

# You graduated in law from a foreign university

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## 1 / General

Article 428 of the Judicial Code provides that no one may use the title of lawyer or exercise the profession of lawyer if they:

- 1° do not hold the Belgian diploma of doctor, licentiate or master in law;
- 2° have not taken the oath referred to in Article 429 and;
- 3° are not enrolled on the register of the Bar or on the list of trainees.

## 2 / You are a citizen of an EU Member State, you have obtained your degree in another EU Member State (i.e. other than Belgium), and you have not undergone any traineeship

In accordance with Article 428bis of the Belgian Judicial Code, you must comply with the following conditions:

1. be the holder of a degree that grants you access to the legal profession;
2. submit the following documents:
  - a. a certificate of good character;
  - b. a certificate from which it is evident that you have never been declared bankrupt;
  - c. a certificate from which it is evident that you have never performed acts that could give cause for suspending or prohibiting you from practising as a lawyer, i.e. a serious error while practising as a lawyer or a crime;
  - d. the list of subjects in which you passed examinations in order to obtain your degree, diploma or other certificate.
3. pass the aptitude test as organised by the Flemish Bar Council or the Ordre des Barreaux Francophones et Germanophone (Bar Council of French and German-Speaking Lawyers), depending on the bar where you wish to register\*, when the training received relates to fields of study that differ significantly from those covered in the Belgian law degree, unless the knowledge that you have acquired during your professional experience is of such a nature that it completely or partially compensates for these significant differences.

This examination consists of a written section (civil law, including civil procedure, criminal law, including criminal procedure, and a subject chosen from among public law, administrative law, tax law, commercial law or labour law) and an oral section (ethics and the subjects that you did not pass in the written examination section). In accordance with article 428quater, §1 of the Belgian Judicial Code the aptitude test is organised in Dutch.\* The location of the local bars can be found here.

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The registration fee for taking the [aptitude test](#) is € 370.

The application form to take the aptitude test can be downloaded [here](#).

For more information regarding this aptitude test as organised by the Flemish Bar Council, please contact:

Lieve NAESSENS  
Tel.: 02 227 54 73  
E-mail: [lieve.naessens@ordevanvlaamsebalies.be](mailto:lieve.naessens@ordevanvlaamsebalies.be)

If you pass the aptitude test, you may register on the list of trainee lawyers.

### 3 / You are a citizen of an EU Member State, you have obtained your degree in another EU Member State (i.e. other than Belgium), you have completed your traineeship so that you can be admitted as a lawyer in that country, but you are not yet a lawyer registered on the lawyers' roll

When you possess all the qualifications in your Member State of origin to be admitted to the lawyers' roll, you can request to be registered on the lawyers' roll of a Belgian Bar Council. You are then exempt from the traineeship obligations. In this case, you must comply with a number of additional conditions.

1. You must submit the following documents:
  - a. a certificate of good character;
  - b. a certificate from which it is evident that you have never been declared bankrupt;
  - c. a certificate from which it is evident that you have never performed acts that could give cause for suspending or prohibiting you from practising as a lawyer, i.e. a serious error while practising as a lawyer or a crime;
  - d. the list of subjects in which you passed examinations in order to obtain your degree, diploma or other certificate.
2. You must pass the aptitude test as organised by the Flemish Bar Council or the Ordre des Barreaux Francophones et Germanophone (Bar Council of French and German-Speaking Lawyers), depending on the bar where you wish to register\*, when the training received relates to fields of study that differ significantly from those covered in the Belgian law degree, unless the knowledge that you have acquired during your professional experience is of such a nature that it completely or partially compensates for these significant differences.

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If you pass this aptitude test, you may take the oath and are exempt from the traineeship obligations. You will then be immediately registered on the lawyers' roll.

## 4 / Appeal procedures with regards to the aptitude test

In accordance with article 428ter, § 6 of the Belgian Judicial Code, the candidate may appeal to the Board of Appeal against

- **the decision of inadmissibility of his application,**
- **the decision admitting him to the aptitude test with subjects that are not substantially different from the subjects of his training, or**
- **the refusal of exemption from the aptitude test.**

The appeal shall be lodged by registered letter and shall be sent to the Flemish Bar Council or the Bar Council of French and German-Speaking Lawyers within thirty days of the notification of the decision.

Decisions rendered by the Board of Appeal may be appealed before the Supreme Court in accordance with articles 1121/1-1121/6 of the Belgian Judicial Code.

In accordance with article 428septies in fine of the Belgian Judicial Code, **decisions of the examination committee** may be appealed for annulment to the appeals committee within one month of their notification. This appeal may only concern the legality of the decision of the examination committee. If the decision is annulled, the appeal committee shall refer the case to the examination committee, otherwise constituted, before which the candidate may take the examination.

The procedure common to articles 428ter, § 6 and 428septies is described in article 428sexies of the Belgian Judicial Code. It is as follows:

The applicant shall be given at least 15 days' notice of the meeting of the Board of Appeal. During the same period, the file shall be at his disposal at the seat of the Flemish Bar Council or the Bar Council of French and German-Speaking Lawyers.

The applicant may be assisted by a lawyer and submit a statement in support of his appeal as well as any documents he deems useful. Where the appeal relates to subjects to be taken in the aptitude test, the applicant shall submit the documents relating to foreign law to be consulted which are necessary in order to assess the existence of substantial differences. If the committee considers that the documents submitted are insufficient, it shall invite the applicant to submit additional documents by registered letter with acknowledgement of receipt.

The grounds for recusal referred to in Articles 828 to 830 of the Belgian Judicial Code apply to members of the Board of Appeal. Members who know that grounds for recusal exist against them must abstain. The applicant wishing to challenge a member of the Board of Appeal must do so before the deliberation. The recusal shall be brought before the Supreme Court.

