

# Lawyers' training curriculum in EU Law



EU Law Training  
Curriculum for Lawyers  
and Brussels Study Visits

 #BREULAW



Co-funded by the European Union



Co-funded by the European Union

Accurate up to **1 November 2024**

# Table of contents



Introduction .....	3
Curriculum in EU law for practising lawyers .....	7
<b>01</b> EU legal order and reach of EU law .....	8
<b>02</b> Remedies .....	11
<b>03</b> Procedural rules at EU level .....	19
<b>04</b> EU law relating specifically to lawyers .....	25
<b>05</b> How to find, research and use EU law .....	31

# Introduction

# Introduction

---

This curriculum has been produced as part of the [BREULAW](#) project, co-funded by the European Union and run by a consortium composed of the European Lawyers Foundation (ELF) and the Council of Bars and Law Societies of Europe (CCBE).

The following have been agreed as the criteria for the curriculum:

- it is targeted at the needs of practising lawyers in their daily work, and so it focuses on working requirements rather than being a purely academic curriculum;
- as a result, it is not a copy of the many academic curricula which already exist in European universities and academies in which EU law is taught, and which will have been taught to EU lawyers on their route to qualification – its focus is on the practical and procedural aspects of EU law which are not already widely taught, and where a gap in legal education is seen;
- its level is aimed at use as part of the initial or qualifying training of lawyers, although also able to be adapted to continuing legal education courses.

Given the above criteria, it is worth repeating that this curriculum is not aimed at the substance of EU law (meaning the black letter law forming the basis of the EU's structure and reach, which is already taught to law students in the EU, either during their law degree or at postgraduate level).

There are expected training outcomes listed at the beginning of each of the sections of the curriculum, explaining the concrete skills, knowledge and practical abilities that the curriculum aims to see realised. These outcomes are based on the CCBE's ['Recommendation on Training Outcomes for European Lawyers'](#).

## Special features of this curriculum



### 1. Practical guides:

Given that it is a curriculum for everyday practice, this curriculum features many practical guides which have already been produced by various authoritative European bodies: the CCBE, the EU itself (through the e-Justice portal), the Council of Europe, and the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). It is the first time that these various invaluable guides have been brought together into one place. In its own right, this assembly forms a valuable teaching aid and aid to practice for lawyers.

As a result, under each topic, the curriculum will be listed and, underneath, the available guides will also be contained in a separate list.

### 2. Practical EU instruments:

The curriculum also includes aspects of EU practice that are not usually contained in academic curricula, but are invaluable for the day-to-day practice of lawyer – for instance, the civil procedural rules around the European payment order, the taking of evidence, and service of documents; or the attention paid to the various EU-wide registries (business, insolvency and land) and other directories of information; and the separate section on EU law relating specifically to lawyers.

These special features justify the focus throughout on the needs of practising lawyers, and differentiate this curriculum from the many other academic curricula on the same general subject-area of EU law in existence.

# Structure



## 1. EU legal order and reach of EU law:

This opens the curriculum, and is the one piece of the curriculum which might find a place also in an academic curriculum. It is an introduction to the principles and spread of EU law, without going into the details of the institutional framework and other aspects, such as the legislative process, which support EU law. The principles and spread are vital pieces of information for every practising EU lawyer.

## 2. Remedies:

Clients go to lawyers for remedies, and so this section lies at the heart of a lawyer's practice. It is divided into the Court of Justice of the European Union, the European Court of Human Rights, and alternative dispute resolution. There are excellent existing practical guides covering the two courts in Luxembourg and Strasbourg.

## 3. Procedural rules at EU level:

Once again, a lawyer's role is to implement procedures. This covers both civil and criminal, extending to the full range of EU instruments in both, with excellent accompanying guides.

## 4. EU law relating specifically to lawyers:

This is probably not covered in any academic curriculum, although it is vital for lawyers. There are free movement rules, and an EU-wide code of conduct, but also specific EU laws which have provisions exclusive to lawyers.

## 5. How to find, research and use EU law :

Although there are some general resources cited, the major contribution of this section is to draw attention to the rich treasury of information on the e-Justice portal, and produced by the Fundamental Rights Agency in the context of the EU Charter of Fundamental Rights.

