

VADEMECUM

for European and non-European lawyers

on the establishment in Belgium

Brussels Bar (Dutch Language Section)

(Nederlandse Orde van Advocaten bij de Balie te Brussel)



Nederlandse Orde
van Advocaten bij
de Balie te Brussel

Introduction

The Brussels Bar (Dutch Language Section) (*Nederlandse Orde van Advocaten bij de Balie te Brussel*) (hereinafter the "**NOAB**") counts approximately 3275 members (calculated as of 1 December 2019). The great majority of these lawyers is registered on either the "Tableau of Lawyers" or the "List of Trainees". They carry the professional title of "advocaat" (which is a term equivalent to *Avocat* or *Attorney-at-Law* in French or English, respectively). In addition, lawyers who are nationals of a Member State of the European Union are entitled to establish themselves in Belgium and will normally ask registration on the so-called "EU-list". Currently, approximately 175 European lawyers are members of the NOAB. Furthermore, lawyers who are nationals of non-EU Member States may also practise in Belgium on a permanent basis provided they requested, and received approval for, registration on the "B-list". Approximately 40 non-European lawyers are currently members of the NOAB.

The high number of European and non-European lawyers present and practicing in Belgium results from the privileged situation Brussels enjoys as the capital of the European Union and the presence of various European institutions, as well as from the Brussels Bar's long-standing policy of openness and hospitality towards foreign lawyers.

In this vademecum we will give an overview of the different ways European and non-European lawyers can establish themselves in Belgium. "Establishment" means that such non-Belgian lawyers register as, and become, a member of our Bar and subsequently exercise the profession of a lawyer in Belgium on a permanent basis. In addition, we will briefly describe the rights and obligations of the European and non-European lawyers when becoming a member of our Bar.

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Chapter 1: Lawyers from within the European Union – European lawyers

Lawyers who are nationals of a Member State of the European Union are entitled to permanently carry out the profession of a lawyer in a number of ways, provided they meet certain conditions. They can ask registration on the EU-List, which is most common (§1 below). Under certain conditions, they can also request direct registration on the Tableau of Lawyers (§2 below) or on the List of Trainees (which in turn will entitle, after fulfilment of the trainee obligations, registration on the Tableau of Lawyers) (§3 below).

§1 EU-lawyers practicing in Brussels under their home Member State professional title – Registration on the EU-list

1. Principle

Pursuant to Article 477quinquies of the Belgian Judicial Code, and subject to the provisions of Directive 98/5/EC of 16 February 1998, a national of a Member State of the European Union (EU) who is authorized in his/her Member State to use the professional title corresponding to the title of "advocaat" (i.e. is a fully qualified lawyer in his home country), may practise the profession of lawyer (*advocaat*) in Belgium on a permanent basis under his home-country professional title. These lawyers are hereinafter also called "lawyers established under their home-country title".

Only EU-lawyers who are entitled in their Member State of origin to exercise the profession under the title that corresponds to the title of "advocaat" and have completed their traineeship or complied with all formalities with a similar effect in that Member State, may benefit from the freedom of establishment as provided for in Directive 98/5/EC of February 16, 1998, implemented in Belgian law in Article 477quinquies of the Belgian Judicial Code.

2. Registration methods

An EU-lawyer wishing to make use of this possibility must register with the NOAB on the list of European lawyers (such list hereafter, the "EU-List"). The lawyer will need to complete the standard application form for registration which can be downloaded from the NOAB website. The application form must be accompanied by a number of documents, as identified in further detail in the form itself.

In particular, the lawyer must provide the Bar Council of the NOAB with a certificate attesting his/her registration with the Bar of his/her Member State of origin. Such certificate shall (i) need to include all disciplinary proceedings (if any) that have been

commenced in the home Member State, and (ii) not be older than three months. If the applicant lawyer is a member of several Bars, he or she must submit such certificate from each of the competent authorities. In addition, the applicant will also be required to provide evidence of existing professional indemnity insurance (if any).

The competent authority will be informed of the registration on the EU-list. Registration on the EU-List is subject to payment of a registration fee of [300] EUR.

