

**Judgments of the Court of Justice of the European Communities, judgments and orders of
the Court of First Instance**

concerning the legal profession

Free movement of lawyers

1. Case 2/74 Jean Reyners v. State of Belgium (21 June 1974)

« Freedom of establishment – restrictions – abolition - transitional period – expiry - rule on equal treatment with nations - direct effect »

The decision can be found here:

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61974J0002&lg=en

**2. Case 33/74 Johannes Henricus Maria van Binsbergen v. Bestuur van de
Bedrijfsvereniging voor de Metaalnijverheid (3 December 1974)**

« Services - freedom to provide services – restrictions - condition of residence – prohibition - particular services - persons assisting administration of justice - professional rules - observance of such rules - requirement of professional establishment - objective necessity - lawful requirement »

The decision can be found here:

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61974J0033&lg=en

3. Case 71/75 Jean Thieffry v. Conseil de l'ordre des avocats de Paris (28 April 1977)

« Freedom of establishment - national of a member state - exercise of a professional activity in another member state - profession of advocate - diploma obtained in the country of origin - recognition of equivalence with the national diploma of the country of establishment - absence of

community directives - requirement of the diploma of the country of establishment - restriction incompatible with the treat »

The decision can be found here:

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61976J0071&lg=en

4. Case 107/83 Ordre des avocats au Barreau de Paris v. Onno Klopp (12 July 1984)

« Free movement of persons - freedom of establishment – advocates - access to the profession - enrolment refused because of maintenance of chambers in another member state - incompatibility with the treaty »

The decision can be found here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61983J0107:EN:HTML>

5. Case 292/86 Claude Gullung v. Conseil de l'Ordre des avocats du Barreau de Colmar et de Saverne (19 January 1988)

« Free movement of persons - freedom of establishment - lawyers-access to the legal profession - requirement of registration at a bar - permissibility »

The decision can be found here:

http://eur-lex.europa.eu/Result.do?code=61986J0292&Submit=Search&RechType=RECH_celex&submit=Search

6. Case 427/85 Commission of the European Communities v. Federal Republic of Germany (25 February 1988)

« Freedom to provide services - lawyers-directive77/249 – implementation - obligation to work in conjunction with local lawyers - territorial restriction of the right to plead applicable to local lawyers »

The decision can be found here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61985J0427:EN:HTML>

7. Case C-340/89 Irène Vlassopoulou v. Ministerium für Justiz, Bundes- und Europaangelegenheiten Baden-Württemberg (7 mai 1991)

« Free movement of persons - Freedom of establishment – Lawyers - Access to the profession - Obligation to Member State to examine the correspondence between the diplomas and the qualifications required by national law and those obtained in the Member State of origin - Obligation to give reasoned decision open to challenge in legal proceedings»

The decision can be found here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61989J0340:EN:HTML>

8. Case 294/89 Commission of the European Communities v. French Republic (10 July 1991)

« Freedom to provide services - lawyers-Directive 77/249 - Implementation-Exclusion of nationals practicing as lawyers in another Member State-Obligation to work in conjunction with a local lawyer - Rule applicable to local lawyers concerning the territorial exclusivity »

The decision can be found here:

http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!CELEXnumdoc&numdoc=61989J0294&lg=en

9. Case C-19/92 Dieter Kraus v. Land Baden-Württemberg (31 March 1993)

« Use of a post-graduate academic title - Legislation of a Member State - Requiring authorization for the use of academic titles awarded in another Member State »

The decision can be found here:

http://eur-lex.europa.eu/Result.do?code=61992J0019&Submit=Search&RechType=RECH_celex&submit=Search

10. Case 55/94 Reinhard Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano (30 November 1995)

«Directive 77/249 EEC - Freedom to provide services – Lawyers - Possibility of opening chambers»

The decision can be found here:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61994J0055:EN:HTML>

Multi-disciplinary partnerships

11. Case 309/99 J.C.J Wouters v. Algemene Raad van de Nederlandse Orde van Advocaten (19 February 2002)

«Professional body - National Bar - Regulation by the Bar of the exercise of the profession - Prohibition of multi-disciplinary partnerships between members of the Bar and accountants - Article 85 of the EC Treaty (now Article 81 EC) - Association of undertakings - Restriction of competition - Justification - Article 86 of the EC Treaty (now Article 82 EC) - Undertaking or group of undertakings - Articles 52 and 59 of the EC Treaty (now, after amendment, Articles 43 EC and 49 EC) - Applicability - Restrictions - Justification »

The decision can be found here:

http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&Submit=Submit&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C_309%2F99&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100

Competition

12. Case C-35/99 Manuele Arduino (19 February 2002)

«Compulsory tariff for fees of members of the Bar - Decision of the National Council of the Bar - Approval by the Minister for Justice - Articles 5 and 85 of the EC Treaty (now Articles 10 EC and 81 EC) »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C>
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[35%2F99&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C)