# Curriculum in EU law for practising lawyers

# 01.

## EU legal order and reach of EU law



### Expected training outcomes

Thorough understanding of the principal features and the major concepts, values and principles of the European legal system, and in particular:

- a knowledge and understanding of the difference between the various kinds of EU legal acts;
- b knowledge and understanding of the various EU legal principles;
- c knowledge and understanding of the broad scope and coverage of EU law; and
- d the skills and ability to use the above acts, principles and coverage in daily practice as a lawyer on behalf of clients.





# 1.1

## EU legal order

---

**1.1.1** A legal order, autonomous from the legal orders of the Member States and from international law;

**1.1.2** It is based on the foundational values of the European Union (Article 2 Treaty on European Union – TEU).

# 1.2

## Sources of EU law

---

**1.2.1** Primary law: treaties, Charter of Fundamental Rights of the European Union, etc.;

**1.2.2** Secondary law: regulations, directives, decisions, recommendations, opinions, etc.;

**1.2.3** General principles of EU law (see 1.4 below);

**1.2.4** Other sources: case-law of the Court of Justice of the European Union (see 2.2 below), international agreements and international law.

# 1.3

## Accepted general principles of European Union law

**1.3.1** Compliance with the values of ‘respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities’; compliance with fundamental rights (as guaranteed by the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States (Article 6(3) of the TEU)); legal certainty; direct applicability; direct effect; primacy of EU law (and the principle of conforming interpretation); pre-emption of EU law (connected to primacy above); subsidiarity; proportionality; conferral; sincere cooperation; EU respect for Member States; no hierarchy among EU values; precautionary principle; general principles common to the laws of the Member States.

# 1.4

## Reach of EU law

**1.4.1 Exclusive competences:** customs union, competition rules for the single market; monetary policy for the eurozone countries; trade and international agreements (under certain circumstances); marine plants and animals regulated by the common fisheries policy;

**1.4.2 Shared competences:** single market; employment and social affairs; economic, social and territorial cohesion; agriculture; fisheries; environment; consumer protection; transport; trans-European networks; energy; justice and fundamental rights; migration and home affairs; public health (for the aspects defined in Article 168 of the Treaty on the Functioning of the European Union); research and space; development cooperation and humanitarian aid;

**1.4.3 Supporting competences:** public health; industry; culture; tourism; education and training, youth and sport; civil protection; administrative cooperation;

**1.4.4 Special role:** coordination of economic, social and employment policies; definition and implementation of the Common Foreign and Security Policy; the ‘flexibility clause’, which under strict conditions enables the EU to take action outside its normal areas of responsibility.

# 1.5

## Guides on EU legal order and reach of EU law

**1.5.1** Lawyers and training providers are encouraged to visit the [European Training Platform](#), which has a wide variety of self-learning material on a broad range of EU law topics, including the above. The content is regularly updated with new material. It also provides information on current courses.

# 02.

## Remedies



### Expected training outcomes

- 1 Knowledge of the jurisdiction and procedure of the Court of Justice of the European Union (CJEU), and the EU mechanisms for alternative dispute resolution;
- 2 Knowledge of the jurisdiction and procedure of the European Court of Human Rights (ECtHR) of the Council of Europe;
- 3 The skills and ability to apply to the CJEU and ECtHR and represent clients in audience before them, including the skills and ability to:
  - draft submissions, and
  - advocate in person before the Court;
- 4 The skills and ability to use EU alternative dispute mechanisms effectively on behalf of clients.



## 2.1

### Court of Justice of the European Union (CJEU)

**Two courts** which ensure the uniform application and interpretation of EU law:

**2.1.1 The General Court's jurisdiction:** actions brought by natural or legal persons against acts of a range of official bodies of the EU, or against their failure to act; actions brought by Member States against the Commission or the Council; actions seeking compensation for damage caused by a range of official bodies of the EU or their staff; actions based on EU contracts which expressly give jurisdiction to the General Court; intellectual property actions brought against the European Union Intellectual Property Office and against the Community Plant Variety Office; disputes between the institutions of the EU and their staff concerning employment relations and the social security system.

**2.1.2 The Court of Justice's jurisdiction:** references for preliminary rulings (in six areas, jurisdiction over preliminary rulings have been transferred to the General Court: (i) VAT, (ii) excise duties, (iii) Customs Code, (iv) tariff classification of goods under the Combined Nomenclature, (v) passenger transport delayed, cancelled or denied boarding, and (vi) greenhouse gas emission allowance trading ([Regulation \(EU, EURATOM\) 2024/2019](#))); actions for annulment; actions for failure to fulfil obligations; actions for failure to act; appeals from the General Court.

