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The IBA Global Cross Border Legal Services in the Balkan States and CIS Report 2019

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INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in the Balkan States and CIS, this extract may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

How the database was compiled

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

Sources used

Wherever possible primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise, the ability to practise in partnership with host country lawyers or to employ host country lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database (www.wto.org) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website (www.chambersandpartners.com) or Legal 500 (www.legal500.com), where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's 'Doing Business' website (www.doingbusiness.com). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

Notes on Interpretation

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as 'licensing', 'foreign legal consultant rules' and 'fly in fly out'. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database which could usefully be added in future. We have not, for example, included any information about disciplinary arrangements, however most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

Albania

Is there legislation governing the legal sector

Law no. 55/2018 "On the profession of advocate in the Republic of Albania", as amended. A new Advocacy Law was approved on 27.07.2018 and was published in the Albanian Official Journal on 17.08.2018. The Advocacy Law will enter into force on 01.09.2018.

Under what title do lawyers practise?

Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Under the Advocacy Law (Article 13), the profession of advocate can be practised in the Republic of Albania by every Albanian citizen who meets the following conditions:

- a) Has full legal capacity to act;
- b) Has completed the second cycle program of university studies in law in the country, or a unified degree, or has completed recognised university studies in law abroad,
- c) Has completed an internship with an advocate practicing the profession of advocate in the Republic of Albania, for a period not less than one year and has received a positive evaluation;
- d) Has successfully completed the initial training program at the School of Advocacy and received the relevant certificate;
- e) Has no unspent conviction for a criminal offense committed intentionally or for a criminal offense committed in negligence, for which he/she has not been rehabilitated and which threatens the reputation and integrity of the profession of advocate
- f) Has not had previous disciplinary action taken against them, removing the title of advocate, unless this disciplinary measure has been extinguished pursuant to the specific provisions of the law;
- g) Has not been discharged from a public function, for reasons of ethical integrity, by a final binding decision of the competent body, except when the disciplinary measure is extinguished according to the specific legislation;
- h) Has successfully passed the Advocate's Qualifying Exam, according to the rules laid down in this law, in the Articles of Association of the Advocacy Chamber of Albania and relevant regulations.
- i) Has paid the required fee to the Advocacy Chamber of Albania.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country.

Albania

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

An advocate may perform the following activities: (a) Legal counselling of natural and legal persons; (b) representation in criminal, civil, administrative proceedings, or of any other nature that may not be included in these three categories, at any scale of the judiciary, inside or outside country, in international courts or any other body, with which the Republic of Albania has adhered, as well as representation in mediation or arbitration procedures; (c) drafting legal acts and any other acts, according to the requirements of natural or legal persons, domestic or foreign, within the territory of Republic of Albania; (d) other actions provided for in Albanian legislation or foreign legislation, when the activity is performed outside the territory of the Republic of Albania.

Any natural or legal person who has not acquired the title of advocate, in accordance with the provisions of the Advocacy Law is not permitted to: (a) act as a representative of the parties or draft written acts for the parties in the court proceedings, in which the parties should be represented by an advocate, according to the procedural legislation in force; (b) act as a representative of a party, where not included in the category of subjects that can represent the parties, according to the procedural legislation even if the law does not provide for representation only by an advocate; (c) act as advocate by presenting false or untrue facts, with the intention of deceiving the public.

Do you need to hold local nationality to be eligible to practise law?

No.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Advocates may practise individually or jointly with other advocates organized in law firms incorporated pursuant to the Albanian Company Law.

Albania

What other ethical or regulatory requirements must a licensed lawyer comply with?

The advocate practising law in the republic of Albania must comply with the following requirements: Hold an annual permit for the exercise of the profession; be registered with the commercial register, comply with the provisions provided for in the Articles of Association of the Advocacy Chamber of Albania and Advocate's Code of Ethics; have fulfilled any legal obligations in relation to professional liability; attend the continuing training program, in accordance with the provisions of the Advocates Law. The Code of Ethics is being updated following the new Advocates Act 2018.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no specific license required for law firms to practice law. However, the establishment of a law firm is subject to approval by the Advocacy Chamber of Albania.

Which authority issues licences? Are there different authorities for individuals and firms?

The Advocacy Chamber of Albania issues licences to individual lawyers and approves the establishment of law firms by one or more advocates.

Is the jurisdiction a member of the WTO?

Albania joined the WTO on 8 September 2000

Has it made any WTO commitments on legal services?

Albania has reserved legal services (CPC 861 - excluding consultancy on the law of the jurisdiction where the service supplier is qualified as a lawyer and on international law), across modes 1-4, to Albanian citizens who are qualified as lawyers or notaries, and resident in Albania. It has committed access in modes 1-3 in consultancy on foreign and international law.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Albania is a party to the Central European Free Trade Agreement (CEFTA), the European Free Trade Association (EFTA) and has bilateral trade agreements with the EU and Turkey. It has been recognised under the Stabilisation and Association Agreement with the EU as a potential candidate country for membership of the EU, although negotiations have not yet begun.

Do these currently include legal services or are there plans to include them in future?

Not currently, although trade in services is included in CEFTA and negotiations should eventually touch on professional services, including legal. As a candidate country for EU membership Albania will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

There are subsidiary offices of international, Greek, Italian and Austrian law firms present in the Albanian market.

Albania

<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	No
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	There is no explicit restriction set forth in the applicable legislation that a foreign lawyer obtains a visa to visit clients or to market insofar as the foreign lawyer does not practice law in Albania within the meaning and requirements set forth by the Albanian Advocacy Law.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no such concept of limited license in the Albanian legislation although there are no restrictions on foreign lawyers practising as legal consultants on foreign and international law.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There is no explicit restriction set forth in the applicable legislation. Foreign lawyers having obtained the relevant license pursuant to the Albanian legislation in force are entitled to the same rights as Albanian lawyers; therefore, representation in mediation or arbitration procedures should be permitted.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Foreign lawyers may appear in court only after having obtained a licence to practice law in Albania pursuant to the legislation in force.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. Any European Union citizen who has acquired the title of lawyer, according to the rules of that Member State, and has signed a co-operation agreement with a law firm in the Republic of Albania, and been recognized and registered as such by the Advocacy Chamber of Albania and the tax authorities. After practicing the profession of advocate for a period not less than three years in Albania, an EU lawyer may request the right to be registered as a full advocate with the Advocacy Chamber of Albania.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no specific provision in the Albanian legislation referring to foreign law firms. But it is likely that foreign law firms must undergo the same approvals as local law firms (i.e. approval from Advocacy Chamber of Albania etc.).

Albania

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	In addition to the relevant approval from the Advocacy Chamber, a foreign law firm must register with the National Business Centre.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	There are no specific rules on the 'scope of practice' of foreign law firms.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Under the Advocacy Law, law firms are registered as a legal entity in the form provided by the applicable legislation in force i.e. the Company Law. Accordingly, under the Company Law a legal entity may be established as a subsidiary of a foreign company or as a branch or as a representative office of a foreign company. In the case of subsidiaries, the business forms typically utilized that are provided for under the Albanian Company Law are as follows: General Partnership; Limited Partnership; Limited Liability Company; or Joint Stock Company. General and Limited Partnerships are rarely used in practice whereas limited liability companies (SHPK) and joint stock companies (SHA) are the most frequently used forms of businesses encountered in Albania.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no provisions in the Albanian legislation referring explicitly to foreign law firms. There are however rules provided for in the Articles of Association of the Advocacy Chamber of Albania, which apply to the name law firms can use where they have been established by one or more advocates. Additionally, where the foreign lawyer is granted the title of 'advocate' (in cases of foreign citizen who has earned the title "advocate" in a member state of the European Union, and has signed a co-operation agreement with one law firm duly established in the Republic of Albania), the name of the foreign lawyer should be placed

Albania

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	after the name of known and registered law firm in the Republic of Albania accompanied by words "in cooperation with". Advocacy Chamber of Albania. http://www.dhka.org.al/
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no restrictions on the ownership share of foreign lawyers in a law firm, provided they are admitted as advocates or if the entity concerned is not engaged in the practice of law. (See General Principles of the Code of Ethics)
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no restrictions provided by the applicable law.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Albanian advocates are not allowed to fee share with non-advocates or form partnerships with non advocates. They are also only allowed to be partners in one law firm (See rules 11-13 of the Code of Ethics).
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	<u>National Chamber of Advocacy of Albania</u> http://www.dhka.org.al/
<i>Verified by</i>	Kalo Attorneys

Armenia

<i>Is there legislation governing the legal sector</i>	The Law "On Advocacy" (2004)
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	According to the Law on Advocacy, in order to qualify for a licence, an individual with a law degree must study in Advocates school for 1 year, which includes 6 months of theoretical studies and 6 months of practice. If the individual has previous experience this can reduce the time spent in Advocates school to 6 months. Afterwards, the individual must pass the Chamber of Advocates Board qualification exam to obtain a licence.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	The licence is granted for an unlimited time.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	The practice of law is defined in the Law on Advocacy to include: 1) consultation, including consulting clients on their rights and obligations, activities of the judicial system in respect to the rights of the client, as well as studying documents, preparing other documents of legal nature; 2) representation, including court representation; 3) defence in criminal cases 4) legal support to witnesses in the manner prescribed by law. Article 5 of the Law on Advocacy, states that "defence in criminal cases shall be carried out solely by an advocate.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	There is no nationality restriction on the practice of law in Armenia.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	According to the Law on Advocacy, advocates may either work in sole practice or in a law firm (defined in the code as an advocate 'with the status of a legal person').
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Ethical Requirements - Armenian lawyers must also adhere to the Code of Advocates Ethics 2012. Regulatory Requirements - In order not to lose the licence, the advocate must participate in training organised by the Chambers of Advocates and complete at least 48 hours of training every 2 years.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	There is no licensing process for law firms.

Armenia

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Chamber of Advocates (“Pastabanneri Palat”).
<i>Is the jurisdiction a member of the WTO?</i>	Armenia joined the WTO on 5 February 2003.
<i>Has it made any WTO commitments on legal services?</i>	Armenia has made full commitments in modes 1 -3 and the only limitations on market access and national treatment are in the provision on notarial services, which are reserved to the government or in the drafting of legislative documents. It has made commitments in mode 4 to allow intra corporate transferees and individual service suppliers with professional qualifications to obtain renewable working visas for up to 3 years.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Armenia is a member of the Commonwealth of Independent States and has bilateral trade agreements with Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, the Russian Federation, Turkmenistan, the Ukraine, Latvia, Iran, Uzbekistan, Belarus, People’s Republic of China, Korea, India and Vietnam.
<i>Do these currently include legal services or are there plans to include them in future?</i>	Armenia has bilateral agreements on legal aid in civil and criminal cases. The coverage of these agreements is limited to the provision of legal support from one party to the citizens of the other party of the agreement.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	The Law on Advocacy explicitly allows for differential treatment as a result of international trade agreements although none of Armenia's agreements currently include legal services.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There is a branch of an international accountancy network in Armenia.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	The Law suggests that a foreign lawyer should register with the Chamber of Advocates.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Armenia has made WTO commitments that have the effect of allowing foreign lawyers to obtain working visas to provide services on condition that they hold appropriate professional qualifications.

Armenia

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Under article 17 of the Law on Advocacy, a foreign advocate is entitled to practise in Armenia on the basis of his or her home country licence but must register with the Chamber of Advocates. A foreign advocate cannot provide legal assistance on issues related to state or official secrets of the Republic of Armenia or be elected in the bodies of the Chamber of Advocates. The rules state that "8.3.1 A foreign advocate shall practice advocacy according to the procedure by the Law, the Charter of the Chamber of Advocates and the Code. 8.3.2 When practicing within the territory of the Republic of Armenia, the rules of conduct for the RA advocates shall also apply to the foreign advocate accredited by the Chamber as much as the rules may refer to the foreign advocate. "

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements for the issuance of work permits to foreign nationals.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Foreign professionals are subject to an economic needs test for work permits

Are foreign lawyers permitted to undertake arbitration and mediation?

The law "On Commercial Arbitration" 2006 set up the Armenian arbitration court in the Chamber of Commerce which is open to foreign lawyers.

Are foreign lawyers allowed to appear in court under any circumstances?

Foreign lawyers may appear in civil cases but in order to represent a client in a criminal case, they would need to be certified by the Chamber of Advocates.

Can foreign lawyers requalify as local lawyers?

The Law on Advocacy recognises the possibility of foreign lawyers requalifying as Armenian advocates.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licences to practice law beyond the usual company registration procedures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Since 2011 the Ministry of Justice has operated a one-stop shop which handles all of the registration and tax requirements for investors.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

There are no quantitative limitations on law firms

Armenia

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Armenian Chamber of Advocates - www.advocates.am
v	Ameria Legal and Tax Advisors (Nov 2013) http://www.amerialegal.am/

Azerbaijan

Is there legislation governing the legal sector

The "Law On Advocates and Advocates' Activity" (2000) and Presidential Decree No. 637 "On Confirming the List of Activities which Require Special Permission (Licenses).

Under what title do lawyers practise?

