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1. Professional formation generally has the function-as it is known-to adjust the question to the offer of job. It, in substance, it is a fundamental factor of regulation of the labour market because so that who asks job has the competences required from who offers job and, therefore, both able to furnish the performance from this last necessary retention for the carrying out of his own activity.

For his same nature and function, therefore, professional formation cannot follow abstract or predetermined rules but it has to operate in the social and economic becoming and, accordingly, to conform itself with continuity to the demands of the economy and the labour market. Adjustment that, it cannot concern only obviously the contents, but it has to also invest the methods to follow for an effective professional formation considering that, on the plan of the method, it is not correct to separate the one from the others.

On other side, when the discourse on the professional formation is faced in the ambit of the liberal professions, it assumes entirely peculiar characteristics. Here, in fact, close to the normal demands of regulation of the labour market, assume priority other demands what those of guardianship of the consumers to the light of the fact that the liberal professions intervene where in very delicate sectors are often in game fundamental rights of the same consumers. In substance, as it regards the liberal professions, it is public interest that the professionals are able to guarantee, to the beginning and during all of their activity, a standard minimum of competences to guardianship of the primary interest of the consumers. Only prepared professionals, competent and adjourned are able to guarantee this public interest and, therefore, the most correct guardianship of the individual interest of the consumers.
In this context and to the light of such particular demands, it results clear to everybody the fundamental role developed by the formation in all the levels in which it articulates: basic (universitary), initial and permanent.

2. If the summary considerations that precede are exact, it is clear that, to be able to speak of formation to concrete terms, is necessary to insert him in a well specified historical and economic context. Such demand is particularly evident in the subject of the professional formation in the legal sector for the peculiarities of the relative functions.

The first element that characterizes the actual historical and economic context is that of the transnational integration of the economies (c.d. globalization). This process of integration is particularly advanced in those regional realities where important choices of political character, assumed same years ago, have baited a trial type (perhaps) federalistic and have, in every case, the creation of an unique market that has absorbed the preexisting national markets allowed. This is the situation of European Community.

In this context the first demand emerges regarding the professional formation in the legal sector, and that is, on the plan of the contents, that to valorize the knowledges related to the juridical systems for them nature transnational. These are, not only the international law and the communitylaw, but also all that normative systems that don't have a territorial or national base and that are applied on the base of different

criterions. We remember, to such intention, the important function that develop, in commercial subject, the uses of the international commerce and the *lex mercatoria* as well as, in the persons and famoly law, the laws of confessional nature as the canonicallaw, the shari'a, etc..

It is necessary, also, to strengthen the knowledge of the Roman law that, in a lot of geographical areas, is the last experience of a true common law.

Besides, gives the evident multiplicity of the sources of normative production typical of the contemporary right, it is necessary to favor the knowledge of the mechanisms of coordination among the various normative systems that those are not alone typical of the relationships among national systems and constituted by the norms of private international law. It is necessary, for instance, to understand well which are the titles of application of the international conventions material uniform, what the mechanisms of adaptation of the national law to the international law are, what relief has the community law in the legal systems of States members in the subjects of exclusive competence and in the subjects of competing competence, what are the titles of application of the *lex mercatoria* and of the canonical right, etc.
In substance, for the modern jurist, a formation is necessary that allows him to easily face, in such an articulated context, the problem that assumes entirely preliminary nature and that is constituted by the demand to individualize the normative system in which to find the *regula juris* applicable to the concrete case.

These demands also engrave on the formalities through which the professional formation in the legal sector must have effected both in the phase of access to the profession that in that following (we put aside from that university because it is not here of our competence).

The lawyer of the XXI century has to have good knowledges, over that linguistics, also historical and economic to be able to easily individualize the common elements and the elements of difference of the various normative systems, it has to have a marked mental opening toward the different juridical experiences from the proper ones and it has to know how to adequately use the method of the juridical comparison and that on the conflicts of laws.

He, has besides to know how to work in *équipe*, since the multiplicity of the necessary knowledges for a correct formulation and problem solving makes the contest of various professional experiences essential.

