

WRITTEN QUESTION E-2173/08
by Luciana Sbarbati (ALDE)
to the Commission

Subject: Training credits for members of the Italian legal profession

Circular No 25-C-2007 of the Italian National Bar Council (CNF), the professional body for Italian barristers, laying down rules governing compulsory continuous professional training, came into force on 1 January 2008. These rules cover all Italian barristers and junior barristers entitled to plead before the courts who practise the law within or outside Italy, as well as non-Italian nationals practising in Italy. The rules require such persons to obtain at least 90 training credits over a three-year period, and no less than 20 in any one year. To obtain the credits, these law professionals are obliged to attend training courses for which most of them have to pay (the small number of free courses available go only a small way towards meeting the heavy demand). As a result, in order to obtain the annual quota of credits barristers are, in practice, obliged to attend courses covering a wide range of subjects outside their own sphere of activities, and the courses are often held in towns other than those in which they live. Furthermore, they are not entitled to demonstrate that they have updated their professional skills by other means. Should any such persons fail to meet the above training requirements, they will be liable to the disciplinary action provided for in their professional code of conduct. The Italian bar associations (the CNF and local bar councils) have sole responsibility for the award of credits in respect of training provided by both Italian and foreign bodies.

Given the above, would the Commission state whether, in its view:

1. the above rules are compatible with Community rules and principles concerning competition, freedom to provide services and freedom of establishment for barristers;
2. it is acceptable for the above rules not to recognise the right of law professionals on a low income to have access to training courses that are free of charge, affordable or paid for by the bar councils?