Lawyers: practice of the profession on a permanent basis

1994/0299(COD) - 24/07/1997 - Council position

The common position taken over Parliament's main amendments, accepted by the Commission in its amended proposal, particularly those concerning the permanent nature of establishment under the home-country professional title and the replacement of the aptitude test by a procedure for the verification of professional qualifications. The common position does not include the amendments which oblige the host Member State to allow salaried practice, except in matters where lawyers represented or defended in the administration of justice the enterprise that employed them. The Commission also rejected the amendments on the inclusion of Dutch 'procureurs', a proof of good repute and social security. The new provisions introduced by the Council related mainly to access to the supreme courts and to information on disciplinary procedures extended to the home Member State. The Commission also requested to present a report after an initial implementing period of ten years from the entry into force of the Directive. The amendments, which were confined to clarifying the rules already laid down, differ little from Parliament's opinion and relate to the acquisition of the professional title of the host Member State and joint practice. Some minor amendments were also taken to take account of developments in the profession in Italy, compliance with the procedural rules and the fact that certain Member States permit the participation of family members in groupings of lawyers.