1) Advokaty ("advocates" who can represent clients in criminal court and who are members of the Collegium of Advocates); 2) "Yuristy" or legal advisers, persons with legal training who can represent clients in civil proceedings only and provide general legal advice.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to become an advocate, an individual must have a Master's degree in law and have completed three years' work as a legal adviser or have worked in a University department of law, and then have passed the exam of the Qualification Committee of the Collegium. To obtain a license, an individual must present a passport, a legal education diploma, proof of registration with the tax authorities, a work log (or trudovaya knizhka) which demonstrates two years of legal internship work (stazhirovka) and the appropriate fee to the qualifications committee.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Azerbaijan is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The Law on Advocates and Advocates' Activity (1999) (as amended) limits practice as an advocate to those who are members of the Collegium and have taken the advocate's oath. Only advocates can act as criminal defence lawyers (zashchitniki) in court, pre-trial investigations and inquiries in accordance with the procedural legislation of the Republic of Azerbaijan. Advocates can also represent individuals and legal entities in governmental and non-governmental bodies and organizations, including those in foreign countries and international organizations; give oral and written consultations, clarifications and interpretations on legal questions; compile statements, appeals and documents of a legal nature; render necessary legal assistance to individuals and to legal entities; offer other legal assistance. Article 92.1 of the Criminal Procedural Code states that: "Only persons entitled to work as lawyers in the Azerbaijan Republic may act as defence counsel in criminal proceeding". According to Article 66 of the Civil Procedural Code, advocates shall provide representation in civil cases. However, their monopoly is limited to proceedings at the Supreme Court level only.

Do you need to hold local nationality to be eligible to practise law?

There is no nationality restriction on the practice of law in Azerbaijan

Azerbaijan

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Article 5 of the Law on Advocates provides that advocates may either work in sole practice or in forms otherwise stipulated in the legislation of the Republic of Azerbaijan (chambers of advocates or law firms). Article 6 requires the prior state registration of a legal structure for practice and further requires that the founders of a firm or chambers must be Azeri advocates.

What other ethical or regulatory requirements must a licensed lawyer comply with?

The Law on Advocates and Advocate's activities and the Criminal Procedure Code contain some general rights and responsibilities of advocates (e.g. on attorney-client privilege). The promulgation of a more detailed code of ethics was left under the law to the Collegium of Advocates but no such code has been published.

Do law firms need to receive a "license" (or permission/approval) to practice law?

In cases where three or more advocates work together they may apply for a firm licence.

Which authority issues licences? Are there different authorities for individuals and firms?

The Qualification Commission of the Bar Association (formerly the Collegium of Advocates) determines, against the requirements set out in the Law and upon an assessment of professional competence, the eligibility of candidates seeking to become advocates .

Is the jurisdiction a member of the WTO?

Azerbaijan is currently negotiating membership of the WTO

Has it made any WTO commitments on legal services?

Not applicable

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Azerbaijan is a member of the Commonwealth of Independent States and has bilateral trade agreements with Georgia, the Russian Federation and the Ukraine.

Do these currently include legal services or are there plans to include them in future?

The coverage of Azerbaijan's bilateral agreements is limited to goods.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

There are branches of a few international law firms (e.g. Salans, Baker & McKenzie, Price Waterhouse Coopers Legal) present in Baku as well as the branch of a Kazakh firm and of a Scottish firm).

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence, provided services are not marketed directly to the public.

Azerbaijan

<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visitors may obtain a visa to visit Azerbaijan but must have an invitation from an Azeri business.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no requirement for a foreign lawyer to obtain a licence to practise as foreign legal consultant in Azerbaijan but they must not call themselves advocates and do not have right of audience where these are reserved to advocates.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	The Law "On International Arbitration" allows parties to choose the arbitrator of their choice for international arbitrations or those relating to investment disputes.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	There is no prohibition on foreign lawyers appearing in court except in criminal cases.
<i>Can foreign lawyers requalify as local lawyers?</i>	There is no mechanism for foreign lawyers to requalify or gain recognition of their qualifications in order to become advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	In order to set up a limited liability company or partnership in Azerbaijan a foreign firm must register with the Ministry of Taxes. Branches of foreign firms are not permitted.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms

Azerbaijan

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not known
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ministry of Justice - http://www.justice.gov.az/eng/index.php
<i>Verified by</i>	

Belarus

Is there legislation governing the legal sector

The Law "On the Bar and Legal Practice in the Republic of Belarus" of 6 April 2012, No. 334 – Z, amending the "Law On Advocates" of June 15 1993, No. 2406-X and the Decree of the President of the Republic of Belarus "On licensing of certain types of activities" No.17 of July 14, 2003

Under what title do lawyers practise?

The profession is divided into two categories 1) Advocates and 2) Legal Advisers

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to become an Advocate, an individual must have received the necessary licence and be a member of the lawyers' collegium. In order to obtain an advocate's licence, the individual concerned must be a citizen of the Republic of Belarus, have a Master's degree in law, have completed the training required by law and passed the qualification examination, . The required training is at least three years of professional legal experience or six-to-twelve months' apprenticeship in the Legal Consultation Office of the Bar Association. In order to become a Legal Adviser, an individual must have been granted a licence by the Ministry of Justice. Licence applications must include: a) the completed application form; b) Legal Adviser's certificate; c) Employment record book showing that required training has been completed; d) a receipt confirming the payment of the state fee; e) passport information. Individuals with criminal convictions or who have been found guilty of misconduct may not be admitted to the profession. Advocates and Legal Advisers may start accumulating the required professional legal experience after completing their degree in law, or upon the completion of the second year of university. Licences are issued for five years and may be renewed upon application subject to the good history of compliance, payment of a fee and proof of maintenance of professional competence. Following the 2012 reforms, Legal Advisers with at least five years' experience may apply to be 'grandfathered' into the Advocacy profession and Legal Advisers with less than five years' experience may sit a simplified bar examination.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Belarus is national.

Belarus

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Advocates are entitled to provide any kind of legal assistance, including representation in any court, to any physical or legal person on any legal matter whilst legal advisers are limited to:

“provision of paid services of legal nature on issues related to the establishment, operation and closure of corporations and on issues related to business activities of physical persons, including the provision of advice and preparation and examination of documents”. Until 2012, Legal Advisers were also able to represent their clients in commercial courts but the new “Law on Advocacy” (2012) restricts appearance in any Belarusian court to Advocates and State employees.

Do you need to hold local nationality to be eligible to practise law?

Only citizens of the Republic of Belarus can become advocates or legal advisers.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

The law permits advocates to practise law only through the Legal Consultation Offices (LCOs) established by local Bar Associations or through “other organizational forms” which may be created by specific decisions of the Bar Association. Since 2012 the new Law has permitted advocates to practise law as sole practitioners or in law offices.

Legal Advisers remain free to practise as sole practitioners (individual entrepreneur) or in law firms (legal entities).

What other ethical or regulatory requirements must a licensed lawyer comply with?

The profession of advocate is subject to the ethical requirements contained in the Law on Advocates and the regulations issued by the National Bar Association. The seven municipal Bar Associations set ethical standards, discipline advocates and regulate the number of bar members. Advocates are also subject to tight regulation of fees as clients pay for legal services through the Legal Consultation Offices of the various branches of the Bar Association. These offices retain 30% and pay advocates the remainder of their monthly income. Taxes and other fees are deductible separately. (See Resolution of the Ministry of Justice No.37 of June 8, 2007 “On Rules of Professional Ethics for Persons Providing Legal Services”). Advocates must also comply with legal requirements to provide a certain amount of free legal advice to certain groups in Society. Legal Advisers must register the prices of their services with the Ministry of Justice.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Legal Advisers who wish to operate through an office/corporation must do so through a resident

Belarus

company of Belarus, in which all staff, including the director and deputy directors (excluding technical and support staff) possess university degrees in law, and at least two of them are certified to practise as Legal Advisers. Advocates must seek the approval of the Legal Consulting Offices of the Bar Associations for their form of practice, whether as a sole practitioner or in a chamber with other Advocates.

Which authority issues licences? Are there different authorities for individuals and firms?

Both legal professions are licensed and regulated by the Ministry of Justice. The Ministry of Justice designs the content of qualifying examinations and appoints the Advocates Qualification Commission (AQC), chaired by the Deputy Minister of Justice, which issues, extends and revokes licences. Advocates must then also become a member of one of the seven local Bar Associations. Legal Advisers are licensed by a separate Commission appointed by the Ministry of Justice which also contains Ministry representatives (See: Instruction “Concerning the procedure of issuance of lawyer’s qualification certificates” adopted by the Resolution of the Ministry of Justice No.26 of October 29, 2003).

Is the jurisdiction a member of the WTO?

Belarus is currently negotiating membership of the WTO

Has it made any WTO commitments on legal services?

Not applicable

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Today Belarus has only one bilateral agreement related to legal services which is with Lithuania, it provides foreign advocates with the same rights as Belarusian advocates have. Belarus is a member of the Commonwealth of Independent States and the Common Economic Space agreement with the Russian Federation and Kazakhstan, including Agreement on service trade and investment in member states of Common Economic Space, Agreement between Russia and Belarus on equal civil rights. It is also negotiating a bilateral agreement with New Zealand.

Do these currently include legal services or are there plans to include them in future?

The Agreement on service trade and investment in member states of Common Economic Space explicitly includes legal services.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Under the Agreement on service trade and investment in member states of Common Economic Space, Russian and Kazakh lawyers can provide legal assistance within Belarus only on private international law, international public law and the law of the country

Belarus

	<p>in which jurisdiction the personnel of the services supplier is qualified, however Lithuanian lawyers can provide legal services on an equal basis with Belarusian lawyers.</p>
<p><i>Are there any 'foreign law' firms present in this jurisdiction?</i></p>	<p>There are a number of foreign firms with offices in Belarus including Russian, German, Austrian, Baltic and Scandinavian firms.</p>
<p><i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i></p>	<p>There are no explicit restrictions on the fly-in fly-out practice of law provided services are not marketed directly to the public.</p>
<p><i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i></p>	<p>Business visitors may obtain a visa to visit Belarus but must have an invitation from a Belarussian business. Citizens of the CIS do not require a visa.</p>
<p><i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i></p>	<p>There is no requirement for a foreign lawyer to obtain a licence to practise as foreign legal consultant in Belarus but they must not call themselves advocates and do not have right of audience where these are reserved to advocates. Any legal services including consultations can be provided through law firms, established in a prescribed procedure.</p>
<p><i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i></p>	<p>Not beyond the general requirements for the issuance of work permits to foreign nationals.</p>
<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>Not applicable</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>The Law "On international arbitration" of July 9, 1999 covers both international economic disputes (in which at least one party is foreign) and wholly Belarusian disputes. Article 5 of the Rules of the International Arbitration Court at the Belarus Chamber of Commerce requires that "Only a capable natural person possessing appropriate professional knowledge and the necessary personal qualities may be elected as an arbitrator, a reserve arbitrator as well as a main presiding arbitrator or a reserve presiding arbitrator". There are no nationality restrictions.</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>Only Belarussian advocates may appear in court. The only exception is made for Lithuanian lawyers, who can appear in court in order to provide legal services for foreign citizens or legal entities in civil litigation. However, apart from appearance in courts, there is no restriction for legal assistance or drafting documents.</p>

Belarus

<i>Can foreign lawyers requalify as local lawyers?</i>	Despite the statutory possibility for reciprocal recognition, Belarus specified under the Agreement on service trade and investment in member states of Common Economic Space agreement that only citizens of the Republic of Belarus could receive the status of advocate, notary and patent attorney.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Branches are not allowed so foreign companies must set up new legal entities in Belarus which requires registration with the State Registry. Foreign representative offices require the permission of the Ministry of Foreign Affairs but do not need to be established as legal entities.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not known
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Belarus

Other useful sources or comments or links

Ministry of Justice - www.minjust.by/en

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Bosnia and Herzegovina

Is there legislation governing the legal sector

Bosnia and Herzegovina has two separate legal systems and judiciaries for each of its constituent entities, the Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS). The Law on the Legal Profession of the FBiH was passed in 2002 (Official Gazette of the FBiH no 25 of 15. 06. 2002) and requires lawyers to be enrolled in the list of attorneys of the Bar Association of the FBiH in order to practice. Practice in the Republika Srpska is governed by the Law on Attorneys' Profession of the Republika Srpska ("Official Gazette of RS", no 37/02, 30/07, 59/08).

Under what title do lawyers practise?

Attorney (in RS and FBiH)

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In the Federation of Bosnia and Herzegovina (Article 18 of the Law on the Legal Profession) and in the Republika Srpska (Article 32 of the Law on Attorneys' Profession), the relevant laws state that the following criteria must be met for an individual to become a lawyer: 1. Be a citizen of Bosnia-Herzegovina; 2. Be a graduate of one of the law faculties in Bosnia-Herzegovina, or of any law faculty in the Socialist Federal Republic of Yugoslavia prior to 22 May 1992; in the case of graduating from a law school in another country, the candidate shall fulfil this obligation by validation of the diploma by the competent Federation administrative body/Republika Srpska Ministry; 3. Have passed the bar examination in Bosnia-Herzegovina or in the Socialist Federal Republic of Yugoslavia prior to 22 May 1992; in the case of passing the bar examination in another state, the candidate shall fulfil this condition after recognition of such bar examination by the competent Ministry in the Federation of Bosnia and Herzegovina/Ministry in the Republika Srpska; 4. Have had, after the bar exam, at least two years of work experience on legal matters at a law firm, or a court, or a prosecutor's office, or on legal matters in administrative organs or other organs of the government or legal entities; 5. Have no criminal convictions, unless five years have elapsed from the served, pardoned or statutorily limited punishment; 6. Not to be otherwise employed; Show satisfactory knowledge to the Board of Examination on a test referring to the content of the Law on Legal Profession, Statute, Attorneys' Code of Ethics and other documents of the Bar Association; 7. Be worthy to perform the practice of law. The right to perform the practice of law shall be acquired at the moment of registration in the Register of Attorneys.

Bosnia and Herzegovina

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Any attorney registered in the Register of Attorneys in the Republika Srpska or the corresponding register in the Federation of Bosnia and Herzegovina shall be able to represent and defend natural and legal persons before the courts, governmental bodies and organisations in the Republika Srpska or the Federation of Bosnia and Herzegovina.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Practising local law as an attorney, including providing legal advice and appearing in court.

Do you need to hold local nationality to be eligible to practise law?

