



the global voice of
the legal profession®

The IBA Global Cross Border Legal Services in the EU and EFTA Report 2019

© International bar Association 2019

This report is copyright. Other than for the purposes of, and on the conditions prescribed by the Copyright, Designs and Patents Act 1988 (UK), no part of this book may be reproduced or stored in any form without the prior written permission of the copyright holder.

This report was prepared for the International Bar Association by Hook Tangaza (www.hooktangaza.com), an international professional services consultancy.

Although appropriate efforts have been made to ensure the accuracy of this report no warranty as to its accuracy is given. Those intending to rely on information in this report should first check with the primary source.

Contents

INTRODUCTION	5
Austria	7
Belgium	14
Bulgaria	22
Croatia	28
Cyprus	34
Czech Republic	39
Denmark	45
Estonia	51
Finland	57
France	62
Germany	70
Greece	75
Hungary	81
Iceland	90
Ireland	96
Italy	101
Latvia	106
Liechtenstein	113
Lithuania	117
Luxembourg	124
Malta	130
Netherlands	136
Norway	141
Poland	147
Portugal	153
Romania	158
Slovakia	165
Slovenia	171
Spain	180
Sweden	185

Switzerland	191
United Kingdom (England and Wales)	196
United Kingdom (Northern Ireland)	203
United Kingdom (Scotland)	208

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 EU and EFTA, 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.

Austria

Is there legislation governing the legal sector

Rechtsanwaltsordnung (RAO) (Legal Profession Act) 24 June 1996 and Bundesgesetz über den freien Dienstleistungsverkehr und die Niederlassung von europäischen Rechtsanwältinnen und Rechtsanwälten sowie die Erbringung von Rechtsdienstleistungen durch international tätige Rechtsanwältinnen und Rechtsanwälte in Österreich (EIRAG) (The Federal law on the free movement services and establishment of European lawyers as well as the provision of legal services by international lawyers in Austria) 23 May 2000 (as amended).

Under what title do lawyers practise?

Rechtsanwalt

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

In order to obtain a licence as a lawyer in Austria, an individual must have 1) Austrian or EEA citizenship; b) Full civil capacity; c) Completed the required period of study of Austrian law; d) Have undertaken the required training; e) Have successfully completed the Austrian Bar Exam; f) Participated in the training courses organised by the Bar; g) Possess the required civil liability insurance. In order to qualify a lawyer must have completed five years' legal professional work and have passed the bar examination. The bar examination can be taken after three years of training and attendance at the mandatory training courses prescribed for candidate lawyers by the Austrian Bar Association.

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 Austrian Act allows lawyers to practise throughout Austria but requires registration with a local bar.

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

The Austrian Act provides that lawyers are authorised to represent parties in court and out-of-court cases

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

A nationality requirement applies

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

Austrian lawyers may work as sole practitioners, or in law firm partnerships. They can also enter into legal forms that are registered in the commercial register such as: Open societies (OA), Limited partnership (KG), whose partners may include a lawyer's spouse, children or retired attorneys; or limited liability partnerships.

Austria

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

Guidelines for the Practice of the Lawyer's Profession (Richtlinien für die Ausübung des Rechtsanwaltsberufes und für die Überwachung der Pflichten des Rechtsanwaltes und des Rechtsanwaltsanwärters (RL-BA 1977)) and additional legislation and rules available at www.rechtsanwaelte.at

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

Law firms must register on the list of law firms held at the Regional Bar Association office in whose jurisdiction the firm has its main office. A law firm with earnings above a revenue threshold must also register in the Commercial Register.

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

Austrian lawyers must register with their local bar association. There is one bar association (Rechtsanwaltskammer) in every federal province of Austria. Details of these can be obtained through the website of the Federal Bar (www.rechtsanwaelte.at)

Is the jurisdiction a member of the WTO?

Austria joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Austria has made commitment in modes 1-3 for home country and public international law. It does however require that where legal services are provided in home country law and international law that "foreign (non EU/EEA) legal advisors are required to be members of their national Bar Association; they may use their professional title only with reference to the place of registration in their home country". However Austria has also added that ""At the request of a consumer, legal advisors may temporarily move into the territory of Austria in order to supply a specific service".

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

Austria

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

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. The Establishment Directive applies 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. Austria has specifically indicated in the text of the EU-Korea agreement that full admission to the Austrian Bar, which is required for the practice of EU and Member State law, is subject to a nationality requirement.

Austria

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

Lawyers from within the EEA and 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 EEA or Swiss lawyer can provide (some) legal assistance in Austria as well as foreign and international law and can requalify as an Austrian lawyer. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

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

There are around 4-5 offices of foreign (mostly US or UK) firms in Austria, including: Freshfields Bruckhaus Deringer, DLA Piper Weiss-Tessbach, CMS Reich-Rohrwig Hainz Rechtsanwälte GmbH and Baker & McKenzie Diwok Hermann Petsche Rechtsanwälte GmbH, Skadden Arps, and Eversheds.

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?

Temporary provision of legal services is limited to EEA and Swiss lawyers (EIRAG §2).

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

Austria is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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?

Non EEA foreign lawyers are permitted to provide advice on foreign and international law but legal documents pertaining to Austria must be signed by Austrian licensed lawyers. They must clearly designate the country in which they are licensed to practise and they are not allowed to represent an Austrian consumer before Austrian courts and authorities. EEA and Swiss lawyers must register with the Austrian bar and can obtain full rights to practice.

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

Foreign lawyers must notify the relevant regional chamber of the Austrian Bar of the vehicle through which they are practising in

Austria

Austria. In their communications with clients, non EEA foreign lawyers must only use the professional title which they are entitled to use in their home state, must refer to the vehicle which is registered in Austria and through which they practise and to their home professional body. EEA and Swiss lawyers must adhere in full to the Austrian Bar code of conduct and take out additional indemnity insurance if their home state insurance is not equivalent to that required in Austria.

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

Non-EEA foreign lawyers must be nationals of a Member State which is party to the General Agreement on Trade in Services and be entitled to exercise the profession of lawyer in that Member State.

Are foreign lawyers permitted to undertake arbitration and mediation?

There are no specific provisions in Austrian arbitration law regulating the qualifications of arbitrators. Any person over the age of 18 with legal capacity may sit as an arbitrator. The parties are however, free to specify particular qualifications in their arbitration agreement, as well as to agree on the number of arbitrators and on a procedure for appointing the arbitrator(s).

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

EEA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

An EEA or Swiss national who is qualified as an EEA or Swiss lawyer can requalify in Austria by passing an examination set by the Austrian Bar or by practising Austrian law for three years (or a combination of the two). There are no provisions for lawyers of other nationalities to requalify.

Otherwise, a foreign lawyer must consult an Austrian attorney when representing a client in proceedings before Austrian courts and authorities".

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

Austria supplemented the EU's WTO commitment with the requirement that: "Foreign lawyers may, at the request of a consumer in Austria, temporarily move into the territory of Austria in order to render legal services, only in respect of the law of the jurisdiction where the

Austria

	service supplier is admitted to practice as a lawyer, or in respect of international law (excluding EEA/EC law)". It is made explicit in EIRAG that this requires registration with the relevant Austrian regional bar and submission to its disciplinary provisions. The foreign law firm must notify the relevant regional bar in writing when it opens an office and must observe Austrian law and regulations in relation to the permitted form and incompatibilities with other occupations.
<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 registration requirements for a foreign law firm are dealt with by the special purpose legislation governing European and International lawyers (EIRAG).
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign law firms must take one of the forms permitted to Austrian lawyers (EIRAG §42)
<i>Are there rules about the name a foreign law firm can take?</i>	No
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The relevant chamber of the Austrian bar, depending on where the foreign firm wishes to establish (see www.rechtsanwaelte.at)
<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>	The ethical requirement for Austrian lawyers to be independent means that they cannot be employed except under contracts which permit them to have their own separate clients etc.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes

Austria

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

Yes

Other useful sources or comments or links

www.rechtsanwaelte.at

Verified by

Belgium

Is there legislation governing the legal sector

The Belgian Judicial Code Act of 4 July 2001 on the Structure of the Bar

Under what title do lawyers practise?

Avocat/Avocaat/Rechtsanwalt

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

In order to hold the title of Belgian 'avocat', 'avocaat' or 'rechtsanwalt', a lawyer must be a citizen of Belgium or of another Member State of the European Union (article 428 of the L 02-07-1975). Becoming a lawyer requires the completion of 5 years of university study and registration with the relevant local Bar in order to become a trainee lawyer. Trainee lawyers are then required to undertake 3 years of supervised practice, undertake a number of training courses and pass professional examinations before they can be registered as full lawyers in their own right. Registration with the relevant Bar, requires candidates to submit to their local Court of Appeal: their original degree certificate, proof of nationality and a certificate of good conduct, along with details of their trainee supervisor. They are then required to swear an oath.

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 in Belgium is a national one but requires registration with a local Bar.

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

Pleading and filing briefs of arguments before any court before the Courts is an activity reserved for fully qualified Belgian lawyers.

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

Article 428 of the Belgian Judicial Code stipulates that nobody can use the title of lawyer or practise as a lawyer if he or she is not Belgian or a citizen of an EU Member State. The nationality requirement is derived from Royal Decree of 24 August 1970 (Belgian Official Journal of 8 September 1970). Foreign lawyers may practise in Belgium as legal consultants.

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

Lawyers can use the following forms: A civil company taking the form of commercial company (sociétés civiles empruntant la forme des sociétés commerciales - s.c.r.l.); a limited liability cooperative company (société coopérative à responsabilité limitée - s.p.r.l.), or a private limited liability company (société privée à responsabilité limitée). An individual lawyer

Belgium

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

may organize his or her practice as a civil company taking the form of a single shareholder private limited liability company (société civile empruntant la forme d'une société privée à responsabilité limitée unipersonnelle)

Lawyers must comply with a body of additional ethical rules and requirements. The Brussels Bar association publishes a collection of these rules every year at http://www.barreaudebruxelles.be/index.php?option=com_content&view=article&id=84&Itemid=106

In addition, the CCBE Code of Conduct for European lawyers applies in cross-border dealings with lawyers in other member states of the European Union or from countries whose Bars are associate members of the Council of European Bars and Law Societies (CCBE).

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

There is no requirement for a law firm licence but the different bar associations have their own requirements for notification by lawyers of the establishment of a firm and/or its authorization.

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

All lawyers must be members of their local Bar. The Ordre des Barreaux Francophones et Germanophone (OBFG) groups together all the local bars of the French-speaking and German-speaking communities in the country. The Orde van Vlaamse Balies (OVb) is the umbrella organisation for the local bars of the country's Dutch-speaking community.

Is the jurisdiction a member of the WTO?

Belgium joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Belgium has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law, without qualification.

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, Belgium extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Belgium is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rta

Belgium

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

[_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.

Belgium

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

Nationals of EU and EFTA member States and Switzerland receive different treatment from other foreign nationals. EU/EFTA/Swiss nationals who are authorized to use one of the professional lawyer titles set down in Directive 98/5/EC, may practise in Belgium on a permanent basis under their home title. In order to do so, they must register with a Belgian Bar on the list of European lawyers ("E-list") and remain registered with the Bar of his or her home country. A lawyer registered with a Belgian Bar under his or her home country title may carry on the same professional activities in Belgium as fully qualified members of Belgian Bars. He or she may, in particular, give legal advice on the law of his or her home Member State, on Community law, on international law, and on Belgian law.

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

There are over 100 foreign law firms established in Belgium, mainly in Brussels.

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?

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Belgium on an unrestricted basis. Unregistered third country citizens may also provide services in areas other than Belgian law.

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

Belgium is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Belgium

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?

Qualified lawyers with European nationality and a professional title recognised in 98/5/EC must register with the Belgian Bar if they intend to establish in Belgium. Lawyers pursuing their activities on a full-time basis who are not nationals of a Member State of the European Union may (but do not have to) request registration on the list of associated members of the Brussels Bar (*liste des membres associés du barreau de Bruxelles*, sometimes referred to as “B-List”). Registration is necessary for lawyers who wish to enter into agreements of partnerships or cooperation with fully qualified lawyers, European lawyers or practise Belgian law indirectly. The practice of Belgian law is subject to limitations for associated members of the Brussels Bar: they must solicit the advice of a Belgian lawyer registered on the list of fully qualified lawyers, or of a trainee lawyer with a seniority of at least one year and who has passed the professional education courses, or of a lawyer having the same qualifications and who is a member of another Belgian Bar. There are no restrictions on the professional activity of an associated member of the Brussels Bar when practising European or foreign law. There is a specific agreement between the Brussels Bar and the American Bar Association of August 6, 1994 (Annex 9 to the *Recueil*) which applies specific rules to American lawyers. This agreement requires an American lawyer to register with the French or Dutch Bar of Brussels within six months of his or her establishment.

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

Foreign lawyers may use the denomination “associate member of the Brussels bar” (*«membre associé du barreau de Bruxelles»*) if this is immediately followed by the origin of the foreign bar membership. The English version can only be added to the French, Dutch or German one and cannot stand alone.

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

Maintenance of a local presence is required for regular practice. Non-EEA licensed professionals are subject to a labour market test and their employer must apply for a work permit. In order for a non-EU national to work as a self-employed person, he or she must apply for a

Belgium

Are foreign lawyers permitted to undertake arbitration and mediation?

Professional Card and the application process can take up to a year.

Rules on mediation can be found in the 7th part of the Judicial Code, nothing in the statute prevents foreign lawyers from undertaking mediation. However, mediators are required to be well-versed in the field in which they are mediating and be able to show that they have a qualification or experience in mediation (article 1726 of the Code). They must be accredited (article 1727).

Rules on arbitration can be found in the 6th part of the Judicial Code, nothing prevents foreign lawyers from undertaking arbitration.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

Nationals of EU or EEA Member States or Switzerland may requalify either by undertaking an aptitude test or following three years of continuous and effective practice in Belgium in association with a Belgian lawyer. In the case of non-EU nationals requalification is dealt with on a case by case basis and reciprocity is applied. Lawyers from other countries who wish to requalify are required to have been domiciled in Belgium for at least three to six years and their applications are examined by a committee of the Bar.

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

Law firms are not licensed separately from individuals, so if a foreign firm is setting up in Belgium and has lawyers who are registered with the Bar, it must also inform the Bar of the intended place of establishment.

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.)

In order to set up a company in Belgium, a firm needs a registered office, as well as a bank account at a Belgian bank and a local accountant. Companies may be branches or subsidiaries.

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

Belgium

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Article 477 of the Judicial Code provides that the establishment of a grouping of lawyers may be refused if it includes persons who are not members of the profession. This is assumed to be the case if at least one of the following conditions is satisfied :a) the capital of the grouping is held entirely or partly by persons who do not have the status of lawyer within the meaning of the provisions of the Judicial Code ; b) the name under which it practices is used by persons referred to in a) ; c) the decision-making power in that grouping is exercised, as a matter of law or practice, by persons referred to in a).

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

No

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

Licensing is not required for firms but foreign lawyers will be expected to register with the bar association in the place in which they wish to establish. See
<http://www.barreaudebruxelles.be/>
<http://www.advocaat.be/>
<http://www.avocat.be/>

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?

Employment is not permitted but Belgian lawyers who are not partners in foreign law firms may work as independent contractors under contracts which guarantee their independence (e.g. Flemish Bar Council decision of 08.06.2005 'A lawyer must practice his profession as an independent practitioner, to the exclusion of any subordinate relationship').

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

Yes

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

Yes

Belgium

Other useful sources or comments or links

http://www.barreaudebruxelles.be/index.php?option=com_content&view=article&id=85&Itemid=131

Verified by

Bulgaria

Is there legislation governing the legal sector

The Bulgarian Bar Act 2004

Under what title do lawyers practise?

Адвокати or advocate

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

According to the Bar Act 2004, Article 4. (1) Any Bulgarian national with civil capacity may become an attorney-at-law, provided he or she satisfies the following condition, He/She: 1) has a higher degree in law; 2) has competency to practise law; 3) has at least two years of legal practice experience; 4) has passed the Bulgarian Bar exam, except for the special cases listed under Article 6, Paragraph 3 of the Act; and 5) exhibits the required ethical and professional qualities to exercise 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

The licence to practise in Bulgaria is a national one.

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

The practice of law in Bulgaria is defined in Article 24 of the Bulgarian Bar Act ""(1) The exercise of the legal profession shall include
1. oral or written consultations and opinions on legal issues; 2. drafting of all types of papers - petitions, complaints, applications, appeals, etc., in relation to the assignment made by the client; 3. Representation of clients and protection of their rights and legal interests before bodies of the judiciary, administrative authorities and services, as well as before individuals and legal entities." Practice before the Supreme Administrative Court or Court of Cassation requires five years' experience as a Bulgarian attorney.

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

Full rights of practice require Bulgarian or EU nationality. Other nationalities may obtain limited rights.

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

The legal profession may only be exercised by an attorney-at-law, practising alone or as a member of a partnership. An attorney-at-law may only be an individual who has taken oath and is inscribed in the register of the Bar Association.

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

Етичен кодекс на адвоката (the ethical code for lawyers) available at www.vas.bg (the website of the Supreme Bar Council)

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

Law firms must register the 'contract' between an attorney at law and a law firm with the Bar. Article 58 sets out that 'A law firm shall be established by virtue of a contract between two or more attorneys-at-law. The contract shall be made in writing and set out:

Bulgaria

1. The name of the firm; 2. The names and addresses of the offices of associate attorneys-at-law; 3. The seat and address of the firm; 4. Objects; 5. The type and amount of contributions of each associate and an assessment of non-monetary contributions; 6. The manner of distributing income and expenses; 7. The manner of managing and representing the firm; 8. The conditions of admission of new associates; 9. The conditions in compliance with which associates may leave; 10. Grounds for the exclusion of an associate; 11. Grounds for termination of the firm; 12. The manner of liquidation of the firm. Article 61 (1) A law firm shall be inscribed at the Bar Council, in a special register, by virtue of a decision, based on an application, signed by all attorneys-at-law who have executed the Articles of Association. The Articles of Association shall be attached to the application for inscription.

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

The Supreme Bar Council has the power to admit, strike off and maintain the list of all practising lawyers in Bulgaria. It also maintains the register of offices in which attorneys work (www.vas.bg)

Is the jurisdiction a member of the WTO?

Bulgaria joined the WTO on 1 December 1996

Has it made any WTO commitments on legal services?

Bulgaria has made commitments in modes 1-3 to permit foreign legal consultants to provide advice in their home country law and in public international law. This excludes legal representation in front of judicial, non-judicial and administrative bodies as well as preparation of legal documents for such procedures; drafting of legal opinions concerning laws other than the law of the jurisdiction where the service supplier is qualified as a lawyer; and out-of-court legal representation related to the rights and obligations of Bulgarian nationals. The establishment of foreign service suppliers, joint ventures included, may only take the form of limited liability company or joint stock company with at least two shareholders. Establishment of branches is subject to authorization. Unbound for representative offices. Representative offices may not engage in economic activity. Temporary presence of business visitors is permitted where sales are not being made directly to the public.

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, Bulgaria extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein. Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade areas.

Bulgaria

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

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 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 Bulgarian as well as foreign and international law and can requalify as a Bulgarian advocate. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

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

There are around 10 or so foreign law firms established in Bulgaria from other EU member states: UK, Italy, Greece, Germany and Austria.

Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Bulgaria on an unrestricted basis without registering with the Bar (though in order to appear in court they must be introduced by a Bulgarian lawyer).

Bulgaria

need to obtain a licence for temporary practice?

Lawyers from other countries must open an office if they want to provide services in Bulgaria but they may appear in court on specific cases.

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

Bulgaria grants business visas to foreign lawyers but these visas do not permit direct sales to the public.

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?

Non EEA and Swiss foreign lawyers can register with the Supreme Council of the Bar to practise as a foreign attorney. This status permits them to practise the law of the country in which they are qualified and international law. EEA and Swiss lawyers may additionally practise European law and Bulgarian law in association with a Bulgarian lawyer.

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

A foreign lawyer must use his home professional title and register his office with the Supreme Bar Council.

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 provide evidence from their home licensing authority that they are suitably qualified and have a clean disciplinary record.

Are foreign lawyers permitted to undertake arbitration and mediation?

Mediation is governed by the Mediation Act (State Gazette No. 110/17.12.2004, amended and supplemented, SG No. 86/24.10.2007) and permits any natural person to be a mediator, other than a judge or individual involved in the administration of justice. Arbitration is governed by the Law on International Commercial Arbitration (Published in the State Gazette (SG) No. 60 of 05.08.1988, amended in SG No. 93 of 02.11.1993, amended in SG No. 59 of 26.05.1998, amended in SG No. 38 of 17.04.2001, amended in SG No. 46 of 29.04.2002, amended in SG No. 59 of 20.07.2007, in effect from 01.03.2008). Many foreign lawyers are registered with the Bulgarian Chamber of Commerce and Industry as arbitrators.

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

Only those holding Bulgarian nationality, or registered European lawyers may appear in court. Lawyers from other countries may appear on specific cases following Article 10 of the Bulgarian Bar Act "(1) A foreign country national who has competency to practice law in accordance with the legislation of his or her own country, may appear before judicial bodies of the Republic of Bulgaria as defence-counsel of a national of his or her own country, acting on a specific case, together with a Bulgarian attorney-at-law, in cases where this has been envisaged in an agreement between the Bulgarian and the respective foreign state, or on the basis of mutuality,

Bulgaria

Can foreign lawyers requalify as local lawyers?

making a preliminary request to this effect to the Chairperson of the Supreme Bar Council".

European lawyers who wish to requalify as Bulgarian lawyers may requalify under article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Bulgaria for a minimum of three years and have obtained experience in local law. Alternatively, Lawyers from other the EU, EFTA or Switzerland without three years' experience and residency in Bulgaria may sit an aptitude test.

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

Foreign firms must register all their partners in Bulgaria and they must also continue to be licensed and qualified in their home countries. Foreign law firms are not entered on the unified register of law firms.

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.)

Not applicable

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

Foreign law firms can only practise in the forms provided by the Bulgarian Bar Act. In effect, given that all partners must be registered in Bulgaria, a foreign law firm can only establish a Bulgarian subsidiary and cannot open a branch office.

Is there a quota on the number of licences available?

No - a law firm may open offices in more than one location in Bulgaria provided they are all registered with the Bar.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms would need to adhere to the provisions governing Bulgarian law firms contained in the Bar Act: Article 59. (1) The name of the firm shall include the words ""law firm"" and the names of one or more partners. All papers of the firm, including powers of attorney for the court, shall mandatorily read the names of all partners. (2) No other words or names shall be used in the name of a law firm other than the names of the partners (3) Where the firm name indicates the name of a partner who is about to leave, it may be kept with his or her consent. Where a

Bulgaria

	partner has died, the name may be kept with consent of his or her heirs.
<i>Are there rules about the name a foreign law firm can take?</i>	The name of a law firm can only include the names of the partners, so a foreign firm would not be able to use its name unless the names of the partners were registered in Bulgaria as well.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Only individual foreign lawyers are registered by the Supreme Bar Council (www.vas.bg)
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Yes - unless they are EEA or Swiss lawyers, a foreign lawyer may not be a partner in a law firm registered in Bulgaria.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Bulgarian lawyers may be employed by EEA or Swiss law firms - see article 77 of the Bulgarian Bar Act
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No - all partners must be Bulgarian 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>	Supreme Council of the Bar: www.vas.bg
<i>Verified by</i>	

Croatia

Is there legislation governing the legal sector

Law on the Legal Profession (Zakon o odvjetništvu, Official Gazette "Narodne novine" No. 9/94, dated January 27, 1994 and No. 117 dated October 13, 2008

Under what title do lawyers practise?

Odvjetnik/odvjetnica translated as lawyer or attorney

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

Article 48 of the Lawyers Act states that "The right to be enrolled in the list of attorneys shall be given to the person fulfilling the following conditions: 1. that the person is of Croatian citizenship; 2. that the person possesses business capacity; 3. that the person's health conditions are such as to allow the performance of law practice activities; 4. that the person has graduated from a Faculty of Law of the Republic of Croatia; 5. that upon graduation the person has completed at least three years of apprenticeship in a law office or has had legal jobs in judicial bodies or has worked for at least five years on other legal jobs; 6. that the person has an active knowledge of the Croatian language; 7. that the person has passed the Bar Examination in the Republic of Croatia; 8. that no investigation and criminal procedure are conducted against the person as ex officio prosecution; 9. that the person is not employed; 10. that the person is worthy of carrying out the legal profession; 11. that the person does not perform other jobs which are incompatible with 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

The licence to practise in Croatia is a national one.

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

Article 3 of the Lawyers Act defines 'legal assistance' as the work of lawyers which allows them to do the following: give legal advice, draft documents (contracts, wills, statements, etc.), draw up claims, complaints, motions, requests, extraordinary legal remedies and other pleadings; represent their clients. Article 6 of the Act gives the Croatian Bar Association the right to initiate proceedings against non-lawyers rendering legal assistance.

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

The Lawyers Act requires Croatian citizenship for enrolment as a lawyer. Since joining the EU in July 2013 Croatia must now allow other EU nationals the possibility to qualify as Croatian lawyers.

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

Croatian lawyers can use the following forms: (1) Sole practice - the principal can employ as many trainees or

Croatia

limited liability partnership, multi-disciplinary partnership, incorporation)

other personnel without limits. The only restriction is that he or she cannot employ other attorneys-at-law. He or she can have only one office; (2) Joint offices or partnerships made up of two or more lawyers enrolled with the Croatian Bar Association. These partnerships are regulated by the Law on the Legal Profession (ZAKON O ODVJETNISTVU) and the Law on Obligations (ZAKON O OBVEZNIM ODNOSIMA, the official gazette 'NARODNE NOVINE' No. 53/91, 73/91, 3/94); (3) As a law firm with separate legal personality.

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

The Attorneys' Code of Ethics was passed at the Assembly of the Croatian Bar Association on 18 February, 1995 and amended on 12 June, 1999. It is available at the Croatian Bar website (www.hok-cba.hr/Default.aspx?sec=91)

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

Partnership or law firm agreements must be registered with the Bar. Law firms and partnerships are governed by the rules of the Company Law - ZAKON O TRGOVACKIM DRUSTVIMA (the official gazette 'NARODNE NOVINE' No. 111/93 and by the Law on Obligations.

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

Both lists of individual lawyers admitted to practice in Croatia and legally established law firms are maintained by the Croatian Bar Association.

Is the jurisdiction a member of the WTO?

Croatia joined the WTO on 30 November 2000

Has it made any WTO commitments on legal services?

Croatia has made commitments in modes 1-3 in home country, foreign and international law. It is unbound for Croatian legal services.

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, Croatia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein. Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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).

