

# PRESS RELEASE

## Members of the European Parliament denounce surveillance of lawyer-client communications

15/01/2015

**MEPs raised concerns about interception of phone calls between lawyers and their clients by intelligence services across Europe in a plenary debate with the Presidency of the EU and the Commissioner for Justice on Tuesday evening.**

The issue had been put on the agenda of the plenary session of the European Parliament following the recent admission by the Minister of the Interior of the Netherlands that the Dutch intelligence and security agency (AIVD) had been spying for years on Amsterdam-based law-firm Prakken d'Oliveira. According to data collected by the Council of Bars and Law Societies of Europe (CCBE), communications between lawyers and their clients have been monitored over the last few years by police or intelligence services in similar cases in France, the United Kingdom, Ireland, the Czech Republic and Latvia.

MEPs from across the political spectrum took turns in denouncing an unacceptable form of espionage that goes against the right to a fair trial, the rule of law and democracy.

In her response on behalf of the Council of Ministers, Latvian Secretary of State for European Affairs, Zanda Kalniņa-Lukaševica, refused to take a stand and only stated that collection and processing of personal data for the purpose of national security is not regulated currently by EU law, as the Lisbon Treaty explicitly gives this competence to the Member States.

*"The extent and occurrence of this type of wiretapping shows that it is a widespread problem in need of a solution" says CCBE President Maria Słazak. "National security cannot serve as an excuse to ignore the principle of lawyer-client confidentiality and deprive citizens of the right to legal counsel and to a fair trial. We hope that in time the European Court of Justice will be asked by a national court to define the meaning and extent of national security in this context, and whether it can ever provide a justification for the surveillance of the activities of lawyers."*

Justice Commissioner Věra Jourová expressed her 'concern' and vowed to follow closely developments on this issue as well as the implementation of the 2013 Directive on the right of access to a lawyer<sup>1</sup>, which guarantees the confidentiality of communications between an accused person and their lawyer.

MEPs asked for action to be taken by the EU, through investigations, sanctions and the adoption of legislation. The CCBE supports their initiative, and calls for a minimum level of legal protection afforded to professional secrecy from government electronic surveillance, which could be included in the European Parliament project to establish 'A European Digital Habeas Corpus - protecting fundamental rights in a digital age'.

### Note to editors

Statement of the CCBE on mass electronic surveillance:

[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)

Dutch Intelligence Service (AIVD) taps Prakken d'Oliveira lawyers:

<http://www.prakkendoliveira.nl/en/news/dutch-intelligence-service-aivd-taps-prakken-doliveira-lawyers/>

The full text of the parliamentary question is available here:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+OO+O-2014-000103+0+DOC+XML+V0//EN>

Watch the debate on video:

<http://www.europarl.europa.eu/ep-live/en/plenary/video?debate=1421184077766&format=wmv>

<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:294:0001:0012:EN:PDF>

## About the CCBE

The CCBE represents the bars and law societies of 32 member countries and 13 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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