Yes, but 'Citizens of another state, who in accordance with the law of that state fulfil the conditions for the right to practice law, shall be entitled to registration into the Register of Attorneys under condition of the existence of reciprocity with the state whose citizen he/she is'.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Attorneys may be self-employed or work in partnerships or as a law firm (a legal form that requires unlimited joint and several liability of all founders and members of the firm). The work of a law firm shall be limited to the practice of law. Only attorneys may be founders or members of law firms. Performing the practice of law within the law firm may be entrusted only to members of the law firm, attorneys employed at the law firm or law trainees at the law firm.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Code of Ethics for Attorneys in the FBiH and the Lawyers Ethics Code of the Republic of Srpska.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes - Law firms need to apply to the relevant Bar Association to be entered on to the Register of Law firms.

Which authority issues licences? Are there different authorities for individuals and firms?

Advokatska Komora Republike Srpske (Bar Association of the Republic of Srpska) licences individual lawyers and registers law firms in the Republic of Srpska and the Advokatska/Odvjetnička komora Federacije BiH (Bar Association of Federation of Bosnia and Herzegovina) licenses individual lawyers and registers law firms in the Federation of Bosnia and Herzegovina.

Is the jurisdiction a member of the WTO?

Bosnia and Herzegovina has observer government status and its accession to the WTO is in progress

Has it made any WTO commitments on legal services?

Bosnia and Herzegovina is in the process of negotiating accession to the WTO

Bosnia and Herzegovina

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Bosnia and Herzegovina is a member of the Central European Free Trade Area (CEFTA), and has bilateral agreements including trade with the EU (the Stabilisation and Association Agreement (SAA)), EFTA, Turkey, India, Iran, Egypt, Jordan, Kuwait, Pakistan and Qatar.

Do these currently include legal services or are there plans to include them in future?

Not currently, although trade in services is included in CEFTA and negotiations should eventually touch on professional services, including legal. Some of Bosnia's bilateral agreements also contain general aspirations about cooperation with the aim of achieving a progressive liberalisation and mutual opening of their markets for investments and trade in services. As a potential candidate country for EU membership, Bosnia will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

Yes. The international firm CMS operates 'in co-operation with members of the local bar' and Austrian firm Wolf Theiss is 'working in co-operation with local lawyers'.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

No

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

There is no foreign lawyer licensing regime.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not applicable

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Bosnia and Herzegovina

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	An attorney who has a licence for performing the practice of law from an association of attorneys of a foreign state may in individual cases represent and defend before courts and state bodies in the Republika Srpska/the Federation of Bosnia and Herzegovina under the condition of approval by the Ministry of Justice after consultation with the Bar Association.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes
<i>Can a foreign law firm obtain a licence to open an office?</i>	Yes - but currently all foreign law firms state they are in 'cooperation with local lawyers'.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	The law does not distinguish between foreign investment and the establishment of a local company.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are restrictions on domestic firms/joint partnerships, who can only have one branch per territory.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	The Code of Ethics for attorneys in FBiH states: An attorney is not authorized to conduct legal cases for foreign legal entities as permanent representative of a foreign attorney's office or law firm, nor may he include in the name of his office any signs for representation of foreign offices of any type.

Bosnia and Herzegovina

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not applicable

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Yes. Only FBiH attorneys may own law firms.

May a domestic lawyer be employed by a foreign lawyer or law firm?

The Code of Ethics for attorneys in FBiH states: An attorney is not authorized to conduct legal cases for foreign legal entities as the permanent representative of a foreign attorney's office or law firm.

Can a domestic lawyer enter into partnership with a foreign lawyer?

The Code of Ethics for attorneys in FBiH states: An attorney is not authorized to conduct legal cases for foreign legal entities as the permanent representative of a foreign attorney's office or law firm.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

[Chamber of Advocates of Bosnia and Herzegovina
http://www.advokombih.ba](http://www.advokombih.ba)

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Georgia

Is there legislation governing the legal sector

The Law "On Advocates" adopted on 20 June 2001

Under what title do lawyers practise?

"Adwokati" or Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

According to the Law on Advocates, In order to obtain a licence to practise as an advocate in Georgia, an individual must hold Georgian Citizenship; possess a university degree in law; have passed the Bar Exam; have at least 1 year work experience as a legal expert or a lawyer's trainee; be a member of the Georgian Bar Association and adhere to Georgian Laws and ethical requirements.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Georgia is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Advocates enjoy a full monopoly over court representation in criminal matters. In civil matters, Article 94 of the Civil Procedural Code states that all persons have a right to provide court representation at first instance. Article 440 of the CPC however reserves appearance in the Appeal or Supreme court level to licensed advocates.

Do you need to hold local nationality to be eligible to practise law?

Only citizens of Georgia may become advocates.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

The Law on Advocates permits advocates to work either in sole practice or in law firms. In the latter case, the law firm can be organized as a partnership or a legal entity established in accordance with the Law of Georgia on Entrepreneurs (limited liability company, limited partnership, etc.) (Article 18 of the Law "On Advocates")

What other ethical or regulatory requirements must a licensed lawyer comply with?

In addition to a number of provisions in the Georgian Law "On Advocates" governing conflict of interest and other obligations of lawyers, the Georgian Bar Association has adopted a Code of Ethics for its members.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no requirement to receive a "license" as such. However, under article 18 of the 'Law On Advocates' once the law office is set up, a respective notification must be sent to the Georgian Bar Association. The notification must include the details of the law office, as well as the list of advocates working in the law office. The notification must be submitted to the Bar

Georgia

	Association within 10 days from the date of establishment of the law office.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Individuals are licensed by the Georgian Bar Association.
<i>Is the jurisdiction a member of the WTO?</i>	Georgia joined the WTO on 14 June, 2000.
<i>Has it made any WTO commitments on legal services?</i>	Georgia has made full commitments in modes 1-3 for legal consultancy in home country law and international law.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Georgia has bilateral free trade agreements with various states, including Armenia, Azerbaijan, Kazakhstan, the Russian Federation, Turkmenistan, Ukraine and Turkey.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The coverage of Georgia's bilateral agreements is limited to goods.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are several law firms with foreign interest. These include DLA Piper, Ernst & Young and Dechert.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Currently Georgian laws do not permit issuance of the temporary licenses for legal practice. Georgia maintains no express restrictions on the fly-in fly-out consulting outside the regulated area of criminal defence (and civil representation, partially). However, foreign advocates may not engage in "advocate activities" on the territory of Georgia, within the meaning of the Law on Advocates.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	There are no restrictions on the right of foreign lawyers to obtain visas to visit clients in Georgia. As for marketing, such activities would be subject to general rules and requirements applicable to the activities of advocates in Georgia.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Foreign lawyers may practise outside of the areas of law reserved to advocates and there is no specific foreign legal consultant licensing process.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	Currently there is no notion of a "limited license" for foreign lawyers.

Georgia

granted a limited licence (e.g. residency requirement)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable.

Are foreign lawyers permitted to undertake arbitration and mediation?

The Law "On Arbitration", which came into force on 1 January 2010 does not establish any restrictions on the nationality and profession of arbitrators.

Are foreign lawyers allowed to appear in court under any circumstances?

Foreign lawyers may only appear in civil courts at first instance in the capacity of "representatives" of the clients, not as advocates.

Can foreign lawyers requalify as local lawyers?

The nationality requirement for advocates makes it impossible for non-Georgian citizens to requalify as local advocates.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Foreign firms may use any of the allowed legal forms (General Partnership, Limited Partnership, Limited Liability Company, representative office, etc.) to organize their business in Georgia. Registration is required with the National Agency of Public Registry.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

There are no quantitative limitations on law firms

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

There are no geographical restrictions on law firms

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

No

Are there restrictions on the corporate form a foreign law firm can take?

No, general rules and procedures apply.

Are there rules about the name a foreign law firm can take?

No, general rules and procedures apply.

Georgia

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not Applicable.

Are there restrictions on the ownership share of foreign lawyers in a law firm?

–There are no such restrictions.

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes.

Can a domestic lawyer enter into partnership with a foreign lawyer?

Such partnership is not prohibited. However, the general advocacy requirements shall apply to the activities of such partnership.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Such employment is not prohibited. However, the general advocacy requirements and restrictions shall apply to the activities of the foreign lawyer.

Other useful sources or comments or links

We have indicated that foreign lawyers may not engage in activities subject to Law on Advocates. At the same time, currently there are no administrative or criminal sanctions for the breach of the requirements of the said Law. There is one line of interpretation, which equates such activities to “entrepreneurial activities without a special license (permit)”, which is an action punishable under both -General Administrative Misdemeanours Code and the Criminal Code of Georgia. However, we believe that such interpretation of the existing legal framework might be far-stretched. Overall, even though there is a restriction on activities of foreign lawyers in Georgia in the capacity of advocates, the current legislation does not prohibit engagement of foreign lawyers in consultancy activities.

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BGI Legal: <http://www.bgi.ge> (January 2014)

Kazakhstan

Is there legislation governing the legal sector

Republic of Kazakhstan Law "On Advocate Practice" of 5 December 1997 and Republic of Kazakhstan Law "On Notary Practice" of 14 July 1997

Under what title do lawyers practise?

Lawyer, advocate, notary.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

Legal assistance may be provided in Kazakhstan by (i) advocates, (ii) law firms, (iii) privately practising lawyers, and by persons with no legal education.

1. Lawyers may work in enterprises, institutions or organizations and provide services to their employer according to their official duties within the powers granted to them by legislation.
2. Lawyers may practice privately and provide legal services to individuals and legal entities independently or via law firms and companies.
3. Lawyers may work as advocates, provided they meet the qualification requirements. Article 1 of the RK Law "On Advocate Practice" defines such practice as "advocate activities for the defence in criminal cases, representation in civil, administrative, criminal and other cases, and for the provision of other types of legal aid in order to defend and assist in the exercise of the rights, freedoms and legitimate interests of individuals and the rights and legitimate interests of legal entities." According to Article 7 of the Law "On Advocate Practice," an advocate must be a citizen of the Republic of Kazakhstan, possess a Master's degree in law and a licence from the Ministry of Justice and be a member of the Bar. In order to obtain a licence, a prospective advocate must have no criminal or disciplinary record and must have full civil legal capacity.
4. Lawyers may work as notaries, provided they meet qualification requirements. Pursuant to Article 6 of the RK Law "On Notary Practice," a notary must be a citizen of the Republic of Kazakhstan twenty five or more years of age, possessing a higher legal education and at least two years of work experience in the legal profession, having completed at least one year internship with a notary, and having passed attestation with a justice attestation commission and licensed to practice as a notary.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

An advocate may work in any administrative-territorial unit of the country, provided that he/she duly complies with his/her obligations with respect to the Bar to which he/she belongs and meets tax requirements. A notary cannot conduct activities outside the place of his/her recorded registration, except for the cases

Kazakhstan

<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	provided for by legislation. A notary cannot be employed within a commercial entity. Only licensed Kazakh advocates may represent individuals and legal entities in criminal defence cases. Lawyers who wish to practise outside the area of criminal defence do not require a licence. Notarial activities may be conducted by state (public) or private notaries.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Foreign lawyers may provide legal services unrelated to advocate activities and notarial services.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Legal services are provided in accordance with the provisions of the current civil, tax and other legislation governing legal relations in the business sphere. Private lawyers can choose to practise as sole practitioners or organize themselves into a legal entity (firm, company, etc.). An advocate may independently choose the form of advocate activities. According to the law, an advocate may work through a legal advice bureau, independently or together with other lawyers, a law firm, or work on an individual basis without registering a legal entity. A privately practising notary can engage in notarial activities without forming a legal entity, by being a member of a notary chamber and registering with the territorial justice authority.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Advocates must adhere to the statutory requirements and Professional Ethics Code. Notaries must adhere to the statutory requirements and Notary Honour Code.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Advocates who exercise their professional activities through a legal entity must provide the relevant constituent documents, including the Charter, to the Bar and register with the tax authorities as prescribed by the Kazakhstan legislation. They must report on their activities as prescribed by the Charter.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Ministry of Justice. Only individuals can be issued advocate and notary licenses.
<i>Is the jurisdiction a member of the WTO?</i>	Kazakhstan is currently negotiating membership of the WTO.
<i>Has it made any WTO commitments on legal services?</i>	Not applicable

Kazakhstan

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Kazakhstan is a member of the Commonwealth of Independent States, the Common Economic Space and Customs Union and has bilateral agreements with Armenia, Georgia, Kyrgyz Republic, Russian Federation and Ukraine.

Do these currently include legal services or are there plans to include them in future?

The Common Economic Space Agreement explicitly includes legal services.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

There are no restrictions, except for notarial services and services related to criminal law.

Are there any 'foreign law' firms present in this jurisdiction?

There are about 8 large international US and UK firms with offices in Almaty, as well as a couple of offices of regional CIS firms.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence. The license is required only for advocate and notary practice (please see answers above).

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Business visitors can obtain a visa to visit Kazakhstan but must have a contact in Kazakhstan (i.e. must receive an invitation from a local firm or individual before they apply for visas). Citizens of other CIS countries do not require visas.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

There is no requirement for foreign lawyers to obtain licences to practise as foreign legal consultants in Kazakhstan, given that practice outside of the area of criminal defence and notary services is unregulated.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements for the issuance of work permits to foreign nationals. Residents from the Customs Union do not need work permits.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

There are no conditions, given that practice outside the area of criminal defence and notary services is unregulated.

Are foreign lawyers permitted to undertake arbitration and mediation?

The 2004 Law on International Commercial Arbitration allows free choice of arbitrators, provided they are independent.

Are foreign lawyers allowed to appear in court under any circumstances?

There is no prohibition on foreign lawyers appearing in courts in Kazakhstan, except for in criminal cases.

