



CONTINUOUS TRAINING IN THE CCBE MEMBER COUNTRIES: SUMMARY

April 2016

| | |
|---|---|
| Introduction | 2 |
| 1. General information | 3 |
| 2. Continuous training obligation | 4 |
| 2.1. Extent (in hours, points, credits, lessons, events)..... | 4 |
| 2.2. Extent on annual or multiannual basis..... | 4 |
| 2.3. Specific requirements | 4 |
| 2.4. Transmission of surplus..... | 4 |
| 2.5. Exemptions..... | 4 |
| 3. Training activities and methods | 5 |
| 3.1. Activities..... | 5 |
| 3.2. Methods | 6 |
| 4. Course providers | 6 |
| 5. Assessment of training activities | 6 |
| 5.1. Procedure | 6 |
| 5.2. Criteria | 7 |
| 6. Supervision | 7 |
| 6.1. Compliance procedure | 7 |
| 6.2. Sanctions | 7 |

Introduction

The CCBE looks into continuous training issues on a regular basis. It has adopted a number of positions which serve to assist national Bars/Law Societies in the introduction of continuous training:

- [Resolution on training for lawyers in the EU](#) (25 November 2000)
The CCBE agrees that “it will take steps to make detailed recommendations to the bars and law societies of the European Union on the harmonisation of the quality of legal training in the EU”.
- [Recommendation on continuing training](#) (28 November 2003)
Recommendation encourages the adoption of continuous training regimes and confirms a culture of quality and training for lawyers, in the public interest. Specific recommendations about areas, method, evaluation and monitoring of continuous training are issued.
- [Model Scheme for Continuing Professional Training](#) (25 November 2006)
Model Scheme “serves as an example for those members of the CCBE who have the competence and will to introduce Continuous Training within their home jurisdictions” and “offers a framework for the development of guidelines or regulations focused on the home jurisdictions of the members of the CCBE”.
- [Recommendation on Training Outcomes for European Lawyers](#) (23 November 2007)
The CCBE recognises “the importance of promoting a transparent set of training outcomes for lawyers in Europe” and “sets out its view of the main training outcomes necessary for a European lawyer”.
- [Resolution on Continuing Legal Education](#) (29 November 2013)

In 2015/2016, the CCBE has updated information on national continuous training rules which were first gathered in 2011. This note provides an overview of the national continuous training regimes in the CCBE member countries.

1. General information

19 CCBE full member countries have a specific mandatory continuous training regime. In most of these countries, it has been introduced in the past 15 years; there are only few exceptions of an earlier adoption (in the 80's and 90's)¹.

It should be noted that, in Switzerland, the mandatory continuous training regime applies only to accredited *specialist* lawyers who have expertise in certain fields of law. As for non-specialised lawyers, the Code of Conduct provides that they have to carry out his/her profession with care and diligence (*L'avocat exerce sa profession, avec soin et diligence, et dans le respect de l'ordre juridique.*) which is considered by the doctrine as encompassing an obligation to undergo continuous training. In Germany, a specific, legally-sanctioned, training regime only exists for specialist lawyers; however, all lawyers are legally required to undergo some form of continuous training (but no specific regime is in place). In Austria, all lawyers have the obligation to undergo continuous training, but no specific legal regime is in place.

12 full member countries have no specific mandatory continuous training regime; however, in all of these countries various continuous training opportunities exist (which *inter alia* are organised also by the Bars/Law Societies).