Furthermore, EU-lawyers admitted to the EU-list must remain registered with the Bar of their home country during the full period of membership of the NOAB.

European lawyers registered on the EU-list will be required to pay an annual membership fee. The membership fee includes a premium for the professional liability insurance that the NOAB has concluded with an insurance company to the benefit of its members. In the event (i) the EU-lawyer requesting registration on the EU-List already pays a mandatory premium for professional liability insurance concluded by his/her Bar of origin in the home Member State to his/her benefit and (ii) providing such insurance provides for an equivalent coverage, then the EU-lawyer may apply for a refund of part of the annual membership fee from the NOAB.

Each year the Bar Council of the NOAB decides the amount of membership fees by vote. For 2020, the annual membership fee is [1.850] EUR.

For further information and registration, please contact: Cathy Stroobants (administrative staff member), Monday through Friday: Tel.: +32 2 508 63 30; e-mail: cathy.stroobants@baliebrussel.be.

3. Practice rules – Use of home-country professional title

A lawyer on the EU-List must exercise the profession of lawyer under his/her home-country professional title.

A lawyer on the EU-List shall mention on all documents and supporting instruments, including electronic mail, used in his/her professional activities: a) the Bar where he or she is registered (i.e. in the event of establishment in Belgium, the NOAB); b) his/her home-country professional title; c) the professional body of which he/she is a member in his/her home Member State or the judicial authority before which he/she is entitled to practise pursuant to the laws of his/her home Member State.

The professional title and information mentioned above must be expressed in the official language or official languages of the home Member State of the lawyer and at least in

the language or languages of the judicial district in which the Bar with which the lawyer is registered is located.

4. Areas of activity

A lawyer registered on the EU-List may carry out the same professional activities in Belgium as fully qualified members of any of the Belgian Bars.

In particular, a lawyer on the EU-list may give legal advice on the law of his/her home Member State, the law of the European Union, international law and Belgian law.

As a European lawyer you will not be subject to any mandatory *pro bono* assignments.

A European lawyer may also carry on activities relating to the representation and defense of clients in the Belgian courts provided that he/she she acts in court in cooperation with a fully qualified lawyer who is enrolled on the "Tableau of Lawyers".

Also, prior to a hearing (whether in civil or criminal court), the fully qualified lawyer on the "Tableau of Lawyers" must introduce the European lawyer to the President and judges comprising the court.

Like any fully qualified lawyer on the Tableau of Lawyers, a European lawyer may plead and file briefs of arguments before any court, except the Belgian Supreme Court (*Cour de Cassation*) where the law requires the intervention of a Supreme Court lawyer for claims in civil and commercial matters. Furthermore, a lawyer wishing to intervene before the Supreme Court in criminal matters must be the holder of a certificate attesting formation in cassation proceedings in criminal matters.

The remuneration of the fully qualified lawyer who assists the European lawyer will be agreed between them or will be established by the Belgian lawyer within reasonable limits. There are no official fee schedules.

5. Principle of double deontology

In the exercise of his/her professional activities, a lawyer on the EU-List of the NOAB shall be subject to the rules of professional conduct of Belgium, in particular the professional Codes of the OVB (*Orde van Vlaamse Balies - Flemish Bar Association*) and the NOAB. The lawyer shall also remain subject to the rules of professional conduct of the Bar of his/her home country. In case of conflict and/or discrepancy between the respective rules of conduct, the host state rules, i.e. the Belgian OVB and NOAB-rules, will override the home state rules.

In addition, with respect to cross-border dealings with lawyers in other EU-Member States or third countries which Bars are affiliated with the European Bar Council (CCBE), the Code of Conduct for European lawyers shall apply. This Code is available at www.ccbe.eu and is also part of the Ethical Code (Codex) of the OVB.

The rules of professional conduct of the NOAB are contained in the OVB-Codex of Deontology, applying to all lawyers in Flanders, and in the Codex of professional rules of the NOAB, containing the rules which are specific for the NOAB. These Codes are available at www.baliebrussel.be.