Kazakhstan

<i>Can foreign lawyers requalify as local lawyers?</i>	The nationality requirement for advocates makes it impossible for non-Kazakh citizens to requalify as local advocates or notaries. At the same time, foreign lawyers may provide legal services unrelated to advocate activities and notary services.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	In order to set up a limited liability company in Kazakhstan (the most extensively used legal form), a company must register with the Ministry of Justice.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Kazakhstan

Other useful sources or comments or links

Official websites:

RK President <http://akorda.kz/en/mainpage>

RK Government <http://en.government.kz>

RK Ministry of Justice - www.adilet.gov.kz/en

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Kosovo

Is there legislation governing the legal sector

Law on the Bar 2013

Under what title do lawyers practise?

Lawyer

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

The right to practise as a lawyer is granted following registration in the Kosovo Chamber of Advocates' (KCA). The KCA will register a candidate who meets the following conditions: (i) Is a citizen of the Republic of Kosovo; (ii) Holds a diploma from a law faculty in Kosovo or a diploma from a law faculty of a foreign country that is recognized in accordance with laws regulating the higher education in the Republic of Kosovo; (iii) Is fully capable to work; (iv) Has passed the bar exam in the Republic of Kosovo; (v) Is not employed; (vi) Has not been subject to criminal proceedings or been tried for a criminal offence carries a sentence of imprisonment of up to one year; (vii) Complies with the Code of Ethics; (viii) Has a suitable office for the performance of legal activities; (ix) Has passed the KCA's Lawyers Code of Ethics examination.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Only Kosovan lawyers registered with the KCA can provide legal assistance (this includes: provision of legal advice and opinions; preparation of lawsuits, claims, proposals, pleadings, legal remedies and other submissions; drafting of contracts, agreements, testaments, statements, general and specific acts and other documents; representing and defending natural and legal persons, business companies and other legal entities in front of courts and other state bodies). Professors and associate professors of law subjects in the Republic of Kosovo are authorized to give paid legal advice and legal opinions, but not other forms of legal assistance, but they must inform the KCA of their activities.

Do you need to hold local nationality to be eligible to practise law?

Yes, although lawyers from other countries which offer reciprocal access may practise in the territory of the Republic of Kosovo. The decision to grant reciprocal access is given by the Ministry of Justice on the advice of the Chamber of Advocates.

What legal forms can lawyers work in? (e.g. self-employment, partnership,

Kosovan lawyers may be self-employed or practise through joint law offices, law firms, general, limited and

Kosovo

limited liability partnership, multi-disciplinary partnership, incorporation)

limited liability partnerships. Practice may only be conducted from one office.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Ethical requirements may be found in the Code of Ethics and in the Statute of the Kosovo Bar Association

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes, all firms must be entered in a register held by the Kosovo Bar Association

Which authority issues licences? Are there different authorities for individuals and firms?

The Kosovo Bar Association issues licences to individuals and authorises law firms.

Is the jurisdiction a member of the WTO?

Kosovo is not a member of the WTO

Has it made any WTO commitments on legal services?

Not applicable

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Kosovo is a member of CEFTA, has a bilateral Stabilisation and Association Agreement with the EU and bilateral FTAs with: Albania, Macedonia, Croatia, Bosnia-Herzegovina, and Turkey.

Do these currently include legal services or are there plans to include them in future?

No, although as a potential candidate country for EU membership, Kosovo will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

The Albanian firms Kalo & Associates and Boga & Associates have offices in Kosovo.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Unclear. The Law on the Bar does not distinguish between requalification/temporary practice (fly in/fly out) or the practising of home/international/local law on a permanent basis, by a foreign lawyer in Kosovo.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Foreign lawyers wishing to practise home country and international law in Kosovo must register with the Kosovo Bar association

Are there any conditions that must be fulfilled once a foreign lawyer has been

Practice must be conducted from a suitable office

Kosovo

granted a limited licence (e.g. residency requirement)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

A foreign lawyer must have the right to practice in his or her home country in order to be admitted as a foreign advocate in Kosovo.

Are foreign lawyers permitted to undertake arbitration and mediation?

A foreign citizen may serve as a mediator in Kosovo in individual cases and under the condition of reciprocity, with the prior consent from the Ministry of Justice. In 2008 Kosovo enacted a Law on Arbitration but the law does not establish any specific requirements regarding the selection of arbitrators, or legal representatives. There is not yet an established arbitral institution in Kosovo.

Are foreign lawyers allowed to appear in court under any circumstances?

No. A foreign lawyer must have passed the eligibility exam and be registered with the KBA in order to exercise the right to appear in court.

Can foreign lawyers requalify as local lawyers?

The Law on the Bar stipulates the following: A foreign lawyer who has earned the right to practise the profession of lawyer in their home country, may practise the profession of a lawyer in the Republic of Kosovo under the conditions prescribed by the Law on the Bar and other acts of the Kosova Bar Association. The Kosova Bar Association keeps a register of foreign lawyers which contains the same information as the register for local lawyers, as well as the information about registration from the relevant authority of the country where the lawyer is licensed and the information regarding the Eligibility Exam (EE). The eligibility exam is organized only upon request submitted by foreign lawyers. The Eligibility Exam for Foreign Lawyers is conducted in one of the official Kosovo languages and includes the testing of basic knowledge on: Kosovo's legal system, Rules and procedures under which the represented case is handled, and the Code of Ethics and disciplinary system of KBA. The Law/Statute does not specify whether foreign lawyers practising home/international law on a temporary or permanent basis need to undertake the eligibility test.

Can a foreign law firm obtain a licence to open an office?

There is no foreign law firm licensing regime. Foreign advocates wishing to establish in Kosovo will be subject to the same requirements as domestic advocates.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an

A foreign law firm may be established in Kosovo by a registered foreign advocate.

Kosovo

office? (E.g. with a ministry of company affairs etc.)

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

No

Are there restrictions on the corporate form a foreign law firm can take?

Not beyond the requirements imposed on foreign companies in general

Are there rules about the name a foreign law firm can take?

Not applicable

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

Not applicable

Are there restrictions on the ownership share of foreign lawyers in a law firm?

Not applicable

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes

Can a domestic lawyer enter into partnership with a foreign lawyer?

The Bar Association Statute stipulates that foreign lawyers should enter into arrangements with a local lawyer to provide legal services in Kosovo, it is unclear what form these arrangements are allowed/should take.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

Kosovo Bar Association (<http://www.oak-ks.org/en-us/Home>)

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Kyrgyzstan

Is there legislation governing the legal sector

The Law "On Advocacy" (the "Law on Advocacy") adopted on 21 October 1999 (last revised on 12 October 2013) governs the activity of advocates in the territory of the Kyrgyz Republic.

Under what title do lawyers practise?

Lawyer, Legal Counsel, Attorney, Advocate.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

A licence to practice law in the Kyrgyz Republic is not required for the provision of legal counselling services and representation in courts under civil law cases (where only a valid power of attorney is required). An advocate's licence is only required by lawyers who act as advocates in criminal cases in the courts of the Kyrgyz Republic. The Law on Advocacy therefore only regulates the procedure for obtaining the Advocate's Licence.

The Qualifications Commission of the Ministry of Justice of the Kyrgyz Republic sets the examination procedure for prospective advocates. In order to be admitted and pass the examination an individual must be a citizen of the Kyrgyz Republic, hold a higher law degree, have at least one year of legal experience (or have experience of working as an assistant of an advocate for at least one year) and should not have been convicted of any deliberate crime. Once the Advocate's Licence has been granted, there is no need to renew it (unless it was revoked in accordance with Law on Advocacy). Individuals with five or more years of work experience working at the Department of the President of the Kyrgyz Republic, Prosecutor's Office, investigation divisions of law enforcement bodies, courts, the Parliament of the Kyrgyz Republic, the Government of the Kyrgyz Republic and, the Parliament of the Kyrgyz Republic, where the character of their work requires a mandatory legal education, as well as deputies of the Parliament of the Republic with law degrees, are exempted from the Advocate's examination.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The Advocate's Licence to practise law as an advocate in the Kyrgyz Republic is limited to the territory of the Kyrgyz Republic.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Acting as an advocate and providing representation in criminal cases is strictly reserved to those lawyers who are licensed in the Kyrgyz Republic. Other lawyers wishing to practise civil law are not required to obtain an Advocate's License.

Kyrgyzstan

Do you need to hold local nationality to be eligible to practise law?

Local nationality is not required for practising law except for being an advocate and conducting legal representation in criminal cases, which is generally reserved only to the citizens of the Kyrgyz Republic.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

There is no particular limitation in the legal forms through which lawyers may conduct their professional activities. Individual entrepreneurship, employment contract, incorporation in a form of a partnership, a limited liability or joint stock company are among the legal forms commonly used by lawyers in the Kyrgyz Republic.

What other ethical or regulatory requirements must a licensed lawyer comply with?

A licensed lawyer must follow the general requirements of the legislation of the Kyrgyz Republic and the lawyer's professional ethics. The Rules of Professional Ethics of Lawyers were adopted by the Order of the Ministry of Justice of the Kyrgyz Republic (repealed in 2009).

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no separate requirement for a law firm to receive a license in addition to individual Advocate's Licences.

Which authority issues licences? Are there different authorities for individuals and firms?

Advocate's licences are issued by the Ministry of Justice of the Kyrgyz Republic.

Is the jurisdiction a member of the WTO?

The Kyrgyz Republic joined WTO on December 20, 1998.

Has it made any WTO commitments on legal services?

The Kyrgyz Republic has made full commitments in modes 1-3 'cross-border provision of services', 'consumption abroad' and 'commercial presence' which allows foreign lawyers to render legal services in their home country law and on public international law (excluding Kyrgyz law). The commitment on 'commercial presence' is subject to the qualification that advocacy services may only be provided by Kyrgyz citizens and only an advocate has the right to provide legal services in connection with criminal matters.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

The Kyrgyz Republic is a member of the Commonwealth of Independent States and has bilateral trade agreements with Armenia, Kazakhstan, Moldova, the Russian Federation, Ukraine and Uzbekistan.

Do these currently include legal services or are there plans to include them in future?

The coverage of the Kyrgyz's Republic's bilateral agreements is limited to goods.

Kyrgyzstan

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No.

Are there any 'foreign law' firms present in this jurisdiction?

There are several law firms in the Kyrgyz Republic that are part of wider regional networks.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are no explicit rules or restrictions (other than visas and work permit) on the fly-in fly-out practice of law. Foreign lawyers cannot act as advocates in criminal cases in the courts of the Kyrgyz Republic unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Foreign lawyers may obtain visas to visit clients in the Kyrgyz Republic. However, they should not be engaged in direct sale of legal services in the Kyrgyz Republic without obtaining a work permit.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

There is no requirement for a foreign lawyer to obtain a licence to practise law as a foreign legal consultant in Kyrgyz Republic. Foreign lawyers cannot act as advocates and provide representation in criminal cases in the courts of the Kyrgyz Republic unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements with respect to visas and work permits for foreign nationals.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

There is a quota on work permits for foreign-licensed professionals.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes, foreign lawyers are permitted to undertake arbitration and mediation in the territory of the Kyrgyz Republic.

Are foreign lawyers allowed to appear in court under any circumstances?

There is no restriction on foreign lawyers appearing in civil courts. As for the criminal courts, foreign lawyers may appear as experts but cannot provide advocacy services unless the Kyrgyz Republic and the respective foreign country are parties to an international (bilateral) agreement which provides a mutual recognition of advocates' licences.

Kyrgyzstan

<i>Can foreign lawyers requalify as local lawyers?</i>	The nationality requirement for local advocates makes it impossible for non-Kyrgyz citizens to requalify as local advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain licences.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	In order to set up an office in the Kyrgyz Republic a foreign law firm may either set up a representative office/ branch or incorporate itself in the form of a local company (partnership, limited liability company, joint stock company or any other legal form permitted by Kyrgyz law). In both cases a local registration in the relevant public authorities of the Kyrgyz Republic is required.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Kyrgyzstan

Other useful sources or comments or links

Information with respect to the advocate's activities – the website of the Ministry of Justice of the Kyrgyz Republic: http://minjust.gov.kg/?page_id=2631.

Verified by

Kalikova & Associates Law Firm www.k-a.kg
(October 2013)

Macedonia (FYR)

Is there legislation governing the legal sector

The Law on Advocacy 2008

Under what title do lawyers practise?

Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

The Law on Advocacy 2008 sets out the criteria for admission as a lawyer: (i) Macedonian citizenship or citizenship of a Member State of the European Union; (ii) Full civil capacity; (iii) A university Masters law degree from Macedonia having completed four years of high school legal studies or acquired 300 credits under the European Credit - Transfer System (ECTS) or having obtained a validated degree in law from abroad; (iv) A traineeship of 1 year if it is with law firm, court or prosecutor, 2 years if with a company; (v) The ability to speak the Macedonian language; (vi) Have passed the bar examination set by the Ministry of Justice; (vii) Not to have a criminal or disciplinary record; (viii) Not to be employed; (ix) Not to undertake activities incompatible with the conduct of the legal profession.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

A licensed lawyer can practise throughout the country

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The exclusive monopoly of Macedonian lawyers to practise law was abolished in 2008. consists of: Legal assistance consists in providing legal advice, advocating for conducting negotiations and providing services in the field of business protocol, compiling legal documents, establishing agreements for founding, partnership, cooperation and similar acts related to the establishment or operation representation of the parties before the courts, state bodies, local self-government units and other legal and natural persons, defense of suspected and accused persons and performance of criminal offenses, foreigners are working on legal aid.

Do you need to hold local nationality to be eligible to practise law?

Yes, Macedonian nationality is required for the practice of Macedonian law, or the nationality of an EU Member State.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Macedonian lawyers may be self-employed, or provide services through general partnerships. Multi-disciplinary partnerships are not allowed.

Macedonia (FYR)

What other ethical or regulatory requirements must a licensed lawyer comply with?

