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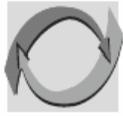
9<sup>th</sup> ASCOLA Conference Warsaw 2014 on  
PROCEDURAL FAIRNESS IN COMPETITION PROCEEDINGS

# Right of defence: protection of legal professional privilege across jurisdictions

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Hanna Stakheyeva

CENTRE FOR ANTITRUST AND REGULATORY STUDIES, UNIVERSITY OF WARSAW  
Warsaw, 26 – 28 June 2014



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# **Right of Defence: Protection of Legal Professional Privilege Across Jurisdictions**

Hanna Stakheyeva<sup>1</sup>

## **Summary :**

1. Introduction
2. Legal privilege under EU competition law
3. Protection of confidential information in Turkey
4. Scope of legal privilege under Ukrainian law
5. Concluding remarks

## **1. Introduction**

When investigating suspected violations of competition law, competition authorities have wide powers to inspect companies' business premises/home residences, private property and vehicles of the management and employees of the company, as well as take copies of documents that may help them to complete their investigation. Any written correspondence, including letters, faxes, e-mails, notes of meetings, notes of calls, diary entries, hand-written comments about proposed deals, business activities etc. produced by any member of the undertakings (companies) could be seized by the competition authorities by way of dawn raids, especially given that much *company information is nowadays stored electronically*.

The only documents that fall outside the scrutiny of the competition authorities are those protected by legal professional privilege ("legal privilege"). Normally, communications with lawyers which are confidential (i.e. not disclosed to third parties) and made for purposes of and in the interest of a client's right of defence are protected by legal privilege. The scope of legal privilege varies from one jurisdiction to another. For instance, in the common law countries, legal privilege covers communications also between in-house lawyers and clients that relate to the clients' legal position. Civil law jurisdictions tend to limit legal privilege to communication with independent external counsel and in most cases is justified by the duty of confidentiality of lawyers (either by statute or professional rules) which prevents them from disclosing client information.

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This paper addresses peculiarities of the legal privilege-related rules in various jurisdictions and analyses the main similarities and differences between them. There is specific focus on the legal privilege regime in the EU, Turkey and Ukraine. It is suggested that some form of convergence in the legal privilege rules worldwide will be beneficial both for the competition authorities and for the undertakings concerned.

## **2. Legal privilege under EU competition law**

### **2.1. Powers of the European Commission and its limitations**

The European Commission has wide investigatory powers in competition law cases. According to Article 20 of Regulation 1/2003 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty (“Regulation 1/2003”), the European Commission is empowered to conduct inspections at the business premises of the company, take copies of or extracts from books/business records, ask for oral explanations on the spot, and undertake other investigations with the view to obtaining information necessary to bring to light infringements of Article 101 and 102 of the Treaty on Functioning of the European Union (“TFEU”).

Powers of the European Commission in dawn raids are subject to constant revision to keep step with technological progress. For instance, in March 2013 the European Commission revised guidance on the conduct of dawn raid inspections at business premises of companies suspected of anti-competitive behaviour.<sup>2</sup>

The revised guidance highlights that a company’s obligation to cooperate with European Commission officials carrying out a dawn raid inspection extends to providing access to all electronically stored data. The guidance now specifically provides that a company may be required to provide members of staff to assist inspectors with IT-related tasks, such as the temporary blocking of individual email accounts or removing and re-installing hard drives from computers. In addition, it warns that when such actions are taken, the company must not interfere in any way with these measures and must inform the employees affected accordingly.

Under such circumstances, all documents can potentially be discovered and seized by the competition authorities in the EU, especially given the fact that most *company information is now stored electronically*. Documents can be obtained from a server even after they have

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<sup>2</sup>Explanatory note to an authorisation to conduct an inspection in execution of a Commission decision under Article 20(4) of Council Regulation No 1/2003// <http://ec.europa.eu/competition/antitrust/news.html>

been quickly modified or deleted, due to the existence of forensic IT techniques, which allows a full copy of a company's server to be taken – including all documents, all emails and all other correspondence, whether saved or deleted – in a matter of moments from anywhere around the globe.

