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

CYPRUS

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
1. Establishment	
1.1. Registration with Host Bar	<p>Register after an approved application by the Legal Council</p> <p>You need:</p> <ul style="list-style-type: none">• An address• A completed application form which you receive from the Legal Council• A certificate of practice from your home bar or law society• An evidence of existing professional indemnity insurance• Registration fees: 68 euros upon their registration to the Cyprus Bar Association; and 20 euros upon registration to the local bar.• Membership fees: 68 euros per year for the Cyprus Bar Association. When completing 10 years of practise they shall pay 171 euros. Including any other fees relating to establishment: Professional indemnity insurance – the fee depends on the Insurance company. <p>Relevant national provisions:</p> <ul style="list-style-type: none">- Advocates Law Cap 2 Art. 14K- https://www.cyprusbarassociation.org/index.php/en/c-b-a/advocates-law-cap-2
1.2. Title	You practice under your home title

	<p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Art. 14I
1.3. Salaried practice	<p>Employment as lawyer only is permitted to another Cypriot Lawyer or Law firm.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Article 14Q – Advocates Law – joint Practise
1.4. Legal Form and Shareholding	<p>Must correspond with the provisions of the Advocates Law Cap.2 article 6C</p> <p>Regarding the Lawyers Limited Liability Companies, the owner of LLLC is required to be a practising lawyer.</p>
1.5. Joint Practice	<p>An advocate who is a Member State national may practise in the Republic under his home-country professional title jointly with a Cypriot advocate; an advocate who is a Member State national and practises the profession under the Law. Also he can jointly practice with an advocate who is a Member State national and practises the legal profession permanently in that State under the professional title of the said State.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Art. 14Q
1.6. Areas of Activity	<p>An advocate who is a Member State national practicing in the Republic under his home-country professional title shall carry on the same professional activities as an advocate practicing under the relevant professional title used in the Republic, and may, in particular, give advice on Cypriot law, Community law, international law and on the law of his home Member State, as well as execute the works and acts provided for by the Law.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Art. 14M
1.7. Practice Rules	<p>For the representation and defense of a client before a Court, the advocate who is a Member State national and practices under his home-country professional title, shall work, upon agreement, in conjunction with an advocate who practiced in the Republic and who is entitled to appear before the Court handling the case. In case some specific activities in the home Member State are not practiced by advocates but by another professional category, the Member State national advocate shall be excluded from the practice of such activities in the Republic, even if this is permitted for advocates practicing under the professional title of the Republic.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Article 14D and 14M
1.8. Principle of Double Deontology	<p>As an established lawyer they are subject to the regulations not only of the bar but also of the host bar. An advocate who is a national of a Member State shall adhere to the provisions of the basic law and of the Regulations or Procedure Rules issued under this Law or any other law, which govern the legal profession in parallel with the obligations imposed on him in the home Member State, as long as these are not contrary to the legislation in force in the Republic.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Article 14(3)

