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

SWEDEN

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
1. Establishment	
1.1. Registration with Host Bar	<p>General information: There is no monopoly of legal services in Sweden. Any person may practice law, offering his/her services to the public, appear in court in the most cases (except in criminal proceedings) without the need for an authorization. European lawyers must provide their services under their home professional title. Only members of the SBA may use the Swedish professional title “Advokat” and it is a criminal offence to use it without being such a member.</p> <p>Registration with the Swedish Bar Association (SBA): European lawyers must register with the SBA in order to provide legal services under a permanent basis in Sweden (establishment). To be registered in SBA's register of European Lawyers every lawyer must submit an application for registration on a special form.</p> <p>The form sets forth the documentation etc. required in order for the application to be considered (see https://www.advokatsamfundet.se/globalassets/advokatsamfundet_eng/registration-of-eu-lawyers.pdf).</p> <p>In order for an application for registration to be considered by the Council of the Swedish Bar Association, the following certificates must be enclosed with the application:</p> <ol style="list-style-type: none">1. Proof of qualification from the professional organisation in the home Member State and/or proof from the court(s) of the home Member State within the jurisdiction of which the applicant has the right to appear.2. Proof from the professional organisation in the home Member State evidencing any disciplinary action to which the applicant has been subject.3. Registration certificate for the applicant's own business, if any, in Sweden. <p>The appendices may <i>not be older than three months</i> at the time of the application.</p>

	<p>In addition, detailed information shall be provided regarding any liability insurance obtained in the home country.</p> <p>There is no registration or establishing fee. Annual fees apply, for 2018 the annual fee is 5 400 SEK (approx. 450 €) and service fee 6 800 SEK (approx. 680 €).</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 2 a - the Charter of the Swedish Bar Association section 31
1.2. Title	<p>EU-lawyers must practice under his/her home professional title.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 2 a and 9 - the Charter of the Swedish Bar Association section 4 a
1.3. Salaried practice	<p>Employment as lawyer is only permitted to another lawyer or law firm. A lawyer (advocate) who on a permanent basis pursues professional activities as a lawyer in Sweden may not be employed by anyone except a lawyer and if the activities are pursued in the form of a company or partnership, only a lawyer may be a shareholder or partner.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 2 and 4 - the Charter of the Swedish Bar Association section 34, 38 and 39 - the Code of Conduct of the Swedish Bar Association chapter 7 section 1, 4-7
1.4. Legal Form and Shareholding	<p>Law firms may be conducted in any Swedish company structure (see above).</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - Not regulated/e contrario the Swedish Code of Judicial Procedure the Charter of the Swedish Bar Association and the Code of Conduct of the Swedish Bar Association.
1.5. Joint Practice	<p>MDPs or ABSs or other types of non-lawyers cooperation are not permitted in joint practice. Lawyers may only provide legal services in cooperation with other lawyers (see above).</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 - the Charter of the Swedish Bar Association section 34 - the Code of Conduct of the Swedish Bar Association chapter 7 section 1, 4-7
1.6. Areas of Activity	<p>In general, no limitations as such, since Sweden has no monopoly of legal services (see above). However, only Swedish lawyers ("advokat") may be appointed as public criminal defence counsels. There are also for other types of legal representation where the legal counsel is appointed by court, specific conditions to be met. Normally Swedish courts only engage lawyers who regularly function as counsel before the court. Furthermore, legal counsels in court proceedings must</p>