At the same time, the investigatory powers of the European Commission are subject to various limitations and conditions. For instance, pursuant to Articles 20(3) and 20(4) of Regulation 1/2003, prior to entering business premises, the European Commission has to communicate to the representatives of the undertaking concerned the subject matter and purpose of the inspection. The need to protect confidentiality also limits the investigatory powers of the European Commission. Legal privilege prevents the European Commission from examining certain written communications between the company and its lawyer(s). However, legal privilege does not prevent the client from disclosing the written communications between it and its lawyer(s), if the client considers that it is in his interest to do so.<sup>3</sup>

## **2.2. Factors determining scope of legal privilege**

The right of confidentiality of communication between lawyer and client is recognized as a fundamental, constitutional or human right, “accessory or complementary to other such rights which are expressly recognised”.<sup>4</sup> The principle of legal protection of written communications between lawyer and client is recognized as such in various countries of the EU, even though there is no single, harmonized concept.<sup>5</sup> Hence, there are differing approaches in various EU member states. While in some member states legal privilege is based primarily on a recognition of the very nature of the legal profession, in other member states legal privilege is justified by the right of defence. There are no uniform principles of legal privilege governing the enforcement of competition law, which "adds to the enforcement discrepancies throughout the EU".<sup>6</sup> Several EU member states “have chosen to maintain a protection of the legal privilege that is different and at times wider in scope than at the EU level”.<sup>7</sup>

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<sup>3</sup> Para 28, Judgment of the Court of 18 May 1982. - *AM & S Europe Limited*

<sup>4</sup> The view taken by the Consultative Committee of the Bars and Law Societies of the European Community in *AM & S Europe Limited v Commission of the European Communities*.

<sup>5</sup> The view taken by United Kingdom in *AM & S Europe Limited v Commission of the European Communities*

<sup>6</sup> Michael J. Frese. The Development of General Principles for EU Competition Law Enforcement – The Protection of Legal Professional Privilege. – Amsterdam Center for Law & Economics, Working Paper No 2001-03. – p. 20.

<sup>7</sup> Christof Swaak, 2013. Legal Privilege: An overview of EU and national case law. – E-Competitions, No65144, [www.concurrences.com](http://www.concurrences.com)

The following factors determine the nature and scope of legal privilege in various jurisdictions: (i) whether the lawyer is an independent or in-house counsel; (ii) the nationality of the lawyer and whether he is a member of a national bar association; (iii) the nature of the document and purpose of the communications; (iv) the authority that conducts investigation; and (v) the ability to provide enough evidence that legal privilege applies to the documents concerned.

### **2.2.1 Independent v. in-house lawyer**

According to the judgement of the European Court of Justice ("ECJ") in *AM&S*<sup>8</sup>, confidentiality of written communications between lawyers and clients should be protected under two cumulative conditions:

- (i) information exchange with the lawyers must be connected to the right of defence of the client concerned, and
- (ii) such information exchange must emanate from an independent lawyer which is not bound to the client by any employment relationship.

In the more recent *AkzoNobel*<sup>9</sup> judgement, the ECJ followed and confirmed the *AM&S* requirements for legal privilege. It concluded that legal privilege does not cover communications between a client and its in-house lawyer because the employment relationship with the client affects the lawyer's ability to exercise his professional independence by taking into account the commercial strategies of his employer. Hence, the in-house lawyer is less able to deal effectively with any conflicts between his professional obligations and the aims of his client.

Contrary to the ECJ statement that the above two conditions are common<sup>10</sup> in the national laws of the EU member states, there are a number of jurisdictions which deviate from such criteria. For instance, while France, Finland, Lithuania and the Czech Republic follow the EU approach in terms of limiting legal privilege to external lawyers only, Romania, Bulgaria, Greece and Denmark do not distinguish between in-house and external lawyers. In the UK, legal privilege applies to both external and in-house lawyers, and in Germany, legal privilege may be applicable to in-house lawyers when there is enough evidence of a special relationship with the client in a specific case to ensure that there is a certain degree of

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<sup>8</sup>Judgment of the Court of 18 May 1982. - *AM & S Europe Limited v Commission of the European Communities*. - Legal privilege. - Case 155/79. See <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61979CJ0155&from=EN#11>

<sup>9</sup> Case C-550/07 P *Akzo Nobel Chemicals Ltd and Akros Chemicals Ltd v European Commission*

<sup>10</sup> Para 21, Case 155/79, *AM & S Europe Limited v Commission*

independence of the lawyer.<sup>11</sup> Since 2013, communications between in-house lawyers are also protected by legal privilege under Dutch and Belgian laws.

