EUROPEAN
COMMISSION

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2026/0345 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer, with regard to matters related to judicial cooperation in civil and criminal matters

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The present proposal concerns the signature, on behalf of the European Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer (hereafter "the Convention") with regard to matters related to judicial cooperation in civil and criminal matters. The Commission is, at the same time, also submitting a proposal for the signature of the Convention with regard to matters that are not related to judicial cooperation in civil and criminal matters (see proposal COM(2026)597). It furthermore intends, in due time, to submit proposals for the conclusion of the Convention with regard to both matters related to judicial cooperation in civil and criminal matters and matters not related to judicial cooperation in civil and criminal matters as well as a proposal for a decision in accordance with Article 218(9) TFEU for the position to be taken by the Member States on behalf of the European Union in the Committee of Ministers regarding the decision on the modalities for contributing to the funding of the activities of the Group of Experts on the Protection of Lawyers (GRAVO) and the Committee of the Parties to the Convention (COP).

Lawyers play a fundamental role in democratic societies. They are essential to upholding the rule of law, securing access to justice and ensuring the protection of human rights and fundamental freedoms. Nevertheless, lawyers are increasingly under attack for practising their profession, whether in the form of harassment, threats, attacks or interference in the exercise of their professional responsibilities, including within the European Union.

The Council of Europe Convention for the Protection of the Profession of Lawyer is a response to these developments. It aims to protect lawyers and their professional associations, which play a crucial role in safeguarding the rights and interests of lawyers both individually and as a profession. The Convention addresses the entitlement to practise, professional rights, freedom of expression, professional discipline and specific protective measures for lawyers and their professional associations. It is the first international legally binding treaty dedicated to the protection of the profession of lawyer and is open to states beyond member states of the Council of Europe. Compliance with the Convention will be monitored by GRAVO and the COP.

For the Union, protecting lawyers from attacks is of key importance with a view to protecting the common EU 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 as enshrined in Article 2 of the Treaty on European Union (TEU). The objectives of the Convention can therefore be considered aligned with those of the Union.

Some aspects of the provisions on lawyers' professional rights and of the protection of lawyers in the exercise of their profession that are set out in the Convention are already enshrined in instruments of EU law. This includes the EU procedural rights *acquis*, consisting of Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings[1], Directive 2012/13 on the right to information in criminal proceedings[2],

[1] Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, OJ L 280, 26.10.2010, pp. 1–7.

[2] Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ L 142, 1.6.2012, pp. 1–10.

Directive 2013/48 on access to a lawyer in criminal proceedings[3], Directive (EU) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings[4] Directive 2016/800 on procedural safeguards for children in criminal proceedings[5] and Directive (EU) 2016/1919 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings[6], as well as instruments of the EU internal market *acquis*, including Directive 2024/1069[7] (Anti-SLAPP Directive), Directive 77/249 on lawyers' freedom to provide services[8], Directive 98/5 on lawyers' practice of their profession in another Member State[9] and Directive 2006/123[10] (Services Directive).

The Convention was adopted by the Committee of Ministers on 12 March 2025 and opened for signature in Luxembourg on 13 May 2025.

The purpose of the present proposal is to launch the process for the signature of the Convention on behalf of the Union in accordance with Article 218(5) of the Treaty on the Functioning of the European Union (TFEU) with regard to matters related to judicial cooperation in civil and criminal matters

- **Consistency with existing policy provisions in the policy area**

The Convention is the first legally binding international instrument that is fully dedicated to the protection of the profession of lawyer. It will promote key standards among Council of Europe members as well as other international partners that can become Parties to the Convention in all areas of law, including areas of judicial cooperation in criminal matters (specifically in the area of procedural rights and safeguards in criminal proceedings), judicial cooperation in civil matters, the free movement of workers and the freedom to provide services.

Articles 6 (professional rights of lawyers), 7 (freedom of expression) and 9 (protective measures) of the Convention overlap, in substance, with the EU procedural rights acquis[11], as well as Directive 2024/1069 (Anti-SLAPP Directive).

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3 Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, OJ L 294, 6.11.2013, pp. 1–12.

4 Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings, OJ L 65, 11.3.2016, pp. 1–11.

5 Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, OJ L 132, 21.5.2016, pp. 1–20.

6 Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings, OJ L 297, 4.11.2016, pp. 1–8.

7 Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation'), PE/88/2023/REV/1, OJ L, 2024/1069, 16.4.2024.

8 Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, OJ L 78, 26.3.1977, pp. 17–18.

9 Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, OJ L 77, 14.3.1998, pp. 36–43.

10 Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006, pp. 36–68.

Article 6(1), (3) and (4) and Article 9(1) and (2) overlap with Union acquis in the field of criminal procedural law, namely Directive 2010/64/EU on the right to interpretation and translation, Directive 2012/13/EU on the right to information, Directive 2013/48/EU (EU) on the right of access to a lawyer and to communicate upon arrest, Directive 2016/343 on the presumption of innocence and the right to be present at trial, Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons and Directive (EU) 2016/1919 on legal aid, to the extent that these provisions of the Convention establish:

(a) professional rights of lawyers in relation to the representation of their clients which ensure that suspects and accused persons can exercise their rights established under these six procedural rights directives effectively through their lawyer(s) and are therefore liable to affect Union internal rules on procedural guarantees;

(b) professional rights and privileges of lawyers that are also enshrined in the six procedural rights directives as rights or privileges that can be directly exercised or invoked by both the suspect or accused person and their lawyer(s);

(c) personal rights of lawyers when they themselves are suspects or accused persons within the meaning of the six procedural rights directives.

Article 9(4) of the Convention, read in conjunction with Articles 6(5) and 7 thereof, overlaps with the rules set out in the Directive 2024/1069, which covers the protection of persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ("strategic lawsuits against public participation" or SLAPPs) to the extent that Article 9(4) of the Convention, read in conjunction with Articles 6(5) and 7 thereof, requires Parties to ensure that lawyers are protected from SLAPPs in proceedings in civil matters with cross-border implications.