Croatia

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 covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, Canada, India, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia and Vietnam.

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

As a member of the European Union, Croatia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein. Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

There are a few Austrian firms present in Croatia (Schönherr and Wolf Theiss) and offices of international networks such as CMS. A number of local firms are in close alliance with international firms such as DLA Piper.

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?

Under the terms of Croatia's accession to the EU, lawyers from other EU, other EEA countries and Switzerland will in future be permitted to practise law on a fly in fly out basis in Croatia without restriction. Lawyers of other nationalities are not permitted to practise law, unless they are Croatian citizens and enrolled in the register of attorneys held by the Croatian Bar Association.

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

Croatia grants business visas to natural persons who stay temporarily in Croatia without acquiring remuneration from or within Croatia and without seeking employment in Croatia. This includes natural persons who stay temporarily in Croatia in order to conclude the

Croatia

contract for the sale of a service on behalf of the enterprise they are employed or mandated for or to participate in business meetings, fairs and other similar activities. Persons not based in Croatia and receiving no remuneration from a source located in Croatia, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier. Those representatives cannot be engaged in making direct sales to the general public or in supplying services themselves. Some non-EEA countries (e.g. the US) are exempt from business visa requirements.

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?

Only EU, EEA and Swiss nationals are permitted under the terms of Croatia's accession to the EU to practise as registered European lawyers. They may practise their home country law, European law and Croatian law in association with a Croatian lawyer.

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

A European lawyer registering with the Croatian Bar Association once its new rules are in place will be required to practice under his or her home professional title and abide by the Croatian Bar's code of ethics.

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

Under its WTO commitments, Croatia has committed that in proceedings involving international elements, parties can be represented before arbitration courts by lawyers who are members of bar associations of other countries

Are foreign lawyers permitted to undertake arbitration and mediation?

Article 47 of the Lawyers' Act states that "In the procedures before the Permanent Arbitration Courts in legal matters with a foreign element, parties may be represented by attorneys enrolled in the lists of associations of other countries."

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

Representation of parties before courts can be practised only by the members of the Bar Council of Croatia. Under the terms of Croatia's accession to the EU, lawyers from other EU states will now be permitted to appear in court provided they do so in association with a local lawyer.

Can foreign lawyers requalify as local lawyers?

Not at present although under the terms of Croatia's accession to the EU, EU, EEA and Swiss lawyers will be able to requalify either by way of an aptitude test or assimilation into the local profession.

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

To date the only possible way for a foreign law firm to operate in Croatia is through a written contract with other domestic or foreign law offices in order to carry out activities of common interest and to provide mutual service. Following its accession to the EU however,

Croatia

	EU, EEA and Swiss law firms will be permitted to establish offices in Croatia,
<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>	Croatian law offices that enter into affiliation arrangements with foreign law firms must submit a copy of the contract on affiliation to the Bar Association.
<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>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA and Swiss law firms establishing in Croatia under the rules which Croatia will introduce in order to implement the EU Establishment Directive, will need to follow local rules on permitted forms of practice. Croatian lawyers may practise as sole practitioners or in partnerships.
<i>Are there rules about the name a foreign law firm can take?</i>	Once the relevant legislation is enacted, EEA and Swiss law firms would be expected to conform to the local rules on the names of law firms
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The Croatian Bar Association (www.hok-cba.hr) will approve all applications from EU and EEA law firms once the expected provisions implementing Croatia's accession commitments are implemented.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable. Foreign lawyers are not permitted to have ownership interests in Croatian law firms. Once the Establishment Directive is implemented in Croatia EEA lawyers will be able to own law firms outright and to enter freely into partnerships with Croatian lawyers.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but not as a lawyer

Croatia

*Other useful sources or comments or
links*

Verified by

Cyprus

Is there legislation governing the legal sector

The Advocates Law 1961 (as amended)

Under what title do lawyers practise?

Advocate or Dikigoros (Δικηγόρος)

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

According to the Advocates Act, a Cypriot lawyer must (a) be at least 21 (b) be of a good character and not be an unsuitable person due to any kind of behaviour which would justify the Disciplinary Board taking measures against him and (c) be a citizen of the Republic with permanent residence in Cyprus or a non-Cypriot citizen who is a spouse or a child of a citizen of the Republic with permanent residence in Cyprus. Enrolment requires the individual to be (i) a holder of a Law degree or diploma from a University or institution recognised by the Legal Council; (ii) have completed a training period of not less than twelve months at the office of an advocate practising for at least five years (iii) have passed an examination managed by the Legal Council; (iv) paid a fee and been entered on the register maintained by the Chief Registrar of the Supreme Court. On entry into the Supreme Court's register the advocate must then apply for a licence from the Cyprus Bar Association. This licence must be renewed annually and requires confirmation from the local bar association in the district in which the advocate practises of their ongoing practice of law and confirmation from the Department of Social Assurance that they are an advocate contributor to the Social Insurance Fund.

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 practice covers the Republic of Cyprus

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

"Practising as an advocate" is defined in the Advocates Law as "(i) appearing before any Court to conduct any proceedings on behalf of any person or the Republic; (ii) preparing or perusing any pleading on behalf of a client. For the purposes of this paragraph "pleading" includes any document filed in Court and forms part of the pleadings but does not include an expert's report or a witness attestation including a statement of facts. (iii) the act of registering trademarks or patents and appearing before any administrative authority for the aforementioned purposes (iv) drawing, reviewing, amending any Memorandum or Articles of Association of a company of any form or any application, report, statement, affidavit, decision or other document pertaining to the incorporation, registration,

Cyprus

organisation, reorganisation or dissolution of any legal entity (v) registering ships and drawing all documents referring to the incorporation, transfer, alteration or abolition of all rights on a ship as well as appearing before the competent authority for this purpose (vi) giving opinions on all legal matters submitted to the advocate (viii) drawing or perusing any document filed in Court for administration purposes under the Administration of Estates Law.

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

The Advocates Law requires that Cypriot lawyers are either Cypriot nationals or the spouses or children of Cypriot nationals. Since Cyprus' accession to the EU in 2004, EU nationals may also become Cypriot lawyers.

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

Cypriot lawyers may practice as sole practitioners, in general or limited liability partnerships or in limited liability companies.

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

The Cyprus Bar Association has issued a code of conduct:
http://www.cyprusbarassociation.org/v1/files/disciplinary/New_code_of_counduct_eng.pdf

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

A separate approval, in addition to company formation requirements, is required from the Legal Council for partnerships and companies consisting of advocates. The Bar Council must then enter firms onto its firm register.

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

Both the Legal Council and the Bar Council are involved in issuing licences to individuals and law firms. The Legal Council is a regulatory body chaired by the Attorney General and comprising representatives of the Bar Council and other practising attorneys.

Is the jurisdiction a member of the WTO?

Cyprus joined the WTO on 30 July 1995

Has it made any WTO commitments on legal services?

Cyprus made no specific commitments in legal services on joining the WTO but on joining the EU has signed up to the commitments made by the EU in the Uruguay Round. It now offers access in modes 1-3 for home country and international law.

Cyprus

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, Cyprus extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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 covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, Canada, India, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia and Vietnam.

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

As a member of the European Union, Cyprus extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Bulgaria is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

Cyprus

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

There are no foreign firms with offices in Cyprus.

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?

EU, EEA and Swiss lawyers who hold recognised professional titles and European nationality may provide temporary services in Cyprus on an unrestricted basis. Lawyers of other nationalities are not permitted to practise law in Cyprus.

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

All EEA nationals may work in Cyprus without restrictions, non-EEA nationals may obtain business visas on the basis of an invitation from a local company.

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?

Only EEA or Swiss lawyers may provide legal services in Cyprus as registered European lawyers. They may provide services on their home country law, European law and international law and may additionally practise Cypriot law provided they do so in association with a Cypriot lawyer.

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 establishing in Cyprus must use his home professional title and register with the Cypriot Bar.

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

An EEA lawyer establishing in Cyprus must provide evidence from their home licensing authority that they are suitably qualified and have a clean disciplinary record.

Are foreign lawyers permitted to undertake arbitration and mediation?

The Cyprus Arbitration and Mediation Centre runs arbitration proceedings in Cyprus on the basis of the UNCITRAL model. Parties are free to appoint arbitrators and the CAMC maintains a list which includes a number of foreign (EU) lawyers.

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

In addition to the rights of EU and EEA lawyers to appear before Cypriot courts, the Legal Council may, at its discretion, upon application by an established advocate from abroad, grant a special licence to such advocate to appear before any Court of the Republic in order to practise law in the Republic in relation to any specific proceedings or any specific case or matter.

Can foreign lawyers requalify as local lawyers?

EEA lawyers who wish to requalify as Cypriot lawyers may requalify under article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Cyprus for a minimum of three years and have obtained experience in local law. Alternatively EEA lawyers without three years' experience in practising law in Cyprus may sit an aptitude test.

Cyprus

<i>Can a foreign law firm obtain a licence to open an office?</i>	The Cypriot legislation only deals with the case of an EEA firm which may open an office and is required only to register with the Cypriot Bar Association.
<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>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA firms establishing in Cyprus may only take the forms permitted to local lawyers.
<i>Are there rules about the name a foreign law firm can take?</i>	An EEA law firm may use its own name in Cyprus but must add the name of a local partner.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	EEA law firms must register with the Cypriot Bar Association
<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 EEA lawyers in Cypriot law firms.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Cypriot lawyers may be employed by EEA lawyers or law firms.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Cypriot lawyers may enter partnerships with EEA lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Cypriot lawyers may employ EEA lawyers.
<i>Other useful sources or comments or links</i>	Cyprus Bar Association: http://www.cyprusbarassociation.org/
<i>Verified by</i>	

Czech Republic

Is there legislation governing the legal sector

Act No. 85/1996 Sb. of 13th March 1996 on the Legal Profession (English version available at <http://www.cak.cz/scripts/detail.php?id=1993>)

Under what title do lawyers practise?

Advokát

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

In order to become a lawyer in the Czech Republic a candidate must: 1) have a university degree in law, 2) have undertaken professional training as a legal trainee for a minimum of 3 years, 3) have passed the professional examination of the Czech Bar Association and 4) have been registered in the Register of Czech Bar Association

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 in the Czech Republic is a national one.

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

The provision of legal services is defined in Act No. 85/1996 as: "representing clients in proceedings before courts and other bodies, acting as a defence lawyer in criminal cases, giving legal advice, preparing documents, legal analyses and other forms of legal aid where these are provided on a permanent basis and for a fee".

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

Legal services in the territory of the Czech Republic may be provided, under conditions and in the manner stipulated by the Act on the Legal Profession by natural persons who are citizens and qualified lawyers of the EU Member State, State Parties to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as "home country") or citizens of other states who are permanently established in a "home country" and have obtained the entitlement to provide legal services under the home-country professional title.

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

Czech lawyers may practice as sole practitioners, in a consortium or under the Commercial Code as members of an unlimited company, limited partnership company or limited liability company, provided that the object of business of any of these companies is solely the practice of legal profession and that only lawyers establish its membership.

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

The professional ethics governing Czech lawyers is set down in a Resolution of the Board of Directors of the

Czech Republic

Czech Bar Association No. 1/1997 (Bulletin of 31 October 1996)

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

According to the Czech Commercial Code, law firms have to be registered in the Commercial Register maintained by the court.

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

The Czech Bar Association registers both individual lawyers and firms (www.cak.cz)

Is the jurisdiction a member of the WTO?

The Czech Republic joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

The Czech Republic has made commitments in mode 1-3. There are no restrictions on modes 1 and 2. In mode 3, there is no limitation on activities involving foreign law. For activities involving national law, membership of the Czech Bar Association is required. Lawyers carrying out representational or transactional work in Czech law are required to be graduates of Czech universities or a foreign university, if its degrees are recognized in the Czech Republic as equivalent to a degree from a Czech University, based on an international treaty binding on the Czech Republic, or if such education was recognized pursuant to special legislation and, simultaneously, it corresponds, in its content and extent, to the general education which may be acquired within a Master's programme in law at a university in the Czech Republic.

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, the Czech Republic extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, the Czech Republic is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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

Czech Republic

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 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 Czech, as well as foreign and international, law and can requalify as a Czech advokat. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

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

The Czech Bar has a record of 8 branches of foreign firms, including firms from the US, UK, Germany, Austria and the CIS.

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?

Only European lawyers are entitled to provide legal services on a temporary basis without being registered, foreign lawyers must register with the Czech Bar Association. A visiting European lawyer is not authorized to make contracts for the transfer of real estate, mortgage contracts relating to the property, and contracts for the transfer or lease of an enterprise; they are also not authorized to authenticate signatures.

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

The Czech Republic is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or

Czech Republic

tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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?

A lawyer who has been admitted to the Czech Bar as a “Foreign Lawyer”, (i.e. not from the EU, the European Economic Area Agreement, Swiss Confederation nor permanently established in a home country) according to Article 5a of the Act on the Legal Profession shall be entitled to provide legal services only in the law of the country in which he/she obtained his/her entitlement to provide legal services and in the area of international law. European lawyers may also provide services in EU law and Czech law. When a European lawyer provides legal services involving the representation of clients before courts and other bodies, including defence in criminal proceedings, and where legislation stipulates that a party must be represented by a lawyer, or that only a lawyer may be the representative of a party, the European lawyer must appoint a Czech lawyer, upon agreement with his client, as a consultant for the proceedings.

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

All foreign lawyers (EU and otherwise) must comply with local codes of ethics and only act under their home title. Foreign lawyers (and foreign law firms) must take out indemnity insurance or submit a copy of their existing insurance policy to the Czech Bar for approval.

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

Foreign lawyers must hold a professional title in their home country and must prove that they are entitled to provide legal services in a foreign country. European lawyers must hold EU nationality or be citizens of an EU Member State, State Party to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as “home country”) or citizens of other states being permanently established in a home country and hold a qualification (i.e. to obtain in their home country entitlement to provide legal services under their home-country professional title).

Are foreign lawyers permitted to undertake arbitration and mediation?

Foreign lawyers can register and undertake arbitration at the Czech arbitration court.

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

European lawyers (citizens of the EU Member State, State Party to the European Economic Area Agreement or the Swiss Confederation (hereinafter referred to as “home country”) or citizens of other states being permanently established in a home country)

Czech Republic

Union/EFTA and Swiss lawyers may appear in court provided they do so in association with a local lawyer.

Can foreign lawyers requalify as local lawyers?

European lawyers who wish to requalify as Czech lawyers may requalify under article 10 of Directive 98/5/EC but must have been providing legal services in the Czech Republic for three years as established European lawyers and have obtained experience in the law of the Czech Republic. Alternatively European lawyers from other the EU, EFTA or Switzerland without three years' experience and residency in the Czech Republic may sit an aptitude test; All other applicants must have a master's degree in law and three years of professional training and pass the Bar exam in the Czech republic. Both the aptitude test and the Bar exam may be taken only in the Czech or Slovak language.

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

A foreign law firm may establish in the Czech Republic to provide legal services under section 35 of the Act on the Legal Profession, if it:

- a) has a registered office or a branch of his business in the law firm's home country,
- b) its members are only lawyers or other individuals who are authorized to provide legal services in their home countries,
- c) its business is exclusively the provision of legal services,
- d) a foreign company or a branch of his business is entered in the Commercial Register
- e) Legal services are provided only by lawyers and established European lawyers. A Foreign law firm shall be obliged to submit to the Bar a counterpart or an officially verified copy of its contract of insurance of its members or of the Foreign Company itself, or a document issued by the insurance company or a foreign insurance company or another competent person certifying the existence of insurance

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 law firms must also register in the Commercial Register.

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

No

Czech Republic

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

A foreign law firm can take one of the forms permitted by the Commercial Register. Regardless of whether it takes on limited or unlimited liability form, it must take out adequate professional indemnity insurance to cover its practice in the Czech Republic.

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

A lawyer providing legal services on behalf of a foreign law firm should use the business name or the name of the foreign law firm or its appropriate organizational unit, according to the entry in the Commercial Register.

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

Only individual foreign lawyers are registered in the Register maintained by the Czech Bar Association.

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

No there are no limits on foreign participation in a law firm in the Czech Republic.

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

Yes this is expressly provided for in section 15a of the Act on the Legal Profession.

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

Yes but a Czech lawyer may only be a partner (or 'cooperate') in only one law firm.

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

Yes

Other useful sources or comments or links

Link to the Czech Bar Association: <http://www.cak.cz/>

Verified by

The Czech Bar Association (December 2013)

Denmark

Is there legislation governing the legal sector

Danish Administration of Justice Act; cf. Consolidated Act No. 1261 of 23 October 2007

Under what title do lawyers practise?

advokat

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

According to article 119 of the Administration of Justice Act, in order to have the right to practice as a lawyer, an individual must be legally competent, not bankrupt, have a Danish Bachelors and Master's degree in law, have completed 3 years of practical experience, have passed an examination and a practical test in litigation.

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

There is a single national licence to practise in Denmark.

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

According to the Danish Administration of Justice Act, licensed lawyers (Advokater) have an exclusive right to conduct cases for others before the courts. The title, Advokat, is also protected and it is illegal for anyone to practise law who does not hold this title.

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)

Danish lawyers may work as sole practitioners, in a grouping of lawyers, or in public limited, private limited or limited partnership companies. Such companies must have as their only permitted object the practice of law and they must be owned solely by lawyers. Professional corporations of lawyers are required and have exclusive right to use the words "advokataktieselskab", "advokatanpartsselskab" or "advokatkommanditaktieselskab" or abbreviations of such words in their names.

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

The Danish Bar and Law Society has issued a code of conduct, bylaws and various other rules which can be found at:
<http://www.advokatsamfundet.dk/Service/English/Rules.aspx>

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

All law firms must register with the Danish Bar and Law Society. Firms registering as corporations must supply the following information: The members' names, the members' civil registration or Central Business Register numbers, the members' nominal ownership interest, the members' voting share and the corporation's total nominal capital, the total number of votes, and, if the shares are divided into classes, the basis of such

Denmark

	division and the distribution of the capital among classes.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Lawyers are licensed by the Ministry of Justice, Civil and Police Department (www.justitsministeriet.dk/civilogpolitiafdelingen.html). The Danish Bar and Law Society ('Advokatsamfundet') is then responsible for the ongoing supervision of licensed lawyers. (www.advokatsamfundet.dk)
<i>Is the jurisdiction a member of the WTO?</i>	Denmark joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Denmark has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law, subject to the following qualification: Marketing of legal advice activities is restricted to lawyers with a Danish licence to practise and law firms registered in Denmark. Only lawyers with a Danish licence to practise and law firms registered in Denmark may own shares in a Danish law firm. Only lawyers with a Danish licence to practise may sit on the board or be part of the management of a Danish law firm.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	As a member of the European Union, Denmark extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Denmark is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).
<i>Do these currently include legal services or are there plans to include them in future?</i>	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

Denmark

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 the EEA 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 EEA or Swiss lawyer can provide legal assistance in Danish as well as foreign and international law and can requalify as a Danish advokat. Foreign lawyers from outside these countries are more restricted in their scope of practice and may not requalify.

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

There are a few foreign law firms present in Denmark, notably the English firm Eversheds and the Finnish firm Hannes Snellman. There is one non-EU law firm, from Pakistan, registered in the Danish register of foreign service providers.

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?

Only EU lawyers are entitled to provide legal services on a temporary basis without being registered. Non EU foreign lawyers and non-EU law firms wishing to send employees to Denmark must register with the Danish Business Authority Register of Foreign Service Providers: www.virk.dk, regardless of the length of time that they are conducting business in Denmark.

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

Denmark is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Denmark

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 must register as providers of legal services with the Danish Business Authority Register of Foreign Service Providers. They are entitled to provide legal services only in the laws of the country in which they are qualified and in international law. They are not registered by the Bar and are not recognised as lawyers. EU lawyers must register with the Danish Bar and Law Society as well as with the Danish Business Authority.

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

Although foreign lawyers must be registered to provide services in Denmark, residency is not required.

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

An EU lawyer must hold EU nationality and qualification. A non-EU foreign legal consultant must be qualified in the laws of the country in which he/she wishes to offer legal services.

Are foreign lawyers permitted to undertake arbitration and mediation?

Danish arbitration is modelled on UNCITRAL's model law. Foreign lawyers may conduct international arbitration and mediation proceedings but must register with the Danish Business Authority before providing services in Denmark.

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

EEA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

European lawyers who wish to requalify as Danish lawyers may requalify under article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Denmark for a minimum of three years and have obtained experience in local law. Alternatively, lawyers from the EU, EFTA or Switzerland without three years' experience and residency in Denmark may sit an aptitude test. It is not possible for lawyers from outside the EU to requalify as a Danish advokat on the basis of his foreign degree and/or title. He/she must take the Danish law degree although some of his/her prior education may be transformed into credits at a Danish law school.

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

A foreign law firm may establish in Denmark but only to conduct home country and international law. Foreign firms are not permitted to market their services. EU law firms are permitted to establish under the same conditions as Danish law firms (see Danish Bar and Law Society Order No. 1431 of 11 December 2007).

Denmark

<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 firms must register with the Danish Business Authority at www.virk.dk
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to foreign firms as opposed to individual lawyers - both are limited in scope of practice to home country and international law.
<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>	Foreign law firms are not permitted to use any of the following forms in their names: "advokataktieselskab", "advokatanpartsselskab" or "advokatkommanditaktieselskab", as these are restricted to Danish advokater.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	European law firms should apply to the Danish Bar and Law Society as well as to the Danish Business Authority: www.virk.dk ; Non-European firms should apply to the Danish Business Authority.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	According to the EU's WTO commitments on legal services, only lawyers with a Danish licence to practise and law firms registered in Denmark may own shares in a Danish law firm. Only lawyers with a Danish licence to practise may sit on the board or be part of the management of a Danish law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	A Danish lawyer may only practise law in a professional corporation of lawyers or as an in house lawyer providing services only to his or her client.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No since law firms may only be owned by 'lawyers' (advokater and EU lawyers)
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes

Denmark

Other useful sources or comments or links

www.advokatsamfundet.dk

Verified by

Estonia

Is there legislation governing the legal sector

The Bar Association Act March 21 2001

Under what title do lawyers practise?

Vandeadvokaat translated as "sworn advocate"

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

In order to become a sworn advocate in Estonia, an individual must comply with all the requirements specified in the Act and have passed the attorney's examination in order to become a member of the Bar (Chapter 3, article 22, (2)). Requirements for attorneys are laid down in article 23 of the Act: 1) Oral and written proficiency in Estonian; 2) At least two years practice experience as an assistant of a sworn advocate, or one year's experience as a senior assistant of a sworn advocate. On admission, sworn advocates must take an oath. The internal rules of the Estonian Bar Association provide that there is no need for renewal of registration.

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

There is a single national licence to practise in Estonia.

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

Chapter 3, section 22 (3) of the Bar Association Act prescribes that "In Estonia, only members of the Estonian Bar Association may provide legal services as attorneys, unless otherwise provided in this Act". Legal services are defined in the Act (Chapter 4, section 40, (1)) as: "providing legal counselling, representing or defending a person in court or in pre-trial proceedings or elsewhere, preparing a document for a person or performing other legal acts in the interests of a person as professional activity". In addition, Chapter 4, section 40, (3) mentions that "legal service[s] cannot be provided by persons, who are not members of the Bar Association, except the patent attorneys under [certain] conditions (...)". Section 41 mentions that: "(1) A sworn advocate is competent to: 1) represent and defend a client in court, in pre-trial proceedings and elsewhere in Estonia and in foreign states; 2) collect evidence; 3) in the provision of legal services, freely choose and use the means and methods which are in conformity with law; 4) receive information necessary for provision of legal services from state and local government agencies, have access to documents, receive copies of and extracts from such documents, unless the receipt of the information or documents by the attorney is prohibited by law; 4(1) process the personal data of a person other than the client obtained under a contract or law, among others delicate personal data without

Estonia

consent of those persons, if that is necessary to provide the legal service 5) in the framework of provision of legal services to a client, to verify for the client transcripts of and signatures on documents to be submitted to the court and other state offices; 6) act as an arbitrator or conciliator under the procedure specified in the Conciliation Act; 7) act as a trustee in bankruptcy, if he or she is member of the Chamber.

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

Local nationality is not a requirement. But according to Paragraph 23 (2) of the Act, to be admitted to the Bar Association a person must reside in Estonia or be a citizen of the Republic of Estonia or of a Member State of the European Union. However, having oral and written proficiency in Estonian is also required.

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

Chapter 4 paragraph 49 of the Act permits sworn advocates to provide their services through a law office which may be a company of advocates or a single advocate operating as a sole proprietor. Sworn advocates and law firms may have one or more law offices. Individual sworn advocates may enter into association contracts in order to operate secondary law offices and law firms may operate as a general partnership, limited partnership, private limited company or public limited company. An advocate may be a shareholder of only one company of attorneys.

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

Additional requirements for lawyers are found in the Internal rules of the Bar Association.

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

§ 50 (3) of the Bar Association Act provides that the provisions of law concerning a particular type of company apply to a company of attorneys unless otherwise provided by law. Law firms are not required to obtain a specific law firm licence but must comply with the same requirements as other companies.

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

The Estonian Bar Association licenses individual lawyers. There is no separate licensing process for law firms.

Is the jurisdiction a member of the WTO?

Estonia joined the WTO on 13 November 1999

Has it made any WTO commitments on legal services?

Estonia has made full commitments in modes 1-3 for foreign and international law. In Estonian law it has made limited commitments in mode 3 and if practising Estonian law commercial presence is restricted to sole proprietorships or to law firms with limited liability, in which cases permission is needed from the Bar

Estonia

Association (Advokatuur). Temporary entry is committed for professionals.

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, Estonia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Estonia is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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 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 Estonian as well as

Estonia

foreign and international law and can requalify as an Estonian sworn advocate. Foreign lawyers from outside these countries are more restricted in their scope of practice.

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

There are a few foreign law firms present in Estonia, notably the English firm Eversheds and the German firm Rodl and partners

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?

Only EEA lawyers are entitled to provide legal services on a temporary basis.

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

Estonia is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 are two ways for foreign lawyers to practise in Estonia. They can practise as associate members (see Chapter 5 of the Act) or as attorney of a foreign state (See chapter 6 of the Act). In both cases, foreign lawyers must be nationals of an EU member state.

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 (associate member) must register with the Bar, use his or her home professional title when practising, comply with the Estonian Bar code of conduct and maintain adequate professional indemnity insurance.

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 (associate member) must hold EEA nationality and qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Nothing in legislation prohibits foreign lawyers from undertaking arbitration in Estonia.

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

An associate (EEA lawyer) member has the right to represent or defend a client in court only together with an Estonian lawyer.

