

Information regarding registration
with the Swedish Bar Association
according to Chapter 8 Section 2a
of the Code of Judicial Procedure
(cf. Directive 98/5/EC)

Introduction

A lawyer from the EU who on a permanent basis pursues professional activities as a lawyer in Sweden shall apply for registration with the Swedish Bar Association.

The term “lawyer” means a person authorised to pursue professional activities under one of the following professional titles:

Austria	Rechtsanwalt;
Belgium	avocat/advocaat/Rechtsanwalt;
Bulgaria	адвокат;
Croatia	odvjetnik/odvjetnica;
Cyprus	δικηγόρος;
Czech Republic	advokát;
Denmark	advokat;
Estonia	vandeadvokaat;
Finland	asianajaja/advokat;
France	avocat;
Germany	Rechtsanwalt;
Greece	δικηγόρος;
Hungary	ügyvéd;
Ireland	barrister, solicitor;
Italy	avvocato;
Latvia	zvērīnāts advokāts;
Lithuania	advokatas;
Luxembourg	avocat;
Malta	avukat, prokuratur legali;
Netherlands	advocaat;
Poland	adwokat, radca prawny;
Portugal	advogado;
Romania	avocat;
Slovakia	advokát, komerčný právnik;
Slovenia	odvetnik/odvetnica;
Spain	abogado/advocat/avogado/abokatu;
Sweden	advokat;
United Kingdom	advocate, barrister, solicitor.

Application

An application for registration is made on a special form. The form sets forth the documentation etc. required in order for the application to be considered.

In order for an application for registration to be considered by the Council of the Swedish Bar Association, the following certificates must be enclosed with the application:

1. Proof of qualification from the professional organisation in the home Member State and/or proof from the court(s) of the home Member State within the jurisdiction of which the applicant has the right to appear.
2. Proof from the professional organisation in the home Member State evidencing any disciplinary action to which the applicant has been subject.
3. Registration certificate for the applicant's own business, if any, in Sweden.

The appendices *may not be older than three months* at the time of the application.

In addition, detailed information shall be provided regarding any liability insurance obtained in the home country.

Supervision

A lawyer from the EU who practices in Sweden is subject to the same rules of professional conduct as Swedish lawyers. Such lawyers are thus under the supervision of both the professional organisation of the home Member State and the Swedish Bar Association. A breach of the rules of professional ethics may be subject to disciplinary proceedings for the same actions both in the home Member State and in Sweden. The Swedish Bar Association co-operates and exchanges information with the different professional organisations within the EU.

The registration of a lawyer may be revoked under the same conditions as those that merit disbarment of a member of the Swedish Bar Association.

Liability Insurance etc.

According to Article 6 of the Directive, the host Member State may require a registered lawyer to take out professional indemnity insurance in the host Member State. This provision does not apply to persons who are already comprised by equivalent coverage in terms of the conditions and extent of cover in the home Member State. Where the equivalence is only partial or there is no equivalence, it may be required that additional insurance be contracted.

A registered lawyer shall pay a service charge to Sveriges Advokaters Serviceaktiebolag (the Swedish Lawyers' Service Company). The service charge amounts, according to a decision by the Delegates of the Swedish Bar Association, to SEK6,200 for the year 2013. Of this amount, SEK4,600 refers to the mandatory insurance policies, i.e., liability insurance and criminal damage insurance. The remaining amount, SEK1,600, pays for professional issues, educational activities, networking, circular letters, websites etc.

A registered lawyer with insurance in the home Member State that provides coverage equivalent to the mandatory insurance may have the service fee reduced to SEK1,600.

Exemption

A lawyer who on a permanent basis pursues professional activities as a lawyer in Sweden may not be employed by anyone except a lawyer and if the activities are pursued in the form of a company or partnership, only a lawyer may be a shareholder or partner. Upon application for an exemption, the Council of the Bar Association may, however, grant an exemption. In case any of the above-mentioned circumstances exist at the time of the registration, the application for exemption shall be enclosed with the registration application. If such a circumstance occurs later, an application for exemption shall be submitted at that time.

How should the lawyer title be used in Sweden?

A lawyer from the EU pursuing activities in Sweden shall, according to Chapter 8 Section 9 of the Swedish Code of Judicial

Procedure, use the title of his or her home Member State expressed in the official language of the home Member State and with reference to the professional organisation to which the lawyer belongs or the court before which the lawyer according to the laws of that state may appear. A registered lawyer also has the right to so state – in Swedish – on stationery, business cards etc.
Example: “Rechtsanwalt NN, registrerad vid Sveriges advokatsamfund samt medlem av Bayerns advokatsamfund”.

Admission to the Swedish Bar Association

A person who is registered and has thereafter during three years pursues actual and regular professional activities as a lawyer in Sweden shall be deemed to fulfil the requirements for admission to the Swedish Bar Association in Chapter 8 Section 2 para. 1 items 2 and 3 of the Swedish Code of Judicial Procedure. The activities must principally have comprised Swedish law. If this is not the case, these requirements may still be deemed fulfilled if the applicant in another manner has acquired sufficient knowledge and experience in order to be admitted as a member of the Swedish Bar Association. An application for admission shall be considered by the Council of the Swedish Bar Association.

Appeal

A decision regarding refused registration, revocation of registration and a decision regarding refused admission may be appealed to the Swedish Supreme Court.

Processing of Personal Data

From 1 October 2001, the Swedish Personal Data Act (Swedish Code of Statutes SFS 1998:204) applies in Sweden. The purpose of the act is to protect persons against infringement of their personal integrity through the processing of personal data. An important element of the integrity protection is that the person comprised by the data is informed about the processing in connection with its commencement.

The personal data submitted in the application for registration will be processed in the matter database of the Bar Association for

the purpose of considering the matter. The Swedish Bar Association (Sveriges advokatsamfund), reg. no. 262000-0675, Box 27321, SE-102 54 Stockholm, Sweden, is responsible for the personal data being handled in a correct manner.

Information about the processing of personal data will be provided to the person concerned by the processing upon written application to the Swedish Bar Association, at the above address. A request for rectification of personal data may be made to the same address.

Additional information

Questions regarding the form or other matters are answered by the secretariat of the Swedish Bar Association. The secretariat may be reached at telephone number +46 8 459 03 00 and has telephone hours Monday–Friday 9AM–5PM.

Information about the Swedish Bar Association is also available at the website of the Bar Association, www.advokatsamfundet.se.

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