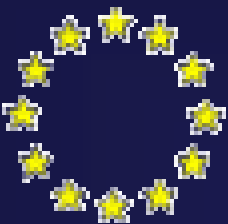


# LAWYERS AND THE EUROPEAN UNION

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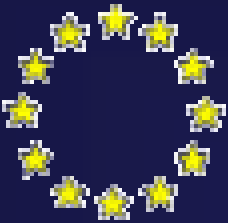


# MOBILITY OF LAWYERS WITHIN THE EUROPEAN UNION

- Free movement of people and services

- Article 7a of the Treaty Establishing the European Community (Rome, March 25th, 1957)

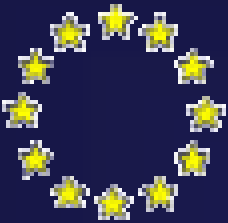
“The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty.”



## EU Directive 98/5 (February 16, 1998)

**“to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained “**

- A European Union Directive is the formal expression of a collective decision made by the member states.
- Fixes the binding objectives to be pursued by the EU member states
- Leaves freedom of choice for the ways of obtaining them
- Often the smoothest way to harmonize laws of member states on sensitive issues such as this one.



## Benefits of the Directive

### • **ALLOWS PRACTICE UNDER TITLE OF HOME MEMBER STATE**

- Without Time Restriction
- Requires registration

### • **ALLOWS PRACTICE UNDER TITLE OF HOST MEMBER STATE**

- Practice for a period of three years (non stop) in the host Member State
- Activity involving the law of that state, including Community law
- If not, lawyers may be required to take an aptitude test limited to the law of procedure and the rules of professional conduct of the host Member State.