



C/2025/1215

3.3.2025

**Request for a preliminary ruling from the Grondwettelijk Hof (Belgium) lodged on 18 November 2024 –
Instituut voor bedrijfsjuristen and Others v Ministerraad; intervener: Association Européenne des Juristes
d'Entreprise ASBL**

(Case C-796/24, Instituut voor bedrijfsjuristen)

(C/2025/1215)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicants: Orde van Vlaamse Balies, Institut des Juristes d'Entreprise, Ordre des barreaux francophones et germanophone, Institute for Tax Advisors & Accountants, ZH, SR

Defendant: Ministerraad

Intervener: Association Européenne des Juristes d'Entreprise ASBL

Questions referred

1. Should Article 3(3)(b) of Directive (EU) 2019/1937 ⁽¹⁾ of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law be interpreted as requiring Member States, when transposing the directive into their domestic law, to, exclude not only information covered by legal professional privilege, but also information covered by a legal duty of confidentiality applicable to persons from other legal professions, from the scope of the protection scheme for persons who report infringements of Union law?
2. If the first question is answered in the negative, should Article 3(3)(b) of Directive (EU) 2019/1937 be interpreted as allowing Member States, when transposing the directive into their domestic law, to exclude both information covered by legal professional privilege and information covered by a legal duty of confidentiality applicable to persons from other legal professions from the scope of the protection scheme for persons reporting infringements of Union law?
3. If the first and second questions are answered in the negative, does Article 3(3)(b) of Directive (EU) 2019/1937, in so far as it provides that the aforementioned directive is without prejudice to the application of Union or national law in relation to the protection of legal professional privilege, whereby the protection of professional privilege applies only to lawyers and not to persons from other legal professions who are subject to a legal duty of confidentiality, infringe the right to respect for private life as guaranteed by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union (and by Article 8 of the European Convention on Human Rights), the freedom to conduct a business as guaranteed by Article 16 of the same Charter, the right to the undisturbed enjoyment of property as guaranteed by Article 1 of the First Additional Protocol to the European Convention on Human Rights, or the principle of equality and non-discrimination set out in Articles 20 and 21 of the same Charter?

⁽¹⁾ OJ 2019 L 305, p. 17.