

# PRESS RELEASE

## European Lawyers Welcome European Parliament Action against Mass Electronic Surveillance

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**The Council of Bars and Law Societies of Europe (CCBE) welcomes the adoption of a privacy package by the European Parliament paving the way for greater protection of communications between lawyers and their clients against government surveillance.**

Last week, the European Parliament in Strasbourg approved by a wide margin the final report of the inquiry on electronic mass surveillance of EU citizens<sup>1</sup> led by the Committee on Civil Liberties, Justice and Home Affairs.

The report considers it "*crucial that the professional confidentiality privilege of lawyers (...) is safeguarded against mass surveillance activities*" and adds that "*any uncertainty about the confidentiality of communications between lawyers and their clients could negatively impact on EU citizens' right of access to legal advice and access to justice and the right to a fair trial.*" The Parliament also introduces a "Digital Habeas Corpus" to protect fundamental rights including the rule of law and the confidentiality of lawyer-client communications.

*"This report acknowledges the importance of lawyer-client confidentiality in a democratic society based on the rule of law, and we hope it is a first step towards effective measures to rein in the abuse of power occasioned by mass electronic surveillance directed at citizens and their lawyers. We encourage the Parliament and the Council of Ministers to take the report into account when they resume work on the data protection package after the elections,"* CCBE President Aldo Bulgarelli said.

The CCBE has previously expressed its concern over the revelations of systematic government surveillance of European citizens, and called on the European institutions to defend the confidentiality of lawyer-client communications as a key element of the rule of law.

In another landmark vote, the Parliament adopted a position on the reform of the data protection package as well as on the directive on the processing of personal data for law enforcement purposes<sup>2</sup>. The ball is now in the Member States'




court as they have yet to agree on a common position on the data protection regulation.

In the rush to close as many files as possible before the May elections, the European Parliament approved the interim report on the European Public Prosecutor's Office<sup>3</sup>, a proposal that has met with stiff resistance from some national governments. The CCBE encourages Member States to support the recommendations of the Parliament for better procedural guarantees and more solid rules of evidence.

### About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 12 further associate and observer countries, and through them more than 1 million European lawyers.

Founded in 1960, the CCBE is recognised as the voice of the European legal profession by the EU institutions, and acts as the liaison between the EU and Europe's national bars and law societies. The CCBE has regular institutional contacts with those European Commission officials, and members and staff of the European Parliament, who deal with issues affecting the legal profession. The CCBE is an international non-profit-making association incorporated in Belgium.

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<sup>1</sup> US NSA surveillance programme, surveillance bodies in various Member States and impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs (2013/2188(INI))

<sup>2</sup> Personal data protection: processing of data for the purposes of prevention, investigation, detection or prosecution of criminal offences or execution of

criminal penalties, and free movement of data (2012/0010(COD))

<sup>3</sup> European Public Prosecutor's Office (2013/0255(APP))