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

## NORWAY

SEPTEMBER 2018

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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 received
<b>1. Establishment</b>	
1.1. Registration with Host Bar	<p>If an EEA lawyer wants to establish himself/ herself in Norway and practice law permanently, he or she must register with the Norwegian Supervisory Council for Advocate Affairs (“tilsynsrådet for advokatvirksomhet”). The registration requires:</p> <ul style="list-style-type: none"><li>• Submitting a written certificate from an officially authorized authority in the lawyers’ home country (often the Bar Association) in which it is stated that the lawyer qualifies as a licensed lawyer in the home jurisdiction and that there are no pending cases against the lawyer. Moreover, a certified translation of this certificate must be provided, except in cases where the certificate is in English, Swedish or Danish</li><li>• Presenting a certified copy of passport or other official ID which proves the lawyer’s nationality. This needs to be certified by lawyers, courts or court-like organs</li></ul> <p>There is no registration fee to registrar with the Norwegian Supervisory Council for Advocate Affairs. However, any lawyer will need to obtain an insurance. The prices of insurances vary, depending on areas of law and maximum amount of coverage. A standard insurance for members of the Norwegian Bar Association costs about 7000 NOK. In addition, it costs about 6000 NOK to become a member of the Norwegian Bar Association. Moreover, lawyers have an obligation to report their finances to the Supervisory Council for Advocate Affairs annually. They will need to open a client account in a bank and this could involve some expenses.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"><li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 10-1 and 10-2.</li></ul>
1.2. Title	The person in question should use a professional title from his home country with an addition showing the nationality.

	<p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-1.</li> </ul>
1.3. Salaried practice	<p>Anyone wishing to practice law in accordance with a permission pursuant to Norwegian regulations shall ensure that security for liability to pay compensation which the person in question may incur has been provided in accordance with Norwegian regulations before the practice is started and for as long as the practice is carried on.</p> <p>Reference:</p> <p>The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 2-1, 2-2, 2-3 and 2-5.</p>
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Norwegian lawyers: The legal practice of advocates may only be organized as a one-man firm owned by the advocate, or as a company in accordance with the provisions below, unless something else follows from legislation. Legal practice of advocates means the practice which advocates are entitled to carry on by virtue of the license. It shall not be considered as legal practice of an advocate if the practice is carried on in pursuance of something other than a license as an advocate. In companies which carry on legal practice, only persons who exercise a significant part of their professional activities in the service of the company may own shares or hold office as directors or deputy directors. In the case of joint-stock companies, all share certificates should be endorsed accordingly. Shares in companies which carry on legal practice may also be owned by a parent company, provided that all shares of the parent company are owned by persons who, exercise a substantial part of their professional activities in the service of the parent company, and that the parent company conforms to the provisions of the fourth to sixth paragraphs below. In the case of companies which carry on legal practice, the name of the company shall include the word advocate. In addition to the legal practice, the company may only engage in affairs which are reasonably connected with the legal practice as advocates. Practice as mentioned before may only be carried on by advocates.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Act about Courts (domstolloven) of 13<sup>th</sup> August 1915 no. 5 Articles 231, 232 and 233.</li> </ul>
1.5. Joint Practice	<p>A group of lawyers is permitted. See limits above.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Act about Courts (domstolloven) of 13<sup>th</sup> August 1915 no. 5 Articles 231, 232 and 233.</li> </ul>
1.6. Areas of Activity	<p>EEA advocates are entitled to practice foreign law, private international law and Norwegian law when the person in question has given notice pursuant to Norwegian regulations as described above.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-1.</li> </ul>
1.7. Practice Rules	<p>An EEA advocate may provide legal assistance in litigation and outside of litigation. In cases when it is required that the counsel or defense attorney should be entitled to appear before the Supreme Court, the advocate must appear jointly with a Norwegian advocate entitled to appear before the Supreme Court. If the advocate's command of the Norwegian language is not satisfactory, the person in question must appear jointly with a Norwegian advocate during litigation, unless the court gives</p>

