

EU-qualified lawyers in certain EU countries

Becoming a lawyer in an overseas country is not easy, but it can be well worth the reward. In mainland Europe, the legal services markets are diverse and dynamic, with a wide range of career opportunities on offer.

Gaining access to these markets will require jumping through many hoops, but an LL.M. degree can smooth the path to practice. Typically, academic requirements are needed for admission to the bar of an EU country, such as Spain, Germany or the Netherlands.

Practicing law in the Netherlands

The main route to practicing law in the Netherlands starts with a three-year undergraduate law degree, followed by a doctorate degree or Master of Law, then a legal apprenticeship for another three years.

EU-qualified lawyers can practice some law (such as public international law) and represent clients in arbitration, conciliation and mediation, and appear in court for small claims without being admitted to the Dutch bar.

But to practice law fully in the Netherlands, become a judge or a public prosecutor, you must acquire the so-called “civil effect”. This means obtaining a bachelor’s degree in Dutch law followed by a master’s or doctoral degree in any law.

Non-EU qualified lawyers would need to complete all of the academic requirements, though there may be some course exemptions.

After attending a Dutch law school, you must subsequently follow the three-year Professional Education Programme for the Legal Profession, or Beroepsopleiding Advocaten. The training, completed on-the-job, focuses on practical skills and ethics.

You will also have to take a test (in Dutch) to determine your knowledge of the law.

An LL.M. is “highly recommended” for pursuing a wide range of legal careers in the Netherlands, says Mireille van Eechoud, Education Director at Amsterdam’s Graduate School of Law.

She adds: “Lawyers in the Netherlands generally have a strong international orientation and often work with firms in other countries. Dutch society is open, tolerant...Amsterdam and nearby cities like The Hague and Rotterdam are home to many international and European organizations and multinational companies.”

Practicing law in Spain

To access the legal profession in Spain, you must hold a bachelor’s degree from a university in addition to a master’s degree, such as an LL.M. Then, you will need to carry out a supervised internship in a law firm, or the legal department of a company in Spain. You must also pass an aptitude test, which Spain’s Ministry of Justice runs annually.

Once you are registered with the local bar association, you can practice as a lawyer anywhere in Spain.

Lawyers qualified in another EU country can practice their home country law in Spain, and public international law that is not enforceable in Spain but must call themselves “legal consultants”. They cannot appear in court, nor use the respected title *abogado*, the name for Spanish lawyers.

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EU-qualified lawyers can requalify as Spanish lawyers if they have an undergraduate degree validated by a Spanish university. Then, they have to do either a legal master's degree, or take a professional course offered by Spain's Bar associations, which would take about a year and a half to complete.

There is a Spanish nationality requirement, though it can be waived through an application to the Ministry of Justice.

Patricia Font, Director at the Master of International Commercial Law at Esade Law School in Barcelona, says an LL.M. degree "is not necessary to become a lawyer, but certainly it is helpful", noting that it provides the international perspective that's necessary to succeed as a lawyer in today's globalized era.

"Spain is a unique country because of its multicultural character. It is one of the most attractive countries in Europe for tourism and for international investment," says Font. "Therefore, practicing law in Spain is especially interesting."

Practicing law in Germany

In order to practice law in Germany, lawyers need to go through a two-stage qualification process. They must pass the first State Examination (or Staatsexamen, often as part of a university law degree), followed by two years of practical training including rotations at civil and criminal courts, an administrative authority and a law firm, called the Referendariat.

Then, candidates take the second State Examination to become a fully qualified lawyer in Germany, and thus appear in court as a judge, prosecutor or attorney.

EU-qualified lawyers can operate as foreign legal consultants in Germany, but they cannot appear in court or practice German or EU law.

It is possible to be admitted to the German bar as a lawyer admitted in another EU country after three years of professional practice in Germany. Some types of university professors are allowed to practice as lawyers too, if they pass the first Staatsexamen.

"An LL.M. is not mandatory for admission to the bar. However, many law firms see it as proof of an internationally oriented education," says Jonathan Schramm, a spokesperson at the Bucerius Law School in Hamburg.

