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# Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

## LUXEMBOURG

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*If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.*

Structure	Information
<b>1. Establishment</b>	
1.1. Registration with Host Bar	<p>A certificate of registration with the competent authority of the home Member State is required to be registered as lawyer in Luxembourg.</p> <p>To apply as European lawyers exercising under their home title (list IV), lawyers need to present a written request in French or German to the President of the Bar. In support of the request, European lawyers have to submit the documents referred to in Article 6 (1) a) and c) of the modified law of 10 August 1991 on the profession of "avocat":</p> <ul style="list-style-type: none"><li>- A written application form containing the address of the registered law office in Luxembourg</li><li>- A copy of the ID Card/Passport, proving that the applicant is a citizen of a EU Member State or a Member State of the Agreement on the EEA</li><li>- A certificate evidencing the registration with the competent authority of the home Member State, with a certified translation into English/French/German, if appropriate (dated less than 3 months)</li><li>- A certificate of good standing by the Bar of origin (dated less than 3 months)</li><li>- An insurance certificate of the Bar of origin</li><li>- An extract of the criminal record from Luxembourg and from the Home Member State, with a certified translation into English/French/German, if appropriate (dated less than 3 months)</li><li>- A proof of payment of the annual fee</li></ul>

	<p>Furthermore, in the case which the applicant would establish his professional desk at the same address than his personal residence, a description specifying how the professional office and the personal residence are separated will be necessary to provide (in order to respect the obligations of infrastructure).</p> <p>There is no registration fee</p> <p>The applicant will have to pay the annual membership fee.</p> <p>The applicant will find the registration form on <a href="#">the following link</a>.</p> <p>Relevant provisions:</p> <p>Article 4 of the <a href="#">Law of 13<sup>th</sup> November 2002</a></p>
<p>1.2. Title</p>	<p>Lawyers must practice under their home title which must be expressed in the official language of the Home Member State. The use of the title "avocat" as such is not allowed. In case "avocat" corresponds to the home title, as this is the case for Belgian or French lawyers, the title "avocat" must be followed by the indication of the Bar of origin.</p> <p>For instance, referred to the Article 1 of the Law of 13<sup>th</sup> November 2002 :</p> <ul style="list-style-type: none"> <li>- For Belgium: Avocat/Advocaat/Rechtsanwalt,</li> <li>- For Bulgaria: Advokat,</li> <li>- For Czech Republic: Advokát,</li> <li>- For Denmark: Advokat,</li> <li>- For Deutschland: Rechtsanwalt,</li> <li>- For Estonia: Vandeadvokaat,</li> <li>- For Greece: Dikhgovro,</li> <li>- For Spain: Abogado/Advocat/Avogado/Abokatu,</li> <li>- For France: Avocat,</li> <li>- For Ireland: Barrister/Solicitor,</li> <li>- For Italia: Avvocato,</li> <li>- For Cyprus: Dikhgovro,</li> <li>- For Latvia: Zv-erin-ats advok-ats,</li> <li>- For Lithuania: Advokatas,</li> <li>- For Hungary: Ügyvéd,</li> <li>- For Malta: Avukat/Prokuratur Legali,</li> <li>- For Holland: Advocaat,</li> <li>- For Austria: Rechtsanwalt,</li> <li>- For Poland: Adwokat/Radca prawny,</li> <li>- For Portugal: Advogado,</li> <li>- For Romania: Avocat,</li> <li>- For Slovenia: Odvetnik/Odvetnica,</li> <li>- For Slovakia: Advokát/Komerèný právnik,</li> <li>- For Finland: Asianajaja/Advokat,</li> <li>- For Sweden: Advokat,</li> <li>- For Great Britain: Advocate/Barrister/Solicitor</li> <li>- For Croatia: Odvjetnik/Odvjetnica</li> </ul>

