

EUROPEAN PARLIAMENT

Working Documents

1984-1985

2 April 1984

DOCUMENT 1-89/84 | A.

Report

drawn up on behalf of the Legal Affairs Committee

on professional secrecy

. Part A: Motion for a resolution

Rapporteur: Mr F. D'ANGELOSANTE

PE 89.134/fin. | A.

Or. It.

At its sitting of 14 May 1982, the European Parliament referred the motion for a resolution (Doc. 1-263/82) tabled by Mr Calvez and others on professional secrecy to the Legal Affairs Committee as the committee responsible.

At its meeting of 13 July 1982, the Legal Affairs Committee appointed Mr D'Angelosante rapporteur.

The committee considered the draft report at its meetings of 1/2 March and 21/22 March 1984. At the last meeting, it adopted it unanimously.

The following took part in the vote: Mrs Veil, chairman; Mr Turner, vice-chairman; Mr D'Angelosante, rapporteur; Mrs Baduel Glorioso, Mrs Cinciari Rodano, Mr Ferri, Mr Fischbach, Mr Geurtsen, Mr Rogalla and Mr Vié.

The report was tabled on 27 March 1984.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be deleted.

CONTENTS

	<u>Page</u>
A. MOTION FOR A RESOLUTION	5
B. EXPLANATORY STATEMENT	7
I. Definition	7
II. Changes in the order of priority	8
III. Laws governing professional secrecy in the individual Member States of the European Community	9
IV. The harmonization of national legislation: requirements and prospects	29
<u>ANNEX</u> : Motion for a resolution (Doc. 1-263/82) tabled by Mr CALVEZ and others on professional secrecy	

The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on professional secrecy

The European Parliament,

- having regard to the motion for a resolution (Doc. 1-263/83) on professional secrecy,
 - having regard to the report of the Legal Affairs Committee (Doc. 1-89/84),
1. Notes that the national laws applicable to the protection of professional secrecy, although conforming to similar general principles, differ to some extent, especially in the matter of criminal procedure;
 2. Considers that at the present stage of European integration it would be premature to harmonize the relevant national legislation, but realizes that the right to secrecy should be properly protected as an essential corollary of basic human rights and freedoms;
 3. Takes the view that Community regulations are now essential to protect lawyers of one Member State providing their services in another Member State, by making such lawyers subject to the law of the host country, but simultaneously releasing them from any conflicting obligations under the law of the country of origin;
 4. Notes that at Community level, in the specific area of competition, problems have arisen with the application of Regulation 17/62 (1) concerning the investigative powers of the Commission;

(1) OJ of 21.2.1962

5. Hopes, therefore, that Regulation 17/62 will be reviewed with the aim of clarifying the scope and the limits of the Commission's investigative powers in the light of the case law of the Court of Justice;
6. Calls on the Commission, therefore, to consider, in collaboration with the Consultative Committee of Bar Associations of the EEC Member Countries, the fundamental problems which arise, in connection with the protection of legal professional secrecy, for lawyers providing their services in a Member State other than their own, and those which arise from the Community's rules on competition, and to submit their findings and the solutions which appear most suitable to the competent committee of the European Parliament;
7. Instructs its President to forward this resolution to the Commission and Council.