

# Instructions for registration with the Swedish Bar Association under Chapter 8, section 2a of the Code of Judicial Procedure (so-called EU lawyer)

## 1. Introduction

### 1.1 Basic requirements for registration with the Swedish Bar Association

A person who is a qualified member of a bar association in another EU state<sup>1</sup> and who practises law in Sweden on a permanent basis as a member of a bar association under the title used in their home country must apply for registration with the Swedish Bar Association (Chapter 8, section 2a of the Code of Judicial Procedure and section 4a of the Charter of the Swedish Bar Association).

The person who is registered is listed in the Swedish Bar Association's register of members as "EU lawyer" under their home country's title. Excerpts from the Charter of the Swedish Bar Association can be found below (see [section 6](#)).

"Qualified member of a bar association" means a person who is qualified to practise law using one of the following titles.

<b>Austria</b>	Rechtsanwalt	<b>Greece</b>	δικηγόρος
<b>Belgium</b>	avocat/advocaat/Rechtsanwalt	<b>Hungary</b>	ügyvéd
<b>Bulgaria</b>	адвокат	<b>Ireland</b>	barrister, solicitor
<b>Croatia</b>	odvjetnik/odvjetnica	<b>Italy</b>	avvocato
<b>Cyprus</b>	δικηγόρος	<b>Latvia</b>	zvērināts advokāts
<b>Czech Republic</b>	advokát	<b>Lithuania</b>	advokatas
<b>Denmark</b>	advokat	<b>Luxembourg</b>	avocat
<b>Estonia</b>	vandeadvokaat	<b>Malta</b>	avukat, prokuratur legali
<b>Finland</b>	asianajaja/advokat	<b>The Netherlands</b>	advocaat
<b>France</b>	avocat	<b>Poland</b>	adwokat, radca prawny
<b>Germany</b>	Rechtsanwalt	<b>Portugal</b>	advogado

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<sup>1</sup> Or in Switzerland. See Chapter 8, section 11 of the Code of Judicial Procedure, and Regulation (2002:143) regarding registration of persons qualified as lawyers in Switzerland.



<b>Romania</b>	avocat	<b>Slovenia</b>	odvetnik/odvetnica
<b>Slovakia</b>	advokát, komerčný právnik	<b>Spain</b>	abogado/advocat/avogado/abokatu

## 1.2 When and how do I submit my application?

Applications for registration are considered by the Board of the Swedish Bar Association. The Board's schedule of meetings is available on [the Bar Association's website](#).

In general, an application is considered at the first board meeting that is held one month after the application was received by the Swedish Bar Association's secretariat, *unless* the application needs to be supplemented. If the application needs to be supplemented in any respect, the application may be considered at a later board meeting.

Application documents are available on [the Bar Association's website](#). The original of the application is sent by post to the Swedish Bar Association, Box 27321, SE-102 54 Stockholm, Sweden. Appendices to the application need not be originals but must be submitted together with the application. Supplemental information can be sent by e-mail. Documents in the matter are not returned to the applicant.

## 1.3 If your information changes after you have submitted your application

In your application you declare, on your honour, that the information contained in the application and its appendices and any supplements submitted in connection with the application are complete and correct. If your information changes after the application has been submitted, you must supplement your application as soon as possible.

## 2. Use of professional title and supervision by the Swedish Bar Association

### 2.1 How is the title of *advokat* used in Sweden?

The person who is registered is listed in the Swedish Bar Association's register of members as "EU lawyer" under their home country's title.

Pursuant to Chapter 8, section 9 of the Code of Judicial Procedure, a registered person must use the title from the home country in the home country's official language and with reference to the professional organisation to which the person belongs or the court in which the lawyer may serve pursuant to the law of that country. The registered person is also entitled to indicate this in Swedish on letterhead, business cards, and the like.



*Example:* A person who is a qualified member of a bar association in Germany (Bavaria) can use the following title in Swedish: “*Rechtsanwalt NN, registrerad vid Sveriges advokatsamfund samt medlem av Bayerns advokatsamfund*” (“Rechtsanwalt John Doe, registered with the Swedish Bar Association and member of the Bavarian Bar Association”).

## **2.2 The Swedish Bar Association’s supervision of registered lawyers and exchange of information with professional organisations in the EU**

Registered EU lawyers are subject to the same professional and ethical rules as Swedish members of the Bar Association. EU lawyers are therefore supervised by both their home country’s professional organisation and the Swedish Bar Association. In the event of breaches of professional ethics, disciplinary action may be taken both in the home country and in Sweden for the same conduct. The Swedish Bar Association cooperates and exchanges information with the various professional organisations in the EU.

Registration as a member of a bar association can be revoked under the same conditions as can result in the expulsion of a member from the Swedish Bar Association.