	<ul style="list-style-type: none"> <li>- For Island: Lögmaour</li> <li>- For Liechtenstein: Rechtsanwalt</li> <li>- For Norway: Advokat,</li> <li>- For Switzerland: Avocat, Avvocato, Advokat, Rechtsanwalt, Anwalt, Fürsprecher, Fürsprech</li> </ul> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 4 of the <a href="#">Law of 13<sup>th</sup> November 2002</a></li> </ul>
1.3. Salaried practice	<p>Salaried practice is only permitted to the extent lawyers registered with the Luxembourg Bar are employed by other registered lawyers or law firms.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 8 of the <a href="#">Law of 13<sup>th</sup> November 2002</a></li> <li>- Articles 11.4 and 11.5 of the <a href="#">Regulations of The Council of the Luxembourg Bar Association</a></li> </ul>
1.4. Legal Form and Shareholding	<p>Lawyers admitted under list IV (European lawyer exercising under their home title) and belonging to a law firm in their home Member State may establish a branch of this firm in Luxembourg. They could also ask for the registration of the law firm on list VI, providing that the legal entity meets the conditions of the Luxembourg law.</p> <p>All partners within a law firm need to be lawyers registered with a Bar Association in a European member State. Partners of a law firm may decide on the legal form of this firm.</p> <p>Only legal entities organized under Luxembourg law may practice as lawyers. The corporate name of a legal entity shall be preceded by the legal form. The shares representing the capital of a legal entity shall be represented by registered shares and must be held by a partner of this legal entity.</p> <p>The constituting documents of a legal person should include the following:</p> <ul style="list-style-type: none"> <li>- The modalities of the transfer of shares;</li> <li>- The obligations and rights of the partners having lost the capacity to exercise the legal profession;</li> <li>- A description of the activity (practice of the profession of lawyer only)</li> </ul> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 8(6) of amended <a href="#">Law of 10<sup>th</sup> August 1991</a></li> <li>- Articles 34, 34-2 and 34-3 of <a href="#">amended Law of 10<sup>th</sup> August 1991</a></li> </ul>
1.5. Joint Practice	<p>Lawyers exercising under their home-country professional title may practice on their own, as salaried lawyers for another lawyer, or as an association or firm of several lawyers.</p> <p>Two or more lawyers may establish a partnership, which must be set out in a written agreement. Lawyers who are members of a partnership have to have common registered seat and may not practice the legal profession as a sole lawyer.</p>

	<p>Lawyers associations are associations without legal personality. The acquisition of the legal personality requires the constitution of a legal entity. Lawyers cannot establish an association with a non-lawyer (chartered accountants, registered auditors, economic advisors).</p> <p>A lawyer can practice the profession of lawyer in Luxembourg only through a single association or legal person having several partners. A Luxembourg lawyer can therefore be part of only one group formed for the collective exercise of the legal profession.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Articles 8(10), 34 and 34-1 of amended <a href="#">Law of 10<sup>th</sup> August 1991</a></li> </ul>
1.6. Areas of Activity	<p>Once admitted to the Luxembourg Bar Association, European lawyers exercising under their home professional title are authorized to exercise the same activities as Luxembourgish lawyers. They can advise in the law of their home Member State, in European law, in international law and in Luxembourgish law. However, they may not plead before Luxembourgish courts. In that case, they must be supported by a lawyer of full exercise.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 9(2) of amended <a href="#">Law of 10<sup>th</sup> August 1991</a>,</li> <li>- Article 5(4) of the <a href="#">Law of 13<sup>th</sup> November 2002</a></li> </ul>
1.7. Practice Rules	<p>Lawyers exercising under their home professional title may not plead before Luxembourgish courts. Indeed, for the acts and proceedings that required a Luxembourg lawyer, the European lawyer exercising under its home professional title must act with a Luxembourg lawyer who is responsible with regard to the jurisdiction.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 9(2) of amended <a href="#">Law of 10<sup>th</sup> August 1991</a>,</li> </ul>
1.8. Principle of Double Deontology	<p>Lawyers exercising under their home professional title must comply with the Rules of Procedure of the Bar Association, behave ethically and observe the rules of professional conduct.</p> <p>In case of serious breach of these rules, European lawyers exercising under their home professional title can be sanctioned by the Council of the Luxembourg Bar Association.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 1.2 of the <a href="#">Regulations of The Council of the Luxembourg Bar Association</a></li> <li>- Articles 7, 7(1), 7(2), 7(3), 7(4) and 7(5) of <a href="#">Law of 13<sup>th</sup> November 2002</a></li> </ul>
1.9. Disciplinary proceedings	<p>Independently of the professional rules to which it is subject in its Member State of origin, the European lawyer practicing under its home professional title has to comply, for all the activities exercised on the Luxembourg territory, with the same professional and deontological rules that Luxembourg lawyers. The disciplinary control of European lawyers exercising under their home professional title is exercised by the Council of the Luxembourg Bar Association.</p> <p>If the European lawyer fails to comply with the obligations in force in Luxembourg, the rules of procedure, penalties and remedies provided by the Law of 10 August 1991 shall apply. Before opening disciplinary proceedings against a European lawyer, the Council of the Bar Association informs the competent authority of the Member State of origin as soon as possible by giving the</p>