**2.1.3 Types of proceedings:** infringement procedures; direct actions; liability actions; preliminary rulings.

**2.1.4 Principles governing interplay between the competence of the Courts of the Member States and the competence of the CJEU, as well as the interplay between the EU Charter of Fundamental Rights and the European Convention on Human Rights (ECHR):** national procedural autonomy; effectiveness; equivalence; state liability in damages for breach of EU law; consequences of accession of EU to ECHR.

**2.1.5 How to submit a case to the CJEU and advocate before its courts:** written and oral pleadings.

# 2.2

## Guides on remedies – Court of Justice of the European Union

### 2.2.1 CCBE guides (the first four currently being revised):



Guide to using the electronic filing system of the European Union Courts (2019)

Practical Guidance for Advocates before the Court of Justice in appeal proceedings (2016)

Practical Guidance for Advocates before the Court of Justice in Preliminary Reference cases (2015)


Practical Guidance for Advocates before the General Court in Direct Actions (2015)




### CJEU hearings' recording as a judicial training tool (videos)





 TEASER VIDEO

 VIDEO 1 General introduction to the work of the court of justice and the general court

 VIDEO 2 Different types of procedures at the CJEU and the general court

 VIDEO 3 Procedure and the different stages of a typical hearing

 VIDEO 4 Direct actions before the general court

 VIDEO 5 The reference for a preliminary ruling: a dialogue on European law with the European court of justice at the initiative of national judges

→ *Designed for lawyers*

 VIDEO 6 Preliminary reference procedure introduction specificities for lawyers

## 2.2.2 CJEU guides



[Advice to counsel appearing before the Court](#)

[Interpretation Directorate's advice to counsel appearing before the Court](#)

[Practical recommendations for representatives making oral submissions by videoconference \(2023\)](#)

[Rules of procedure, supplementary rules of procedure, and practice directions, of the Court of Justice](#)

[Rules of procedure and practice rules for the General Court](#)

[Model applications for certain proceedings before the General Court](#)

[Access to case-law](#) - this is a guide to how to use the case-law reports (the link to the case-law itself is given under 5.2.3)

[Access to national case-law of particular interest to EU law](#)

**2.2.3** Lawyers and training providers are encouraged to visit the [European Training Platform](#), which has a wide variety of self-learning material on a broad range of EU law topics, including the above. The content is regularly updated with new material. It also provides information on current courses.



## 2.3

### European Court of Human Rights (ECtHR) – Council of Europe

- **Jurisdiction** – not an EU court, rules on individual or State applications alleging violations of the civil and political rights set out in the **European Convention on Human Rights (ECHR)**;
- **Basic principle** – the exhaustion of national remedies;
- How to **submit a case** to the ECtHR and **advocate before the court**.

## 2.4

### Guides on remedies – European Court of Human Rights (ECtHR)

#### 2.4.1 CCBE guide:



[The European Court of Human Rights: Questions & Answers for Lawyers \(2023\)](#)

#### 2.4.2 The ECtHR offers:



Detailed procedural guidance, both written and in video format, on how to apply to the ECtHR;

[Practice directions and rules of court](#) on the ECtHR's procedural aspects

[Practical Guide on admissibility criteria](#);

A **Knowledge Sharing platform (ECHR-KS)**, to share Convention case-law knowledge on every article in the ECHR as well as transversal themes dealing with popular topics, complementing existing information tools such as HUDOC. The ECHR-KS is maintained by the Registry and its content does not bind the Court.

In addition, the **European Programme for Human Rights Education for Legal Professionals (HELP)** supports Council of Europe Member States in implementing the ECHR at the national level. It has many online courses and resources available, including one on the interplay between the EU Charter and the ECHR.





European  
Social  
Charter

Charte  
sociale  
européenne

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## 2.5

### Other remedies – Council of Europe

The **European Social Charter** is a second Council of Europe treaty that guarantees fundamental social and economic rights (as a counterpart to the ECHR, which refers to civil and political rights); its rights relate to employment, housing, health, education, social protection and welfare, and are monitored by the European Committee of Social Rights (not directly enforceable in domestic legal systems). There is a Collective Complaints procedure, with the aim of increasing the effectiveness, speed and impact of the implementation of the Charter.

