Lawyers: practice of the profession on a permanent basis

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The Committee on Legal Affairs unanimously backed the proposal to approve the Council's common position. The Council agreed to the points made by Parliament and, like the Commission, took on board most of the 28 amendments adopted by Parliament at first reading. According to the rapporteur, Mrs Fontaine (EPP,F), the system proposed by Parliament will result in a balanced position based on two principles: the right for lawyers to practise in a country (the host country) other than the one in which they obtained their original qualifications, and the right to apply for membership of the legal profession in the host country. The Commission's initial proposal envisaged an aptitude test for membership of the profession in the host country and suggested that the qualifications from the country of origin should be valid for five years only. In line with an amendment put forward by Parliament, the aptitude test is to be replaced by an objective assessment of the skills of any lawyer wishing to work in another country (professional experience, attendance at law courses in the host country, plus the code of professional ethics). The aptitude test will thus no longer be able to serve as a form of disguised protectionism. In practice, this means that, for example, a solicitor who has obtained his qualification in London will be able to set up as a lawyer in Milan on the basis of his solicitor's qualification, with no time limit. The rapporteur pointed out that the directive had been devised in response to demand from within the legal profession, which had been consulted by the Legal Affairs Committee, in particular via the Consultative Committee of the Bars and Law Societies of the European Community (CCBE).