Ethical requirements are set out in the Code of Ethics and Statute of the Advokat Chamber

Do law firms need to receive a "license" (or permission/approval) to practice law?

Yes, all firms must be listed in the Directory of Law Firms held by the Macedonian Bar Association.

Which authority issues licences? Are there different authorities for individuals and firms?

The Macedonian Bar Association issues licences to individual lawyers and law firms.

Is the jurisdiction a member of the WTO?

FYR Macedonia joined the WTO on 4 April 2003

Has it made any WTO commitments on legal services?

FYR Macedonia has made sectoral GATS commitments in modes 1-3 for consultancy in home country, foreign and international law

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

FYR Macedonia is a member of CEFTA, has a bilateral Stabilisation and Association Agreement with the EU and bilateral FTAs with Turkey and Ukraine

Do these currently include legal services or are there plans to include them in future?

No, although as a potential candidate country for EU membership, FYR Macedonia will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Article 14 of the Law on Advocacy provides that lawyers from another jurisdiction may provide legal assistance and undertake activity on the territory of the Republic of Macedonia under conditions of reciprocity. EU lawyers are permitted to undertake legal activity in Macedonia as a consequence of the Stabilisation and Association Agreement. Lawyers from other jurisdictions who wish to provide legal assistance and to perform lawyer's activity through their institution must contact the Board of Directors of the Macedonian Bar Association to request permission. The request must provide evidence that lawyers of the Republic of Macedonia are allowed reciprocal access in the applicant lawyer's domicile state.

Are there any 'foreign law' firms present in this jurisdiction?

The Serbian-headquartered South East Europe firm 'Karanovic & Nikolic' regularly acts, alongside local, independent lawyers, on Macedonian deals; The Slovenian based ODI Law Firm has an office in Macedonia run by four Macedonian lawyers. Greek law firm Rokas Law (a network of independent law firms) also has an office in Macedonia.

Macedonia (FYR)

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Foreign lawyers need to inform the Macedonian Bar Association of their intention to undertake legal activities: ie. to give advice on his /her home country law, the law of the European Union, the international law and the law of the Republic of Macedonia (Article Article 37-c of the Law on Advocacy).

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Foreign lawyers from EU Member state may practise in the territory of the Republic of Macedonia under their relevant professional title, following registration in the Directory of Foreign Lawyers and the Directory of Foreign Bar Associations of the Bar Association of the Republic of Macedonia. Lawyers from non-EU jurisdictions will have to check that they meet reciprocity requirements (Article 14, Law on Advocacy).

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

When performing a lawyer's activity, the foreign attorney registered in the Directory of Foreign Lawyers is obligated to comply with the rules of the Code of Professional Ethics for lawyers, lawyer associates and law apprentices of the Bar Association of the Republic of Macedonia.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Proof of membership of a lawyers' association in the home country or in another Member State of the European Union.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes.

Are foreign lawyers allowed to appear in court under any circumstances?

Foreign lawyers and law firms, may represent their clients and defend their rights and interests before the judicial authorities, administrative bodies and services, only with a lawyer or law firm of the Republic of Macedonia.

Can foreign lawyers requalify as local lawyers?

EU lawyers who also meet language requirements may requalify.

Can a foreign law firm obtain a licence to open an office?

Yes . Law firms from EU Member States can apply for entry into the Foreign Law Firm Directory. Law firms from non-EU jurisdictions will have to check that they meet reciprocity requirements (Article 11, Law on Advocacy).

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an

Foreign advocates must register their offices with the Macedonian Bar Association

Macedonia (FYR)

office? (E.g. with a ministry of company affairs etc.)

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

No

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Home, host, international and EU law.

Are there restrictions on the corporate form a foreign law firm can take?

Not beyond those applying to local law firms

Are there rules about the name a foreign law firm can take?

Foreign Lawyers may perform the lawyer's activity as a law firm under the title of the occupation in their home country, and may also use the name of the law firm in which they are members in their home country or in another Member State of the European Union.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

The Macedonian Bar Association issue licences to individuals, firms and foreign lawyers/firms.
<http://www.mba.org.mk/index.php/mk/>

Are there restrictions on the ownership share of foreign lawyers in a law firm?

No

May a domestic lawyer be employed by a foreign lawyer or law firm?

No

Can a domestic lawyer enter into partnership with a foreign lawyer?

Yes

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

A foreign lawyer who is registered in the Directory of Foreign Lawyers may be employed by a lawyer or law firm in the Republic of Macedonia.

Other useful sources or comments or links

Macedonian Lawyers Association
(<http://mla.org.mk/language/en/>)

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Moldova

Is there legislation governing the legal sector

The Law On Legal Profession of 19 July 2002 as last amended in 7 December 2012

Under what title do lawyers practise?

Advocate and Trainee Advocates. Trainee Advocates are entitled to practice law, except representation in criminal cases, administrative misdemeanor cases, as well as any cases in front of the Supreme Court of Justice.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In order to become an advocate in Moldova, an individual must be a citizen of the Republic of Moldova, have full legal capacity, have a higher degree in law, have an 'impeccable reputation' and have passed the qualification exam. An 'impeccable reputation' requires that the candidate: a) has not previously been convicted for an intentionally serious crime, regardless of whether or not his or her criminal record has been spent; b) has no unspent conviction for any other crime; c) has not previously been excluded from the Bar or disbarred; d) has not been dismissed from law enforcement bodies or from the position of a judge, notary, jurist or civil servant; e) does not undertake activities incompatible with requirements of the Code of Advocate's Ethics; f) has not violated basic human rights and freedoms. After passing the examination set by the Commission on Licensing the Legal Profession (a body comprising representatives both of the Bar and of the Ministry of Justice), a candidate obtains the status of 'trainee advocate' and is admitted to the professional internship, which lasts eighteen months. An agreement is signed between the trainee advocate and his or her advocate-mentor and this is registered with the Council of the Bar. On completion of the internship, the advocate swears an oath and is fully registered with the Bar. He or she may then apply for a legal licence from the Ministry of Justice.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Moldova is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Professional legal assistance should be provided by licensed advocates and trainee advocates, although licensed audit firms and unlicensed legal consultants can also be found in Moldova to provide legal advice. In criminal cases, legal assistance can be provided only by advocates (Article 67 of the Criminal Procedural Code), although there are some discussions now considering whether to allow trainees to participate in

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	<p>certain aspects of criminal procedure.</p> <p>For civil cases, Article 75 of the Civil Procedure Code states that parties should be represented by advocates or trainee advocates, and employees (lawyers or non-lawyers) could also represent a legal entity in a judicial proceeding.</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>Only citizens of Moldova may become advocates.</p>
<p><i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i></p>	<p>Moldovan advocates may work either as individual advocates (solo practice) or law firms, also known as 'associated law offices'. The founding declarations establishing these solo or associated offices must be registered with the Ministry of Justice. A lawyer may only be a member of one office.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Moldovan lawyers are bound by the Code of Ethics for Lawyers of the Moldova Bar Association of 20 December 2002</p>
<p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p>	<p>Advocates must register their law offices with the Ministry of Justice and present the information to the Bar.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>The Advocates Licensing Commission of the Bar Association, composed of 11 members elected by Council of the bar, is responsible for the admission of advocates to the Bar. The Commission's decision on admission to the Bar Association is a prerequisite for obtaining a licence from the Ministry of Justice. The ultimate licensing authority is the Ministry of Justice.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Moldova joined the WTO on 26 July 2001.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Moldova has made full commitments in modes 1-3 for home country and international legal services. Host country legal services can only be supplied through legal persons incorporated in Moldova. There is a nationality requirement for advocates and notaries.</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>Moldova is a member of the Commonwealth of Independent States and has bilateral trade agreements with a number of individual countries, as well as an asymmetric trade facilitation regime with the European Union.</p>
<p><i>Do these currently include legal services or are there plans to include them in future?</i></p>	<p>The coverage of Moldova's bilateral agreements is limited to goods.</p>

Moldova

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

One Austrian law firm has a Moldovan desk in Chisinau. Another Romanian law firm has a Moldovan office. One international Big 4 accounting firm has a legal department in Moldova. Otherwise, leading global law firms do not have enough business in Moldova to justify establishment of a permanent local office.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are no restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence. Licenses for temporary practice do not exist.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Citizens of the EU, CIS and the following countries do not need visas to visit Moldova for periods of up to 90 days in any year period: Canada, Georgia, Holy See, Iceland, Japan, Principality of Andorra, Principality of Monaco, Principality of Liechtenstein, Norway, San Marino, State of Israel, Swiss Confederation, USA, Georgia. Citizens of other countries may obtain business visas for periods of up to 90 days in any six month period in order to visit clients and undertake negotiations.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Foreign lawyers are permitted to practise international and home country law as a result of Moldova's WTO commitments and can practise Moldovan law in association with a Moldovan advocate. Foreign lawyers must be registered with the Moldovan Bar in order to be able to co-found a practice of law in Moldova.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements for the issuance of work permits to foreign nationals.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

A foreign lawyer must have a contract with a local law firm or an individual advocate's office.

Moldova

Are foreign lawyers permitted to undertake arbitration and mediation?

Foreign lawyers are permitted to undertake arbitration in Moldova. Generally, they should register with the respective Moldovan arbitration seat. The list of arbitrators provided by an arbitration seat is not compulsory and thus arbitrators that are not on the list may also be appointed.

If foreign lawyers practice pro bono mediation, no additional conditions apply. Otherwise, a foreign lawyer should undertake mediation courses in Moldova and, following an exam, obtain a mediation licence. If the foreign lawyer is already accredited as a mediator in his own country, the step concerning mediation courses shall be omitted.

Furthermore, to provide mediation services, foreign lawyers (similar to local lawyers) shall create an individual or an associated mediator's office. If the foreign lawyer practices law within a Moldovan law firm, he/she can practice mediation within the respective law firm.

Are foreign lawyers allowed to appear in court under any circumstances?

Foreign advocates are admitted to practice in Moldova provided they meet all conditions of the national law for the legal profession, except for the condition to hold citizenship. Foreign advocates should team up and argue in association with Moldovan advocates.

Can foreign lawyers requalify as local lawyers?

There is a nationality requirement which makes it impossible for non-Moldovan citizens to requalify as Moldovan advocates.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

A foreign law firm cannot be a shareholder of a Moldovan law office, because Moldovan law offices do not have capital divided into shares. A Moldovan office of a foreign law firm would be set up as a Moldovan law firm (i.e. formed by Moldovan advocates and foreign registered advocates) that would enter into a fee sharing agreement (for profits) and maybe a trademark agreement (for royalties) with the foreign law firm.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

There are no quantitative limitations on law firms.

Moldova

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Moldovan advocates may be members of existing Moldovan law firms, but cannot be employed by Moldovan law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Registered foreign lawyers may be members of existing Moldovan law firms, but cannot be employed by Moldovan law firms.
<i>Other useful sources or comments or links</i>	Ministry of Justice - www.justice.gov.md ; Moldovan Bar association - www.avocatul.md
<i>Verified by</i>	Turcan Kazac law firm: http://www.turcanlaw.md/ (January 2014).

Montenegro

<i>Is there legislation governing the legal sector</i>	Law on Advocacy, No. 079/06 of 26.12.2006 (revised by 073/10 of 10.12.2010 and 022/17 of 04/03/2017)
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	The requirements for registration as a lawyer are as follows: (i) Citizenship of the Republic of Montenegro; (ii) A law degree from Montenegro, or a foreign law degree which has been recognized in accordance with the regulations governing higher education; (iii) Successful completion of the bar exam; (iv) Not to be employed; (v) Not to carry out any other incompatible activity; (vi) To be worthy of the practice of law in accordance with the Code of Ethics; (vii) Not to have a criminal record.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licensed lawyer may appear in court and practise the law of Montenegro (providing legal assistance: drafting documents, giving legal advice and opinions, providing representation).
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Montenegrin lawyers may practise individually or in partnership, through a joint law office or law firm entity.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Ethical requirements are contained in the Code of Professional Ethics of the Montenegrin Bar Association.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Montenegro Bar Association licences individual lawyers and authorises law firms.
<i>Is the jurisdiction a member of the WTO?</i>	Montenegro joined the WTO on 29 April 2012

Montenegro

Has it made any WTO commitments on legal services?

Montenegro has made commitments in modes 1-3 for consultancy on home country, foreign and international law. Market access in mode 4 is unbound except where specified in horizontal commitments.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Montenegro is a member of CEFTA, has a bilateral Stabilisation and Association Agreement with the EU and bilateral FTAs with Turkey and Ukraine.

Do these currently include legal services or are there plans to include them in future?

No, although as a potential candidate country for EU membership, Montenegro will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Article 8 of the Law on Lawyers recognises that a foreign lawyer may practise before the judicial and other state authorities in Montenegro, on condition that reciprocal arrangements exist in their home country. The Ministry of Justice will be responsible for confirming the existence of reciprocity, based on a prior opinion from the Bar Association.

Are there any 'foreign law' firms present in this jurisdiction?

There are a number of foreign law firms operating in Montenegro in cooperation with local lawyers: Harrisons Solicitors, the Serbian law firms Karanović & Nikolić and Stojanovic & Partnersin, the Austrian law firms Schoenherr and Wolf Theiss and the international firm CMS.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

Foreign lawyers should inform the Montenegro Bar Association of their activity. The Bar Association will seek confirmation of the lawyer's right to practice in their home jurisdiction and the lawyer may be required to make a professional indemnity insurance payment.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Foreign lawyers from EU Member States may provide advice on home, international and EU by making a formal application to the Montenegro Bar Association. If they grant the request the lawyer will be entered in to the directory of foreign lawyers.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Foreign lawyer must comply with the code of ethics of the Montenegrin Bar.

Are there any conditions that must be fulfilled for a foreign lawyer to

Proof of membership of a Bar or Law Society in their home state or another Member State of the European Union.