Estonia

Can foreign lawyers requalify as local lawyers?

The Bar Association Act provides for associate members of the Bar Association (see § 73 of the Bar Association Act: Granting the professional title of an attorney-at-law to an associate member). This states that (1) If the associate member has practised Estonian law on a permanent basis for at least three years in Estonia, he or she has the right to a professional title of an attorney-at-law; (2) If an associated member has practised in Estonia on a permanent basis for at least three years but has practised Estonian law for less than three years, he or she may be granted a professional title of an attorney-at-law subject to consideration of the nature of his or her professional activities, knowledge and experience of Estonian law and his or her individual development activities. The Board of the Bar Association is responsible for receiving applications and granting titles.

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

A foreign law firm must have shareholders who are European lawyers.

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 (EEA) law firm establishing in Estonia must register with the commercial register (depending on form of business) and with the VAT and other authorities.

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

Not known

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

§ 49 (6) of the Estonian Bar Act states that branches or equivalent of foreign law firms are not permitted. A separate law firm must therefore be established in Estonia.

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

The general provision on business names of companies of attorneys or pf an attorney operating as a sole

Estonia

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

proprietor mentions that they shall contain the words “law office” or “attorney” (§ 52 of the Act).

The Estonian Bar Association licenses individual lawyers. There is no separate licensing process for law firms.

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 an Estonian law firm.

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

An Estonian lawyer may be employed by an EEA lawyer or law firm.

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

An Estonian lawyer may enter into partnership with an EEA lawyer.

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

An Estonian lawyer may employ an EEA lawyer

Other useful sources or comments or links

Estonian Bar:
<http://www.advokatuur.ee/?id=4&PHPSESSID=ffc39a7305609f56d053c7565bddff9a>
<http://www.legaltext.ee/indexen.htm> for translation of acts and other texts in English

Verified by

Finland

Is there legislation governing the legal sector

Advocates act (laki asianajajista) 12 December 1958

Under what title do lawyers practise?

Advokat or asianajaja

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

Only members of the Bar Association are entitled to use the professional titles of 'asianajaja' or 'advokat'. Membership of the Bar Association requires the candidate: 1) To be more than 25 years old; 2) To have Finnish or EU nationality; 3) To have completed a Master of Laws degree (LL.M.), which entitles the holder to take up judicial office; 4) To be known as a person of integrity; 5) To have four years' experience in the legal profession and other judicial activities; 6) To pass an examination; 7) to be independent from government and any other influences apart from his or her client 8) Not to be bankrupt and to have full civil capacity.

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

There is a single national licence to practise in Finland.

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

Legal practice is unreserved. Only the use of the titles of "asianajaja" and "advokat" are reserved

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

There is no nationality requirement on the giving of legal advice in Finland and the law has recently changed to allow lawyers of any nationality to become members of the Bar Association.

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

Lawyers may practise as sole practitioners, in partnerships or in limited companies. According to the Advocates Act, the practise of legal profession in a company is not allowed, except with another lawyer, unless the Board of the Association grants a permit based upon specific grounds. A decision in principle has been made according to which the Board may not grant such a permit; hence MDPs are not allowed. Lawyers bear unlimited liability, even when practising in a corporate structure.

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

Finnish Bar Association rules 29.10.2004/934 updated by 10.6.2010/487

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

New law firms must be registered and subject to inspection to ensure compliance with issues such as audit and accounting requirements, confidentiality and

Finland

security arrangements, client resource management, and liability insurance. Each year a proportion of Finnish firms are subject to inspections by the Finnish Bar.

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

The Finnish Bar Association :
<http://www.asianajat.fi/english>

Is the jurisdiction a member of the WTO?

Finland joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Finland has gone beyond the European Union's GATS commitment of modes 1-3 in home country and public international law, and has made full commitments in modes 1-3 subject only to the qualification that when practising legal services as a member of the Finnish Bar Association, Finnish citizenship and residency in Finland are required. Business visitors can enter for up to 90 days without a work permit.

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, Finland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Finland is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at
http://www.wto.org/english/tratop_e/region_e/rtaparticipation_map_e.htm?country_selected=none&sense=s)

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

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

Finland

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 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 Finnish as well as foreign and international law and can requalify as a Finnish asianajaja. Foreign lawyers from outside these countries are more restricted in their scope of practice.

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

There are a handful of foreign firms in Finland including UK and US 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?

As there is no monopoly on legal services other than membership of the Finnish Bar and the use of the title 'advocate', there are no additional requirements on fly in fly out practice.

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

Finland is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 are no restrictions on foreign lawyers practising law in Finland on a temporary basis.

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 Bar, use his or her home professional title when practising, comply with the Finnish Bar code of conduct and maintain adequate professional indemnity insurance. There are no rules applying to lawyers from other countries.

Finland

<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 for non-EEA lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification.
<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>	European Union/EFTA and Swiss lawyers may all appear in court and do not need to do so in association with a local lawyer. Lawyers from other jurisdictions may not appear in court.
<i>Can foreign lawyers requalify as local lawyers?</i>	European lawyers who wish to requalify as Finnish lawyers may requalify under article 10 of Directive 98/5/EC but must have been established as a Registered European Lawyer in Finland for a minimum of three years. Alternatively, lawyers from other EU and EFTA Member States or from Switzerland without three years' experience and residency in Finland may sit an aptitude test.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Yes
<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>	Any foreign business establishing in Finland would need to submit a single start-up notification form to the NBPR (National Board of Patents and Registration) and the Tax Administration.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No - although if foreign law firms wished to enter partnership with Finnish advocates they would be prohibited from taking the forms disallowed to advocates.
<i>Are there rules about the name a foreign law firm can take?</i>	No

Finland

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

EEA law firms must register with the Finnish Bar. Law firms from other countries do not need to register.

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?

Finnish advocates may form partnerships with EEA lawyers.

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

Suomen Asianajajaliitto (Finnish Bar Association):
<http://www.asianajajaliitto.fi/>
 Invest in Finland:
<http://www.investinfinland.fi/services/setting-up-a-business/36>

Verified by

The Finnish Bar Association (December 2013)

France

Is there legislation governing the legal sector

Law no. 2011-94 of 25 January 2011 and Law no.2011-331 of 28 March 2011 modify Law 71-1130 of 31 December 1971 and decree n° 91-1197 of 27 November 1991. New legislation came into force on 1 January 2012 merging of the professions of Avocat and Avoué.

Under what title do lawyers practise?

Avocat. A recent change in the law has ended the distinction between “avocat”, “avoué” (lawyers for courts of appeal) and “conseil juridique” (legal counsellors).

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

In order to become an avocat, an individual needs to have a maitrise in law (4 year law degree), hold the certificat d'aptitude à la profession d'avocat CAPA (certificate of aptitude for lawyers) which is granted on passing the Bar exam (examen du barreau), and to have completed a 2-year internship with a fully qualified lawyer. Nationals of a EU or a EEA member state who are fully qualified lawyers in their own jurisdictions do not need to hold the CAPA certificate but must pass an exam on French law (article 11 of the Act).

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

Article 5 of the Act states that lawyers may practise law without territorial limitation in the country. However they must establish their professional residency and register in one of the bar associations (barreau) of the country. When lawyers plead before Courts or disciplinary bodies with which their barreau is not registered they must introduce themselves to the judge, public prosecutor, and lawyers of the opposite party. There are 180 barreaux in France. Article 8-1 allows lawyers to register with one or more secondary barreau(x). To do so, the lawyer must seek the permission of the council of order of the bar association (le conseil de l'ordre du barreau) where he or she wants to establish. In any case, this permission will only be given where the lawyer has an actual professional activity.

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

Article 4 of the Act mentions that only lawyers may represent clients, plead before jurisdictions or disciplinary bodies (there are exceptions for disputes on labour laws and for proceedings before the Conseil d'Etat and the Cour de Cassation i.e. French Supreme courts). Only lawyers may assist parties in the “participative procedure” addressed by the Civil Code and carry out assistance and representation of clients in courts of justice.

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

Local nationality is not a requirement for practice.

France

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

The legal forms in which lawyers may work are set out in Article 7 of the Act. Lawyers may be self-employed (Entreprise individuelle EI), or practise in an association of lawyers (association) in which liability may be limited. They may also practise in a “professional civil company” (société civile professionnelle, SCP) which is the equivalent of a partnership; a “liberal labour company” (société d’exercice libéral, SEL), either as a collaborator or as a salaried lawyer. Lastly lawyers may be members of an “economic interest grouping” and of a “European economic interest grouping” (groupement d’intérêt économique and groupement européen d’intérêt économique) which provides a vehicle for sharing overheads.

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

Lawyers must also comply with “Règlement Intérieur National de la profession d’avocat” (issued by the National Bar) and the Code of Conduct for European Lawyers

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?

Licences to practice in France are issued by local Bar Associations (see the Conseil National des Barreaux for details www.CNB.avocat.fr). Law firms do not need separate licensing.

Is the jurisdiction a member of the WTO?

France joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

France has signed up to the European Union’s GATS commitment of modes 1-3 in home country and public international law, subject to the following qualifications: Unbound in mode 1 for the drafting of legal documents and subject in mode 3 to the qualification that provision must be through the company structure SEL (anonyme, à responsabilité limitée ou en commandite par actions) or SCP only.

France

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, France extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). France is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s)

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

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 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 French as well as foreign and international law and can requalify as a French advocat. Foreign lawyers from outside these

France

	countries are more restricted in their scope of practice and may not requalify.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are over 60 foreign firms in France, mostly based in Paris and including US, UK, German, Spanish, Canadian, Indian and others
<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>Fly-in fly-out practice is only allowed for nationals of States which have concluded bilateral conventions with France covering this issue.</p> <p>For nationals of an EU, EFTA member State or the Swiss confederation, the temporary practice of law is permitted for all holders of any title listed in the décret n°91-1197 of November 27th, 1991 (Article 201). All activities reserved to lawyers are open to them. There is no particular formality to comply with, except in relation to appearing in court when they must be introduced by a licensed French lawyer (article 202-1 décret n°91-1197 of November 27th, 1991: in civil matters when representation by an "avocat" is required). They must comply with the French professional rules in addition to the rules of their home Bar.</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>	France is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.
<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>There is no such thing as a "limited licence" in France. An EU lawyer practicing under his home title or under the French title of "avocat" after registering with a French Bar can practice fully in French law. The same goes for a Foreign lawyer practicing under the French title of "avocat" after registering with a French Bar.</p> <p>An EU and a EEA lawyer (associate member) must register with the local Bar for a permanent practice under the French title of "avocat" (article 99 décret n°91-1197 of November 27th, 1991) or under his home title within the framework of the 1998 Directive. When practicing on a permanent basis or on a temporary basis under his or her home professional title, he or she must use this professional tile, comply with the French lawyers' code of conduct and maintain adequate professional indemnity insurance. Foreign lawyers may establish to provide legal services in their home country</p>

France

law and in international law. EEA and Swiss lawyers may additionally provide services in EU law and in French law, provided this is in association with a member of the French Bar.

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

Services must be provided from a lawyer's office whether in France or in the country of origin.

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

No conditions are formally laid down but registration is dependent on each local bar.

Are foreign lawyers permitted to undertake arbitration and mediation?

A new décret on arbitration came into force in 2011 (Décret n° 2011-48), nothing in the legislation prevents foreign lawyers to undertake arbitration.
On mediation: the legislation on mediation is integrated in the Civil Procedure Code (Titre VI bis); nothing prohibits a foreign lawyer from undertaking mediation (article 131-5 of the CPC)

France

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

EEA lawyers who practise in France on a temporary basis may appear in civil courts but must first give an address or elect a domicile with a local lawyer who is a member of the bar association (barreau) of the jurisdiction in which the foreign lawyer will appear (Article 202-1 §3 of the décret n°91-1197 of November 27th, 1991).

Can foreign lawyers requalify as local lawyers?

EU, EEA and Swiss qualified lawyers seeking to requalify in France can do so in two ways:

- Through Art. 10 of the Establishment Directive 98/5/EC, under conditions of nationality and after three years of regular and effective practice of French law in France. Applicants need to submit a "dossier d'assimilation" along with relevant documents (listed in the form) and send it to their Barreau of registration.
- Through the Diplomas Directive 89/48/EEC, now incorporated into the Recognition of Professional Qualifications Directive 2005/36/EC, by sitting the relevant equivalence examination administered by the Conseil National des Barreaux

Other foreign lawyers can requalify in France, under conditions of reciprocity, by sitting the relevant equivalence examination administered by the Conseil National des Barreaux. Applicants must become members of the French Bar. They must meet certain conditions. 1) Education: a university law degree plus a CAPA course are required. Not all foreign university degrees may be recognised. 2) Passing a local examination is necessary, but foreign lawyers are offered the possibility of passing a reduced examination. There is no residency requirement, but a professional address where files are held and kept must be provided for registration. Full details are set out at www.cnb.avocat.fr

Pursuant to an agreement between the Bars of France and the Quebec Bar, both France and Quebec recognize each other's lawyers. A Quebec lawyer may become fully licensed in France and a French lawyer may do the same in Quebec, upon completing a single exam (oral) on legal ethics.

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

There are no separate rules on licensing of law firms.

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

The Conseil de l'ordre of the bar association where the foreign lawyer is registered must be informed of his/her establishment. A full list of local bars can be found at www.cnb-avocat.fr

France

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.?)

Not applicable

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Foreign lawyers established in France may work under any of the legal forms provided for in Articles 7 and 8 of the Law. If they wish to work under the legal entity of their country of origin they may do so but under certain conditions: capital and voting rights must only be held by persons who hold any of the titles provided for in article 83 of the Act (EU, EEA and Swiss confederation); more than 50% of the capital and voting rights must in addition be held by people who practice in or for this legal entity. They also need to inform the council of Ordre of their bar association (conseil de l'Ordre du barreau).

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

Non-EU firms are not permitted to establish branch offices in France under their own names. EU, EEA or Swiss lawyers may mention the name of the legal entity in which he or she practises in the country of origin even though this entity could not meet the requirements set forth in Article 87 to be admitted to register as a local legal entity. Non-EU firms are not permitted to establish branch offices in France under their own names.

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

A licence is not required for a law firm but any legal form of practice for lawyers must be registered with the bar association (barreau) together with notification of their intended place of establishment.

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

In a SEL or SCP providing legal services on French or EC law, at least 75 percent of the partners holding at least 75 percent of the shares shall be lawyers fully admitted to the bar in France. Also, depending on the form of establishment, majority ownership/control may

France

	be required to be held by professionals active in the firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no restrictions for EU, EEA, and Swiss confederation nationals beyond those required by the self-employed status of <i>avocats</i> . Lawyers from other jurisdictions may not employ French <i>avocats</i> .
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	There is no restriction on the creation of partnerships (as well as other legal entities) between French lawyers and lawyers registered in another EU or EEA member State as well as in the Swiss confederation (see Article 87 Loi n° 71-1130 of December 31st, 1971). Non-EU lawyers and firms are not permitted to form partnerships with or hire French lawyers.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	There are no restrictions on French <i>avocats</i> hiring lawyers from EU or EEA member States or Switzerland. Other foreign lawyers must be admitted to practise law in France before they could be employed as lawyers.
<i>Other useful sources or comments or links</i>	Legislation on Legal Sector available at: http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=912B3B9A363C26F7D8F04E7302244A1B.tpdjo08v_2?cidTexte=LEGITEXT000006078311&dateTexte=20120712 Useful information on registration as an <i>avocat</i> http://www.apce.com/cid96134/avocat.html?pid=803
<i>Verified by</i>	Confederation Nationale des Barreaux (CNB) (January 2014)

Germany

Is there legislation governing the legal sector

Federal Lawyers' Ordinance
("Bundesrechtsanwaltsordnung", BRAO)
Rechtsdienstleistungsgesetz (RDG.) vom 12.12.2007

Under what title do lawyers practise?

Rechtsanwalt

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

Admission to the Bar without annual renewal, but with ongoing supervision of lawyers, is conducted by 27 regional bars and the bar at the Federal Supreme Court of Justice. In order to become a lawyer in Germany an individual must have completed around nine semesters of university education in Law or related subjects, leading to the first state exam ("Erstes Staatsexamen") which is administered by the Ministry of Justice. This is followed by a two-year period of legal clerkship ("Referendariat"), followed by the second state exam ("Zweites Staatsexamen").

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

Every lawyer becomes a member of his Bar ("Rechtsanwaltskammer") by act of law when he is accredited as a lawyer. In the Federal Republic of Germany there are 28 such lawyer chambers. The Federal Bar is a statutory body for self-administration of the legal profession and as such guarantees the independence of the legal profession and protects it from the influence of the state and at the same time accentuates the status of the lawyer as an independent organ of justice. Lawyers are obliged to be members of their local Bar. The Federal Bar ("Bundesrechtsanwaltskammer – BRAK) safeguards, advances and represents the interests of its members. The local Bars accredit new lawyers, deal with misconduct and other professional issues.

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

German Rechtsanwälte have exclusive rights to represent clients in German Courts and provide all purpose general legal advice. These rights are shared with various other legal professionals in relation to specific areas such as tax, pension advice, insurance, claims collection, patent matters and certain areas of legal aid. Bankruptcy administration is an unreserved activity.

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

German nationality is not required for the practice of law.

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

Lawyers are permitted to practise as sole practitioners, in partnerships and in corporate bodies. In the case of sole practice or partnerships (general or limited) no additional licensing is required. In the case of corporate entities, separate registration is required with the court

Germany

	<p>register and law firms taking these forms must include the term "Rechtsanwaltsgesellschaft"(law firm) in their name. The treatment of foreign companies raises still some legal uncertainty and should be discussed in individual cases with the relevant local Bar and Court.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Lawyers are subject to the statutory provisions of the German Federal Lawyers' Act (Bundesrechtsanwaltsordnung) and to the Lawyers Professional Code of Conduct (Berufsordnung der Rechtsanwälte).</p>
<p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p>	<p>Law firms, apart from those taking corporate forms, do not require separate licences to practise but lawyers must obtain prior authorisation in order to be able to practise in certain forms.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>Authorisation to practise is given by the 27 regional bars (RAK) or the Bundesgerichtshof (BGH - Supreme Court Bar). Individual regional bars can be accessed via www.brak.de/die-brak/regionale-kammern/. Authorisation is required both for individuals and for corporate forms of law firm.</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Germany joined the WTO on 1 January 1995</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Germany has signed up to a GATS commitment of modes 1-3 in home country and public international law (excluding EU law). It has also made commitments in mode 4 to allow temporary presence for those holding a university degree and professional qualifications and three years' professional experience in the sector although this access does not cover activities reserved to Rechtsanwalt.</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i></p>	<p>As a member of the European Union, Germany extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). As a member of the EU, Germany is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s)</p>
<p><i>Do these currently include legal services or are there plans to include them in future?</i></p>	<p>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),</p>

Germany

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 and 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 German as well as foreign and international law and under certain conditions can requalify as a German Rechtsanwalt. Foreign lawyers who are from countries that are WTO members may practise international and their home country law (see BRAO § 206)

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

There are around 50-60 foreign law firms in Germany including US, UK, Canadian, Dutch and Chinese 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?

The provision of temporary services in Germany by a lawyer from a non-EU Member State under his/her home title is not permitted. EU lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

Germany

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

Germany is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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?

A foreign lawyer from a state which is a signatory to the GATS agreement may establish in Germany under his home title and can practise home country law and international public law provided that the foreign lawyer exercises a profession in his home country which in education, competencies and legal position is comparable to the position of a Rechtsanwalt in Germany. The Federal Ministry of Justice determines which legal professions which are acceptable. Licences for foreign lawyers are granted by local bars.

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

There are no nationality, residency or reciprocity requirements imposed on a foreign lawyer once he/she has registered with his/her local bar as a foreign lawyer under the Regulation on the Implementation of § 206 BRAO for lawyers from non-European countries. The activities of European lawyers in Germany are governed by a separate regulation (EuRAG).

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

The granting of a limited licence to a foreign lawyer requires membership of the local Bar.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

EEA lawyers may fully requalify as German lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Germany. Non-EEA lawyers must undertake the full national process of qualification in Germany.

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

Yes - although foreign law firms must be authorised by the relevant local Bar Association in accordance with the provisions of the "Federal Lawyers Act".

Germany

<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 law firms must register with the local court register if they have a corporate or limited liability form.
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Foreign (non EU) lawyers may only establish as sole practitioners or partnerships.
<i>Are there rules about the name a foreign law firm can take?</i>	No
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Regional Bars admit individual foreign lawyers according to their qualifications and will then also authorise them to open offices. There is no licensing procedure as such.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not in the permitted forms.
<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>	Under BRAO § 59a, Rechtsanwälte may also enter into any form of professional association with members of the legal professions from Member States of the EEA and parties to the WTO.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	German Federal Bar Association: ww.brak.de ; German Bar Association: http://www.anwaltverein.de/
<i>Verified by</i>	Hengeler Mueller (October 2013)

Greece

Is there legislation governing the legal sector

Law no. 3026/54 (Lawyers code) as amended by law no. 3919/2011 Special Section B on lawyers and law firms.

Under what title do lawyers practise?

Dikigoros (Δικηγόρος)

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

Licensing as a lawyer in Greece requires a degree from a relevant Greek or other recognised tertiary level education institution, 18 months of practical training in a lawyer's office, followed by a Bar examination and registration with the local bar association.

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

Prior to Law 3919/2011, Greek lawyers were limited to practice within their local district. Now lawyers may practice throughout Greece although they must still be registered in one of the local bar associations.

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

Lawyers have the exclusive right to:

1. Represent citizens in civil and criminal courts and in authorities of the region in which the lawyer is member of the respective bar association (Article 39 of code) (Law 3919/2011 revised the earlier legislation allowing for lawyers members of all bar associations to represent citizens in civil courts);
2. Required presence and signature of a lawyer representing each of the parties in the case of contracts for any transaction concerning real estate property or ships over €29,347 for the regions of Athens and Piraeus or €11,738 for the remaining part of Greece (the presence of a lawyer is not required in the case of transfer of property from parents to their children or between husband and wife or for transfer to the public sector and charity organisations) (art. 42 of code);
3. Compiling or changing statutes of companies with capital of over €29,347 for the regions of Athens and Piraeus or €11,738 for the remaining part of Greece (art. 42);
4. Compilation and submission of the necessary documents related to the (trademarks, patents etc.) (Art 39 replaced by art 14 of 1366/1983);
5. Provision of legal advice concerning tax customs and administrative related cases of citizens (art 39 replaced by art 14 of 1366/1983);
6. Mandatory presence in mediation procedures (not arbitration) (Article 8 of law 3989/2010);
- 7.

Greece

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

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

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

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

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

Is the jurisdiction a member of the WTO?

Has it made any WTO commitments on legal services?

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

Research in land registries concerning mortgages, foreclosures, registration (article 41)

Greek nationality is not a requirement for legal practice

Lawyers may practise as sole practitioners, in partnerships or as professional companies.

Lawyers must abide by the Greek Bar's code of conduct (see:
http://www.ccbe.eu/fileadmin/user_upload/NTCdokument/code_grece_elpdf12_1187786105.pdf)

A law firm must register its addresses, including branches, with the bar where its headquarters is registered.

The local Greek Bar Associations issue licences to lawyers and register law firms. A full list can be found at the Athens Bar website:
<http://www.dsa.gr>

Greece joined the WTO on 1 January 1995

Greece has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law.

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

Greece

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

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 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 Greek as well as foreign and international law and can requalify as a Greek *digikoros*. Foreign lawyers from outside these countries are more restricted in their scope of practice.

Greece

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

There are around 6 foreign firms in Greece, mostly based in Piraeus and mostly UK shipping firms. One US shipping firm is established but has done so through its UK LLP.

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?

Temporary practice by foreign lawyers under home country title is not permitted in Greece. EU lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC)

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

Greece is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 may practise in Greece under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Greek lawyer.

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 local bar, practise under his home title, comply with the Greek lawyers' code of conduct and maintain adequate professional indemnity insurance.

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

In order to register a foreign lawyer must hold an EEA nationality and legal qualification and be in good standing with their home bar association.

Are foreign lawyers permitted to undertake arbitration and mediation?

Arbitration in Greece is generally conducted under the rules of one of the two major arbitral bodies: the Athens Chamber of Commerce and Industry or the Hellenic Chamber of Shipping. Greek legislation on arbitration allows the parties to choose the arbitrators they wish. Mediation is reserved to Greek lawyers.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Greece

Can foreign lawyers requalify as local lawyers?

EEA lawyers may fully requalify as Greek lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Greece. Requalification is not open to non-EEA nationals.

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

Foreign law firms may establish in Greece to provide legal advisory services in home country law and international law but do not require a licence to do so. EEA law firms may additionally provide legal advisory services in Greek law provided they work in association with Greek qualified lawyers and must register with the local bar.

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 businesses must file company documents with the Athens Bar and complete a number of other formalities.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Foreign (European) law firms are subject to the same restrictions as local firms e.g. no limited liability forms or MDPs. In addition, branch offices are not permitted.

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

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

Greece

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

EEA lawyers must register with the local bar and give their practising address details.

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 Greek law firm.

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

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

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

A Greek lawyer may enter a partnership with a lawyer from an EEA state.

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

Athens Bar: Dikigorikos Sylogos Athinon
<http://www.dsa.gr/>

Verified by

Hungary

Is there legislation governing the legal sector

Act XI of 1998 on Attorneys at Law.

Under what title do lawyers practise?

Ügyvéd translated by "Attorney-at-law" in the English version of the Act.

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

In order to practise as a lawyer in Hungary, an individual must be a member of the bar association and have taken an oath (Section 13 (1) of the Act). Section 13 (3) provides for the conditions to be admitted as a member of the bar: "The bar association must, upon request, admit as an attorney anyone who: a) is a national of any State that is a party to the Agreement on the European Economic Area; b) has a law school degree; c) has taken the Hungarian bar examination; d) who has been engaged in legal practice for at least one year as an attorney, articulated clerk or assistant attorney; e) is a member of the Hungarian Attorney's Insurance and Assistance Association or has other liability insurance that is accepted by the bar association; f) has office space suitable for conducting a full-time legal practice in an area in which the bar association operates; g) is not excluded for any of the reasons specified in Subsection (4). Lawyers must take an oath (Section 16).

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

There are jurisdictional limits for lawyers within Hungary. They correspond to the jurisdiction of the different Hungarian bar associations. This is explained in Section 19 of the Act (Territorial Scope of Membership in the Bar Association) which mentions that: (1) An attorney may be a member of a bar association in Hungary, and he may maintain offices and branch offices in the territory of this bar association. (2) If an attorney would like to relocate his office in the area of another bar association, he must request re-registration at the other bar association. The attorney shall remain a member of the previous bar association until such registration takes place. Section 15 shall be applied to the evaluation of the request for re-registration. Section 102 (2) provides more detailed information on those limits. It states that "the operational areas of the regional bar associations shall be the same as the

Hungary

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

jurisdictions of the Budapest Metropolitan Court and the county courts".

