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Florence R. Liu

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The Establishment of a Cross-Border Legal Practice in the European Union

INTRODUCTION

Traditionally, lawyers practice law in the country where they completed their legal studies. This practice, though still present, is slowly changing in the European Union (EU),¹ as greater economic integration leads to the greater mobility of lawyers.² EU lawyers benefit from this increased mobility, as they may practice law in a country that is a member of the EU (Member State) in addition to the one where they obtained their legal education and license.³ In practice, this mobility is difficult to achieve because it requires a harmonization of legal standards among countries with different legal systems.⁴

The EU’s attempts to harmonize the legal profession are based on the Treaty Establishing the European Economic Community (Treaty of Rome),⁵ which established as a primary goal of the EU the creation of an internal market without internal frontiers, where goods and services are to be traded freely and easily.⁶ To this end, the Treaty of Rome grants every EU national the “Freedom to Provide Services” and the “Right of Establishment” in another Member State.⁷ The Freedom to Provide Services envisions the gradual abolishment of restrictions on the free supply of temporary services within the EU.⁸ The Right of Establishment includes the “right to take up and pursue activities as

¹ The European Community (EC) became the European Union (EU) when the Treaty on European Union, signed in Maastricht, the Netherlands, came into force in November 1993. See Treaty Establishing the European Community, Feb. 7, 1992, O.J. (C 224) 1, 31 I.L.M. 247. For purposes of consistency, this Note will refer to the pre-November 1993 EC as the EU.
⁴ See Barsade, supra note 2, at 313.
⁶ See id. art. 3(c). Pursuant to Article 3(c) of the EEC Treaty, the abolition, as between Member States, of obstacles to freedom of movement for persons and services constitutes one of the objectives of the European Union. See id.
⁷ See id. arts. 52, 59.
⁸ See id. art. 59(1).
self-employed persons” on a permanent basis in the host Member State.9

The drafters of the Treaty of Rome reasoned that these goals, in the context of the legal profession, reduce transactional costs and ensure the flow of services, thus rendering legal services available to clients in all Member States at all times.10 Furthermore, as lawyers play an increasingly important role in business transactions, many of which involve more than one Member State, the EU increasingly needs lawyers with cross-border practices.11 While supporting these policies, each Member State seeks to maintain its sovereignty.12 As such, the EU institutions find themselves in the difficult position of establishing rules and regulations that will further legal integration while acknowledging and appreciating the differences among Member States.13

In the legal profession, the EU attempted to resolve these tensions by passing a series of directives aimed at facilitating the mobility of lawyers among the Member States.14 In March 1977, the Council of Ministers (Council)15 passed a directive to facilitate the development of legal services.16 This directive, though a major step in building a framework for a cross-border legal practice within the EU, is limited in scope.17 Thus, in December 1988, the Council passed a directive for the mutual recognition of higher-education diplomas.18 Furthermore, in March 1995, the European Commission (Commission)19 submitted
a proposal for a European Parliament and Council Directive to facilitate the practice of law on a permanent basis in different Member States.20

This Note examines the EU and its progressive attempts at harmonization of legal standards. Part I discusses the Treaty of Rome, which provides for the Freedom to Provide Services and the Right of Establishment in the EU, and examines its relationship to the EU legal market. Part II outlines the various directives and the proposed directive, all of which are designed to facilitate the movement of EU lawyers among Member States. Part III examines the limited impact of these initiatives on EU lawyers and suggests a few ways to lessen the internal disparities that continue to plague the EU legal market.

I. THE TREATY OF ROME

Article 59 of the Treaty of Rome grants every EU national the freedom to provide services throughout the EU.21 Specifically, Article 59 provides that the “restrictions on freedom to provide services within the [EU] shall be progressively abolished . . . in respect of nationals of Member States who are established in a [Member] State . . . other than that of the person for whom the services are intended.”22 Subsequent interpretations of Article 59 have limited its scope to the provision of non-regular and temporary services within the EU.23 Included within the scope of Article 59 is the provision of legal services, that is, the temporary legal activities of a lawyer of one Member State in another Member State.24 To this end, Member States may not discriminate against lawyers who provide legal services, based solely on that lawyer’s citizenship.25 In addition, Member States must abolish all restrictions that impede or make impossible the services of a lawyer who is domiciled in that Member State.26

While Article 59 governs the temporary provision of services, Articles 52 through 54 grant every EU national the right to establish a permanent practice or business in another Member State.27 To this end, the

