



## CODE OF CONDUCT FOR EUROPEAN LAWYERS

### ***Commentary on Article 1.4 – Field of Application Ratione Personae***

The rules are stated to apply to all lawyers as defined in the Lawyers Services Directive of 1977 and the Lawyers Establishment Directive of 1998, and lawyers of the Observer Members of the CCBE. This includes lawyers of the states which subsequently acceded to the Directives, whose names have been added by amendment to the Directives. The Code accordingly applies to all the lawyers represented on the CCBE, whether as full Members or as Observer Members, namely:

Austria Rechtsanwalt;  
Belgium avocat / advocaat / Rechtsanwalt;  
Bulgaria advokat;  
Croatia odvjetnik;  
Cyprus dikegóros;  
Czech Republic advokát;  
Denmark advokat;  
Estonia vandeadvokaat;  
Finland asianajaja / advokat;  
FYROMacedonia advokat;  
France avocat;  
Germany Rechtsanwalt;  
Greece dikegóros;  
Hungary ügyvéd;  
Iceland lögmaður;  
Ireland barrister, solicitor;  
Italy avvocato;  
Latvia zvērīnāts advokāts;  
Liechtenstein Rechtsanwalt;  
Lithuania advokatas;  
Luxembourg avocat / Rechtsanwalt;  
Malta avukat, prokuratur legali;  
Netherlands advocaat;  
Norway advokat;  
Poland adwokat, radca prawny;  
Portugal advogado;  
Romania avocat;  
Slovakia advokát / advokátka;  
Slovenia odvetnik / odvetnica;  
Spain abogado / advocat / abokatu / avogado;

Sweden advokat;  
Switzerland Rechtsanwalt / Anwalt / Fürsprech /  
Fürsprecher / avocat / avvocato /advokat;  
Turkey avukat;  
Ukraine advocate;  
United Kingdom advocate, barrister, solicitor.

### ***Commentary on Article 1.5 – Field of Application Ratione Materiae***

The rules are here given direct application only to “cross-border activities”, as defined, of lawyers within the EU and the EEA and lawyers of the Observer Members of the CCBE - see above on Article 1.4, and the definition

of “Member State” in Article 1.6. (See also above as to possible extensions in the future to lawyers of other states.) The definition of crossborder

activities would, for example, include contacts in state A even on a matter of law internal to state A between a lawyer of state A and a lawyer of state B; it would exclude contacts between lawyers of state A in state A of a matter arising in state B, provided that none of their professional

activities takes place in state B; it would include any activities of lawyers of state A in state B, even if only in the form of communications sent from state A to state B.

### ***Commentary on Article 3.2 – Conflict of Interest***

The provisions of Article 3.2.1 do not prevent a lawyer acting for two or more clients in the same matter provided that their interests are not in fact in conflict and that there is no significant risk of such a conflict arising.

Where a lawyer is already acting for two or more clients in this way and subsequently there arises a conflict of interests between those clients or a risk of a breach of confidence or other circumstances where the lawyer’s independence may be impaired, then the lawyer must cease to act for both or all of them.

There may, however, be circumstances in which differences arise between two or more clients for whom the same lawyer is acting where it may be appropriate for the lawyer to attempt to act as a mediator. It is for the lawyer in such cases to use his or her own judgement on whether or not there is such a conflict of interest between them as to require the lawyer to cease to act. If not, the lawyer may consider whether it would be appropriate to explain the position to the clients, obtain their agreement and attempt to act as mediator to resolve the difference between them, and only if this attempt to mediate should fail, to cease to act for them.

Article 3.2.4 applies the foregoing provisions of Article 3 to lawyers practising

in association. For example a firm of lawyers should cease to act when there is a conflict of interest between two clients of the firm, even if different

lawyers in the firm are acting for each client. On the other hand, exceptionally, in the “chambers” form of association used by English barristers,

where each lawyer acts for clients individually, it is possible for different

lawyers in the association to act for clients with opposing interests.  
lawyers from non-Member States or members of other legal professions in  
the Member States such as notaries.