	<p>master the Swedish language and only a person deemed suitable by the court, by reason of that person's honesty, knowledge, and earlier activities, may appear as legal counsel in a Swedish court.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 1, chapter 12 section 2, chapter 20 section 15, chapter 21 section 3 and 5 - the Swedish Legal Aid Act section 26 - the Swedish Act concerning Counsel for the Aggrieved person section 4
1.7. Practice Rules	<p>Sweden has an open and competitive market for legal services. There is no monopoly for advocates in the sense that legal services are reserved for advocates. The only exception is that a public defense counsel, in principle, should be member of the Swedish Bar Association (be an advocate; see above). As a whole anyone can provide legal services in Sweden without being an advocate and even without being a lawyer. However, only advocates can provide legal services under the professional title "Advokat" (advocate), which is a legally protected title. Furthermore, there are no mandatory requirements to have a legal counsel for a party in court proceedings; not even in the supreme courts.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 10, chapter 12 section 1, chapter 21 section 3 and 5
1.8. Principle of Double Deontology	<p>An established EU-lawyer is subject to the regulations not only by the home bar but also by the SBA (Code of Professional Conduct for members of the Swedish Bar Association and other regulations).</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 and 9 - the Charter of the Swedish Bar Association section 34 and 44-44 a
1.9. Disciplinary proceedings	<p>A registered EU-lawyer is bound by the same supervisory and disciplinary regulation as Swedish lawyers.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 and 9 - the Charter of the Swedish Bar Association section 34 and 44-44 a
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> • Professional Indemnity Insurance: Must comply with or be equivalent to the rules for Swedish advocates. A registered lawyer shall also pay a service charge to the SBA (the Swedish Lawyers' Service Company). The service charge can under certain circumstances be reduced. • Social security: An EU-lawyer may waive payment in pension scheme if he/she continues to contribute in his/her home pension scheme. <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 and 9 - the Charter of the Swedish Bar Association section 31, 34 and 44-44 a

	<ul style="list-style-type: none"> - the Code of Conduct of the Swedish Bar Association chapter 2 section 6
1.11. Fees	<p>Swedish rules apply. In general lawyer and client can agree on a fee, which must be reasonable and correspond to the Code of Conduct for Swedish lawyers. Furthermore, there are fixed hourly rates in some court proceedings where the legal counsel has been appointed by the court. The hourly rate, decided by the Swedish State every year, also in many cases marks the normal level of fees for legal services.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 21 section 10 (public defender) - the Swedish Legal Aid Act section 27 (counsel under the Legal Aid Act and counsel for the Aggrieved person) - the Ordinance regarding standard hourly fee within the field of legal aid section 2 - the Swedish National Courts Administration provisions for remuneration and reimbursement (DVFS 2017:11) - the Code of Conduct of the Swedish Bar Association chapter 4 section 1
1.12. Continuing Legal Education	<p>Required, in accordance with the Swedish regulation for continuing professional training of advocates (at least 18 hours of legal education every year), see the Swedish regulation for continuing professional training of advocates.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 - the Charter of the Swedish Bar Association section 31 and 36 - the Code of Conduct of the Swedish Bar Association chapter 2 section 5
1.13. Bar	<p>Registration in the register of EU-lawyers by the Swedish Bar Association (see above). By registration, you become member of the local department of the SBA.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 2 a and 9 - the Charter of the Swedish Bar Association section 4 a and 27
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<p>Among the requirements for membership are:</p> <ul style="list-style-type: none"> • Domicile in Sweden or another country within the European Union, the European Economic Area, or Switzerland, • Passed proficiency examination required for competency to a judge's office – i.e. in Sweden, an LL.M.-degree, • Minimum three years' experience of practising law, offering legal services to the public at the time of application, • Passed the Swedish Bar Examination after completing the mandatory training courses, • Reputation for integrity, and also otherwise considered suitable for the legal profession (references from working contacts, i.e. other lawyers, judges, civil servants, etc.). <p>A person who has completed legal training necessary to qualify as a lawyer within the EU-states, the EEA-states or in Switzerland and who has completed an aptitude test in Sweden that shows that he/she possesses the requisite knowledge of</p>