## 2.6

### Alternative dispute resolution systems within the EU

- on promoting **amicable settlement of disputes**, including through mediation (Directive 2008/52/EC – EU Mediation Directive)
- on requiring Member States to act to **increase consumers' access to alternative dispute resolution (ADR)** (Directive 2013/11/EU – ADR directive) (new proposed directive to amend this Directive published by the European Commission on 17/10/2023);
- on the **establishment of the European Online Dispute Resolution (ODR) platform** (Regulation (EU) 524/2013 – Online Dispute Resolution Regulation) (new proposed regulation to discontinue the European ODR platform, so repealing Regulation (EU) 524/2013, published by the European Commission on 17/10/2023);
- on **quality requirements** for dispute resolution procedures offered by online marketplaces and Union trade associations (Commission recommendation C(2023) 7019)

## 2.7

### Guides on remedies – alternative dispute resolution

#### 2.7.1



[CCBE and CEPEJ Training programme for lawyers to assist clients in mediation \(2019\)](#)

[CCBE and CEPEJ Guide to Mediation for Lawyers \(2018\)](#)

The website of the European Commission's ODR platform has [guides](#) as to its use.

**2.7.2** SOLVIT is a European Commission [service](#) which can help when the EU rights of a citizen or a business are breached by public authorities in another EU country and the case has not yet been taken to court.

**2.7.3** Lawyers and training providers are encouraged to visit the [European Training Platform](#), which has a wide variety of self-learning material on a broad range of EU law topics, including the above. The content is regularly updated with new material. It also provides information on cross-border training courses available in different Member States.

# 03.

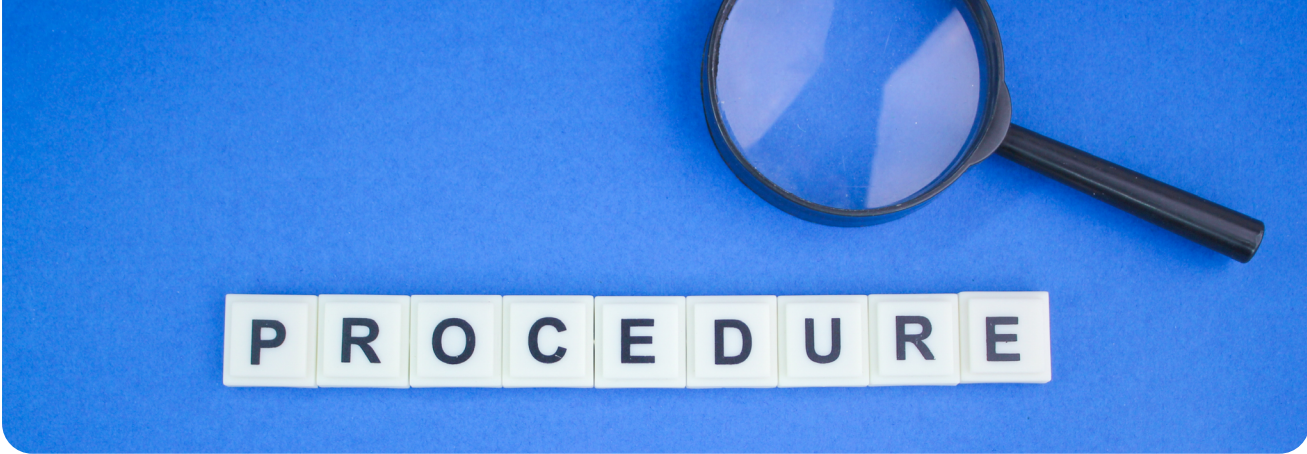
## Procedural rules at EU level



### Expected training outcomes

Knowledge of EU procedural law, in particular:

- a knowledge and understanding of the many areas in which the EU has implemented procedural rules in both civil and criminal law, and;
- b the skills and ability to use these procedural rules effectively on behalf of clients in everyday practice as required, in the area of both civil and criminal law.



