EUROPEAN
COMMISSION

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ANNEX 1

ANNEX

to 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 related to judicial cooperation in civil and criminal matters

ANNEX 1

DECLARATION OF THE EUROPEAN UNION ON THE APPLICATION OF ARTICLE 6, PARAGRAPH 3, OF THE CONVENTION

The European Union ('the Union') considers that the Convention for the Protection of the Profession of Lawyer 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 determined by Union law and, in particular, as established in the case-law of the Court of Justice of the European Union.

DECLARATION OF THE EUROPEAN UNION ON THE APPLICATION OF ARTICLE 18, PARAGRAPH 3, OF THE CONVENTION

The European Union ('the Union') understands that its contribution to the funding of the activities of the Group of Experts on the Protection of Lawyers (GRAVO) and the Committee of the Parties 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 for the Protection of the Profession of Lawyer alongside its Member States.

DECLARATION OF THE EUROPEAN UNION IN ACCORDANCE WITH ARTICLE 19 OF THE CONVENTION

In accordance with Article 19, paragraph 1, of the Convention for the Protection of the Profession of Lawyer (the 'Convention'), the European Union hereby specifies that the Convention is to apply, with regard to the Union, to the territories in which the EU Treaties apply pursuant to Article 52 of the Treaty on European Union (TEU) and under the conditions laid down in, inter alia, Article 355 of the Treaty on the Functioning of the European Union (TFEU). In particular, taking into account the Protocol on the position of Denmark, annexed to the TEU and to the TFEU, the European Union notes that the Convention, with regard to matters related to judicial cooperation in civil and criminal matters, is not applicable in relation to Denmark. [Moreover, taking into account the Protocol 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 TFEU, the European Union notes that the Convention with regard to matters related to judicial cooperation in civil and criminal matters, is not applicable in relation to Ireland.]

DECLARATION OF THE EUROPEAN UNION IN ACCORDANCE WITH ARTICLE 20 OF THE CONVENTION

In accordance with Article 20, paragraph 1, of the Convention for the Protection of the Profession of Lawyer (the 'Convention'), the European Union ('the Union') declares that, for the purposes of Article 3, subparagraph a, of the Convention, a lawyer shall mean any natural person who is qualified and authorised to practice the profession of lawyer under one of the professional titles referred to in Article 1(2), point (a), of 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 and who is not bound to his or her client by a relationship of employment.

RESERVATION OF THE EUROPEAN UNION IN ACCORDANCE WITH ARTICLE 21 OF THE CONVENTION

The European Union ('the Union') hereby declares that it reserves the right not to apply the provisions laid down in Article 6, paragraph 1, subparagraphs b, c and i, of the Convention for the Protection of the Profession of Lawyer ('Convention') to agents representing the Union institutions, bodies, offices and agencies, that 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.