
Le Président
The President

To the attention of The Parliament
of the Republic of Moldova

Brussels, 24 January 2017

Dear Chairman of Parliament,
Dear members of parliament,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions.

The CCBE has received recent reports on a draft law that is being discussed in the Parliament of the Republic of Moldova, aiming at amending the existing Law on the Legal Profession. It has come to our attention that the draft proposal contains a provision which would expand the scope of categories of persons allowed to acquire a lawyer's license in the following manner:

"The persons that hold or have held positions of members of the Parliament and who have acquired at least 10 years of experience in field of law shall enjoy the same rights and conditions as" the persons who are exempt from the obligation to pass traineeships and to take bar exams (i.e. PhD in law, judges and prosecutors with 10 years' previous experience).

The CCBE has serious concerns regarding this proposed amendment. We find it important to note that, after reviewing the jurisdictions of its member states regarding the admissibility to the legal profession, the CCBE has not found any examples of such a provision. There is no other European country whose regulations on the access to the legal profession would allow Members of Parliament to become lawyers without being subject to requirements applicable to other candidates. Such privileged access to the legal profession is contrary to European and international standards. Furthermore, the CCBE does not believe that the aim of the bill, namely the liberalisation of the legal profession, will be achieved by this specific provision.

The CCBE wishes to emphasise that a high standard of professional competence of lawyers is essential in the protection of the rule of law and the democratisation of a country. The practice of law requires very specific competences and skills, which must be ensured by effective rules of access to the legal profession (see attached CCBE

Recommendations on the Training outcomes of European lawyers of 23 November 2007). Therefore, any changes relating to the access to the legal profession must guarantee a high-level of competence of future professionals so as to ensure high-quality legal services.

The CCBE urges you to take into account the comments in this letter. We would greatly appreciate to be informed about any further developments concerning the draft bill on the Law on the Legal Profession. The CCBE is committed to supporting law reform in Eastern Europe and, as an international association for lawyers, we are always available for consultation and for providing expertise.

Yours sincerely,

A handwritten signature in black ink, reading "Ruthven Gemmell", is centered on a light-colored rectangular background.

CCBE President,
Ruthven Gemmell WS