Of the 13 CCBE associated and observer members, at least one (Georgia) has a mandatory continuous training regime, and at least one has no mandatory regime (Andorra).

| Introduced (19) | Not introduced (12) |
|---|---|
| <ul style="list-style-type: none">• Belgium (<i>Avocats.be / OVB</i>)• Bulgaria• Denmark• Estonia• Finland• France• Germany (<i>Only for specialized lawyers</i>)• Ireland (<i>Bar / Law Society</i>)• Italy• Latvia• Lithuania• Luxembourg• Norway• Poland (<i>Bar / National Council of Legal Advisors</i>)• Romania• Sweden• Switzerland (<i>Only for specialized lawyers</i>)• The Netherlands• UK <i>England and Wales (Law Society / Bar)</i> <i>Northern Ireland (Law Society / Bar)</i> <i>Scotland (Law Society / Faculty of Advocates)</i> | <ul style="list-style-type: none">• Austria• Czech Republic• Cyprus• Germany• Greece• Hungary• Iceland• Liechtenstein• Malta• Portugal• Slovak Republic• Slovenia• Spain |

¹ The Law Society of England and Wales in 1985, the Law Society of Scotland in 1993, Germany in 1994, Finland in 1995 and the General Council of the Bar of England and Wales in 1997.

2. Continuous training obligation

2.1. Extent (in hours, points, credits, lessons, events)

In more than a half of the member countries, the extent of mandatory continuous training is measured in hours, in eight member countries the system of points² is used, while four member countries have opted for the system of credits.³ In Denmark it is measured in lessons, whilst in Romania it is measured in attendance to a certain amount of events (i.e. three seminars, conferences or discussions).

The average extent of the training obligation is approximately 14 hours/13-14 points annually.

The extent of mandatory continuous training obligation varies, for instance:

- Six hours (Bulgaria) up to 20 hours per year (France, Scotland-Law Society);
- Three points annually (Lithuania) up to 20 points annually (Belgium (Avocats.be, The Netherlands);
- 10 credits annually (Estonia) up to 15 credits annually (Germany).

The extent depends in some countries on the experience of the lawyer.

2.2. Extent on annual or multiannual basis

In the majority of member countries extent of the training obligation is defined per year (calendar or practice/judicial year)⁴ which means that a lawyer will have to do X amount hours of training in a year.

There are several member countries in which the extent is determined on a multiannual⁵ basis; in some other countries the obligation is determined on an annual basis for a period of several years.⁶

2.3. Specific requirements

A number of member countries provide for specific requirements: they require the lawyer to undergo training in certain fields for a definite amount of hours, points, credits (such as training in legal matters as opposed to non-legal matters, ethics).

2.4. Transmission of surplus

In most of the member countries, it is possible to transfer surplus (of hours, points or credits) to the next training year; however, some jurisdictions have opted to limit the maximum amount of hours, points or credits which may be transferred.

2.5. Exemptions

Exemptions from the continuous training obligation may be divided in the following categories:

Reduction of training obligation – exists in most of the member countries; it is granted if there are certain specific reasons (e.g. maternity leave, parental leave, sick leave). Usually the extent of

² E.g. 1 course hour corresponds to 1 point, 1 teaching hour corresponds to 2 points.

³ E.g. 1 course hour corresponds to 1 credit, 1 teaching hour corresponds to 2 credits.

⁴ In the Bar Council of Ireland the practice year is a period of 12 months ending on 30 September each year, in the Law Society of England and Wales training year lasts from 1 November until 31 October whilst in the General Council of the Bar of the Northern Ireland 12 month period commences on 1 December.

⁵ 2 years: Romania; 3 years: Denmark, England and Wales (Bar Council); 5 years: Norway.

⁶

2 years in France (20 hours annually) and Luxembourg (16 points annually on average); 3 years in the OBF of Belgium (20 points annually), 3 years in Italy (minimum 15 credits annually) and the Law Society of Ireland (extent of the obligation for each year differs); 5 years in Estonia (10 credits annually).

training obligation is reduced on a discretionary basis; however, in several countries concrete rules⁷ are established.

Some countries – instead of reducing the training obligation – will give the lawyer more time to comply with his/her training obligation.⁸

Waiver of training obligation – exists in some member countries (e.g. for lawyers who have reached certain age; have been practicing for a long period of time).⁹

Exemptions are granted by officials or special bodies of the Bar/Law Society (e.g. the President, the Council, the Training Committee of the Council, the Board, the Internal Relations Committee, the Secretary-General, the Bar Standards Board, the Director of Training and Education).

