



Attorney-Client Privilege in Europe

*Understanding how the
relationship works*



EVERSHEDS

Attorney-Client Privilege in Europe

Introduction

For convenient reference by our clients and friends, we have compiled this booklet about some matters relating to attorney-client privilege and confidentiality throughout Europe. The legal issues within this subject matter are evolving and complex and, in the space available, it has not been feasible to include full references to case law (where it even exists), let alone to examine all the situations (including "dawn raids") wherein attorney-client privilege may be an issue, as to outside counsel, as to in-house counsel or where there are issues of waiver (whether deliberate or inadvertent), where there are issues of "limited" or conditional disclosure (such as in applications for antitrust leniency), or where confidentiality has been breached or compromised by an informant or "whistleblower".



Socrates
(469BC-399BC),
Originator of
Western philosophy
and creator of
Socratic dialogue

This publication forms part of Eversheds' pioneering set of publications aimed at helping our clients with international legal issues in areas such as compliance, contracts and class actions. Designs have been inspired by great pioneers from the past.

We have also not specifically addressed issues of cross-border comity (such as where information which would be safe from disclosure in Country A, because it affords such protection to information held by outside counsel and in-house counsel, is sought to be used in Country B, which does not afford such protection).

Within such constrictions, we hope that you find the information in the booklet useful and interesting. We of course welcome your comments and additional relevant details regarding the European jurisdictions that are most relevant to you.

For each jurisdiction, we set forth a way to say “attorney-client privilege” in the local languages (without however implying that the legal consequences are the same from place to place). Since “dawn raids” are also such an important concern these days, we have included a chart which offers suggested ways of saying “dawn raid” in 21 different languages. In a number of jurisdictions, the English language term “dawn raid” is used.

For each jurisdiction, we set forth some of the main national laws or rules which create or describe the lawyer’s fundamental duty of professional secrecy (the duty of lawyers to maintain in confidence the matters disclosed to them by their clients and disclosed by them to their clients, in the course of rendering legal advice) and we also offer guidance as to whether staff and employees of such lawyers are included within the ambit of the duty not to disclose.

As to the confidentiality of matters involving in-house counsel and their staff, due to the currently untested status of the law in many jurisdictions, we have not been able to offer comprehensive guidance on the question whether a lawyer (such as in-house counsel and staff and employees of in-house counsel) have not only a duty of non-disclosure but whether their confidential documents and communications can be used as evidence, such as at the demand of a government investigator or agency. Where a comment or tentative suggestion was appropriate about this subject we have offered one.

It is safe to say, however, that the applicable answers regarding many of the issues mentioned here will depend upon the precise facts and circumstances and the law at the time, in the particular jurisdictions where the issues arise.

Paul Smith *Partner*
April 2007

Contents

Country-by-country

Albania	4	Lithuania	26
Austria	4	Luxembourg	26
Belgium	5	Macedonia	27
Bosnia + Herzegovina	7	Malta	28
Bulgaria	8	Netherlands	29
Croatia	9	Norway	30
Cyprus	10	Poland	31
Czech Republic	11	Portugal	33
Denmark	12	Romania	34
Estonia	13	Russia	35
Finland	14	Serbia	36
France	15	Slovak Republic	37
Germany	17	Slovenia	38
Greece	19	Spain	39
Hungary	20	Sweden	40
Iceland	21	Switzerland	42
Ireland	22	Turkey	43
Italy	23	Ukraine	44
Latvia	24	United Kingdom	45
Liechtenstein	25		

Dawn Raid, in various languages	47
--	-----------

Albania

Terminology: fshehtë, konfidencialiteti, sekret (avokat)

Source(s) of Confidentiality Duties Imposed on

Lawyers: Ligj Nr. 9109, datë 17.7.2003, Për profesionin e avokatit në Republikën e Shqipërisë [Law no. 9109, dated 17 July 2003, On the Legal Profession in the Republic of Albania], Article 9, Section 1 (fundamental confidentiality regarding communications and consultations between lawyer and client)

Kodi e etikës së avokatit [Code of Ethics of the National Chamber of Advocates], Article 14 (professional secrets)

Penalties: Kodi Penal i Republikës së Shqipërisë (Ligj Nr. 7895, datë 27.1.1995) [Criminal Code, Law no. 7895, dated 27 January, 1995], as amended, Article 122 (penalties for improper disclosure of professional secrets)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Dhoma Kombëtare e Avokatisë [National Chamber of Advocates]

Austria

Terminology: Berufsgeheimnis, Anwaltsprivileg, Recht auf Verschwiegenheit, Verschwiegenheitspflicht, Geheimhaltungspflicht

Source(s) of Confidentiality Duties Imposed on

Lawyers: Rechtsanwaltsordnung (RAO) [Regulation on Lawyers], Articles 9(2), (3) + (5) (strict duty of confidentiality) and Article 23 (implied)

Richtlinien für die Ausübung des Rechtsanwaltsberufes, für die Überwachung der Pflichten des Rechtsanwaltes und für die Ausbildung der Rechtsanwaltsanwärter (RL-BA 1977) [Rules of the Austrian Bar Association], 8 October 1977, as amended, Preamble and Articles 23(a), 28, 42a(4), 43(6) and 65, on various instances of professional secrecy

See, also, Berufsregeln der Rechtsanwälte der Europäischen Union [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Disziplinarstatut für Rechtsanwälte und Rechtsanwaltsanwärter (DSt) [Disciplinary Rules], Article 79 (lawyer may not breach duties of client confidentiality even in disciplinary proceedings)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Österreichischer Rechtsanwaltskammertag [Austrian Bar Association] www.rechtsanwaelte.at

Belgium

Terminology: beroepsgeheim, secret professionnel

Source(s) of Confidentiality Duties Imposed on

Lawyers: Gedragscode voor advocaten van de Europese Unie (Code de Déontologie des Avocats de l'Union Européenne) [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Reglementen Orde van Vlaamse Balies [Regulations of the Association of the Flemish Bar]: Reglement tot toepassing van de gedragscode voor Europese advocaten [Regulation adapting the Code of Ethical Conduct for European Lawyers, in effect 21 May 2007], Article 2.3.1-2.3.4 (duty of professional confidentiality)

Règlement de l'Ordre francophone et germanophone [Regulations of the Association of the French speaking and German speaking Bar]: Règlement ratifiant le code du déontologie des avocats européens adopté lors de la session plénière du CCBE le 19 mai 2006, Article 2.3.1-2.3.4 (duty of professional confidentiality)

Deontologische regels van de Nederlandse Orde van advocaten van de Balie te Brussel [Rules of Ethics of the Order of Dutch Speaking Lawyers at the Bar of Brussels] = Codex 2007 (De Deontologische Regelen en het Huishoudelijk Reglement van de Nederlandse Orde van Advocaten bij de Balie te Brussel), Part 1, Chapter 2, Articles 1-5 and *passim* (duty of professional confidentiality)

Recueil des règles professionnelles d'ordre des avocats français du barreau de Bruxelles = Recueil des règles professionnelles, Chapter III, C, Articles 211 to 252 (duty of professional confidentiality)

Deontologische Code (Institut voor Bedrijfsjuristen) (Code de Déontologie (Institut des juristes d'entreprise)) [Code of Ethical Conduct of the Belgian Institute of Business Lawyers], 23 June 2005, Article 9 (confidential information held by in-house counsel, in general), Articles 10-11 (confidentiality of professional advice and legal opinions of in-house counsel)

See, also, Wet tot oprichting van een Instituut voor Bedrijfsjuristen (1 Maart 2000) (Loi du 1er mars 2000 créant l'Institut des juristes d'entreprise) [Law of 1 March 2000, creating the Belgian Institute of Business Lawyers], Article 2 (authority to establish a code of conduct for in-house lawyers)

Penalties: Strafwetboek (Code Pénal) [Criminal Code], Article 458 (penalty for violating duty of confidentiality)

Staff and Employees Covered? Yes (implied). Gedragscode voor de Advocaten van de Europese Gemeenschap (Code de Déontologie des Avocats de l'Union Européenne) [Code of Ethical Conduct for Lawyers in the European Union], Article 2.3.4 (duty of lawyer to ensure security of professional confidentiality by staff and employees)

In-house Counsel Covered? Yes (there may be protection if the lawyer is a member of the Institute of Business Lawyers, acting in accordance with its rules and guidelines regarding confidential information under Belgian law and the requirements of independence and objectivity under Articles 4 and 5 of the Institute's Code of Ethical Conduct)

Relevant Local Bar Association(s): Vereniging van Vlaamse Balies [Association of the Flemish Bar] www.advocaat.be

Nederlandse Orde van advocaten van de Balie te Brussel [Order of Dutch Speaking Lawyers at the Bar of Brussels] www.baliebrussel.be

Ordre français des avocats du barreau de Bruxelles [Order of the French Speaking Bar of Brussels] www.barreaudebruxelles.be

Ordre des barreaux francophones et germanophones [Order of the Bar of French and Germanic Speaking Lawyers] www.avocat.be

Institut voor Bedrijfsjuristen/Institut des Juristes d'entreprise [Institute of Business Lawyers] [ECLA] www.ibj.be and www.ije.be

Bosnia + Herzegovina

Terminology: službena tajna, advokatska tajna

Source(s) of Confidentiality Duties Imposed on Lawyers: Zakon o advokaturi FBiH (05 Novembar 2004) [Law on Lawyers, 5 November 2004], amended through 4 May 2005, Article 16(1)(c) (duty of client confidentiality and professional discretion)