The Convention does not appear to exclude employed lawyers from benefitting from the core rights on entitlement to practice and the professional rights in the same way as self-employed lawyers. Therefore, to ensure compatibility with the case-law of the Court of Justice of the European Union[11], a declaration of the Union in accordance with Article 20, paragraph 1, of the Convention is required to the effect that, for the purposes of Article 3, sub-paragraph a, of the Convention, the term 'lawyer' does not include persons who are bound to their clients by a relationship of employment.

A declaration is furthermore proposed specifically on the interpretation of Article 6(3) of the Convention to the effect that the Union considers the signing and conclusion of the Convention by the Union to be without prejudice to the scope and conditions of legal professional privilege in proceedings for the enforcement of Union law, as determined by Union law and, in particular, by the case-law of the Court of Justice of the European Union[12].

The Union should furthermore reserve, in accordance with Article 21 of the Convention, the right not to apply Article 6, paragraph 1, subparagraphs b, c and i, of the Convention to agents representing the Union institutions, bodies, offices and agencies that are, in accordance with Article 2, paragraph 3, sub-paragraph b of the Convention, recognised by an international

[11] See, in particular, Judgment of the Court of 18 May 1982, *AM & S Europe Limited v Commission of the European Communities*, Case 155/79, EU:C:1982:157, para 21ff.

[12] See, in particular, judgments of the Court of 14 September 2010, *Akzo Nobel Chemicals and Akcros Chemicals v Commission*, C-550/07 P, EU:C:2010:512; of 8 December 2022, *Orde van Vlaamse Balies and Others*, C-694/20, EU:C:2022:963; of 26 September 2024, *Ordre des avocats du Barreau de Luxembourg*, C-432/23, EU:C:2024:791.

court or tribunal, or a body established by an international organisation, as competent to act in proceedings before it when advising on or acting in such proceedings, to ensure the consistency of the Convention with the nature of the representation carried out by agents of the Union institution. No reservation may be made concerning the application of Articles 7 and 9, paragraph 4, of the Convention to agents representing the Union institutions, bodies, offices and agencies, where such agents are, in accordance with Article 2, paragraph 3, subparagraph b, of the Convention, recognised by an international court or tribunal, or a body established by an international organisation, as competent to act in proceedings before it when advising on or acting in such proceedings. The application of these provisions is, however, consistent with the Commission's Staff Regulations.

- **Consistency with other Union policies**

Other Union policies affected by the Convention include, in particular, the EU internal market *acquis*, specifically Directive 77/249 on lawyers' freedom to provide services, Directive 98/5 on lawyers' practice of their profession in another Member State and Directive 2006/123 (Services Directive), for which a proposal for a decision to sign the Convention is presented separately (see proposal COM(2026)597).

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Substantive legal basis**

The substantive legal basis for a decision under Article 218(5) TFEU depends primarily on the objective and content of an international agreement to be signed. If an international agreement pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(5) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

With regard to an international agreement that simultaneously pursues a number of objectives, or that has several components, which are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(5) TFEU will have to include, exceptionally, the various corresponding legal bases.

Given that the main objectives and components of the Convention are judicial cooperation in civil and criminal matters as well as rules on the provision of services by self-employed and employed lawyers, the substantive legal bases are Articles 81(2), 82(2), 46, 53(1) and 62 TFEU.

Pursuant to Article 1 of the Convention, its purpose is "*to strengthen the protection of the profession of lawyer and the right to practise this profession with independence and without discrimination, improper hindrance or interference, or being subjected to attacks, threats, harassment or intimidation*". The Convention thereby embodies a multifaceted approach for the protection of the profession of lawyers, incorporating essential guarantees of independence, the establishment of professional rights for lawyers and safeguards against discrimination and improper hindrance or interference. Accordingly, it obliges the Parties to take a number of measures which affect different areas of law. The substantive obligations which overlap with EU law are set out in Articles 2, 5, 6, 7, 8 and 9 of the Convention.

Article 5 of the Convention concerns standards for entry into the profession, continued authorisation or readmission of lawyers to practice. Article 6 of the Convention provides for rights concerning the principal role of a lawyer such as the provision of legal advice,

assistance and representation, submission of applications or motions on behalf of their clients and effective participation in all proceedings in which they are acting on behalf of their clients. Article 8 of the Convention requires that decisions imposing disciplinary measures are subject to legal challenge before an independent and impartial court or tribunal established by law. The relevant substantive legal bases in those respects are Articles 53(1) TFEU (freedom of establishment for self-employed persons) and Article 62 TFEU (freedom to provide services). In addition, Article 46 TFEU (free movement of workers) is relevant since employed lawyers benefit in the same way from the core rights on entitlement to practice and the professional rights as self-employed lawyers.

Article 6 of the Convention establishes professional rights of lawyers irrespective of the area in which legal services are provided in relation to the representation of their clients, including the protection of legal professional privilege. Article 9 of the Convention provides for procedural guarantees for lawyers who are themselves suspects or accused persons. Those provisions fall within the competence of the Union referred to in Article 82(2), point (b), TFEU (rights of individuals in criminal procedure). As indicated above in relation to the consistency of the Convention with existing Union policy, the Convention does not affect the rules of Union law governing the scope and conditions of legal professional privilege applicable in proceedings for the enforcement of Union law, as established in particular in the case-law of the Court of Justice of the European Union.

Article 6, paragraph 5, of the Convention is concerned with lawyers not suffering adverse consequences as a result of being identified with their clients or their clients' cause. That provision should be read in conjunction with Article 9, paragraph 4, of the Convention which obliges the Parties to take measures to ensure that lawyers are able to carry out their professional activities and to exercise their right under Article 7 of the Convention (freedom of expression), without becoming the target of attacks, threats, harassment and intimidation or otherwise being subject to improper hindrance or interference. In that regard, the substantive legal basis is Article 81(2), point (f), TFEU providing for the elimination of obstacles to the proper functioning of civil proceedings.