The activities of attorneys are stated in Section 5 of the Act (Legal practice) which states that: (1) An attorney represents his client, provides the defence in criminal cases, provides legal counsel, prepares contracts, petitions and other documents, and holds valuables deposited with him. (2) Unless otherwise stipulated by law, only attorneys are entitled to regularly provide the services listed in Subsection (1) in return for consideration (3) attorneys may provide the following services in addition to those specified in Subsection (1): tax consultancy, social security consultancy, financial and other business consultancy, real estate agency, patent agency, activities authorized by legal regulation (with the exception of local government bylaw), mediator activities in mediation proceedings regulated in specific other legislation, and in criminal cases, converting the instrument of constitution of a company - that he has prepared - and the additional appendices of the company's application for registration (notification of amendments) into electronic format; arbitration in public procurement procedures as governed in specific other legislation, and counselling services related to public procurement procedures, provision of corporate headquarters (headquarters services).

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

According to Section 13(3)(a) of Act XI, Hungarian nationality or nationality from an EEA member state is required

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

There is no mention in the Act of the different forms a lawyer may work in. However, Chapter VII on law firms mentions that "the attorney who causes the damage bears unlimited liability with his own assets" (Article 69 (3) of the Act) which suggests that limited liability legal entities are not possible for lawyers.

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

Additional requirements are found in the Rules and Regulations of the Hungarian Bar Association.

Hungary

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

There is no licence for law firms but a lawyer's place of practice must be registered in the regional bar association's register of law firms (Section 68 of the Act). Foreign law firms must also register with the local bar association (Section 12 e).

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

The Hungarian Bar Association
(<http://www.magyarugyvedikamara.hu/tart/index/130/1>)

Is the jurisdiction a member of the WTO?

Hungary joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Hungary has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law. It however requires that "Commercial presence should take the form of representative office".

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

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

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. The Establishment Directive only applies 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

Hungary

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 Hungarian as well as foreign and international law and can requalify as a Hungarian attorney. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

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

There are around 15-20 foreign law firms established in Hungary, including UK, US, German, Italian, Austrian and French firms.

Hungary

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?

Temporary practice is mentioned under the Chapter of the Attorneys Act concerning services provided by 'EC jurists'. Section 89/J (1) mentions that: a European Community jurist who practices law on an occasional basis, without being admitted into the register, shall be required to notify the Hungarian Bar Association in writing of his intention to take up the activities in advance, before his first assignment. By way of derogation from the provisions of the Act on the General Provisions Relating to the Taking Up and Pursuit of the Business of Service Activities, where services are provided on an occasional basis over a period of one year, the notification shall be renewed without delay. See also Act on the General Provisions Relating to the Taking Up and Pursuit of the Business of Service Activities. Foreign lawyers may act as foreign legal counsel or register as foreign lawyers with the bar.

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

Hungary is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 Hungary's WTO commitments, foreign lawyers from outside the EEA may provide services under the title of "Foreign Legal Counsel". The scope of practice is given by Section 92 (1) of the Attorneys Act which states: A foreign legal counsel may provide legal advice concerning the law in the country in which he is a registered attorney, international law, and legal practice in connection with these". A foreign legal counsel may only pursue those activities and is not a member of the bar association (Section 92 (2) and (3)).

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 Bar, practise under his home title, comply with the Hungarian lawyers' code of conduct and

Hungary

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

maintain adequate professional indemnity insurance.

A foreign legal counsel must be a member of the Hungarian Attorney's Insurance and Assistance Association or have other liability insurance that is accepted by the bar association. He/she must also have concluded a collaboration contract with a Hungarian attorney or law firm or a foreign law firm established in Hungary. They must also have proved that they are authorized to practice law abroad, have proved that they have a good reputation in the country in which they are a registered attorney and that they are not the subject of criminal or disciplinary proceedings, practice law in a Hungarian law firm or in a common firm with a Hungarian attorney. All those conditions are set forth in Section 91 of the Act. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Arbitration and mediation are mentioned in Section 5 of the act (g and i) as activities that lawyers may undertake. Section 89/I of the Act states that a European Community lawyer may pursue any of the legal activities specified in Section 5.

Hungary

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court

Can foreign lawyers requalify as local lawyers?

Foreign lawyers from an EC Member State may requalify as local advocates under the provisions 89/F of the Act. They must be registered with the Hungarian Bar Association which requires them to comply with the requirements for establishing on a permanent basis in Hungary under home-country title set forth in Article 89/F (1): proof that he has continuously conducted his practice in connection with Hungarian law for three years in the territory of the Republic of Hungary (including practice in connection with the application of European Union law in Hungary) (b); and proof of sufficient proficiency in the Hungarian language to practice the law (c). Other requirements relate to insurance and physical ownership of a place of practice. A registered European Community jurist may, at his request, be admitted to the bar association as an attorney if he has continuously practiced the law in Hungary although his legal practice in connection with Hungarian law (including practice in connection with the application of European Union law in Hungary) is less than three years, and he otherwise satisfies the conditions stipulated in Subsection (1). (Article 89/F (2)).

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

There is no separate licensing arrangement for law firms but all foreign lawyers providing legal services in Hungary must be registered as foreign legal consultants.

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 law firms (i.e. Individual foreign lawyers acting as agents for foreign law firms) as defined in Section 89/N (1) must register with the regional bar association of the place of practice (Section 12 (e)).

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

Hungary

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Foreign law firms are subject to the same restrictions as local firms e.g. no limited liability forms or MDPs. In addition, branch offices are not permitted.

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

Section 89/ N (2) of the Act states that If a law firm has only European Community jurists as members or if none of the members' surnames appears in the name of the law firm, the expression "office" rather than "law firm" must be used in designating the firm. The designation "law firm" or "office" may contain the foreign-language designation of the attorneys association registered in any EEA Member State of which the European Community jurist is a member. Non EU law firms must include the surname of a member in their names.

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

A licence is not required for a law firm but law firms must be registered with the bar association.

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 Hungarian law firm.

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

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

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

Section 92 (5) of the Attorneys Act states that: "A Hungarian attorney may join a foreign law firm as a co-owner (partner) without authorization from the bar association".

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

Section 89/M (1) of the Attorneys Act states that European Community jurists are authorized to function as assistant attorneys. Since assistant attorneys can only practice as employees, it means that EC jurists may be employed in Hungary. Foreign legal counsels may only work as employees of a local or foreign law firm according to Section 90 of the Act "A foreign legal counsel is any person who is engaged in the legal activities specified in Subsection (1) of

Hungary

Section 92 on the basis of a collaboration contract concluded with a Hungarian attorney or law firm. A foreign legal counsel may conduct his activities on the basis of an agency provided to an attorney or law firm with which he has concluded a collaboration contract. If the collaboration contract so provides, the foreign legal counsel may accept agencies in his own right within the realm of his activities".

Other useful sources or comments or links

Magyar Ügyvédi Kamara (Hungarian Bar Association):
<http://www.magyarugyvedikamara.hu/>

Verified by

Iceland

Is there legislation governing the legal sector

Lawyers Profession Act No.77/1999

Under what title do lawyers practise?

Lögmaður (translated as lawyer or attorney)

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

Rules on licenses for legal practice are set forth in Chapter 3 of the 1999 Act. According to Article 6 of the Act, lawyers must fulfil the following requirements to practise law at the district court level: 1. Possess legal competency and be mentally capable of practising law; 2. Have never been declared bankrupt; 3. Have an untainted reputation, as required for Parliamentary elections; 4. Have completed legal studies with a final examination or a master's examination from the legal faculty of a university recognised in Iceland in accordance with the Act on Universities, and 5. Have completed the test provided for in Article 7 (theoretical as well as practical test relating to the theoretical and practical fields that are most relevant for law offices, including the lawyers' code of ethics, a test conducted by a three member test committee appointed by the Minister of Justice. Conditions for obtaining a licence to practise law as a Supreme Court lawyer are set forth in Article 9 of the Act. They are as follows: 1. Have been licensed as a district court lawyer for a period of five years; 2. Have fulfilled the requirements made in Article 6, the first paragraph, subparagraphs (1)-(3) ; 3. Have represented litigants in oral hearings in at least 30 cases in the district courts or any special courts, of which at least ten shall have been private cases that fulfilled the requirements for appeal to the Supreme Court, or on which the Supreme Court permitted appeal, and 4. Demonstrate his/her fitness for such licence by a test comprising the oral presentation of four cases in the Supreme Court of which at least two shall be private cases. Exemptions may be granted by the Minister of Justice for persons who have practiced as judicial officer or prosecutor for a period of ten years. The Minister of Justice may also grant exemptions for the benefit of persons who have been granted similar licences in other states (see Article 9, last paragraph).

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

There is a single national jurisdiction in Iceland following legislation amending the 1998 Judiciary Act.

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

According to Article 2 of the 1999 act, a lawyer " refers to any person who is licensed as a representative in litigation before the Supreme Court or the district courts representation " which suggests that the reservation of practice is limited to the title and to representation in court.

Iceland

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

Icelandic nationality is not a requirement for qualification as a lawyer, however a period of residency of one year is required for non-nationals who wish to sit the Icelandic Bar exam.

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

Article 19 of the 1999 Act mentions that “[l]awyers may form companies in the form of their choice for the provision of their services, including limited liability companies. Such limited liability shall not affect a lawyer’s personal liability for any loss he or his employee may cause others in the course of his functions”. The code of ethics adds that lawyers should only conduct legal work unless an exemption has been granted under article 12 of the Act and that the law office business name must not imply that it provides any other services than the attorney and real estate services. Article 19 of the Act on the Lawyers Profession states that: “participation in a company operating a law office, or ownership of such company, is prohibited for others than lawyers”.

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

Additional requirements may be found in the Code of Ethics of Icelandic Attorneys adopted by the Bar Association, available at <http://www.lmf.is/logmenn-og-thjonusta/log-og-reglur-um-logmenn/sidareglur-logmanna/>

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

There is no mention of licensing arrangements for law firms in the relevant Acts but a lawyer must inform the Board of the Bar Association of the identities of the owners of a business law firm, and fulfil requirements in relation to trust accounts and indemnity insurance.

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

The Ministry of the Interior issues licences to individuals for the right to appear in the District or Supreme Court on fulfilment of the requirements of article 6 of the Act.

Is the jurisdiction a member of the WTO?

Iceland joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Iceland has scheduled no limitations on foreign lawyers providing legal consultancy services in foreign or international law in modes 1-3. Foreign lawyers may also provide services in Icelandic law in modes 1-3 by requalifying with the Icelandic Bar.

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

Iceland is a member of EFTA through which it is a party to the EEA agreement with the EU. Through EFTA it is also party to 24 free trade agreements (covering 33 countries) with the following partners: Albania, Canada, Chile, Colombia, Croatia, Egypt, Gulf Cooperation Council (GCC), Hong Kong, Israel, Jordan, Korea, Lebanon, Macedonia, Mexico, Montenegro, Morocco, Palestinian Authority, Peru, Serbia, Singapore, Southern African Customs Union (SACU), Tunisia, Turkey, Ukraine

Iceland

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

Legal services are included by Iceland in agreements with Chile, Colombia, Korea, Singapore and Ukraine and in these Iceland has reiterated the commitments it has made in the GATS. In the EFTA agreement with Hong Kong, both parties committed to develop disciplines in the area of professional services. In the agreement with Peru both parties agreed to follow an approach of mutual recognition of qualifications in order to promote trade in services.

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 or EFTA lawyer can provide legal assistance in Icelandic as well as foreign and international law and can requalify as an Icelandic lawyer. Foreign lawyers from outside the EU or EFTA are more restricted in their scope of practice and may not requalify.

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

There are no foreign law firms established in Iceland given the small size of the local market

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?

Lawyers from other EFTA or EU jurisdictions may provide services in the district court by applying to the Ministry of the Interior. There is no other requirement or restriction on foreign lawyers practising outside the courts on a temporary basis in Iceland.

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

Iceland is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements. Iceland has also committed in the GATS to permit entry to "persons who as representatives of a service provider covered by the agreement are seeking temporary entry for purposes of negotiation for the sale of services or entering into agreements to sell services for that service provider, where this selling activity is not directed to the general public".

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 licensing requirement as practice outside of the courts is not regulated for non-Icelandic and non-EEA lawyers.

Iceland

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

There are no specific requirements for foreign lawyers beyond any normal residency formalities. EEA lawyers are treated as Icelandic lawyers.

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?

Rules on arbitration and mediation can be found on the Icelandic Chamber of Commerce website. On arbitration: requirements for arbitrators are set forth in Article 10 of the Rules for the Court of Arbitration; there is no nationality requirement. Arbitrators must however “fulfil the special requirements made upon municipal court judges for ruling on individual cases”. On mediation: requirements for mediators are mentioned in Article 3 of the Statutes of the Court of Arbitration of the Iceland Chamber of Commerce on Mediation. There is nothing preventing foreign lawyers from taking part in mediation. Note that unless the parties jointly ask for a specific mediator, the board of the Court of Arbitration of the Iceland Chamber of Commerce appoints a mediator after having consulted with the parties.

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

A party may entrust any person practising as a lawyer in any other member state of the European Economic Area, who has the right to represent litigants in court, with his representation in a corresponding Icelandic court, provided that person is, during court sessions, assisted by a lawyer practising in Iceland (3rd paragraph of Article 2). Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

EEA lawyers may fully requalify as Icelandic lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Iceland. Non EEA lawyers must requalify through the full domestic route i.e. sitting the Icelandic bar exam and fulfilling other requirements made on domestic applicants.

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

Not applicable - there is no requirement for foreign law firms. Firms from EEA countries will need to follow the same notification procedures as Icelandic firms. Article 12 of the 2004 Regulations on EEA lawyers, recognises that registered lawyers “coming from the self-same group of Attorneys may [in Iceland]” work at a representative firm or branch of that group of Attorneys. Icelandic rules take precedence in cases where there is a conflict of rules to ensure the protection of customers and a third parties.

Iceland

<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>	Not applicable - there is no requirement.
<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>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	There is a specific provision regarding limitations on EEA law firms in the 2004 regulation in relation to MDPs.
<i>Are there rules about the name a foreign law firm can take?</i>	There are specific rules on the mention of the home country title and names of law firms for EEA lawyers working in Iceland, which are derived from the EU Establishment Directive. Article 6 of the 2004 Regulations mentions that "in the course of his work under the professional title of his home country an Attorney shall specify in a clear manner his professional title in his home country in the official language of the home country. He shall also specify of which professional association in his home country he is a member and with which judicial authority there he is registered. An Attorney who specifies the name of a group of Attorneys in his home country of which he is a member shall specify the form of firm of that group of Attorneys. He shall also specify the names of the persons belonging to the group of Attorneys who serve in this Country".
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Foreign firms do not need licences. An EEA firm, will need to notify the Icelandic Bar of its owners and complete indemnity and trust account formalities as an Icelandic firm would need to do.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Iceland does not permit EEA law firms to establish if they have any non-lawyer ownership. Article 11 of the 2004 Regulations states that the activities of groups of attorneys

Iceland

are also subject to Article 19. Article 13 of the 2004 Regulations on EEA lawyers gives further information: "Permission according to Art. 11 and 12 to render service in this Country does not extend to Attorneys working in this Country as associates in a group of Attorneys if there are parties in the group who are not Attorneys. A group of Attorneys comes under para. 1 if it includes parties not coming under the definitions of Art. 1 and:-1. Own the entire capital and reserves (equity) of the group of Attorneys or part thereof; 2. Use the name under which the group of Attorneys work; or 3. Are in control of the direction of the group".

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

There is no mention of a prohibition on employment by a foreign lawyer however the implications of article 12 of the Act are that any lawyer who is not employed by an Icelandic or EEA lawyer who has an office trust account and indemnity insurance registered with the Icelandic Bar will need to fulfil these requirements. There is therefore a de facto prohibition on employment by a foreign lawyer.

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

Icelandic lawyers and lawyers from the EEA may enter into a partnership according to Art. 11 of the 2004 regulations which provides that: "Attorneys who are registered in accordance with Art. 2 may render Attorneys service in co-operation with other Attorneys or in a group of Attorneys. Attorney service may be granted in association with Attorneys from the self-same group of Attorneys or from the self-same home country, in association with Attorneys from different Member States or Attorneys from other Member States and with Icelandic Attorneys. The activities of groups of Attorneys are subject to the provisions of Art. 19 of the Act on Attorneys as applicable".

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

Article 11 of the 1999 Act mentions the possibility for a lawyer to employ another lawyer ("A lawyer may engage another lawyer to work for his office. The employer shall be responsible for the employed lawyer's management of client's finances, and shall be financially responsible for his functions in other respects.").

Other useful sources or comments or links

Copy of Icelandic Rules and Regulations in English: <http://eng.innanrikisraduneyti.is/laws-and-regulations/english/lawyers/>; Website of the Icelandic Bar Association - <http://www.lmfi.is/english/>

Verified by

Ireland

Is there legislation governing the legal sector

Solicitors Act, 1954 as amended by subsequent Acts (1960, 1994, 2002) and Civil Law (Miscellaneous Provisions) Act 2008

Under what title do lawyers practise?

Solicitor or Barrister

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

Solicitors: In order to become a solicitor in Ireland, it is necessary to serve a period of apprenticeship for three years and complete courses of study organised by the Law Society of Ireland. To be admitted to the courses of study, it is necessary to have a university degree or its equivalent or be a barrister or equivalent – this is known as the Preliminary Examination requirement. On meeting these requirements, it is necessary to complete the Society's Final Examination and completion of the professional course which consists of 14 weeks of intensive lectures followed by examination and 18 months in-house training as part of the apprenticeship of a student. Finally, there is a further requirement to complete an Advanced Course which consists of seven weeks of intensive lectures followed by examination. Once this section is completed and competency has been demonstrated in the Irish language, a person is entitled to be admitted to the roll of solicitors.

Barristers: The Honorable Society of King's Inns provides post-graduate legal training, leading to the award of the degree of barrister-at-law. The King's Inns operates as a voluntary society under the control of the Benchers of the Honorable Society of King's Inns who are members of the judiciary and senior barristers. Entrance to the degree course is by means of an entrance examination for graduates of the King's Inns Diploma in Legal Studies or law graduates. The length of the Diploma in Legal Studies course was and remains two years but the Barrister-at Law Course, which was for two years, became from October 2004 a more intensive one year course. In addition to completing the course of studies prescribed, students of the King's Inns must demonstrate their competency in the Irish language and attend ten dinners for each of the two years of the barrister-at-law course. On successful completion of the degree course, students are called to the Bar in the Supreme Court by the Chief Justice. There are further requirements before barristers can engage in paid legal work.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a

There is a single national licence to practise as a solicitor or barrister in Ireland

Ireland

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 following acts are reserved to solicitors under the Solicitors Act 1954: (a) the drawing or preparing of a document relating to real or personal estate or any legal proceeding, (b) the procuring or attempting to procure the execution by an Irish citizen of a document relating to (i) real or personal estate, or movable or immovable property, situate or being outside the State and the United Kingdom, or (ii) any legal proceeding, actual or in contemplation, of which the subject-matter is any such estate or property, (c) the making of an application, or the lodging of a document for registration, under the Registration of Title Act, 1891, or any Act amending that Act, at the Land Registry or to or with a local registering authority, (d) the taking of instructions for, or drawing or preparing of, documents on which to found or oppose a grant of probate or letters of administration. Barristers have reserved rights to appear in the Irish courts.

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)

Solicitors may practise as sole practitioners, in general or limited liability partnerships. Barristers may only work as sole practitioners.

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

The Law Society of Ireland maintains a code of conduct for solicitors and the Bar Council of Ireland has set out the code of conduct for barristers.

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

Law firms do not require a separate licence in Ireland but there are specific firm related rules in relation to solicitors' accounts and compensation fund.

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

The Law Society of Ireland (www.lawsociety.ie) issues licences to solicitors and the Bar Council licences barristers.

Is the jurisdiction a member of the WTO?

Ireland joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Ireland has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law.

Is the jurisdiction party to bilateral agreements which offer special

As a member of the European Union, Ireland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein. Ireland is also party to the EU's many

Ireland

treatment to businesses or individuals from particular countries?

bilateral agreements with other countries and free trade 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=none&sense=s)

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

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 Irish as well as foreign and international law and can requalify as an Irish solicitor or barrister. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

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

There are a small number of foreign firms in the Irish market, mostly English firms but the financial centre in Dublin has attracted a couple of offshore firms.

Ireland

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?

EEA lawyers are permitted to practise in Ireland on a temporary basis without needing to register.

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

Lawyers visiting Ireland may obtain a business visa which permits a service supplier to visit but not to make direct sales to the public.

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 may practise in Ireland under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with an Irish lawyer.

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 practise under his home title, comply with the Irish solicitors' or barristers' code of conduct (depending on which body he/she has registered with) and must maintain adequate professional indemnity insurance.

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

Not for non-EEA lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification

Are foreign lawyers permitted to undertake arbitration and mediation?

The 2010 Arbitration Act in Ireland is based on the UNCITRAL model. The law provides for the parties to agree to appoint a single arbitrator and there are no prohibitions on this being a foreign lawyer.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer on a purely ad hoc and very occasional basis, in accordance with expertise. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

EU lawyers may fully requalify as Irish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice. Certain non-EU qualified lawyers may be able to sit the transfer test if their jurisdictions have reciprocal arrangements (New South Wales, New Zealand, Pennsylvania, New York and California), lawyers from elsewhere will need to undertake the full qualification process.

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

Foreign law firms may establish in Ireland to provide legal advisory services in home country law and international law and do not need a licence to do so. EEA law firms may additionally provide legal advisory services in Irish law provided they work in association with Irish qualified lawyers and must register with the Law Society.

Ireland

<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>	A foreign business establishing in Ireland would need to complete the relevant registration, tax and employment formalities.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	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 the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Law firms from EEA jurisdictions must register with the Law Society of Ireland.
<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 EEA lawyers in an Irish law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of an Irish lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	An Irish solicitor may enter a partnership with a lawyer from an EEA state.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but only under their home title.
<i>Other useful sources or comments or links</i>	Bar Council of Ireland: http://www.lawlibrary.ie/ and Law Society of Ireland: http://www.lawsociety.ie/
<i>Verified by</i>	The Law Society of Ireland (December 2013)

Italy

Is there legislation governing the legal sector

Royal Decree of 22 January 1934, no.3 and Royal Decree of 27 November 1933, no. 1578 on the organization of the legal profession as amended by decrees of 24 February 1997, 13 September 1999, 21 May 2003 (enacted into law 18 July 2003).

Under what title do lawyers practise?

Avvocato

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

In order to become a lawyer in Italy, the candidate must be a member of an Italian bar association. Membership of an Italian bar associations requires 1) completion of an undergraduate law degree (Laurea in Scienze Giuridiche, three years) and a graduate law degree (Laurea Specialistica in Giurisprudenza (a two year programme which confers the title of Dottore Magistrale in Giurisprudenza), or a five year masters degree (Laurea a ciclo unico Magistrale in Giurisprudenza)); 2) the completion of an 18 month training period; 3) Passing the professional examination. Supreme Court lawyers must in addition have completed 12 years of continuous professional experience as an Avvocato or completed 5 years of continuous professional experience and passed a special State 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 in Italy is national but registration is carried out locally.

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

Italian lawyers have the right to provide representation, assistance and defence of different actors within the judicial processes. Supreme Court lawyers have exclusive right to undertake representation before special courts, i.e. Court of Cassation, Council of State, Court of Audit, Military Tribunal, and Supreme Tribunal for Public Waters.

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)

Italian lawyers may work as sole practitioners, in partnerships and in various forms that permit cooperation with other professions.

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

The Consiglio Nazionale Forense has set out the Ethical Code for Lawyers in Italy.

Italy

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

Law firms do not require separate licences to practise in Italy.

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

Licences are issued by local bar councils but a national register is maintained by the Consiglio Nazionale Forense (<http://www.consiglionazionaleforense.it>)

Is the jurisdiction a member of the WTO?

Italy joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Italy has signed up in full to the European Union's GATS commitment of modes 1-3 in home country and public international law.

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, Italy extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Italy is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s)

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

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:

Italy

	Mercosur, Gulf Cooperation Council, India, Japan, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia, the US and Vietnam.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	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 Italian as well as foreign and international law and can requalify as an Italian avvocato. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are over 20 foreign firms established in Italy notably UK, US and German firms.
<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>	A non-EEA national who wishes to work in Italy on the basis of his or her professional legal qualification must apply to the Ministry of Justice for approval before applying for a business visa (Articles 39-49 DPR 394/1999)
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Italy is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.
<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 in Italy under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with an Italian lawyer.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	An EEA lawyer must register with the appropriate local bar, practise under his home title, comply with the Italian code of conduct and must maintain adequate professional indemnity insurance. In addition, the lawyer must obtain a resident's permit from the local police authority.

Italy

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

(Law DPR 31 August 1999 Nr. 394)

Are foreign lawyers permitted to undertake arbitration and mediation?

There are no prior conditions for foreign lawyers. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

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

Arbitration in Italy is governed by the Civil Procedure Code and there is no explicit international arbitration regime. However, nothing prevents foreign lawyers from participating in the conduct of arbitrations in Italy.

Can foreign lawyers requalify as local lawyers?

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

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

EU lawyers may fully requalify as Italian lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Italy. Non-EEA nationals must sit the full Bar exam before a special Commission of the Italian National Bar Council. There is a reduced examination for those who have passed examinations in Italian universities or have practised the legal profession in Italy for a significant period; for those who have an Italian law degree, requalification only requires a much reduced examination on Italian ethical and professional rules. The recognition of professional qualifications obtained in non-EU countries takes place in accordance with the combined provisions of Articles 37 D. Decree 25/07/98 n. 286 and 39 and 49 of Presidential Decree 394 of 31 August 1999 on the basis of which the registration is admitted to the Bar.

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.)

There is no separate law firm licensing regime for foreign law firms. Those US law firms that are established in Italy have done so through their London LLPs.

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

A foreign law firm would need to complete the same registration formalities as any other foreign business establishing (e.g. execute a public deed of incorporation and company bylaws before a public notary; pay registration tax, register the company and inform the local Labour office)

Is there a quota on the number of licences available?