Kodeks advokatske etike advokata FBiH [Code of Conduct for Lawyers in Bosnia + Herzegovina], 5 November 2004, Chapter VII, Articles 1-7 (detailed provisions regarding attorney-client confidentiality)

Zakona o krivičnom postupku Federacije Bosne i Hercegovine [Criminal Procedure Code of Bosnia and Herzegovina], Article 82(c) (immunity of lawyers from being obliged to testify as to matters which would breach their professional secrecy and confidentiality obligations)

Penalties: Zakon o advokaturi FBiH (05 Novembar 2004) [Law on Lawyers, 5 November 2004], amended through 4 May 2005, Articles 56 ff. (discipline)

See, also, Disciplinary pravilnik [Disciplinary Rules], 14 July 2005

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? Yes (depending upon the circumstances)

Relevant Local Bar Association(s): Advokatska – odvjetnička komora Federacije BiH
www.advokombih.ba/

Bulgaria

Terminology: адвокатската тайна, конфиденциалност

Source(s) of Confidentiality Duties Imposed on

Lawyers: Закон за адвокатурата (Обн., ДВ, бр. 55 от 25.06.2004 г.; изм. и доп., бр. 43 от 20.05.2005 г.; изм., бр. 79 от 2005 г.; изм. и доп., бр. 10 от 31.01.2006 г.) [Law on Advocacy] (in effect from 1 July 2004) and as amended through 31 January 2006, Article 33 (immunity of attorney papers from seizure, inviolability of communications with client), Article 45(1) (duty of secrecy)

See, also, Етичен Кодекс На Адвоката [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Етичен Кодекс На Националния Съюз На Юрисконсултите [Ethics Code of the National Institute of Jurisconsults], 21 June 2001, Article 8 (general duties of professional confidentiality)

Penalties: Наказателен Кодекс [Criminal Code], Article 145(1) (penalty for violations of duty of professional secrecy)

Закон за адвокатурата [Law on Advocacy], Article 132(1) (penalty for violations of duty of professional secrecy)

Staff and Employees Covered? Yes. Закон за адвокатурата [Law on Advocacy], Article 33(5)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Адвокатска колегия [Bulgarian Bar Association]
www.ksak.lex.bg

Национален съюз на юрисконсултите (НСЮ) [National Institute of Jurisconsults (NIJ)] [ECLA]
www.nsu-bg.org

Croatia

Terminology: odvjetnička tajna, povjerljivost

Source(s) of Confidentiality Duties Imposed on

Lawyers: Закон o odvjetništvu [Law on the Legal Profession], 27 January 1994, especially Article 13 (protecting client confidences), Article 16 (court ordered searches of lawyers' offices), Articles 71-72 (disciplinary measures)

Kodeks odvjetničke etike [The Attorneys Code of Ethics], as amended through 12 June 1999, Articles 26-31 (confidentiality of client information), Articles 26-34 (detailed duties)

See, also, Kodeks Odvjetničke Etike Europske Unije [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Закон o odvjetništvu [Law on the Legal Profession], 27 January 1994, Articles 71-72 (disciplinary measures)

Staff and Employees Covered? Yes. Kodeks odvjetničke etike [The Attorneys Code of Ethics], as amended through 12 June 1999, Articles 27, 32 and 33

In-house Counsel Covered? No

Relevant Local Bar Association(s): Hrvatska Odvjetnička Komora [Croatian Bar Association]
www.odvj-komora.hr/

Cyprus

Terminology: εμπιστευτικός χαρακτήρας της σχέσεως δικηγόρου/εντολέα, επαγγελματικό απόρρητο

Source(s) of Confidentiality Duties Imposed on Lawyers: Ο περί Δικηγόρων (Τροποποιητικός) (Αρ. 2) Νόμος του 2002 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος (Αριθμός 180(I) του 2002) [Lawyers (Amending)(No. 2) Act of 2002 (No. 180(1) of 2002)]

Δεοντολογίας των Δικηγόρων Κανονισμοί του 2002 [Deontology of Advocates Regulations 2002], Article 13(1)-(7) (fundamental duties of client confidentiality and in particular situations), Article 21 (duty of confidentiality and conflicts of interest), Article 36 (preservation of confidentiality in relations with other lawyers)

See, also, Κώδικας Δεοντολογίας Δικηγόρων Στην Ευρωπαϊκή Ένωση [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Δεοντολογίας των Δικηγόρων Κανονισμοί του 2002 [Deontology of Advocates Regulations 2002], Article 15 (discipline)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Παγκύπριος Δικηγορικός Σύλλογος [Cyprus Bar Association] www.cyprusbarassociation.org

Czech Republic

Terminology: povinnost mlčenlivosti, povinnosti mlčenlivosti advokáta

Source(s) of Confidentiality Duties Imposed on Lawyers: Zákon č. 85/1996 Sb. ze dne 13. března 1996 o advokacii, ve znění zákona č. 210/1999 Sb. [Act No. 85/1996 Coll., on the Legal Profession, as amended by Act No. 210/1999 Coll. and other laws, including Zákon č. 79/2006 Sb.], Part Two, Article 21(1)-(9) (duties of professional confidentiality)

Usnesení představenstva České advokátní komory č. 1/1997 Věstníku ze dne 31. října 1996 [Resolution of the Czech Bar Association, Bulletin No. 1/1997, establishing Rules of Professional Ethics (Pravidla Profesionální Etiky)], Articles 4-10 (principles of professional ethics)

Etický Kodex Advokatu v Evropske Unii [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

See, also, Etický kodex (Ethics Code of the Union of Czech Business Lawyers), 31 March 1999

Penalties: Zákon č. 85/1996 Sb. ze dne 13. března 1996 o advokacii, ve znění zákona č. 210/1999 Sb. [Act No. 85/1996 Coll., on the Legal Profession, as amended by Act No. 210/1999 Coll. and other laws], Articles 32-35e (disciplinary proceedings)

Vyhláška Ministerstva spravedlnosti č. 244/1996 Sb. Ze dne 20. srpna 1996, kterou se podle zákona č. 85/1996 Sb., o advokacii, stanoví kárný řád (advokátní kárný řád), ve znění vyhlášky č. 246/1999 Sb. [Decree of Ministry of Justice No. 244/1996 Coll., providing Disciplinary Rules for Lawyers under Act No. 85/1996 Coll., as amended by Decree No. 246/1999 Coll. and other laws]

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Česká advokátní komora (ČAK) [Bar Association of the Czech Republic] www.cak.cz

Unie Podnikových Právníků ČR (UPP ČR) [Union of Czech Business Lawyers] [ECLA] www.uppcr.cz

Denmark

Terminology: tavshedspligt, diskretionspligt, hemmeligholdelsespligt

Source(s) of Confidentiality Duties Imposed on Lawyers: Lov om rettens pleje (retsplejeloven) [Consolidated Act no. 1001 of 5 September 2006, Danish Administration of Justice Act], as amended, Chapter 12, Articles 119-130 (general and specific provisions relating to conduct by lawyers), Articles 170 and 299 (rules regarding the giving of evidence as to confidential client matters)

Advokatetiske regler [Professional Code of Conduct, of the Danish Bar Association], in effect 1 May 2005, Articles 2.3.1-2.3.3 and 2.3.5-2.3.6 (duty of confidentiality)

Etiske regler for medlemmerne af Dansk Forening for Virksomhedsjurister [Ethics Rules for Members of the Danish Association of Business Lawyers], Articles 1 and 3

See, also, Regler om god advokatskik inden for det Europæiske Fællesskab [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Lov om rettens pleje (retsplejeloven) [Consolidated Act no. 1001 of 5 September 2006, Danish Administration of Justice Act], as amended, Chapter 15 b, Article 147b-147h (disciplinary matters), Article 178 (means of compelling the attendance of witnesses)

See, also, Bekendtgørelse af straffeloven (Lovbekendtgørelse nr. 909 af 27. september 2005)

[Danish Penal Code, Consolidated Act No. 909 of 27 September 2005], Articles 129, 152 and 264 (penalties for improper disclosure of confidential information)

Staff and Employees Covered? Yes (implied)
In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Advokatsamfundet [Danish Bar Association] www.advocom.dk

Dansk Forening for Virksomhedsjurister (DFVJ) [Danish Association of Business Lawyers] [ECLA] www.dfvj.dk

Estonia

Terminology: konfidentsiaalsus, kutsesaladuse hoidmine

Source(s) of Confidentiality Duties Imposed on Lawyers: Advokatuuriseadus (RT I 2001, 36, 201) [Bar Association Act], 21 March 2001, as amended through 1 January 2006, Article 45(1)-(5) (maintenance of professional secrets)

Eesti Advokatuuri Eetikakoodeks [Code of Conduct of the Estonia Bar Association], as amended through 5 May 2005, Article 5(1)-(8)

See, also, Euroopa Liidu Advokaatide Eetikakoodeks [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Advokatuuriseadus (RT I 2001, 36, 201) [Bar Association Act], 21 March 2001, as amended, Article 19(1) (disciplinary liability)

Karistusseadustik (RT I 2001, 61, 364) [Penal Code], as amended, Article 157 (penalties for violation of professional secrecy)

Staff and Employees Covered? Yes. Advokatuuriseadus (RT I 2001, 36, 201) [Bar Association Act], 21 March 2001, as amended, Article 45(1) (coverage extends to law office employees)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Eesti Advokatuur [Estonia Bar Association]
www.advokatuur.ee

Company Lawyers Association of Estonian Lawyers Union (EEJÜ) [ECLA]
www.juristideliit.ee