Article 2, paragraph 2, subparagraph b, of the Convention provides for the conditions under which the provisions concerning entitlement to practice (Article 5), professional rights of lawyers (Article 6), freedom of expression (Article 7), discipline (Article 8) and protective measures (Article 9) are applicable to lawyers providing, under their home title, legal advice, assistance or representation in another Party. Those provisions fall within the competence of the Union under Articles 46, 53(1) and 62 TFEU as regards the free movement rights of lawyers within the Union.

The matters falling within the Union's competence as listed above concern several components of the Convention which are closely interlinked and jointly serve to fulfil the objectives of the Convention. It is not possible to identify a predominant component: Articles 2, paragraph 2, subparagraph (b), and Articles 5, 6, 7, 8 and 9 of the Convention all contain genuine commitments which establish a broad framework for the protection of legal professionals, including guarantees of independence, safeguards against discrimination and improper hindrance or interference. All guarantees, taken together, are equally important to achieve the purposes of the Convention as set out in Article 1.

To the extent that some provisions of the Convention, pursuant to its Article 2, paragraph 3, subparagraph b, are applicable to agents representing the Union's institutions, bodies, offices and agencies before international courts, including the Court of Justice of the European

Union, the relevant obligations fall within the scope of Article 336 TFEU. However, those obligations can be considered as being of an incidental nature compared to the other components of the Convention and therefore should not be reflected in the substantive legal basis.

Therefore, the appropriate substantive legal basis for the adoption of Council acts on the signature and conclusion of the Convention on behalf of the Union is, made up of Articles 81(2), 82(2), 46, 53(1) and 62 TFEU.

Recourse to a single decision based on a dual legal basis is precluded where the procedures laid down for each legal basis are incompatible with each other.

In order to take account of the special position of Ireland and Denmark as regards Title V of Part Three TFEU by virtue of Protocols No 21 and 22 annexed to the TEU and to the TFEU, Articles 81(2) and 82(2) TFUE cannot be combined with Articles 46, 53(1) and 62 TFEU. It is therefore required to submit two separate sets of proposals for the signature and conclusion of the agreement (one based on Articles 81(2) and 82(2) TFEU and the other on Articles 46, 53(1) and 62 TFEU)

- **Procedural legal basis**

Article 218(5) TFEU provides that, where the agreement envisaged does not relate exclusively or principally to the common foreign and security policy, the Commission shall submit a proposal to the Council. The Council shall adopt a decision authorising the signing of the agreement.

The Commission proposes to authorise the signing of the Council of Europe Convention for the Protection of the Profession of Lawyer, subject to its conclusion at a later date.

The procedural legal basis for the proposed decision to authorise the signing of the Convention is Article 218(5) TFEU.

- **Union competence**

This proposal concerns the provisions of the Convention with regard to matters related to judicial cooperation in civil and criminal matters, which fall within the competence of the Union referred to in Article 81(1), point (f), and Article 82(2), point (b), TFEU. As detailed above in the section “Consistency with existing policy provisions in the policy area”, the Union has already adopted common rules in those areas which overlap with the provisions set out in the Convention.

- **Subsidiarity (for non-exclusive competence)**

Not applicable.

- **Proportionality**

The Union’s values as set out in Article 2 TEU, from which derive the principle objectives to strengthen our democracies, to uphold the rule of law and to protect and promote fundamental rights and freedoms align with the objectives of the Convention, as outlined in Section 1 (‘Reasons for the proposal’). The promotion of key standards that serve these objectives in the areas of fair trial rights and procedural safeguards as well as in the areas of free movement of workers and freedom to provide services among Council of Europe members as well as other international partners that can become Parties to the Convention cannot be achieved as

efficiently or to the same extent as entering into negotiations with individual non-EU countries at bilateral level to secure those standards. The scope of the Convention can furthermore be considered to be limited to what is necessary to achieve its main objective. It takes into account the different manner in which the profession of lawyer can be organised in the Member States of the Council of Europe and other possible signatories to this Convention and it establishes only such core rights as are essential for protecting lawyers against undue attacks and interference in the exercise of their profession.

- **Choice of the instrument**

This proposal for a Council decision is submitted in accordance with Article 218(5) TFEU, which envisages the adoption by the Council of a decision authorising the signing of the Convention. There exists no other legal instrument that could be used in order to achieve the objective expressed in this proposal.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

- **Stakeholder consultations**

The European Commission has not carried out a specific stakeholder consultation on this proposal.

The elaboration of the Convention was a collaborative effort of the Council of Europe's Committee of Experts on the Protection of Lawyers (CJ-AV), representatives of Member States of the Council of Europe as well as a number of participants and observers from non-governmental organisations (Avocats sans Frontiers, Council of Bars and Law Societies of Europe, European Bars Federation, European Association of Lawyers, European Criminal Bar Association, International Bar Association and its Human Rights Institute, International Commission of Jurists, International Association of Lawyers, “Lawyers for Lawyers” Foundation, International Observatory of Endangered Lawyers).

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Relevant impacts are presented in this explanatory memorandum.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

The Convention significantly strengthens the international legal framework for the protection of fundamental rights of lawyers and their clients, in particular the right to a fair trial and the procedural rights of suspects and accused persons that fall under the right of defence, in compliance with existing standards at Union level, including the Charter of Fundamental Rights of the European Union (the Charter) (see, in particular, Articles 47 and 48 of the

Charter). It specifically recalls and ensures compliance with the European Convention on Human Rights (ECHR).

4. BUDGETARY IMPLICATIONS

There are budgetary implications for the Union consisting in the contribution required to be paid by Parties that are not members of the Council of Europe to the funding of the activities of GRAVO and the Committee of the Parties (see Article 18, paragraph 3, of the Convention). The modalities for making such contributions will be determined by the Committee of Ministers. The Explanatory Report to the Convention indicates that the Committee of Ministers' Resolution CM/Res(2022)6 concerning financial arrangements for the participation of the European Union and non-member States in the follow-up mechanisms of Council of Europe conventions would apply in order to cover the costs that the accession of the European Union would entail for the Organisation, in particular in relation to the follow-up mechanism.

