

## **Institutionalized distrust towards the legal profession**

The new money laundering package: an attack on all lawyers

The new money laundering package is a sweeping distrust against all lawyers. The legal profession is seen as the enabler of money laundering. It is questionable whether the goal of the legislator – the effective fight against money laundering – can be achieved by regulating the legal profession. The three draft reports of the EU Parliament regarding the money laundering package of the EU Commission suspect that every confidential meeting between lawyers and their clients is a potential risk for money laundering. Consequently, that prevention leads to an increasing number of lawyers being affected by the new regulations. The draft reports on the envisaged Money Laundering Regulation threaten a watering down of the principle of professional secrecy or even its abolition. The objective of the EU Parliament is that every client meeting that is not directly linked to legal proceedings should no longer be protected by professional secrecy. For this reason, the DAV continues to campaign at all levels to prevent this ban on counseling through the back door. A relationship of trust between a lawyer and his client is an indispensable prerequisite for professional secrecy. A client's request cannot be put into the categories of "good faith" and "bad faith". According to the rapporteur's proposal, a lawyer would have to report a client asking for legal advice that is considered "bad faith". This is based on a wrong perception of legal advice and the task of lawyers. The person seeking advice would have to weigh very carefully what information they disclose and even how they formulate their questions in the future. Trust between lawyers and their clients could not be established. Professional legal advice becomes impossible. It is worth an outcry that the EU Parliament seeks to undermine national rules on professional secrecy on EU level. Especially since this regulation - unlike directives - will be directly applicable in all EU Member States and does not require prior implementation.