Free movement of lawyers

13. Case 145/99 Commission of the European Communities v. Italian Republic (7 March 2002)

«Failure by a Member State to fulfil its obligations - Articles 52 and 59 of the EC Treaty (now, after amendment, Articles 43 EC and 49 EC) - Directive 89/48/EEC - Access to and practice of the profession of lawyer »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C>
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[145%2F99&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit](http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&radtypeord=on&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C-289%2F02&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit)

14. Case 289/02 AMOK Verlags and A and R Gastronomie (11 December 2003)

«Freedom to provide services - Lawyer established in one Member State working in conjunction with a lawyer established in another Member State - Legal costs to be reimbursed by the unsuccessful party in a dispute to the successful party - Limitation »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&radtypeord=on&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C-289%2F02&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit>

Training

15. Case 313/01 Christine Morgenbesser v. Consiglio dell'Ordine degli avvocati di Genova (13 November 2003)

«Freedom of establishment - Enrolment in the register of 'praticanti' - Recognition of diplomas - Access to regulated professions »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C->

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[313%2F01&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit](http://curia.europa.eu/juris/doc/20050213%2F01&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit)

16. Order of the Court in case 250/03 (17 February 2005)

«Access to the profession of advocate – Rules on the examination for authorisation to practise as an advocate »

The text can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C>
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[250%2F03&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit](http://curia.europa.eu/juris/doc/20050213%2F03&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit)

Free movement of lawyers

17. Case 506/04 Graham J. Wilson v. Ordre des Avocats au Barreau de Luxembourg (19 September 2006)

« Freedom of establishment – Directive 98/5/EC – Practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained – Conditions for registration with the competent authority in the host Member State – Prior examination of knowledge of the languages of the host Member State – Remedy before a court or tribunal in accordance with domestic law »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecisi>

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Competition

18. Joint cases C-94/04 and C-202/04 Frederico Cipola v. Roberto Meloni (5 December 2006)

« Community competition rules – National rules concerning lawyers’ fees – Setting of professional scales of charges – Freedom to provide services »

The text can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurfp=jurfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C-94%2F04&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit>

Free movement of lawyers

19. Order of the Court of First Instance Dikigorikos Syllogos Ioanninon v. European Parliament and Council of the European Union (17 February 2007)

« Recours en annulation – Directive 2005/36/CE du Parlement et du Conseil – Reconnaissance des qualifications professionnelles – Liberté d’établissement – Avocats – Absence d’affectation directe et individuelle – Irrecevabilité »

The text can be found (available only in French)

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&Submit=Submit&alljur=alljur&jurcdj=jurcdj&jurtpi=ju>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnrec=alldocnrec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=T-449%2F05&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100>

Money laundering

20. Case 305/05 *Ordre des barreaux francophones et germanophone, Ordre français des avocats du barreau de Bruxelles, Ordre des barreaux flamands, Ordre néerlandais des avocats du barreau de Bruxelles v. Conseils des Ministres* (26 June 2007)

« Directive 91/308/EEC – Prevention of the use of the financial system for the purpose of money laundering – Obligation on lawyers to inform the competent authorities of any fact which could be an indication of money laundering – Right to a fair trial – Professional secrecy and the independence of lawyers»

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnrec=alldocnrec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C-305%2F05&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit>

Legal professional privilege/professional secrecy and in-house counsel

21. Joint Cases T-125/03 and T-253/03 *Akzo Nobel Chemicals Ltd. v. Commission of European Communities* (17 September 2007)

« Competition – Administrative procedure – Commission’s powers of investigation – Documents seized in the course of an investigation – Legal professional privilege protecting communications between lawyers and their clients – Admissibility »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL.&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=T=125%2F03&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100&Submit=Submit>

Free movement of lawyers

22. Case 168/98 Grand Duchy of Luxembourg v. European Parliament and Council of the European Union (7 November 2007)

«Freedom of establishment - Mutual recognition of diplomas - Harmonisation - Obligation to state reasons - Directive 98/5/EC - Practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was acquired »

The decision can be found here:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&Submit=Submit&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL.&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=C-168%2F98&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100>

Representation by lawyers

23. Order of the Court of First Instance Imperial Chemical Industries v. Office for Harmonization in the Internal Market (20 October 2008)

« Procedural issue – Community trade mark – Representation by a lawyer »

The text can be found:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=en&newform=newform&Submit=Submit&alljur=alljur&jurcdj=jurcdj&jurtpi=jurtpi&jurtfp=jurtfp&alldocrec=alldocrec&docj=docj&docor=docor&docop=docop&docav=docav&docsom=docsom&docinf=docinf&alldocnorec=alldocnorec&docnoj=docnoj&docnoor=docnoor&typeord=ALL&docnodecision=docnodecision&allcommjo=allcommjo&affint=affint&affclose=affclose&numaff=T-487%2F07&ddatefs=&mdatefs=&ydatefs=&ddatefe=&mdatefe=&ydatefe=&nomusuel=&domaine=&mots=&resmax=100>