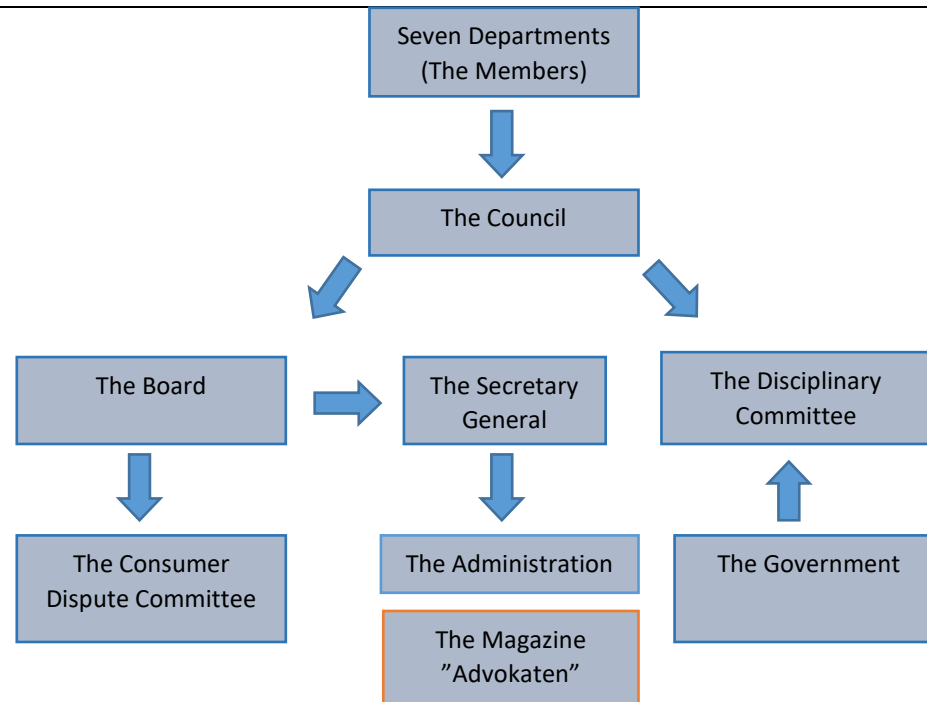
	<p>the Swedish legal system, shall be deemed to meet the second and third requirement.</p> <p>The same applies to EU-lawyers established in Sweden and registered with the SBA who for a period of at least three years actually and regularly have practiced law in Sweden, provided either that the practice mainly has involved Swedish law or, if this has not been the case, the registered lawyer has otherwise acquired sufficient skills and experiences to be admitted as member of the SBA. It is common procedure in the application process that the employer (law firm) certifies the applicants suitability for membership of the SBA.</p> <p>Validation of aptitude tests, please see the Swedish Council for Higher Education (and below point 3.2)</p>
<h2>2. Services</h2>	
<p>2.1. Under home title & representation before courts</p>	<p>No monopoly of legal services in Sweden.</p> <p>EU-lawyers must register and provide service under their home professional title or apply for membership of the SBA (see above). In special cases there are requirements to be a Swedish advocate (“advokat”), e.g. public defence counsel.</p> <p>Where the representation and defense are reserved to advocates (i.e. criminal proceeding), you can only assist or work in conjunction with a Swedish advocate.</p> <p>Courts and administrative authorities may require proof that you are lawyer in your home state.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 2 a and 9 - the Charter of the Swedish Bar Association section 4 a
<p>2.2. Deontology</p>	<p>A registered EU-lawyer is subject to the same laws and regulations as a Swedish lawyer (“advokat”) and subject to the same disciplinary supervision.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 8 section 4 and 9 - the Charter of the Swedish Bar Association section 31, 34 and 44-44 a
<p>2.3. Fees</p>	<p>Swedish rules apply, see above.</p> <p>Relevant provisions:</p> <ul style="list-style-type: none"> - the Swedish Code of Judicial Procedure chapter 21 section 10 (public defender) - the Swedish Legal Aid Act section 27 (counsel under the Legal Aid Act and counsel for the Aggrieved person) - the Ordinance regarding standard hourly fee within the field of legal aid section 2 - the Swedish National Courts Administration provisions for remuneration and reimbursement (DVFS 2017:11) - the Code of Conduct of the Swedish Bar Association chapter 4 section 1