Finland

Terminology: vaitiolovelvollisuus, salassapitovelvollisuus (Swedish: tystnadsplikt)

Source(s) of Confidentiality Duties Imposed on

Lawyers: Laki Asianajajista (AAL) (Lag om advokater) [Advocates Act, 1958/496, as amended through November 2004], Article 5c (duties of client confidentiality)

Hyvää asianajajatapaa koskevat ohjeet (Vägledande regler om god advokatsed) [Rules of proper professional conduct for advocates], 9 June 1972, as amended through May 1999, Article 19 (duties of client confidentiality)

See, also, Euroopan Unionin Asianajajien Tapaohjeet [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Laki Asianajajista (AAL) (Lag om advokater) [Advocates Act, 1958/496, as amended], Article 7a-7j (disciplinary matters, including breaches of Rules of proper professional conduct)

See, also, Rikoslaki (19.12.1889/39) (Strafflag) [Criminal Code, as amended], Chapter 38, Article 1 (punishment for improper disclosure of secret information and other similar provisions)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No (but there may be some exceptions, such as when the in-house lawyer is acting as trial counsel before the Court)

Relevant Local Bar Association(s): Suomen Asianajaliitto (Finlands Advokatförbund) [Finnish Bar Association]
www.asianajajat.fi

France

Terminology: secret professionnel, confidentialité juridique, secret de l'enquête et de l'instruction

Source(s) of Confidentiality Duties Imposed on

Lawyers: General legislative provisions: Loi n° 71-1130 du 31 décembre 1971 [Act n° 71-1130 dated 31 December 1971], Article 66-5, and Décret n° 2005-790 du 12 juillet 2005 [Decree n° 2005-790 dated 12 July 2005], Article 4 and 5

Décision à caractère normatif n° 2005-003 portant adoption du règlement intérieur national ("RIN") de la profession d'avocat [Normative Decision ("RIN") n° 2005-003, adopting national rules for the conduct of lawyers, in accordance with Article 21-1 of the Law of 31 December 1971 modified by the Law of 11 February 2004]: Article 2 ("secret professionnel": professional secrecy), Article 2bis ("secret de l'enquête et de l'instruction": secrecy of investigation), Article 3 (confidentiality of correspondence between lawyers), Article 14.2 (professional secrecy for salaried associate lawyers), Article 16.3 (professional secrecy of lawyers practising within a domestic or international network), Article 18.5 (professional secrecy in the context of interprofessional activities and relationships)

See, also, Code de Déontologie des Avocats de l'Union Européenne [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, and entirely integrated within the RIN at Article 21: Article 21.2.3.1-21.2.3.4 (general duties of professional confidentiality)

See, also, specifically for members of the Paris Bar: Règlement intérieur du 15 novembre 2006 [Paris Bar Ethical Rules of 15 November 2006], Article 2.1, 2.2, 2.3, 2bis ("secret professionnel": professional secrecy), Article 3.1-3.4 (confidentiality and correspondence between lawyers, including European or foreign lawyers), Article 14.2 (professional secrecy for salaried associate lawyer), Article 16.3 (professional secrecy of lawyers practising within a domestic or international network, *Addendum*, Article P 49), Article 18.5 (professional secrecy in the context of interprofessional activities and relationships)

Règles de Déontologie de l'Association Française des Juristes d'Entreprise [Rules of Conduct of the French Company Lawyers Association], 7 July 2004, unnumbered item 4 (general duties of professional confidentiality, for in-house counsel)

Penalties: Code Pénal [Criminal Code], Article 226-13 (penalties for breach of professional secrecy). See, also, for lawyer member of the Paris Bar, Règlement intérieur [Paris Bar Ethical Rules], Title IV "Discipline", Article P 72.3 to P 72.5, and in case of disbarment decision Article P 73.5 to P 73.9

Staff and Employees Covered? Yes. Convention collective nationale des avocats et de leur personnel du 26 février 1979 [National Collective Agreement of Lawyers and their Personnel], 26 February 1979, Article 11. See, also, RIN, Articles 2.3 and 18.5

In-house Counsel Covered? No (attorney-client privilege is limited to independent external lawyers, members of a Bar)

Relevant Local Bar Association(s): Conseil National des Barreaux [National Council of Bar Associations] www.cnb.avocat.fr

Ordre des avocats à la Cour de Paris [Paris Bar Association] www.avocatparis.org

Confédération nationale des avocats de France [National Confederation of Lawyers of France] www.cna-avocats.com

Avocats Conseil d'Entreprise (ACE) [Association of Company Legal Advisers] www.avocats-conseils.org

Cercle Montesquieu [French Association of General Counsel] www.cercle-montesquieu.fr

Association Française des Juristes d'Entreprise (AFJE) [French Company Lawyers Association] [ECLA] www.afje.org

Germany

Terminology: Berufsgeheimnis, Anwaltsgeheimnis, Recht auf und Pflicht zur Verschwiegenheit, Schweigepflicht, Geheimhaltungspflicht, Beschlagnahmefreiheit, freier Verkehr mit dem Verteidiger

Source(s) of Confidentiality Duties Imposed on

Lawyers: Bundesrechtsanwaltsordnung (BRAO) [The Federal Lawyers' Act], version as of 19 April 2006, Article 43a(2) (fundamental duty of confidentiality as to client information)

Berufsordnung (BORA) [Professional Regulations (applicable to the legal profession)], version as of 1 July 2006, Article 2(1)-(4) (fundamental duty of confidentiality as to client information)

Zivilprozessordnung (ZPO), Article 383(1)(6) (immunity of lawyers and their personnel from being compelled to testify as to matters of client confidentiality relating to legal advice). In some cases, this protection may also extend to protection against the disclosure of trade secrets (ZPO, Article 384(1)(3)). Protection extends to proceedings involving other branches of the judiciary (e.g., Verwaltungsgerichtsordnung – VwGO § 98). Similar immunities apply in criminal proceedings (Strafprozessordnung (StPO), Article 53(1)(3) (privileged communications), Article 97 (no seizure of client-attorney correspondence in the hands of the attorney)).

There may also be some protection from the disclosure provided under Bürgerliches Gesetzbuch (BGB) [Civil Code], Article 810 (discovery of documents) and under various specific evidentiary provisions of the Handelsgesetzbuch (HGB) [Commercial Code] and of the ZPO, depending upon the circumstances

See, also, Berufsregeln der Rechtsanwälte der Europäischen Union [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Strafgesetzbuch (StGB) [Penal Code], Article 203(1)(3) and 203(3) (penalties for improper disclosure of client confidences)

Staff and Employees Covered? Yes. BORA, Article 2(4). See, also, ZPO, Article 383(1)(6) (immunity of lawyers and their personnel from being compelled to testify as to matters of client confidentiality relating to legal advice).

In-house Counsel Covered? Yes (in principle, if the in-house counsel is admitted to practise as a lawyer in Germany and if the advice is legal advice, as opposed to business, management or accounting advice)

Relevant Local Bar Association(s):

Bundesrechtsanwaltskammer [Federal Bar Association] (plus 27 affiliated local and regional bar organisations)
www.brak.de

Deutscher Anwaltverein e.V. (DAV) [German Lawyers Association]
www.anwaltverein.de

Arbeitsgemeinschaft der Syndikus-Anwälte im Deutschen Anwaltverein e.V. (ASDA) [Working Group of In-House Lawyers within the German Lawyers Association] [ECLA]
www.anwaltverein.de

Greece

Terminology: εμπιστευτικός χαρακτήρας της σχέσεως δικηγόρου/εντολέα, επαγγελματικό απόρρητο

Source(s) of Confidentiality Duties Imposed on

Lawyers: Κώδικας Περί Δικηγόρων (ΝΔ 3026/1954 “περί του Κώδικος των Δικηγόρων” [Greek Code of Laws on Lawyers], Article 17.1-17.4 (lawyers and testimony regarding matters of professional secrecy and confidential information)

Κώδικας δεοντολογίας του δικηγορικού λειτουργήματος [Code of Ethical Conduct, adopted in various Greek localities, including rules regarding the protection of client confidentiality)

See, also, Κώδικας Δεοντολογίας Δικηγόρων Στην Ευρωπαϊκή Ένωση [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Ποινικός Κώδικας [Penal Code], Article 233 (penalty for breach of confidence by an attorney at law)

See, also, Κώδικας Πολιτικής Δικονομίας [Code of Civil Procedure], Articles 400-401

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Δικηγορικός Σύλλογος Αθηνών [Athens Bar Association]
www.dsa.gr

Hungary

Terminology: titoktartási kötelezettség

Source(s) of Confidentiality Duties Imposed on Lawyers: 1998. évi XI. törvény az ügyvédekről [Act XI of 1998 on Attorneys at Law], as amended on 1 January 2007, Article 8(1)-(4) (duty of confidentiality), Article 16(2) (lawyer's oath of secrecy)

Magyar Ügyvédi Kamara 8/1999. (III.22.) MÜK Szabályzata az ügyvédi hivatás etikai szabályairól és elvárásairól [Ethics Code of the Hungarian Bar Association] (version dated 22 March 1999), Article 4(1)-(11) (lawyer confidentiality)

See, also, Az Európai Unió Ügyvédekének Etikai Kódexe [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: 1978. évi IV. törvény a Büntető Törvénykönyvről [Act IV of 1978 on Criminal Code] as amended on 1 January 2007, Article 177 (violation of privacy), Article 300 (breach of trade secret)

1998. évi XIX. törvény a büntetőeljárásról [Act XIX of 1998 on Criminal Procedure], in effect as of 1 July 2003, amended several times, most recently on 1 January 2007, Article 81 (immunity of criminal defense lawyer from testimony and immunity from seizure of attorney-client work product documents)

