

WRITTEN QUESTION E-0503/04
by Jorge Hernández Mollar (PPE-DE)
to the Commission

Subject: National obstacles to the application of Directive 98/5/EC

The adoption of European Parliament and Council Directive 98/5/EC¹ of 16 February 1998, whose purpose was to facilitate the permanent exercise of the profession of lawyer in an EU Member State other than that in which the lawyer had acquired his or her qualifications, aroused great expectations. In many cases these have been severely disappointed.

Several Member States have put maximum red tape in the way of the effective application of the Directive, since following transposition into national law, the lawyers' colleges of various countries have raised numerous obstacles to the establishment of lawyers from other Member States, particularly with the excuse that the lawyer does not know the official language of the host country, something which with regard to certain countries, such as Luxembourg, really constitutes a barrier which is extremely difficult to overcome.

Does the Commission believe that the fact that someone does not speak a national language such as Luxembourgish, for example, is a reason for that Member State to refuse to enter a lawyer from another Member State in the country's College of Lawyers?

¹ OJ L 77, 14.3.1998, p. 36.