21 See EEC Treaty art. 59.
22 Id.
24 See id.
25 See id.
26 See id.
27 See EEC Treaty arts. 52–54.
Right of Establishment includes the right to engage permanently in and carry on non-wage earning activities and to establish and manage permanent enterprises, particularly companies under civil or commercial law, including co-operative companies and other legal persons under public or private law. 28 By defining the Right of Establishment broadly to include legal persons under public or private law, the Treaty of Rome implicitly provides for the development of an EU legal market in which EU lawyers may establish their legal practices in different Member States. 29

To implement these goals, the drafters of the Treaty of Rome envisioned a progressive elimination of restrictions on the right of nationals of one Member State to reside and practice their professions in another Member State. 30 This progressive elimination of restrictions also applies to any restrictions on the establishment of agencies, branches, or subsidiaries by nationals of any Member State established in the territory of any other Member State. 31 To this end, Member States may not introduce any new restrictions limiting the provision of services or the right of establishment within the EU. 32

On a practical level, the Treaty of Rome directs the Council to enforce these goals through one of two means of legislation: regulations and directives. 33 Regulations are self-implementing, that is, once adopted by the Council, they become effective in the Member States. 34 By contrast, directives are not self-implementing and must be transposed into national law by the national parliaments of each of the Member States. 35 In addition, directives typically impose a deadline by which all Member States must ensure that their national laws reflect the directive's contents and goals. 36 Where a Member State fails to implement properly a directive, the Commission and, in certain instances, individuals may bring a legal action against that Member State. 37

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28 See id. art. 52(2).
29 See Barsade, supra note 2, at 317.
30 See EEC Treaty art. 54.
31 See id. art. 54(f).
32 See id. art. 53.
34 See Allaer, supra note 33.
35 See Barsade, supra note 2, at 317 n.12; Allaer, supra note 33.
36 See Allaer, supra note 33.
37 See id. The European Court of Justice has ruled that in limited situations, an individual may bring a legal action for compensation against a Member State which fails to implement a directive.
II. DIRECTIVES FACILITATING THE MOVEMENT OF EU LAWYERS AMONG MEMBER STATES

Council Directive 77/249 (Directive 77/249)\textsuperscript{38} and Council Directive 89/48 (Directive 89/48)\textsuperscript{39} govern the movement of EU lawyers among Member States.\textsuperscript{40} Directive 77/249 facilitates the temporary provision of legal services by visiting lawyers in a Member State.\textsuperscript{41} Directive 89/48 establishes the legal framework within which lawyers may establish a permanent practice in different Member States.\textsuperscript{42} In March 1995, the Commission submitted a proposal for a European Parliament and Council Directive to facilitate further the practice of the legal profession on a permanent basis in a Member State.\textsuperscript{43} This directive aims to facilitate a lawyer’s ability to gain access to the legal profession in different Member States.\textsuperscript{44}


On March 22, 1977, the Council adopted Directive 77/249 to Facilitate the Effective Exercise by Lawyers of Freedom to Provide Services.\textsuperscript{45} Although EU directives do not have any immediate legal effect and must be implemented by Member States,\textsuperscript{46} Directive 77/249 is nevertheless significant because it marks the EU’s first attempt at building a cross-border legal practice.\textsuperscript{47} The directive establishes the principle of mutual recognition of licenses to practice.\textsuperscript{48} Consistent with the goals

\begin{itemize}
\item See Joined Cases C-6/90 & C-9/90, Francovich v. Italy & Bonifaci v. Italy, 1991 E.C.R. 5351, 5358.
\item The individual plaintiff must show: (1) the rule of law infringed confers rights on individuals; (2) the breach is sufficiently serious; and (3) there is a direct link between the breach of the obligation and the damage incurred by the injured parties. See generally Joined Cases C-46/93 & C-48/93, Brasserie du Pêcheur S.A. v. Federal Republic of Germany & The Queen v. Secretary of State for Transp. \textit{ex parte} Factortame, 1996 E.C.R. I-1029.
\item Directive 77/249, supra note 3.
\item Directive 89/48, supra note 14.
\item See Directive 89/48, supra note 14; Directive 77/249 supra note 3.
\item See Directive 77/249, supra note 3.
\item Directive 89/48, supra note 14; Proposal for a European Parliament and Council Directive to Facilitate Practice of the Profession of Lawyer on a Permanent Basis in a Member State Other than that in which the Qualification was Obtained, COM(94)572 final at 2 [hereinafter Explanatory Memorandum].
\item Proposed Directive, supra note 11.
\item See \textit{id}. para. 14.
\item Directive 77/249, supra note 3.
\item See Barsade, supra note 2, at 317 n.12; Allaer, supra note 33.
\item See Barsade, supra note 2, at 319; Skarlatos, supra note 17, at 55.
\item See Directive 77/249, supra note 3.
\end{itemize}
of Article 59 of the Treaty of Rome, it allows lawyers from one Member State to provide temporary legal services in another Member State. In so doing, lawyers may give advice on different areas of the law, including the law of their home State and that of the host State. Legal services may, however, only be rendered under the home State professional title and not the host State professional title.