	<p>its consent for the advocate to appear by himself. In other special instances, the court may stipulate as a condition for accepting that a foreign advocate may appear as counsel or defense attorney that the advocate shall appear jointly with a Norwegian advocate. Legal assistance during litigation shall be exercised in accordance with the rules laid down for Norwegian advocate. By interlocutory decision, the court may prohibit the use of a foreign advocate as a defense attorney or counsel if dictated by considerations relating to the security of the country.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-4.</li> </ul>
<p>1.8. Principle of Double Deontology</p>	<p>Host regulations apply.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-14.</li> </ul>
<p>1.9. Disciplinary proceedings</p>	<p>The advocate must conduct himself professionally and correctly in his practice. The advocate must refrain from any conduct which can hurt the image of the bar and the profession. If not, the advocate can face disciplinary proceedings and his or her license can be revoked. The affairs of advocates will be supervised by the Supervisory Council for Advocate Affairs.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-14 and the Act of the Courts (domstolloven) of 13<sup>th</sup> August 1915 no. 5 Article 115.</li> </ul>
<p>1.10. Insurance (professional indemnity insurance, social security, etc.)</p>	<p><b>Professional Indemnity Insurance:</b> A lawyer who will practice as an advocate under his own name must provide security covering the liabilities that he may incur in his legal practice.</p> <p>See also point 1.1</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 2-1, 2-2, 2-3, 2-5 and 10-3.</li> </ul>
<p>1.11. Fees</p>	<p>The fee is regulated by a contract between the lawyer and the client. The client is entitled to be informed about how the advocate has stipulated his fee. The fee shall be reasonably related to the assignment and to the work performed by the advocate. An advocate must not enter into an agreement with clients or others to the effect that he shall receive a fee based on a percentage or share in relation to the outcome or subject of the case, regardless of whether this involves a sum of money or another form of remuneration. Exceptions from this rule can only be made in the cases when legislation or public regulations authorize such a possibility. If an advocate requires payment on account of fees and/or expenses, the payment must not exceed the amount which in accordance with a reasonable judgement may be used to cover fees and expenses.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 3.3.1, 3.3.2 and 3.3.3.</li> </ul>

<p>1.12. Continuing Legal Education</p>	<p>Only required if a member of the Norwegian Bar Association. Then the requirement is 80 hours in five years.</p> <p>This is not part of any national regulations but follows from the internal regulations of the Norwegian Bar Association concerning its members. If lawyers have been accepted as members of the Norwegian Bar Association, they have also agreed to follow our guidelines.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Norwegian Bar Association's Rules for Compulsory Continuing Legal Education article 1.</li> </ul>
<p>1.13. Bar</p>	<p>Lawyers licensed by the Norwegian Supervisory Council for Advocate Affairs can apply to be members of the Norwegian Bar Association.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Statute of the Norwegian Bar Association article 2-1.</li> </ul>
<p>1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'</p>	<p>If an EEA lawyer wants to apply for a Norwegian legal license he or she must, in addition to the criteria mentioned in section 1.1:</p> <ul style="list-style-type: none"> <li>- The lawyer needs to provide proof of one of three options: <ol style="list-style-type: none"> <li>1) that he has passed an examination in Norway which demonstrates that the person in question has sufficient knowledge of Norwegian law, or</li> <li>2) that he has exercised actual and regular activities as an advocate in Norway for at least three years, assuming that the practice has mainly comprised Norwegian law, or also the law of the European Union, as the case may be, or</li> <li>3) that he has exercised actual and regular activities as an advocate in Norway for at least three years, with a shorter period within Norwegian law, or also the law of the European Union, as the case may be, assuming that the person in question has attained sufficient knowledge of Norwegian law.</li> </ol> </li> <li>- The lawyer must provide a police certificate that he or she has a reputable past, which cannot be older than three months.</li> </ul> <p>The EEA lawyer will acquire the right to use the title of a Norwegian lawyer, in addition to or instead of his or her title from her home country. This is considered to implement Article 10 of Directive 98/05/EC in Norway.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 9-3.</li> </ul>
<p><b>2. Services</b></p>	
<p>2.1. Under home title &amp; representation before courts</p>	<ul style="list-style-type: none"> <li>• Service only under your home title – before courts and administrative authorities</li> </ul>