No

Italy

<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign (European) law firms are subject to the same rules as local firms.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	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 the names of any members of the grouping practising in the host Member State.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Law firms from EEA jurisdictions must register with each local bar in the districts where they have offices.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There are no restrictions on the ownership share of EEA lawyers in an Italian law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	There is no prohibition on employment of an Italian lawyer by an EEA lawyer or law firm provided that the independence of that lawyer is protected.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	An Italian lawyer may enter a partnership with an EEA lawyer
<i>Other useful sources or comments or links</i>	Yes but only under their home title.
<i>Verified by</i>	Consiglio Nazionale Forense: http://www.consigionazionaleforense.it/

Latvia

Is there legislation governing the legal sector

The Law On the Bar of the Republic of Latvia April 27, 1993.

Under what title do lawyers practise?

Zvērināts advokāts translated "Sworn Advocate"

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

According to Article 14 of the Act, in order to become a sworn advocate one must: be a citizen of the Republic of Latvia or another EU Member State; have a faultless reputation; have reached the age of 25; have acquired advanced legal education of law recognized by the state, and have received qualification of a lawyer; be fluent in the official state language; have acquired working experience in one of the following posts: a) judge; b) at least two years as a prosecutor, sworn law enforcement officer, the sworn notary; c) at least three years as the assistant of sworn advocate; d) at least three years as a lecturer on any of the subjects of law in the university; e) at least five years in any other position of juridical specialty; and have passed the examination of sworn advocate. Doctors of law are not required to take the examination of sworn advocate. All sworn advocates must however take an oath (Article 46 of the Act).

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

There is no mention of sub-national limits for lawyers in the Act. However, Article 45 mentions that "upon admittance into the sworn advocates, the Latvian Council of Sworn Advocates determines in which regional court these sworn advocates shall work and in which court district these sworn advocates shall practice".

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

Chapter 1, Article 3 of the Law on the Bar describes the activities of advocates: "An advocate is independent and professional lawyer who provides legal assistance by defending and representing the lawful interests of the persons in court proceedings and preliminary investigation, gives legal advice, prepares legal documents and performs other legal actions". Criminal cases may be handled by foreign lawyers admitted to practice in Latvia only jointly with an advocate of the Latvian Council of Sworn Advocates.

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

Latvian nationality is required to be admitted as a sworn advocate. However foreign lawyers may practice in Latvia under their country of origin if they are citizens of EU Member States who have obtained the qualification of a lawyer in one of the EU Member States or if there is an international agreement on legal assistance binding between the Republic of Latvia and their home country (article 4 of the Act). To receive recognition that

Latvia

their professional qualifications are adequate for permanent activity in Latvia, a foreign lawyer must obtain certification of his or her knowledge of the Latvian language and Latvian laws and professional qualifications in order to have the same right to professional activity and duties as a sworn advocate of Latvia and to be admitted to provide legal services in Latvia (article 130 of the Act).

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

The only provisions on the legal form for lawyers is article 116 of the Act which states that “sworn advocates practise individually or also in cooperation only with other sworn advocates. Sworn advocates may create offices of sworn advocates, which are registered by the Latvian Council of Sworn Advocates.” Article 117 states that “sworn advocates practice directly and personally” which implies that they may not be employed by another advocate.

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

The Code of advocate ethics published by the Latvian Collegium of Sworn Advocates.

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

There is no mention of licence for law firm in the Act. However, sworn advocates must inform the State Revenue Agency permanent address of their law office (article 109). According the Statutes of the Latvian Council of Sworn Advocates, offices of sworn advocates are registered with the Latvian Council of Sworn Advocates (rule 2.3.6).

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

The Latvian Council of Sworn Advocates is the competent authority for the registration of individual sworn advocates as well as their practising addresses.

Is the jurisdiction a member of the WTO?

Latvia joined the WTO on 10 February 1999.

Has it made any WTO commitments on legal services?

Latvia is party to the European Union's WTO commitments on legal services but has made the following qualifications: In mode 3 for commercial presence and the presence of natural persons, Latvia requires licensing by the Ministry of Justice and knowledge of Latvian language. Licensed lawyers can provide all legal services, except representation in criminal proceedings which is reserved to sworn advocates. There is also a nationality requirement for sworn advocates and sworn notaries.

Is the jurisdiction party to bilateral agreements which offer special

As a member of the European Union, Latvia extends special treatment to individuals and businesses from

Latvia

treatment to businesses or individuals from particular countries?

other EEA states (EU plus Norway, Iceland and Liechtenstein). Latvia is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rt_a_participation_map_e.htm?country_selected=none&sense=s).

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

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 Latvian as well as foreign and international law and can requalify as a Latvian sworn advocate. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

Latvia

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

There are a small number of foreign law firms present in Latvia including Swedish, Finnish, UK, other Baltic and 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 is no mention of temporary practice in the Act as far as foreign lawyers are concerned. However lawyers from the EU, EFTA and Switzerland are covered by the provisions of the Lawyers Services Directive which permits fly in-fly out practice without any formal registration requirements.

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

Latvia is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 advocates may practice in Latvia in accordance with Latvia's international agreements on legal assistance and according to the requirements prescribed in those agreements (Article 4 of the Act). Persons allowed to practise law in Latvia (i.e. advocates) are listed in Article 4 of the Act. They are: sworn advocates; assistants of sworn advocates; citizens of the member states of the European Union who have acquired the qualification of an advocate in any of the member states of the European Union. Foreign lawyers from outside the EU can practise in Latvia in accordance with international agreements.

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

A European lawyer must register with the Latvian bar, practise under his home title, comply with the Latvian code of conduct and must maintain adequate professional indemnity insurance.

Latvia

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

Foreign advocates may practice in Latvia in accordance with the international agreements on legal assistance binding to the Republic of Latvia and according to the requirements prescribed in those agreements. An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Nothing in the Rules of Arbitration of the Latvian Chamber of Commerce and Industry forbids foreign lawyers from undertaking arbitration. Mediation is still at an early stage of development in Latvia, there are no specific regulations or codes of conduct governing the activities of mediators.

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

A lawyer from an EU Member State who practices under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

Foreign lawyers may practice in Latvia but they may not requalify as sworn advocates because there is a nationality requirement. EU lawyers who have operated in Latvia under the professional title of their home country qualification for at least three years may be admitted on the basis of an application demonstrating evidence of their professional qualification and experience gained in Latvia. EU lawyers may also sit a qualifying examination organised by the Council of Sworn Advocates. Upon successful passing of the examination, the advocate shall be issued a professional qualification admission certificate (Article 133 of the Act).

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

Law firms from EEA countries are permitted to establish commercial presence in Latvia. Article 126 of the Act mentions that: "The advocates of the European Union member countries shall be entitled to form branches of advocates' unions of their countries of residence in Latvia as well as use names of advocates' unions of their countries of residence, if full-fledged advocates of the European Union member countries are joined into the advocates' union of the country of residence."

Latvia

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 (EEA) law firm would need to register with the company register and complete the necessary tax and employment formalities.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

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

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

Law firms from EEA jurisdictions must register with the Latvian 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 Latvian law firm.

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

Article 117 of the Law on the Bar states that "sworn advocates practice directly and personally", implying that as advocates must be self-employed the condition of employment is not permitted.

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

Yes, Article 125 of the Act mentions that: "The advocates of the European Union member states practicing in Latvia under profession name of their country of residence shall be entitled to form a joint practice under the same conditions as sworn advocates of Latvia".

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

The employment of lawyers is not allowed in Latvia. Articles 118 of the Law on the Bar states: "On the basis

Latvia

of an employment contract, sworn advocates may employ technical, managing or advisory personnel for the activity of which the advocate shall be responsible and who shall be forbidden to be involved in providing legal assistance".

Other useful sources or comments or links

Latvian Bar
<http://www.advokatura.lv/>

Verified by

Latvian Council of Sworn Advocates (January 2014)

Liechtenstein

Is there legislation governing the legal sector

Rechtsanwaltsgesetz (RAG) 8 December 1992

Under what title do lawyers practise?

Rechtsanwalt

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

The following are the requirements for practice as a lawyer in Liechtenstein: proof of good character ("operational and trustworthy"); Liechtenstein national citizenship or the citizenship rights of a Contracting Party to the Agreement on the European Economic Area; Residence in the Principality of Liechtenstein or in a party to the Agreement on the European Economic Area; law degree from a government-recognized university or college; Evidence of at least two years of practical legal work within the Liechtenstein courts; passed the bar exam; provide proof of required level of liability insurance; registration with the Financial Market Authority of Liechtenstein.

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

Yes

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

Under Article 7 and 8 of the RAG, lawyers and law firms on the register have the exclusive power to provide professional legal advice, and represent parties in all judicial and extrajudicial matters.

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

Only lawyers from Liechtenstein or an EEA contracting party may practise law in Liechtenstein.

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

Liechtenstein lawyers may work as sole practitioners, in simple partnerships, general partnerships, limited companies or limited liability partnerships.

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

Liechtenstein lawyers must comply with the Professional Guidelines of the Liechtenstein Chamber of Lawyers of 05. May 1994 (as amended).

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

Law firms must be entered on the register and there are certain formalities which must be observed: All owners or members of the law firm must be registered individually, the law firm must have the required indemnity insurance and observe the requirements in the Act in relation to the storage of client files for 10 years.

Liechtenstein

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

The Financial Markets Authority maintains the register for individuals and law firms and the Supreme Court acts as the disciplinary authority.

Is the jurisdiction a member of the WTO?

Liechtenstein joined the WTO on 1 September 1995

Has it made any WTO commitments on legal services?

Liechtenstein has made commitments in modes 1 and 2 for legal consultancy on home country law and international law but not Liechtenstein law. It is unbound in mode 3.

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

Liechtenstein is a member of EFTA through which it is a party to the EEA agreement with the EU. Through EFTA it is also party to 24 free trade agreements (covering 33 countries) with the following partners: Albania, Canada, Chile, Colombia, Croatia, Egypt, Gulf Cooperation Council (GCC), Hong Kong, Israel, Jordan, Korea, Lebanon, Macedonia, Mexico, Montenegro, Morocco, Palestinian Authority, Peru, Serbia, Singapore, Southern African Customs Union (SACU), Tunisia, Turkey and Ukraine.

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

Legal services are included by Liechtenstein in the EFTA agreements with Chile, Colombia, Korea, Singapore and Ukraine and in these Liechtenstein has reiterated the commitments it has made in the GATS. In the EFTA agreement with Hong Kong, both parties committed to develop disciplines in the area of professional services. In the agreement with Peru both parties agreed to follow an approach of mutual recognition of qualifications in order to promote trade in services.

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 the laws of Liechtenstein as well as foreign and international law and can requalify as a Liechtenstein rechtsanwalt.

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

There is a German law firm registered with the FMA.

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?

Lawyers wishing to provide temporary services in Liechtenstein must fulfil the following conditions: Nationality of a Contracting Party to the Agreement on the EEA or Switzerland; Recent confirmation of the Bar Association in the State of origin; Proof of liability

Liechtenstein

	insurance with a minimum coverage per occurrence of CHF 1,000,000
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	Nationals from any EU country may enter Liechtenstein freely. Holders of passports from other OECD countries, most Central and South American and Caribbean countries and a number of other small countries (e.g. Seychelles) may have visa free access for up to 90 days.
<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>	Lawyers from within the EU, EFTA or Switzerland are covered by the Lawyers' Establishment Directive 98/5/EC which allows them to practise under their home country title and to practise Liechtenstein law under certain controls. There are no provisions for foreign legal consultants from elsewhere to establish.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	A foreign lawyer (only EEA nationals are permitted) must abide by the Liechtenstein code of conduct and remain in good standing with his or her home bar.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	In order to register as a 'foreign' lawyer in Liechtenstein an individual must hold the nationality of an EEA country and be resident in Liechtenstein or in an EEA member state, be qualified as a lawyer in an EEA member country, be in good standing and hold the required indemnity insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	There are no formal institutional arrangements governing arbitration in Liechtenstein.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	EEA lawyers may appear in court in conjunction with a local lawyer.
<i>Can foreign lawyers requalify as local lawyers?</i>	EEA lawyers may requalify in Liechtenstein either by examination or after a period of assimilation by working alongside a local lawyer.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Only a law firm from another EEA member state may open an office in Liechtenstein
<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>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No

Liechtenstein

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?

EEA law firms are permitted to practise local law as well as EU, home country and international law. The individual lawyer must be qualified in Liechtenstein law or the EEA lawyer must work in conjunction with a local lawyer.

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

The only foreign law firms allowed to establish in Liechtenstein are other EEA firms and they are entitled to establish in all the forms permitted to Liechtenstein firms.

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

None are specified in the code of conduct.

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

The Financial Markets Authority maintains the register for individual European lawyers and law firms as well as local lawyers and law firms and the Supreme Court acts as the disciplinary authority (see <http://www.fma-li.li/en/financial-intermediaries/other-financial-intermediaries-division/lawyers.html>)

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

Only Liechtenstein and other EEA lawyers who are entered on the FMA list may own shares or be a partner in a law firm.

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

Yes, although the foreign lawyers concerned must be other EEA lawyers or law firms.

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

Yes although the lawyers concerned must be other EEA lawyers or law firms.

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

Yes.

Other useful sources or comments or links

Liechtenstein Bar Association: <http://www.lirak.li/>

Verified by

Lithuania

Is there legislation governing the legal sector

The legislation governing the legal sector is the Law on the bar 18 March 2004 No IX-2066 published in Official Gazette 2004, No. 50-1632.

Under what title do lawyers practise?

Advokatas translated as "Advocate".

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

To practise law in Lithuania, one needs to be recognised by the Bar Association. The list of requirements is laid down in Article 7 (1) of the Act; one needs to: 1) be a national of the Republic of Lithuania or of another EU Member State; 2) To hold a bachelor's or master's degree in law, or a lawyer's professional qualification degree (one-cycle university education in law); 3) To have a record of at least five years of service in the legal profession or have served an apprenticeship as an advocate's assistant for a period of at least two years. Service in the legal profession shall include activities specified in the list of legal professions approved by the Government of the Republic of Lithuania. The length of service in the legal profession shall be calculated from the moment a person has acquired a bachelor's or master's degree in law, or a lawyer's professional qualification degree (one-cycle university education in law) and started practising law; 4) be of high moral character; 5) have proficiency in the state language; 6) have passed an advocate's qualification examination; 7) have no health disorders that would prevent him from performing duties of an advocate. The health requirements and the procedure of health checks for applicants and advocates shall be established by the Ministry of Health and the Ministry of Justice of the Republic of Lithuania. The procedure to be recognized by the Bar Association is set forth in Article 10 of the Act.

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 practice in Lithuania is national

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

Article 2, Section 1 (1) of the Act describes the role of Lithuanian advocates as follows: "Legal services provided by advocates shall include legal consultations (legal advice), drafting of legal documents, representation on legal matters, defence and representation in legal proceedings when these actions are carried out for remuneration". These services may be provided by advocates (advocate's assistants) or a professional partnership of advocates (2). Advocates must be entered on the List of Practising Advocates of

Lithuania

	<p>Lithuania to practise as advocates (article 17 (1)). In addition, Article 4 (4) mentions other activities that advocates may undertake: “[a]n advocate shall also be entitled in accordance with the procedure established by the laws to provide services for remuneration as an administrator of bankruptcy, restructuring, property or inheritance, a lobbyist, a liquidator, a curator, an executor of a will, a trustee of property, a patent trustee, as well as to act as an arbiter, a mediator, a conciliator or a legal expert in commercial disputes. An advocate may be a member of the managing or supervisory body of a legal person, but he cannot receive any remuneration, with the exception of bonuses...”</p>
<p><i>Do you need to hold local nationality to be eligible to practise law?</i></p>	<p>Article 7(1) mentions that nationality of the Republic of Lithuania or a Member State of the European Union is required. Under various treaty agreements this has been extended to include nationality of an EEA member State or Swiss confederation.</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>Following Article 21 of the Act, advocates may practise: 1) individually; 2) on the basis of partnership without establishing a legal person; 3) by establishing a legal person – a professional partnership of advocates. Advocates may only choose one form of practice and have the right to change the form of practice but must inform the Lithuanian Bar Association. Conditions for individual practice are found in Article 26 of the Act; rules on partnerships in Article 27; and rules on legal entities established for the practice of advocates in Article 28.</p>
<p><i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i></p>	<p>Code of Professional Conduct for Advocates of Lithuania</p>
<p><i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i></p>	<p>There is no mention of any requirement for law firm licences in the Act.</p>
<p><i>Which authority issues licences? Are there different authorities for individuals and firms?</i></p>	<p>The Council of the Lithuanian Bar Association issues licenses to advocates (Article 60(4) of the Act).</p>
<p><i>Is the jurisdiction a member of the WTO?</i></p>	<p>Lithuania joined the WTO on 31 May 2001.</p>
<p><i>Has it made any WTO commitments on legal services?</i></p>	<p>Lithuania made no specific commitments in legal services on joining the WTO.</p>
<p><i>Is the jurisdiction party to bilateral agreements which offer special</i></p>	<p>As a member of the European Union, Lithuania extends special treatment to individuals and businesses from</p>

Lithuania

treatment to businesses or individuals from particular countries?

other EEA states (EU plus Norway, Iceland and Liechtenstein). Lithuania is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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 covers legal services explicitly and on the EU side offers no concessions beyond those offered to other members of the WTO. The other agreements simply contain a commitment from both sides to 'progressive liberalisation' of trade in services. Negotiations for future FTAs which might include provisions on legal services are ongoing with: Mercosur, Gulf Cooperation Council, Canada, India, Morocco, Ukraine, Moldova, Georgia, Armenia, Singapore, Malaysia 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 Lithuanian as well as foreign and international law and can requalify as a Lithuanian advocate. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

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

There are a few foreign law firms in Lithuania including UK, German and other Baltic firms.

Lithuania

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?

Article 63 of the Act mentions the possibility for lawyers from EEA member states or the Swiss confederation to practice temporarily in Lithuania. It reads: "1. Lawyers from Member States of the European Union bearing the professional title conferred by the competent authority in their home country which is included on the list approved by the Government of the Republic of Lithuania or an institution authorised by it shall have the right to provide services on a temporary basis in the Republic of Lithuania under Article 50 of the Treaty establishing the European Community in accordance with the provisions of this Chapter." There is no mention of the same possibility for foreign lawyers from outside the EEA.

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

Lithuania is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 may provide services in the law of their home country and in public international law. There is no mention of limited license in the Act.

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 Lithuanian bar, practise under his home title, comply with the Lithuanian code of conduct and must maintain adequate professional indemnity insurance.

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Article 4 (4) of the Act provides: "[a]n advocate shall also be entitled in accordance with the procedure established by the laws to provide services for remuneration as [...]an arbiter, a mediator, a conciliator or a legal expert in commercial disputes..." This provision is applicable to foreign lawyers established in Lithuania (EEA or Swiss nationality is required).

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Lithuania

Can foreign lawyers requalify as local lawyers?

Article 68 of the Law on the Bar provides for the possibility for a lawyer a Member State of the European Union (and by Treaty arrangements also EFTA and Switzerland) to obtain the Lithuanian professional title of advocate after a period of three years of professional practice. It states: "1. A lawyer from a Member State of the European Union practising under the professional title conferred by the competent authority of a Member State of the European Union who has regularly and effectively provided legal services on a permanent basis in the Republic of Lithuania for a period of three years in the national law of Lithuania, including Community law, shall have the right to apply for his recognition as a Lithuanian advocate and entry on the List of Practising Advocates of Lithuania in accordance with the procedure set forth in this Law..." The same provision mentions that "regular and effective provision of legal services on a permanent basis shall mean actual exercise of the professional activity without any interruption other than that resulting from the events of everyday life". If a European lawyer has less than three years experience in Lithuanian law, the Lithuanian bar shall verify the candidate's knowledge and professional experience of the national law of Lithuania through an aptitude test.

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

Entry of non-EU firms is allowed only through partnership with local law firms. EU firms may open branches in Lithuania and operate multijurisdictional offices. Lawyers practicing EC or Member state law must be fully qualified to provide the services. The right for EU advocate to open an office is conferred by Article 65 (4) of the Act.

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 law firms are only permitted in the form of partnerships with Lithuanian lawyers. There are various registration requirements with the Company registrar (depending on form of partnership), VAT and social security authorities.

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

Lithuania

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

Article 65 (2) of the Act mentions that "[a] lawyer from a Member State of the European Union providing legal services on a permanent basis in the Republic of Lithuania under the professional title conferred by the competent authority of the Member State of the European Union must express his professional title in the official language or one of the official languages of that Member State of the European Union, in an intelligible manner and in such a way as to avoid its confusion with the Lithuanian professional title of advocate. Such lawyers "must also indicate the professional (self-governing) organisation of which he is a member or the competent authority by which he is authorised to practise under the professional title of the Member State of the European Union". Article 42 of the Act prohibits advertising for law firms.

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

Law firms from EEA jurisdictions must register with the Lithuanian Bar.

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

Article 31(2) 2. Only advocates may be members of the managing body of a professional partnership of advocates. The managing body of a partnership must ensure the possibility for an advocate providing services to comply with the requirements set forth in the Code of Professional Conduct for Advocates of Lithuania.

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

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

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

Yes, Article 125 of the Act mentions that: "The advocates of the European Union member states practicing in Latvia under profession name of their country of residence shall be entitled to form a joint practice under the same conditions as sworn advocates of Latvia".

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

There is no prohibition on this in the Act. However, EC nationality is required to provide legal services in Lithuania.

Lithuania

Other useful sources or comments or links

Lithuanian Bar: <http://www.advoco.lt/>

Verified by

Luxembourg

Is there legislation governing the legal sector

Legal Profession Act of 10 August 1991 (Loi sur la profession d'avocat) modified by the Act concerning the exercise of legal profession under the form of a legal entity (Loi concernant l'exercice de la profession d'avocat sous forme d'une personne morale) of 16 December 2011.

Under what title do lawyers practise?

Avocat / Rechtsanwalt

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

In order to practice law in Luxembourg, one must be registered in one of the lists of the "Tableau de l'Ordre" (article 5 of the Act). Following completion of the required University legal studies, candidates must undertake the required 2-year internship.

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 practice in Luxembourg is national.

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

Activities reserved to lawyers are mentioned in Article 2 of the Act. They include: assisting or representing clients, procedural acts on behalf of clients, pleading before any court or tribunal. In addition only lawyers are permitted to give legal advice in relation to financial benefits and draft contracts (Article 2 (2)).

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

Local nationality is not required but lawyers must hold the nationality of an EU member State. However, as an exception to this rule the "Conseil de l'ordre" (the Luxembourg Bar Association) may decide to accept nationals of non-EU States upon proof of reciprocity.

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

Article 1 (8) of the Act mentions that a lawyer may be self-employed; a lawyer can freely associate with another lawyer; and lawyers may practise as a legal entity (personne morale) i.e. a law firm. Association between lawyers may take different legal forms (see article 34 of the Act) but collaboration cannot imply any form of subordination that might affect a lawyer's independence. Salaried lawyers are only subject to subordination concerning the determination of their working conditions. Concerning law firm, the possibility for lawyers to establish them is recent (2011). Article 34-2 (1) mentions that legal forms of such entities may be non-trading companies (société civile) or commercial company (société commerciale) as provided for in Article 2 of the modified act of August 10, 1915. Legal

Luxembourg

	entities registered in a foreign country may be registered.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Lawyers must comply with the « Règlement Intérieur de l'Ordre des Avocats du Barreau de Luxembourg » (=professional rules). They must take an oath.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Law firms must be registered on the "tableau des avocats de l'Ordre" (bar association); on list V if lawyers who work within the firm are registered in list I of the tableau, and list VI in other cases. There are certain documents that must be communicated to the President of the Bar Association. For law firms in general (either national or foreign): The legal statutes of the firm; The list of the associate members of the law firm (to be sent in January every year); For foreign law firms only (additional): Proof that the foreign legal entity is entitled to practise law in the country of origin (to be sent in January every year, proof must not be more than 3 months old);
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The President of the Bar Association must be contacted to register a law firm. The Conseil de l'ordre (council of the bar association) is the authority which decides on the possibility to inscribe the law firm in one of the lists.
<i>Is the jurisdiction a member of the WTO?</i>	Luxembourg joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Luxembourg is party to the EU's commitments of modes 1-3 in home country and public international law. However, Luxembourg has added the requirement that the practice of host country law and international law (including EC law) are subject to registration as "avocat" at the Luxembourg Bar.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	As a member of the European Union, Luxembourg extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Luxembourg is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).
<i>Do these currently include legal services or are there plans to include them in future?</i>	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),

Luxembourg

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 Luxembourgish as well as foreign and international law and can requalify as a Luxembourg avocat. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

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

There are a number of foreign law firms established in Luxembourg, mostly from other European Member States, including UK, German and Dutch firms. Although there is one Chinese firm that also has a presence.

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?

Provision of temporary services by a lawyer from a non-EU Member State is forbidden in Luxembourg. For EU lawyers, see Art. 2 of Loi du 29 avril 1980 réglant l'activité en prestations de service lists the activities that they may undertake without residency or registration. Article 3 requires EU lawyers taking part in court proceedings to act in concert with a registered lawyer

Luxembourg

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

and be introduced to the jurisdiction and President of the Bar of the place of practice.

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?

Luxembourg is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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

Foreign lawyers may practise in Luxembourg under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Luxembourg lawyer.

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

Foreign lawyers must maintain a professional address or office in Luxembourg.

Are foreign lawyers permitted to undertake arbitration and mediation?

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

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

The Act on civil and commercial mediation of February 24th, does not preclude foreign lawyers from undertaking mediation. A foreign mediator from another EU member State may qualify as an “accredited mediator” if he or she has equivalent skills to those required of a mediator in Luxembourg (article 1251-3. (1) of the Civil Procedure Code). Article 5.3.1. of the Professional rules (Règlement Intérieur de l’Ordre des Avocats du Barreau de Luxembourg) mentions that lawyers may act as mediators or arbitrators. Foreign lawyers who are admitted to practise in Luxembourg may undertake such activities as well.

Can foreign lawyers requalify as local lawyers?

Yes, if they registered on one of the lists on the tableau de l’Ordre or covered under the application of the temporary practice provisions.

There are three possible options for requalification: Firstly, lawyers from other EEA states, Switzerland, Lichtenstein, Iceland and Norway may requalify in Luxembourg on the basis of three years of experience of practising in Luxembourg in Luxembourg Law (knowledge of the 3 official languages of Luxembourg may be required); Secondly, lawyers from other EEA states or non-EU countries may requalify as

Luxembourg

Luxembourg lawyers if there is reciprocity with the foreign lawyer's home state and if they comply with the key requirements (education, internship, knowledge of the 3 official languages of Luxembourg). Lastly, a foreign lawyer may requalify if they hold a diploma which is recognised by the Ministry of Justice on the grounds that the studies that the lawyer pursued were similar to Luxembourg law. After recognition, the candidate must complete 6 months of courses on Luxembourg law and pass an examination, followed by a 2 years stage in a law firm and a final examination at the end of the stage, in addition knowledge of the 3 official languages of Luxembourg is required.