In theory, Directive 77/249 is important, as it marks the first time the EU addressed the provision of cross-border legal services. For a variety of reasons, however, Directive 77/249’s practical effect remains limited in scope. The most important limitation on the directive’s power is Article 5, which allows the host Member State to impose certain technical requirements on lawyers from other Member States. A host State may, for example, require visiting lawyers to introduce themselves to the authorities with whom they will be working. In addition, a host State may require visiting lawyers who are representing and defending a client before the courts to work in conjunction with a local lawyer. In practice, these requirements are often time-consuming, as they require the visiting lawyers to contact the relevant authorities in the host State, authorities with whom they are not necessarily familiar. Furthermore, Directive 77/249 does not provide any definition or restriction of services, leaving their interpretation to the individual Member States.

In a recent decision, the European Court of Justice (ECJ) held that the temporary nature of the provision of services is to be determined “in the light of its duration, regularity, periodicity and continuity.” Thus, a German lawyer who has “conducted a professional activity in a stable and continuous fashion” in Italy is not governed by Directive

49 See EEC Treaty art. 59; Directive 77/249, supra note 3; Explanatory Memorandum, supra note 42, at 2.
50 See Explanatory Memorandum, supra note 42, at 2.
51 See Opinion of the Economic and Social Committee on the Proposal for a European Parliament and Council Directive to Facilitate Practice of the Profession of Lawyer on a Permanent Basis in a Member State Other than that in which the Qualification Was Obtained, 1995 O.J. (C 256) 14, 14 [hereinafter Opinion of Economic & Social Committee].
52 See Barsade, supra note 2, at 319; Skarlatos, supra note 17, at 55.
53 See Skarlatos, supra note 17, at 55.
54 See Directive 77/249, supra note 3, art. 5.
55 See id.
56 See id.
57 See id.
58 See Barsade, supra note 2, at 319; Allaer, supra note 33.
77/249 but by the provisions regarding the freedom of establishment in the EU.\textsuperscript{60} Furthermore, the ECJ held that national measures designed to hinder the exercise of fundamental freedoms guaranteed by the Treaty of Rome must fulfill four criteria: (1) they must be applied in a non-discriminatory manner; (2) they must be justified by the general interest; (3) they must be suitable for securing the objective for which they were passed; and (4) they must not go beyond what is necessary in order to attain the objective.\textsuperscript{61}


To further the establishment of a cross-border legal practice within the EU, the Council, on December 21, 1988, passed Directive 89/48 on a General System for the Recognition of Higher-Education Diplomas Awarded on Completion of Professional Education and Training of at Least Three Years’ Duration.\textsuperscript{62} Whereas Directive 77/249 simply governs the provision of services by lawyers, Directive 89/48 establishes the legal framework within which lawyers may establish a permanent practice in different Member States.\textsuperscript{63} Under Directive 89/48, a regulated professional activity is one in which “the taking up or pursuit of such activity or one of its modes of pursuit in a Member State is subject directly or indirectly by virtue of laws, regulations, or administrative provisions, to the possession of a diploma.”\textsuperscript{64} Since the practice of law requires a diploma, it is encompassed within Directive 89/48.\textsuperscript{65} In fact, the directive has a provision which specifically addresses the legal profession.\textsuperscript{66} According to this provision, the practice of law “requires precise knowledge of national law and in respect of which the provision of advice and/or assistance concerning national law is an essential and constant aspect of the professional activity.”\textsuperscript{67} Under such situations,
the host State may impose an adaptation period or an aptitude test. The adaptation period requires visiting lawyers to practice law in the host State under the supervision of a qualified lawyer from the host State for a maximum of three years. The aptitude test, in the alternative, requires visiting lawyers to take an exam assessing their abilities to pursue the practice of law in the host State. Currently, all Member States, with the exception of Denmark, have opted for the aptitude test. The Commission reasons that either an adaptation period or an aptitude test is necessary because the legal training in one Member State differs substantially from that in another Member State. By imposing these requirements, the Commission ensures Member States that visiting lawyers qualify to practice law in the host State and that their legal skills cover the knowledge required in the host State.