## **3. Application documents**

### **3.1 Certificate of qualification to practise as a member of a bar association**

You must attach a certificate showing that you are a qualified member of the bar association in your home country and eligible to practise law. If applicable, you must also enclose a certificate from the home country court(s) in the jurisdiction(s) where you are entitled to appear.

The certificate must be dated and not more than three months old as of the date when the Swedish Bar Association receives the application.

### **3.2 Certificate regarding disciplinary measures, if any**

You must enclose a certificate from the professional organisation in the home country showing disciplinary measures, if any, taken against you.

The certificate must be dated and not more than three months old as of the date when the Swedish Bar Association receives the application.



### **3.3 Employment contract or certificate of incorporation for company**

You must attach an employment contract from a law firm showing that you were employed by a law firm in Sweden on the date of the Board's consideration of the application.

If you are self-employed, you must attach a certificate of incorporation for the company (from the Swedish Companies Registration Office) instead of an employment contract.

### **3.4 Indemnity insurance and fees to the Swedish Bar Association**

When applying for registration, you must provide the information regarding indemnity insurance requested in the application document.

Like members of the Swedish Bar Association, a registered EU lawyer must pay an annual fee and a service fee. You can read more about the amounts and what they relate to on [the Bar Association's website](#).

Under Article 6 of the Establishment Directive (98/5/EC), the host country may require a registered lawyer to take out professional indemnity insurance in the host country.

However, the registered lawyer can be exempted from the obligation if the lawyer already has equivalent cover, in terms of extent of cover and terms and conditions, in the home country. If the insurance is only equivalent in part or not at all, they may be required to take out another insurance policy.

Registered EU lawyers who have an insurance policy in their home country that provides cover equivalent to the mandatory insurance policies may obtain a reduction in the service fee. Any application for a reduction is made in writing to the Swedish Bar Association's secretariat. The application for a reduction of the service charge must be accompanied by information and documentation regarding applicable indemnity insurance.

### **3.5 Application for waiver of certain requirements imposed on the registered person**

A lawyer practicing permanently in Sweden may not be employed by anyone other than a member of the Swedish Bar Association. Practising law as a member of a bar association may not be conducted in more than one company, and if a member practises law in a corporate form, only members may be a shareholder or a partner.

Following an application for a waiver, the Board of the Swedish Bar Association may grant an exemption from the above requirements. If any of the above circumstances are relevant at the time of registration, you must apply for a waiver and attach such a request to your



application for registration. There is also an obligation to apply for a waiver following the Board's decision regarding registration if such circumstances arise at a later date.

## **4. Decision in your matter**

### **4.1 The Board's decision**

The Swedish Bar Association's secretariat publishes a circular with the names of the members and EU lawyers who have been registered on the same day as the Board's meeting.

You can also contact the Swedish Bar Association's secretariat during the afternoon of the day of the Board's meeting in order to find out the Board's decision.

### **4.2 If your application is rejected**

If your application is rejected, you can reapply at a later date when you meet the conditions for registration.

If you are rejected, you may also appeal the decision to the Swedish Supreme Court in accordance with the instructions that you receive together with the Board's written decision.

## **5. Admission as a member of the Swedish Bar Association**

A person who has been registered with the Swedish Bar Association as an EU lawyer and has subsequently conducted actual and regular legal practice in Sweden as a member of a bar association for a period of three years is considered to meet the requirements for admission to membership of the Swedish Bar Association if their practice has primarily involved Swedish law. If their practice has not primarily involved Swedish law, the applicant must show that they have otherwise acquired sufficient knowledge and experience to be admitted to the Swedish Bar Association. Applications for admission are considered by the Board.



## 6. Statutory provisions

Provisions regarding registration with the Swedish Bar Association are contained in Chapter 8 of the Code of Judicial Procedure and in the Charter of the Swedish Bar Association.

### ***Section 3 of the Charter of the Swedish Bar Association***

A person may be admitted as a member of the Bar Association only if that person:

1. is domiciled in Sweden or another state within the European Union or the European Economic Area or in Switzerland;
2. has passed all proficiency exams required for qualification to serve in the judiciary;
3. for a period of not less than three years after passing the above-mentioned proficiency exams, has engaged in qualified legal practice, in which context they have, in their professional capacity, been dedicated to assisting the general public in legal matters, either as an employee of a member or as self-employed;
4. at the time that the application is considered, is, in their professional capacity, assisting the general public in the manner referred to in item 3;
5. has attained a passing grade following the special training course arranged by the Bar Association;
6. has become known for their integrity; and
7. is otherwise considered suitable to practise law as a member of the Bar Association.

The Board of the Bar Association may, taking into consideration special circumstances, grant exemptions from items 1, 3, 4 and 5 of the first paragraph. The same applies as to item 2 of the first paragraph concerning a person who is qualified as a lawyer in another state in accordance with regulations in force there. A waiver of the three-year requirement under item 3 of the first paragraph may not be granted for more than one year. Additional exemptions may be granted only where exceptional reasons exist.