	<ul style="list-style-type: none"> <li>• Courts and administrative authorities may require proof that you are a lawyer in your home state.</li> <li>• An EEA advocate may provide legal assistance in litigation and outside of litigation. In cases when it is required that the counsel or defense attorney should be entitled to appear before the Supreme Court, the advocate must appear jointly with a Norwegian advocate entitled to appear before the Supreme Court. If the advocate's command of the Norwegian language is not satisfactory, the person in question must appear jointly with a Norwegian advocate during litigation, unless the court gives its consent for the advocate to appear by himself. In other special instances, the court may stipulate as a condition for accepting that a foreign advocate may appear as counsel or defense attorney that the advocate shall appear jointly with a Norwegian advocate. Legal assistance during litigation shall be exercised in accordance with the rules laid down for Norwegian advocate. By interlocutory decision, the court may prohibit the use of a foreign advocate as a defense attorney or counsel if dictated by considerations relating to the security of the country.</li> </ul> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 10-1,10-2 and 10-4.</li> </ul>
2.2. Deontology	<p>The visiting EEA lawyer providing services in a host country shall observe professional rules of his home country. However, if the EEA lawyer provides representation of clients before courts and other bodies, the home country's regulations will be applied as subsidiary to the rules of the host country.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Article 10-14.</li> </ul>
2.3. Fees	<p>See before.</p> <p>Reference:</p> <ul style="list-style-type: none"> <li>- The Additional Regulation for Lawyers (Advokatforskriften) of 20<sup>th</sup> December 1996 no. 1161 Articles 3.3.1, 3.3.2 and 3.3.3.</li> </ul>
<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 (or having a period of adaptation up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>The aptitude test is arranged by the legal department of the University of Oslo 1<sup>st</sup> of March and 1<sup>st</sup> of September every year. The test consists of an eight hours written part and an oral part. One needs to sign up for the test minimum two months in advance by sending an email to the University of Oslo. The test costs 12.000 NOK. The test is graded on a pass/ fail basis. You can ask for an explanation of your result.</p>
<b>4. Practicalities</b>	

4.1. Practical information	<ul style="list-style-type: none"> <li>You can find information on the court system, addresses, contacts and opening hours of all Norwegian courts under: <a href="https://www.domstol.no/">https://www.domstol.no/</a></li> <li>Contacts to and information on the organization of the Norwegian Bar Association are available under: <a href="https://www.advokatforeningen.no/">https://www.advokatforeningen.no/</a></li> <li>The Norwegian Supervisory Council for Advocate Affairs (“tilsynsrådet for advokatvirksomhet”): <a href="http://tilsynet.no/">http://tilsynet.no/</a></li> </ul>
4.2. National organisation	<p>The Norwegian Supervisory Council for Advocate Affairs (“tilsynsrådet for advokatvirksomhet”) supervises that Norwegian law firms and lawyers conduct their business and affairs in accordance with national regulations and approve of applications to enter the Norwegian bar.</p> <p>The Norwegian Bar Association is responsible for keeping the ethical code for its members and the legal profession. The Bar Association is the secretariat for the disciplinary system of complaints against lawyers. For members of the Norwegian Bar Association there are seven local disciplinary committees, consisting of three members, whom will decide the first round of complaints against them. The cases may be appealed to a national disciplinary committee. For non-members of the Norwegian Bar Association disciplinary proceedings goes straight to the national committee unless the parties involved prefer to start in the local committees.</p>
4.3. Reference to national legislation with other languages available + links	<p><a href="https://lovdata.no/dokument/SF/forskrift/1996-12-20-1161">https://lovdata.no/dokument/SF/forskrift/1996-12-20-1161</a></p> <p><a href="https://www.advokatforeningen.no/advokatetikk/god-advokatskikk/kommentarutgaven/">https://www.advokatforeningen.no/advokatetikk/god-advokatskikk/kommentarutgaven/</a></p>
4.4. Reference to existing national guides	N/A
4.5. Reference to services available for lawyers in that jurisdiction	All lawyers have access to the same public information in libraries, documents etc. on a non-discriminatory basis.
4.6. Contact information	post@tilsynet.no