# PROCEDURE

## 3.1

### Procedural rules – civil and criminal

- on **digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters** ([Regulation \(EU\) 2023/2844](#)) (application will vary according to the legal act covered by the Regulation: some will be subject to the Regulation from May 2025, while some only from 2026 and beyond)

## 3.2

### Procedural rules – civil

- on **jurisdiction and recognition and enforcement of judgments in civil and commercial matters** ([Regulation \(EU\) 1215/2012 - Brussels I](#));
- on **helping international couples resolve disputes**, involving more than one country, over their divorce and the custody of their children and regulations ([Regulation \(EC\) 2201/2003 - Brussels IIa](#) for proceedings started before 1/8/22, and [Regulation \(EU\) 2019/1111 - Brussels IIb](#) for proceedings started after 1/8/22);
- on the **law applicable to contractual obligations**, as to which national law should apply to contractual obligations in civil and commercial matters involving more than one Member State ([Regulation \(EC\) 593/2008 - Rome I](#));
- on the **law applicable to non-contractual obligations** ([Regulation \(EC\) No 864/2007 - Rome II](#));
- on **enhanced cooperation in the area of the law applicable to divorce and legal separation** to provide citizens with appropriate outcomes in terms of legal certainty, predictability and flexibility, protecting weaker partners during divorce disputes and preventing 'forum shopping', to help avoid complicated, lengthy and painful proceedings ([Regulation \(EU\) 1259/2010 - Rome III](#));

- on the **property regimes of international marriages** ([Regulation \(EU\) 2016/1103](#)) and **international registered partnerships** ([Regulation \(EU\) 2016/1104](#)) aimed at helping couples manage their property on a daily basis and to divide it in case of divorce, dissolution or of the death of one member;
- on **jurisdiction, applicable law, recognition of decisions and acceptance of authentic instruments in matters of parenthood and on the creation of a European Certificate of Parenthood** ([Regulation not yet agreed](#));
- **cross-border insolvency proceedings** (covers which court has jurisdiction to open an insolvency case; the applicable national law; recognition of the court's decision when a company, a trader or an individual becomes insolvent) ([Regulation \(EU\) 2015/848 – Insolvency Regulation](#));
- regulation relating to **maintenance obligations** to ensure the effective and swift recovery of maintenance ([Regulation \(EC\) No 4/2009](#));
- **Anti-SLAPP directive** on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ([Directive \(EU\) 2024/1069](#)), together with the Commission Recommendation on SLAPPs, which urges Member States to ensure bar codes of conduct are aligned with the Recommendation, and that lawyers are trained in anti-SLAPP measures ([Commission Recommendation \(EU\) 2022/758](#));
- **European payment order** procedure allowing creditors to recover their uncontested civil and commercial claims according to a uniform procedure that operates on the basis of standard forms ([Regulation \(EC\) 1896/2006](#));
- **European Small Claims Procedure** improving and simplifying procedures in civil and commercial matters where the value of a claim does not exceed 5000 € ([Regulation \(EC\) 861/2007](#));
- minimum common rules relating to **legal aid for cross-border disputes** for persons who lack sufficient resources where aid is necessary to secure effective access to justice ([Council Directive 2003/8/EC](#));
- on the **service** in the Member States of judicial and extrajudicial documents in civil or commercial matters to improve and expedite their transmission ([Regulation \(EU\) 2020/1784](#));
- on cooperation between the courts of the Member States in the **taking of evidence in civil or commercial matters** to improve, simplify and accelerate cooperation ([Regulation \(EU\) 2020/1783](#));
- **European Enforcement Order** for uncontested claims ([Regulation \(EC\) 805/2004](#));

- a mechanism on **mutual recognition of protection measures in civil matters** allowing for a direct recognition of protection orders issued as a civil law measure between Member States ([Regulation \(EU\) 606/2013](#));
- on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance of authentic instruments aims at facilitating the handling of **international successions** for citizens ([Regulation \(EU\) 650/2012](#));
- **European Account Preservation Order (EAPO)** lets a court in one EU country freeze funds in the bank account of a debtor in another EU country, to be used in cross-border cases only, whereby the court carrying out the procedure or the country of domicile of the creditor must be in a different Member State than the one in which the debtor's account is maintained ([Regulation \(EU\) 655/2014](#));
- **compensation for crime victims**, requiring each EU Member State to set up a national scheme of compensation for all victims of violent, intentional crime, who must have access to the national compensation scheme in the Member State on whose territory the crime was committed ([Directive 2004/80/EC](#));
- on simplifying the **circulation of certain public documents** between EU countries, to reduce red tape and costs for citizens when they need to present a public document issued by the authorities of an EU country to the authorities of another EU country ([Regulation \(EU\) 2016/1191](#)).