The Dutch Supreme Court in 2013 held that "in view of the Dutch practice and the guarantees that exist with regard to the practice of lawyers registered at the Dutch bar with an employment relationship, there is no ground to deprive such lawyer of the legal privilege due to the mere fact that he is in an employment relationship with the client".<sup>12</sup>

A landmark judgement of the Brussels Court of Appeal delivered in March 2013 in *Case 2011/MR/3, Belgacom* has recognised legal privilege extends to in-house lawyers' communications, including internal emails containing advice given by such lawyers. The court considered provisions of the Belgian Criminal Code, according to which "any person whose status or function makes them the recipient of secrets is bound by professional secrecy, except when they have to testify before the courts or when they are bound by law to disclose these secrets".<sup>13</sup> In addition, the Belgian Court made reference to the right of privacy envisaged in Article 8 of the European Convention on Human Rights, which secures a higher level of protection to "correspondence of individuals entrusted with a mission of general interest, where the success of that mission depends on confidentiality of their correspondence".<sup>14</sup>

Considering the above recent developments, it may be concluded that there is a trend towards extending the scope of legal privilege in EU member states.<sup>15</sup> Hence, the position of the ECJ in *Akzo Nobel* that "the legal situation in the member states of the EU has not evolved to an extent which would justify a change in the case-law and recognition for in-house lawyers of the benefit of legal professional privilege"<sup>16</sup> will potentially be reconsidered in the future.

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<sup>11</sup> See Regional Court of Bonn, Decision 10.09.2010, 27 Qs 21/10

<sup>12</sup> Christof Swaak, 2013. Legal Privilege: An overview of EU and national case law. – E-Competitions, No65144, [www.concurrences.com](http://www.concurrences.com), p. 3

<sup>13</sup> Valerie Lefever, Johan Van Acker, 2013, The Brussels Court of Appeal recognises legal professional privilege to in-house lawyers (Belgacom). – E-Competitions, No 51820, [www.concurrences.com](http://www.concurrences.com), p.1

<sup>14</sup> Valerie Lefever, Johan Van Acker, 2013, The Brussels Court of Appeal recognises legal professional privilege to in-house lawyers (Belgacom). – E-Competitions, No 51820, [www.concurrences.com](http://www.concurrences.com), p. 2

<sup>15</sup> Countries outside of the EU, but with close ties with the EU, also extend the scope of legal privilege. For instance, Switzerland in May 2013 adopted a new law which extends the scope of protection of legal privilege to documents located outside lawyers' premises and drafted before the initiation of proceedings (which prior to this law were not privileged).// Pranvera Kellezi, 2012, A Swiss law enters into force extending the scope of protection of the legal professional privilege. – E-Competitions, No 61096, [www.concurrences.com](http://www.concurrences.com)

<sup>16</sup> Para 76 of Judgment in Case C-550/07 P *Akzo Nobel Chemicals Ltd and Akros Chemicals Ltd v European Commission*

For the time being, for companies that are subject to scrutiny by the European Commission, communications with in-house counsel may be seized and used as evidence in the Court of Justice of the EU.

### **2.2.2 Nationality of the lawyer**

Legal privilege in the EU applies without distinction to any lawyer that is entitled to practice law in one of the EU member states, regardless of the residence of his client. This varies from one EU member state to another. In the UK, for example, the protection covers communication with any lawyer.

In *AM&S* the ECJ implied that the EU does not recognize privilege for attorneys outside of EU member states by stating that privilege is only protected for a lawyer “entitled to practice his profession in one of the member states” but that “such protection may not be extended beyond these limits.” This means that if documents are created, for instance, by an in-house US lawyer, and sent to the client in the EU, then seized by the European Commission in an EU investigation, they may not be legally privileged. Generally speaking, non-EU in-house or external lawyers would not be afforded legal privilege in the course of the EU proceedings.

In international disputes, where alleged privileged communications took place in a foreign country or involved foreign lawyers or proceedings, courts defer to the law of the country that has the “predominant” or the “most direct and compelling interest.”<sup>17</sup> The laws of the country in which the privileged communication took place will normally be applied by the courts.