Staff and Employees Covered? Yes. 1998. évi XI. törvény az ügyvédekről [Act XI of 1998 on Attorneys at Law], Article 8(4) (confidentiality applies to law office employees)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Magyar Ügyvédi Kamara [Hungarian Bar Association]
www.magyarugyvedikamara.hu

Budapesti Ügyvédi Kamara [Budapest Bar Association]
www.bpbar.hu

Iceland

Terminology: þagnarskyldu

Source(s) of Confidentiality Duties Imposed on Lawyers: Lög um lögmenn [Act on Professional Lawyers No. 77/1998, in effect from 1 January 1999, as amended], Article 22 (duty of maintaining silence)

Codex Ethicus fyrir Lögmannafélag Íslands [Code of Conduct (Codex Ethicus) of the Iceland Bar Association], as amended through 17 March 2000, Part I, Article 6 (confidentiality)

See, also, Siðareglur CCBE [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 21.2.3.1-21.2.3.4 (general duties of professional confidentiality)

Penalties: Almenn hegningarlög [General Penal Code No. 19], 19 February 1940, as amended, Article 230 (punishment for revealing confidential information)

Lög um lögmenn [Act on Professional Lawyers No. 77/1998, as amended], Article 29 (fines for breach of duty of maintaining silence)

Staff and Employees Covered? Yes. Lög um lögmenn [Act on Professional Lawyers No. 77/1998, as amended], Article 22 (duty of maintaining silence extends to law office employees)

In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Lögmannafélag Íslands [The Iceland Bar Association]
www.lmfi.is

Ireland

Terminology: privilege, obligation of confidentiality

Source(s) of Confidentiality Duties Imposed on

Lawyers: Code of Conduct for the Bar of Ireland (adopted 13 March 2006), Articles 4.18, 6.2 and 8.10 (various duties of confidentiality) and particularly Article 3.3 (primary and fundamental right and duty of confidentiality)

Guide to Professional Conduct of Solicitors in Ireland (2nd Edition, October 2002), Articles 4.1-4.2 and 5.1(b) (privilege and confidentiality between solicitor and client) and particularly Article 2.3 (primary and fundamental right and duty of confidentiality)

See, also, Solicitors Act, 1954; Solicitors (Amendment) Act, 1960; Solicitors (Amendment) Act, 1994; Solicitors (Amendment) Act, 2002

Penalties: Disciplinary Code for the Bar of Ireland Solicitors Act, 1954, Articles 13-23

Staff and Employees Covered? Yes. Code of Conduct for the Bar of Ireland, Article 3.3(b) (confidentiality applies to Master's pupils)

Guide to Professional Conduct of Solicitors in Ireland, Articles 4.4 and 9.12 (confidentiality by staff of solicitor)

In-house Counsel Covered? Yes (in principle). Guide to Professional Conduct of Solicitors in Ireland (2nd Edition, October 2002), Article 4.1 (Comment: "The solicitor employed in an organisation")

Relevant Local Bar Association(s): Bar Council of Ireland [Chomhairle an Bharra]
www.lawlibrary.ie

The Law Society of Ireland
www.lawsociety.ie

Italy

Terminology: segreto professionale, dovere di segretezza e riservatezza

Source(s) of Confidentiality Duties Imposed on

Lawyers: Codice di Procedura Penale [Code of Criminal Procedure], Article 200(1)-(3) (professional duty of confidentiality and exemption from being required to testify as to matters received in professional confidence (lawyers, Article 200(1)(b))

Codice Deontologico Forense [Ethics Code of the National Bar Association], amended 16 December 2006, Article 9 (duty of confidentiality)

Codice Deontologico Forense [Ethics Code of the Bar Association of Milan], amended 16 December 2006, Article 9 (duty of confidentiality)

Codice Deontologico Forense [Ethics Code of the Bar Association of Rome], amended 26 October 2002, Article 9 (duty of confidentiality)

Codice di Condotta [Code of Conduct of the Association of Italian Business Lawyers], 17 March 1997, Article 6.1 (professional secrecy)

See, also, Ordinamento della professione di avvocato (Regio Decreto Legge 27 novembre 1933, n. 1578) [Law on Italian Lawyers, No. 1578/1933], as amended

Penalties: Codice Penale [Criminal Code], Article 622 (penalties for revealing confidential information received in a professional capacity)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Consiglio Nazionale Forense [National Bar Association]
www.consiglionazionaleforense.it/

Organismo Unitario Avvocatura Italiana [Unified Organisation of Italian Advocates]
www.oua.it

Ordine degli Avvocati di Milano [Bar Association of Milan]
www.ordineavvocatimilano.it

Ordine degli Avvocati di Napoli [Bar Association of Naples]
www.ordineavvocati.napoli.it

Ordine degli Avvocati di Roma [Bar Association of Rome]
www.ordineavvocati.roma.it

Associazione Italiana Giuristi di Impresa (AIGI) [Association of Italian Business Lawyers] [ECLA]
www.aigi.it

Latvia

Terminology: konfidencialitāte, profesionālais noslēpums

Source(s) of Confidentiality Duties Imposed on

Lawyers: Latvijas Republikas Advokatūras Likums [Law on the Bar], as amended though 4 June 2004, Article 67 (duty of confidentiality)

Latvijas Zvērinātu Advokātu Ētikas Kodekss [Code of Ethics of the Latvian Sworn Advocates], as of 21 May 1993, Article 1.3 (confidentiality)

Penalties: Latvijas Republikas Advokatūras Likums [Law on the Bar], as amended though 4 June 2004, Article 34(4) (disciplinary proceedings)

See, also, Krimināllikums [Criminal Code], Article 145 (punishment for improper disclosure of confidential information received in an employment capacity) and Article 200(1) (punishment for improper disclosure of commercial secrets) and Prokuratūras likums [Office of the Prosecutor Law], Article 17(1) (broad investigative powers of government prosecutors and power to search premises)

Staff and Employees Covered? Yes (implied). Latvijas Republikas Advokatūras Likums [Law on the Bar], as amended though 4 June 2004, Article 67 (duty of confidentiality and lawyers' employees)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Latvijas Zvērinātu Advokātu Padome [Latvian Council of Sworn Advocates]
www.advokatura.lv

Liechtenstein

Terminology: Berufsgeheimnis, Recht auf Verschwiegenheit, Verschwiegenheitspflicht, Geheimhaltungspflicht

Source(s) of Confidentiality Duties Imposed on

Lawyers: Gesetz über die Rechtsanwälte (LGBI. 1993 Nr. 41) [Law on Lawyers], 9 December 1992, as amended, Article 15 (duty of secrecy)

Die Standesrichtlinien der Liechtensteinischen Rechtsanwaltskammer [Rules of the Liechtenstein Chamber of Lawyers], 5 May 1994, as amended, Article 26 (duty of secrecy)

See, also, Berufsregeln der Rechtsanwälte der Europäischen Union [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Strafgesetzbuch (StGB) [Penal Code], 24 June 1987, as amended, Article 121(1)(2) (breach of professional secrecy)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Liechtensteinische Rechtsanwaltskammer [Liechtenstein Chamber of Lawyers]
www.lirak.li

Lithuania

Terminology: konfidencialumas, advokato konfidencialumo, konfidencialumo įsipareigojimas

Source(s) of Confidentiality Duties Imposed on Lawyers: Lietuvos Respublikos advokatūros įstatymas [Lithuanian Law on Advocates], 18 March 2004, Article 39 (duty to comply with Code of Ethics)

Advokatų profesinės etikos kodeksas [Ethics Code], 27 October 2005, Article 5.1-5.3 (fundamental duty of client confidentiality)

See, also, Europos Sąjungos Advokatų Etikos Kodeksas [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Advokatų profesinės etikos kodeksas [Ethics Code], 27 October 2005, Article 4.1 (disciplinary procedures for failure to observe requirements of Code of Ethics)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Lietuvos advokatūros advokatų taryba [Lithuanian Bar Association] www.advoco.lt

Luxembourg

Terminology: secret professionnel, Berufsgeheimnis

Source(s) of Confidentiality Duties Imposed on Lawyers: Loi du 10 août 1991 sur la profession d'avocat [Law on the Legal Profession], 10 August 1991, Article 19(1) and Article 35(1)-(3) (main duties of professional secrecy)

Règles déontologiques du Barreau de Luxembourg [Code of Ethics of the Bar Association of Luxembourg], unnumbered fifth article specifying strict duties of confidentiality

See, also, Code de Déontologie des Avocats de l'Union Européenne [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Code Pénal [Criminal Code], Article 458 (penalties for improper disclosure of professional secrets)

Loi du 10 août 1991 sur la profession d'avocat [Law on the Legal Profession], 10 August 1991, Article 41(4) (penalties)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Barreau de Luxembourg [Bar Association of Luxembourg] www.barreau.lu

Macedonia

Terminology: тајна, професионална адвокатска тајна

Source(s) of Confidentiality Duties Imposed on Lawyers: Закон за Адвокатурата (Службен весник на РМ бр. 59/2002 од 23 јули 2002 год.) пречистен текст Јануари 2005 год. [Attorney's Law of the Republic of Macedonia, Official Gazette of the Republic of Macedonia No. 59/2002, text revised and restated January 2005], Article 17 (fundamental duties of lawyer confidentiality)