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

Foreign law firms do not need a licence but must register with the Luxembourg Bar.

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 law firms must be registered on one of the lists (V or VI) or the tableau de l'Ordre.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

Local and foreign law firms must comply with Art. 34-3 (2) of the Act which states that names of law firms must be preceded or followed by the legal form of the firm and the mention "inscrit au barreau de Luxembourg/Diekirch" (registered at the Luxembourg or Diekirch bar).

Luxembourg

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

Law firms must register with the Bâtonnier de l'Ordre des avocats.

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

Restrictions are provided for in Article 34-3(3) of the Act. Shares must be nominative and can only be owned by individuals who fulfil the conditions to be an associate of a legal entity which practise law in Luxembourg. Members of decisional bodies of the law firms must also be associates in the law firm. To be registered on list V, one or more associate of the law firms must be registered on list I (fully qualified lawyers) and practise as a lawyer in Luxembourg permanently. He (or she or they) must also have a significant influence on the activity of the law firm. To be registered on list V, at least one of the associates must be registered on list I or list IV (foreign lawyers practicing permanently in Luxembourg under their foreign title) and practice permanently in Luxembourg.

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

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

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

Yes provided that all of the partners are resident in Luxembourg.

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

Yes

Other useful sources or comments or links

Ordre des Avocats à la Cour Supérieure de Justice de Luxembourg
<http://www.barreau.lu/>

Verified by

Luxembourg Bar Association (December 2013)

Malta

Is there legislation governing the legal sector

The Legal Profession (Advocates) Regulation Act, 2012

Under what title do lawyers practise?

Advocate (Avakut)

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

In order for a person to practice as an Advocate in Malta, he or she needs to be (a) of full legal capacity; (b) be a citizen of Malta or of a Member State or otherwise be eligible to work in Malta under any other law; and (c) have obtained the academic degree of Doctor of Law (LL.D.) from the University of Malta, or a comparable degree from such other competent authority in accordance with the principles of mutual recognition of qualifications, after having read law in Malta or in another EU Member State; and (d) possess full knowledge of the Maltese language; and (e) the Chamber is satisfied that such he or she is fit and proper. The Act also requires candidates for admission as lawyers to be at least 18 years of age, to have studied law at University for at least three years and have undertaken a two year traineeship, passed an examination and have met the character and probity 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 practice in Malta is national.

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

The Act governing the practise of law by Maltese lawyers states that "the following shall be reserved legal services which may only be provided in Malta by a Practising Advocate or Registered European Legal Professional: (a) the provision of legal advice to another person for consideration; (b) Advocacy in any of the superior courts of Malta or other tribunals which, by virtue of any law, are reserved for Practising Advocates; (c) the preparation and drafting of any acts or pleadings to be filed in any court or tribunal mentioned in paragraph (b) above; (d) the preparation, drafting, negotiation of any document or contract, whether it is to be executed as a public deed or private writing, and which is intended to document, create or acknowledge legal rights and obligations between the contracting parties. 2. For the purposes of this Schedule, the words "legal advice" mean the communication by one person to another (the latter referred to as the "Recipient"), whether oral, written or in any legible form or medium,

of an opinion which is the result of, or whose formulation would require, the assessment and application of principles of law and, or provisions of law to a particular factual situation or dispute, and which: (a) expresses the position at law of the Recipient; (b) directs, guides, counsels or recommends a particular course of action to the Recipient; or (c) has the effect of predicting a specific resolution of a legal issue; or (d) expresses a view on the legal implications or legal risks of or associated with an act, omission, course of action, contract, deed, agreement, document, particular set of facts or dispute."

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)

Under Section 26 of the Act, advocates may form partnerships. This section further provides that no person, other than a practising Advocate may: (a) become a partner in a law firm; (b) have any voting rights in a law firm; or (c) account for more than thirty per cent (30%) of a law firm's management or executive organs. However, any person being a member of a designated profession may have ownership rights in a law firm provided that such ownership rights are not in excess of 25% of the aggregate ownership rights in such law firm; and provided that at all times the ultimate control and decision making within the law firm is exercised by practising Advocates.

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

The Chamber of Advocates has the power to make general professional conduct rules. A Code of Ethics for advocates was drawn up in consultation with the Commission for the Administration of Justice.

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

Law firms must be registered with the Chamber of Advocates.

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

Licences to practice are issued by the Chamber of Advocates for both individual lawyers and law firms. The Chamber may be asked by the Committee for Advocates and Legal Procurators within the Commission for the Administration of Justice, to refuse a licence to an advocate whose conduct breaches requirements. The Commission was set up on the 3rd June 1994 by means of Act 369 of the Laws of Malta and has supervisory and disciplinary responsibilities for the courts, members of the judiciary and legal profession. The Chamber of Advocates (Kamra tal-

Malta

Avukati) statutorily nominates the majority of members of the Committee.

Is the jurisdiction a member of the WTO?

Malta joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Malta made no specific commitments in legal services on joining the WTO.

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, Malta extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Moreover, Malta is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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.

Malta

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 Malta as well as foreign and international law and can requalify as a Maltese advocate. Lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.

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

There are no foreign law firms present in Malta.

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 provision of temporary services in Malta by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

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

Malta is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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?

The Maltese legislation makes no mention of foreign legal consultancy licences for non-EEA nationals and only covers the requirements which implement the European Establishment Directive.

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 who has established in Malta must register with the Chamber and adhere to the Maltese code of conduct. He must practise under his home title and maintain adequate indemnity insurance.

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

The Maltese Arbitration Centre uses the UNCITRAL model for international commercial arbitration and foreign lawyers are permitted to act as arbitrators.

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

EEA lawyers may appear in court provided they do so in association with a local lawyer. Other nationals do not have the right to appear.

Can foreign lawyers requalify as local lawyers?

A European lawyer who wishes to requalify as a Maltese lawyer may do so under article 10 of Directive

Malta

98/5/EC but must have been established as a Registered European Lawyer in Malta for a minimum of three years and have obtained experience in local law. Lawyers from other EU or EFTA member states or from Switzerland, who do not have three years' experience and residency in Malta may sit an aptitude test. Lawyers from outside the EEA may apply to the Attorney General for special consideration.

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

There is no licensing regime for foreign law firms from countries outside the EEA. The scope of practice of non EEA law firms is limited.

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 (EEA) law firm would need to register with the company register and complete the necessary tax and employment formalities.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Law firms in Malta may either take the form of general or civil partnerships.

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

All law firms (whether EEA or Maltese) are covered by the provisions in section 28 of the Act.

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

EEA law firms must register with the Maltese Chamber of Advocates.

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

"There are no restrictions on EEA lawyers owning law firms. The Maltese legislation also provides that ""no person, other than a practising Advocate may: (a) become a partner in a law firm; (b) have any voting rights in a law firm; or (c) account for more than thirty per cent (30%) of a law firm's management or executive organs. (3) Notwithstanding anything contained in this article: (a) any person being a member of a designated

Malta

profession may have ownership rights in a law firm provided that such ownership rights are not in excess of twenty-five per cent (25%) of the aggregate ownership rights in such law firm;

and (b) any person being a member of a designated profession may have voting rights within the ownership, management and organisational structure of the law firm, provided that at all times the ultimate control and decision making within the law firm is exercised by practising Advocates." These designated professions are architects and accountants."

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

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

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

A Maltese advocate may enter a partnership with an EEA lawyer. Partnership with other foreign lawyers is not permitted.

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

Yes but only as paralegals.

Other useful sources or comments or links

Camera Degli Avvocati - The Chamber of Advocates of Malta:
<http://www.avukati.org/chamberofadvocates/faq.aspx>

Verified by

Netherlands

Is there legislation governing the legal sector

The Lawyers Act (Advocatenwet) and Decision on legal requirements of lawyers (Besluit beroepsvereisten advocatuur)

Under what title do lawyers practise?

Advocaat

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

In order to obtain a licence to practise law in the Netherlands, an individual must have 1) a Bachelor's degree in legal studies, 2) a Master's degree in Dutch law 3) have completed three years of training at a law firm as an advocaat-stagiaire. The training period is accompanied by basic and further legal training (Beroepsopleiding advocatuur and Voortgezette stagiaire opleiding).

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 in the Netherlands is national but discipline and supervision are conducted locally by court districts.

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

The monopoly of Dutch advocates is limited to representation in Court and use of the title advocate. The code of civil procedures stipulates in title 2, section 1, article 79 that it is mandatory for all parties involved in a civil litigation procedure to be represented by a lawyer in front of the court. An exception is made for the district court (kantonrechter), which decides on relatively simple and inexpensive cases (up to € 5000). Here citizens may represent themselves without a lawyer. The financial limit may be raised to 25.000€ in the near future. In criminal cases in courts and appeal courts a lawyer is not required for representation. Code on civil procedures: <http://mijnwetten.nl/wetboek-van-burgerlijke-rechtsvordering/boek1>

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)

Dutch advocates may work in sole practice, in general or limited liability partnerships. Under certain limited circumstances they may also work in partnership with some other specific quasi-legal professions.

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

The Netherlands Bar has produced a code of conduct and many other rules which can be found in the legislative databank on the Bar Association's website: <https://www.advocatenorde.nl/advocaten/juridische-databank/wetenregelgeving/list/hoofdstuk>

Netherlands

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

There is a requirement for law firms to complete an annual compliance statement electronically and to appoint a representative to submit information on behalf of the firm.

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

The Netherlands Bar Association issues licences to practise in the Netherlands but disciplinary procedures are carried out locally by the Deans of the local bars of the district in which a lawyer is working.

Is the jurisdiction a member of the WTO?

The Netherlands joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

The Netherlands has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law.

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, the Netherlands extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The Netherlands is also party to the EU's many bilateral agreements with other countries and free trade areas.

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

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

Netherlands

	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.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	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 Dutch as well as foreign and international law and can requalify as a Dutch advocaat. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are around 10-15 foreign law firms established in the Netherlands, mostly UK firms but there are also a few US firms and at least one Chinese firm.
<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 provision of temporary services in the Netherlands by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	The Netherlands is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.
<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 in the Netherlands under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Dutch lawyer.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	An EEA lawyer must register with the local Dutch bar, practise under his home title, comply with the Advocates' code of conduct and must maintain adequate professional indemnity insurance.

Netherlands

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Parties opting for international arbitration in the Netherlands are free to choose arbitrators of their choice. The Dutch Arbitration Law is currently under review.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

EEA lawyers may fully requalify as Dutch lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice. Non EEA lawyers need to complete all the academic requirements of qualification (i.e. a Dutch LLB or Masters in Law) but may be able to get some course exemptions.

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

There is no separate law firm licensing regime for foreign law firms. Any US law firms that have established in the Netherlands have done so through their London LLPs. EEA law firms must register with the local bar in the district of the Netherlands in which they are established.

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.)

All businesses and legal entities operating in the Netherlands must register with the Trade Register which can be done through a local chamber of commerce. There are a number of other formalities that must be undertaken.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

Netherlands

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

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

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

Law firms from the EEA must register with the local bar association.

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 Dutch law firm.

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

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

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

A Dutch lawyer may enter a 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

The Netherlands Bar Association:
www.advocatenorde.nl

Verified by

Norway

Is there legislation governing the legal sector

Domstolsloven (Courts of Justice Act) 1915.

Under what title do lawyers practise?

Advokat

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

In order to obtain a licence to practise in Norway, an individual must fulfil the conditions laid down in clause § 220 of the Act. These require: 1) a Norwegian University degree in law; 2) A clean conduct record (in the form of a police certificate that is less than three months old); 3) Two years' of practice as an associate lawyer or as an assistant judge; 4) Experience of trying three cases before the courts, at least one of which must have been a civil case; 5) participation in a special course for advocates; 6) the candidate must be at least 20 years of age. In addition, further conditions are required before an advocate can appear before the Supreme Court: At least one year's practice experience and proof of suitability for Supreme Court litigation in an evaluation by the Supreme Court.

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 practice of law in Norway is national.

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

Section 218 of the Courts of Justice Act mentions that the practice of law is reserved to licensed advokater. According to section 218 "to practice law means to give legal assistance to others as a profession or in a regular manner". However, a person with a law degree may give legal assistance without being licensed as an advokat. Such legal practice can only be carried on in a one-man firm owned by the said person (Section 218 (1)). Legal assistance may be provided by anyone to the extent that it is necessary to provide good and complete assistance by another profession. A legal licence is required for litigation.

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

Local nationality is not a requirement for the practice of law.

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

Section 231 of the Act provides for the legal forms in which lawyers can work: "[t]he legal practice of advokater may only be organised as a one-man firm owned by the advokat, or as a company in accordance with the provisions below, unless something else follows from legislation. [...] In companies which carry on legal practice, only persons who exercise a significant part of their professional activities in the

Norway

service of the company may own shares or hold office as directors or deputy directors. Shares in companies which carry on legal practice may also be owned by a parent company, provided that all shares of the parent company are owned by persons who, exercise a substantial part of their professional activities in the service of the parent company, and that the parent company conforms to the provisions of the fourth to sixth paragraphs below” ([“the company may only engage in affairs which are reasonably connected with the legal practice as advokater”] and [“if the conditions for owning shares are no longer fulfilled by a person or a company that owns a share of a company which carries on legal practice, the share must be disposed of within two years”])).

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

Rules of conduct for advokater are set out in Chapter 12 of the Regulations for Advokater. The rules have been sanctioned by the King and have the effect of regulations, cf. § 224, second paragraph, of the Courts of Law Act. They apply to all advokater (membership of the Bar is not mandatory but, in practice, 91% of local lawyers are members).

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

There is no mention in the Courts of Justice Act of any need for law firms to be licensed separately to practice law but advokater must provide the Supervisory Council with their office address and report if they wind up their practice.

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

The Supervisory Counsel for Legal Practice (“Tilsynsrådet”) issues licences to advokater and others giving legal advice. It is also competent to revoke licences on the basis of Section 230 of the Act.

Is the jurisdiction a member of the WTO?

Norway joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Norway has made full commitments in modes 1 and 2 for foreign law (under CPC 861). It has qualified its commitments on establishment with the following comment: “the advocate is personally responsible for his activities. To have an interest (own shares and/or be a member of the board of the firm) in a firm of Norwegian advocates is only possible when taking active part in the business”. It has also made clear in its GATS schedule that: “Foreign advocates can give advice on foreign law and international law after application (to the Supervisory Council). Some restrictions (exist) on co-operation with Norwegian

Norway

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

advocates as a consequence of legislation on how a firm of Norwegian advocates may be organized”.

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

Norway is a member of the European Free Trade Area (EFTA) and as such is part of the European Economic Area (EEA). It therefore offers special treatment to individuals and businesses from the EU, Iceland and Liechtenstein.

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

The EEA contains extensive coverage of legal services and permits lawyers from any of the EEA countries to establish and practice in each other's countries. In its capacity as a member of EFTA, Norway has numerous bilateral agreements but only the FTA with Korea includes legal services. EFTA is also currently negotiating FTAs with Algeria, India, Indonesia, Malaysia, Russia, Belarus and Kazakhstan, Thailand and Vietnam.

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

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 Norwegian as well as foreign and international law and can requalify as a Norwegian advokat. 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 no foreign law firms established in Norway although law firm partnerships which belong to the legal arms of the major accounting firms (PWC, Deloitte, KPMG and Ernst and Young) are all prominent in the market.

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

Rules about temporary practice for foreign lawyers are laid down in Section 10-10 of the Regulations. Foreign lawyers may be required by government authorities or courts to provide evidence of their right to practise as a foreign lawyer and are bound by the Norwegian code of conduct for lawyers (as set out in chapter 12 of the Regulations). EEA lawyers are bound instead by the CCBE cross border code of conduct.

Norway is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of

Norway

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?

occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

If lawyers from countries outside the EEA wish to provide legal assistance on a permanent basis in Norway, they have to acquire a licence from the Supervisory Council for Legal Practice in order to be able to "provide legal assistance in foreign and international law". They must provide security, make a financial contribution to the Supervisory Council for Legal Practice and to the Disciplinary Council for Advocates, and provide a declaration from a registered public accountant. EEA lawyers covered by Directive 98/5/EC must register with the Supervisory Council for Legal Practice with proof that they are qualified in their home jurisdiction before being allowed to establish permanently and they are then permitted to practise foreign, international and Norwegian law.

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

A foreign lawyer who provides legal assistance in Norway shall use his professional title in the language or one of the languages of his jurisdiction of origin, with an indication of the professional organisation to which he belongs, or the courts of law before which he is entitled to appear. Foreign lawyers from outside the EEA will need to provide the required security and abide by the rules of good professional conduct for advokater as set out in Chapter 12 of the regulations.

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

No prior conditions, other than qualification in a foreign lawyer's home jurisdiction and evidence of good conduct are mentioned in the regulations.

Are foreign lawyers permitted to undertake arbitration and mediation?

Nothing in the Arbitration Act (2004) prohibits foreign lawyers from undertaking arbitration. Section 13 requires arbitrators to be impartial and independent of the parties and qualified for the task. Section 14 of this Act mentions that only on those grounds may arbitrators be challenged.

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

An EEA lawyer may appear in court. According to Paragraph 10-4 of the Regulations, In cases when the counsel or defence attorney is required to appear before the Supreme Court, an EEA lawyer must appear jointly with a Norwegian advocate entitled to appear before the Supreme Court. These rules also provide that in other special instances, the court may stipulate as a condition for accepting that a foreign advocate may appear as counsel or defence attorney that the advocate shall appear jointly with a Norwegian advocate.

Norway

Can foreign lawyers requalify as local lawyers?

EEA lawyers may requalify in Norway. In order to be licensed as an advokat, an applicant from another EEA state must demonstrate: 1) that he has passed an examination in Norway which demonstrates that the person in question has sufficient knowledge of Norwegian law, or 2) that he has exercised actual and regular activities as an advocate in Norway for at least three years, assuming that the practice has mainly comprised Norwegian law, or also the law of the European Union, as the case may be, or 3) that he has exercised actual and regular activities as an advocate in Norway for at least three years, with a shorter period within Norwegian law, or also the law of the European Union, as the case may be, assuming that the person in question has attained sufficient knowledge of Norwegian law. Non-EFTA foreign lawyers may not requalify as local lawyers.

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

Licences are not required for law firms.

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.)

According to the Company Act, all companies including foreign companies must register with the Register of Business Enterprise. However, sole proprietorships with less than five employees not selling purchased goods do not have to register.

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?

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

None are specified in the regulations.

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

None are specified in the regulations.

Norway

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?

According to § 231 of the Courts of Justice Act, only those who are actively practising in the law firm or who conduct the majority of their activity from the firm may be directors or hold shares in it.

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?

Yes, subject to the requirement that the foreign lawyer practices actively in the firm

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

Yes

Other useful sources or comments or links

The Norwegian Bar Association website:
<http://www.jus.no/>

Verified by

Norwegian Bar Association (June 2014)

Poland

Is there legislation governing the legal sector

The Law on Advocates (ustawa z dnia 26 maja 1982 r. – Prawo o adwokaturze; Act of Parliament on Legal Advisers (ustawa z dnia 6 lipca 1982 r. o radcach prawnych)

Under what title do lawyers practise?

Adwokat (advocate) and Radca Prawny (legal adviser)

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

In order to obtain a licence to practise in Poland, an individual must have: 1) Completed higher legal studies in the Polish Republic and received a master's degree or foreign law degree recognised in the Polish Republic, 2) passed the bar examination set either by the Polish Bar Council or National Chamber of Legal Advisers. There are several ways to gain admission to the bar, including: three years of training followed by the bar exam; five years of legal professional experience followed by the bar exam; a Ph.D. in law followed by either the bar exam or 3 years of legal professional experience; or possession of high academic qualifications in legal sciences.

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 in Poland is national

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

Advocates have the exclusive right of audience in court on criminal matters and tax crime. Advocates and Legal Advisers share the reserved rights to provide legal advice to businesses, agencies and individuals, prepare legal opinions, draft legislation and represent clients in court for non-criminal matters.

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)

An advocate can practice his/her profession in an advocates' office [kancelaria], Bar Association [zespół adwokacki] or through a registered partnership [spółka jawna], civil law partnership [spółka cywilna], professional partnership [spółka partnerska] or limited partnership [spółka komandytowa] with the exclusive participation of advocates or advocates and legal advisers [radca prawny] including as general partners in a limited partnership [spółka komandytowa], and as well as foreign lawyers with a permanent practice pursuant to the law dated 5 July 2002 on the provision of legal assistance by foreign lawyers in the Republic of Poland (Journal of Laws no.126 item 1069). The sole object of the partnership's activities must be the provision of legal

Poland

services. Legal advisers may work as sole practitioners or in law firms. A legal adviser may exercise his or her profession within the framework of an employment contract, on the basis of a civil law agreement, in a legal counsel's office as well as in a private, general or limited partnership, while only legal counsels and attorneys at law and foreign lawyers performing regular practice pursuant to the Act dated 5 July 2002 on the Provision of Legal Assistance by Foreign Lawyers in the Republic of Poland (Journal of Laws No 126 item 1069) may be partners in a private, general or limited partnership or general partners in a limited partnership, and the sole area of activity of such partnerships shall be limited to providing legal assistance.

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

Legal Advisers must comply with the Code of Conduct set out by the National Council of Legal Advisers, whilst advocates must adhere to the Code of Ethics for Advocates drawn up by the Polish Bar Council.

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

Law firms do not require separate licences to operate but advocates and legal advisers must register their practising address with their local bar.

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

The Polish Bar Council issues licences to advocates and the National Council of Legal Advisers licenses legal advisers.

Is the jurisdiction a member of the WTO?

Poland joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Poland has made commitments in modes 1-3 for legal services as defined by UN CPC 861 and is covered by the EU's commitments. The establishment of a commercial presence to supply legal services is subject to authorization and nationality restrictions for local law.

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, Poland extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Poland is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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),

Poland

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

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

There are around 25-30 foreign law firms established in Poland, including UK, US, German, Spanish, French, Portuguese and Austrian 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?

EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC). Under Article 42 and subject to reciprocity, unless the international agreements ratified by the Republic of Poland or the provisions of the international organisations the Republic of Poland is a member thereto provide otherwise, a lawyer from outside the European Union shall be entitled to provide cross-border services that

Poland

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

consist exclusively of a representation in civil proceedings of a party being a national of or belonging to a state, in which the lawyer is authorised to practise the profession.

Poland is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements. Work permits are issued exclusively for the definite period - up to one year, with a possibility of extension - to a given foreigner working at a specified employer. Market test requirement. No restrictions on business visits, up to three months, related to negotiating or concluding transactions if it does not involve direct provision of services

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 may practise under their home country title in their home country law or international law. EEA lawyers may additionally practise Polish law in association with Polish lawyers.

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

All foreign lawyers must register with the Polish Bar or Legal Advisers, practise under his home title, comply with the Advocates' code of conduct and must maintain adequate professional indemnity insurance.

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Poland's law on arbitration is modelled on UNCITRAL. Foreign arbitrators are permitted to practise freely.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals may only appear in court in limited circumstances.

Can foreign lawyers requalify as local lawyers?

EU lawyers may fully requalify as Polish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Poland.

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

There is no law firm licensing regime for foreign law firms however all foreign law firms, whether from the EEA or not, must register with the local bar.

Poland

<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 law firms must either be established as general or limited liability partnerships.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms. Foreign law firms must either take the form of general or limited liability partnerships.
<i>Are there rules about the name a foreign law firm can take?</i>	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 the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Law firms from the EEA must register with the Polish Bar or Council of Legal Advisers.
<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 EEA lawyers in a Polish law firm. Foreign law firms may be 100% owned by foreign lawyers.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of a Polish lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	A Polish lawyer may enter a partnership with a foreign lawyer.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but only under their home title.

Poland

Other useful sources or comments or links

Naczelna Rada Adwokacka - The Polish Bar Council:
<http://www.nra.pl> and Krajowa Rada Radców Prawnych
- National Council of Legal Advisors: <http://www.kirp.pl>

Verified by

Portugal

Is there legislation governing the legal sector

Law 49/2004 of 24 August: Lawyers' Act.

Under what title do lawyers practise?

Advogado (lawyer) or solicitadore (legal agent)

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

Only persons holding a Licence (Cédula profissional) may practise the profession of lawyer in Portugal. The following are the requirements that must be fulfilled in order to obtain a licence to practice: 1) An undergraduate degree (Licenciatura) in Law 2) Registration as a member of the Ordem dos Advogados (the Portuguese Bar Association).

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 in Portugal is national but a lawyer must register in the district in which he has his office.

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

The following activities are reserved to lawyers in Portugal by Law No. 49/2004 of 24 August (Article 1): preparation of contracts and preparatory acts leading to the establishment, modification or termination of legal transactions, including those charged with the registries and notaries; negotiating for the recovery of credits; the exercise of a mandate in the context of a complaint or contesting administrative or tax acts. The exercise of a mandate in the context of a complaint or contesting administrative or tax acts; Legal Advice (with solicitadores); preparation of contracts and the practise of preparatory acts leading to the establishment, modification or termination of legal transactions (with legal agents).

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)

Not regulated

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

Law 15/2005 contains the Bar Association's Code of Conduct.

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

There is no licensing requirement for law firms in Portugal.

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

The Ordem dos Advogados (the Portuguese Bar Association) is the competent authority for issuing

Portugal

licences to lawyers (the Cédula profissional) (see <http://www.oa.pt>)

Is the jurisdiction a member of the WTO?

Portugal joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Portugal has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law, although it has not committed mode 1 access where the drafting of legal documents is concerned.

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, Portugal extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Portugal is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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,

Portugal

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

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

There are a small number of foreign firms established in Portugal including Spanish, UK and Brazilian 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?

The provision of temporary services in Portugal by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

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

Portugal is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 may practise in Portugal under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Portuguese lawyer.

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 Portugal, practise under his home title and comply with the Portuguese code of conduct.

Portugal

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Under the 2011 Portuguese Arbitration Act, an arbitrator must be a natural person, have full legal capacity and must be independent and impartial. There is nothing to prevent foreign lawyers from undertaking arbitration.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

In order to be admitted as a Portuguese lawyer, an applicant must pass the Bar Examination and be admitted to the Portuguese Bar Association. Foreign nationals with degrees from any Law Faculty in Portugal may become members of the Portuguese Bar Association, provided that their country grants reciprocity. Brazilian lawyers with degrees from any law faculty in Brazil may become members of the Portuguese Bar Association on the basis of reciprocity. Lawyers from other EEA Member States may either requalify by taking the Portuguese Bar examination or by continuous and effective practise in Portugal for a period of three years.