## 3.3

### Procedural rules – criminal

#### 3.3.1 Minimum procedural safeguards for suspects and defendants (6 directives):

- on the **right to information** ([Directive 2012/13/EU](#));
- on the **right to interpretation and translation** ([Directive 2010/64/EU](#));
- on the **right of access to a lawyer and to communicate upon arrest** ([Directive 2013/48/EU](#));
- on the **right to be presumed innocent and to be present at trial** ([Directive \(EU\) 2016/343](#));
- on special **safeguards for children** suspected and accused in criminal proceedings ([Directive \(EU\) 2016/800](#));
- on the **right to legal aid** ([Directive \(EU\) 2016/1919](#)).

**3.3.2 European arrest warrant** and the surrender procedures between Member States ([Council Framework Decision 2002/584/JHA](#)).

**3.3.3 Framework decision on custodial sentences** allowing prisoners to be transferred back to the country where they normally live within fixed time-limits, to aid rehabilitation ([Council Framework Decision 2008/909/JHA](#)).

**3.3.4 Framework decision on probation measures and alternative sanctions** enabling a person to be sent back to the country where they normally live if they have been sentenced and released on probation, or given an alternative penalty in an EU country where they do not normally live ([Council Framework Decision 2008/947/JHA](#)).

**3.3.5 European Supervision Order (ESO)** applies the principle of mutual recognition to decisions on supervision measures as an alternative to pre-trial detention, enabling responsibility for non-custodial supervision to be transferred to the country where they normally live ([Council Framework Decision 2009/829/JHA](#)).

**3.3.6 European Investigation Order (EIO)** concerns a judicial decision issued in or validated by the judicial authority in one EU country to have investigative measures carried out in another EU country to gather evidence in criminal matters ([Directive 2014/41/EU](#)).

**3.3.7 Proposed regulation on the transfer of proceedings in criminal matters**, which aims at establishing common rules regulating the conditions under which criminal proceedings initiated in one Member State may be transferred to another Member State (**agreed but not yet published**).

**3.3.8 European Production Order and European Preservation Order** for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings ([Regulation \(EU\) 2023/1543](#)) (only applies from 18 August 2026).

**3.3.9 Harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings** ([Directive \(EU\) 2023/1544](#)) (to be complied with by 18 February 2026).

**3.3.10 Minimum standards on the rights, support and protection of victims of crime** ([Directive \(EU\) 2012/29](#))

**3.3.11 Regulation on the mutual recognition of freezing orders and confiscation orders** ([Regulation \(EU\) 2018/1805 on mutual recognition of freezing and confiscation orders](#))

# 3.4

## Guides to procedural rules

### 3.4.1 Procedural rules – civil and criminal

Lawyers and training providers are encouraged to visit the [European Training Platform](#), which has a wide variety of self-learning material on a broad range of EU law topics, including the above. The content is regularly updated with new material. It also provides information on current courses.

### 3.4.2 Procedural rules – civil

The European Judicial Atlas in civil matters has an extensive range of national information and online forms concerning: European payment order; small claims; legal aid; maintenance obligations; serving documents; taking evidence; and all other civil procedural rules mentioned above.

### 3.4.3 Procedural rules – criminal



[CCBE reference guide to assist EU defence practitioners](#)

[European Criminal Bar Association manual](#) on “How to defend a EAW case”

[European Commission handbook on how to issue and execute a European arrest warrant](#) (in all EU languages), with explanation of the major case-law of the Court of Justice of the European Union interpreting particular provisions of the framework decision on the EAW

Fair Trials has prepared toolkits for practitioners on the minimum procedural safeguards directives, as follows:

- [right to legal aid](#)
- [right to a lawyer](#)
- [presumption of innocence](#)
- [procedural safeguards for children](#)

The CCBE has also produced [factsheets](#) for those suspected or accused of crime in the EU



# 04.

## EU law relating specifically to lawyers



### Expected training outcomes

- 1 Knowledge and understanding of those parts of EU law which have unique application to lawyers alone, including the provisions on the free movement of lawyers across the EU, and those directives and regulations which have provisions relating to lawyers' professional secrecy/legal professional privilege or other core duties of a lawyer;
- 2 The skills and ability to use those parts of EU law which have specific or unique application to lawyers in everyday practice as a lawyer;
- 3 Knowledge and understanding of the ethical rules which apply in EU cross-border practice, and in particular the CCBE's Charter of core principles of the European legal profession & Code of conduct for European lawyers, and how they apply in the everyday practice of a lawyer.