"Since the German legal education system is otherwise very national, this can be a clear advantage. It demonstrates farsightedness and can also highlight special expertise in a particular area, [such as] business or medical law."

He adds that demand for legal services is increasing in Germany due to demographic change in law firms and the judiciary. Due to the protection of legal services in Germany, there are also good earning opportunities as well.

Practicing law in France

The standard route to practicing law in France is studying at law school and taking an examination. This route includes six months of training at the law school with a special focus on statutes and professional ethics, then six to eight months working on an individual project, so that students can define their personal choices and prepare for work in France. Law students also complete an internship at a law firm.

Once this training is complete, law students can take the Certificate of Aptitude for the Legal Profession (CAPA) examination. Following successful completion of the CAPA,

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candidates have to take an oath in front of the Court of Appeal and register with the French bar association. After this, they become fully qualified lawyers or *avocats* in France.

Lawyers who have qualified in another EU country or Switzerland can practice law in France. Other foreign trained lawyers will need to complete the training program.

Practicing Law in Luxembourg

The profession of lawyer (*avocat*) is regulated by the **amended Act of 10 August 1991** on the profession of lawyer.

Lawyers are members of an **independent, liberal profession**. Lawyers can practice their profession on an individual basis. They can also form law firms with legal personality. Only lawyers may assist or represent parties and plead on their behalf before judicial bodies of whatever nature, take receipt of their documents and certificates in order to present them in court, draw up and sign the procedural instruments necessary, and prepare cases for court.

Lawyers alone are entitled to give **legal advice** on a regular basis for remuneration or to draft private acts on behalf of others. Lawyers also assist or represent their clients before international courts, such as the Court of Justice of the European Union or the European Court of Human Rights. Lawyers are bound by professional secrecy, which is a matter of public policy and violation of which is a criminal offence.

In order to practice in Luxembourg, **lawyers must be registered with a bar association established in the Grand Duchy of Luxembourg**. This also applies to European lawyers wishing to practice in Luxembourg under their home-country professional title.

A **bar association (*ordre des avocats*) register** comprises **six lists**:

List 1: full lawyers (*avocats à la Cour*)

List 2: lawyers

List 3: emeritus lawyers (*avocats honoraires*)

List 4: European Union lawyers practicing under their home-country title

List 5: law firms qualified as full lawyers

List 6: other law firms

To be registered with a bar association in Luxembourg, lawyers have to satisfy **the following conditions**:

- present the necessary guarantee of good repute;
- show that they have fulfilled the entry requirements for the legal traineeship, or that they have passed the aptitude test established for lawyers from another Member State of the European Union by the amended Act of 10 August 1991 laying down for the legal profession the general system of recognition of higher education diplomas confirming the successful completion of at least three years of professional training, or that they satisfy the conditions for registration as a

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lawyer practising in the Grand Duchy of Luxembourg under their home-country professional title, in application of the amended Act of 13 November 2002 transposing into Luxembourg law European Parliament and Council Directive 98/5/EC of 16 February 1998 on facilitating practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained; and demonstrate a good command of the language of legislation and the languages of administration and the courts within the meaning of the Act of 24 February 1984 on the use of languages;

- be a Luxembourg national or a national of another Member State of the European Union;
- have a good command of the language of legislation and the languages of administration and the courts within the meaning of the Act of 24 February 1984 on the use of languages, without prejudice to Article 31-1 of the amended Act of 10 August 1991. For Luxembourgish and German the level of proficiency required is level B2 of the Common European Framework of Reference in oral comprehension, level B1 in oral expression and, for German only, level B2 in written comprehension. For French a B2 level of the same framework is required in comprehension and written and oral expression. Notwithstanding the previous paragraph, on their admission to List 1 of a Bar Association, European lawyers referred to in Article 10 of Directive 98/5/EC of the European Parliament and of the Council of 16 February 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 need only demonstrate a sound knowledge of the language of legislation within the meaning of the Act of 24 February 1984 on the use of languages, provided they restrict their professional activities to those not requiring a command of the other languages referred to in the Act. The level of language knowledge required is as indicated in the previous paragraph.