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

There is no separate law firm licensing regime for foreign law firms. EEA law firms must however be registered.

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.)

Authorization is required for investments by non-EC companies.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

Portugal

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

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

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

EEA lawyers must register their offices with the local Portuguese bar in the area where they are established

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 Portuguese law firm.

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

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

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

A Portuguese 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

Ordem dos Advogados: <http://www.oa.pt/>

Verified by

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).

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

Romania

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

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 and the 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.

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,

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,

Romania

limited liability partnership, multi-disciplinary partnership, incorporation)

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 areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rt_a_participation_map_e.htm?country_selected=none&sense=s).

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

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

Romania

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 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 'foreign law' firms present in this jurisdiction?

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

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

Romania

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?

must have a Romanian host company. EEA nationals do not require visas.

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.

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

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.

Are foreign lawyers permitted to undertake arbitration and mediation?

Article 12 (4) of the Lawyers Act recognises the right of a foreign lawyer to conduct international arbitration in Romania.

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

European Union/EFTA and Swiss lawyers may appear in court. Other nationals are not permitted to do so.

Can foreign lawyers requalify as local lawyers?

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.

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

There is no licensing procedure for firms but foreign individuals must register with the bar.

Romania

<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 companies do not need investment approval to establish in Romania.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	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 the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	EEA lawyers must register their offices with the Romanian bar.
<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 EEA lawyers in a Romanian law firm.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	There is no prohibition on employment of a Romanian lawyer by an EEA lawyer or law firm.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	A Romanian lawyer may enter partnership with an EEA lawyer.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes but only under their home title.

Romania

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)

Slovakia

Is there legislation governing the legal sector

Parliamentary Act No. 586/2003 Coll. on the Legal Profession and an Amending Act No. 455/1991 Coll. on the Business and Self-Employment Services (Business Licensing Act) as amended

Under what title do lawyers practise?

Advokát

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

In order to be a lawyer in Slovakia, an individual must be enrolled with the Bar Association and must meet the following conditions: Have full capacity to do legal acts ; have a Master's degree in law from a law school in the Slovak Republic or hold a recognised university diploma whereby the Master's degree was awarded to him by a law school in a foreign country other than the Slovak Republic;; have served as a trainee lawyer to a practising lawyer for at least three years; have passed the prescribed Bar examination; be a person of integrity and not to have been subject to any final disciplinary action or disbarment; and to have taken an oath.

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 Slovak Bar maintains the roll of all lawyers practising in Slovakia

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

The practice of law is defined in the Slovak Bar Act to mean "representation of clients before courts of law, governmental authorities and other entities, acting for and defending individuals in criminal proceedings, legal consultancy, writing instruments about legal acts, making legal analyses, administration of clients' property and other forms of legal advice, assistance and legal services, if provided continuously and in return for a fee (hereinafter referred to as "legal services"). These are not acts reserved exclusively to lawyers and in certain circumstances may also be conducted by bailiffs, notaries, chartered accountants and others.

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)

Under section 12 of the Act, (1) Every lawyer may practise law: a) as a sole practitioner, b) in a partnership of lawyers jointly with other lawyers, c) as a partner in a general non-commercial partnership, d) as a general partner in a limited liability partnership, or e) as a company executive in a limited liability company.

Slovakia

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

The Bar Association produces the Rules of Professional Conduct for lawyers.

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

The Slovak Bar must be informed of the practising addresses of law firms of all types.

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

The Slovak Bar Association

Is the jurisdiction a member of the WTO?

The Slovak Republic joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

In accordance with the EU's commitments to the WTO, Slovakia has made full commitments in modes 1-3 for home country and international law. Slovakia has made it clear in its schedule that the practice of host country law requires acceptance in the Slovak Bar Association or in the Slovak Chamber of Commercial Lawyers and furthermore that Slovak lawyers are required to be graduates of Slovak universities.

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, Slovakia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Slovakia is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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

Slovakia

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

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

There are around 15 foreign law firms in Slovakia, including Czech, Austrian, German, UK and US 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?

The provision of temporary services in Slovakia by a lawyer from a non-EU Member State under his/her home title is not permitted. EEA lawyers may practise temporarily as a result of the Lawyers Services Directive (77/249/EEC).

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

Slovakia is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Slovakia

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?

Slovakia distinguishes between three types of non-Slovak lawyers: a) EEA lawyers who have similar rights to Slovak lawyers but who must practise in association with a Slovak lawyer if they are practising Slovak law; b) a foreign registered lawyer - a lawyer of any OECD Member State whose name is entered on the roll of foreign registered lawyers maintained by the Bar, c) an international legal practitioner - a national of any WTO Member State, who is in his home Member State authorised to pursue his professional activities and provide legal services as a sole practitioner and without any limitations, and whose name is entered on the roll of international legal practitioners maintained by the Bar.

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 Portugal, practise under his home title and comply with the Portuguese code of conduct.

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Arbitration in Slovakia is modelled after UNCITRAL and the body responsible is the Court of Arbitration of the Slovak Chamber of Commerce and Industry. There are no prohibitions on foreign lawyers being involved in arbitration in Slovakia.

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

European Union/EFTA and Swiss lawyers may all appear in court provided they do so in association with a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

EEA lawyers may requalify under Directive 98/5/EC either by examination or a period of assimilation into the profession in Slovakia over three years.

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

Only EEA law firms may open offices in Slovakia, lawyers from other countries must practise as individuals.

Slovakia

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.)

All business entities must be entered in the commercial register.

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

Foreign law firms may only consist of Slovak lawyers and, European lawyers, it must take an unlimited liability form and maintain Professional Indemnity Policy cover with a minimum indemnity limit of EUR 1,500,000 per member.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

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

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

EEA lawyers must register their offices with the Slovak 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 Slovakian law firm.

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

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

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

A Slovakian 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.

Slovakia

Other useful sources or comments or links

Slovenská Advokátska Komora (Slovak Bar Association): <http://www.sak.sk/>

Verified by

Slovenia

Is there legislation governing the legal sector

The Bar Act was adopted in 1993 and amended in 1996, 2001, 2008 and 2009.

Under what title do lawyers practise?

Odvetnik/Odvetnica

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

The right to practise law is acquired with admission to the Bar (Article 1 of the Bar Act). Article 25 lists the requirements to be admitted to the Bar: 1. To be a citizen of the Republic of Slovenia, 2. To be economically active and in a generally healthy condition, 3. To hold the professional title of Bachelor of Law (B.Law) acquired in the Republic of Slovenia or to hold a Bachelor's Degree in Law acquired abroad and recognized in the Republic of Slovenia, 4. To have passed the state examination of legal profession, 5. To have four years' practical experience as a Bachelor of Law, at least one year of which was with a lawyer, 6. To have an active command of the Slovenian language, 7. To be of a suitable character for the practice of the legal profession, 8. To have the equipment and premises required and suitable for practising the legal profession. The one year experience requirement for a lawyer can be fulfilled by practice of the same duration with a notary public. The minimum of one year practice in a law office, is not required if the individual concerned has held the office of judge, public prosecutor or public attorney for at least five years. On registration, lawyers must take an oath. The licence to practice law is permanent and does not need to be renewed.

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 Slovene Bar Association consists of 11 regional assemblies. Lawyers are free to practise in any of territorial sub-divisions but there is a registration requirement according to Article 23 of the Bar Act: "The lawyer shall be free to choose and change his registered office and shall prior to each changing of location inform the Bar Association of Slovenia thereof. The lawyer cannot have a subsidiary of his law office in the Republic of Slovenia."

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

The activities of lawyers are listed in Article 2 of the Bar Act: "Within the scope of his law practice the lawyer shall give legal advice, represent and defend his clients in courts and in front of other authorities, draw up documents and act on his clients' behalf in their legal relationships. Unless otherwise provided by the law, it is exclusively by the lawyer that a client may be represented in courts on the basis of remuneration."

Slovenia

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

Slovenian citizenship is mentioned as a requirement to practise law in Article 25 of the Bar Act. However, Article 2a of the Act also sets out that "A foreign lawyer who has acquired the right to practise his profession in his parent country may perform in the Republic of Slovenia, under the terms and conditions specified herein, the following services:

- Lawyer's services,
- Legal profession appertaining to the professional title acquired in his parent country,
- Legal profession appertaining to the professional title of "lawyer".

Practicing legal profession by foreign lawyers is specified in the Articles 34a to 34g of Bar Act.

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

Slovenian lawyers may work as sole practitioners or in a law firm. Articles 35 and 36 of the Bar Act give more detail on the conditions governing practice in law firms: "Article 35: A Law Firm may be established as a Civil Law Firm or as a Law Firm with the status of legal entity. A Law Firm with the status of legal entity may be established as a company with unlimited personal liability of partners for the Law Firm's obligations. Article 36: The establishment and operation of the Law Firm shall be subject to the regulations on commercial companies, unless otherwise provided by this law". Law firms may not have more than one office in Slovenia.

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

The Code of Conduct for Lawyers (1994, amended in 2001), Bar decision On the Lawyers' Tariff (2003), Attorney Tariff Act (adopted in 2008, expired in 2009, shall continue to be applied) as well as numerous internal acts of the Bar Association.

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

The Bar Association only maintains the roll of lawyers, however Article 39 of the Bar Act provides for the conditions for the practice of law by firms. Law firms must be entered in the Court Registry. The Bar Association must give its consent prior to registration with the court. Partners in a Law Firm may only be lawyers performing legal practice in the Law Firm. Partners may not perform legal practice in other law firms.

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

Slovene Bar association (<http://www.odv-zb.si/predstavitev>)

Is the jurisdiction a member of the WTO?

Slovenia joined the WTO on 30 July 1995..

Slovenia

Has it made any WTO commitments on legal services?

In accordance with the EU's commitments to the WTO, Slovenia has made commitments in modes 1-3 for home country and international law. In mode 1, Slovenia is "Unbound for drafting of legal documents". In mode 3, for the practise of local law, foreign lawyers who are not Slovenian nationals, must be proficient in the Slovenian language and meet other requirements (good health and ability to conduct business; be suitable for practising the legal profession; have necessary equipment and premises). Commercial presence in general is restricted to sole proprietorship, general law firm partnerships, or limited liability companies. Consent of the Bar Association is required for the establishment of any law firm.

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, Slovenia extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Slovenia is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rt_a_participation_map_e.htm?country_selected=none&sense=s).

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

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 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.

Slovenia

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

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.

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 Slovenian as well as foreign and international law and are entered on the roll of 'foreign lawyers entitled to practise their legal profession in the Republic of Slovenia under the professional title of lawyer'. Foreign lawyers from outside the EU, EFTA or Switzerland are more restricted in their scope of practice and are entered on the roll of foreign lawyers entitled to practise their legal profession under the professional title from his parent country".

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

There are a number of Austrian and German law firms established in Slovenia.

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?

Lawyers from the EU may provide temporary services (Article 34.e of the Bar Act) without needing to register but they must inform the Bar Association of Slovenia and submit evidence of their qualification and insurance cover, as well as an address or a proxy for services of documents. They will be subject to the rules of the Slovenian Bar in their temporary practice. They may provide services in relation to home country law, EU law and international law (with the exception of representing clients before Slovenian courts where certain restrictions apply).

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

Slovenia is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

Slovenia

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 and EU lawyers must obtain foreign lawyer identity cards in order to practise as foreign legal consultants. An EU lawyer may obtain a licence to establish as a foreign legal consultant. This licence entitles him/her to give legal advice on the legislation of his parent country, on the legislation of the European Union, on international law and on the legislation of the Republic of Slovenia. Representation of clients before the courts in the Republic of Slovenia must be done in cooperation with a licensed Slovenian lawyer. EU lawyers are not permitted to be elected to the Slovenian Bar, train pupils and prospective entrants to the Bar, be appointed the proxy of a legal aid client or be appointed attorney ex officio. Under Article 34g of the Bar Act, lawyers from outside the EU who are licensed in their home countries may also obtain foreign legal licences in Slovenia on the same terms as EU lawyers. In order to do so, they must satisfy the following conditions: Be in good health and able to conduct business, have an active command of the Slovenian language, be suitable for practising the legal profession, have the necessary equipment and premises required and suitable for practising the legal profession.

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

Foreign lawyers are required to maintain an office in Slovenia and to actually and continuously perform their profession.

Slovenia

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

Foreign (non EU) lawyers who are licensed in their home countries, must: pass an exam on Slovenian law and be in good health and able to conduct business, have an active command of the Slovenian language, be suitable for practising the legal profession, have the necessary equipment and premises required and suitable for practising the legal profession. EU lawyers must be of EU nationality and qualification and provide a certificate of good standing (no more than 3 months old) from their home country bar or regulatory authority. If a lawyer is disbarred in their home country then they are considered disbarred in Slovenia. A foreign (non EU) lawyer's licence is subject to de facto reciprocity between Slovenia and his parent country.

Are foreign lawyers permitted to undertake arbitration and mediation?

There is no requirement for an arbitrator to be a Slovene national, qualified as a lawyer or a registered member of the Bar. Article 7 of the Mediation Act (2008) explicitly mentions the possibility of appointing foreign mediators.

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

Article 34c of the Bar Act provides that EU/EFTA and Swiss lawyers may appear in court but must do so in cooperation with a local lawyer.

"In the performance of lawyer's services related to the representation of clients before the courts in the Republic of Slovenia, the lawyer referred to in the preceding Article shall cooperate with the lawyer who is entitled in the Republic of Slovenia to practise his legal profession under the professional title of "lawyer".

Can foreign lawyers requalify as local lawyers?

EU lawyers may fully requalify as Slovenian lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Slovenia. Article 34d of the Bar Act sets out the requirements for applicants.

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

Law firms must obtain prior approval from the Bar Council before establishing.

Slovenia

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 law firms must also be entered in the court register (equivalent to the business register).

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

EU law firms may establish as unlimited partnerships or as civil law firms. Non-EU foreign law firms may only establish as unlimited partnerships. The Bar Council must give its consent to the establishment of any law firm.

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 geographical restrictions. According to Article 23 of Bar Act the lawyer shall be free to choose and change his registered office and shall prior to each changing of location inform the Bar Association of Slovenia thereof. The lawyer may have a subsidiary of his law office in the Republic of Slovenia, if the subsidiary is managed by another lawyer in his employment. A Law Firm may establish a subsidiary outside its headquarters, if the subsidiary is managed by another partner or a lawyer employed at the Law Firm. The lawyer or the Law Firm shall inform the Bar Association about the establishment of a subsidiary in 30 days of establishment and prior to the commencement of operations. Law firms may only have a single office in Slovenia. Prior to changing location a lawyer shall ask the regional assembly for their opinion on adequacy of business premises.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Foreign companies must establish branches in Slovenia and parent companies remain fully liable. Article 35 and 36 of the Bar Act set out the legal forms available to law firms, all law firms must be approved by the Bar and registered with the Court Registry.

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

There are no specific rules for the names of foreign law firms. However, Article 38 provides for rules about names of law firms in general in Slovenia:
 "The registered name of the Law Firm shall necessarily contain an additional indication of Law Firm, expressed with the abbreviation ""o. p.""
 The name of a former partner may, with his consent or

Slovenia

with his heirs' consent, remain preserved in the registered name of the Law Firm referred to in the preceding paragraph for at maximum five years, with additional indication ""former"" accompanying his name."

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

Law firms must be entered in the Court registry having obtained the consent of the Bar Association:
http://www.sodisce.si/javne_knjige/sodni_register/

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

There are two types of restrictions on ownership applicable to foreign law firms. First there are limitations on ownership that apply to all law firms which are provided for in Article 37 of the Bar Act:
"The activity of the Law Firm shall be limited to practising the legal profession. Partners in a Law Firm may only be lawyers. Management of the affairs of a Law Firm cannot be entrusted to a person other than a lawyer". In this context, lawyer means Slovenian lawyer. There are also rules on the foreign ownership of companies (article 36 of the Bar Act provides that establishment and operation of the Law Firm shall be subject to the regulations on commercial companies, unless otherwise provided by this law): "At least half of the ordinary members of the Board of Directors have to be nationals of the Republic of Slovenia. The managing director of a limited liability company or at least the procurator has to be a Slovenian national. A non-Slovenian national, who is a director of a branch, established in the Republic of Slovenia by a foreign juridical person, has to be a resident in the Republic of Slovenia. The establishment of branches by foreign companies is conditioned with the registration of the parent company in a court register in the country of origin for at least one year".

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

A Slovenian lawyer may be employed by an EU law firm (its branch office in Slovenia), but employment in organisations not registered with the Bar is contrary to the code of conduct. However, branch offices of any foreign law firms may be registered in the Companies' Register. The lawyer or the law firm shall inform the Bar Association about the establishment of a branch office in 30 days of establishment and prior to the commencement of operations.

Slovenia

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

EU lawyers may enter partnerships with Slovenian lawyers but non-EU lawyers must requalify in order to form such partnerships.

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

Yes

Other useful sources or comments or links

<http://www.odv-zb.si/en/about-the-bar>

Verified by

Slovene Bar Association (June 2014)

Spain

Is there legislation governing the legal sector

Organic Law 6 /1985 of 1 July, the Judicial Branch. Title II: Lawyers and Attorneys, Royal Decree 658/2001 of 22 June, which approves the General Statute of the Spanish Bar, Law 34/2006 of October 30, on access to the professions of lawyer or solicitor of the Courts. Royal Decree 775/2011 of 3 June, which approves the Regulations of Law 34/2006, of October 30, on access to the professions of lawyer or solicitor of the Courts.

Under what title do lawyers practise?

Licenciado/Abogado or Licenciada/Abogada

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

In Spain, a lawyer must be a member of a local bar association and in order to register with the bar a candidate must possess a graduate law degree, the Titulo de Licenciado en Derecho, which requires five years of study.

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

Spanish lawyers register with their local bar association but have the right to practise throughout the country.

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

Spanish legislation provides that lawyers have the exclusive right to practise the Legal Profession before any Court, administrative body, association, corporation or public entity.

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)

A lawyer can practise as a sole practitioner, or as an employee, or in any legal form, including as a company. The Civil Law Company is the most common form.

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

The Code of Conduct of the Spanish Bar was promulgated by the General Council of the Spanish Bar and was approved by the Real Decreto 658/2001, 22 June 2001

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

Lawyers must register their office addresses with their local bar. If they establish an association, then the agreement between the lawyers must be lodged with the Bar. The local bars also maintain registers of any multi-disciplinary businesses that involve lawyers.

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

Local bars are responsible for licensing lawyers. Links may be found from the Consejo General de la Abogacía Española (<http://www.cgae.es>)

Spain

Is the jurisdiction a member of the WTO?

Spain joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Spain has signed up to the European Union's GATS commitment of modes 1-3 in home country and public international law.

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, Spain extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). Spain is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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

Spain

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 Spanish as well as foreign and international law and can requalify as a Spanish 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 'foreign law' firms present in this jurisdiction?

There are over 30 foreign law firms established in Spain from a range of countries including US, UK, Germany, France and Switzerland.

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?

Lawyers from other EEA states may provide temporary services without needing to register with a local Bar in Spain. They will be subject to the Spanish code of conduct in their temporary practice. They may provide services in relation to home country law, EU law and international law.

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

Spain is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements.

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 may practise in Spain under their home country title in the law of their home country or public international law. EEA lawyers may establish under their home title and additionally practise local law in association with a Spanish lawyer.

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 Spain, practise under his home title and comply with the Spanish code of conduct.

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

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

Under the Spanish Arbitration Act, parties are free to choose the arbitrators of their choice.

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

European Union/EFTA and Swiss lawyers may all appear in courts in Spain provided they are introduced by a local lawyer. Other nationals are not permitted to appear in court.

Spain

Can foreign lawyers requalify as local lawyers?

EEA and Swiss lawyers may fully requalify as Spanish lawyers following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Spain. Lawyers of other nationalities may have their qualifications assessed (Royal Decree 285/2004, 20 February as amended by Royal Decree 309/2005, 18 March)

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

Foreign law firms do not require licences to open offices to practise their home country and international law in Spain unless they are from EEA member states.

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.)

Depending on the form of the operation, it must be registered with either the business register or the foreign investment register. Representative offices do not need to be registered.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

EEA law firms are subject to the same rules on corporate form as local law firms.

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

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

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

EEA law firms must register with the local Spanish bar in the location they are established.

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 Spanish law firm.

Spain

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

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

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

A Spanish 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

Consejo General de la Abogacía Española (General Council of the Spanish Bars): <http://www.cgae.es/>

Verified by

Sweden

Is there legislation governing the legal sector

The Swedish Code of Judicial Procedure (CJP), Chapter 8. Charter of the Swedish Bar Association.

Under what title do lawyers practise?

Advokat

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

Chapter 8, Section 2 of the Swedish Code of Judicial Procedure provides that: "To be admitted as a member of the Bar Association the applicant must: 1. be domiciled in Sweden or another state in the European Union or European Economic Area; 2. have passed the examinations prescribed to qualify for appointment as a judge; 3. have completed the practical and theoretical training necessary to practise as a Member of the Bar Association; 4. have established a reputation as a person of irreproachable character; and 5. in other respects be considered suitable to practise as a Member of the Bar Association. Item 3 of this Section must be read together with Section 3 of the Bar Association Charter which says that the applicant "3. Has practised law in a satisfactory way for at least three years after passing the above-mentioned proficiency examinations, during which time he or she has devoted himself or herself to professionally assist the general public in legal matters, either as an employee of a member of the Swedish Bar Association or as a self-employed person. Furthermore, the applicant must have attained a pass grade in the Bar examination following the special mandatory training course in inter alia ethics and professional conducts arranged by the Bar Association. He or she must also be considered suitable to carry on the profession of Advokat (this is proved by opinions and references from courts, other advocates and other business contacts).

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 practice in Sweden is national.

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

There is no monopoly of legal services in Sweden, however access to the title of "advokat" is restricted.

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

Foreign nationals can practise law in Sweden under certain conditions. Section 3 of the Bar Association Charter permits the Board of the Bar Association to grant exemptions from residency requirements and practising experience requirements. To practise under title used in country of origin: any person who is licensed as the counterpart of an Advokat in another

Sweden

state within the European Union and wish to practice in Sweden on a permanent basis must be registered with the Swedish Bar Association to become a member of the Bar Association: Section 3 of the Charter provides that “[a] person who is qualified to become a lawyer in the European Union or European Economic Area or Switzerland and who in Sweden has undergone a test showing that he has sufficient knowledge of the Swedish legal system will be deemed to fulfil the requirements of items 2 and 3 of the first paragraph [education and practicing experience requirements] . The same applies to a person registered under section 4a [person practising under his/her title of origin in Sweden] who has subsequently actually and continuously practised law in Sweden for a period of at least three years, provided either that the practice has primarily involved Swedish law or, if the practice has not primarily involved Swedish law, that the registered person has in some other manner acquired sufficient proficiency and experience to be admitted as a member of the Bar Association. A person licensed as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations there in effect and who has subsequently served as an assistant lawyer at a law firm in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–5 of the first paragraph [means to fulfil all requirements]”.

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

Swedish advokats may practise as sole practitioners, in general partnerships or in a limited liability company or limited liability partnership.

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

Code of Conduct for Members of the Swedish Bar Association was first issued by the Board of the Swedish Bar Association in 1967. The Code of Conduct was revised in 2009.

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

There is no law firm licensing process in Sweden, however the board of the Bar Association is competent to grant exemptions from the requirements for shareholders and therefore has some control over law firms in Sweden.

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

The relevant authorities for licensing of individuals are the Board and the Disciplinary Committee of the Swedish Bar Association. There is no requirement on law firms to obtain licences.

Sweden

Is the jurisdiction a member of the WTO?

Sweden joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

Sweden has signed up to the European Union's GATS commitments in modes 1-3 for home country and public international law. It has qualified these commitments with the some limitations on the extent to which foreign lawyers can practise in partnership with Swedish advokats.

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

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

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

Sweden

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

There are around 10 foreign firms in Sweden including UK 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?

As there is no lawyers' monopoly on the provision of legal services in Sweden there are no restrictions on temporary practice.

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

Sweden is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days.

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 as a foreign legal consultant in order to establish and practise law in Sweden as there is no monopoly on the provision of legal services.

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)

An EEA lawyer must hold EEA nationality and an EEA legal qualification.

Are foreign lawyers permitted to undertake arbitration and mediation?

According to Section 7 of the Swedish Arbitration Act (SFS 1999: 116) "any person who possesses full legal capacity in regard to his actions and his property may act as an arbitrator".

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

European Union/EFTA and Swiss lawyers may all appear in court provided they are introduced by a local lawyer. Other nationals are not permitted to appear in court.

Can foreign lawyers requalify as local lawyers?

The Code of Judicial procedure makes it possible for the Board of the Bar to grant exemptions with regards to theoretical and practical training for a person who is qualified as a lawyer in another State and wants to become a member of the Swedish Bar. Such exemptions require reciprocal agreements. No such agreements exist and the rule has never been used.

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

Any European lawyer may provide legal services in Sweden under his or her national professional title. Foreign law firms do not require licences to open offices to practise their home country and international law in Sweden unless they are from EEA member states.

Sweden

<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>	There are no special permits required for foreign businesses, but the formalities required of local businesses must be met.
<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>	There are no scope of practice rules that apply to firms as opposed to individual lawyers.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	EEA law firms are subject to the same rules on corporate form as local law firms.
<i>Are there rules about the name a foreign law firm can take?</i>	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 the names of any members of the grouping practising in the host Member State.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	The Swedish Bar does not regulate law firms and there are no restrictions on the establishment of law firms.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Persons from another state in the European Union, European Economic Area or Switzerland must comply with provisions on ownership of Swedish law firms when they practise in Sweden (Chapter 8, section 9 of the JPC). An "advokat" may not practice his profession in cooperation with other persons than other "advokats.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	A lawyer may not be employed by an individual other than a lawyer unless leave is granted by the board of the Association (Chapter 8, Section 2, subsection 6 of the Code of Judicial Procedure).

Sweden

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

Where lawyers work in a partnership only a lawyer may be a joint owner or partner, unless the board of the Bar Association grants leave (see Chapter 8, Section 4, subsection 2 of the Code of Judicial Procedure and Section 3, subsection 4 in the Swedish Bar Association's guidelines on good practice). This means that for joint ownership of a partnership there is a requirement of residence within the EU, the EEA or Switzerland.

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

Sveriges Advokatsamfund (Swedish Bar Association):
<http://www.advokatsamfundet.se/>

Verified by

Swedish Bar Association (June 2014)

Switzerland

Is there legislation governing the legal sector

The Federal Act on the Freedom of Movement for Lawyers (FAFML) of 23 June 2000. There is local legislation in each canton which grants them the right to determine the requirements for obtaining a license to practise law in their territory and the right to authorise lawyers, accredited with its cantonal license, to represent parties before its own judicial authorities as opposed to the Federal courts.

