

Lawyers Directives

Services 77/249

Establishment 98/5

Services Directive

- under the home professional title (e.g. bearing the title of Rechtsanwalt in France)
- to give advice even in host country law (Art. 4 § 4)
- and to represent clients in legal proceedings (Art. 5) before courts (with a local lawyer if the host MS requires it)
- without registering with the host MS bar
- observing the rules of professional conduct of the host MS (except to the extent that they would be disproportionate for activities other than those relating to legal proceedings)

Establishment Directive

- **i) the right to *establish under the home-country professional title*** (Art. 2)
- without examination of the diplomas and to practise the same activities as a host Member State lawyer (Art .5):
- to give advice even in host country law
- and to represent clients before courts (with a local lawyer if the host MS requires it)

- **ii) *facilitating access to the host Member State professional title*** (Art. 10) :
- exemption from the aptitude test (3 years of activity in host M.S. law) (§1)
- assessment of lesser activity and of capacity if the 3 years of activity are not fully in host M. S. law (§ 3)

- **iii) *joint practice*** (Art. 11) :
- in a branch of the home grouping (§1)
- access to a host M.S. form (§2) with lawyers from other M.S. (§3)
- limitations on practice with other professions may be introduced by Member States (§5)

Cooperation between the Bars

- CCBE (Council of the Bars and the Law Societies of the European Community)
- code of conduct and cards with a view to facilitating the implementation of the directive on services
- www.ccbe.org

Trainees

- not the Directives
- but “Morgenbesser” case (C-313/01 of 13.11.03) for access to remunerated professional training

Other provisions

- *respecting the rules of the host M.S. :* registration with the host M.S. authority (Art. 3), professional conduct (Art.6), discipline (Art. 7) ; cooperation between the authorities of the host and the home M.S. (Art. 13)
- *judicial remedies* (Art. 9)
- *salaried practice* (Art. 8): up to the host M.S.