

Memorandum on Mutual Recognition of Lawyers' Cross Border Continuing Professional Development

16/09/2016

In order to promote and facilitate the free movement of lawyers within CCBE member countries where Continuing Professional Development (CPD) is mandatory or recommended and to allow greater flexibility for members, the signatories have agreed the following Memorandum of Understanding (MOU) on mutual recognition of continuing professional development (CPD) undertaken abroad (cross border CPD).

This MOU does not suggest any change to existing CPD standards of quality; the national, regional or local requirements will continue to apply in those jurisdictions where Bars and Law Societies choose to become signatories of the MOU.

Having regard to the importance of continuing training for lawyers in Europe;

Having regard to the CCBE Resolution on Continuing Legal Education of 29 November 2013;

Having regard to the CCBE Recommendation on Training Outcomes for European Lawyers of 23 November 2007;

Having regard to the CCBE Model Scheme for Continuing Professional Training of 25 November 2006;

Having regard to the CCBE Recommendation on continuing training of 28 November 2003;

Having regard to the CCBE Resolution on training for lawyers in the European Union of 25 November 2000;

Considering the importance and the quality of the common legal and legislative traditions in all respective CCBE member countries;

Having regard to the lawyers' duty to fulfill training obligations, arising either from the national, regional or local statutes, codes of ethics or their obligations of competence;

Given the importance of the "lawyers' professional competence", as stated in the CCBE Charter of Principles on the European Legal Profession (2006), Principle (g);

Given that lawyers should maintain and develop their professional knowledge and skills, taking proper account of the European dimension of their profession, as stated by the CCBE Code of Conduct for European Lawyers (Article 5.8);

Considering that the EU institutions welcome closer links between lawyers belonging to the CCBE member Bars and Law Societies;

Considering both the implementation of EU law principles on the free movement of services, persons and the freedom of establishment and the freedom of practice achieved for European lawyers;

Considering that lawyers enrolled in a Bar or Law Society are subject to their respective national, regional or local rules or regulations on mandatory or recommended CPD;

Considering that CPD activities help to guarantee the competence and independence of lawyers, which also contributes to strengthening democracy and the rule of law;

Considering that CPD helps to update and develop the competence and knowledge, which is necessary for the practice of the profession of lawyer and strengthens the quality of services provided by them;

The signatories have agreed as follows:

- 1) The number of CPD course hours attended or CPD credits of the training courses obtained by lawyers enrolled in a Bar or Law Society of a member country, should be considered in their signatory jurisdiction of origin to help fulfil their requirements of CPD obligations, in accordance with national, regional or local rules or regulations and without prejudice to each national, regional or local evaluation system.

- 2) The provider organising the training event should, on request, deliver an attestation, allowing the lawyer to request that their hours (or credits) be recognised by his / her competent authority, without prejudice to each national, regional or local evaluation system.

The lawyer should attach any useful documents to his or her certificate of attendance, such as: training courses presentation leaflets, programs, list of the teaching material (non-exhaustive list). The Bar, according with national, regional or local rules or regulations on continuous training, should take these elements into account.

- 3) The parties are encouraged to amend or seek amendment of their national, regional or local rules or regulations in order to include a rule or regulation regarding the mutual recognition of credits (or hours) obtained in a CPD event carried out in another signatory jurisdiction.
- 4) The parties shall inform each other of any difficulties regarding the MOU. The head of each national CCBE delegation involved will discuss technicalities and solutions within the appropriate CCBE committees or working groups.
- 5) This MOU will take effect on the date of signature by the parties.
- 6) It is open to amendment by common agreement and is open for signature (on a opt-in basis) by Bars and Law Societies.