Закон за кривичната постапка (Службен весник на РМ бр. 15/97, од 03 април 1997 год.) [Criminal Procedure Code, Official Gazette of the Republic of Macedonia No.15/97, 3 April 1997], as amended, Articles 218-219 (immunity from testimony by lawyers regarding information obtained in a professional capacity)

Кодекс за Професионалната Етика на Адвокатите (Комора на Република Македонија) [Code of Ethics of Lawyers in the Chamber of Advocates of the Republic of Macedonia], Articles 20-23 (duty of professional confidentiality)

See, also, Kodeks na Odnosuvawe na Advokatite od Evropskata Unija [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Закон за Адвокатурата (Објавен Службен весник на РМ бр. 59/2002 од 23 јули 2002 год.) пречистен текст Јануари 2005 год. [Attorney's Law of the Republic of Macedonia, Official Gazette of the Republic of Macedonia No. 59/2002, text revised and restated January 2005], Article 30 (discipline for breach of ethical duties, including breach of duty of professional confidentiality)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Адвокатска Комора на Република Македонија (Advokatska Komora na Republika Makedonija) [Chamber of Advocates of the Republic of Macedonia]
www.mba.org.mk

Здружение на правници на Република Македонија [Macedonian Business Lawyers Association (MBLA)] [ECLA]
www.mbla.org.mk

Malta

Terminology: segretezza professjonali (professional secrecy)

Source(s) of Confidentiality Duties Imposed on Lawyers: Att Dwar Segretezza Professjonali [Professional Secrecy Act], Chapter 377 of the General Laws of Malta, Article 3(1) and *passim*

Kodiċi ta' Etika u Mgieba Għall-Avukati [Code of Ethics and Conduct for Advocates], Part Two, Chapter VI, Rules 1 through 6 (detailed general rules and guidance on waivers and exceptions)

Penalties: Kodiċi Kriminali [Maltese Criminal Code], Chapter 9 of the General Laws of Malta, Article 257 (penalties for improper disclosure of professional secrets)

Staff and Employees Covered? Yes. Att Dwar Segretezza Professjonali [Professional Secrecy Act], Chapter 377 of the General Laws of Malta, Article 4(3)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Chamber of Advocates, Malta
www.chamberofadvocatessmalta.org

Netherlands

Terminology: beroepsgeheim, geheimhouding, geheimhoudingsplicht

Source(s) of Confidentiality Duties Imposed on Lawyers: Advocatenvet (Wet van 23 juni 1952 (Stb. 365)) [Act on Advocates, Act of 23 June 1952 (Staatsblad 365)], as amended through 13 July 2002

Gedragsregels 1992 [Rules of Conduct of Advocates 1992], Rule 6(1)-(5) (duty to observe secrecy)

See, also, Gedragscode voor advocaten van de Europese Unie [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Advocatenvet [Act on Advocates], Articles 46-60aa (disciplinary proceedings)

Gedragsregels 1992 [Rules of Conduct of Advocates 1992], Rule 37 (secrecy may be subordinated in cases of disciplinary proceedings)

Wetboek van Strafrecht [Dutch Penal Code], Articles 272 and 273 (violation of secrecy)

Staff and Employees Covered? Yes (implied).
Gedrageregels 1992 [Rules of Conduct of Advocates 1992], Rule 6(3) (duty to require that staff and employees observe secrecy)

In-house Counsel Covered? See, Verordening op de praktijkuitoefening in dienstbetrekking [By-law on In-house Advocates of the Netherlands Bar Association], dated 27 November 1996, as amended, and Professioneel statuut voor de advocaat in dienstbetrekking [Professional Charter for the In-House Advocate], Articles 4 and 11 (measures to protect confidentiality of information)

Relevant Local Bar Association(s): Nederlandse Orde van Advocaten [Netherlands Bar Association]
www.advocatenorde.nl

Nederlands Genootschap van Bedrijfsjuristen (NGB)
[Netherlands Society of Business Lawyers] [ECLA]
www.ngb.nl

Norway

Terminology: fortrolighet, taushetsplikt, advokatens fortrolighetsplikt, advokatens taushetsplikt, fortrolighetsplikt

Source(s) of Confidentiality Duties Imposed on Lawyers: Lov om domstolene (domstolloven) (Lov 1915-08-13 nr 05) [Courts of Law Act, as amended through 30 June 2006], Chapter 11, Article 227 (duty of confidentiality)

Forskrift til domstolloven kapittel 11 (Advokatforskriften) [Statutory Instrument pursuant to Chapter 11 of the Courts of Law Act and incorporating the Regulations for Advocates (Advokatforskriften)], Chapter 4, Article 4.5 (client confidentiality may be subordinated in certain investigations by the Tilsynsrådet for advokatvirksomhet [Supervisory Council of Advocates]) and Chapter 12,

Articles 1.1-14.1 (incorporating detailed Regler for god advokatskikk [Rules of Conduct for Advocates] of which Chapter 12, Article 2.3.1-2.3.3 is devoted to the advocate's duties of professional confidentiality)

See, also, De Europeiske Regler for God Advokatskikk [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Forskrift til domstolloven kapittel 11 (Advokatforskriften) [Statutory Instrument pursuant to Chapter 11 of the Courts of Law Act and incorporating the Regulations for Advocates (Advokatforskriften)], Chapter 4, Article 4.5 (client confidentiality may be subordinated in certain investigations by the Tilsynsrådet for advokatvirksomhet [Supervisory Council of Advocates]), Chapter 5, Articles 5.1-5.10 (disciplinary proceedings by the Disiplinærnemnden for advokater [Disciplinary Committee for Advocates])

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Den Norske Advokatforening [Norwegian Bar Association]
www.advokatforeningen.no

Norges Juristforbund, NJ-P Private Sector [ECLA]
www.jus.no/?id=36863&subid=0

Poland

Terminology: tajemnica zawodowa, poufność, obowiązek zachowywania tajemnicy zawodowej

Source(s) of Confidentiality Duties Imposed on Lawyers: Ustawa z dnia 26 maja 1982 r. Prawo o adwokaturze (Dz.U. 2002 Nr 123 poz. 1058) [Law on the Advocates' Profession, 26 May 1982 (Journal of Laws of 2002 No. 123, item 1058)], Article 6.1-6.3 (fundamental duty of professional confidentiality)

Kodeks etyki adwokackiej (uchwalony dnia 10 października 1998 r. przez Naczelną Radę Adwokacką) [Code of Ethical Conduct for Advocates adopted by the Polish Advocates Association on 10 October 1998], Articles 19-20 (detailed rules and guidelines regarding fundamental duty of confidentiality of lawyers and staff and immunity of lawyer from giving testimony and from intrusion into lawyer's confidential documents)

Ustawa z dnia 6 lipca 1982 r. o radcach prawnych (Dz. U. 2002 Nr 123, poz. 1059) [Law on Legal Advisers, 6 June 1982 (Journal of Laws of 2002, No. 123, item 1059)], Article 3 (fundamental duty of professional confidentiality)

Zasady Etyki Radcy Prawnego (uchwalone przez VI Krajowy Zjazd Radców Prawnych w dniu 6 listopada 1999 r.) [Principles of Ethics of Legal Advisers adopted by the 6th National Convention of Legal Advisers on 6 November 1999, in effect from 1 January 2000], Articles 17-22 (detailed rules and guidelines regarding duty of confidentiality of legal advisers and staff and measures to protect against intrusion into confidential documents)

Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego [Code of Penal Procedure of 6 June 1997], Article 180 (the right to decline disclosure of professional secrets by advocates and legal advisers)

See, also, Kodeks Etyki Adwokatów Unii Europejskiej [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Ustawa z dnia 26 maja 1982 r. Prawo o adwokaturze (Dz.U. 2002 Nr 123 poz. 1058) [Law on the Advocates' Profession, 26 May 1982 (Journal of Laws of 2002, No. 123, item 1058)], Articles 50, 72 and 80-91 (disciplinary proceedings)

Ustawa z dnia 6 lipca 1982 r. o radcach prawnych (Dz. U. 2002 Nr 123, poz. 1059) [Law on Legal Advisers, 6 June 1982 (Journal of Laws of 2002, No. 123, item 1059)], Articles 54, 62, 62², 64-66 (disciplinary proceedings).

See also, ustawa z dnia 6 czerwca 1997 r. Kodeks karny [Penal Code], Article 266 (penalties for improper disclosure of professional secrets by advocates and legal advisers)

Staff and Employees Covered? Yes

In-house Counsel Covered? Yes

Relevant Local Bar Association(s): Naczelna Rada Adwokacka [Polish Advocates Association]
www.adwokatura.pl

Krajowa Rada Radcow Prawnych [National Council of Legal Advisers [ECLA]
www.radca.prawny.lex.pl

Portugal

Terminology: segredo profissional, dever de guardar segredo profissional

Source(s) of Confidentiality Duties Imposed on Lawyers: Estatuto da Ordem dos Advogados (EOA) (Lei n.º 15/2005, de 26 de Janeiro de 2005) [Statute on Lawyers, Law 15/2005 of 26 January 2005], Title III, Article 87(1)(a)-87(8) (duties of confidentiality)

Penalties: Estatuto da Ordem dos Advogados (EOA) (Lei n.º 15/2005, de 26 de Janeiro de 2005) [Statute on Lawyers, Law 15/2005 of 26 January 2005], Title IV, Articles 109-173 (disciplinary measures and penalties, including duty to safeguard client confidentiality during disciplinary proceedings (Article 120(4))

Código Penal Português [Criminal Code], Article 195 (penalty for improper disclosure of confidential information received in a professional capacity)