### **2.2.3 Nature of documents and purpose of the communications**

As already mentioned above, one of the conditions for communications to be protected by legal privilege in the EU is that such information/document exchange with lawyers must be connected to the right of defence of the client concerned. Again, in several EU member states, for instance the UK, the protection of legal privilege covers a wider range of legal advice.

Legal privilege at the EU level covers all written communications exchanged after the initiation of administrative procedures in an antitrust investigation, although it is also possible

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<sup>17</sup> *Astra Aktiebolag v. Andrx Pharmaceuticals, Inc.*, 208 F.R.D. 92, 98 (S.D.N.Y. 2002); *Golden Trade, S.r.L. v. Lee Apparel Co.*, 143 F.R.D. 514, 522 (S.D.N.Y. 1992)// see Cross-border Attorney at [http://www.acc.com/chapters/stlouis/upload/Session3\\_CrossBorderAttorneyClientPrivilegeIssues.pdf](http://www.acc.com/chapters/stlouis/upload/Session3_CrossBorderAttorneyClientPrivilegeIssues.pdf)

to extend it to earlier written communications which have a relationship to the subject matter of such procedures.<sup>18</sup>

Legal privilege applies also to the preparatory documents which have been drawn up exclusively for the purpose of seeking legal advice from external lawyers in the exercise of clients' right to defence.<sup>19</sup> If such a preparatory document was prepared for this purpose, this should be unambiguously clear from the content of the document itself or the context in which the document was prepared.

#### **2.2.4 Authority conducting investigation**

The privileged nature of the communications to a large extent depends on the competition authority that conducts the investigation and its jurisdiction.

In antitrust investigations conducted by the national competition authority of the EU member state, the rights and obligations of the companies whose premises are searched and the powers of such competition authority regarding seizure of documents are defined in the applicable national law of the member state concerned.

In investigations conducted by the European Commission, the national law of the member state is applicable only to the extent that the competition authority of such member state provides its assistance in accordance with Article 20(6) of Regulation 1/2003 (e.g. concerning use of coercive measures when there is opposition from the undertaking concerned in conducting the inspections). But the question of the scope and nature of the documents which the European Commission may examine in such situations is determined in accordance with EU law.

In practice, "as various authorities apply Article 101 and 102 TFEU in close cooperation and may carry out inspections on behalf of their colleagues, circumvention of national safeguards is inherent in the system"<sup>20</sup> and national competition authorities have the power to exchange and use information collected for the purpose of applying competition law in the framework of the European Competition Network. Hence, a national competition authority is able to obtain a document from an authority in another Member State which is subject to more relaxed legal privilege rules.

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<sup>18</sup> Para 23, Judgment of the Court of 18 May 1982. - *AM & S Europe Limited v Commission of the European Communities*. - Legal privilege. - Case 155/79. <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:61979CJ0155&from=EN#11>

<sup>19</sup> *Akzo GC*, para 128

<sup>20</sup> Michael J. Frese. The Development of General Principles for EU Competition Law Enforcement – The Protection of Legal Professional Privilege. – Amsterdam Center for Law & Economics, Working Paper No 2001-03. – p. 21

### ***2.2.5 Ability to provide enough evidence that legal privilege applies***

When a company refuses to produce written communications to the European Commission by claiming that the documents are legally privileged, it must nevertheless provide the European Commission with the relevant materials to prove that the communications indeed fulfil the conditions for being protected under legal privilege. Disclosing the contents of the communications is not mandatory in this case, although the European Commission should be allowed a cursory look at the headings of the document(s).

Where the European Commission is not satisfied with such evidence, it is able to order production of the communications. If necessary, it may also impose fines or periodic penalty payments for the company's refusal either to supply such additional evidence as the European Commission considers necessary or to produce the communications which in the European Commission's view are not protected by legal privilege.<sup>21</sup>

Hence, it is the duty of the company claiming the protection of the information under legal privilege to provide enough evidence to the European Commission that legal privilege applies to specific information/documents. The undertakings concerned, as well as their lawyers, can try to support their position and protect themselves better by clearly marking all documents sent to lawyers as 'Privileged & Confidential'.

