

Meeting Transparency Register – Stakeholders

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A. What is the overall balance sheet of the Transparency Register? Both in terms of meeting its own objectives (wide coverage, proportionate, informative, etc) and in terms of how it compares to other similar regulatory systems in the world.

- The remaining obstacles to the registration of lawyers.

(1) CCBE represents a profession that doesn't consider itself to lobby, but which does undertake activities falling under the scope of the TR.

(2) Two specific aspects of the profession must be taken into account:

- own regulation and code of conduct with discipline and sanctions, much wider than TR;

- lawyers represent clients with disputes under EU law (antitrust) before the ECJ and with EU institutions as adversaries.

(3) While lawyers have no problem with the transparency objective in itself, they are bound by professional secrecy, and in some countries this includes client confidentiality (identification of client and fee paid). As a result they cannot disclose the information which is required for the Transparency Register. Some bars have found a compromise (BE/ UK etc)

B. What would be your agenda for change? Why and how?

(1) CCBE would support a voluntary system. As a matter of principle (legal theory) lawyers have an issue with para 17 of the IIA regarding disciplinary sanctions. The EU institutions are both judge and party to the complaint procedure, and there no possibility is given for appeal to an independent body. Lawyers would welcome a mechanism which would be practical, efficient and within the framework of the EU institutions, i.e. a judge of the Court that could be appointed as an *ad hoc* arbitrator. In an administrative procedure, of course recourse is possible (Ombudsman etc) but remains "theoretical". It has been suggested that the Bar or professional body representing the organisation could be given the possibility to "intervene", but this is not sufficient to remove the "appearance" of partiality of the EU institutions.

(2) CCBE would welcome clarification of para 8 of the IIA: namely regarding the scope and activities concerned by the TR. The terminology used, i.e. "indirectly" influencing needs to be clarified, especially as concerns the preparing of information material or discussion papers for dossiers with no follow up.

(3) Should the register become *de facto* or *de jure* mandatory, CCBE is concerned that the understanding reached on what is to be declared might later be unilaterally changed.

C. How does your own organisation intend to contribute itself to help us achieve our common goals? Promotion within your members, a requirement for your own members, etc.

CCBE is willing to enter into discussions with the institutions in the framework of the review, in order to find a workable compromise, so that lawyers can sign up to the TR.