Montenegro

qualify for a limited licence? (e.g. prior practice)

Are foreign lawyers permitted to undertake arbitration and mediation?

Not clear - there is no specific law on commercial arbitration in Montenegro and arbitration of commercial disputes is uncommon.

Are foreign lawyers allowed to appear in court under any circumstances?

No

Can foreign lawyers requalify as local lawyers?

EU lawyers, who take the Bar Exam (in Montenegrin) can requalify and be listed in a foreign lawyers' directory.

Can a foreign law firm obtain a licence to open an office?

Yes - law firms from EU or WTO Member States can open a branch in Montenegro, in accordance with the Law on Lawyers (approval from the Bar Association is required).

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Approval must be obtained from the Bar Association.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

Domestic and foreign firms may only have one branch.

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?

Home, international and European law.

Are there restrictions on the corporate form a foreign law firm can take?

Not beyond those applying to local law firms

Are there rules about the name a foreign law firm can take?

They can use the same name as in their home jurisdiction.

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

The Montenegro Bar Association:
<https://www.advokatskakomora.me/ADVOKATI.html>

Montenegro

Are there restrictions on the ownership share of foreign lawyers in a law firm?

No

May a domestic lawyer be employed by a foreign lawyer or law firm?

Yes

Can a domestic lawyer enter into partnership with a foreign lawyer?

Partnership is permitted with European lawyers.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes

Other useful sources or comments or links

The Chamber of Advocates of Montenegro
<https://www.advokatskakomora.me/ADVOKATI.html>

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Romania

Is there legislation governing the legal sector

Law for the organization and practice of the lawyer's profession no. 51/1995 (as subsequently amended) - "The Lawyers Act"; and Law no. 514/2003 (as subsequently amended) regarding the legal advisers profession - "The Legal Advisers Act".

Under what title do lawyers practise?

There are two distinct professions in Romania: lawyers and legal advisers. Legal advisers' activities are restricted to the defence of the state and public authorities or institutions whereas lawyers defend other legal entities and natural persons. It is impossible for an individual to practice both professions.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

The requirements for qualification as a lawyer are stated in article 11 of the Lawyers Act: a) to have Romanian citizenship and possession of full civil and political rights; b) to be a law faculty graduate or a doctor of law (Ph.D.); c) not to be an inappropriate candidate for the profession as stipulated by the law; d) to be medically fit to practise the lawyer's profession. Lawyers must also pass the bar examination (article 16) and complete a two-year professional traineeship. Upon completion of these requirements, candidates must take an oath (article 21) in order to become fully licensed as lawyers. A legal advisor must: a) be a Romanian citizen with domicile in Romania; b) have the exercise of civil and political rights; c) have graduated from a law school; d) be medically fit to practise the profession and have the required medical certificate; e) not be covered by one of the special cases considered incompatible with the legal advisers profession. The 2006 Act added an article in the Legal Advisors Act (article 81), which states that "a citizen of a Member State of the European Union or of the European Economic Area may exercise the legal advisor profession in Romania if that citizen meets the requirements of the law, with the exception of the requirement of article 8 point a)" (citizenship requirement). Applicants must hold a recognized diploma and either take a knowledge test or have a 3-year training period. There is a mandatory 2 year internship upon starting to practise the profession (article 12 of the Legal Advisors Act).

Romania

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The Romanian Bar maintains the list of all lawyers practising in Romania.

Article 3 of the Lawyers Act describes the activities reserved to lawyers: a) legal consultancy and petitions; b) legal assistance and representation before courts of law, criminal inquiry bodies, jurisdictional authorities, notaries public and judicial executors, public administration bodies and institutions, as well as other legal entities, under the terms of the law; c) drawing up legal documents, and certifying the parties' identities and the contents and dates of documents submitted for authentication; d) assistance and representation of interested natural or legal entities before other public authorities, with provisions for certifying the parties' identities the and contents and dates of concluded documents; e) defence and representation, using specific means, of the legitimate rights and interests of natural and legal entities in their relationships with public authorities, institutions, and any Romanian or foreign entity; f) mediation activities; g) fiduciary activities consisting of receiving, in deposit, on behalf and at the expense of the client, financial funds and goods resulting from the sale or execution of executory titles after the end of a succession procedure or liquidation, as well as the placement and good use of these, on behalf and at the expense of the client, administration of funds or valuables in which the latter have been placed; h) temporary establishment of trading companies' head offices at the lawyer's professional office, the registration of such companies, on behalf and at the expense of the client, of interest shares, shares, or stock of companies thus registered; i) the activities stipulated under g) and h) may take place based on a new legal assistance contract; j) any means and ways typical of the right to defence, under the terms of the law.

Article 4 of the Legal Advisers Act sets out the activities reserved to legal advisers: Advice and representation for the public authority, institution, or employing entity.

Romania

Do you need to hold local nationality to be eligible to practise law?

Article 12 of the Lawyers Act states that: "A member of a bar from another country may practise the lawyer's profession in Romania provided he/she meets the conditions stipulated by the law, except for the one concerning Romanian citizenship". Lawyers from EEA Member States are permitted to practise law in accordance with Directives 77/249/EEC and 98/5/EC.

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

According to Article 5 of the Lawyers Act, lawyers may work in any of the following vehicles for practice: "individual law offices, associated law offices, professional civil companies, or limited-liability professional civil companies".

What other ethical or regulatory requirements must a licensed lawyer comply with?

There are various by-laws made under the Lawyers Act and lawyers must comply with these as well as the ethical code of the Bar. Legal advisors have statutory obligations in relation to conflict of interest, professional secrecy and confidentiality.

Do law firms need to receive a "license" (or permission/approval) to practice law?

There is no "licence" for law firms but following Article 53 (2) h of the Lawyers Act, the council of the competent local bar is required to "check and find that the papers for the constitution of, amendment to, and change in the forms of practising the profession, as well as the grouping of professional collaboration conventions, meet the requirements stipulated by the law and the by-law of the profession; to organise and keep records of such documents".

Which authority issues licences? Are there different authorities for individuals and firms?

The competent authority for licensing lawyers to practise in Romania is the relevant local bar association.

Is the jurisdiction a member of the WTO?

Romania joined the WTO on 1 January 1999.

Has it made any WTO commitments on legal services?

On accession to the WTO Romania made full commitments in modes 1 and 2 and was unbound in mode 3.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

As a member of the European Union, Romania extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Romania is also party to the EU's many bilateral agreements with other countries and free trade

Romania

Do these currently include legal services or are there plans to include them in future?

areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rta_participation_map_e.htm?country_selected=no ne&sense=s).

The EU has comprehensive provisions covering the free movement of lawyers from EEA countries (EU plus Norway, Iceland and Liechtenstein) and Switzerland. These include the Establishment Directive for Lawyers (98/5/EC), the Lawyers' Services Directive (77/249/EC), the Framework Services Directive (2006/123/EC) and the Professional Qualifications Directive (2005/36/EC). Collectively these directives permit EEA lawyers to provide services freely cross border within the EEA, to establish and provide legal services in host as well as home country and international law and to requalify as a host country lawyer. There are limitations on the applicability of the Establishment Directive to EEA and Swiss lawyers holding specific legal titles and EEA (or Swiss) nationality. Provisions covering trade in services are included in the EU's Free Trade Agreements (FTAs) with South Africa, Mexico, Chile, Colombia, Peru, Central America and Korea. Of these, only the agreement with Korea contains newly liberalizing measures on legal services on the Korean side, and on the EU side offers no concessions beyond those offered to other members of the WTO. Legal services have also been included in the EU's recent agreement with Canada and bind previous autonomous liberalization. The other agreements simply contain a commitment from both sides to 'progressive liberalization' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Lawyers from within the EU, EFTA or Switzerland are covered by the various EU directives covering legal services (The Lawyers' Establishment Directive 98/5/EC, the Lawyers Services Directive 77/249/EC). The result of these directives is that any EU, EFTA or Swiss lawyer can provide legal assistance in

Romania

Are there any 'foreign law' firms present in this jurisdiction?

Romanian as well as foreign and international law and can requalify as a Romanian lawyer. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and may not requalify.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are around 10 foreign firms established in Romania, including UK, Greek, Italian, German, Austrian and US firms.

Article 8015 mentions that for temporary practice provided by lawyers from an EEA or EU member state, registration with a bar is not necessary. EEA lawyers must nevertheless observe the terms and professional conduct regulations of the Romanian Bar, as well as the Romanian legislation concerning the lawyer's profession. The National Association of the Romanian Bars requires a lawyer providing services to prove his/her qualification as a lawyer (Article 8016 (1)).

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Romania has made no commitments on free movement of people in the GATS except for essential personnel required to operate foreign investment. Foreign nationals may obtain visas for short or long stays and must have a Romanian host company. EEA nationals do not require visas.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

Foreign lawyers who are not from an EEA or EU member state have a limited scope of practice (i.e. they may not appear in court and their practice is limited to legal consultancy) whereas foreign lawyers from within the EEA may carry out the same professional activities as the lawyers who practise under the professional title obtained in Romania (Article 803). There is no mention of a "licence" that they must obtain but they have the obligation to sign in to the special table kept by each bar, and shall be subject to the provisions of the present law, the by-law of the profession and the code of conduct (Article 12(6))."

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

An EEA lawyer must register with the relevant local bar in Romania, practise under his home title and comply with the Romanian code of conduct.

Romania

<p><i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i></p>	<p>Foreign lawyers must take an examination on Romanian law and Romanian language which is organized by the National Association of the Romanian Bars (U.N.B.R.). EEA lawyers must hold EEA nationality and an EEA qualification.</p>
<p><i>Are foreign lawyers permitted to undertake arbitration and mediation?</i></p>	<p>Article 12 (4) of the Lawyers Act recognises the right of a foreign lawyer to conduct international arbitration in Romania.</p>
<p><i>Are foreign lawyers allowed to appear in court under any circumstances?</i></p>	<p>European Union/EFTA and Swiss lawyers may appear in court. Other nationals are not permitted to do so.</p>
<p><i>Can foreign lawyers requalify as local lawyers?</i></p>	<p>Foreign lawyers may qualify to practise Romanian law but are restricted to practise as legal consultants (i.e. practise outside the courts). EEA lawyers may requalify under Directive 98/5/EC either by examination or a period of assimilation into the profession in Romania over three years.</p>
<p><i>Can a foreign law firm obtain a licence to open an office?</i></p>	<p>There is no licensing procedure for firms but foreign individuals must register with the bar.</p>
<p><i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i></p>	<p>Foreign companies do not need investment approval to establish in Romania.</p>
<p><i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i></p>	<p>No</p>
<p><i>Is there a quota on the number of licences available?</i></p>	<p>No</p>
<p><i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i></p>	<p>No</p>
<p><i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i></p>	<p>There are no scope of practice rules that apply to firms as opposed to individual lawyers.</p>
<p><i>Are there restrictions on the corporate form a foreign law firm can take?</i></p>	<p>EEA law firms are subject to the same rules on corporate form as local law firms.</p>
<p><i>Are there rules about the name a foreign law firm can take?</i></p>	<p>The Establishment Directive (98/5/EC) makes it clear that EU law firms may use the name of their law firm they use in their home country. The host Member State may require that, in addition mention is made of the legal form of the grouping in the home Member State and/or of</p>

Romania

What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL

the names of any members of the grouping practising in the host Member State.

EEA lawyers must register their offices with the Romanian bar.

Are there restrictions on the ownership share of foreign lawyers in a law firm?

There are no restrictions on the ownership share of EEA lawyers in a Romanian law firm.

May a domestic lawyer be employed by a foreign lawyer or law firm?

There is no prohibition on employment of a Romanian lawyer by an EEA lawyer or law firm.

Can a domestic lawyer enter into partnership with a foreign lawyer?

A Romanian lawyer may enter partnership with an EEA lawyer.

Can a domestic lawyer or domestic law firm employ a foreign lawyer?

Yes but only under their home title.

Other useful sources or comments or links

UNIUNEA NATIONALA A BAROURILOR DIN ROMANIA/ NATIONAL ASSOCIATION OF THE ROMANIAN BARS/UNION NATIONALE DES BARREAUX DE ROUMANIE:
<http://www.unbr.ro/>

Verified by

National Association of Romanian Bars (June 2014)

Russia

Is there legislation governing the legal sector

The principal regulation for advocates is the Federal Law "On Advocates' Activities and Advocacy in the Russian Federation" of 31 May 2002. Other provisions which cover advocates may also be found in e.g. the Federal Constitutional Law "On The Constitutional Court of the Russian Federation" (1994), Criminal Procedural Code of the Russian Federation (2001) etc.

Under what title do lawyers practise?

In Russia there are two major types of legal service providers: "advocates" (regulated professionals) and jurists (generally individuals holding law degrees who are unregulated).

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

If a person wants to be a member of the regulated profession in order to enjoy some professional rights (attorney-client privilege, immunity of premises etc.) or to be entitled to deal with all criminal cases etc., then he /she must comply with the legal requirements and practise under the title of "advocate".

To qualify as an advocate it is necessary:

- 1) to have a special legal education or academic degree obtained from an accredited Russian institution;
- 2) to have work experience (1 year with an advocate or 2 years elsewhere);
- 3) then to pass a written and oral exam;
- 4) Finally, to take an oath.

A person who has had a criminal conviction for intentional crimes cannot become an advocate until that criminal conviction is spent.

The status of attorney is granted for life.

There are no requirements for the use of the title 'jurist'.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

Both regulated advocates and unregulated jurists can practise throughout Russia. However advocates may have greater access to some Russian areas generally closed for all except for those who reside there (e.g. some military districts or restricted territories).

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Under Russian law the general rule is that it is not necessary to be an advocate to provide legal services. There are only a few exceptions to this rule: Some criminal cases, some cases involving minors and representation in the Russian Constitutional Court. Only advocates or representatives from a special State legal bureau may represent mentally handicapped persons. Non-advocates may provide legal services under the general provisions of the Russian Civil Code on services and the regulation on protection of customers' rights.

