

Belgium (OVB)

(Information provided by the Belgian delegation to the CCBE, December 2011.)

A. Contact Point

Bart Coppein
e-mail : bart.coppein@advocaat.be

B. General information

1.	Legal basis	Belgian Judicial Code (Article 428)
2.	Overview of procedural steps	<ol style="list-style-type: none">1. Applicant has to send application to 'Traineeship and Training' department of the Flemish Bar.2. The 'Traineeship and Training' department will carry out an assessment comparing relevant foreign and national qualifications and professional experiences: it decides whether the applicant will need to sit a Professional Competence Examination. The examination will be taken before the 'Examining Body' (a separate legal body composed of judges, academics and lawyers)3. After successful completion of the assessment (and if necessary a Professional Competence Examination), the applicant is eligible to register as a trainee lawyer and to commence a 3-year traineeship (no possibility of reduction).4. Upon successful completion of the traineeship/any relevant exams, the trainee lawyer is eligible to be registered in the list of fully qualified lawyers.

C. Processing of application

1.	Information and documents requested from the applicant	<p>The applicant has to enclose any relevant documents:</p> <ol style="list-style-type: none">1. Application form2. Certificate of good character3. Certificate from which it is evident that the applicant has never been declared bankrupt4. Certificate from which it is evident that the applicant has never performed acts that could give cause for suspending or prohibiting him or her from practising as a lawyer (i.e. a crime)5. List of subjects in which the applicant passed examinations in order to obtain degree, diploma or other certificate6. Passport or other re citizenship <p>Documents may be sent in the original language; there are no translation requirements.</p>
2.	Submission of application	<p>Standard application forms can be found here (EN, FR, FL) and should be submitted by post, fax or email to the Traineeship and Training Department of the Flemish Bar Council.</p> <p>Traineeship and Training Department Flemish Bar Council Tel: 02 227 54 73; Fax: +32.(0)2.227 54 79 Email: lieve.naessens@advocaat.be; Website: http://www.advocaat.be</p>
3.	Application fees	€370
4.	Expected duration of the application processing	3-4 months

D. Initial assessment of application and possible outcomes

1.	General requirements	<ol style="list-style-type: none">1. Be a citizen of the EU2. Be a law degree holder that was obtained in the EU, EEA Switzerland
2.	Equivalence of relevant knowledge and / or professional experience	<p>The 'Traineeship and Training' department will assess:</p> <ol style="list-style-type: none">1. Which fields of study differ significantly from those covered by a Belgian law degree; (foreign law degrees will always differ significantly)2. The knowledge that is acquired during relevant professional experience. <p>It is not sufficient that the candidate has merely studied subjects which are also covered within a Belgian law degree;</p>

		those subjects must concern Belgian law.
3.	Outcome	<p>Depending on previous education and professional experience, the applicant may or may not be required to undertake the Professional Competence Examination.</p> <p>Previous professional experience is only counted vis-à-vis the Professional Competence Examination and not for the duration of the traineeship.</p>

E. Steps following initial assessment

1.	Professional Competence Examination	<p>The amount of examinations will depend on previous education and professional experience.</p> <p>Written and oral (in the subjects which are not passed as a written exam) examination might cover the following subjects:</p> <ol style="list-style-type: none"> 1. Belgian civil law 2. Belgian criminal law 3. Optional subjects of Belgian law: public law, administrative law, tax law, commercial law or labour law 4. Professional ethics (only examined orally). <ul style="list-style-type: none"> • The test can be taken 3 times. • The examining body is composed of academics, lawyers and judges. • Appeals are possible and are dealt with by the Appeal Commission which is composed of a judge, an academic and a president of the local Bar Association. • There are no additional fees.
2.	Following steps	After having passed the Professional Competence Examination, the applicant may take the oath to become a lawyer and request registration as a trainee lawyer. As a trainee lawyer he or she bears a legal title and can practise.

F. Normal route to qualify as a lawyer

1.	Academic stage	Legal studies
2.	Professional stage	<p>3 years</p> <p>The training is organised by the Flemish Bar Association and executed by training schools.</p> <p>The trainee will be required to take the following obligatory courses :</p> <ol style="list-style-type: none"> 1. Professional ethics 2. Communication skills 3. Civil and penal procedure <p>The trainee will also be required to choose from a list of facultative courses including (list varies between each training school):</p> <ol style="list-style-type: none"> 1. Commercial law 2. Family law 3. Social law 4. Juvenile law 5. Company law 6. Professional liability law <p>To obtain an 'ability certificate', the trainee must be examined at a training school that covers the topics of the obligatory courses at the latest at the end of the first year of the traineeship.</p> <p>The trainee must also:</p> <ol style="list-style-type: none"> 1. Attend regularly the office of his or her principal 2. Conduct legal aid cases 3. Produce a final report at the end of the traineeship

		During the traineeship, the trainee is able to practise as a fully qualified lawyer.
3.	Registration as a lawyer	After completion of the traineeship, the applicant will be registered in the list of fully qualified lawyers.
G. Statistics		
1.	Closed cases	Approximately 30 cases (Dutch (majority), 1 Belgian, 1 German, 1 Italian, 1 English))
2.	Outstanding cases	None