6. Disciplinary proceedings

Before initiating disciplinary proceedings against a European lawyer, the President ("*Stafhouder*") of the NOAB shall inform the competent authority of the home Member State, providing it with all relevant details, in particular with regard to the disciplinary file, the applicable rules of procedure and the time limits for lodging appeals.

7. Forms of practice

A. Joint practice

Article 477octies §§ 1 to (and including) 4 of the Belgian Judicial Code deals with the joint practice of lawyers. The joint practice is allowed between:

- lawyers practising under their home-country professional title and lawyers who are member of the same organization in the home Member State (e.g. one or more French lawyers establishing themselves as "*avocats*" in Belgium and cooperating with one or more "*avocats*" in France); they can exercise the legal profession in Belgium in a subsidiary or a branch;
- two or more lawyers from one and the same organization or home Member State who exercise their profession in Belgium under their original professional title (e.g. two or more French lawyers who establish themselves in Belgium as "*avocats*"); they can exercise the legal profession in an organization under the conditions applicable to Belgian lawyers;
- several lawyers coming from different Member States exercise their profession in Belgium under their original professional title (e.g. a French "*avocat*" and a German "*Rechtsanwalt*" establishing themselves in Belgium); they can cooperate, as the case may be in a subsidiary or a branch;

- several lawyers coming from different Member States exercise their profession in Belgium under their original professional title and one or more Belgian lawyers; they can cooperate, as the case may be, in a subsidiary or an branch (e.g. an organization between three French "avocats," one German "Rechtsanwalt" and three Belgian lawyers).

Therefore, a European lawyer who is a member of a law firm in his/her home Member State may carry out his/her professional activities in Belgium in a branch or subsidiary of that foreign law firm. However, where the fundamental rules governing that organization in the home Member State are incompatible with the fundamental rules laid down by Belgian laws or regulations, the latter rules shall prevail insofar as compliance therewith is justified by the public interest in protecting clients and/or third parties.

Notwithstanding the above, the Council of the NOAB, with which a European lawyer is registered, may refuse to allow a lawyer to practise in Belgium in his/her capacity as member of an organization in which some members are not lawyers. In this context, according to Article 477octies, §5, al. 2 of the Belgian Judicial Code an organization will be considered to include members who are not lawyers if at least one of the following conditions is satisfied:

- a) the capital/equity of the organization is held entirely or partly by persons who do not have the status of "lawyer" within the meaning of the provisions of the Belgian Judicial Code;
- b) the name under which it practises is used by persons referred to in a); or
- c) the decision-making power in that organization is exercised, legally and/or *de facto*, by persons referred to in a).

B. *Salaried practice – The possibility for lawyers registered under their home-country title with a Belgian Bar to practice as employees*

The practice of law by a lawyer registered on the EU-list is incompatible with remunerated employment relations or activities, whether in the public or private sector, unless they do not jeopardize the lawyer's independence and/or the dignity of the Bar (Art. 477sexies, §4, Belgian Judicial Code).

8. Insurance

A. Professional indemnity insurance

Lawyers registered on the EU-List must cover their professional liability in Belgium with an insurance which meets the conditions set forth by the Bar Council of the NOAB. At present, the professional liability is collectively insured by the NOAB for its members in the amount of [2,500,000] EUR per damage event. The existence of an insurance or guarantee they concluded in their Member State of origin will be taken into account, insofar as such insurance or guarantee is obligatory according to home country rules and is equivalent in terms of coverage and modalities to the one taken out in Belgium. Where the equivalence is only partial, the Bar Council may require additional insurance or guarantee for those elements which are not covered yet by the insurance or guarantee taken out in accordance with the rules of the home Member State.

B. Social security

A lawyer who is established in Belgium under his home country title (i.e. is registered on the EU-List) is subject to the social security system of the place where he/she carries out his/her activities, i.e. Belgium.

The social security contributions collected by the social security institutions cover the three social status sectors: pension, family allowance, and sickness and invalidity insurance. Contributions are calculated on the basis of the income of the person in his/her self-employed capacity, for the second-to-last fiscal year preceding the year for which the contributions are due.