The Commission does not consider the application of the method for calculating the Union's contribution set out in the 2022 Resolution to be appropriate, as it does not take into account that the Union accedes to the Convention alongside its Member States. The Commission therefore proposes a declaration, annexed to the present proposals, on the Union's understanding of Article 18, paragraph 3, of the Convention. This declaration states that the Union understands that its contribution to the funding of the activities of the GRAVO and the Committee of the Parties to the Convention will be established by the Committee of Ministers, following an agreement with the Union on the calculation of such contribution, taking into account that the Union accedes to the Convention alongside its Member States.

The Commission will furthermore submit a proposal for a Council Decision in accordance with Article 218(9) TFEU on establishing the position to be taken by the Member States on behalf of the Union in the Committee of Ministers when a decision on the method for calculation of the Union's financial contribution is made. The Commission proposes that the same method of calculation be employed as was agreed, by virtue of an exchange of letters, in the case of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). This foresees for the Union to make a contribution equal to that of a major contributor.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

There is no specific implementation plan proposed. The Parties will have to implement the Convention following ratification. The Convention does, however, foresee a monitoring mechanism in the form of the Group of Experts on the Protection of the Profession of Lawyer (GRAVO) which is tasked with monitoring the implementation of the Convention by the Parties (see Article 10 of the Convention). GRAVO is to be composed of a minimum of eight members and a maximum of 12 members, who are to be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.

Compliance will be periodically assessed, with GRAVO defining the scope and the appropriate means to carry out the evaluation procedure. Information on the implementation of the Convention is to be provided by the Parties. Further information may be received from non-governmental organisations and civil society, professional associations, national institutions for the protection of human rights, other Council of Europe instruments and

bodies, as well as from other regional and international organisations, in areas falling within the scope of this Convention. GRAVO may also conduct country visits.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The aspects of the Convention covered by this proposal include Articles 6, 7, 8 and 9 of the Convention.

Article 6 establishes professional rights of lawyers which are inextricably linked with the procedural rights and safeguards of their clients in criminal proceedings. This includes the principle right of lawyers to offer and provide legal advice, assistance and representation as well as more specific rights, such as that of access to their clients, to information relevant to the legal proceedings at issue and to be present/participate in procedural acts as well as to communicate with and make submissions to competent authorities. It also contains protections for legal professional privilege (see paragraph 3), defines the limits of legitimate restrictions of lawyers' rights (see paragraph 4) and establishes safeguards against adverse consequences for lawyers linked to the legitimate exercise of their profession in representing a particular client (see paragraph 5).

Article 7 sets out protections for lawyers' freedom of expression in terms of the right to inform the public about matters relating to the cases of their clients as well as the individual and collective rights of lawyers and of their professional associations to promote the rule of law and adherence to it, to take part in public discussion on the substance, interpretation and application of existing and proposed legal provisions, judicial decisions, the administration of and access to justice and the promotion and protection of human rights, as well as to make proposals for reforms concerning these matters. It also defines the limited conditions under which the right to inform the public may be restricted.

Article 9 concerns, on the one hand, protective measures for lawyers when subject, in particular, to coercive investigative measures such as searches and seizures or deprivation of liberty. Such protective measures include procedural rights and safeguards that mirror the rights of suspects and accused persons set out in Article 6 ECHR and Articles 48 of the Charter as developed in further detail in the EU procedural rights acquis. Article 9 allows for restrictions of these protective measures only to the extent they are prescribed by law and are necessary in a democratic society for preventing, investigating and prosecuting crime or for protecting the rights of others.

- **Signing and the text of the Agreement**

The text of the Convention is submitted to the Council together with this proposal.

The text of the reservation and declarations are submitted together with this proposal.

In accordance with the Treaties, it is for the Commission to ensure the signing of the Convention, subject to its conclusion at a later date.

2026/0345 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer, with regard to matters related to judicial cooperation in civil and criminal matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2) and 82(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Council of Europe Convention for the Protection of the Profession of Lawyer ('the Convention') was adopted by the Committee of Ministers of the Council of Europe on 12 March 2025 and opened for signature in Luxembourg on 13 May 2025.

(2) The Convention aims to strengthen the protection of the profession of lawyer and the right to practise this profession with independence and without discrimination, improper hindrance or interference, or being subjected to attacks, threats, harassment or intimidation. It addresses the entitlement to practise, professional rights, freedom of expression, professional discipline and specific protective measures for lawyers and professional associations.

(3) The Convention is the first international legally binding instrument dedicated to the protection of the profession of lawyer and is open for signature by the Union as well as states beyond the member states of the Council of Europe.

(4) The Convention is fully compatible with Union law and aligned with the common Union values set out in Article 2 of the Treaty on European Union (TEU). In particular, it promotes the rule of law and fundamental rights and establishes related key standards, inter alia, in the areas of judicial cooperation in criminal matters and judicial cooperation in civil matters.

(5) Some aspects of the Convention concerning lawyers' professional rights and the protection of lawyers in the exercise of their profession are already enshrined in instruments of Union secondary law. This includes, among others, the following Directives of the European Parliament and of the Council: 2012/13/EU[1], 2013/48/EU[2], (EU) 2016/800[3], and (EU) 2024/1069[4].

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[1] Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1, ELI: http://data.europa.eu/eli/dir/2012/13/oj).

[2] Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and

(6) Pursuant to Article 17 of the Convention, the Convention is open for signature by the Union. The Union should become a Party to the Convention alongside its Member States, since the Union and its Member States have competences in the areas covered by the Convention.

(7) The signing of the Convention by the Union is without prejudice to the rules of Union law governing the scope and conditions of legal professional privilege applicable in proceedings for the enforcement of Union law, as determined by Union law and, in particular, as established by the case-law of the Court of Justice of the European Union.

(8) The Union should make a number of declarations and a reservation in order to ensure full compatibility between the Convention and Union law. In particular, the Union should specify the scope of the Convention by declarations as provided in Articles 19 and 20 of the Convention. The latter declaration should be complemented by a declaration on the application of Article 6, paragraph 3, of the Convention in proceedings for the enforcement of Union law. The Union should also avail itself of the possibility provided for in Article 21 of the Convention to reserve the right to not apply Article 6 of the Convention in certain situations.

