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

ICELAND

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>An Attorney intending to work in Iceland shall notify the District Commissioner that he requests registration.</p> <p>The notification shall be accompanied by a confirmation of the Attorney's registration with a legitimate authority in his home country. The confirmation may not be over three months old.</p> <p>In case an Attorney meets the conditions for registration he shall be entered in the District Commissioner's record covering EEA-Attorneys working in Iceland under their home title.</p> <p>The District Commissioner will notify the Icelandic Bar Association and the Attorney shall be registered as member of the Bar with all rights and duties.</p> <p>The District Commissioner will also notify a legitimate authority in the Attorney's home country of his recording.</p> <p>Registration fees: 8.300 ISK (66,62 EUR)</p> <p>Membership fees: 60.000 ISK (481,62) –</p> <p>From January 2019 the annual membership fee is 70.000 ISK (561,89 EUR)</p> <p>Link to the District Commissioner's website: https://www.syslumenn.is/thjonusta/leyfi-og-loggildingar/utgafa-leyfa-til-heradsdoms-og-haestarettarlogmanna/</p> <p>(Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 2 and 3) https://www.reglugerd.is/reglugerdir/eftirraduneytum/domsmalaraduneyti/nr/20957</p>

1.2. Title	Professional title of his home country. Relevant provision: <ul style="list-style-type: none"> - Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 6
1.3. Salaried practice	An Attorney granting service in Iceland may safeguard the interests of parties before a Court of Law in Iceland corresponding to the Court for which he holds rights in his home country. Relevant provision: <ul style="list-style-type: none"> - Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 4
1.4. Legal Form and Shareholding	Must correspond with the core principles laid down for Icelandic Attorneys. Legal forms and shareholdings: <ol style="list-style-type: none"> 1. Sole proprietorship/firm. 2. Public limited companies/publicly owned companies/private limited companies. 3. Co-operative societies. 4. Partnerships. 5. Self-governing corporate entities. Relevant provisions: <ul style="list-style-type: none"> - Article 19 of the Lawyer’s Act no. 77/1998. - The Lawyers’ Act no. 77/1998 (English translation) - https://www.government.is/Publications/Legislation/Lex/?newsid=4f7e91db-f486-11e7-9423-005056bc530c
1.5. Joint Practice	Joint practice is allowed. Relevant provisions: <ul style="list-style-type: none"> - Article 19 of the Lawyer’s Act no. 77/1998 - Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 11
1.6. Areas of Activity	An Attorney rendering service in Iceland under the professional title of his home country is authorized to grant legal advice concerning the judicial system of his home country, the Icelandic judicial system, European Law and International Law. He shall in all instances adhere to valid rules of Icelandic procedures. Relevant provision: <ul style="list-style-type: none"> - Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 4
1.7. Practice Rules	Must correspond with the core principles laid down for Icelandic Attorneys (Code of Ethics) and the Lawyers Act no. 77/1998. Lawyers Act:

	<ul style="list-style-type: none"> - https://www.government.is/Publications/Legislation/Lex/?newsid=4f7e91db-f486-11e7-9423-005056bc530c <p>Code of Ethics:</p> <ul style="list-style-type: none"> - https://lmfi.is/english/codex-ethicus
1.8. Principle of Double Deontology	<p>As established lawyer you are subject to the law and regulations by your host bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no. 241/2018 – article 3
1.9. Disciplinary proceedings	<p>An independent Resolution Committee shall be active under the auspices of the Icelandic Bar Association, to resolve the cases referred to it in accordance with the provisions the Lawyer's Act. The Resolution Committee shall have jurisdiction over lawyers practising in Iceland.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 3 of the Lawyer's Act no. 77/1998
1.10. Insurance (professional indemnity insurance, social security, etc.)	<p>Attorneys who are registered shall meet their duty to have a professional guarantee insurance either by means of insurance with an Insurance Company having an operational license in Iceland or a guarantee insurance with an Insurance Company in their home country, granting at least a corresponding insurance protection to the guarantee insurance which Icelandic Attorneys shall have in accordance with Regulations on professional guarantee insurance for Attorneys.</p> <p>(Regulation respecting the Right of Attorneys from another EEA-state no. 241/2018 – article 5)</p>
1.11. Fees	<p>Icelandic rules apply – A lawyer and a client agree on a fee.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 24 of the Lawyer's Act no. 77/1998
1.12. Continuing Legal Education	<p>Not required.</p>
1.13. Bar	<p>As established lawyer you are subject to the law and regulations by your host bar – Icelandic Bar Association.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no. 241/2018 – article 3
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<ul style="list-style-type: none"> • Act on Professional Lawyers no.77/1998 sets out the right of lawyers from other EEA countries to practice law in Iceland, while Regulation 241/2018 regulates the services of EEA lawyers practicing with a professional title from their home country, including provisions for full integration into the profession with the right to use the Icelandic professional title following three years of effective and regular practice in Iceland under the home title. <p>Relevant provision: Regulation no. 241/2018 – article 9 and 10</p> <ul style="list-style-type: none"> • Regulation no. 243/2018 lays down conditions for EEA lawyers obtaining permission to practice before the district courts in Iceland: the lawyer must fulfil the general conditions set out in Art. 6(1)(1-3) of the Act on Professional Lawyers, possess