Staff and Employees Covered? Yes. Estatuto da Ordem dos Advogados (EOA) (Lei n.º 15/2005, de 26 de Janeiro de 2005) [Statute on Lawyers, Law 15/2005 of 26 January 2005], Title III, Article 87(7)-(8)

In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Ordem dos Advogados do Portugal [Association of Lawyers of Portugal] www.oa.pt

Romania

Terminology: secretul profesional, principiul păstrării secretului profesional, confidențialitatea, privilegiul profesional

Source(s) of Confidentiality Duties Imposed on

Lawyers: Statutul Profesiei de Avocat 2004 (Monitorul Oficial Nr. 45/13 Ianuarie 2005) [Law on the Profession of Lawyer], promulgated 13 January 2005, Article 1(a), Article 9(1)-(3) and Article 118 (fundamental duty of professional secrecy and confidentiality), Article 10(1) (immunity of attorney-client communications), Article 114(3)(d) (right of lawyer to be free of pressure regarding attorney-client confidences)

Lege Nr. 514 din 28 noiembrie 2003 privind organizarea și exercitarea Profesiei de Consilier Juridic [Law 514 on In-House Counsel], promulgated 5 December 2003, Article 16 (duty of professional secrecy and confidentiality)

Statut din 6 martie 2004 al Profesiei de Consilier Juridic [Statute of 6 March 2004 on In-House Counsel], promulgated 29 July 2004, Article 13(a) (duty of professional secrecy and confidentiality)

Codul Deontologic al Consilierului Juridic [Code of Ethical Conduct of the College of Bucharest Business Lawyers], Articles 6 and 12 (duty of professional secrecy and confidentiality)

See, also, Codul Deontologic al Avocaților din Uniunea Europeană [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Codul Penal (Legea Nr. 301/2004) [Criminal Code], 24 June 2004, Article 214 (penalty for revealing professional secrets)

Statutul Profesiei de Avocat 2004 (Monitorul Oficial Nr. 45/13 Ianuarie 2005) [Law on the Profession of Lawyer], promulgated 13 January 2005, Articles 252-274 (disciplinary procedures)

Staff and Employees Covered? Yes. Statutul Profesiei de Avocat 2004 (Monitorul Oficial Nr. 45/13 Ianuarie 2005) [Law on the Profession of Lawyer], promulgated 13 January 2005, Article 9(3) (fundamental duty of professional secrecy and confidentiality applies to employees)

In-house Counsel Covered? Yes. Statutul Profesiei de Avocat 2004 (Monitorul Oficial Nr. 45/13 Ianuarie 2005) [Law on the Profession of Lawyer], promulgated 13 January 2005, Article 9(1) + (3) (fundamental duty of professional secrecy and confidentiality applies to in-house counsel)

Relevant Local Bar Association(s): Uniunea Națională a Barourilor din Romania (UNBR) [National Association of the Romanian Bars] www.uar.ro

Colegiul Consilierilor Juridici București [College of Bucharest Business Lawyers] <http://ccj.ro/>

Asociația Forumul Electronic al Consilierilor Juridici din Romania [e-F.Cons] [Electronic Forum of Romanian Business Lawyers] [ECLA] www.efcons.ro/main.htm

Russia

Terminology: Адвокатская тайна

Source(s) of Confidentiality Duties Imposed on

Lawyers: Российская Федерация Федеральный Закон об Адвокатской Деятельности и Адвокатуры в Российской

Федерации 31 мая 2002 года N 63-ФЗ [Federal Law on Advocate Activity and the "Advocatura"], dated 31 May 2002, Article 8(1)-(3) (professional secrecy)

Penalties: Уголовный Кодекс Российской Федерации [Criminal Code of the Russian Federation], dated 28 May 1996, as amended, see, Article 138(1)-(2) (violation of secrecy of correspondence, telephone conversations, postal, telegraphic and other communications) and Article 183(1)-(2) (illegal disclosure of information constituting a commercial secret)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Федеральная палата адвокатов Российской Федерации [Federal Chamber of Lawyers of the Russian Federation] www.advpalata.ru

Московская Центральная Коллегия адвокатов [Moscow Central Bar Association] www.trunov.com

Serbia

Terminology: tajna, advokatska tajna

Source(s) of Confidentiality Duties Imposed on

Lawyers: Zakon o advokaturi (Službeni List Srbije, 24/1998, 15.05.1998) [Attorney-at-Law Act], 15 May 1998, as amended through 13 June 2005, Article 15 (second and third sentences) (fundamental duties of professional secrecy and client confidentiality)

Kodeks Profesionalne Etike Advokata [Codex of Professional Ethics of Attorneys-At-Law, 14 April 1999], Articles 88-99 (fundamental duties of professional secrecy and client confidentiality and detailed rules for specific situations). See, also, Article 72(1) and Article 92(1) (employees and staff)

Penalties: Krivični Zakonik [Criminal Code], Article 141 (penalties for improper disclosure of professional confidences). See, also, Statut Advokatske Komore Srbije [By-laws of Bar Association of Serbia, 25 September 1999], Article 124/28 (breach of this duty may be punished by fine or disbarment)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Advokatska Komora Srbije [Bar Association of Serbia] www.advokatska-komora.co.yu

Advokatska Komora Beograda [Bar Association of Belgrade] www.akb.org.yu

Slovak Republic

Terminology: povinnosť mlčanlivosti advokáta, povinnosť zachovávať mlčanlivosť

Source(s) of Confidentiality Duties Imposed on

Lawyers: Zákon 586/2003 Z.z. o advokácii v znení neskorších predpisov [Act No. 586/2003 on the Legal Profession], 4 December 2003, as amended, Article 23 (fundamental duty of confidentiality)

Advokátsky Poriadok (schválený konferenciou advokátov 19. júna 2004) [Rules of Professional Conduct for Lawyers, adopted by the General Assembly of Lawyers], 19 June 2004, Article 9 (strict duty of confidentiality), Article 9(4) (search of lawyer's premises)

See, also, Zásady Výkonu Advokátskeho Povolania Advokátov v Európskej Únii [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Zákon 586/2003 Z.z. o advokácii [Act No. 586/2003 on the Legal Profession], 4 December 2003, as amended, Articles 56-60

Detailed disciplinary procedures are governed by the Disciplinárny Poriadok [Disciplinary Rules] of the Slovak Bar Association (approved by the General Assembly of Lawyers on 19 June 2004)

Staff and Employees Covered? Yes (implied). Zákon o advokácii [Act on the Legal Profession], Article 23(8)(a)

Advokátsky Poriadok [Rules of Professional Conduct for Lawyers], 19 June 2004, Article 9(2) (duty to inform all engaged persons of duty of confidentiality)

In-house Counsel Covered? No (but certain protections may be available under the Labour Code provisions dealing with general confidentiality applicable to all employees) (Labour Code, Article 81(f) – (Zákonník práce (311/2001) [Act No. 311/2001 Coll., as amended])

Relevant Local Bar Association(s): Slovenská advokátska komora [Slovak Bar Association]
www.sak.sk

Slovenia

Terminology: poklicna tajnost, tajnost, načelo zaupnosti

Source(s) of Confidentiality Duties Imposed on

Lawyers: Zakon o odvetništvu (Uradni list RS, št. 18-817/1993 z dne 9. aprila 1993, Uradni list RS, št. 24-1465/1996 z dne 10. maja 1996 – odločba US, Uradni list RS, št. 24-1455/2001 z dne 5. aprila 2001) [Law on Lawyers (Official Gazette of the Republic of Slovenia, No. 18-817/1993, 9 April 1993, Official Gazette of the Republic of Slovenia, No. 24-1465/1996, 10 May 1996 – Decision by the Constitutional Court, Official Gazette of the Republic of Slovenia, No. 24-1455/2001, 5 April 2001)], Article 6 (duty of confidentiality of lawyers and their employees)

Kodeks Odvetniške Poklicne Etike [Code of Professional Conduct of the Bar Association of Slovenia], 7 December 2001, Articles 51-53 (duty of confidentiality, waivers, and exceptions)

See, also, Kodeks Odvetniške Poklicne Etike za Odvetnike v EU [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Zakon o odvetništvu (Uradni list RS, št. 18-817/1993 z dne 9. aprila 1993, Uradni list RS, št. 24-1465/1996 z dne 10. maja 1996 – odločba US, Uradni list RS, št. 24-1455/2001 z dne 5. aprila 2001) [Law on Lawyers (Official Gazette of the Republic of Slovenia, No. 18-817/1993, 9 April 1993, Official Gazette of the Republic of Slovenia, No. 24-1465/1996, 10 May 1996 – Decision by the Constitutional Court, Official Gazette of the Republic of Slovenia, No. 24-1455/2001, 5 April 2001)], Article 30 (discipline)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Odvetniška Zbornica Slovenije [Bar Association of Slovenia]
www.odv-zb.si

Spain

Terminology: secreto profesional

Source(s) of Confidentiality Duties Imposed on

Lawyers: Ley Orgánica del Poder Judicial (6/1985) [Organic Law on the Judiciary], Article 542.3 (duties of professional secrecy and confidentiality)

Estatuto General de la Abogacía Española [General Statute on Spanish Lawyers, approved by Real Decreto [Royal Decree] 658/2001, 22 June 2001], Article 32(1) (duties of professional secrecy and confidentiality). See, also, Article 27.4 (lawyers in an employment status or relationship)

Código Deontológico de la Abogacía Española [Code of Ethics of the Spanish Bar, approved by Real Decreto [Royal Decree] 658/2001, 22 June 2001], amended through 19

December 2002, Article 5.1-5.8 (duties of professional secrecy and confidentiality)