(9) [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Decision.] OR [In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.]

(10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(11) Therefore, the Convention should be signed on behalf of the Union, with regard to matters related to judicial cooperation in civil and criminal matters, and the reservation and declarations should be made.

(12) The signing of the Convention with regard to matters not related to judicial cooperation in civil and criminal matters is subject to a separate decision adopted by the Council in parallel,

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with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1, ELI: http://data.europa.eu/eli/dir/2013/48/oj).

[3] Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/800/oj).

[4] Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings ('Strategic lawsuits against public participation')(OJ L, 2024/1069, 16.4.2024, ELI: http://data.europa.eu/eli/dir/2024/1069/oj).

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Council of Europe Convention for the Protection of the Profession of Lawyer on behalf of the Union with regard to matters related to judicial cooperation in civil and criminal matters is hereby authorised, subject to the conclusion of that Convention with regard to those matters[5].

Article 2

The reservation and declarations are hereby approved[6].

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

For the Council
The President

5 The text of the Convention will be published together with the decision on its conclusion.
6 The reservation and declarations are published in OJ L, […], ELI […].

LEGISLATIVE FINANCIAL AND DIGITAL STATEMENT

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1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Council Decision on the signing, on behalf of the Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer, with regard to matters related to judicial cooperation in civil and criminal matters **// AND //** Proposal for a Council Decision on the signing, on behalf of the Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer, with regard to matters not related to judicial cooperation in civil and criminal matters

Note: These two proposals are inextricably linked (both substantively and in terms of budgetary implications) and therefore one LFDS is submitted for both proposals and annexed, in copy, to both.

1.2. Policy area(s) concerned

Justice (Judicial cooperation in civil and criminal matters)

Internal market (Free movement of persons, services and capital)

1.3. Objective(s)

1.3.1. General objective(s)

The Council of Europe Convention for the Protection of the Profession of Lawyer ('the Luxembourg Convention') aims to protect lawyers and their professional associations. It is the first international legally binding treaty dedicated to the protection of the profession of lawyer and is opened to states beyond member states of the Council of Europe. For the Union, protecting lawyers from attacks is of key importance with a view to protecting the common EU 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 as enshrined in Article 2 TEU. The objectives of the Convention can therefore be considered aligned with those of the Union.

Some standards established by the Convention are already enshrined in instruments of EU secondary law, which makes it a mixed agreement for which the Union and Member States share competence and which both the Union and Member States should therefore sign and conclude

1.3.2. Specific objective(s)

Specific objective No

(1) Sign and, by means of future additional proposals to this effect, conclude the Convention.

1.3.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

Establishment of common minimum standards for the protection of lawyers and their professional organisations in Europe;

Decrease retaliation and undue interferences with the free and independent exercise of the the legal profession and lawyers' professional organisations;

Strengthening of the rule of law in participating States by virtue of strengthening lawyers' unimpeded exercise of their fundamental role in the justice systems of democratic societies.

1.3.4. Indicators of performance

Specify the indicators for monitoring progress and achievements.

The Group of Experts on the Protection of the Profession of Lawyer (hereinafter referred to as GRAVO) will monitor the implementation of this Convention by the Parties, including by setting indicators.

1.4. The proposal/initiative relates to:

☒ a new action

☐ a new action following a pilot project / preparatory action[1]

☐ the extension of an existing action

☐ a merger or redirection of one or more actions towards another/a new action

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

As the Commission's assessment of the Convention revealed that the Union has exclusive external competence for certain matters covered by the Convention, the Union must sign and conclude the Convention alongside its Member States by. For this purpose, Council Decisions under Article 218(5) and (6) need to be adopted. The decision on the signature and conclusion of the Convention should be adopted as soon as possible, as Member States may not finalise the procedure for ratifying the Convention themselves before the Union has not adopted its decision on the conclusion of the agreement. This is delaying the entry into force of the Convention.

It is furthermore necessary for a decision under Article 218(9) TFEU to be adopted that sets out the position to be taken on behalf of the Union in the Council of Europe's Committee of Ministers on the method for calculating the Union's financial contribution to the Convention in accordance with the requirements established in Article 18(3) thereof.

1.5.2. Added value of EU involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this section 'added value of EU involvement' is the value resulting from EU action, that is additional to the value that would have been otherwise created by Member States alone.

Reasons for action at EU level (ex ante)

Attacks of lawyers and their professional organisations have been steadily increasing and are presenting a threat to our democracies. This has long been acknowleged by the Union, the Council of Europe and non-governmental stakeholders, in particualr bar associations. Nevertheless, until the Convention, no targeted legal instrument existed at EU or European level to tackle this issue in a holistic manner. Concluding the Convention for the Protection of the Profession of Lawyer is therefore an

[1] As referred to in Article 58(2), point (a) or (b) of the Financial Regulation.

important step towards strengthening protections for lawyers and, thereby the rule of law and integrity of our European democracies.

Expected generated EU added value (ex-post)

Strengthening protections from attack and undue interference for lawyers and their professional organisations can be expected to bolster the rule of law and thereby the integrity of our European democracies. It may also contribute to a better implementation of the current EU legal framework concerning the regulation of the legal profession and lawyers' professional rights which is, due to the large range of policy areas implicated, rather fragmented and not comparable in scope and detail to the Convention.

1.5.3. Lessons learned from similar experiences in the past

Not applicable.

1.5.4. Compatibility with the multiannual financial framework and possible synergies with other appropriate instruments

The proposal is compatible with the current Multiannual Financial Framework for the period 2021–2027 and the Justice Programme established for that period. It is also compatible with the Commission's proposal for the next Multiannual Financial Framework for the period 2028–2034 and with the proposed Justice Programme for the same period.

The current Justice Programme supports judicial cooperation in civil and criminal matters, judicial training and effective access to justice. The proposed Justice Programme will continue to pursue those objectives, while placing greater emphasis on the digitalisation of justice.

The initiative is expected to create synergies with the current and proposed Justice Programmes, in particular as regards the promotion of the rule of law, the independence and effective functioning of justice systems, the protection of lawyers in the exercise of their professional activities, and effective access to justice.

