

European Company Lawyers Association

ECLA is a confederation of national company lawyers' associations organised in European countries, and recognises that European company lawyers are the key to accessing justice for companies throughout Europe.

Since its foundation in 1984 ECLA has gained recognition as the leading European representative body for European company lawyers' associations and - indirectly - for their individual members. With its unrivalled leadership position, ECLA provides an ideal platform for responding to and influencing the European in-house counsel network and European organisations.

ECLA's mission

Key matters to which ECLA is firmly committed include:

- Recognition of the professional status of company lawyers
- Recognition of legal professional privilege
- Legal education
- Networking opportunities
- Liaison with other associations in the legal arena.

Programme

ECLA's political objectives

ECLA seeks to obtain recognition for company lawyers as professionals in their own right.

ECLA seeks recognition of legal professional privilege before the EU institutions and before national institutions, including the national competition authority of each member country.

ECLA has observer status as Non-Governmental Organisation at the United Nations Commission on International Trade Law (UNCITRAL), and participates in sessions of UNCITRAL working groups.

ECLA provides the following benefits for company lawyers:

- Representation of interests before the European Commission and other (European) policymaking bodies
- A forum for building professional relations among European company lawyers
- A forum for exchanging and sharing legal experience and knowledge among European company lawyers
- Continuous legal education for company lawyers and the broader legal community
- Language education
- Support and assistance in the creation and establishment of company lawyers associations in countries where such organisations do not exist

Legal Education

ECLA organises annual European legal conferences together with the Academy of European Law (ERA, Trier, Germany).

ECLA organises regional conferences and seminars.

ECLA provides information on selected conferences and seminars for company lawyers.

ECLA provides substantial discounts and rebates for conferences and seminars and other legal information.

ECLA provides legal education for company lawyers in the new EU member states and other East European countries.

Networking Opportunities

ECLA provides networking opportunities for company lawyers and is currently creating transnational working groups to deal with specific legal issues. Networking provides opportunities for company lawyers to:

- Access a forum where member organisations can meet to exchange and share information and experiences.
- Develop and make available information about best practices for company lawyers.
- Secure practical help in achieving the objectives of their legal departments.
- Use existing legal sources of information and knowledge.
- Take advantage of new systems and new technologies for legal departments and company lawyers, e.g. document handling, management systems, knowledge management and internet/intranet/extranet.



ECLA's projects and task forces

ECLA has established a number of projects and task forces, including the following.

Legal Professional Privilege

Legal professional privilege means that the communication between a client and its lawyer in which legal advice is sought and offered are confidential and cannot be used against the company. It is essential to ensure that legal advice can be obtained in complete freedom.

This right is recognised in a number of European national jurisdictions but not an EU level. Notwithstanding an earlier European Parliament vote in favour of extending legal privilege to company lawyers before the European Institutions, this was



not addressed in the modernisation of Articles 81 and 82 of the EU Treaty. Legal privilege was also denied to company lawyers in the AKZO Nobel case in 2007 by the European Court of First Instance (appeal pending with ECLA as intervener).

This has led to significant legal uncertainty and different jurisprudence in the various member states.

ECLA continues to fight for in-house lawyer legal professional privilege and seeks to have the following principle recognised: communications between a company and its company lawyer containing or seeking legal advice, shall be privileged, provided that the legal counsel is properly qualified and complies with adequate rules of professional ethics and discipline which are laid down and enforced by the professional associations of which the company lawyer is a member.

More information, including a number of position papers of ECLA on this subject can be found in the "Privilege" section of the ECLA website (under projects).

Mentorship

Some national associations have developed a programme in which senior members of the association act as a mentor to persons who are new to the profession, or have taken on new responsibilities within a legal department. These programmes can be shared among the national associations.

Mediation

Following the approval in 2008 of the EU Directive on cross-border mediation in civil and commercial disputes, this task force was established to monitor the introduction of new legislation on mediation in the member associations' countries.

Class Action

More and more European countries are introducing class action or collective redress legislation. ECLA has therefore instituted this task force to monitor new legislation in European countries. More information can be found on ECLA's website.

ECLA Members, Organisation and Management

ECLA is a confederation of national company lawyers' associations in Europe, and is an international non-profit and non-governmental association organised under Belgian law. Its registered office is in Brussels.

Membership in ECLA is restricted to those associations that safeguard the professional qualifications of their company lawyers and ensure that they comply with the Code of ethics and disciplinary rules of their national association.

ECLA is managed by a Board of Directors with each director appointed by a different association. The board of directors usually meets twice a year. It elects the Executive Board, which consists of a President, a Secretary General, a Treasurer and one or more Vice Presidents who manage the daily activities of ECLA in conjunction with a General Manager.

Funding

ECLA is financed through a combination of membership fees, sponsorship contributions and proceeds from conferences.



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Association Européenne
des Juristes d'Entreprise

The European Company Lawyers Network