See, also, Código de Deontología de los Abogados de la Unión Europea [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Código Penal (Ley Orgánica 10/1995) [Criminal Code], Articles 199.2 and 466.1 (penalties for improper disclosure of professional confidences)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? Yes (in principle)

Relevant Local Bar Association(s): Consejo General de la Abogacía Española [General Council of Spanish Advocates]
www.cgae.es

Ilustre Colegio de Abogados de Barcelona [Bar Association of Barcelona]
www.icab.es

Ilustre Colegio de Abogados de Madrid [Bar Association of Madrid]
www.icam.es

Sweden

Terminology: tystnadsplikt (duty of silence), frågeförbud (prohibition against putting questions to a witness)

Source(s) of Confidentiality Duties Imposed on Lawyers: Rättegångsbalk (1942:740) [Code of Judicial Procedure], Chapter 8, Article 4 (tystnadsplikt) and Chapter 36, Article 5 (frågeförbud)

Vägledande regler om god advokatsed [Code of Conduct of Members of the Swedish Bar Association], 9 November 1984, Article 19 (tystnadsplikt)

See, also, Etiska regler för medlemmarna i Bolagsjuristernas Förening [Rules of Ethics of the Members of the Association of Business Lawyers]

Regler om god advokatsed inom Europeiska Unionen [Code of Ethical Conduct for Lawyers in the European Union], amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Brottsbalk (1962:700) [Penal Code], Chapter 20, Article 3 (brott mot tystnadsplikt [breach of professional confidentiality])

Violations of ethics may result in disciplinary proceedings by the Disciplinary Committee of the Swedish Bar Association, with sanctions imposed in accordance with the individual circumstances. Vägledande regler om god advokatsed [Code of Conduct of Members of the Swedish Bar Association], 9 November 1984, introductory paragraphs.

Staff and Employees Covered? Yes (implied).

Vägledande regler om god advokatsed [Code of Conduct of Members of the Swedish Bar Association], 9 November 1984, Article 19 (members of the Bar are obliged to impose the same duty of confidentiality on their staff as apply to themselves).

In-house Counsel Covered? No (but some limited exceptions may apply, such as regarding the protection of business secrecy).

Relevant Local Bar Association(s): Sveriges advokatsamfund [Swedish Bar Association]
www.advokatsamfundet.se

Bolagsjuristernas Förening (BJF) [Association of Business Lawyers] [ECLA]
www.bolagsjuristerna.com

Switzerland

Terminology: Berufsgeheimnis, Anwaltsgeheimnis, Recht auf Verschwiegenheit, Verschwiegenheitspflicht, Geheimhaltungspflicht; secret professionnel; segreto professionale

Source(s) of Confidentiality Duties Imposed on

Lawyers: Bundesgesetz vom 23. Juni 2000 über die Freizügigkeit der Anwältinnen und Anwälte (Anwaltsgesetz, BGFA) (AS 2002 863); Loi fédérale du 23 juin 2000 sur la libre circulation des avocats (Loi sur les avocats, LLCA) (RO 2002 863); Legge federale del 23 giugno 2000 sulla libera circolazione degli avvocati (Legge sugli avvocati, LLCA) (RU 2002 863) [Federal Law on Lawyers], 23 June 2000, Article 13 (duty of confidentiality)

See, also, Schweizerische Standesregeln (Code suisse de déontologie) (Codice svizzero di deontologia) [Code of Ethics for Swiss Lawyers], 10 June 2005, Article 14 (duty of professional secrecy)

Standesregeln der Vereinigung Schweizerischer Unternehmensjuristen [Code of Ethics of the Association of Swiss In-house Lawyers], 28 June 1989, Article 5 (duty of professional secrecy)

Penalties: Strafgesetzbuch (Code pénal) (Codice penale) [Criminal Code], Article 321 (penalties for improper disclosure of professional confidences)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Schweizerischer Anwaltsverband (Fédération suisse des avocats) (SAV/FSA) [Swiss Bar Association]
www.swisslawyers.com

Ordre des avocats de Genève (OdA) [Geneva Bar Association]
www.odage.ch

Zürcher Anwaltsverband (ZAV) [Zurich Bar Association]
www.zav.ch

Vereinigung Schweizerischer Unternehmensjuristen (VSUJ)/Association Suisse des Juristes d'Entreprises [Association of Swiss In-house Lawyers]
www.vsuji.ch

Turkey

Terminology: meslek sırrı, sır saklama yükümlülüğü, sır saklama zorunluluğu

Source(s) of Confidentiality Duties Imposed on

Lawyers: Avukatlık Kanunu [Law on Attorneys, Law 1136, 19 March 1969], Article 36 (duty of professional secrecy and confidentiality) ((1) prohibits the disclosure of information communicated in the course of the representation unless expressly permitted by the client; (2) even when permission is granted by the client, the attorney may decline to disclose; (3) an attorney cannot be forced to be a witness as to client confidences; and (4) an attorney may not be subjected to any legal liability or penalty for refusing to be a witness)

Türkiye Barolar Birliği Meslek Kuralları [Professional Rules of the Turkish Bar Association], Article 37(a)-(b) (duty of professional secrecy and confidentiality)

See, also, Avrupa Topluluğu Avukatlık Meslek Kuralları [Code of Ethical Conduct for Lawyers in the European Union], amended 6 December 2002, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Türk Ceza Kanunu [Criminal Code] (Kanun No. 5237, Kabul Tarihi: 26.9.2004 [Act No. 5237]), 26 September 2004, Article 239 (penalties for improper disclosure of professional confidences)

Ceza Muhakemeleri [Code of Criminal Procedure], Article 48 (professional privilege as grounds for refusal to testify), Article 89 (personal communications immune from seizure)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Türkiye Barolar Birliği
www.barobirlik.org.tr/

Ukraine

Terminology: Адвокатська таємниця

Source(s) of Confidentiality Duties Imposed on

Lawyers: Закон України про адвокатуру [Law of Ukraine On the Bar, Law N 2887-XII dated December 19, 1992] (Відомості Верховної Ради (ВВР), 1993, N 9, ст.62) as variously amended, including Law 2006 N 355-V dated 16 November 2006, Article 9 (general duties of professional confidentiality)

See, also, Спілка адвокатів України [Union of Advocates of Ukraine], Rules of Advocates Ethics, Article 9(1)-9(8) (general duties of professional confidentiality)

Penalties: Кримінальний кодекс України [Criminal Code of Ukraine], as amended, penalties for improper disclosure of professional confidences, including Article 163(1) (violation of private communications), Article 232 (unauthorized disclosure of commercial secrets), Article 397(1) (interference with activities and professional secrets of defense lawyer)

Закон України про адвокатуру [Law of Ukraine On the Bar, Law N 2887-XII dated December 19, 1992] as variously amended, Articles 16 and 17 (disciplinary proceedings)

See, also, Спілка адвокатів України [Union of Advocates of Ukraine], Rules of Advocates Ethics, Article 77-81 (disciplinary proceedings)

Staff and Employees Covered? Yes (implied). See, Закон України про адвокатуру [Law of Ukraine On the Bar, Law N 2887-XII dated December 19, 1992] as variously amended, Article 9 (lawyer and legal assistants).

See, also, Спілка адвокатів України [Union of Advocates of Ukraine], Rules of Advocates Ethics, Article 9(7) (observance of the principle of confidentiality by lawyer's assistants and technical personnel)

In-house Counsel Covered? No

Relevant Local Bar Association(s): Асоціація правників України [Association of Ukrainian Lawyers]
www.uba.ua

Спілка адвокатів України [Union of Advocates of Ukraine]
www.cay.org.ua

United Kingdom

Terminology: legal advice privilege, litigation privilege, legal professional privilege, attorney-client privilege, privilege against disclosure, client confidentiality

Source(s) of Confidentiality Duties Imposed on

Lawyers: Code of Conduct of the Bar of England and Wales (eighth edition), Article 702 (confidentiality)

Guide to the Professional Conduct of Solicitors (eighth edition, 1999) of the Law Society of England and Wales, Rule 16E (duty of confidentiality and disclosure)

Guidance on Money Laundering of the Law Society of England and Wales, particularly Chapter 4 (Privilege and Confidentiality) ("legal professional privilege" at Articles 4.4 and 4.5; "advice privilege" at Articles 4.8 and 4.9, "litigation privilege" at Article 4.10 and crime-fraud exception at Articles 4.12-4.14)

Solicitors' Practice Rules 1990 of the Law Society of England and Wales, amended 9 February 2005, Rule 1(b) and (c) (implied)

Law Society of Northern Ireland Summary of LSNI Regulatory Framework, Appendixes 2 and 3 (confidentiality of client's information)

Guide to the Professional Conduct of Advocates (Faculty of Advocates of Scotland), Articles 8.1.1 and 10.2 (confidentiality)

Law Society of Scotland, Code of Conduct, Article 4 (confidentiality)

See also, CCBE's Code of Conduct for European Lawyers, amended 19 May 2006, Article 2.3.1-2.3.4 (general duties of professional confidentiality)

Penalties: Code of Conduct of the Bar of England and Wales (eighth edition), Articles 901.1-905 (compliance)

Disciplinary proceedings in England and Wales are dealt with in sections 43-44, 46-48 and 54-55 of the Solicitors Act 1974, paragraphs 16-21 of Schedule 2 to the Administration of Justice Act 1985 and paragraphs 15-16 of Schedule 14 to the Courts and Legal Services Act 1990

Guide to the Professional Conduct of Advocates (Faculty of Advocates of Scotland), Article 11.4 (disclosure of client confidences during disciplinary proceedings)