## 4.1

### Free movement of lawyers

**4.1.1** Establishment of lawyers' directive ([Directive 98/5/EC](#));

**4.1.2** Temporary provision of services directive ([Directive 77/249/EEC](#));

**4.1.3** Recognition of professional qualifications ([Directive 2005/36/EC](#));

**4.1.4** Services in the Single Market ([Directive 2006/136/EC](#)).

## 4.2

### Professional ethics

[CCBE's Charter of core principles of the European legal profession & Code of conduct for European lawyers](#) – these are two foundation texts of the CCBE. The Charter contains a list of ten core principles common to the national and international rules regulating the legal profession. The Code of Conduct is a binding text on all lawyers who are members of EU bars in relation to cross-border activities within the EU European Economic Area and the Swiss Confederation, as well as within the jurisdictions of other CCBE member countries.

## 4.3

### EU legislation with specific impact on lawyers

**4.3.1 GDPR:** on the protection of natural persons with regard to the processing of personal data and on the free movement of such data – exceptions for professional secrecy and disciplinary proceedings ([Regulation \(EU\) 2016/679](#));

**4.3.2 Anti-money laundering** framework (previous AML Directives will be replaced by 6th AML directive ([Directive \(EU\) 2024/1640](#)), AML Regulation ([Regulation \(EU\) 2024/1624](#)), AML Authority Regulation ([Regulation \(EU\) 2024/1620](#)) and Crypto-Assets Regulation ([Regulation \(EU\) 2023/1113](#)), once they are implemented – e.g. outline of lawyers' principal duties (due diligence, reporting of suspicious transactions, no tipping-off etc.);

**4.3.3 Sanctions** regulations (various);

**4.3.4 DAC 6:** regarding mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements – exception based on legal professional privilege ([Directive \(EU\) 2018/822](#)).

**4.3.5 Procedural rules (criminal)** – these have already been listed under 3.3 above, but are mentioned here again because they have specific references to lawyers:

- **European Investigation Order (EIO)** ([Directive 2014/41/EU](#));
- **European Production Order and European Preservation Order** for electronic evidence in criminal proceedings ([Regulation \(EU\) 2023/1543](#)) (only applies from 18 August 2026);
- on the **right to information** ([Directive 2012/13/EU](#));
- on the **right to interpretation and translation** ([Directive 2010/64/EU](#));
- on the **right of access to a lawyer and to communicate upon arrest** ([Directive 2013/48/EU](#));
- on the **right to be presumed innocent and to be present at trial** ([Directive \(EU\) 2016/343](#));
- on **special safeguards for children** suspected and accused in criminal proceedings ([Directive \(EU\) 2016/800](#));
- on the **right to legal aid** ([Directive \(EU\) 2016/1919](#));
- on the **European arrest warrant** and the surrender procedures between Member States ([Council Framework Decision 2002/584/JHA](#));
- on the Framework decision on **custodial sentences** allowing prisoners to be transferred back to the country where they normally live within fixed time-limits, to aid rehabilitation ([Council Framework Decision 2008/909/JHA](#));

- on the **designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings** ([Directive \(EU\) 2023/1544](#)) (to be complied with by 18 February 2026);
- on the **minimum standards on the rights, support and protection of victims of crime** ([Directive \(EU\) 2012/29](#));
- on the Regulation on the mutual recognition of freezing orders and confiscation orders ([Regulation \(EU\) 2018/1805 on mutual recognition of freezing and confiscation orders](#)).

**4.3.6 EU Transparency Register:** establishes database listing ‘interest representatives’ who carry out activities to influence the EU policy and decision-making process; there are guidelines for applicants and registrants, and special rules for lawyers and legal advice ([2021 Interinstitutional Agreement, OJ L 207, 11.6.2021](#));

**4.3.7 Free choice of lawyer in legal expenses insurance:** Articles 200–202 of the Solvency II Directive provide for the free choice of lawyers in such cases, with exceptions ([Directive 2009/138/EC – Solvency II Directive](#)).

**4.3.8 Digitalisation of justice and the impact of AI:** while it is obvious that technology will continue to impact on lawyers’ practices, there are measures at the EU level (for instance, the regulation on **digitalisation of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters**, already mentioned, and the EU AI Act ([Regulation \(EU\) 2024/1689](#)) which are likely to have an impact on lawyers’ activities.

