

Independence

Conducting a study on company lawyers' independence is a part of ECLA's actions.

Ethics

Ethics create and impose special duties and responsibilities on all lawyers, including company lawyers. Lawyers must comply with these special obligations in their relationships and interactions with their internal clients (or sole client – the company), business partners, third parties, both inside and outside the courtroom, judges, fellow lawyers and more generally with any other members of society. Drafting a European Code of Ethics is part of ECLA's actions.

ECLA Representatives in Lisbon (April 2013)



ECLA Members, Organisation and Management

ECLA is an umbrella organisation of national associations for company lawyers in Europe. It is an international non-governmental and non-profit association incorporated under Belgian law. Its registered office is in Brussels.

ECLA membership is restricted to the national associations that safeguard the professional qualifications of company lawyers on a national level and ensure that these lawyers comply with a Code of Ethics and disciplinary rules in their respective countries.

ECLA is managed by its General Assembly which includes as many members as there are national associations, each national association appointing one representative. The General Assembly usually meets twice a year. It elects the Executive Board, which consists of the President, the Secretary, the Treasurer and one or more Vice-Presidents who manage the daily activities of ECLA with the assistance of the General Manager.

Funding

ECLA is a non-profit organization funded by different kinds of sponsoring contributions including membership fees, sponsorship contributions and conference proceeds.

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**European Company
Lawyers Association**

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European Company Lawyers Association

ECLA is an umbrella organisation of national associations of company lawyers in Europe. ECLA has never ceased to gain recognition since its creation in 1983, making it the leading European association for company lawyers. ECLA is a non-governmental and a non-profit organisation. ECLA provides an ideal structure to observe the development of the profession across Europe and offers a unique platform for discussing, networking and lobbying on a European level.

ECLA's Role

- Recognition of the **professional status of company lawyers**
- Identification and promotion of regulatory opportunities for enhancing the position of company lawyers
- Identification and elimination of **regulatory or judiciary threats** to the position or practice of company lawyers across EU member states

ECLA's Actions

- Building recognition for **legal professional privilege**
- Promoting the **profession** of company lawyers to the benefit of their companies
- Encouraging the **freedom of movement** for company lawyers across borders
- Supporting the discussions on creating frameworks for **independence and ethics**
- Offering continued legal education and sharing **best practices** across countries (ECLA organises events and takes part in many legal events and interviews)
- Assisting in **setting-up** and developing **local associations** for company lawyers within Europe

- **Liaising** and **cooperating** with other legal associations and international organisations
- Influencing other key stakeholders such as the EU Commission, European Parliament, national governments and parliaments
- Creating **networking** opportunities for members, including social networking
- Providing **benefits** to members and their company lawyers who are ECLA members (e.g.; discounts to members for diverse legal events/services)
- Preparing **white papers, studies, reports and surveys**
- Producing a video programme/interviews: **ECLAvideo**
- Publishing a newsletter: **ECLAnews**
- Promoting **pro-bono** activities for company lawyers
- Assisting members in using and sharing existing legal sources of **information** and **knowledge**
- Sharing **best practices** on new systems and technologies for company lawyers, e.g. contract management, knowledge management, compliance and legal risk management.

Credentials

ECLA is a non-governmental observer at the United Nations Commission on International Trade Law (UNCITRAL).

ECLA Advisory Council

The Advisory Council set up by ECLA gathers, supports and conducts research to further ECLA's promotion of the company lawyer's profession. Members of the ECLA Advisory Council are helping the profession on a pro-bono basis and contribute to the advocacy of the company lawyer's profession.

Legal Professional Privilege

Legal professional privilege means that communications between a company and its lawyer in which legal advice is sought and offered are confidential and cannot be used against the company. It is essential to ensure that legal advice can be obtained in complete freedom. Legal professional privilege should apply just as much to a company communication with its company lawyer as it does to its outside counsel.

It is a fundamental right of defence – part of due process in a number of European jurisdictions but not at the EU level. Despite the European Parliament's vote in favour of extending legal professional privilege to company lawyers before the European Institutions, this issue was not addressed in the modernised Articles 101 and 102 Treaty on the Functioning of the European Union (formerly Articles 81 and 82 of the EC Treaty). This has led to significant legal uncertainty and different jurisprudence in the various member states.

ECLA aims to develop the legal professional privilege for companies and their lawyers and to extend this important concept throughout Europe. It seeks to have the following principle recognised: communications between a company and its company lawyer containing or seeking legal advice, should be privileged, provided that the lawyer is properly qualified and complies with the adequate professional rules of ethics and discipline which are laid down and enforced by the professional association which the lawyer is a member of.