Under what title do lawyers practise?

Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech, Avocat, Avvocato

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

Article 7 of the Federal Act on the Freedom of Movement of Lawyers states that to be inscribed in the register, the lawyer must be in possession of a lawyer's license that has been granted on the basis of the following conditions: 1) A course of studies in law leading to a graduate degree awarded by a Swiss university or to an equivalent diploma awarded by a university from one of the states that has concluded an agreement of reciprocal recognition with Switzerland; 2) at least one year of practical experience in Switzerland that has been concluded with an examination of juridical knowledge in theory and in practice. Individual cantons maintain the right to determine the requirements for obtaining the license to practise law (Article 3 of the FAFML). In Switzerland, lawyers must complete a Bachelor of Law (BLaw, which lasts 3 years), a Master of Law (MLaw, which lasts three terms), a one year to two years apprenticeship (depending on the Canton), and pass the 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

Article 4 of the FAFML states that "all lawyers who are listed in a cantonal register of lawyers can represent parties before judicial authorities in Switzerland without additional authorization"; the principle is that there are no further sub-national limits. However, Switzerland is a federal country composed of several cantons. Each canton may prescribe particular rules for obtaining the license to practise law and to authorize lawyers accredited with its cantonal license, to represent parties before its own judicial authorities (Article 3).

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

Representation of clients before federal and cantonal judicial bodies are reserved to those who hold a recognized title.

NB. The giving of legal advice is not federally restricted, but regulations may apply in some cantons.

Switzerland

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

Swiss nationality is not required except to establish a practice in the canton of St. Gall

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

Not governed by federal law

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

See Section 3 of the Federal Act: "Rules of Professional Conduct and Disciplinary Supervision".
Lawyers must also comply with specific rules and legislation of the canton where they practise.

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

Not governed by federal law

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

Article 5 of the Federal Act sets out that a register of lawyers will be maintained by each Canton of the lawyers who are established within it.

Is the jurisdiction a member of the WTO?

Switzerland joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

Switzerland has made full commitments in modes 1-3 subject only to the qualification that Swiss nationality necessary to open up practice in the canton of St. Gall

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

The Swiss confederations a party to EFTA and through EFTA with its many bilateral agreements (currently 26 agreements with 36 countries) including most of the Middle East, some South American countries, Canada, Turkey, Ukraine and Korea.

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

Switzerland's agreement with the EU includes legal services.

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

Lawyers from within the EU, other EFTA states 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 or EFTA lawyer can provide legal assistance in Swiss as well as foreign and international law and can requalify as a Swiss lawyer. Foreign lawyers from outside the EU or EFTA are more restricted in their scope of practice and may not requalify.

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

There are more than 20 foreign law firms present in Switzerland including firms from the UK, US, Germany, the Channel Islands and other offshore centres.

Are there any explicit rules or restrictions other than visas on fly in fly out practice

Nationals from member states of the EU or other EFTA countries may provide legal services freely on a

Switzerland

of law? I.e. Do you need to obtain a licence for temporary practice?

temporary basis and do not need to be registered (Article 21 of the FAFML). The federal and cantonal judicial authorities, before whom the Lawyers providing services appear, as well as the supervisory authority for Lawyers, have the right to request evidence of a lawyer's qualification (Article 22). In the case of proceedings for which legal representation is mandatory, Lawyer providing services is obliged to work in conjunction with a Lawyer who has been inscribed in the cantonal register (Article 23).

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

Switzerland is one of the 25 countries in Europe that has signed the Schengen agreement. This allows a non-EEA national to obtain a visa to enter one or more of the Schengen countries for business or tourism purposes on a single visit of up to 90 days, or to make multiple entries to the Schengen area on any number of occasions over a 180 day period, provided none of these is for longer than 90 days. A number of non-EEA countries are exempt from visa requirements. Entry and stay of foreign service suppliers in Switzerland is subject to authorization (requirement of residency permit and work permit). Authorization is granted subject to measures fixing overall numbers of work permits allocated.

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?

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

Are foreign lawyers permitted to undertake arbitration and mediation?

Not governed by federal law.

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

European Union and EFTA lawyers may appear in court, provided they are introduced by a local lawyer. Other foreign lawyers may seek an authorisation to act in court from the cantonal supervisory authority (granted on a case-by-case basis), and be assisted by a lawyer registered in that canton.

Can foreign lawyers requalify as local lawyers?

Any EU or EFTA lawyer can apply for registration to the supervisory authority of the canton where he wishes to appear in court on a regular basis. Lawyers who are

Switzerland

nationals of members states of the EU or EFTA shall be admitted to a qualifying examination, if they: a. have successfully completed a course of studies of at least three years at a university and, if need be and in addition, have also completed the requisite professional training; and b. have a diploma that entitles them to practice the legal profession in one of the member states of the EU or EFTA (Article 32 of the FAFML).

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

Not governed by federal law.

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.)

Not governed by federal law. The majority of the board of directors of a "joint stock company" (société anonyme /Aktiengesellschaft or société en commandite par actions /Kommanditaktiengesellschaft) must be Swiss citizens with domicile in Switzerland (except for holding companies). At least one manager of a "corporation with limited liability" (société à responsabilité limitée/Gesellschaft mit beschränkter Haftung) must have his domicile in Switzerland. The administrators of a "co-operative society" (société coopérative/Genossenschaft) must be composed of a majority of Swiss citizens with domicile in Switzerland. Joint stock companies are not prohibited to foresee in their articles of incorporation that shareholders can be denied registration in the shareholder register, inter alia in case federal law requires a certain composition of shareholders. The establishment of a branch requires a representative (natural person) with domicile in Switzerland who is duly authorized by the company to fully represent it. The establishment of a commercial presence by natural persons or in the form of an enterprise without juridical personality according to Swiss law (i.e. in a form other than "joint stock company", "cooperation with limited liability" or "co-operative society") is subject to the requirement of a permanent residency permit of the associate(s) by cantonal law.

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

Not governed by federal law.

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

Switzerland

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

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

Not governed by federal law.

Other useful sources or comments or links

Verified by

United Kingdom (England and Wales)

Is there legislation governing the legal sector

Legal Services Act 2007 (Amending and updating Solicitors Act 1974, Administration of Justice Act 1985, Courts and Legal Services Act 1990, Access to Justice Act 1999)

Under what title do lawyers practise?

Solicitor or barrister

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

In order to become a Solicitor in England and Wales an individual must have: 1) A recognised degree in law (QLD) which may either be obtained by completing three years full-time academic study as a first degree or as a full-time one year postgraduate conversion course (Graduate Diploma in Law (GDL); 2) Completed and passed the examinations at the end of the one year full-time vocational course, the Legal Practice Course (LPC); 3) Completed a two year traineeship (training contract) with a recognised training provider; 4) Undertaken the professional skills course during the training period. Individuals must register with the Solicitors Regulation Authority on entry to the LPC at which point they will also be required to meet certain character and suitability tests. Licensing is required annually by the Solicitors Regulation Authority and requires: The payment of the requisite fee, fulfilment of the continuous professional development requirements and proof of adequate professional indemnity insurance. In order to become a Barrister in England and Wales, an individual may follow the same initial stages as a solicitor but instead of a Legal Practice Course will be required to: 2) Complete the Bar Professional Training Course (BPTC); 3) Complete a one year pupillage at a barrister's chambers or other approved organisation 4) Obtain tenancy at a barrister's chambers or become an employed barrister. Trainee barristers must join one of the Inns of Court before enrolling on the BPTC and must be 'called to the bar' before they can enter the second six months of their pupillage, which involves the completion of 12 qualifying sessions (either training or dining sessions) with their Inn. Registration or 'authorisation to practise' is granted by the Bar Standards Board on fulfilment of all the qualifying conditions. This authorisation to practise must be obtained annually and also requires proof of completion of continuous professional development requirements and adequate indemnity insurance cover arrangements.

Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a

The United Kingdom is made up of three separate jurisdictions: England and Wales, Scotland and

United Kingdom (England and Wales)

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?

Northern Ireland and lawyers must be licensed separately for each jurisdiction.

In England and Wales, the following areas are reserved by the Legal Services Act 2007 to individuals holding regulated legal professional titles:

- Exercise of a right of audience
- Conduct of litigation
- Reserved instrument activities
- Probate activities
- Administration of oaths

Reserved instrument activities" are defined in Schedule 2 of the Act as:

- (a) preparing any instrument of transfer or charge for the purposes of the Land Registration Act 2002 (c. 9);
- (b) making an application or lodging a document for registration under that Act;
- (c) preparing any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to court proceedings in England and Wales

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)

Solicitors may work as sole practitioners, in general or limited liability partnerships and in limited liability companies. Since 2012, solicitors have also been able to work in partnership with non-lawyers or other regulated professionals in Alternative Business Structures. Barristers generally work as sole practitioners but since the passage of the Legal Services Act 2007, have been permitted to enter into partnership with other regulated legal professionals. The Bar Standards Board is currently considering whether to extend the range of entities in which barristers can work to include advocacy focused Alternative Business Structures.

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

Solicitors must comply with the Solicitors Regulation Authority (SRA) Handbook and Barristers must comply with the Barrister's Code of Conduct.

United Kingdom (England and Wales)

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

The focus of regulation in England and Wales has shifted to entities since the Legal Services Act 2007 and law firms must obtain a separate authorisation from individual lawyers. There is a separate licensing procedure for Alternative Business Structures which may be owned by a combination of lawyers and non-lawyers, or simply by non-lawyers.

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

For solicitors, law firms and Alternative Business Structures - the Solicitors Regulation Authority (SRA) (independent regulatory arm of the Law Society of England and Wales) - www.sra.org.uk ; For barristers (and possibly in future advocacy focused Alternative Business Structures) - the Bar Standards Board (BSB) (independent regulatory arm of the General Council of the Bar) - www.barstandardsboard.org.uk

Is the jurisdiction a member of the WTO?

The United Kingdom joined the WTO on 1 January 1995.

Has it made any WTO commitments on legal services?

The UK has signed up to the European Union's GATS commitment of no restrictions in modes 1-3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university degree and professional qualifications and three years' professional experience in the sector.

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, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade 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=none&sense=s).

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

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

United Kingdom (England and Wales)

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 English and Welsh law as well as foreign and international law and can requalify as a solicitor or barrister of England and Wales. Foreign lawyers from other countries may practise English law outside of the reserved areas as well as practice freely in foreign and international law and requalify.

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

There are more than 200 foreign firms established in London from over 40 jurisdictions.

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 explicit rules or limitations on temporary practice outside of the reserved areas of work.

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 a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to one month without the need to obtain a work permit.

United Kingdom (England and Wales)

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 practice as a foreign legal consultant. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers - a status which entitles them to practise in the reserved areas of the law of England and Wales) and on non-EU lawyers (and lawyers from other jurisdictions of the UK) who wish to enter into partnership with English solicitors (who must then register as Registered Foreign Lawyers).

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

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in England and Wales. Registered Foreign Lawyer status is required regardless of residence where a qualified lawyer from another non-EEA or Swiss jurisdiction is in partnership with an English solicitor.

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

Following the Establishment Directive (98/5/EC) Registered European Lawyers must have three years prior practice experience before they can establish in the UK. Registered Foreign Lawyers must be from a recognised jurisdiction (see www.sra.org.uk). There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in England and Wales.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

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

EEA and Swiss lawyers may appear in English courts if introduced by an English lawyer. Non-EEA and Swiss lawyers may apply for temporary call to the Bar (via the Bar Standards Board) in order to conduct a specific case (or cases) in England and Wales. To obtain temporary call, a candidate will need to provide the Bar Standards Board with: (1) Evidence to establish that he/she is of good character and repute, such as a Certificate of the Senior Judge, Attorney General or Senior Law Officer of the Superior Court in which they have practised (2) This evidence needs to show that for a period of not less than 3 years the candidate has been regularly exercising rights of audience in that court and that he/she is a fit and proper person to be Called to the Bar (3) A certificate that the candidate has not been prohibited from practising in the jurisdiction in which he/she is qualified on the ground of commission of a criminal offence or professional misconduct and is not currently suspended from practising on such grounds; (4) Evidence of all academic and professional qualifications. All applications must be supported by either the original or a certified copy of examination

United Kingdom (England and Wales)

	certificates, and an official English translation of certificates and results, if applicable; (5) Any other evidence in support of the application for call. [See https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers/temporary-call/]
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, foreign lawyers who are regulated and entitled to practise as a lawyer in their home jurisdictions may requalify either as a solicitor (http://www.sra.org.uk/qlts/) or barrister (https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/transferring-lawyers/qualified-foreign-lawyers/)
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign law firms do not require licences to open offices to practise law in England and Wales, provided they are not practising reserved areas of work and are not fee sharing with English solicitors or barristers. Foreign law firms who do wish to have English solicitor partners and practise reserved areas of work need to obtain a licence as a recognised body from the Solicitors Regulation Authority.
<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>	No special permission is required to set up a business in the UK.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	There are no separate foreign law firm's licences but if it chose to practise in reserved areas, a foreign law firm could establish either as a recognised body or as an alternative business structure.
<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>	There is no limit on the number of branches a foreign firm may have but authorisation of the foreign law firm as a recognised body (or Alternative Business Structure) would need to be undertaken separately for England and Wales, Scotland and Northern Ireland and different requirements and rules would apply.
<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>	Unless foreign law firms become recognised bodies (traditional law firms) or Alternative Business Structures regulated by the Solicitors Regulation Authority and carrying out reserved areas of work, there are no limitations on their scope of practice.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	No, unless that foreign law firm becomes licensed to undertake reserved English law work. Law firms from the EEA and Switzerland are more restricted and can

United Kingdom (England and Wales)

	only take one of the forms permitted to English solicitors.
<i>Are there rules about the name a foreign law firm can take?</i>	There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses. Foreign law firms should however note that certain words are protected, such as 'solicitors' and it would be an offence to use this word in a law firm name in England and Wales unless the practice contained English solicitors and was regulated by the Solicitors Regulation Authority.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no specific foreign law licence but foreign law firms wishing to obtain licences to practise reserved areas of work in England and Wales through qualified English solicitors should apply to the Solicitors Regulation Authority (www.sra.org.uk)
<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>	Regulatory bodies: www.sra.org.uk ; www.barstandardsboard.org.uk ; Professional bodies: www.lawsociety.org.uk ; www.barcouncil.org.uk
<i>Verified by</i>	Solicitors Regulation Authority (February 2014)

United Kingdom (Northern Ireland)

Is there legislation governing the legal sector

Solicitors (Northern Ireland) Order 1976, as amended 16 July 2009.

Under what title do lawyers practise?

Solicitor or barrister

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

In order to become a solicitor, a candidate must demonstrate (a) that he/she possesses an acceptable law degree (b) has successfully completed the one year course at the Institute of Professional Legal Studies or the Graduate School of Professional Legal Education (c) has completed a two year traineeship with an approved Master. After satisfying these conditions an individual may enrol with the Law Society, and after enrolment apply for a practising certificate. In order to become a barrister, a candidate must have obtained a recognised University law degree and passed an entrance examination to attend the one year degree course of Barrister-at-law at the Institute of Professional Legal Studies at Queens University Belfast. After successfully completing the one year postgraduate degree course at the Institute, candidates may be called to the Bar following which they must complete a one year pupillage with a barrister in independent practice before they can be fully licensed to become a barrister.

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 United Kingdom is made up of three separate jurisdictions: England and Wales, Scotland and Northern Ireland and lawyers must be licensed separately for each jurisdiction.

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

The Solicitors (Northern Ireland) Order 1976 reserves the use of the title of solicitor to those who are qualified and licensed by the Law Society of Northern Ireland. Reserved activities for solicitors include: (a) Preparation of any instrument of transfer or charge or any other document for the purposes of the Land Registration Act (Northern Ireland) 1970 [1970 c.18] or any enactment repealed or proposed to be repealed by that Act; (b) drawing or preparation of any instrument relating to real or personal estate, or any legal proceeding; or (c) lodging of any instrument or other document for registration in the Land Registry or the Registry of Deeds, or the making of any application (other than an application to search in, or to receive copies of or extracts from, a register) to the Registrar of Titles.

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

No

United Kingdom (Northern Ireland)

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

Northern Irish solicitors may work as sole practitioners, or in general or limited liability partnerships with other Northern Irish solicitors.

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

The main ethical requirements are set out in the Solicitors' Practice Regulations 1987.

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

No, licences are issued only to individuals.

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

Law Society of Northern Ireland licences and regulates solicitors and law firms (www.lawsoc-ni.org) and the Honorable Society of the Inn of Court of Northern Ireland governs the rules applying to barristers. Under the constitution of the Honorable Society, the Inn of Court of Northern Ireland admits barristers who are then regulated by the Bar Council of Northern Ireland (for more details see www.barlibrary.com).

Is the jurisdiction a member of the WTO?

The United Kingdom joined the WTO on 1 January 1995

Has it made any WTO commitments on legal services?

The UK has signed up to the European Union's GATS commitment of no restrictions in modes 1-3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university degree and professional qualifications and three years' professional experience in the sector.

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, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rt_a_participation_map_e.htm?country_selected=none&sense=s).

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

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

United Kingdom (Northern Ireland)

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 the areas of practice reserved to Northern Irish lawyers as well as in foreign and international law. They may also requalify as a Northern Irish solicitor or barrister. Foreign lawyers from other countries may practice without restriction in the non-reserved areas of law and requalification is treated on a case by case basis.

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

There are a few Irish law firms with branch offices in Northern Ireland.

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 explicit rules or limitations on temporary practice outside of the reserved areas of work.

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 a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to one month without the need to obtain a work permit.

United Kingdom (Northern Ireland)

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 practice as a foreign legal consultant. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers - a status which entitles them to practise in the reserved areas of the law of England and Wales).

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

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in Northern Ireland.

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

Following the Establishment Directive (98/5/EC) Registered European Lawyers must have three years prior practice experience before they can establish in the UK. There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in Northern Ireland.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

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

EEA and Swiss lawyers may appear in courts in Northern Ireland if introduced by a Northern Irish barrister.

Can foreign lawyers requalify as local lawyers?

Foreign lawyers may requalify in Northern Ireland through prior requalification in England and Wales or Ireland. EU, EFTA or Swiss lawyers may requalify through articles 2 or 10 of the Establishment Directive for lawyers (98/5/EC).

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

Foreign law firms do not require licences to open offices to practise law in Northern Ireland, provided they are not practising reserved areas of work and are not fee sharing with Northern Irish solicitors or barristers.

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.)

No special permission is required to set up a business in the UK.

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

There is no separate foreign law firm licensing process. A non-Northern Irish law firm could either set up to practise in non-reserved areas of legal work with foreign lawyers or unlicensed Northern Irish lawyers, or it could establish as a separate, regulated Northern Irish firm containing only Northern Irish solicitors.

Is there a quota on the number of licences available?

No

United Kingdom (Northern Ireland)

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

There is no limit on the number of branches a foreign firm may have in the UK but if it wished to undertake reserved work, it would require separate authorisation in England and Wales, Scotland and Northern Ireland and different requirements and rules would apply.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

Foreign law firms are unrestricted in the form they can take (subject to general company law). EEA and Swiss law firms can only take the forms permitted to Northern Irish solicitors.

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

There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses.

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

There is no specific foreign law licence but EEA firms should register with the Law Society of Northern Ireland (www.lawsoc-ni.org).

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

There is a prohibition on fee sharing with non-Northern Irish solicitors which prevents foreign lawyers from sharing in law firm ownership in Northern Ireland. however, section 28(d) of the Solicitors (Northern Ireland) Order 1976 provides that fee sharing with non-Northern Irish solicitors is permitted "where an agreement for sharing fees is made between a solicitor in Northern Ireland and a person carrying on the practice or profession of the law in some other part of the United Kingdom or the Commonwealth or in the Republic of Ireland or in a foreign country".

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?

No - there is a prohibition on fee sharing with non-Northern Irish solicitors but this doesn't apply outside of Northern Ireland.

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

Yes

Other useful sources or comments or links

For Law Society of Northern Ireland: <http://www.lawsoc-ni.org> ; For Bar Library: www.barlibrary.com

Verified by

United Kingdom (Scotland)

Is there legislation governing the legal sector

Solicitors (Scotland) Act 1980, Council of the Law Society of Scotland Act 2003, The Legal Profession and Legal Aid (Scotland) Act 2010, Legal Services (Scotland) Act 2010

Under what title do lawyers practise?

Solicitor or advocate

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

Solicitor - In order to become licensed as a solicitor in Scotland a candidate will usually undertake the following: 1) The LLB degree in Scots Law (which can be studied at 10 universities in Scotland); 2) The Diploma in Professional Legal Practice (the Diploma) (which can be undertaken at six universities in Scotland); 3) A two year traineeship in a solicitor's practice.

Advocate - In order to become an advocate an individual must have 1) completed a LLB degree at a Scottish University or have completed a post graduate Diploma in Legal Practice 2) Have undertaken the 21 month training requirement in a solicitor's practice 3) Have passed the Faculty of Advocates' examination 4) Have completed the required period of pupillage/devilling to train as an advocate.

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 United Kingdom is made up of three separate jurisdictions: England and Wales, Scotland and Northern Ireland and lawyers must be licensed separately for each jurisdiction.

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

Activities that are reserved by statute to Scottish qualified solicitors (S32 of the Solicitors (Scotland) Act 1980) include: Conveyancing of land and/or buildings; litigation (civil or criminal); and obtaining confirmation in favour of executors (the Scottish equivalent of probate). Scottish solicitors also have rights of audience in most courts. Advocates have rights of audience in the Court of Session and the High Court of Justiciary (the supreme criminal Courts of Scotland), and in the other Courts (such as the Lands Valuation Appeal Court) whose judges are Senators of the College of Justice.

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)

Solicitors may work as sole practitioners, as members or directors of incorporated practices which may either be companies or limited liability partnerships; or as a member of a multi-national practice. From mid-2013, solicitors will also be able to work in Scottish Alternative

United Kingdom (Scotland)

	Business Structures. Advocates may only be self-employed.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Society of Scotland Rules and Guidance, available at http://www.lawscot.org.uk/rules-and-guidance
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Solicitors must notify the Law Society when setting up a new practice and must comply with rules relating to accounts, guarantee fund and indemnity insurance. Firms which take the form of incorporated practices or multi-national practices require prior approval by the Council of the Law Society.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Scotland licences and regulates solicitors in Scotland - www.lawscot.org.uk ; The Faculty of Advocates licences advocates www.advocates.org.uk
<i>Is the jurisdiction a member of the WTO?</i>	The United Kingdom joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The UK has signed up to the European Union's GATS commitment of no restrictions in modes 1-3 for home country and public international law. It has also committed to permit presence for natural persons where individuals possess a university degree and professional qualifications and three years' professional experience in the sector.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	As a member of the European Union, the UK extends special treatment to individuals and businesses from other EEA states (EU plus Norway, Iceland and Liechtenstein). The UK is also party to the EU's many bilateral agreements with other countries and free trade areas (a full list of these can be found at http://www.wto.org/english/tratop_e/region_e/rt_a_participation_map_e.htm?country_selected=none&sense=s).
<i>Do these currently include legal services or are there plans to include them in future?</i>	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

United Kingdom (Scotland)

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 and 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 Scots law as well as foreign and international law and can requalify as a Scottish solicitor or advocate. Foreign lawyers from other countries may practice without restriction in unreserved areas and requalification is handled on a case by case basis on application to the Registrar of the Law Society.

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

Foreign firms are represented in Scotland by the branch offices of a number of international firms based in London.

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 limitations on temporary practice outside of the reserved areas of work.

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 a visa to visit clients but may also obtain special 'permitted paid employment' visas which are valid for up to one month without the need to obtain a work permit.

United Kingdom (Scotland)

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 practice as a foreign legal consultant in Scotland. The only licensing requirements are on EEA lawyers (who must become Registered European Lawyers - a status which entitles them to practise in the areas reserved to Scottish solicitors and advocates. Non-EEA foreign lawyers do not need to register with the Law Society unless they wish to become partners in multinational practices.

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

Registered European Lawyer status is only required of EEA or Swiss lawyers resident in Scotland.

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

European Lawyers must demonstrate that they have complied with the Law Society's requirements on insurance and the guarantee fund before they can be registered. There are no other prior conditions on other (unregistered) foreign lawyers wishing to practise in Scotland.

Are foreign lawyers permitted to undertake arbitration and mediation?

Yes

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

EEA and Swiss lawyers may appear in Scottish courts if introduced by a Scots lawyer.

Can foreign lawyers requalify as local lawyers?

EU lawyers may fully requalify as Scots lawyers (solicitors or advocates) following the European Establishment Directive 98/5/EC, either by examination or by assimilation over a three year period of continuous and effective practice in Scotland.

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

Foreign law firms do not require licences to open offices to practise law in Scotland, provided they are not practising reserved areas of work and are not fee sharing with Scottish solicitors or advocates. Foreign law firms who do wish to have Scottish solicitor partners and practise reserved areas of work need to obtain authorisation from the Law Society of Scotland as a Multi-National Partnership.

United Kingdom (Scotland)

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.)

No special permission is required to set up a business in the UK.

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

There are no separate foreign law firm licences but if it chose to practise in reserved areas, a foreign law firm could establish either as a recognised body or as an alternative business structure.

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 is no limit on the number of branches a foreign firm may have in the UK but if it wishes to practise reserved areas of work, separate authorisation would be required in England and Wales, Scotland and Northern Ireland, and different requirements and rules would apply.

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?

There are no scope of practice rules that apply to firms as opposed to individual lawyers.

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

No, unless that foreign law firm becomes licensed as a Scottish Multi-National Partnership. If it is a European law firm it can only take one of the corporate forms permitted to Scottish solicitors.

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

There are no specific rules for the names of foreign law firms beyond the general naming provisions governing all businesses.

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

There is no specific foreign law licence but EEA firms and foreign law firms wishing to obtain licences to practise reserved areas of work in Scotland through qualified Scottish solicitors should apply to the Law Society of Scotland (www.lawscot.org.uk).

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?

An advocate may not be in partnership with, or be employed by a solicitor or other professional person entitled to instruct Counsel directly on behalf of clients in Scotland or elsewhere.

United Kingdom (Scotland)

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

Solicitors may enter partnership with foreign lawyers who are from foreign legal professions that are 'so regulated as to make it appropriate for the applicant to be registered for the relevant purpose'. (Law Society of Scotland Rule D.7.3.1). Advocates are not permitted to form partnerships.

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

Yes

Other useful sources or comments or links

For Law Society of Scotland: www.lawscot.org.uk; For Faculty of Advocates: www.advocates.org.uk/

Verified by