Desiring further to facilitate the establishment of lawyers within the EU, the Commission, on March 30, 1995, submitted a proposal for a European Parliament and Council Directive to Facilitate the Practice of the Legal Profession on a Permanent Basis in a Member State (Proposed Directive). The advantages of the Proposed Directive, the so-called “added value” of the proposal, are two-fold. On the one hand, the Proposed Directive facilitates a visiting lawyer’s ability to gain

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68 See id. art. 1(f).
69 See Directive 89/48, supra note 14, art. 12; Ross, supra note 62, at 165.
70 See Directive 89/48, supra note 14, art. 1(g). The diploma of the host State must evidence at least a three-year university education. See id. Where a visiting lawyer’s education and training are at least one year less than required in the host State, professional experience of up to four years in the home State may be required. See id. art. 4(1)(a).
71 See id. art. 1(g).
72 See Opinion of Economic & Social Committee, supra note 51, at 14.
73 See Directive 89/48, supra note 14, art. 1(g).
74 See Skarlatos, supra note 17, at 63.
75 Proposed Directive, supra note 11. For specific comments and critiques of the Proposed Directive, see generally Opinion of the Economic & Social Committee, supra note 51.
access to the legal profession in a Member State other than the one in which he or she has already been admitted. On the other hand, the directive contains provisions on joint practice.

The Proposed Directive enables visiting lawyers who are qualified to practice law in their home State to practice under their home State professional titles for a maximum of five years in the host Member State. During this period, the visiting lawyer may give legal consultations in the law of his or her home State, international law, EU law, and the law of the host State. In addition, the visiting lawyer may represent and defend a client in court.

Furthermore, the visiting lawyer may gain access to the legal profession in the host State in a variety of ways. Where visiting lawyers have practiced in the host State for an unbroken period of at least three years and that practice includes the law of the host State and EU law, they may be granted automatic access to the legal profession. In these situations, visiting lawyers are exempt from the aptitude test discussed in Directive 89/48. Where the unbroken period of three years does not include practice in the law of that host State, the host State may give the visiting lawyers an aptitude test, limited to the law of procedure and the professional rules of conduct of that host State.

The Commission reasons that this Proposed Directive is more flexible than previous directives because it allows visiting lawyers to begin practicing immediately in the host State, subject only to the requirement of registration with the relevant authorities. Accordingly, the

77 See Explanatory Memorandum, supra note 42, at 3–4; Freedom of Establishment, supra note 76.
78 Freedom of Establishment, supra note 76. The provisions for joint practice are beyond the scope of this Note. Briefly, they provide for “the possibility of practic[ing] the [legal] profession in the host Member State as part of a branch of a grouping from the home Member State, the possibility for lawyers who come from the same grouping or the same home State to set up practice in one of the forms available to lawyers from the host Member State, and the possibility for several lawyers from different Member States, or for one or more such lawyers and one or more lawyers from the host Member State, to practic[e] jointly.” Explanatory Memorandum, supra note 42, at 4.
80 See Proposed Directive, supra note 11, art. 5(1).
81 See id. art. 5(3).
82 See id. art. 10.
83 See id. art. 10(1).
84 See Freedom of Establishment, supra note 76.
85 See Proposed Directive, supra note 11, art. 10(2).
86 See Explanatory Memorandum, supra note 42, at 3.
visiting lawyer need not seek immediate recognition of his or her diploma. Furthermore, the Commission points out that the Proposed Directive will benefit EU clients. With the increasing frequency of business transactions resulting from the Single Market, business people setting up companies in other Member States increasingly need lawyers experienced in cross-border transactions. Thus, the Proposed Directive promises to increase a visiting lawyer’s ability to establish a legal practice in a Member State other than the one where he or she obtained his or her legal education and diploma.

III. IMPACT OF COUNCIL DIRECTIVES

The impact of Directive 77/249 and Directive 89/48 on EU lawyers is limited. Member States have been reluctant to implement these directives and as such, continue to regulate legal practice in the EU. This reluctance stems from the directives’ vague language and the disparities among different legal systems in the EU.