By now the apportionment of the juridical knowledge and the quantity of data by to consider it is such to be made unthinkable that a single subject can be able to possess all the necessary notions. It is, therefore, necessary that the lawyer of the XXI century is formed more to use the tools of knowledge that not to possess the knowledge in itself. It is, also, necessary that the lawyer of the XXI century is formed to the humility in the approach to the single case and, therefore, to the conscience of the narrowness of the proper one to know and to the consequent necessity to valorize of other professionalisms.

3. In EU the essential function developed by the professional formation what factor of development of the occupation and what factor regulator of the labour market has

been cultured for a long time. The art. 150 EC Treaty is a central disposition in this subject because, from a side, it shows the importance attributed to it by member States and by the community institutions and, from the other side, show the demand to also transfer to supranational level the relative competences not depriving member members of their own responsibilities with reference to the contents and the organization.

As it regards the professional formation in the legal sector, the remarkable community documents are to all known ones and it are not our task to examine them during the present intervention. The guidelines elaborated at community level in this sector are functional, not only to the suitable general demands of the first formation, but also to the demands of the unique market and, therefore, of the free circulation of these professionals.

Obviously, the difficulties to be overcome have been and they are today still notable. The profession of lawyer hears again of marked national specificities and the same positivist principle of the state-character of the law has pushed, in past, to formative runs that tightly privileged the national perspective. The teaching of great researchers of the ‘800 and the beginnings of the ‘900 as P.S.Mancini and T. Asser, with their theories that stirred in a transnational perspective, has often been forgotten.

In this context, it is clear that the process of harmonization of the formation of the European lawyer has to proceed with great delicacy. In fact, to avoid utopias, is necessary to depart from a careful analysis of the points of convergence and the points of divergence of the single national systems and the relative forensic traditions.

It needs to work on the points of convergence without forgetting the historical reasons that have determined the divergences with the purpose to be able to overcome her. The formation of the European lawyer has to stir in this direction so that, also in the living law, it operates for the construction of the *unum jus* necessary jus for the definitive integration of our continent. Such work, in fact, cannot be developed by the legislator alone and it asks for an interpretative job that only in the university classrooms, in the legal officies and in the courts-and, therefore, in the living law- can be effected.

In substance, we believe that the European lawyer, besides having to be formed to be able to face the globalized market, has a particular mission, that to contribute to the European integration through an operates of completion of the relative juridical system.

In every case, the European lawyer has to constitute the synthesis of the national forensic traditions and not a new type of uprooted lawyer from such traditions. He has to be the heir of such traditions, he who are able to act in the globalized market without losing such traditions but rather operating a synthesis and a projection of them in the future.

In this context, it needs to work because the European lawyer can operate in the respect of deontological rules common and clear and after processes of formation harmonized in the criterions and in the methods but not necessarily in all the contents.

In substance, with reference to the contents of the formation, it is necessary to individualize a common nucleus of knowledges-that they are those suitable in

precedence-and to allow the national advocacies to integrate this nucleus with autonomous formative ways that allow to perpetuate their national àmbitis of knowledges.

4. The Italian advocacy -through the CNF and many territorial Orders- is hocked for a long time, in the political center and in the judicial center, to make to be worth that princìpis that historically the forensic profession -and, in general, all the liberal professions - make different from the other economic or entrepreneurial activities. In substance, it is opposing an evident trial of “commercialization” of the forensic profession.

The same Advocacy is strongly hocked in the mass stung of the fitter formative lines to guarantee the necessary least standards of competences to protect the primary interrests of the consumers of that service. Such appointment concerns the sectors of competence of the advocacy, and therefore, not the university formation of base but that necessary for the access to the legal profession and for the following exercise of the same profession.

In such perspective we have to remember the interventions operated on the legislator for the change of the procedures of access to the profession as well as the recent adoption, from the CNF, of the rule on the continuing training of the Lawyers that constitutes realization of the contained forecasts in the art. 13 of the deontological code (see: the original rule adopted 18.1.2007 and that revised adopted 13.7.2007 in www.consiglionazionaleforense.it).

Besides, the italian advocacy works actively in the CCBE context for the pursuit of the objectives in precedence by us indicated confiding in the *commune sentire* of all the European Advocacies for the attainment of that objective.

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