**4.3.9 Asylum Procedure Regulation:** contains rules on the provision of legal assistance to asylum seekers ([Regulation \(EU\) 2024/1348](#)).

## 4.4

### Council of Europe convention with specific impact on lawyers

Convention on the protection of the profession of lawyer ([expected to be adopted in May 2025](#))

# 4.5

## Guides on EU law relating specifically to lawyers

### 4.5.1 Free movement of lawyers



CCBE's [Guidelines for Bars & Law Societies on free movement of lawyers within the European Union \(2021\)](#)

European Commission's [Handbook on the implementation of the Services Directive \(Directive 2006/136/EC\) \(2022\)](#)

### 4.5.2 Professional ethics



[Guide on the use of Artificial Intelligence-based tools by lawyers and law firms in the EU \(2022\)](#)

[Corporate Social Responsibility and the Legal Profession Key Considerations for Bars and Lawyers \(2022\)](#)

[CCBE guide on lawyers' use of online legal platforms \(2018\)](#)

[CCBE guidance on improving the IT security of lawyers against unlawful surveillance \(2016\)](#)

[CCBE guidelines on the use of cloud computing services by lawyers \(2012\)](#)

[CCBE guidelines on legal outsourcing \(2010\)](#)

### 4.5.3 EU legislation with specific impact on lawyers



#### GDPR

[CCBE Guidance on the main new compliance measures for lawyers regarding the General Data Protection Regulation \(GDPR\) \(2017\)](#)

[CCBE Recommendations regarding the implementation of the General Data Protection Regulation \(GDPR\) \(2016\)](#)



#### Anti-money laundering

[A lawyer's guide to detecting and preventing money laundering \(2014\)](#)



#### Russian sanctions

[Helping EU lawyers navigate the Russian sanctions' packages \(2022\) – see questions and answers from page 18 onwards](#)



#### DAC 6

[CCBE guidance on certain aspects of the Tax Intermediaries Directive \(2018\)](#)

# 05.

## How to find, research and use EU law

This section is composed only of guides.



### Expected training outcomes

Skills for the acquisition of knowledge necessary in the everyday practice of a lawyer:

- a ability in legal research;
- b ability to identify legal issues;
- c ability to locate primary and secondary legal resources.



search

## 5.1

### A guide to some useful official websites:

**5.1.1** [European e-justice portal](#) has access to much important European legal information, including:

- [EU business, insolvency and land registers](#);
- EU-wide registers for searching for professionals – [lawyers](#), [notaries](#), legal translators and interpreters, court experts, forensic experts, and mediators;
- detailed information on the process of taking legal action in the EU, including legal systems (EU and national), mediation, legal aid, online forms, practical information concerning judicial cooperation in civil matters, access to the European Judicial Atlas in civil matters (as previously mentioned);
- EU instruments in relation to court procedures in civil (e.g. taking of evidence and service of documents) and criminal matters (e.g. conflicts of jurisdiction);
- legal information regarding family matters for cross-border issues in the EU e.g. divorce, separation, parental responsibility, family maintenance, moving abroad etc.

#### **5.1.2 EU Charter of Fundamental Rights**

The Fundamental Rights Agency has extensive [training tools](#) on the Charter e.g. a wide range of information (including national and European case law) on each and every Charter provision. Eight concrete cases as decided by the CJEU are presented together with questions about the applicability of the Charter in each one. There is also e-guidance to determine the applicability of the Charter, and a case-law database containing a compilation of case law of the CJEU and the ECtHR with direct references to the Charter, as well as a selection of national case law with direct references to the Charter from all EU Member States.



### 5.1.3 Other useful websites



[EUR-Lex](#), free portal to EU law (including [Legislative procedures](#), [EUR-Lex](#))

[Official Journal](#), [EUR-Lex](#)

[EUROPA](#), official website of the European Union

[Legislative Observatory](#), European Parliament and [Legislative Train Schedule](#), [European Parliament](#): databases for monitoring the status, players, events, and documents in the EU decision-making process, with a focus on Parliament

[Curia](#), case-law of the European Court of Justice and [Curia](#), advanced search

[CCBE](#)

[European Lawyers Foundation](#) – useful manuals and webinar material on a wide range of EU law covered in this curriculum, including on its [YouTube channel](#)