Council Directive of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (77/249/EEC)

COUNCIL DIRECTIVE

of 22 March 1977

to facilitate the effective exercise by lawyers of freedom to provide services

(77/249/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 57 and 66 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament[(1)],

Having regard to the opinion of the Economic and Social Committee[(2)],

Whereas, pursuant to the Treaty, any restriction on the provision of services which is based on nationality or on conditions of residence has been prohibited since the end of the transitional period;

Whereas this Directive deals only with measures to facilitate the effective pursuit of the activities of lawyers by way of provision of services; whereas more detailed measures will be necessary to facilitate the effective exercise of the right of establishment;

Whereas if lawyers are to exercise effectively the freedom to provide services host Member States must recognize as lawyers those persons practising the profession in the various Member States;

Whereas, since this Directive solely concerns provision of services and does not contain provisions on the mutual recognition of diplomas, a person to whom the Directive applies must adopt the professional title used in the Member State in which he is established, hereinafter referred to as 'the Member State from which he comes',

HAS ADOPTED THIS DIRECTIVE:

Article 1

1 This Directive shall apply, within the limits and under the conditions laid down herein, to the activities of lawyers pursued by way of provision of services. Notwithstanding anything contained in this Directive, Member States may reserve to prescribed categories of lawyers the preparation of formal documents for obtaining title to administer estates of deceased persons, and the drafting of formal documents creating or transferring interests in land.

2

Belgium:	Avocat — Advocaat

Status: *EU Directives are being published on this site to aid cross referencing from UK legislation. After exit day no further amendments will be applied to this version.*

Denmark:	Advokat
Germany:	Rechtsanwalt
France:	Avocat
Ireland:	Barrister Solicitor
Italy:	Avvocato
Luxembourg:	Avocat-avoué
Netherlands:	Advocaat
United Kingdom:	Advocate Barrister Solicitor[F1.]
[F2*Greece:*	Δικηγόρος[F3.]]
[F4*Spain:*	Abogado
Portugal:	Advogado [F5.]]
[F6[F7*Austria:*	Rechtsanwalt
Finland:	AsianajajaAdvokat
Sweden:	Advokat [F8.]]]
[F9*Czech Republic:*	Advokát
Estonia:	Vandeadvokaat
Cyprus:	Δικηγόρος
Latvia:	Zvērināts advokāts
Lithuania:	Advokatas
Hungary:	Ügyvéd
Malta:	Avukat/Prokuratur Legali
Poland:	Adwokat/Radca prawny
Slovenia:	Odvetnik/Odvetnica
Slovakia:	Advokát/Komerčný právnik[F10.]]
[F11*Bulgaria:*	Адвокат
Romania:	Avocat]
[F12*Croatia:*	Odvjetnik/Odvjetnica.]

Textual Amendments

F1 Deleted by Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties.

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F2 Inserted by Act concerning the conditions of accession of the Hellenic Republic and the adjustments to the Treaties.

F3 Deleted by Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties.

F4 Inserted by Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic and the adjustments to the Treaties.

F5 Deleted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).

F6 Inserted by Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (94/C 241/08).

F7 Substituted by Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union (95/1/EC, Euratom, ECSC).

F8 Deleted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

F9 Inserted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

F10 Deleted by Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.

F11 Inserted by Council Directive 2006/100/EC of 20 November 2006 adapting certain Directives in the field of freedom of movement of persons, by reason of the accession of Bulgaria and Romania.

F12 Inserted by Council Directive 2013/25/EU of 13 May 2013 adapting certain directives in the field of right of establishment and freedom to provide services, by reason of the accession of the Republic of Croatia.

Article 2

Each Member State shall recognize as a lawyer for the purpose of pursuing the activities specified in Article 1 (1) any person listed in paragraph 2 of that Article.

Article 3

A person referred to in Article 1 shall adopt the professional title used in the Member State from which he comes, expressed in the language or one of the languages, of that State, with an indication of the professional organization by which he is authorized to practise or the court of law before which he is entitled to practise pursuant to the laws of that State.

Article 4

1 Activities relating to the representation of a client in legal proceedings or before public authorities shall be pursued in each host Member State under the conditions laid down for lawyers established in that State, with the exception of any conditions requiring residence, or registration with a professional organization, in that State.

2 A lawyer pursuing these activities shall observe the rules of professional conduct of the host Member State, without prejudice to his obligations in the Member State from which he comes.