For the Union, protecting lawyers from attacks and undue interference with the exercise of their profession is of key importance with a view to protecting the common EU 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 as enshrined in Article 2 TEU. The objectives of the Convention can therefore be considered aligned with those of the Union. Some standards established by the Convention are already enshrined in instruments of EU secondary law in the areas of judicial cooperation in civil and criminal matters and the free movement of persons, services and capital.

1.5.5. Assessment of the different available financing options, including scope for redeployment

Article 18(3) of the Convention provides that "any Party which is not a member of the Council of Europe shall contribute to the funding of the activities of GRAVO and the Committee of the Parties according to the modalities established by the Committee of Ministers". This applies to the Union. The Explanatory Report to the Convention, in principle, indicates that the Committee of Ministers' Resolution CM/Res(2022)6 concerning financial arrangements for the participation of the European Union and non-member States in the follow-up mechanisms of Council of

Europe conventions would apply in order to cover the costs that the accession of the European Union would entail for the Organisation, in particular in relation to the follow-up mechanism.

The Commission is opposed to the application of the method for calculating the Union's contribution set out in the 2022 Resolution, as it does not take into account that the Union accedes to the Convention alongside its Member States. A declaration, annexed to the proposals on signature and conclusion, on the Union's understanding of Article 18(3) of the Convention is therefore being proposed. This declaration states that the Union understands that its contribution to the funding of the activities of the GRAVO and the Committee of the Parties to the Convention will be established by the Committee of Ministers, following an agreement with the Union on the calculation of such contribution, taking into account that the Union accedes to the Convention alongside its Member States.

The Commission is proposing a Council Decision in accordance with Artice 218(9) on establishing the position to be taken by the Member States on behalf of the Union in the Committee of Ministers when a decision on the method for calculation of the Union's financial contribution is made. Without prejudice to the the Union's approach to the financing of other Council of Europe instruments, the Commission proposes that the same method of calculation be employed as was agreed, by virtue of an exchange of letters, in the case of the Istanbul Convention.

The approach adopted for the purpose of the Istanbul Convention is for the Union to make a contribution equal to that of a major contributor. For the purpose of calculating that amount, the European Union agreed that the costs of the Convention be defined as follows:

a. the budgetary cost of the Convention, i.e. the cost directly related to the Luxembourg Convention (without General Management Expenditure) (A)

b. adding administrative costs of 27% of the budgetary cost. (B) = 27%*A.

It was furthermore clarified that the European Union's financial contribution should not be taken into account for the purpose of the calculation of the budgetary costs referred to under point (A).

Once the decision establishing the Union's position on the method of calculation of the Union' financial contribution has been adopted, it is proposed to communicate this to the Secretariat of the Council of Europe and receive their confirmation that they agree to the method of calculation the Union proposes by means of an exchange of letters. This should be followed by a decision of the Committee of Ministers to derogate from the application of the 2022 Resolution in which the Member States vote in line with the common position established in the Council decision adoped for this purpose.

At this point, without a formal confirmation of the calculation method for the Union's contribution and no reliable numbers for the costs which will be generated by the Convention (the Convention not having entered into force yet and the costs being dependent i.a. on the number of participating States), it is not possible to predict the exact costs to the Union budget. The Council of Europe did, however, informally provide us with the following estimates of the potential costs for the period 2028-2031:

Year:	**2028**	**2029**	**2030**	**2031**

Total estimated direct cost (€K)	305,7	311,8	592,7	604,6
Indirect costs 27%	82,5	84,2	160,0	163,2
Overall base for EU contribution (€K)	388,2	396,0	752,8	767,8
EU contribution (€K):	49,5	50,5	96,1	98,0

The following assumptions were applied in the above calculations:

- entry into force of the Convention in 2028 (8 ratifications, including 6 Member States) and a build-up in ratifications (but less than 25) over the period;
- Staff: 2 (1A, 1B) in 2028-2029, increasing to 4 (2A, 2B) in 2030-2031;
- Three meetings per year (two of the monitoring mechanism (GRAVO – eight members) and one of the Committee of Parties);
- applied inflation of 2% per year;
- the GRAVO will decide on its own rules of procedures; it is assumed that the information collected is sufficient and visits during this period would be very limited, if any.

The contribution rate applied is that of the major contributors for 2026 (12,7607%). This rate will be updated each year in accordance with Res(94)31 on the method of calculating the scales of member states' contributions to Council of Europe Budgets. If the growth in the number of ratifications is lower over the period, the costs for 2030-2031 could be reduced (and increased if ratifications are higher, although this is less likely).

1.6. Duration of the proposal/initiative and of its financial impact

☐ **limited duration**

– ☐ in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

☒ **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Method(s) of budget implementation planned[2]

☒ **Direct management** by the Commission

– ☒ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated

– ☐ international organisations and their agencies (to be specified)

– ☐ the European Investment Bank and the European Investment Fund

– ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation

– ☐ public law bodies

– ☐ bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees

– ☐ bodies or persons entrusted with the implementation of specific actions in the common foreign and security policy pursuant to Title V of the Treaty on European Union, and identified in the relevant basic act

– ☐ bodies established in a Member State, governed by the private law of a Member State or Union law and eligible to be entrusted, in accordance with sector-specific rules, with the implementation of Union funds or budgetary guarantees, to the extent that such bodies are controlled by public law bodies or by bodies governed by private law with a public service mission, and are provided with adequate financial guarantees in the form of joint and several liability by the controlling bodies or equivalent financial guarantees and which may be, for each action, limited to the maximum amount of the Union support.

[2] Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Once the Convention enters into force for the Union, the Union will be called upon to make a financial contribution. The deadline for the Union to pay its first contribution will start on the date on which this call for its contribution is made. One third of the amount will have to be transferred within two months of that date and the rest within six months.

All following contributions will be calculated and payable per annum.

2.2. Management and control system(s)

2.2.1. Justification of the budget implementation method(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

The method for calculating the amount of the Union's financial contribution which it is proposed to aim for, is, as explained above, based on the approach taken in relation to the Union's contribution to the financial costs generated by the Council of Europe's Istanbul Convention.