Russia

Do you need to hold local nationality to be eligible to practise law?

No

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Advocates can work only in specific legal forms of practice: individual practice (self-employment) or one of three different types of not for profit legal entity intended only for advocates. These entities exist for organizational purposes, to provide branding, for employment of staff etc. It is the advocates themselves rather than the entities who are regarded as the providers of the legal services. However, if these entities themselves provide legal services then the services are regarded as not rendered by advocates, and are excluded from attorney-client privilege and are subject to VAT, in contrast with services of advocates. An advocate cannot establish a not for profit entity with a non-advocate. However an advocate can establish a commercial or not for profit legal entity with other persons but may not provide personally legal services within their frameworks. Advocates also cannot act in any other non-advocate legal form but this prohibition does not cover their involvement in arbitration, mediation or pro bono work. An advocate cannot be employed by any other person, including another advocate, to provide legal services. Finally advocates can be involved in multi-disciplinary practice but only under co-operation contracts with other specialists. Jurists can use all legal forms: self-employment, commercial or not for profit legal entities, multi-disciplinary partnerships, employment etc. However, they cannot use the specific 'not for profit entities' reserved for advocates.

What other ethical or regulatory requirements must a licensed lawyer comply with?

The Federal Law "On Advocates' Activities and Advocacy in the Russian Federation" of 31 May 2002 and the Code of Professional Ethics of Advocate adopted by the All-Russian Congress of Advocates in 2003 (as amended of today). This Code also states that an advocate is required to follow the CCBE Code of Conduct for European Lawyers provided this is not in conflict with the Russian Federal law and the Code. Jurists must comply with requirements of the regulation on protection of customers' rights (e.g. not to mislead clients) and abide by the principle of good faith in the Russian Civil Code.

Do law firms need to receive a "license" (or permission/approval) to practice law?

No

Russia

Which authority issues licences? Are there different authorities for individuals and firms?

The status of a Russian advocate may be granted by the special qualification commission of each regional Chamber of Advocates. This requires a candidate to pass the commission's examination in order to be entered into the regional list of advocates. There are no licenses for legal entities established by advocates. There are no licenses for jurists or their firms.

Is the jurisdiction a member of the WTO?

Russia became a WTO member in 2012.

Has it made any WTO commitments on legal services?

Yes, the Russian Federation has made commitments in modes 1 – 3.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Russia has bilateral trade agreements with Armenia, Azerbaijan, Belorussia, Georgia, Kazakhstan, Kirghizia, Moldavia, Tajikistan, Ukraine.

Do these currently include legal services or are there plans to include them in future?

The only treaty including legal services is the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010) which is in force for Russia, Belorussia and Kazakhstan.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

Foreign lawyers from Belorussia and Kazakhstan may be treated differently under the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010).

Are there any 'foreign law' firms present in this jurisdiction?

There are more than 50 foreign law firms in Russia (mostly in Moscow and Saint Petersburg) from the US, UK, Germany, Canada, Austria, Italy, Finland, Cyprus, France etc.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There is no requirement for a foreign lawyer to obtain a license for temporary legal practice. However there is a general rule that any foreigner who is going to provide any services (not only legal) in Russia during even a temporary stay in Russia must obtain permission from immigration authorities to provide such services. There are many exceptions to this general rule which may be applicable to foreign lawyers.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Yes

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal

A foreign lawyer may practise in the Russian Federation as a jurist without requiring any particular licence, however he/she may also seek to be recognised as a

Russia

consultant and what is the scope of this limited licence?

foreign advocate.

A foreign lawyer may become a foreign advocate and be entered in the special Russian register maintained by the Ministry of Justice provided that his/her status in his/her home jurisdiction is similar to that of a Russian advocate (inter alia requiring equivalent education, experience, and the passing of an examination). The Ministry of Justice generally deems that a foreign advocate is entitled to provide legal services only on the law of his/her home country. Alternatively a foreign lawyer may be self-employed or be employed as a foreign legal consultant in a domestic or foreign law firm. In these instances there are no restrictions on scope of practice.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

No, only compliance with the rules applicable to all foreigners in Russia on their stay and activities.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

To be entered in the register of foreign advocates maintained by the Ministry of Justice, a foreign lawyer must provide documentation of his/her status in his/her home jurisdiction, which must be similar to the status of a Russian advocate (as evidenced inter alia by education, experience, and examination). If a foreign lawyer is providing services as a jurist there are no prior conditions to be satisfied.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes. Arbitration or mediation institutions are permitted to provide special provisions in their rules on the involvement of foreign lawyers in arbitration or mediation. However, any foreigner who is going to provide services in Russia, even on a temporary basis, must obtain permission from immigration authorities to provide such services.

Russia

Are foreign lawyers allowed to appear in court under any circumstances?

Yes – there are very few restrictions: Some criminal cases and some cases involving minors are restricted to advocates. There are also specific rules on legal assistance for mentally handicapped persons (only by advocates or by an officer/representative from a special State legal bureau); and, with limited exceptions, only advocates can make representations in the Russian Constitutional Court.

Foreign lawyers can appear in court either as jurists or by obtaining the status of a Russian or a foreign advocate in Russia.

Can foreign lawyers requalify as local lawyers?

Yes. But if a foreigner wishes to become a Russian advocate they must comply with all requirements applicable to local lawyers (including education in Russia and the passing of the exam).

Under the Agreement on Trade in Services and Investments in States – Members of the Common Economic Space (Moscow, 2010) Russia has reserved the right to deny advocates from Belarus and Kazakhstan the right to qualify as Russian advocates because these states impose a nationality requirement for advocate status.

Can a foreign law firm obtain a licence to open an office?

No license is needed.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Yes. A foreign law firm must comply with the general registration rules applicable to all foreign companies wishing to open an office. An office may be established either by incorporation as a Russian commercial company (registration is undertaken with the revenue authorities) or in a form of a branch or representative office of a foreign law firm. In the latter case the application must be made to the State Registration Chamber at the Ministry of Justice).

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

No

Is there a quota on the number of licences available?

No

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

There are no restrictions on the number of branches. Under the special Russian Government Decree there are 19 geographical areas in Russia which foreigners can only visit with prior permission and thus no offices of foreign firm can be established there.

Russia

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	An office may be established either by incorporation as a Russian commercial company (registration is undertaken with the revenue authorities) or in a form of a branch or representative office of a foreign law firm. In the latter case the application must be made to the State Registration Chamber at the Ministry of Justice).
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes, although advocates may not be employees subject to an employment contract. They may however be engaged by a foreign lawyer or law firm under a services contract.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Advocates can form partnerships with foreign lawyers through cooperation contracts. Russian jurists may enter into any type of partnership (contractual or in a form of a legal entity) with a foreign lawyer. If the foreign lawyer is recorded in the special Russian registry as a foreign advocate then the rules for Russian advocates apply.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Advocates can employ a foreign lawyer provided that this foreign lawyer is not recorded in the special Russian registry as a foreign advocate.
<i>Other useful sources or comments or links</i>	The Russian Ministry of Justice – www.minjust.ru ; The Federal Chamber of Advocates – http://www.fparf.ru ; The Moscow Chamber of Advocates – http://www.advokatymoscow.ru ; Research on legal profession in Russia – http://www.osce.org/odihr/36312 .
<i>Verified by</i>	Muranov, Chernyakov & Partners Law Firm

Serbia

<i>Is there legislation governing the legal sector</i>	Legal Profession Act of 9 May 2011
<i>Under what title do lawyers practise?</i>	Advocate
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	Admission to the Serbian Bar requires the following: (i) A law degree earned in the Republic of Serbia or a law degree earned in a foreign country and recognized in accordance with the regulations governing the University education sector; (ii) Successful completion of the bar exam; (iii) Citizenship of the Republic of Serbia; (iv) General health and full working capacity; (v) Not to hold employed status; (vi) Not to possess a criminal record; (vii) Not to undertake any incompatible activities; (viii) To be worthy of the practice of law; (ix) To have a practicing address and be able to fulfill the technical requirements laid down by the Bar Association of Serbia. If an applicant has previously been refused registration, at least three years must have elapsed since any previous refusal decision.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	A licensed lawyer can practise throughout the country
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Only a licensed lawyer may provide written/oral legal advice, representation in court, mediation for the purpose of concluding a legal transaction or the peaceful settlement of disputes and contentious relationships and draft contracts and other legal documents.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Attorneys can practise law independently, in a joint law office (.e. not a formal legal entity but one that is established by contract) or as a member of a law partnership (a legal entity, established by contract). Multi-disciplinary practices partnerships are not allowed.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Ethical requirements are contained in the Code of Professional Ethics of the Bar Association of Serbia.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Yes
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Bar Association of Serbia issues licences to individual lawyers and authorises law firms.

Serbia

<i>Is the jurisdiction a member of the WTO?</i>	Serbia has observer status at the WTO. Accession has been in progress since 15 February 2005
<i>Has it made any WTO commitments on legal services?</i>	Not applicable
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Serbia is a member of CEFTA, has a bilateral Stabilisation and Association Agreement (SAA) with the EU and bilateral FTAs with Russia, Belarus, Kazakhstan, Turkey, and the European Free Trade Association.
<i>Do these currently include legal services or are there plans to include them in future?</i>	No, although as a potential candidate country for EU membership, Serbia will have to progressively move towards the EU acquis, which includes the European single market regime for lawyers.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	Yes. CMS, Schoenherr, Wolf Theiss and Deloitte Legal all work in co-operation with local firms. Harrisons Solicitors is an English law firm providing English and Serbian legal services.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit rules on fly in fly out advisory practice by foreign lawyers.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Yes
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign national may be registered either in directory A or directory B of foreign attorneys provided he can demonstrate that he is registered to practice law in his home state of origin and he meets the applicable requirements of the law. Registration in directory A limits the foreign lawyers to providing legal advice and opinions regarding the application of law of his home country and international law. A foreign lawyer registered in register B, may additionally provide legal advice in Serbian law (without undertaking examinations) provided that for three consecutive years s/he has been practising law in Serbia.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Once registered, a foreign lawyer must comply with the Serbian Bar Code of Conduct.

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<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	To be entered into Register B (i.e. to be permitted to provide advice on Serbian law as a foreign lawyer) the foreign lawyer must have at least three consecutive years of practising law in Serbia. The foreign lawyer needs to prove they have adequate professional liability insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign parties in an arbitration procedure under the Rules of the Foreign Trade Arbitration Court organized within the Serbian Chamber of Commerce may be represented by foreign counsel. The Serbian Law on Arbitration (2006) does not prohibit local parties from retaining foreign counsel. Foreign lawyers are not allowed to undertake mediation.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Yes, if the lawyer is listed in 'Register B'.
<i>Can foreign lawyers requalify as local lawyers?</i>	Effectively, yes. Being admitted to Register B allows foreign lawyers to undertake the same work as Serbian lawyers.
<i>Can a foreign law firm obtain a licence to open an office?</i>	The Law does not explicitly address this issue. Foreign firms tend to work in conjunction with local firms.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign investors must register with the Serbian Development Board.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable - although domestic firms are only allowed one branch.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No

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<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes but not trainees.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes but the country of the foreign lawyer's qualification must be made clear in any listing of lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Bar Association of Serbia (https://aks.org.rs/en/)
<i>Verified by</i>	NOT VERIFIED

Tajikistan

Is there legislation governing the legal sector

The Law "On Advocacy" adopted on 4 November 1995

Under what title do lawyers practise?

Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

"The licensing situation in Tajikistan is unclear. The Law of 17 May 2004 "On Licensing Certain Types of Activity" gave responsibility for issuing legal licences to the Ministry of Justice, which does so without requiring candidates to pass any examination. However, in practice, the majority of lawyers are continuing to follow the 'Law on Advocacy' which requires Tajik advocates to obtain licences from, and be members of, a College of Advocates. Membership of a College is open to Tajiki nationals who have higher legal education and a minimum of two years' experience of the practice of law, or who have had training with an Advocate for a period of six months to one year. Candidates must pass an examination set by the Qualifications Commission of their College.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Tajikistan is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The law is unclear. Article 6 sets out the 'types of services provided by Advocates', which include: Consultation and clarification, oral and written references on legal issues; Preparing applications, complaints, motions and other legal documents; Inquiry, data collection and preparation of materials for the consideration and resolution of the established order; Implementation representation in civil cases, administrative cases and other types of cases; Participation in the criminal justice process, when considering economic disputes and the Constitutional Court as counsel and other representatives; As well as by other means, consistent with all applicable laws.' However, the law doesn't make it clear whether advocates have a monopoly in the provision of all of these types of legal services.

Do you need to hold local nationality to be eligible to practise law?

Only a Tajik national can become an advocate.

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Lawyers in Tajikistan can either practise as individuals or they may join a college of lawyers. According to the Tajik legislation a college of lawyers shall be formed upon the initiative of not less than 40 lawyers, but no special permission shall be required to establish such

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	an association. The founders shall call a general meeting to adopt the Charter and elect governing bodies of the College.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Advocates must adhere to the requirements of legislation and professional ethics (Law "On Advocacy" (article 11, p.1).
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Colleges of lawyers must be registered with the Ministry of Justice.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences for individuals and colleges are issued by the Ministry of Justice following the 'Law on Licensing' 2004 but in practice, most advocates still obtain their licences from a College of Advocates.
<i>Is the jurisdiction a member of the WTO?</i>	Tajikistan joined the WTO on 10 December 2012
<i>Has it made any WTO commitments on legal services?</i>	Not known
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Tajikistan is a member of the Commonwealth of Independent States and has bilateral agreements with the Russian Federation and Ukraine.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The coverage of Tajikistan's bilateral agreements is limited to goods.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There is a Kazakh law firm with a presence in Tajikistan.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visitors may obtain a visa to visit Tajikistan but must have an invitation from a Tajik business.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no requirement for foreign lawyers to obtain licences to practise as foreign legal consultants in Tajikistan given that practice outside the area of legal aid is unregulated.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.

