

**Question for written answer E-011450/2012
to the Commission**
Rule 117
Slavi Binev (EFD)

Subject: Freedom to provide professional services in Belgium: Follow-up to Written Question E-000957/2011

As I pointed out last year, the Brussels bar is trying to force non-Belgian lawyers to sign up and pay under the so-called e-list in direct violation of the ECJ's Gebhard judgment, i.e. they are not established but provide services.

To enforce this, the Brussels bar is initiating unfounded criminal proceedings under Article 227 of the Belgian Criminal Code, asking the state prosecutor to prosecute foreign EU attorneys for 'abuse of the title of attorney' if they are not registered under the e-list but are registered and qualified attorneys in their home country only, for providing services in Brussels.

As I pointed out, it is obvious at first glance that an EU attorney can never 's'attribuer le titre d'avocat', i.e. illegitimately claim to be an attorney. A butcher can. An attorney cannot. He is and remains an attorney. The Belgian criminal courts fully confirmed my position on this matter.

This bar activity obviously has only one goal: to protect Belgian lawyers from EU competition and make money through illegitimate means.

At the moment, the Belgian bar rejects the reimbursement of damages (i.e. the attorney fees for defence in the Belgian criminal court) arising from the bar's defamatory and unfounded criminal allegations.

This again seems to be a violation of the freedom to provide services and could be investigated through an infringement proceeding.

Is the Commission aware of the issue and how does the Commission plan to address it?