Membership of the NOAB also gives entitlement to a disability insurance in case of sickness or as a result of an accident. In order to benefit from this additional insurance a medical questionnaire will need to be completed.

9. Continuing legal education

A lawyer registered on the EU-list is subject to the same continuing legal education obligations as any fully qualified lawyer registered on the Tableau of Lawyers of the NOAB.

Lawyers are free to compose their annual continuing legal education program but must be able to demonstrate having obtained 20 credits per judicial year. In that regard, the following guidelines should be taken into account:

- one can only obtain a maximum of eight non-legal points;
- one can only obtain a maximum of 8 points for seminars, study days or lectures organized within lawyers' cooperative arrangements, firm organizations or jointly by lawyers; and
- credits must be obtained as a result of continuing legal education in accordance with the rules of foreign Bars.

Lawyers on the EU-list may therefore invoke permanent education undertaken in their home Bar association to meet the local (Belgian) requirements.

Attendance of one hour of legal education corresponds to one credit. Lecturing and the publication of scientific articles are also eligible for credits.

Detailed Information on this subject can be found in the OVB-Regulation on continuing legal education. An English version is available on the OVB-public website. Further information is available from Cathy Stroobants (administrative staff member) from Monday through Friday. Tel.: +32 2 508 63 30; e-mail: cathy.stroobants@baliebrussel.be.

10. Third party accounts

Lawyers on the EU-list are also subject to the professional rules on third party accounts. A third-party account is an account held by a lawyer or a law firm with a financial institution recognized by the OVB on which funds that belong to clients and/or third parties are received or managed.

Like any other member of the NOAB, lawyers on the EU-list must have, either individually or through the organization of which they are a member, at least one third party account. Lawyers (members of the NOAB) may only through the third party account handle funds entrusted by clients or third parties. The third-party account may only be used for the handling of these funds.

Every year, they must report on third party accounts to the President ("*Stafhouder*") of the NOAB. Reporting must be done electronically through the "*privaat luik*" on the OVB website.

The detailed rules specifying the operation of third party accounts, the lawyers' obligations attached to these accounts and their reporting are described in the OVB-Codex of Deontology and implementing rules, with which foreign lawyers need to familiarize themselves

§2 EU-lawyers practicing in Brussels under the host Member State professional title – Registration on the Tableau of Lawyers

European lawyers may wish to practise their profession under the professional title of the host Member State, i.e. under the title of "advocaat"/"avocat" in Belgium.

Provided they meet the conditions to carry the title of "advocaat"/"avocat", they can request admission to the Tableau of Lawyers of the NOAB.

1. Conditions for acquiring the host state professional title

European lawyers wishing to obtain the host state professional title "advocaat"/"avocat" can choose between two ways:

- show three years' practice under their home professional title in Belgium; or
- pass the aptitude test organized by the Federation of Flemish Bars or the Federation of French and German speaking Bars.

A. *Three years' practice under home country professional title in Belgium (Article 10 of Directive 98/05/EC – Article 477nonies Belgian Judicial Code)*

Even though EU-lawyers exercising the profession under their original home country title already enjoy all essential practicing rights in Belgium, they may want to further integrate into the legal profession of Belgium by acquiring the right to use the host state title.

(i) Conditions

European lawyers, i.e. nationals of an EU-Member State exercising their profession already under their original home Member State professional title, who demonstrate to have effectively and regularly pursued in Belgium an activity in the field of Belgian law, which also includes EU law, for a period of at least three years, may carry the title of "advocaat"/"avocat" and request registration on the Tableau of fully qualified lawyers of the NOAB.

Furthermore, these European lawyers may do the same if they demonstrate that they have, for a period of three years, effectively and regularly pursued an activity in Belgium but for a lesser period with regard to Belgian law. In that case, the Bar Council must review the file and take a decision upon its sole discretion.

The European lawyer will take the oath and be admitted to the Tableau of Lawyers of the NOAB.