3. Training activities and methods

3.1. Activities

National systems provide the following categories of training activities:

- courses
- language courses
- teaching
- writing/publishing
- foreign training activities

In all member countries courses (seminars, conferences, symposia, training sessions and other similar activities) are recognised as a training activity, with most countries also recognising teaching, writing and publishing. In a few¹⁰ of the jurisdictions, language courses are recognised as a training activity. In the majority of the member countries, mandatory continuous training obligation may be fulfilled by carrying out a number of other training activities (such as post-graduate studies or work within the Bar).¹¹

In most of the member countries, participation in foreign training events may be recognised as a training activity (though in the OVB of Belgium, for example, there is a limit of maximum 10 points annually that may be awarded for the activities accredited by a foreign Bar). The foreign training activities usually have to fulfil the national requirements in order to be awarded with training hours, points or credits. However, Bars/Law Societies in some countries have concluded mutual agreements foreseeing automatic recognition of training activities. It should be noted that Article 55a of the [Professional Qualifications Directive 2013/55/EU](#) provides that professional traineeships required for access to a regulated profession carried out in one Member State must be recognised by a relevant Competent Authority in another Member State. Member States may however “*set a reasonable limit on the duration of the part of the professional traineeship which can be carried out abroad*”. Furthermore, Article 55a asks competent authorities to “*publish guidelines on the organisation and recognition of professional traineeships carried out in another Member State or in a third country, in particular on the role of the supervisor of the professional traineeship*”.

⁷ E.g. in Denmark legal leave from the job for 2 months results in reduction of 3 lessons; in the Law Society of Ireland the requirement for senior practitioner is max. 3 hours in each cycle, similar rules are also set in the Law Society of England and Wales; in Estonia, the training obligation is still determined on an annual basis for 5 years, but this 5 year period is postponed for the period when a membership has been suspended.

⁸ E.g. the General Council of the Bar of England and Wales, the General Council of the Bar of the Northern Ireland, the Faculty of Advocates of Scotland.

⁹ E.g. in Estonia if the lawyer has defended his/her LLD/ML degree in the calculation period; in the Bar Council of Ireland for the first year of practice; in Italy for a lawyer who has exceeded 25 years of Bar registration and is more than 60 years old.

¹⁰ E.g. in OVB of Belgium (only legal language courses), Denmark, Finland, France, the Law Society of Ireland, Latvia, Norway, Sweden, The Netherlands, the Law Society of England and Wales, the Law Society of Northern Ireland, the Law Society of Scotland, and the Polish Bar Council.

¹¹ Also by drafting opinions/statements of draft laws/other legal acts, drafting legal acts under the authorization of the Bar/Law Society, doing research, reading material of legal nature published in a legal periodical or textbook, carrying out voluntary legal work.

With regards to the methodology of how training activities are measured, teaching sometimes¹² receives twice as many hours, points or credits compared to the participation in courses. Writing/publishing is measured either in the amount of words/characters with or without spaces, or it is clearly defined that one publication may receive certain amount of hours, points, or credits.¹³

Some members have opted to limit the maximum amount of hours, points and credits which may be awarded for one training activity thus obliging the lawyers to diversify training activities.

3.2. Methods

In most of the member countries e-methods are available (usually e-learning, but a few countries have also introduced e-teaching¹⁴).

