Lawyers: practice of the profession on a permanent basis

1994/0299(COD) - 21/12/1994 - Legislative proposal

1) OBJECTIVE: to facilitate the practice of the profession of self-employed or salaried lawyer on a permanent basis in a Member State other than that in which the qualification was obtained. 2) CONTENT: 1. Definitions of the following terms: "lawyer", "Member State of origin", "host Member State", "home-country professional title", "group". 2. This directive applies both to self-employed and salaried lawyers practising in the host Member State. 3. Lawyers wishing to practise in a Member State other than that in which the qualification was obtained must register with the competent authority in that State. 4. Lawyers not yet fully integrated into the profession in the host Member State may practise in that state under their home-country professional title. After three years of effective and regular practice in the host Member State in the law of that Member State, including Community law, the lawyer is presumed to have acquired the skills needed to integrate fully into the legal profession in the host Member State and, as such, need not take the aptitude test. However, lawyers who have not practised in the law of the host Member State or in Community law must take an aptitude test on procedural law and the code of professional ethics in the host Member State. 5. Although there are exceptions (in the United Kingdom and Ireland, see article 5), lawyers practising under their home-country professional title will be engaged in the same professional activities as lawyers in the host Member State and, more importantly, may be consulted on the law of their Member State of origin, on Community law, on international law and on the law of the host Member State. 6. One or more lawyers practising under their home-country professional titles in a host Member State who are members of the same group in their Member State of origin may practise as a branch or agency of their group in the host Member State. 7. Lawyers practising under their home-country professional title may be subject to disciplinary proceedings in the host Member State. Source: European Commission - Info92 - 10/95