This method of calculation (the Istanbul method) is considered more appropriate than the one set out in the Committee of Ministers' Resolution CM/Res(2022)6 concerning financial arrangements for the participation of the European Union and non-member States in the follow-up mechanisms of Council of Europe conventions, as the latter does not take into consideration that the Union is concluding the Convention alongside its Member States, who, as Members of the Council of Europe, are already contributing to its General Budget from which the costs of the Convention are primarily covered.

The Istanbul method requires the Union to pay an amount equal to that of a major contributor. The rate indicated for this purpose for the year 2026 is 12,7607%. As explained above, this rate will be updated each year in accordance with Res(94)31 on the method of calculating the scales of member states' contributions to Council of Europe Budgets.

2.2.2. Information concerning the risks identified and the internal control system(s) set up to mitigate them

Not applicable.

2.2.3. Estimation and justification of the cost-effectiveness of the controls (ratio between the control costs and the value of the related funds managed), and assessment of the expected levels of risk of error (at payment & at closure)

This Decision does not affect the cost-effectiveness of the existing Commission controls.

2.3. Measures to prevent fraud and irregularities

On Commission side, the appropriations necessary for this Decision will be covered by the existing fraud prevention, control and audit measures applicable to the Commission. The Council of Europe will apply its own rules and procedures to prevent fraud and irregularities.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.[1]	from EFTA countries[2]	from candidate countries and potential candidates[3]	From other third countries	other assigned revenue
2	Support line of the Justice Programme	Non-diff.	NO	NO	NO	NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO
	[XX.YY.YY.YY]	Diff./Non	YES/NO	YES/NO	YES/NO	YES/NO

1 Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.
2 EFTA: European Free Trade Association.
3 Candidate countries and, where applicable, potential candidates from the Western Balkans.

		-diff.				

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☒ The proposal/initiative requires the use of operational appropriations, as explained below

3.2.1.1. Appropriations from voted budget

EUR million (to three decimal places)

Heading of multiannual financial framework	Number	2

DG JUST			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**[1]	Year **2033**[2]	Year **2034**[3]	**TOTAL MFF 2028-2034**
Operational appropriations										
Support line of the Justice Programme	Commitments	(1a)	0,050	0,051	0,096	0,098	0,098	0,098	0,098	**0.589**
	Payments	(2a)	0,050	0,051	0,096	0,098	0,098	0,098	0,098	**0.589**
Budget line	Commitments	(1b)								**0**
	Payments	(2b)								**0**
Appropriations of an administrative nature financed from the envelope of specific programmes[4]										
Budget line		(3)								**0**

1 We only received a forecast from the Council of Europe for the likely amount of the Union contribution (based on the Istanbul approach of calculation) for the years 2028-2031. It may, however, be expected that the contribution will generally level out after 2031, as it is expected that the number of parties and related costs of monitoring of the implementation of the Convention will not increase significantly beyond 2031.

2 Ibid.

3 Ibid.

4 Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL appropriations for DG JUST	Commitments	=1a+1b+3	**0,050**	**0,051**	**0,096**	**0,098**	**0,098**	**0,098**	**0,098**	**0.589**
	Payments	=2a+2b+3	**0,050**	**0,051**	**0,096**	**0,098**	**0,098**	**0,098**	**0,098**	**0.589**

			Year	Year	Year	Year	Year	Year	Year	**TOTAL MFF 2028-2034**
			2028	**2029**	**2030**	**2031**	**2032**	**2033**	**2034**	
TOTAL operational appropriations	Commitments	(4)	0,050	0,051	0,096	0,098	0,098	0,098	0,098	**0.589**
	Payments	(5)	0,050	0,051	0,096	0,098	0,098	0,098	0,098	**0.589**
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0	**0**
TOTAL appropriations under HEADING 2 of the multiannual financial framework	Commitments	=4+6	**0,050**	**0,051**	**0,096**	**0,098**	**0,098**	**0,098**	**0,098**	**0.589**
	Payments	=5+6	**0,050**	**0,051**	**0,096**	**0,098**	**0,098**	**0,098**	**0,098**	**0.589**

The estimated impact on expenditure for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure and the steering mechanism.

The estimated impact on expenditure and staffing does not pertain solely to this present proposal but also covers the "Proposal for a COUNCIL DECISION on the signing, on behalf of the Union, of the Council of Europe Convention for the Protection of the Profession of Lawyer, with regard to matters **not** related to judicial cooperation in civil and criminal matters". This is explained by the fact that the implementation of these two proposals is inextricably linked (with shared actions and resources). The separation into two proposals is justified by different legal bases (see the Explanatory Memorandum), which follow different legislative procedures and thus cannot be combined in a single proposal.

Heading of multiannual financial framework		4	'Administrative expenditure'[5]							
DG: JUST			Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
• Human resources			0.194	0.194	0.194	0.194	0.194	0.194	0.194	**1,358**
• Other administrative expenditure			0,003	0,003	0,003	0,003	0,003	0,003	0,003	**0.021**
TOTAL DG JUST	Appropriations		**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**1,379**

TOTAL appropriations under HEADING 4 of the multiannual financial framework	(Total commitments = Total payments)	**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**0.197**	**1,379**

EUR million (to three decimal places)

		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028-2034**
TOTAL appropriations under HEADINGS 1 to 4	Commitments	**0.247**	**0.248**	**0.293**	**0.295**	**0.295**	**0.295**	**0.295**	**1,968**
of the multiannual financial framework	Payments	**0.247**	**0.248**	**0.293**	**0.295**	**0.295**	**0.295**	**0.295**	**1,968**

5 The necessary appropriations should be determined using the annual average cost figures available on the appropriate BUDGpedia webpage.

3.2.2. Estimated output funded from operational appropriations (not to be completed for decentralised agencies)

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ⇩			Year **2028**		Year **2029**		Year **2030**		Year **2031**		Enter as many years as necessary to show the duration of the impact (see Section1.6)						**TOTAL**	
			OUTPUTS															
	Type[6]	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1[7]…																		
- Output																		
- Output																		
- Output																		
Subtotal for specific objective No 1																		
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
TOTALS																		

6 Outputs are products and services to be supplied (e.g. number of student exchanges financed, number of km of roads built, etc.).