(ii) *Procedure*

The European lawyer shall provide to the Bar any relevant information and documentation, notably on the number and nature of Belgian or EU law matters handled. The Bar Council will verify whether the applicant has effectively and regularly exercised the required activity. If need be, the Council may request the lawyer to provide further details, orally or in writing. Effective and regular pursuit means the actual exercise of the activity without any interruption, other than that resulting from the events of everyday life.

European lawyers who have effectively and regularly pursued an activity in Belgium but for a lesser period with regard to Belgian law, must obtain a favorable assessment from the Bar Council. Candidates are invited to furnish all necessary information and evidencing and supporting documents. The lawyer's effective and regular activity pursued in Belgium, and his/her capacity to continue the activity he/she has pursued, will be assessed on the basis of an interview with the President (*Stafhouder*) of the NOAB, who will report back to the Bar Council.

The request must be drafted in Dutch or accompanied by a certified translation in that language and the President (*Stafhouder*) of the Bar will submit it to the Bar Council, which will then decide following the request thereto.

The Bar Council will consider the lawyer's effective and regular activity during the three-year period, as well as any knowledge and experience of Belgian law, including European law, and any attendance to courses or seminars related to Belgian law, including professional rules and ethics.

B. *Pass the aptitude test (Articles 13-14 Directive 2005/36 on recognition of professional qualifications -- Articles 428bis-decies Belgian Judicial Code)*

This route is interesting for EU-lawyers who exercise the legal profession under the original professional title of their home country but cannot show three years of practice in Belgium with regard to Belgian Law. It is also of use for EU-lawyers who have obtained in their Home Member State the law degree necessary to be admitted to the legal profession and completed the traineeship in their home country but are not registered yet as fully qualified lawyer with their home country Bar.

(i) *Conditions*

These EU-nationals who wish to establish themselves in Belgium directly under the title of "advocaat"/"avocat" and register themselves on the Tableau of Lawyers, may do so by means of the recognition of diplomas. For that purpose, he or she must pass the aptitude test organized by the Federation of Flemish Bars or the Federation of the French and German speaking Bars.

The candidate must be the holder of a degree, certificate, or another title¹ that shows that he or she has the qualifications required for being admitted in a EU Member State to the pursuit of the legal profession.

The candidate must also produce evidence that he or she is of good character and standing, has not been declared bankrupt, has not committed serious misconduct in the pursuit of his profession and has not committed a criminal offense that may lead to a suspension or prohibition to practise law. The candidate must also produce the list of subjects on which he or she was tested in order to obtain the law degree mentioned above.

The candidate who wishes to register with the NOAB, must pass the aptitude test organized by the OVB, if the education that the candidate has received relate to professional fields that substantially differ from those to which the Belgian law degree relates unless the knowledge the candidate acquired during his/her professional experience is such that essential differences are covered.

The aptitude test consists of a written part (where applicants are tested on civil law, including civil procedure, and criminal law, including criminal procedure, and a matter chosen by the candidate of the following options: public law, administrative law, tax law, commercial law or social law) and an oral part (where applicants are tested on deontology and courses which the candidate failed in the written part). The aptitude test only concerns the professional knowledge of the candidate. The test aims to seek confirmation on whether or not a candidate possesses the necessary capability and knowledge to exercise as an attorney (*advocaat*) in Belgium.

The candidates meeting these conditions are entitled to take the oath. They are exempt from the trainee obligations prescribed by Belgian Law and can ask for immediate registration on the Tableau of Lawyers if the traineeship they have completed in their EU-Member State allows them to registration at that Member State's Bar. Also, the candidates are exempt from any trainee obligations if that Member State does not

¹ Within the meaning of Article 1 of Directive 89/48/EEC of December 21, 1988 on a general system for the recognition of higher-education diplomas.

impose any such obligations. In all other cases, the candidates must first request registration on the List of Trainees of the NOAB.

(ii) *Procedure*

The request for passing the aptitude test must be addressed to the Flemish Bar Association (*Orde van Vlaamse Balies - OVB*).