Debates before the Board of Appeal shall take place in open session, unless the applicant requests a hearing in camera.

The Board of Appeal may only deliberate validly if all members or substitutes of the members who are unable to attend are present. The appeal committee shall deliberate in camera. Decisions shall be taken by majority vote.

Reasons shall be given for the decision and it shall be made public, unless the applicant expressly waives this right. Minutes shall be drawn up of every deliberation of the appeals committee, which shall be signed by the chairman and the secretary of the committee. The minutes shall state the decision and the reasons on which it is based.

The chairman or secretary of the Board of Appeal shall notify the candidate of the decision within 15 days.

Within one month of its notification, the candidate may bring the decision of the Board of Appeal before the Supreme Court in the forms of civil provisions. If the decision is set aside, the Supreme Court shall refer the case to the Board of Appeal, differently constituted.

If the decision of the Board of Appeal overturns a decision of inadmissibility, the Flemish Bar Council or Bar Council of French and German-Speaking Lawyers shall declare the application admissible and admit the applicant to the next aptitude test. In addition, the Flemish Bar Council or the Bar Council of French and German-Speaking Lawyers shall inform the applicant which subjects of those referred to in Article 428quater, § 2, 1° of the Belgian Judicial Code he must take.

Where the decision of the Board of Appeal reforms a decision to admit the applicant to a aptitude test by removing one or more subjects imposed on the person concerned, the Flemish Bar Council or the Bar Council of French and German-Speaking Lawyers shall admit the applicant to the next aptitude test for the subjects determined by the Board of Appeal.

**5 / You are a citizen of an EU Member State, you have obtained your degree in another EU Member State (i.e. other than Belgium), and you are already a lawyer registered on the lawyer's roll in that country**

**5.1 / You wish to practice as a lawyer under the title of the country of origin**

You may practice permanently as a lawyer in Belgium under the professional title of your country of origin. You may not use the Belgian professional title under any circumstances. If you make use of this possibility, a number of conditions must be complied with under Article 477quinquies, § 2 of the Belgian Judicial Code.

These conditions are:

1. You must register on the EU-list of a bar and provide proof to the Board of the Bar Council of your registration at the competent authority of the Member State of origin (which proof must not be older than three months);
2. You must keep up your membership at the competent authority of the Member State of origin. You may perform the same professional services in Belgium as a lawyer established in Belgium (Article 477quinquies, §1 of the Belgian Judicial Code).

For representative acts and to defend a client in court, you must however:

1. act in association with a lawyer who is registered on the lawyers' roll;
2. be introduced by that lawyer to the President of the Court where you will appear prior to the hearing.

## 5.2 / You wish to obtain the Belgian professional title

There are two possibilities in this regard:

1. If you practice your profession already under your original professional title and can prove to the Board of the Bar Council that you have actually and regularly performed work in Belgian law, including community law, for a period of three years, you may request to be registered on the lawyers' roll and take the oath. To this end, you must provide the Board of the Bar Council with all the necessary information and documents regarding the number and nature of the cases you have handled (Article 477nonies of the Belgian Judicial Code).

If you make use of this opportunity, you can continue to use your original professional title in addition to the Belgian title of lawyer provided you keep up your registration at the competent authority of the Member State of origin (Article 477nonies, § 5 of the Belgian Judicial Code).

In accordance with article 432bis of the Belgian Judicial Code, a refusal by the Board of the Bar Council to register you on the lawyers' roll must always be motivated. If you disagree with the decision of the Board, you can appeal to the Disciplinary Board of Appeal. This appeal must be notified to the chairman of Disciplinary Board of Appeal by registered letter within 15 days of the notification of the refusal.

2. If you cannot submit proof of three years' work, you must, before you can be registered on the lawyers' roll, pass the aptitude test as organised by the Flemish Bar Council or the Ordre des Barreaux Francophones et Germanophone (Bar Council of French and German-Speaking Lawyers), depending on the bar where you wish to register\*, when the training received relates to fields of study that differ significantly from those covered in the Belgian law degree, unless the knowledge that you have acquired during your professional experience is of such a nature that it completely or partially compensates for these significant differences.

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If you pass this aptitude test, you may take the oath and are exempt from the traineeship obligations. You will then be immediately registered on the lawyers' roll. For the appeal procedures, see title 4.

## 6 / You obtained your degree outside the EU

A law degree obtained outside the EU is not recognised as fully equivalent to a Belgian law degree. The foreign curriculum deviates fundamentally from Belgian legal education. Accordingly, such a degree does not grant access to the Belgian legal profession.

In order to obtain the necessary equivalence, you can make direct contact with one of the Belgian universities that has a law faculty. These universities have the power to give accreditation to a foreign law degree. The university you choose will then decide independently in which subjects and/or academic years you need to pass additional exams, in order to obtain the necessary degree in law.

## You are already a lawyer registered on the lawyer's roll in another country and want to keep that registration

If you keep your registration at the bar of origin, you can ask to be included in the B-list of a bar. The Bar Council will decide on your inclusion on the B-list and will check:

- whether you are regularly registered with your bar association of origin,
- whether you have fulfilled any traineeship obligation at that bar,
- whether there are any legal or deontological incompatibilities,
- whether you have undertaken to submit to the discipline, regulations and decisions of the Bar Council,
- whether your status complies with the legislation on the residence and activities of foreigners in Belgium,
- whether your professional liability is covered by an insurance or guarantee taken out in accordance with the rules of your country of origin and whether it is at least equivalent, in terms of coverage and conditions, to those of the lawyers registered with the Bar.

More information can be obtained from the bar association where you wish to register.