	<p>relevant information and cooperates with this authority throughout the disciplinary proceedings. The Luxembourg Bar Association is also the competent authority to receive information related to disciplinary proceedings in the home Member State.</p> <p>The temporary or permanent withdrawal of the authorization to exercise the profession of lawyer by the competent authority of the home Member State automatically entails, for the European lawyer, the temporary or definitive prohibition to practice under its home professional title in Luxembourg.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Articles 7, 7(1), 7(2), 7(3), 7(4) and 7(5) of <a href="#">Law of 13<sup>th</sup> November 2002</a></li> </ul>
<p>1.10. Insurance (professional indemnity insurance, social security, etc.)</p>	<p>The European lawyers exercising under their home professional title have to subscribe to an insurance of civil and professional liability, under the conditions provided for Luxembourg lawyers, unless they justify being covered by an equivalent insurance subscribed under the terms of the State of origin.</p> <p>The insurance is included in the annual fee and the minimum coverage amounts to EUR 2,500,000.</p> <p>Social security is not applicable here.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 6(3) of <a href="#">Law of 13<sup>th</sup> November 2002</a></li> </ul>
<p>1.11. Fees</p>	<p>In general, client and lawyer can agree on a fee, but the agreement has to comply with Article 38 of the Law of 10 August 1991.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 38 of the amended <a href="#">Law of 10 August 1991</a></li> <li>- Article 2.4.5 of the <a href="#">Regulations of The Council of the Luxembourg Bar Association</a></li> </ul>
<p>1.12. Continuing Legal Education</p>	<p>All European lawyers exercising under their home professional title, as well as all Luxembourg lawyers, have to demonstrate continuing education. Indeed, they have to obtain an average of 16 points per calendar year, calculated over a period of 3 years. Lawyers have to obtain at least two thirds of the points in purely legal matters, the remaining third may be followed in subjects useful for professional practice.</p> <p>Attending a seminar, a conference or a legal training, organized by an internal or external provider, entitles to one point per hour of training. To hold a seminar, conference or a legal training entitles to two points per hour of training.</p> <p>The publication of an article dealing with legal subjects gives right to 8 points. The publication of a book dealing with legal subjects gives right to 16 points.</p> <p>Art. 14(3) of the <a href="#">Regulations of The Council of the Luxembourg Bar Association (Annexe "Réglement en matière de formation permanente, Art. 1 et Art.2)</a></p>
<p>1.13. Bar membership</p>	<p>Through registration to the Luxembourg Bar Association, the European lawyer becomes member of the Bar Association. However, they are not electable to a representative body of the Bar, but they have the right to vote in the general assembly elections. They are not entitled to train young lawyers.</p> <p>Relevant provisions:</p>