Further clarification as regards the language requirements:

Lawyers registered on an individual basis must demonstrate a good command of the language of legislation within the meaning of the Act of 24 February 1984 on the use of languages, and of any other language required in order to pursue their professional activities, without prejudice to the above.

Lawyers registered on List II must also have a good command of the languages of administration and the courts in Luxembourg that may be required in order to fulfil the obligations ensuing from their legal traineeship.

Any lawyer who takes on a case must possess the required professional and language skills, failing which they may be subject to disciplinary measures.

The Bar Council, having heard the opinion of the Minister of Justice, may, upon proof of the reciprocity of a **non-Member State of the European Union** of which a **candidate** is a national, waive the nationality requirement. The same applies to candidates who have political refugee status and enjoy the right of asylum in Luxembourg.

Only lawyers included in List I are entitled to use the title of **full lawyer (avocat de la Cour)**. **To be entered in List I they must:**

- have completed a two-year legal traineeship and have successfully completed the traineeship final examination, as lawyers registered on List II,

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- or have passed the aptitude test established for lawyers from another Member State of the European Union by the amended Act of 10 August 1991 laying down for the legal profession the general system of recognition of higher education diplomas confirming the successful completion of at least three years of professional training,
- or, for European lawyers permitted to practise under their home-country professional title, prove that they have practised regularly over a period of at least three years in Luxembourg and in Luxembourg law, including European Union Law, or be subject to Article 9(2) of the amended Act of 13 November 2002 transposing into Luxembourg law European Parliament and Council Directive 98/5/EC of 16 February 1998 on facilitating practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained.

Only full lawyers are allowed to perform the acts for which laws and regulations require legal representation, namely representing the parties before the Constitutional Court, before the administrative courts, before the Supreme Court of Justice and before the district courts sitting on civil matters, and pleading on their behalf, taking receipt of their documents and evidence in order to present them to the courts, and ensuring the proper signature of the documents and to prepare the case for trial.

Lawyers registered on List II, and European lawyers authorised to practice under their home-country professional title registered **on List IV**, cannot perform these tasks unless assisted by a full lawyer registered on List I. As there are no restrictions regarding the representation of parties in courts where there is no mandatory requirement for legal representation, lawyers on Lists II or IV are permitted to represent parties in those courts without the assistance of a full lawyer.

Access to training for lawyers, which is regulated by the Grand-Ducal Regulation of 10 June 2009 on the organisation of legal traineeships and the regulation of access to the profession of notary, consists in a professional traineeship comprising a period of additional courses in Luxembourg law followed by a work experience placement.

Having obtained the certificate of additional training in Luxembourg law, trainees are admitted to List II of one of the bars of Luxembourg.

The aim of the legal traineeship is to learn the profession of lawyer. University study enables trainees to acquire in-depth knowledge of the law, and the additional courses in Luxembourg law (CCDL) supplement this knowledge by teaching the specific characteristics of Luxembourg law. During the legal traineeship, the emphasis is placed mainly on learning the profession of lawyer both by practising under the aegis of a supervisor and by following courses specifically designed for learning the profession.

The work experience placement of a period of at least two years ends with a final traineeship examination. On successful completion of this examination, the candidate becomes a full lawyer and is registered on List I.

On presentation of a reasoned and substantiated application, a trainee may be permitted by the steering committee to carry out a minimum of three and a maximum of six months of their legal traineeship in a law firm in another European Union Member State. This duly authorised traineeship counts towards the legal traineeship period.

Lawyers form a bar association (*ordre des avocats*), which is a body independent of the public authorities and the judiciary. There is **a bar association in Luxembourg** and a

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bar association in Diekirch. Each bar association has legal personality. The bar associations comprise the following bodies: an assembly, a bar council, a chairman of the bar, and a disciplinary and administrative council covering the entire profession.

For more information, please refer to [the page on the profession of lawyer](#) on the Ministry of Justice website.