Address: Orde van Vlaamse Balies
Staatsbladsstraat 8
B-1000 Brussels
Belgium

Contact: Lieve Naessens (staff member OVB on traineeship and legal education)

Tel.: +32 (0)2 227 54 73

E-mail: lieve.naessens@ordevanvlaamsebalies.be

2. Practice conditions

A. Registration on the Tableau of Lawyers

The EU-lawyer will be a fully qualified lawyer in Belgium registered on the Tableau of Lawyers. As such, he or she will be entitled to use the professional title of "advocaat"/"avocat".

B. No obligation to remain registered with the Bar of the home-country

European lawyers who have acquired this title and have been registered on the Tableau of Lawyers of the NOAB in accordance with one of the two procedures described above, will no longer need to remain registered with the Bar of their home Member State.

If the EU-lawyer nevertheless maintains his/her registration with the home country Bar, he or she will, in addition to carrying the Belgian professional title of "advocaat"/"avocat", also be entitled to carry his/her original professional title.

C. Ethical and professional rules

Like any other lawyer member of the NOAB, European lawyers are subject to the Belgian rules of professional conduct (OVB-Codex and NOAB-Codex).

§3 Access to the Belgian education and training ("stage") for EU-lawyers who have not followed traineeship in the home Member State – Registration on the List of Trainees

1. Conditions of access to the Belgian professional education and training

EU-nationals who have obtained in their Home Member State the law degree necessary to be admitted to the pursuit of the legal profession (i.e. a law degree equivalent to the Belgian law degree) but have not followed the mandatory traineeship in the Home member State, can have access to the professional education and training programs available for Belgian educated lawyers.

The candidate must produce the documents and pass the aptitude test organized by the Federation of Flemish Bars or the Federation of French and German speaking Bars, mentioned above, under §2, A. 2).

An EU-national, including a Belgian, who has received his/her law degree in a non-EU country may contact a Belgian university that has a law faculty. The Belgian universities then have the authority to decide on whether or not the foreign law degree can be considered equivalent to a Belgian law degree. If not fully equivalent, the university can decide for which courses or study years the candidate must pass additional exams to receive the required equivalent academic law degree. When the candidate obtains the equivalence of his foreign degree, the candidate may request registration on the List of Trainees.

2. Conditions

A. Registration on the List of Trainee Lawyers

After having passed the aptitude test or obtained the equivalence of the law degree (cf. above), the applicant may take the oath and will be registered on the List of Trainee Lawyers of the NOAB. He or she will have to meet all obligations relating to traineeship before being admitted to the list of fully qualified lawyers of the Bar (i.e. the Tableau of Lawyers).

B. Vademecum for trainee lawyers

Lawyers registered on the List of Trainee Lawyers must comply with certain conditions during a *stage* of three years with the NOAB before they will be considered for admission to the list of fully qualified lawyers of that Bar.

The vademecum for trainee lawyers gives full details on the trainees' rights and obligations.

Foreign lawyers – members of foreign non-EU Bars – Registration on "B-List"

§4 Definition

Lawyers who are members of foreign (non-EU) Bars and want to establish in Belgium but do not meet the conditions for registration on the Tableau of fully qualified lawyers, on the EU list or on the List of Trainee Lawyers, may request registration on the so-called "B-List".

The other way is for the foreign lawyer to acquire the equivalence of his foreign law degree by contacting a Belgian university who have law degree studies in their program. Having passed the necessary exams at university, the university will grant the equivalence of the foreign law degree. If the foreign lawyer also meets the conditions listed in the Royal Decree of 24 August 1970 on the derogation from the condition of nationality, he or she can request admission to the List of Trainees and, after meeting the trainee obligations, on the Tableau of Lawyers of the NOAB.

§5 Registration conditions

The Bar Council decides on the registration on the B-List and verifies if:

- the lawyer is regularly registered with the Bar of origin;
- the lawyer has met his/her trainee obligations, as the case may be, prescribed by the Bar of origin;
- the lawyer has undertaken to respect the discipline, the regulations and decisions of the NOAB;
- his/her status complies with the applicable immigration laws; and
- his/her professional liability is covered by an insurance or guarantee, taken up according to the rules of the country of origin, that is at least equivalent in terms of modalities and extent of the coverage of insurance provided for lawyers who are registered on the Tableau of Lawyers.