7 As described in Section 1.3.2. 'Specific objective(s)'

3.2.3. Summary of estimated impact on administrative appropriations

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below

3.2.3.1. Appropriations from voted budget

VOTED APPROPRIATIONS	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034	TOTAL 2028 - 2034
HEADING 4								
Human resources	0.194	0.194	0.194	0.194	0.194	0.194	0.194	**1,358**
Other administrative expenditure	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Subtotal HEADING 4	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**1,358**
Outside HEADING 4								
Human resources	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Other expenditure of an administrative nature	0.000	0.000	0.000	0.000	0.000	0.000	0.000	**0.000**
Subtotal outside HEADING 4	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**	**0.000**
TOTAL	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**0.194**	**1,358**

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together, if necessary, with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

3.2.4. Estimated requirements of human resources

– ☐ The proposal/initiative does not require the use of human resources

– ☒ The proposal/initiative requires the use of human resources, as explained below

3.2.4.1. Financed from voted budget

Estimate to be expressed in full-time equivalent units (FTEs)[1]

VOTED APPROPRIATIONS	Year 2028	Year 2029	Year 2030	Year 2031	Year 2032	Year 2033	Year 2034
• Establishment plan posts (officials and temporary staff)							

[1] Please specify below the table how many FTEs within the number indicated are already assigned to the management of the action and/or can be redeployed within your DG and what are your net needs.

20 01 02 01 (Headquarters and Commission's Representation Offices)		1	1	1	1	1	1	1
20 01 02 03 (EU Delegations)		0	0	0	0	0	0	0
(Indirect research)		0	0	0	0	0	0	0
(Direct research)		0	0	0	0	0	0	0
Other budget lines (specify)		0	0	0	0	0	0	0
• External staff (in FTEs)								
20 02 01 (AC, END from the 'global envelope')		0	0	0	0	0	0	0
20 02 03 (AC, AL, END and JPD in the EU Delegations)		0	0	0	0	0	0	0
Admin. Support line [XX.01.YY.YY]	• at Headquarters	0	0	0	0	0	0	0
	• in EU Delegations	0	0	0	0	0	0	0
(AC, END - Indirect research)		0	0	0	0	0	0	0
(AC, END - Direct research)		0	0	0	0	0	0	0
Other budget lines (specify) - Heading 4		0	0	0	0	0	0	0
Other budget lines (specify) - Outside Heading 4		0	0	0	0	0	0	0
TOTAL		1	1	1	1	1	1	1

The staff required to implement the proposal (in FTEs):

Commission:

	To be covered by current staff available in the Commission services	**Exceptional additional staff***		
		To be financed under Heading 4	**To be financed from BA line**	**To be financed from fees**
Establishment plan posts	1 FTE (AD post) - from the Commission's redeployment pool.	N/A	N/A	N/A
External staff (CA, SNEs, INT)	N/A	N/A	N/A	N/A

Description of tasks to be carried out by:

Officials and temporary staff	**Commission**

	The implementation of the proposal requires **1 FTE** in **DG JUST (Legal Officer)** to, inter alia: (1) coordinate the position to be taken on behalf of the Union in the Committee of the Parties (COP) to the Convention on any decisions made by the COP and in the Committee of Minister of the Council of Europe concerning decisions in relation to the Convention; (2) participate in the meetings of the COP, on behalf of the Union; (3) participate in the monitoring exercise for the implementation of the Convention. Experience from other Council of Europe instruments ratified by the Union (such as the Istanbul Convention) shows that the workload generated can amount to 1 FTE. At present, DG JUST cannot cover the needed 1 FTE Legal Officer from existing resources. The need cannot be fully absorbed through internal redeployment within DG JUST, given the existing workload linked to the implementation of statutory and priority files. A further redeployment would compromise the timely delivery of politically sensitive and prioritised initiatives (linked e.g. to the war in Ukraine, defence of democracy and competitiveness) which are proposed for inclusion in the next Commission Work Programme. It would also compromise current priorities, such as the increase of enforcement efforts for JUST acquis.
External staff	N/A

The estimated impact on expenditure and staffing for 2028 and beyond is added for illustrative purposes only and does not pre-judge the next Multiannual Financial Framework. The source of financing and scope of Union financial commitment in the post-2027 period remain subject to the outcome of interinstitutional negotiations on the MFF 2028-2034 and thereafter shall be determined through the annual budgetary procedure. All appropriations and staffing allocations as of 2028 are indicative.

3.2.5. Overview of estimated impact on digital technology-related investments

TOTAL Digital and IT appropriations	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	**TOTAL MFF 2028 - 2034**
HEADING 4								
IT expenditure (corporate)	0	0	0	0	0	0	0	**0**
Subtotal HEADING 4	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
Outside HEADING 4								

Policy IT expenditure on operational programmes	0	0	0	0	0	0	0	**0**
Subtotal outside HEADING 4	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**
TOTAL	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**

3.2.6. Compatibility with the current multiannual financial framework

The proposal/initiative:

– ☒ can be fully financed through redeployment within the relevant heading of the multiannual financial framework (MFF)

– ☐ requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation

– ☐ requires a revision of the MFF

3.2.7. Third-party contributions

The proposal/initiative:

– ☒ does not provide for co-financing by third parties

– ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**	Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

– ☒ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

  – ☐ on own resources

  – ☐ on other revenue

  – ☐ please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[2]						
		Year **2028**	Year **2029**	Year **2030**	Year **2031**	Year **2032**	Year **2033**	Year **2034**
Article …….								

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

4. DIGITAL DIMENSIONS

4.1. Requirements of digital relevance

Not applicable.

4.2. Data

Not applicable.

4.3. Digital solutions

Not applicable.

4.4. Interoperability assessment

Not applicable.

4.5. Measures to support digital implementation

Not applicable.

[2] In the case of traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 10 % for collection costs, as proposed in COM(2025)574.