4. Course providers

Course providers can be divided into 3 categories:

- 1) *Bar/Law Society* – in all but three¹⁵ of the member countries, national Bar/Law Society and/or regional/local Bars directly or indirectly (through special institutions, e.g. training centres established within or by the Bar/Law Society) provide training courses. The lawyer is normally automatically awarded with the training hours, points or credits for attending these courses
- 2) *Accredited providers* – some member countries¹⁶ have a list of accredited (pre- recognised) course providers (e.g. universities, public bodies); content, relevance, quality and other aspects of these courses are usually not assessed and thus the lawyer, for attending these courses, is automatically awarded with the training hours, points or credits;
- 3) *Other providers (free market providers)* – nearly all member countries have not set any limitations as to who/which body may provide training courses; this approach results in a high number of free market course providers. In some member countries there is an opportunity for the free market course providers to apply for an a priori course accreditation.¹⁷

5. Assessment of training activities

5.1. Procedure

Training courses, which have been provided by an accredited provider (e.g. university) or a *priori* accredited courses of a free market provider (e.g. private training institute), are normally automatically awarded with training hours, points or credits (i.e. no additional assessment about e.g. their content, relevance, quality and other aspects is required).

Other training activities are usually assessed by the Bar/Law Society during the compliance procedure (please see 6.1. below), e.g. when the lawyer submits a report (normally on an annual basis), the Bar/Law Society assesses, for instance, relevance of the training activities (for the work of the lawyer) and then concludes whether lawyer has gathered the necessary amount of training hours, points or credits. However, there are few countries where assessment is a separate procedure, i.e. a lawyer is entitled to apply to the Bar/Law Society for an assessment of his/her training activities any time.

¹² E.g. in Belgium (OVB, OBF), Estonia, Luxembourg, and Norway.

¹³ E.g. in OVB of Belgium 1000 words correspond to 2 points.

¹⁴ E.g. Belgium (OBF), England and Wales (Law Society), Estonia, and Georgia.

¹⁵ Denmark, Northern Ireland (Law Society), and The Netherlands.

¹⁶ E.g. Finland, France, Luxembourg, and Norway.

¹⁷ *A priori* course accreditation is e.g. used in Belgium (OVB and Avocats.be), France, Italy and the UK.

It also shall be noted that some national systems put a special emphasis on self-assessment.¹⁸

5.2. Criteria

Training activities, which are not subject to automatic recognition, must fulfil certain criteria to be awarded with training hours, points or credits.

In some countries there is a detailed regulation which refers both to general and more specific criteria¹⁹; the majority, however, has opted for a more general approach (e.g. link to the professional practice as the only criteria).

6. Supervision

6.1. Compliance procedure

In order to ensure fulfilment of the mandatory continuous training obligation, the majority of members have opted for “regular control”²⁰. In these countries the lawyer is usually obliged to submit a record of his/her training activities to the Bar/Law Society on an annual basis and the Bar/Law Society will then assess the submitted record (and the documents of proof, if necessary).

In some member countries compliance is exclusively monitored via “random control” which means that only a certain number of lawyers/law firms²¹ are checked.

There are also member countries in which both the “regular control” and “random control” are carried out²².

6.2. Sanctions

National rules usually provide for two types of sanctions: non-disciplinary and disciplinary.

With regards to non-disciplinary sanctions, the majority of countries will usually give the lawyer more time to comply with the training obligation. A few countries also provide for other non-disciplinary sanctions, for instance, an assessment in order to verify lawyers’ professional expertise (Estonia), payment of a fee which may reach even more than €3000 (Norway).

The disciplinary sanctions vary from warning to disbarment (the latter being possible in the majority of the member countries).

¹⁸ For instance, in Sweden, or with the Law Society of Ireland who has indicated that “a participating solicitor exercises his/her own reasonable judgment in relation to the quality of education/training and what education/training is relevant to his/her particular practice”.

¹⁹ E.g. in Denmark there are general requirements of relevance (general importance to practicing law or of specific importance to lawyer’s performance of tasks) and specific formal requirements (e.g. teacher’s professional competency; length of a course).

²⁰ The only countries which have not opted for a “regular control” are Belgium (Avocats.be), Finland, and England and Wales (Law Society).

²¹ In Finland approximately 40-50 law firms are controlled each year (this control, however, goes beyond controlling the fulfilment of the mandatory continuous training obligation; also compliance with other specific requirements is assessed).

²² E.g. Denmark, France, Lithuania, Sweden.