



INTERIM REPORT ON THE ACTIVITIES OF THE WORKING GROUP ON CROSS BORDER FINANCIAL CRIME

On the advisory board meeting in Lyon in October 2007, it was decided that the working group on cross border financial crime would make a comparative study on the money laundering regulations in Europe and especially on their impact on the legal profession.

A questionnaire was presented to the members at the ECBA Spring Conference in Amsterdam in April 2008.

This questionnaire aims at gathering information about national money laundering legislations in a concise manner in order to be able to present a template, which can serve as a tool for practising defence lawyers throughout Europe, confronted with a cross border financial case and thus with a legal system that they do not know like their own.

After the conference, the questionnaire was put on the website and was sent to the ECBA members with an invitation to fill it out.

At this date, answers were received from members from:

- Germany;
- France;
- Ireland;
- Greece;
- Portugal.

All answers received so far are very elaborate. As a brief summary, it results from the answers that the implementation of the European Directive into national legislation and the implications on the professional secrecy of lawyers (more than other professionals affected by this regulation) did not proceed undisputedly.

On top of this, the questionnaire was also sent to a number of selected law firms from EU Member States that are not yet represented within the ECBA to make the comparative study truly representatif.

Furthermore, this allows to present the ECBA to them and to make them interested.

It concerns:

- IOANNIDES DEMETRIOU LAW OFFICES, Mr. Pambos Ioannides (Cyprus);
- GLIMSTEDT STRAUS & PARTNERS, Mr. Ilmar Straus (Estonia);
- DRZEWIECKI, TOMASZEK & WSPOLNICY, Mr. Andrzej Tomaszek (Poland);
- PEKIN & PEKIN, Mr. Gokben Erdem Dirican (Turkey);
- RITTER & WOHLWEND, Mr. Christof Ebersberg (Liechtenstein);
- ARENDT & MEDERNACH, Mr. Christian Point (Luxemburg);

=> Mr. Engels has met them in person at a TERRALEX meeting in South Africa in September 2008 and has extensively presented the ECBA and its work.

Furthermore, the office of the Spanish law firm ROCA JUNYENT showed an interest in becoming a member of the ECBA and has promised to fill out the questionnaire as well.

- Slovenia;
- Bulgaria;
- Finland;
- Sweden;
- Romania;
- Hungary;
- Malta;
- Slovakia
- Ukraine.

Answers are to be awaited.

The mailing was done to the members by e-mail and by ordinary letter.

The mailing was done to the non-members by ordinary letter only.

If necessary, reminders can be sent.

We presume that it will take another 3 to 6 months approximately to have gathered sufficient information to be able to make the intended template.

Annelies Denecker

Peter Engels