	<ul style="list-style-type: none"> <li>- Article 6(2) of <a href="#">Law of 13<sup>th</sup> November 2002</a></li> <li>- Articles 12 and 16-4 of the amended <a href="#">Law of 10<sup>th</sup> August 1991</a>.</li> </ul>
<p>1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'</p>	<p>The European lawyer who demonstrates an effective and regular activity without any interruption, except interruption resulting from events of daily life, of at least 3 years in Luxembourg Law or/and European Law, can obtain an access to the profession of lawyer of full exercise (<i>Avocat à la Cour</i>) without being required to pass the aptitude test prescribed by the Law of 10 August 1991.</p> <ul style="list-style-type: none"> <li>- According to the law, it is up to the European lawyer to provide the Council of the Bar Association with proof of this effective and regular activity by submitting any relevant information and documentation, notably on the number of matters he has dealt with, their nature and volume, and a description of the services rendered. This list has to be countersigned by an associate.</li> <li>- The European lawyer must also provide information on any knowledge and professional experience in Luxembourg Law, and any attendance to courses, conferences or seminars held in Luxembourg Law.</li> </ul> <p>If an European lawyer demonstrate an effective and regular activity without any interruption (except interruption resulting from events of daily life) of at least 3 years in Luxembourg but for a lesser period in Luxembourg Law, the <b>European lawyer</b> will have to provide the proof of his effective and regular activity by :</p> <ul style="list-style-type: none"> <li>- submitting any relevant information and documentation, (number, nature and description of matters he has dealt with), countersigned by an associate,</li> <li>- providing information on any knowledges, courses, conferences, seminars or publications made, followed or held in Luxembourg Law and European Law,</li> </ul> <p>to the Council of the Bar Association, to submit his request of accessing to the profession of lawyer of full exercise.</p> <p>The Article 6 of the Law of 10 August 1991 requires proficiency in the language of the legislation and the administrative and judicial languages (French, German, and Luxemburgish). Nevertheless, a derogatory regime is planned. Every European lawyer who applies to be lawyer of full exercise (<i>Avocat à la Cour</i>) can benefit from this derogatory regime. In this case, the European lawyer must produce a declaration stipulating that he will limit his professional activity to cases for which he masters the language.</p>
<h2>2. Services</h2>	
<p>2.1. Under home title &amp; representation before courts</p>	<ul style="list-style-type: none"> <li>- Service under the home title – before courts and administrative authorities</li> <li>- Courts and administrative authorities may require proof that the concerned person qualifies as a lawyer in his home state/a European lawyer identity card</li> <li>- Lawyers exercising under their home professional title may not plead before Luxembourg courts. Indeed, for the acts and proceedings that required a Luxembourg lawyer, the European lawyer exercising under its home professional title must act with a Luxembourg lawyer who is responsible with regard to the jurisdiction.</li> </ul> <p>The European lawyer identity card will mention the date of deliverance and his period of validity (which can't exceed 3 years) and will include the picture and the signatures' lawyer and the Luxembourg Bar Associations' stamp.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Article 3 of the <a href="#">Law of 29<sup>th</sup> April 1980</a></li> </ul>

