properly. The European Commission may launch a formal infringement procedure if no solution can be found; the CCBE will therefore continue to monitor the situation across the Member States in the coming months.

Read more: [[Public Procurement on the European Commission's website](#)]

UPCOMING EVENTS

28-29/05/15: 123rd Plenary Session of the CCBE, Gdańsk – event open to the press