

# PRESS RELEASE

## European lawyers call for action against surveillance of lawyer-client communications

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**The Council of Bars and Law Societies of Europe (CCBE) is alarmed by the recent revelations on the systematic government surveillance of European citizens, and calls on the European Institutions to defend the confidentiality of lawyer-client communication.**

The reports of mass violation of the human right to privacy being carried out by Western powers, including Member States of the European Union, indicate that communications protected by professional secrecy have been targeted along with those of the general public.

"Professional secrecy, also known as legal professional privilege in some countries, is a core value of the legal profession and a guarantee of trust for citizens relying on the services of a lawyer. We at the CCBE are deeply concerned that the weakening of this aspect of confidentiality will erode trust in the rule of law" Said CCBE President Evangelos Tsouroulis.

These concerns are expressed in the CCBE Statement on mass electronic surveillance by government bodies<sup>1</sup>.

Unfortunately, the European Union and its Member States have failed to address the above allegations in a satisfying manner with regard to the right to privacy enshrined by the Charter of Fundamental Rights of the European Union<sup>2</sup> and the 1995 Data Protection Directive<sup>3</sup>.

The CCBE calls to mind the statement of the European Court of Justice in the 1982 AM&S case<sup>4</sup> that confidentiality serves the right of any person to consult a lawyer, and that protection against disclosure is based on the very nature of the legal profession, its contribution to the maintenance of the rule of law, and respect for the rights of the defence.

"This disturbing situation cannot be allowed to continue as the European Parliament and Council of Ministers adopted this month a directive on the right of access to a lawyer<sup>5</sup>. This right will remain moot unless effective confidentiality of communications

between a client and his lawyer can be secured" Mr Tsouroulis added.

The bars and law societies of Europe, representing the legal profession across the European Union, therefore urge the institutions of the European Union to act now and protect the confidentiality of lawyer-client exchanges using all means at their disposal including technical standards and instruments of European and international law.

### About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 11 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> [http://www.ccbe.eu/fileadmin/user\\_upload/NTCdocument/EN\\_14142013\\_CCBE\\_Sta1\\_1382086457.pdf](http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/EN_14142013_CCBE_Sta1_1382086457.pdf)

<sup>2</sup> [Charter of Fundamental Rights of the European Union](#), Articles 7 and 8

<sup>3</sup> [Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data](#)

<sup>4</sup> [case C-155/79, AM & S Europe Limited v Commission of the European Communities](#)

<sup>5</sup> [Council adopts the directive on the right of access to a lawyer, press release](#)