Staff and Employees Covered? Yes (implied)

In-house Counsel Covered? Yes (will depend upon specific circumstances and will likely be protected if the Court is satisfied that the primary purpose of the advice was regarding legal rights and obligations, as opposed to general business advice)

Relevant Local Bar Association(s): Bar Council of England and Wales
www.barcouncil.org.uk

Law Society of England and Wales
www.lawsociety.org.uk

Law Society of Northern Ireland
www.lawsoc-ni.org

Faculty of Advocates of Scotland
www.advocates.org.uk

Law Society of Scotland
www.lawscot.org.uk

Law Society Commerce & Industry Group (+ Bar Association for Commerce, Finance & Industry (BACFI)) [ECLA]
www.cigroup.org.uk

Law Society of Scotland (In-House Lawyers Group (ILG)) [ECLA]
www.lawscot.org.uk/Members_Information/inhouse

Dawn Raid, in various languages

Bulgarian	Съхранение на доказателства
Croatian	nenajavljeni pregled prostorija i knjiga
Czech	předvečerní razie, zachování důkazů
Danish	uannmeldt kontrolbesøg (af konkurrencemyndighederne), bevarelse af bevismateriale
Dutch	inval van de controleoverheid, verificatie, huiszoeking
Estonian	tõendusmaterjali säilitamine
Finnish	yllätystarkastus
French	perquisition, descente des autorités de contrôle
German	Betriebsdurchsuchung, Hausdurchsuchung
Greek	αίφνιδια επιτόπου έρευνα
Hungarian	helyszíni vizsgálat, házkutatás, bizonyítékok lefoglalása
Italian	perquisizione (domiciliare), visita domiciliare
Norwegian	bevissikring, uannmeldt undersøkelse, uannmeldte kontrollbesøk
Polish	przeszukanie i zajęcie, ochrona dowodów
Portuguese	inspecção ou busca, munida de mandado judicial, preservação de provas
Russian	сохранение доказательства
Slovakian	zachovanie dôkazov
Slovenian	hranjenje dokazov
Spanish	visita domiciliaria
Swedish	gryningsråd, Konkurrensverkets gryningsråd
Turkish	şafak baskını

Disclaimer and Copyright Notice

Dear Reader:

We hope that you enjoy this guide to attorney-client privilege and confidentiality matters throughout Europe. As its name states, it is a guide and not in any way complete.

Nothing herein constitutes legal advice of any kind or creates an attorney-client relationship. Legal advice must be sought on a case by case basis and requires disclosure and analysis of all relevant facts and laws. This booklet is solely a source of general information and not a source of legal advice. Please do not rely or act upon the information herein.

The copyright owners own all text, content, arrangements, compositions, layouts, classifications, images and other materials provided herein (collectively, the "Materials"). Except as specifically provided below, none of the Materials or any part thereof may be copied, reproduced, reformatted, distributed, stored, displayed or transmitted in any form or by any means, without the prior written permission of Eversheds. You may, however, make fair use of the Materials for personal, non-commercial purposes, solely within your own organization, provided that you do not modify or adapt the Materials or create derivative works based upon the Materials and that you retain all copyright and other proprietary notices contained herein, including this Disclaimer and Copyright Notice.

The limited permission granted hereby will terminate automatically if any of these conditions are not fully adhered to or are breached in any way.

All unauthorized materials derived from the Materials must be destroyed. Unauthorized use may violate copyright, trademark and other laws.

THE MATERIALS AND THEIR CONTENTS ARE PROVIDED "AS IS", WITHOUT WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY, OF FITNESS FOR A PARTICULAR PURPOSE, OF ERROR CORRECTION, OR OF NON-INFRINGEMENT.

Eversheds worldwide



Barcelona

Lupicinio Eversheds
Avda Diagonal 520
08006 Barcelona
Spain
Tel: +34 93 488 28 02
Fax: +34 93 488 27 33

Birmingham

115 Colmore Row
Birmingham B3 3AL
United Kingdom
Tel: +44 121 232 1000
Fax: +44 121 232 1900

Brussels

75 Avenue de Cortenbergh
1000 Brussels, Belgium
Tel: +32 2 737 9340
Fax: +32 2 737 9345

Budapest

Sándor Szegedi Szent-Ivány
Komáromi Eversheds
1026 Budapest
Pasaréti út 59, Hungary
Tel: +36 1 394 3121
Fax: +36 1 392 4949

Cambridge

Kett House
Station Road
Cambridge CB1 2JY
United Kingdom
Tel: +44 1223 443666
Fax: +44 1223 443777

Cardiff

1 Callaghan Square
Cardiff CF10 5BT
United Kingdom
Tel: +44 29 2047 1147
Fax: +44 29 2046 4347

Copenhagen

Østergade 27
DK-1100 Copenhagen
Denmark
Tel: +45 33 75 05 05
Fax: +45 33 75 05 00

Doha

Qatar Financial Centre
PO Box 24148
Office 403, QFC Tower
Diplomatic Area
West Bay
Doha, Qatar
Tel: +974 496 7396
Fax: +974 496 7399

Dublin

O'Donnell Sweeney Eversheds
One Earlsfort Centre
Earlsfort Terrace
Dublin 2
Ireland
Tel: +353 1 6644200
Fax: +353 1 6644300

Ipswich

Franciscan House
51 Princes Street
Ipswich IP1 1UR
United Kingdom
Tel: +44 1473 284428
Fax: +44 1473 233666

Kuala Lumpur

Shahrizat Rashid & Lee
Level 12 & 13
Menara Millenium
8 Jalan Damanlela
Damansara Heights
50490 Kuala Lumpur
Malaysia
Tel: +60 3 2710 5555
Fax: +60 3 2710 3107

Leeds

Cloth Hall Court
Infirmary Street
Leeds LS1 2JB
United Kingdom
Tel: +44 113 243 0391
Fax: +44 113 245 6188

London

Senator House
85 Queen Victoria Street
London EC4V 4JL
United Kingdom
Tel: +44 20 7919 4500
Fax: +44 20 7919 4919

Madrid

Lupicinio Eversheds
Villanueva 29
28001 Madrid
Spain
Tel: +34 91 436 00 90
Fax: +34 91 435 30 49

Manchester

Eversheds House
70 Great Bridgewater Street
Manchester M1 5ES
United Kingdom
Tel: +44 161 831 8000
Fax: +44 161 831 8888

Milan

Piergrossi Bianchini Eversheds
Via Festa del Perdono 10
20122 Milan
Italy
Tel: +39 02 89 28 71
Fax: +39 02 58 30 38 18

Munich

Heisse Kursawe Eversheds
Maximiliansplatz 5
80333 Munich
Germany
Tel: +49 89 54 56 50
Fax: +49 89 54 56 52 01

Newcastle

Central Square South
Orchard Street
Newcastle upon Tyne
NE1 3XX
United Kingdom
Tel: +44 191 241 6000
Fax: +44 191 241 6499

Norwich

Holland Court, The Close
Norwich NR1 4DX
United Kingdom
Tel: +44 1603 272727
Fax: +44 1603 610535

Nottingham

1 Royal Standard Place
Nottingham NG1 6FZ
United Kingdom
Tel: +44 115 950 7000
Fax: +44 115 950 7111

Paris

Eversheds Frere Cholmeley
 8 Place d'Iéna
 75116 Paris
 France
 Tel: +33 1 55 73 40 00
 Fax: +33 1 55 73 40 11

Rome

Piergrossi Bianchini Eversheds
 Via Pompeo Magno 1
 Rome 00192
 Italy
 Tel: +39 06 32 25 844
 Fax: +39 06 32 01 012

Shanghai

Units 501-502, Platinum
 No. 233 Taicang Road
 Luwan District
 Shanghai 200020, PRC
 Tel: +86 21 6137 1088
 Fax: +86 21 6137 1099

Sofia

Georgiev, Todorov & Co
 27 Parchevich Street
 Sofia 1000
 Bulgaria
 Tel: +359 2 937 65 00
 Fax: +359 2 937 65 25

Stockholm

Andrén Bratt Eversheds
 Norrlandsgatan 16
 111 43 Stockholm
 Sweden
 Tel: +46 8 545 322 00
 Fax: +46 8 545 322 01

Valladolid

Lupicinio Eversheds
 Santiago 29,
 47001 Valladolid
 Spain
 Tel: +34 98 336 08 36
 Fax: +34 98 336 08 37

Vienna

Lambert Eversheds
 Kärntner Ring 12
 1010 Vienna
 Austria
 Tel: +43 1 516 20
 Fax: +43 1 516 20 20

Warsaw

Wierzbowski Eversheds
 Centrum Jasna
 ul. Jasna 14/16A
 00-041 Warsaw
 Poland
 Tel: +48 22 50 50 700
 Fax: +48 22 50 50 701

Wrocław

Wierzbowski Eversheds
 Plac Solny 20
 50-063 Wrocław
 Poland
 Tel: +48 71 71 93 500
 Fax: +48 71 71 93 501





For a full list of our offices and contact details please visit



EVERSHEDS

www.eversheds.com

EINT.363.07

© Eversheds LLP 2007. Eversheds LLP is a limited liability partnership, registered in England and Wales, registered number OC304065, registered office Senator House, 85 Queen Victoria Street, London EC4V 4JL. Please note that when we refer to "a partner" or "partners" of Eversheds LLP, the term "partner" indicates a member of Eversheds LLP. It should not be construed as indicating that the members of Eversheds LLP are carrying on business in partnership for the purposes of the Partnership Act 1890.