# Lawyers: practice of the profession on a permanent basis

1994/0299(COD) - 19/06/1996 - Text adopted by Parliament, 1st reading/single reading

Parliament adopted the report by Mrs Nicole FONTAINE (PPE, F) on the practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained. With regard to integration into the profession in the host Member State, Parliament proposed replacing the aptitude test provided for by the Commission in order to accede to the professional title of the host Member State, with an objective assessment. The competent authority of the host Member State would take account of the migrant lawyers' professional experience in the host Member State and their attendance at lectures or seminars on the host Member States' law, including the rules regulating professional practice and conduct. Contrary to the Commission, which sought to limit the right to practise under the Home Country professional title to a period of five years, the EP wanted the right to practise to be on a permanent basis. The competent authority of the host Member State which registers the lawyer must ask the competent authority of the home Member State for an attestation certifying that the lawyer concerned fulfils the conditions of honour, honorability and probity pertaining to the duties of a lawyer. With regard to joint practice, Parliament considered that the host Member State could refuse to allow a lawyer to practise in its territory if the capital of the grouping is held, the name under which it practices is used or the decision-making power is exercised by persons who do not have the status of lawyer. Moreover, where the fundamental rules governing a grouping of such lawyers are incompatible with the rules in force in the host Member State, the host Member State may oppose the opening of a branch or agency within its territory. Parliament also wished to exclude lawyers holding a ministerial office from the scope of the directive. Finally, lawyers practising under their home-country titles should be able, at their request, to be exempted from the requirement to join the social security scheme for lawyers of the host Member State, provided they can prove they are members of an equivalent social security scheme for lawyers in their Member State of origin.