

Information regarding registration with the EU register of the Finnish Bar Association

Foreword

A lawyer in a Member State of the European Union intending to practise the profession of lawyer on a permanent basis in Finland must be on the EU register maintained by the Finnish Bar Association. Registration is based on the Establishment Directive 98/5/EC, the corresponding regulations of which have been incorporated into the Advocates Act and the decision of the Ministry of Justice for the by-laws of the Finnish Bar Association.

Under the Establishment Directive, a lawyer means a person who is entitled to practise the profession of lawyer using any of the following titles:

The term “lawyer” means a person authorised to pursue professional activities under one of the following professional titles:

Austria	Rechtsanwalt
Belgium	avocat/advocaat/Rechtsanwalt;
Bulgaria	адвокат;
Croatia	odvjetnik/odvjetnica;
Cyprus	δικηγόρος;
Czech Republic	advokát;
Denmark	advokat;
Estonia	vandeadvokaat;
Finland	asianajaja/advokat;
France	avocat;
Germany	Rechtsanwalt;
Greece	δικηγόρος;
Hungary	ügyvéd;
Ireland	barrister, solicitor;
Italy	avvocato;
Latvia	zvērināts advokāts;
Lithuania	advokatas;
Luxembourg	avocat;
Malta	avukat, prokuratur legali;
Netherlands	advocaat;
Poland	adwokat, radca prawny;
Portugal	advogado;
Romania	avocat;
Slovakia	advokát, komerčný právnik;
Slovenia	odvetnik/odvetnica;
Spain	abogado/advocat/avogado /abokatu;
Sweden	advokat;

Application

Applications for registration on the register must be made on a separate form, which lists the annexes required. Forms are available from the Bar Association's website.

The Board of the Finnish Bar Association requires persons intending to register to produce the following documentation:

1. A certificate of attestation that the applicant is entitled to practise the profession of lawyer on a permanent basis in a Member State of the European Union, other than that in which the qualification was obtained, under his or her professional home state title as referred to in the Establishment Directive 98/5/EC. The certificate of attestation must be issued by a competent home state authority (bar association, court of law or ministry of justice). Furthermore, a statement issued by the bar association indicating the applicant's reputation must be appended to the application.
2. An explanation of the work of the legal profession and form of practising the legal profession in Finland. Forms are available from the Bar Association's website.
3. The Board of the Finnish Bar Association also requires evidence of the applicant's professional indemnity insurance as regards practice of the legal profession.

Certificates may not be more than three (3) months old.

Supervision

A lawyer practising in Finland under his home-country professional title is subject to the same professional conduct and ethics as members of the Finnish Bar Association. Lawyers are under the supervision of both the competent authority in their home country and of the Finnish Bar Association. If a lawyer practising in Finland under his home-country professional title breaches professional ethics, disciplinary action for the same matter can be initiated in both the lawyer's home country and in Finland. The Finnish Bar Association collaborates and exchanges information with the competent authorities in the other EU Member States.

A lawyer practising in Finland under his/her home-country professional title may be removed from the EU register for the same reasons as a member may be disbarred from the Finnish Bar Association.

Professional Indemnity Insurance

Under Article 6 of the Establishment Directive above, the competent authority in the host Member State may require a lawyer practising under their home country professional title, or the firm of lawyers in which he or she works, to take out professional indemnity insurance for professional activities practised by the lawyer in the host Member State. A lawyer is exempt from this

requirement if the professional indemnity insurance for professional activities taken out in his or her home Member State is equivalent in terms of extent and cover. Guidelines applying to a lawyer's professional indemnity insurance require a lawyer to insure against financial loss caused by professional activities to others in accordance with the general terms and conditions valid for the professional indemnity insurance of professional activities practised by a lawyer. The minimum sum insured must be € 200.000 per occurrence of loss. The excess of the compensation does not exceed 2 % of the insurance amount.

Permits

A lawyer is subject to the same rules as a member of the Finnish Bar Association. In Finland, a lawyer may not be in the service of anyone other than another attorney-at-law nor engage in gainful employment that could be presumed to adversely affect his or her independence as a lawyer. Unless the Board of the Bar Association grants a permit based upon specific grounds, the practice of advocacy in a company is allowed only with another member of the bar. The practice in the form of a limited liability company is allowed only by permit from the Board of the Bar Association and upon the specific conditions set forth in it.

Use of professional title

When practicing his or her profession in Finland, a lawyer practising in a host Member State must do so under the home-country professional title used in the home Member State expressed in the official language or one of the official languages of that Member State with references to the professional organisation to which he or she belongs or to the court of law where he or she may practise.

Eg: Rechtsanwalt NN, member of the XX bar association, included on the EU register of the Finnish Bar Association.

Application for membership

A lawyer practising in a host Member State under his home-country professional title may be admitted as a member of the Finnish Bar Association after three (3) years of registration with the EU register if they can prove that they have regularly pursued the profession of lawyer in Finland for at least three (3) years after registration. Applicants must provide the written or other details of assignments and their activities in Finland as required by the Board of the Finnish Bar Association in support of their application.

Right of appeal

Persons who have not been included on the EU register, have been removed therefrom or whose application for membership has been rejected have the right to appeal the Board's decision in Helsinki Court of Appeal. Other information, application forms and further information is available from the Finnish Bar Association on the Association's website www.barassociation.fi and at email info@barassociation.fi.