In particular, Member States have been slow to implement Directive 89/48 on the mutual recognition of diplomas. The establishment of an effective cross-border legal practice depends largely on successful implementation of Directive 89/48. More than any other measure, Directive 89/48 establishes the framework by which a visiting lawyer

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87 See id.
88 See id.
90 See Explanatory Memorandum, supra note 42, at 5.
91 See Ross, supra note 62, at 165; Skarlatos, supra note 17, at 55.
93 See Skarlatos, supra note 17, at 64; Belgium, supra note 92 (discussing Case C-216/94, Commission of the European Communities v. Kingdom of Belgium); Greece, supra note 92 (discussing Case C-365/93, Commission of the European Communities v. Hellenic Republic).
94 See Ross, supra note 62, at 165; Belgium, supra note 92; Greece, supra note 92.
95 See Explanatory Memorandum, supra note 42, at 2.
may be permanently integrated into the legal profession in a host State.\textsuperscript{96} Currently, two problems underlie the Member States’ reluctance and, at times, failure to implement Directive 89/48. These problems include the directive’s vague language, which creates opportunities for Member States to obstruct recognition of foreign legal licenses, and the underlying disparities among different legal systems in the EU.\textsuperscript{97} Although neither of these problems is insurmountable, overcoming them requires concerted efforts by both the EU and the Member States.

Pursuant to Article 12 of Directive 89/48, Member States must take measures necessary to comply with the directive within two years of its notification and must inform the Commission of those measures.\textsuperscript{98} Thus, the extent to which Directive 89/48 is implemented depends on the willingness of Member States.\textsuperscript{99} Two recent ECJ cases highlight the problems that the EU faces in the realization of Directive 89/48: \textit{Commission of the European Communities v. Kingdom of Belgium}\textsuperscript{100} and \textit{Commission of the European Communities v. Hellenic Republic}.\textsuperscript{101} In both cases, the Commission brought an action for a declaration that, by failing to adopt and communicate to the Commission the laws, regulations, and administrative provisions needed to comply with Directive 89/48, the respective Member States failed to fulfill their obligations under the Treaty of Rome.\textsuperscript{102} In each case, the ECJ found that the Member States—Belgium and Greece—failed to implement measures necessary to comply with Directive 89/48, thus violating their duties under the Treaty of Rome.\textsuperscript{103} Although the court ordered Belgium and Greece to pay costs, it did not impose any direct sanctions on them.\textsuperscript{104} As such, the ECJ’s power to ensure uniform implementation of Directive 89/48 remains limited.\textsuperscript{105}

\textsuperscript{96} See id.

\textsuperscript{97} See Skarlatos, \textit{supra} note 17, at 64.

\textsuperscript{98} See Directive 89/48, \textit{supra} note 14, art. 12, para. 1.

\textsuperscript{99} See Barsade, \textit{supra} note 2, at 317 n.12; Allaer, \textit{supra} note 33.

\textsuperscript{100} See Belgium, \textit{supra} note 92 (discussing Case C-216/94, Commission of the European Communities v. Kingdom of Belgium).

\textsuperscript{101} See Greece, \textit{supra} note 92 (discussing Case C-365/93, Commission of the European Communities v. Hellenic Republic).

\textsuperscript{102} See Belgium, \textit{supra} note 92; Greece, \textit{supra} note 92.

\textsuperscript{103} See Allaer, \textit{supra} note 33; Belgium, \textit{supra} note 92; Greece, \textit{supra} note 92.

\textsuperscript{104} See Belgium, \textit{supra} note 92; Greece, \textit{supra} note 92.

\textsuperscript{105} See Belgium, \textit{supra} note 92; Greece, \textit{supra} note 92.
Indeed, as the Commission itself recently noted, the ease with which a visiting lawyer may practice in a host State differs considerably among Member States. Such a situation, the Commission concluded, leads to "inequalities and distortions in competition between lawyers from the Member States and is an obstacle to freedom of movement." Member States have taken a variety of positions on this issue, ranging from the more liberal approach of the United Kingdom to the more restrictive approach of Spain.

