



**ECLA**

European Company Lawyers Association

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ECLA BULLETIN, October 2021

**Dear ECLA Members and Guests,**

We would like to extend our deepest gratitude for your continuous support and we are happy to announce that we will hold two upcoming General Counsel Roundtables in person! The events, taking place in Zurich and Rome, will adhere to strict national and sensible COVID-guidelines and will be the first physical events that ECLA has organised since the start of the pandemic. We are beyond excited and hope that the trend will continue next year.

**E-Learning**

## **ECLA Online Learning**

We are wrapping up our comprehensive webinar series for the year with two high-quality sessions:

- **23 November 11:00 CET - All you need to know about security in legal operations**
- **30 November 10:30 CET - Fortune Telling - How to assess litigation risk and reward**

Participation is free and highly encouraged for company lawyers! Security issues are consistently becoming more and more visible and will definitely be a core part of a corporate lawyer's skillset soon. Litigation funding is a fascinating topic that unfortunately not many legal departments are that aware of. It is an opportunity that many legal departments have missed in the past and is an element that should commonplace for business operations.

[View sessions](#)

## Corporate/M&A

# CMS Expert Guide for Directors & CEOs

CMS Corporate/M&A has updated its interactive CMS Expert Guide for Directors & CEO's. This updated guide now includes responses to the most frequently asked questions relating to the breadth of ESG-related duties and responsibilities for Directors and CEOs in key jurisdictions across the world.

- Do existing directors' duties contain obligations that apply to matters that could be categorised as an ESG consideration, e.g. the environment, employee welfare?
- Are there other obligations of directors that relate to ESG considerations, e.g. health and safety, gender pay inequality, etc.?
- What recent changes have occurred or are expected with respect to directors' responsibilities in relation to ESG considerations?
- What obligations do directors have in relation to ESG disclosure and/or reporting?

[View the Expert Guide](#)

## Survey

# Legal Departments on the Move

On November 9, Wolters Kluwer Legal & Regulatory's Legal Software business will be holding its virtual, highly anticipated pan-European conference, titled 'European Corporate Legal Departments on the Move.' Don't miss this unique opportunity for legal tech enthusiasts across Europe to connect and share knowledge about how the role of legal tech has changed since the COVID-19 pandemic and how it is shaping the modern legal department.

**In addition, we invite everyone to participate in a short survey on digitalisation. The survey will take 8 minutes to complete and will provide you with a free copy of the study once published.** The event will also be one of the first places where the initial results of the study will be discussed.

[View event](#)

[Participate in the study](#)

## Climate Change

# CMS Climate Risk Report

With COP26, the 26th United Nations Climate Change Conference, imminent, and corporates making stronger commitments to reduce their carbon footprint, climate risk has become a top priority. That's one of the key messages of Climate Risk, a timely new report from global law firm, CMS. As the world pivots toward a clearer climate mitigation agenda, corporates need to understand and quantify the risks facing them, and put in place clear mitigation strategies, not just to avoid litigation and penalties, but to obtain a license to operate and gain competitive advantage.

The report highlights three key types of risk. First, of financial institutions holding corporates to account over perceived climate risks. Second, the risk to corporates on addressing and reporting their climate impact. Thirdly, the risk of litigation against corporates relating to climate change.

[Download the publication](#)

## Legal Privilege

# OECD competition law recommendations include legal privilege

On 6 October 2021, at the Meeting of the Council at Ministerial Level, the Organisation for Economic Co-operation and Development (OECD) adopted a Recommendation on Transparency and Procedural Fairness in Competition Law Enforcement. The eight points of recommendation include a point on legal privilege, an element that ECLA sees as inherent to the proper functioning of European corporate lawyers.

[Read more](#)

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Responsible for the content:  
ECLA Association Services SPRL,  
Dr. Michael Henning  
Marcus M. Schmitt  
Telephone: +32 2-808 54 56  
E-Mail: [info@ecla.eu](mailto:info@ecla.eu)

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Avenue Louise 326  
1050 Brussels, Belgium

CONTACT INFORMATION  
Telephone: +32 2 808 54 56  
E-Mail: [info@ecla.eu](mailto:info@ecla.eu)  
Internet address: <http://www.ecla.eu>

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Our mailing address is:  
ECLA - European Company Lawyers Association  
Avenue Louise 326  
Brussels 1050, Belgium

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