3. Acquisition of the national lawyer's title

3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test : see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>For the aptitude test: the applicant may take the university courses of introduction to Swedish law and the course of procedural law held at Stockholm University. The courses are held in Swedish and are in the syllabus of the Swedish master of laws program. The applicant is also required to shall have participated in the preparatory courses for, and passed, the Swedish bar examination held by the SBA.</p> <p>The cost of the university courses are approx 10 000 SEK each and the cost of the bar exam with courses are approx. 35 000 SEK, in total 45 000 SEK (approx 4 800 €).</p> <p>No specific preparation needed but attending classes/seminars and regular self-studying.</p>

4. Practicalities

4.1. Practical information	<ul style="list-style-type: none"> • Information about membership and registration with the Swedish Bar Association can be found under https://www.advokatsamfundet.se/Advokatsamfundet-engelska/Membership-and-registration/ • You can find information on the court system, addresses, contacts and opening hours of all Swedish courts under http://www.domstol.se/Funktioner/English/ • Court proceedings are following a strict scheme stipulated in the Swedish Code of Judicial Procedure and Code of Administrative Procedure. The atmosphere is formal, but the dialogue in the courtroom is informal. • There are normally security checks in the entrance of the court buildings. Advocates with a lawyers ID should be treated with priority, why it is recommended to bring such identification documents. • Before the Swedish courts, lawyers are not required to wear a gown in the courtroom. • As a lawyer for the plaintiff you and your client sit on the right side, as a lawyer for the defendant you and your client sit on the left side from the judge's point of view. • Contacts to and information on the Swedish Bar Association are available under: www.advokatsamfundet.se. All relevant provisions are found also in English.
4.2. National organisation	<p>The SBA is divided into seven geographical sections (Departments), six for members practising in Sweden and one for those members who practise abroad. Each section has a local board of its own. Every advocate belongs to the section within whose area the advocate principally conducts the business. The sections perform duties in connection with the admission procedure. They also elect delegates to the Bar's supreme body, the Council.</p> <p>A regular meeting of the Council is held once a year; the Council elects the Board of the Bar and the members of the Disciplinary Committee. The Board consists of the President, the Vice President, and nine ordinary members, with nine deputy members. An ambition in electing the Board is to ensure the different regional sections and different professional practise areas are duly represented. The maximum tenure for a Board Member is six years. The Disciplinary Committee is</p>



composed of eleven members. The Bar Association elects the Chairman, the Vice Chairman, and six of the members. The Government appoints the remaining three members as representatives of the public. The maximum term for the members appointed by the Bar is eight years.

The Consumer Dispute Committee is composed of five representatives (each with a substitute) elected by the Board. The representatives are currently one judge, two members of the Bar and two representatives for the consumer interest. The Bar employs approximately 35 persons excluding the editor and journalists of the Bar magazine. The Chief Executive Officer of the Bar is the Secretary General.

4.3. Reference to national legislation with other languages available + links

- the Swedish Code of Judicial Procedure in [Swedish](#) and [English](#) (English version however a bit outdated)
- Compilation of charter, rules etc. for members of the SBA in [Swedish](#)
- the Charter of the Swedish Bar Association in [English](#)
- the Code of Conduct of the Swedish Bar Association in [English](#)
- Glossary for the Courts of Sweden issued by the Swedish National Courts Administration in [English](#)

<p>4.4. Reference to existing national guides</p>	<ul style="list-style-type: none"> - Introducing the Swedish courts issued by the Swedish National Courts Administration in English - The SBA website in English - Information to EU citizens issued by the Swedish Migration Agency in English
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<ul style="list-style-type: none"> - The SBA Law library is available to its members, registered EU lawyers and law students, information in English - Common practice by law firms is to buy services of on-line law libraries and databases by private companies.
<p>4.6. Contact information</p>	<p>Contact us:</p> <p>Sveriges advokatsamfund Box 27321 SE-102 54 Stockholm Sweden</p> <p>Telephone: +46 8 459 03 00 Fax: +46 8 660 07 79 E-mail: info@advokatsamfundet.se</p> <p>Visit us:</p> <p style="padding-left: 40px;">Laboratoriegatan 4, Stockholm, Sweden</p>