To overcome this disparity, the EU may find it helpful to pass measures under which the EU, and not the Member States, determines the detailed application of individual provisions in the directives. These measures will give Member States fewer opportunities to delay full implementation of Council directives. As such, Member States will find it more difficult to thwart the directives' goals. To this end, the Proposed Directive is crucial, as it establishes set procedures by which visiting lawyers may be granted automatic access to the legal profession in the host State. Thus, unlike Directive 89/48, which allows Member States to determine the detailed rules of implementation, the Proposed Directive establishes uniform rules that all Member States must follow. For example, Directive 89/48 allows Member States to require a visiting lawyer to sit for an aptitude test. By contrast, the Proposed Directive grants visiting lawyers automatic access to the legal profession of the host State, where that visiting lawyer has practiced in the host State for an unbroken period of at least three years.

Despite the Commission's efforts, it may encounter difficulties as it attempts to pass the Proposed Directive. Successful passage of this directive will give Member States less control over visiting lawyers. With the current disparity among legal systems, Member States are

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107 Id.
109 See Proposed Directive, supra note 11, art. 10.
110 See id.
111 See id.
112 See id.
113 See id.
114 See Directive 89/48, supra note 14, art. 1(f).
115 See Proposed Directive, supra note 11, art. 10(1).
116 See Ross, supra note 62, at 165.
117 See id.
reluctant to relinquish even that small amount of control. Such relinquishment would force Member States to recognize automatically legal qualifications from other Member States. By their very nature, the legal systems of the Member States differ. Most notably, the United Kingdom recognizes a common law system, in which principles and rules of action derive their authority from usages, customs, and judgments of the courts. In contrast, most Member States recognize a civil code system, in which principles and rules of action are created by legislative enactment.

These different legal systems result in educational institutions with different philosophies. While British law students are taught to reason inductively through case history to arrive at a legal principle, their continental European counterparts are taught to reason deductively through the legislative code to arrive at that very same principle.

These differences, though significant, can be alleviated if the Member States make a concerted effort to streamline their legal education. Streamlining educational institutions will allow students to familiarize themselves with different legal systems. Students of the common law should be required to take courses in civil law, with their heavy emphasis on statutory codes. In so doing, these students will develop crucial deductive reasoning skills. Similarly, students of civil law should be required to take courses in common law, with their heavy emphasis on case law. In so doing, these students will develop crucial inductive reasoning skills. Inductive reasoning skills proceed in an incremental
way, laying down rules on a case-by-case basis, inferring a general principle from a series of principles. EU lawyers familiar with both types of reasoning will be better prepared to practice law in Member States with different legal systems.

Furthermore, law schools in the different Member States should award and honor joint law degrees recognized in two or more Member States. In addition, organizations accrediting law internships should honor academic credit received for legal training in other Member States. By implementing these changes, Member States will be more inclined to allow qualified visiting lawyers to practice in their State.

In short, by allowing Member States to lay down the detailed rules of implementation, Directive 89/48 creates opportunities for Member States to obstruct mutual recognition of legal licenses. In issuing the Proposed Directive, the Commission attempted to establish set procedures by which Member States must recognize foreign legal licenses. Despite these efforts, Member States remain reluctant to grant recognition to visiting lawyers. This reluctance is deep-rooted, stemming in part from the disparate legal systems within the EU. To overcome this disparity, Member States should streamline their educational institutions. In addition, they should honor joint law degrees and recognize academic credit received for legal training in other Member States. Such a concerted effort is likely to ensure, in the long term, the greater movement of EU lawyers within the EU.

CONCLUSION

Member States steadfastly resist the EU’s successive efforts at creating a cross-border legal practice. To facilitate the movement of lawyers, the EU has passed a series of directives. Pursuant to the Treaty of Rome, however, each Member State may enact its own legislation to

\[132\] See Common Law, supra note 120.
\[133\] See Skarlatos, supra note 17, at 64.
\[134\] See Kilimnik, supra note 15, at 324.
\[135\] See id.
\[136\] See Skarlatos, supra note 17, at 64.
\[137\] See Proposed Directive, supra note 11, art. 10, para. 1.
\[138\] See id. at 65.
\[139\] See id. at 63.
\[140\] See id.
\[141\] See Kilimnik, supra note 15, at 324.
\[142\] See Skarlatos, supra note 17, at 64–65.
implement these directives. As such, in the legal profession, the practical effect of these directives remains limited, as each State is reluctant to recognize the professional qualifications of lawyers trained in another State. This reluctance stems from the vague language of the directives and from the disparity in legal systems among Member States. The EU can overcome this reluctance by passing measures under which the EU, and not the Member States, determines the detailed application of individual directives. Additionally, the Member States need to make a concerted effort to streamline their educational institutions and honor legal training completed in other Member States.

Florence R. Liu