

CCBE request to the United States in the context of the Transatlantic Trade and Investment partnership (TTIP) negotiations

Background

The CCBE has developed its position regarding the discussions with the United States in the framework of the current Transatlantic Trade and Investment partnership (TTIP) negotiations. The CCBE has adopted the following position on February 27, 2014.

CCBE Request (outbound to the USA)

A Lawyer with a title from any EU member state must be able to undertake the following activities in all US states, without running the risk of illegal practice of law:

- Temporary provision of services under home title in home law, EU law, international law, and third country law in which they are qualified, without a local presence;
- Establishment (i.e. with local presence) under home title to provide services in home law, EU law, international law, and third country law in which they are qualified;
- International Arbitration (as counsel or arbitrator);
- International Mediation (as counsel or mediator);
- Partnership under home title with US lawyers (with local presence);
- Employment of US lawyers (with local presence) (i.e. no restrictions on structures for establishment, for instance requirements to have a local lawyer as partner, or preventing a local lawyer being an employee).

Matters that are “off the table”

Due to the complexity involved, the following are “off the table”

- Full licence (requalification)
- Alternative business structures
- In-house counsel (ECJ case law in re: Akzo Nobel - Case C-550/07 P)
- Access to the EU laws on free movement of lawyers (Services Directive 77/249/EEC and Establishment Directive 98/5/EC)

Conclusion

The CCBE appreciates the dialogue to date between the CCBE and the CCJ and ABA, and the CCBE is looking forward to receiving the US position so that matters can advance.