	<p>knowledge of the general principles of Icelandic law and legal system and must have sufficient knowledge of the Icelandic language to be able to present a case before a court.</p> <ul style="list-style-type: none"> • If the lawyer fulfills the general conditions he must pass a test conducted by a test committee of three members. <p>Relevant provision: Regulation no 243/2018 – article 4 Article 6 (1) (1-3)</p> <p>A license to practice law as a district court lawyer may be granted to any person applying for such license who fulfills the following requirements:</p> <ul style="list-style-type: none"> • Possesses legal competency and is mentally capable of practicing law; • has never been declared bankrupt; • has an untainted reputation, as required for eligibility in elections for Parliament.
2. Services	
2.1. Under home title & representation before courts	<ul style="list-style-type: none"> • An Attorney rendering service in Iceland in accordance with the present Regulations under the professional title of his home country is authorized to grant legal advice concerning the judicial system of the home country, the judicial system in Iceland, European Laws and International Law. He shall in all instances adhere to valid rules of procedures in Iceland. • An Attorney granting service in this Iceland in accordance with the present Regulations may safeguard the interests of parties to Cases before a Court of Law in Iceland corresponding to the Court for which he holds rights in his home country. • While working under the professional title of his home country an Attorney shall specify in a clear manner his professional title in his home country in the official language of the home country. He shall also specify of which professional association in his home country he is a member and with which judicial authority there he is registered. <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no. 241/2018 – article 4 and 6
2.2. Deontology	<p>The Attorney shall in all instances adhere to valid rules of procedures in Iceland.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no. 241/2018 – article 3
2.3. Fees	<p>Attorney and client agree on a fee.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 24 of the Lawyer's Act no. 77/1998
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	<p>Act on Professional Lawyers no.77/1998 sets out the right of lawyers from other EEA countries to practice law in Iceland, while Regulation 241/2018 regulates the services of EEA lawyers practicing with a professional title from their home country, including</p>

	<p>provisions for full integration into the profession with the right to use the Icelandic professional title following three years of effective and regular practice in Iceland under the home title.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no. 241/2018 – article 9 and 10
3.2. Via Professional Qualification Directive	<p>Regulation no. 243/2018 lays down conditions for EEA lawyers obtaining permission to practice before the district courts in Iceland: the lawyer must fulfil the general conditions set out in Art. 6(1)(1-3) of the Act on Professional Lawyers, possess knowledge of the general principles of Icelandic law and legal system and must have sufficient knowledge of the Icelandic language to be able to present a case before a court.</p> <p>If the lawyer fulfills the general conditions he must pass a test conducted by a test committee of three members.</p> <p>Test content; Knowledge of the general principles of Icelandic law and legal system and must have enough knowledge of the Icelandic language to be able to present a case before a court. The test is both oral and written and is held in Icelandic.</p> <p>Cost is decided by the Minister of justice.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Regulation no 243/2018 – article 4
4. Practicalities	
4.1. Practical information	<p>Icelandic courts. www.domstolar.is (website not available in English) https://www.haestirettur.is/english/</p> <p>Icelandic Bar Association https://lmfi.is/english</p> <p>District Commissioner www.syslumenn.is (website not available in English)</p> <p>Lawyers' Association http://www.logfraedingafelag.is/english/</p>
4.2. National organisation	<p>District Commissioner</p> <p><i>The District Commissioner issues the licence to practice, both before the district courts, Court of Appeal and the Supreme Court. When the District Commissioner has approved that the relevant requirements are met, a licence is issued and information on the new advocate sent to the Icelandic Bar Association. As all lawyers holding the title advocate are members of the Icelandic Bar Association, they are automatically registered within the Bar Association. The Lawyer's Act prescribes that advocates must form an association, "Icelandic Bar Association" to which they all must belong. Membership is, in other words, mandatory.</i></p> <p>District courts</p>

	<p>Court of Appeal</p> <p>Supreme court</p> <p>About the Judicial System in Iceland:</p> <p>https://www.government.is/topics/law-and-order/the-judicial-system-in-iceland/</p>
4.3. Reference to national legislation with other languages available + links	<p>Applications of Directives 98/5/EC and 77/249/EC is not available in English.</p> <p>Links in Icelandic:</p> <p>https://www.reglugerd.is/reglugerdir/allar/nr/241-2018</p> <p>https://www.reglugerd.is/reglugerdir/allar/nr/243-2018</p> <p>Lawyers Act: https://www.government.is/Publications/Legislation/Lex/?newsid=4f7e91db-f486-11e7-9423-005056bc530c</p> <p>Code of Ethics: https://lmfi.is/english/codex-ethicus</p>
4.4. Reference to existing national guides	N/A
4.5. Reference to services available for lawyers in that jurisdiction	Members of the Icelandic Bar Association have access to a library, meetings and courses.
4.6. Contact information	<p>logmenn@syslumenn.is</p> <p>anna@lmfi.is</p>