A person who has undergone an educational programme that is required to become a lawyer in another state within the European Union or the European Economic Area or in Switzerland and who has undergone a test in Sweden showing that they have sufficient knowledge of the Swedish legal system will be deemed to fulfil the requirements of items 2, 3 and 5 of the first paragraph. The test should be adjusted to the applicant's education and professional experience. A person registered under section 4a who has subsequently actually and continuously practised law in Sweden as a member of a bar association for a period of at least three years, provided either that the practice has primarily involved



Swedish law or, if the practice has not primarily involved Swedish law, that the registered person has, in some other manner, acquired sufficient proficiency and experience to be admitted as a member of the Bar Association, will also be deemed to fulfil the requirements of items 2, 3 and 5 of the first paragraph.

A person qualified as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations in force there and who has subsequently served as an associate at a law firm (*advokatbyrå*) in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–7 of the first paragraph.

A person who has been declared bankrupt or for whom a trustee has been appointed under Chapter 11, section 7 of the Swedish Parental Code may not be admitted as a member. In addition, a person who is prohibited from providing legal or financial services under section 3 of the Prohibition against Providing Legal or Financial Services in Certain Cases Act (1985:354) may not be admitted as a member.

A judge or other official at a court, a public prosecutor or an enforcement officer may not be admitted as a member.

A person employed by the state or a municipality in a position other than those mentioned in the preceding paragraph, or by a private person other than a member, may not be admitted as a member unless the Board grants an exemption. This provision does not apply to employees of a member of an organisation of lawyers within the European Union or European Economic Area or in Switzerland.

#### ***Section 4a of the Charter of the Swedish Bar Association***

A person who is qualified as a lawyer in another state within the European Union and who practises law in Sweden on a permanent basis under the title used in their home country must be registered with the Swedish Bar Association.

Applications for registration are considered by the Board of the Bar Association. The documents prescribed by the Board or on which the applicant otherwise wishes to rely must be enclosed with the application.

If an application for registration is rejected, the reasons for the decision must be stated.



The provisions of this Charter regarding members of the Bar Association also apply to a person who is registered pursuant to the first paragraph.

The provisions of this section also apply to any person who is under a duty to register with the Bar Association pursuant to any regulation stated in Chapter 8, section 11 of the Code of Judicial Procedure.

Specific information regarding the GDPR follows on the next page.





## Processing of personal data – information pursuant to the General Data Protection Regulation (2016/679/EC)

The Swedish Bar Association, reg. no. 262000-0675, Box 27321, SE-102 54 Stockholm, Sweden, is the data controller for the personal data you provide in your application, such as your name, date of birth, legal gender, place of birth, citizenship, employer, date of admission to the EU Member State's professional organisation, and details of any disciplinary action taken against you.

The personal data in your application will be processed in the Bar Association's matter register. The data is processed for the purpose of administering and considering your application for registration with the Swedish Bar Association. The data is also processed, where appropriate, for the purposes of managing contacts with professional organisations within the EU, disciplinary matters, applications for admission and proactive supervision in accordance with the Bar Association's accounting regulations, etc. Finally, the data is processed for research and statistical purposes related to the activities of the Bar Association and the legal profession.

Providing the information is voluntary. However, the consequence of not providing information is that the application cannot be considered.

### Legal basis for processing

The legal basis for the Bar Association's processing is that the processing is necessary as part of the exercise of official authority delegated to the Bar Association [see Article 6(e) of the GDPR].

### Personal data is processed confidentially

The Bar Association processes your application and your personal data confidentially, which means that only you and the members and administrators who handle and assess the registration matter have access to the application file. When circulars listing newly admitted members are sent out, the Bar Association discloses, where appropriate, that you have been granted registration as an EU lawyer.

### The data is stored for as long as it is necessary for the exercise of the Bar Association's authority

The Bar Association saves your data for as long as it is necessary to enable the Bar Association to perform the official tasks entrusted to it, including checking that application documents are correct and processing disciplinary matters and applications for admission. The data is also stored in the Bar Association's archives to enable future research and statistical processing and is therefore not culled.

### The data may be submitted to the Swedish Supreme Court

If your application for registration is rejected and you appeal, the Bar Association forwards the entire file to the Supreme Court.

### We safeguard your rights to your personal data

If you would like to know more about your rights regarding your personal data and its use by the Bar Association, you can contact the Bar Association at [info@advokatsamfundet.se](mailto:info@advokatsamfundet.se) or read more in the [Swedish Bar Association's privacy policy](#).

If you are dissatisfied with the Bar Association's processing, you can file a complaint with a supervisory authority, which in Sweden is [the Swedish Authority for Privacy Protection](#) (imy.se).