	<ul style="list-style-type: none"> <li>- Article 17.1 of the <a href="#">Regulations of The Council of the Luxembourg Bar Association</a></li> </ul>
2.2. Deontology	<ul style="list-style-type: none"> <li>- Lawyers exercising under their home professional title must comply with the Rules of Procedure of the Bar Association, behave ethically and observe the rules of professional conduct.</li> <li>- In case of serious breach of these rules, European lawyers exercising under their home professional title can be sanctioned by the Council of the Luxembourg Bar Association.</li> <li>- Article 4 of the <a href="#">Law of 29 April 1980</a></li> <li>- Article 1.2 of the <a href="#">Regulations of The Council of the Luxembourg Bar Association</a></li> </ul>
2.3. Fees	In general, client and lawyer can agree on a fee, but the agreement has to comply with Article 38 of the Law of 10 August 1991.
<b>3. Acquisition of the national lawyer's title</b>	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> <li>- Amended <a href="#">Law of 10 August 1991</a> determining, for the profession of lawyer, the general system of recognition of professional qualifications</li> </ul>
<b>4. Practicalities</b>	
4.1. Practical information	<p>Information on the court system, addresses, contacts and opening hours of all Luxembourg courts may be found under : <a href="http://www.justice.public.lu/fr/index.html">http://www.justice.public.lu/fr/index.html</a></p> <p><b>Access to the “Cité Judiciaire”</b></p> <ul style="list-style-type: none"> <li>- It is recommended to arrive at least 15 minutes beforehand, as there are security checks, which can be time consuming. Some of the Court Houses are bigger than others, consider the time spent for searching the appropriate courtroom.</li> <li>- Once you find the appropriate courtroom, please wait outside. You will be invited in.</li> <li>- Before the Luxembourgish courts, it is required to wear a gown in the courtrooms</li> </ul> <p>Useful weblinks :</p> <ul style="list-style-type: none"> <li>- <a href="#">Ministère de la Justice</a></li> <li>- <a href="#">Barreau de Luxembourg</a></li> <li>- <a href="#">Guichet Public</a></li> </ul>
4.2. National organisation	See: <a href="http://www.barreau.lu">www.barreau.lu</a>

	<p>Through its subsidiary bodies, the Luxembourg Bar Association has for main purpose to build confidence between lawyers, public and authorities. Its principal missions are:</p> <ul style="list-style-type: none"> <li>- To ensure the compliance of the professions' rules by his members,</li> <li>- To be aware of the difficulties that clients could meet in their relationship with their lawyer,</li> <li>- To referee any ethical disputes that might arise between a lawyer and his mandatory,</li> <li>- To support his members in the practice of their profession and to promote the profession of lawyer,</li> <li>- To generally oversee the practice of the profession of lawyer.</li> </ul> <p>The Luxembourg Bar Association is chaired by the Chairman of the Bar (elected for 2 years), who represents the Bar Association legally and extra legally. He heads up the Luxembourg Bar Council (in which he has the same voting rights as all of the other Board members), and chairs sessions of the General Assembly and the Bar Council.</p> <p>The Bar Council (governed by the Chairman of the Bar) is composed of 15 members (all lawyers at the Court) and deals with :</p> <ul style="list-style-type: none"> <li>- To ensure the protection of Bars' reputation,</li> <li>- To comply lawyers by the Disciplinary and Administrative Council,</li> <li>- To ensure that members respect their obligations about Anti Money Laundering and Financing of Terrorism.</li> </ul> <p>The Bar Council may also adopt intern regulations whose determine the professional rules to respect.</p> <p>More details / explanations available on Chapter 3 of the amended <a href="#">Law of 10th August 1991</a></p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>References to the implementation of <a href="#">Directives 98/5/EC</a> and <a href="#">77/249/EC</a> :</p> <ul style="list-style-type: none"> <li>- <a href="#">Law of the 29 April 1980</a></li> <li>- <a href="#">Law of the 13 November 2002</a></li> <li>- <a href="#">Codes of deontology</a></li> </ul>
<p>4.4. Reference to CCBE guidelines or existing national guides</p>	<ul style="list-style-type: none"> <li>- <a href="#">Guidelines for Bars &amp; Law Societies on Free Movement of Lawyers within the EU (En)</a></li> <li>- <a href="#">Guide du CCBE à l'intention des barreaux sur la libre circulation des avocats dans l'UE (Fr)</a></li> </ul>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>Some summits are open to any European lawyer. As well some events or trainings are organized in common with other Bars and are open at any lawyer.</p>
<p>4.6. Contact information</p>	<p>The EU, EEA or Swiss lawyer should contact for information at national level :</p> <ul style="list-style-type: none"> <li>- <a href="mailto:Info@barreau.lu">Info@barreau.lu</a></li> <li>- <a href="mailto:Tableau@barreau.lu">Tableau@barreau.lu</a></li> </ul>