In the case of disputes over the protection of the document under legal privilege, the disputed document should be placed in an envelope, and can be removed by the European Commission's inspectorate from the premises of the company. The company's representative may ask the Hearing Officer of the European Commission to examine the document and communicate his preliminary opinion on the nature of the document.<sup>22</sup> If there is an objection and no agreement on this issue is reached, the Hearing Officer should deliver a reasoned recommendation to the European Commission for its further examination. It will normally not look at the disputed document before the deadline for appealing the decision to the Court of Justice has lapsed, or the proceedings before the Court of Justice are closed.<sup>23</sup>

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<sup>21</sup> See Para 31, Judgment of the Court of 18 May 1982. - *AM & S Europe Limited*.

<sup>22</sup> In the author's opinion, a better solution to this was suggested by United Kingdom in this case, i.e. if the Commission's inspector is not satisfied by the evidence supplied by the undertaking, an independent expert should be consulted, and then the European Court of Justice (para 7, *AM & S*). The Consultative Committee of the Bars and Law Societies also suggested that if the undertaking and the Commission cannot not agree as to whether a document is confidential or not, the most appropriate procedure would be to have recourse to an expert's report, or to arbitration (para 8, *AM & S*).

<sup>23</sup> Juan Jimenez-Laiglesia.// *Legal Privilege Handbook 2013*. – DLA Piper. – p. 5.

### **3. Protection of confidential information in Turkey**

There are no specific provisions regarding legal privilege under Turkish law. The Lawyers Act (Article 36) and the Turkish Code of Criminal Procedure (Article 130) provide some guidance as to the protection of confidential information of the client.<sup>24</sup>

According to these documents, a lawyer is prohibited from disclosing information received from the client while performing his duties as a representative of the client and/or a member of the Turkish Bar Association. Criminal liability and related sanctions under Article 239 of the Turkish Criminal Code, as well as disciplinary sanctions under the Lawyers Acts, may result if the lawyer breaches this obligation.

Just as in the EU, information exchanges only between the independent external lawyer and his client are covered by legal privilege.

Legal privilege applies to all information exchanges between client and lawyer regarding the client's right of defence, without any time limitations. The legal privilege rules may be applicable to lawyers not qualified in Turkey but carrying out business in Turkey pursuant to the Lawyers Act, as they are subject to the professional rules contained in the Lawyer Act.

A lawyer is entitled not to permit the confiscation of a document relating to a client by claiming that it is covered by legal privilege. In such a situation, the document should be sealed in an envelope and the Court will decide if the claimed document is indeed protected by legal privilege. Legal privilege should be claimed directly by the lawyer.

Developments in relation to legal privilege at the EU level may well have an impact on the situation within Turkey, especially considering that Turkey constitutes a customs union with the EU,<sup>25</sup> the on-going harmonisation process between the EU and Turkey, and the position of Turkey as candidate country for EU membership. The case law of the European Court of Justice already has a significant impact of the application of legal privilege in Turkey.

### **4. Scope of legal privilege under Ukrainian law**

Similar to the situation in Turkey, the legal basis for legal privilege in the Ukraine derives from the confidential character of the relations between a lawyer and his client, which

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<sup>24</sup> Zeynep Ergun, 2013 DLA Piper Legal Privilege Handbook, p. 89- 90

<sup>25</sup> See Article 32 and 33 of Decision 1/95 of the Association Council of 22.12.1995 (OJ L 35, 13.02.1996).

is secured by the Law of Ukraine “On the Bar and Advocate’s Activity” (“Law on the Bar”) and Rules of Advocate’s Ethics.<sup>26</sup>

Article 10 of the Rules of Advocate’s Ethics<sup>27</sup> deals with confidentiality and states that “observance of the principle of confidentiality is a necessary and the most important precondition for the trust relationship between the advocate and the client, without which a proper legal assistance, defence and representation are not possible.” Hence, keeping confidential any information that an advocate receives from a client as well as about a client or third parties in the process of pursuing his professional activities is the advocate's right and at the same time an obligation in relations with third parties who might demand disclosure of such information.

Disclosure of information containing the advocate’s secrecy is prohibited in all circumstances, including unlawful attempts by investigation authorities, and questioning of the advocate in court about the circumstances that contain advocate’s secrecy. It is prohibited to demand from the advocate (or his assistant, trainee, employees) to provide information covered by the advocate's secrecy (Article 23 of the Law on the Bar), as well as to search, inspect and seize documents related to his activity. In the case of inspection of a house or other premises of the advocate where he carries out his professional activity, the court has to indicate a list of items/documents that are expected to be found/identified there. The Council of advocates of the region must be notified about this inspection in advance.