1.9. Disciplinary proceedings	<p>See Part IIIB, Article 14 O (Discipline) of the Advocates Law Cap 2, available at: http://www.cyprusbarassociation.org/index.php/en/c-b-a/advocates-law-cap-2</p>
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> • Professional Indemnity Insurance: must comply with the rules for Cypriot lawyers: Minimum Insurance Amounts: (a) €170.860 for every claim (b) €341.720 for every Insurance Period. For Defence Expenses, Minimum insurance amount to €25.630 in addition to the Insurance Limits referred to hereinabove. • Social security: Not applicable <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Article 6E <p>More information regarding Professional Indemnity Insurance can be found at: https://www.cyprusbarassociation.org/index.php/en/for-lawyers/licence-for-registeredpractising-advocates/professional-indemnity-insurance</p>
1.11. Fees	<p>The fees charged between lawyers and clients for the court cases are regulated under the Civil Procedure (Amendment) (No.5) Procedural Regulation of 2017 – Judicial Costs, available at: http://www.supremecourt.gov.cy/Judicial/SC.nsf/All/EF794769C689645EC22581D80037A1DC?OpenDocument</p> <p>There are no fixed (minimum or maximum) fees for out of court cases and lawyers are free to charge or sign a contractual agreement. But if there is no agreement then they should charge under the Code of conduct regulations – Regulations 26 ,27 & 28 http://www.cyprusbarassociation.org/files/disciplinary/New_code_of_counduct_eng.pdf</p> <p>If there is a dispute, then the Cyprus Bar Association can deal with this under the regulation published in 2018 http://www.cylaw.org/KDP/data/2018_1_171.pdf - not translated yet</p>
1.12. Continuing Legal Education	<p>In October 2017, the Continuing Legal Education has been approved by the Lawyers’ General Assembly, which is taking place once in every three years, a Regulation governing the continuing training of Lawyers.</p> <p>All registered lawyers are obliged to undertake certified programmes of continuing legal education, for such duration as defined by the Cyprus Bar Association per year commencing on the 1st of January of each respective year according to the Advocates Law Cap 2 as amended.</p> <p>The continuing legal education is regulated under the Advocates Law Cap.2, as amended, (Regulation of 2017) (P.I. 386/2017) http://www.cylaw.org/KDP/data/2017_1_386.pdf - not translated yet</p>
1.13. Bar	<p>By registration in the Register of Practising Advocates, the advocate shall become member of the Cyprus Bar Association as well as of the local bar association and shall participate in their meetings with a voting right in the election of the various bodies. The advocate shall be subject to the regulations issued at the time pertaining to pensions, allowances and fees.</p> <p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Article 14N

<p>1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'</p>	<ul style="list-style-type: none"> An advocate practicing under his home-country title who has effectively and regularly pursued for a period of at least three years an activity in the Republic in Cyprus law, including Community Law, shall gain full admission to the profession of advocate in the Republic. To this end, he shall submit a relevant application to the Legal Council along with proof of such professional activity for a period of three-years in Cyprus law. The assessment of the information regarding the advocate's capacity to continue practicing in the Republic shall be made by the Legal Council by means of an interview in order to verify the regular and effective nature of the activity pursued. <p>The procedure followed for the Acquisition of the Title of a "National Lawyer" is governed by the Advocates Law Cap 2 Article 14P. More information can be found under this Article.</p> <ul style="list-style-type: none"> See below point 3.2
<h2>2. Services</h2>	
<p>2.1. Under home title & representation before courts</p>	<ul style="list-style-type: none"> Service under your home title – before courts and administrative authorities The Legal Council shall require a certificate of enrollment in a register of the competent authority of the home Member State as well as a certificate that the advocate continues to pursue his activities and that his license has not been suspended or cancelled for any reason, provided that any such certificate must not have been issued more than three months prior to its production. Request an indication of the professional body of which he is a member in his Member State or the court before which he is entitled to practice pursuant to the laws of the home Member State. For representing and defending a client before a Court, an advocate who is a national of a Member State and practices under his home country professional title, shall work, upon agreement, in conjunction with an advocate who practices in the Republic and who is entitled to appear before the Court handling the case. <p>The advocate who is a national of a Member State or the advocate with whom he acts, shall produce to the Legal Council,</p> <ol style="list-style-type: none"> Documents stating his capacity, at least ten days prior to the provision of his specific service Information with regards to the services he shall provide , their possible duration, his address, the Bar Association of the home Member State, the name and address of the advocate with whom he shall collaborate; and A statement of non-incompatibility or disciplinary penalties against him. <p>The advocate who is a national of a Member State is obliged to produce to the President of the Court before who he shall appear, a statement that he has observed the aforementioned obligations.</p> <ul style="list-style-type: none"> In case of some specific activities, that are not practiced by advocates in the Home Member State, but they are permitted for advocates practicing under the professional title of the Republic, the advocate shall be excluded from the practice of such activities in the Republic. <p>Relevant national provisions:</p> <ul style="list-style-type: none"> Advocates Law Cap 2 Article 14D, 14K and 14M
<p>2.2. Deontology</p>	<p>The advocate is subject to the provisions of the basic law and of the regulations or procedure rules of the Republic of Cyprus and subject to the disciplinary supervision of the bar.</p>