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granted a limited licence (e.g. residency requirement)

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

No

Are foreign lawyers permitted to undertake arbitration and mediation?

According to the Regulation on Arbitral Tribunals for Resolution of Economic Disputes in the Republic of Tajikistan 1997 parties are free to appoint the arbitrators of their choice.

Are foreign lawyers allowed to appear in court under any circumstances?

Unclear

Can foreign lawyers requalify as local lawyers?

There is a nationality requirement which makes it impossible for non-Tajik citizens to requalify as advocates.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Private companies must be registered with the State Registration of Legal Entities and Individual Entrepreneurs. Branches are not permitted.

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

There are no quantitative limitations on law firms

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

There are no geographical restrictions on law firms. No branches allowed.

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Not known

Are there restrictions on the corporate form a foreign law firm can take?

Not known

Are there rules about the name a foreign law firm can take?

Not known

Tajikistan

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no ownership limitations but at least 70% of the employees of a foreign owned company must be Tajik citizens.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ministry of Justice - http://www.ijozat.tj/index.php?option=com_content&view=section&id=19&Itemid=15&lang=en
<i>Verified by</i>	

Turkmenistan

Is there legislation governing the legal sector

The Law "On approving the Statute on the Bar of Turkmenistan SSR" of 14 May 1981.

Under what title do lawyers practise?

Advocates (members of the Bar).

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

In Turkmenistan only a Turkmen citizen with a licence can become an advocate. In order to obtain a licence an individual must have a law degree and pass the examinations set by the Ministry of Justice. First, applicants have to show their knowledge of the book "Rukhnama" by Saparmurat Turkmenbashi the Great and after that they must take the examinations covering the law and Turkmen legislation. Once he/she has obtained a licence a candidate with two years' experience as a lawyer may be admitted to the Bar.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Turkmenistan is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

The 'Law on licensing of some kinds of activity' of 16 June 1999 requires those providing legal assistance to legal and juridical persons' to be licensed.

Do you need to hold local nationality to be eligible to practise law?

Only a Turkmen national can be an advocate.

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Turkmen advocates may work either as individual advocates or in legal entities

What other ethical or regulatory requirements must a licensed lawyer comply with?

There are no separate ethical provisions for lawyers beyond those outlined in the law.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Not known

Which authority issues licences? Are there different authorities for individuals and firms?

Licences are issued by the Ministry of Adalat (Justice) which works through Colleges of Lawyers to initiate disciplinary action against lawyers as well as to set lawyers' tariffs, codes of conduct and examinations.

Is the jurisdiction a member of the WTO?

Turkmenistan is not a WTO member and has not applied to join.

Has it made any WTO commitments on legal services?

Not applicable.

Turkmenistan

<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	Turkmenistan is a member of the Commonwealth of Independent States and has bilateral agreements with Armenia, Georgia and Ukraine.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The coverage of Turkmemistan's bilateral agreements is limited to goods.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	No
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There is only one foreign law firm, Curtis Mallet-Prevost, Colt and Mosle, with a presence in Turkmenistan.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	There are no explicit restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defence.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Business visitors may obtain a visa to visit Turkmenistan but must have an invitation from a Turkmen business.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	There is no defined licensing process for a foreign lawyer to become a foreign legal consultant.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not beyond the general requirements for the issuance of work permits to foreign nationals.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There is no specific arbitration legislation in Turkmenistan.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	There is a nationality requirement which makes it impossible for non-Turkmen citizens to requalify as advocates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

Turkmenistan

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreigners may own shares in local enterprises, form joint enterprises and set up their branches, subsidiaries or representative offices. Registration is required as set out in the Law on Enterprises, the Civil Code, and the Law on Corporations (joint stock companies).
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms.
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms.
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	There are no ownership limitations but at least 70% of the employees of a foreign owned company must be Turkmen citizens.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Legislation of Turkmenistan - http://www.turkmenistan.gov.tm/?rub=12

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Ukraine

Is there legislation governing the legal sector

Law No. 5076-VI, "On Advocacy and Legal Practice in Ukraine" dated 5 July 2012 (hereinafter - the "Advocacy Law") and general legislation which regulates economic activity of lawyers in Ukraine: Civil Code of Ukraine No. 435-IV dated 16 January 2003; Commercial Code of Ukraine No. 436-IV dated 16 January 2003 and Law No. 249-IV On Preventing and Counteracting the Legalization (Laundering) of Criminally-Obtained Proceeds or Terrorism Financing dated 28 November 2002, etc.

Under what title do lawyers practise?

Advocate, lawyer.

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

A lawyer does not need a license to practice, with the exception of advocates, who need to be admitted to practise.

In order to become an advocate, an individual must have a law degree, at least two years of legal experience, pass a qualification exam, complete a six-month internship with a practising advocate, take the oath and be included in the Ukrainian Advocates register. The admission is termless, but can be revoked or suspended under certain circumstances in accordance with the Law.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The admission to practise law as an advocate in Ukraine is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Article 45 of the Criminal Procedural Code reserves the role of defense counsel in criminal court proceedings to Ukrainian advocates. In civil proceedings, under Article 12 of the Civil Procedural Code, an advocate can provide representation as can any other person with legal capacity, being 18 years old or more who is authorized in accordance with the prescribed procedure to provide legal assistance in court.

Defense of the individual who committed administrative offence is also reserved to the advocate.

Do you need to hold local nationality to be eligible to practise law?

The Advocacy Law provides that both Ukrainian citizens and foreigners can become advocates. Foreigners who received advocate licenses abroad must apply for the inclusion into the Ukrainian Advocates Register in order to practice law as advocates.

Both Ukrainian and foreign citizens can practice as lawyers.

Ukraine

What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

Advocates may work either in sole practice, in law offices or in advocate associations in Ukraine. Lawyers may work individually, in law firms or in any other organizational forms.

What other ethical or regulatory requirements must a licensed lawyer comply with?

Ukrainian Ethics Rules for advocates were adopted in 2012 by the Higher Qualification and Disciplinary Bar Commission of Ukraine.

Do law firms need to receive a "license" (or permission/approval) to practice law?

No.

Which authority issues licences? Are there different authorities for individuals and firms?

The Higher Qualification and Disciplinary Bar Commission of Ukraine is responsible for admission of individuals-advocates.

Is the jurisdiction a member of the WTO?

Ukraine joined the WTO on 16 May 2008.

Has it made any WTO commitments on legal services?

Ukraine has made full commitments in all sectors of the law and in modes 1-3, including criminal law and representation in courts in all proceedings. The only qualification is that only Ukrainian citizens are permitted to provide notarial services.

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Ukraine has bilateral agreements with Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, FYROM and EFTA and it is currently negotiating new bilateral trade agreements with the EU, Canada and Singapore.

Do these currently include legal services or are there plans to include them in future?

Ukraine's only trade agreement which covers services is the agreement with EFTA which reiterates the full commitments in legal services that Ukraine has made under the GATS.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No.

Are there any 'foreign law' firms present in this jurisdiction?

There are approximately 20 foreign law firms present in Ukraine from the UK, the US, Germany, France, Austria and Russia. There are also 2-3 branches of the law offices of international accountancy networks.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

There are no restrictions on the fly-in fly-out practice of law outside the regulated area of criminal defense.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Foreign lawyers, advocates may obtain visas to visit clients etc. in Ukraine. Ukraine has a visa-free regime with many countries.

Ukraine

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?

There is no requirement for a foreign lawyer to obtain a license to practice as a foreign legal consultant in Ukraine taking into consideration that practice outside the areas reserved to advocates is unregulated.

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements for the issuance of employment permits to foreign nationals.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable. There are no limited licenses in Ukraine.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes, they are. The International Commercial Arbitration Act 1994 (ICAA) is based closely on the UNCITRAL model law and permits parties to challenge the appointment of arbitrators on the basis of impartiality or independence alone. Mediation is not officially regulated in Ukraine.

Are foreign lawyers allowed to appear in court under any circumstances?

Foreign lawyers may appear in civil and commercial proceedings. Foreign lawyers may also appear in criminal and administrative proceedings if they are included in the Ukrainian Advocates Register.

Can foreign lawyers requalify as local lawyers?

A foreign advocate may be admitted to advocate practice in Ukraine, if he/she filed an application together with the approved list of the documents and had at least two years of experience in Ukraine and was included in the Ukrainian Advocates Register. A foreigner who is not an advocate abroad must pass qualifications exams to become an advocate in Ukraine in accordance with the Law. Foreign lawyers may practice in Ukraine on the same basis as Ukrainian lawyers. In practice foreign lawyer and foreign advocate must know the Ukrainian legislation.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licenses to practice law beyond the regular incorporation (or setting up a Representative Office) registration procedures.

Ukraine

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Limited Liability Companies must be registered with the Companies Register; Representative Offices must be registered with the Ministry of Economy of Ukraine.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable.
<i>Is there a quota on the number of licences available?</i>	There are no quantitative limitations on law firms
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	There are no geographical restrictions on law firms
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not known
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Higher Qualification and Disciplinary Bar Commission of Ukraine - http://vkdka.org/en/ ; Ukrainian National Barristers Association - http://www.unba.org.ua/erau/ ; Ukrainian Bar Association - http://uba.ua/eng/

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Uzbekistan

Is there legislation governing the legal sector

The Law "On Advocacy" of 27 December 1996 , the Law "On Guarantees for Protecting Legal Practice and Social Security of lawyers" of 25 December 1998 and Decree of the President of the Republic of Uzbekistan of May 1, 2008 NoYП-3993 "On Measures on Further Reforming of the Bar in the Republic of Uzbekistan"

Under what title do lawyers practise?

Advocate

How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?

According to the Law 'On Advocacy', an advocate must be a citizen of the Republic of Uzbekistan, hold a University degree in law and have obtained a licence to practise. Licences are issued following an examination set by the Higher Qualifications Commission and the swearing of an oath. Candidates must be legally competent and not have any unspent criminal convictions. Since the passage of the new law in 2008, licensing has been carried out by the Chamber of Advocates and membership is compulsory. A postgraduate three year training course was launched in 2010 for new advocates.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits

The licence to practise law in Uzbekistan is national.

Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?

Uzbek legislation is unclear on the areas of work reserved to advocates, however it is the case that only licensed advocates can provide legal aid to any persons including assistance in the course of representation in court.

Do you need to hold local nationality to be eligible to practise law?

Only an Uzbek national can become an advocate.

What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)

An Uzbek advocate may work as a sole practitioner, set up his/her own law office, work in a college of advocates, or create a law firm jointly with other lawyers.

Uzbekistan

What other ethical or regulatory requirements must a licensed lawyer comply with?

Advocates must adhere to the requirements of legislation and professional ethics (Law "On Legal Profession" (article 7, p.1). The Rules of Professional Ethics of Uzbekistani Lawyers were adopted by the Founding Conference of the Chamber of Lawyers of Uzbekistan on 12 September 2008.

Do law firms need to receive a "license" (or permission/approval) to practice law?

Law offices, colleges of advocates and law firms as well as lawyers' associations must be registered with the Ministry of Justice or Regional Departments of Justice.

Which authority issues licences? Are there different authorities for individuals and firms?

The Chamber of Uzbek Lawyers is responsible for issuing licences to advocates.

Is the jurisdiction a member of the WTO?

Uzbekistan is currently negotiating membership of the WTO

Has it made any WTO commitments on legal services?

Not applicable

Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?

Uzbekistan is a member of the Commonwealth of Independent States and has bilateral agreements with the Kyrgyz Republic and Ukraine.

Do these currently include legal services or are there plans to include them in future?

The coverage of Uzbekistan's bilateral agreements is limited to goods.

Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?

No

Are there any 'foreign law' firms present in this jurisdiction?

There are 3-4 foreign law firms in Uzbekistan including a UK firm, a Ukraine firm and a regional CIS firm but all of the lawyers working in these firms appear to be Uzbek lawyers.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?

The boundaries of regulated legal work are unclear in the legislation but there are no explicit rules relating to fly-in fly-out practice of law or any requirement to obtain a temporary licence.

Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?

Citizens of Kyrgyzstan (up to 60 days), Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Russia and Ukraine do not need visas to visit Uzbekistan. Citizens of other countries may receive visas on the basis of invitations from natural or juridical persons.

Can a foreign lawyer obtain a licence to establish and practise as a foreign legal

There is no clear licensing system for foreign lawyers.

Uzbekistan

consultant and what is the scope of this limited licence?

Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)

Not beyond the general requirements for the issuance of work permits to foreign nationals.

Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)

Not applicable

Are foreign lawyers permitted to undertake arbitration and mediation?

The Arbitration Tribunal Act limits arbitrators to those of Uzbek nationality.

Are foreign lawyers allowed to appear in court under any circumstances?

No

Can foreign lawyers requalify as local lawyers?

There is a nationality requirement which makes it impossible for non-Uzbek citizens to requalify as advocates.

Can a foreign law firm obtain a licence to open an office?

There is no requirement for foreign law firms to obtain special licences to practise law beyond the usual company registration procedures.

Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)

Registration of foreign companies must be made with the local authority for state registration (khokimiyat, or the Inspectorate for Registration of Entrepreneurial Entities).

Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)

Not applicable

Is there a quota on the number of licences available?

There are no quantitative limitations on law firms

Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?

There are no geographical restrictions on law firms

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?

Not known

Are there restrictions on the corporate form a foreign law firm can take?

Not known

Are there rules about the name a foreign law firm can take?

Yes

Uzbekistan

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Ministry of Justice - www.minjust.uz
<i>Verified by</i>	