The principle of confidentiality is not limited in time. However, information and documents may lose the status of advocate’s secrecy upon the written request of the client in the circumstances provided by the Law on the Bar.

Legal privilege protects legal advice emanating from Ukrainian-qualified lawyers, as well as from a foreign lawyer who practices law in the Ukraine in accordance with the Ukrainian laws. The advocates of Ukraine recognize the professional status of foreign advocates who practice law in the Ukraine pursuant to the Law on the Bar, treat them with respect and admire their colleagues (Article 51 of Rules on Ethics). Therefore, foreign

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<sup>26</sup> In the Ukraine, a lawyer who has also passed a qualifying examination is known as an advocate. Passing a qualifying examination and becoming an advocate is optional and not required for legal practice. Advocates are members of the Union of Advocates of Ukraine. Other law graduates who practice law without any further qualifications are regarded as Legal Advisers. Legal Advisers can provide all of the same legal services as Advocates and have the same rights to appear in court, although they are not subject to the same ethical rules of conduct and disciplinary procedures as Advocates.

<sup>27</sup> Rules of Advocate’s Ethics, Ukraine, 2012. -

[http://www.unba.org.ua/about/For\\_foreign\\_advocates/2%20Rules%20of%20Advocates%20Ethics.pdf](http://www.unba.org.ua/about/For_foreign_advocates/2%20Rules%20of%20Advocates%20Ethics.pdf)

lawyers have to comply with the Rules of Advocate's Ethics, if they practice law in the Ukraine.

There is no distinction between in-house or external lawyers, as confidentiality is the professional obligation of any legal adviser/advocate. It covers any information that became known to the lawyer, his trainee, a person that is in employee relations with the lawyer, etc., regarding the client and the issues over which the client has sought legal advice, the content of such legal advice, lawyer's comments and clarifications, prepared documents, information stored in electronic format, and other documents and information received by the lawyer in the course of his professional activity (Article 22 of the Law on the Bar).

Following completion of the Association Agreement with the EU<sup>28</sup>, there will be further harmonization of Ukrainian competition law with the EU rules, which will impact the scope of legal privilege rules in Ukraine.

## **5. Concluding remarks**

With the growing role of mass-media and technological progress, competition authorities around the globe have enhanced potential to extract information from companies and initiate antitrust investigations based on such information.

To maximize the chance that the correspondence/documents are legally privileged, in all cases requests for legal advice from the client should be marked "*Privileged and confidential - Attorney – Client Communication*" and kept in a safe place to be able to prove that it is indeed confidential. It would also be useful to familiarize yourself with the legal privilege laws in the relevant jurisdictions.

In the absence of harmonised EU rules governing legal privilege, it is for the national legal systems of each member state to decide on the specific aspects of the protection of right to defence, including legal privilege.

The uniform interpretation and application of legal privilege in the EU would be beneficial for the efficiency of antitrust procedures and equal treatment of the companies concerned. Legal privilege rules at the EU level are influenced and "shaped" by the national law and practice of the EU member states. One would not exclude that in the future legal privilege at the EU level will also cover information exchanges with in-house lawyers, considering the recent changes in the Dutch and Belgian laws supporting this trend of extending the scope of legal privilege protection.

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<sup>28</sup> The political part of the EU-Ukraine Association Agreement was signed on 21 March 2014

Currently, the scope of legal privilege protection in the EU can be circumvented via exchanges of information within the European Competition Network. Information that is legally privileged in one EU member state may be extracted from the competition authority in another member state which is subject to less protective legal privilege rules.

If Turkey and Ukraine – jurisdictions with different levels of integration with the EU - become members of the EU, their competition authorities will join the European Competition Network. Hence, there will be more exchanges of information collected for the purposes of applying competition law between the European Commission and competition authorities of Turkey and Ukraine. This will have certain implications on the treatment of legal privilege in these jurisdictions.

To avoid confusion and commercial risk, as well as to ensure more legal certainty, some form of convergence in legal privilege rules worldwide will be beneficial both for the competition authorities and for the undertakings concerned.

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