	<p>Relevant national provisions:</p> <ul style="list-style-type: none"> - Advocates Law Cap 2 Article 14G and 14O
2.3. Fees	See above: 1.11
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	See above :1.14
3.2. Via Professional Qualification Directive	<p>Under Article 14P(5), of the Advocates Law Cap 2, the Legal Council's decision which recognises the advocate's aptitude and the licence to gain admission to the profession of advocate releases him from the aptitude test regulated by the provisions of the Recognition of Professional Qualifications Law of 2008 as amended or replaced at the time being</p> <p>The Aptitude test is not applicable regarding the legal profession yet.</p>
4. Practicalities	
4.1. Practical information	<ul style="list-style-type: none"> • You can find information on the court system, addresses, contacts and opening hours of all Cypriot courts under: http://www.supremecourt.gov.cy • Before the Cypriot courts, lawyers are not required to wear gown in the courtroom, except in criminal cases, hearings and appearances before Supreme Court. • It is recommended to arrive at least 15 minutes beforehand in order to have considerable time to search for the appropriate courtroom. • It is required to stand when the judge walks in, The same applies, during the appearance before the courts, during the hearings and pleadings before the criminal court. • Contacts to and information on the organization of the Cypriot Bar are available under: http://www.cyprusbarassociation.org
4.2. National organisation	<p>According to Advocates Law, Article 19(3), the Cyprus Bar Association, the Disciplinary Board and the Legal Council, constitute the bodies regulating the legal profession in Cyprus.</p> <p>Local Bar Association comprise all lawyers practising the profession in each District. There are six Local Bar Associations one for each of the six Districts of Cyprus.</p> <p>Cyprus Bar Association is independent from the Local Bar Association as far as the election of its president and the number of its members are concerned but also its competences.</p> <p>The Cyprus Bar Council consists of:</p> <ol style="list-style-type: none"> 1. The President, who is elected by the General Meeting of the Bar Association, taking place every three years. 2. The Chairman of each District Bar Association and one member from each District elected as representative to the Bar Council.

	<p>3. Four members elected by the General Meeting of the Bar Association.</p> <p>The Attorney General is considered as the honor President of the Bar Council.</p> <p><u>Role of the Cyprus Bar association:</u></p> <p>Cyprus Bar Association constitutes the Association of the lawyers practising the legal profession in Cyprus.</p> <p>The Advocates' Law authorizes and entrusts responsibility to the Bar Council amongst others to the following:</p> <ol style="list-style-type: none"> 1. To maintain the honour and independence of the Bar and its defence in relation to the judiciary and the executive. 2. To regulate the practice and etiquette of the profession. 3. To answer questions and give rulings affecting professional etiquette and practice. 4. To examine, and if it thinks fit, to report upon current legislation and any other legal matters submitted to it or to make recommendations to Government as to the desirability of introducing any legislation. 5. To represent the body of practising advocates in any matter in which it may be necessary or expedient. 6. To further good relations and understanding between the Bar and the public. 7. To protect the public right of access to the Courts and of representation by counsel before any court or Tribunal. 8. To prescribe the powers and functions of Local Bar Committees additional to those conferred by this Law. 9. To make Rules regulating and prescribing any of the above matters, subject to such Rules being approved by the majority of a general meeting of the advocates.
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>https://www.cyprusbarassociation.org/index.php/en/c-b-a/advocates-law-cap-2</p> <p>https://www.cyprusbarassociation.org/index.php/en/for-lawyers/code-of-conduct</p>
<p>4.4. Reference to existing national guides</p>	<p>http://www.cyprusbarassociation.org/index.php/en/#</p> <p>http://www.supremecourt.gov.cy/judicial/sc.nsf/DMLindex_en/DMLindex_en?OpenDocument</p>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>Cylaw is an electronic library, which is accessible (free) to both lawyers and public with all the legislation updated and amended and all the court cases</p> <p>http://www.cylaw.org/index.html</p> <p>Any governmental websites are accessible to everybody in Greek and English Languages.</p>
<p>4.6. Contact information</p>	<p>Legal Council – contact person: Ms. Maria Panayidou</p> <p>Email address: mapanayidou@law.gov.cy or info@cybar.org.cy</p>