Registration on the B-List is subject to the payment of a registration fee of [300] EUR.

§6 Areas of activity

A lawyer on the B-list is allowed to give advice on the law, including Belgian law, the law of the European Union and foreign law.

However, a lawyer on the B-list is not allowed to plead before the Belgian courts nor before the Council of State (*Raad van State / Conseil d'Etat*). Also, a lawyer on the B-list is not allowed to represent clients before the Council of disputes of foreigners (*Conseil du continentieux des étrangers / Raad voor vreemdelingenbetwistingen*).

§7 Specific agreements

The Brussels Bar has entered into agreements with several foreign Bars. These agreements are available at the secretariat of the Bar.²

In particular, it is worth noting the agreement entered into by and between the Brussels Bar (French and Dutch speaking sections) and the American Bar Association on August 6, 1994. The agreement provides for specific rules that apply to U.S. lawyers. For example, Article 1.1 of that agreement provides that an American lawyer is required to be registered with the French (or Dutch) Bar of Brussels within six months of his/her establishment (the B-list).

Some provisions define the ways of cooperation between U.S. lawyers and Tableau lawyers/ trainees (*stagiair(e)s*) (see Articles 2 and 3), while others specify the conditions under which a U.S. lawyer may provide advice and representation concerning matters governed by Belgian law (see Articles 4.2 and 4.3).

§8 Rules of professional conduct

By registering on the B-List, a foreign lawyer undertakes to comply, as far as the pursuit of his professional activity in Belgium is concerned, with the rules, regulations, and decisions of the NOAB, subject to such amended procedures and rules which may be provided by any agreement that the NOAB may have entered into with the Bar of his/her home-country.

² See also the Agreement of 21 June 1999 between Switzerland and the EU-Member States.

In particular, a foreign lawyer registered on the B-list of the NOAB is subject to the rules of professional conduct laid down in the professional codes of the OVB and the NOAB.

The rules of professional conduct of the NOAB are contained in the OVB-Codex of Deontology, applying to all lawyers in Flanders, and in the Codex of professional rules of the NOAB, containing the rules which are specific for the Brussels Bar.

These Codes are available at www.baliebrussel.be.

§9 Annual membership fees

Lawyers on the B-list must pay an annual membership fee. Each year the Bar council determines the amount of such membership fee.

For 2020, the membership fee is [1.295] EUR.

§10 Insurance

A foreign lawyer who wishes to become an associated member of the NOAB must provide evidence that, for the pursuit of his/her professional activities in Belgium, he or she has taken out professional liability insurance which is at least equivalent to the insurance required for Belgian lawyers registered on the Tableau of Lawyers. At present, the professional liability is collectively insured by the NOAB for its members in the amount of [2,500,000 EUR] per damage event.

Under some conditions and subject to an additional premium, the collective professional liability insurance subscribed by the NOAB can be extended to lawyers registered on the B-list.

§11 Permanent legal education

Lawyers on the B-List are not subject to the continuing legal education requirements.

§12 Keeping and reporting on third-party accounts

Lawyers on the B-list are subject to the professional rules on third party accounts.

A third party account is an account held by a lawyer or a law firm with a financial institution recognized by the OVB on which funds that belong to clients and/or third parties are received or managed.

Like any other member of the NOAB, lawyers on the B-list must have, either individually or through the organization of which they are a member, at least one third party account. Lawyers (members of the NOAB) may only through the third party account handle funds entrusted by clients and/or third parties. The third party account may only be used for the handling of these funds.

Every year, they must report on third party accounts to the President ("*Stafhouder*") of the NOAB. Reporting must be done electronically through the "*privaat luik*" on the NOAB website.

The detailed rules specifying the operation of third party accounts, the lawyers' obligations attached to these accounts and their reporting are described in the OVB-Codex of Deontology and implementing rules, with which foreign lawyers need to familiarize themselves.

§13 Partnerships

Lawyers on the B-list may practise together with one or several other foreign lawyers or one or several other European lawyers, or with one or several Belgian lawyers registered on the list of fully qualified lawyers of the Bar (Tableau of Lawyers).

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