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French and German-speaking bar association

General description

Is initial training offered, if yes is it compulsory?

Yes, to be registered with a Bar Association, a trainee lawyer must follow professional training courses and pass the test organised by the Code of Ethics (see below).

Does initial training differentiate between categories of trainees, e.g. for in-house lawyers and advocates?

In the present case, the replies to that questionnaire concern only the initial training of lawyers.

Which entities are responsible for organising initial training?

Initial professional training for lawyers is organised by the professional training centres (see below for more developments).

What is the statutory basis for initial training?

[Code of Conduct for Lawyers](#) - Articles 3.14 et seq.

[Judicial Code](#) - Article 434.

Access to the initial training

Are there conditions for accessing the training?

Conditions for access to the profession of lawyer:

'No one may carry the title of lawyer or practice the profession of lawyer unless he or she is a Belgian or national of a Member State of the European Union, holds the degree of doctorate or master's degree in law, has taken the oath referred to in Article 429 and is registered in the Bar Association or on the list of trainees' (Article 428 of the Judicial Code)

As regards initial training:

"In order to be registered with a Bar Association, the trainee must follow professional training courses and pass the test organised by the Code of Ethics" (Article 3.14 of the Code of Ethics for Lawyers).

What is the main recruitment procedure? If it is competitive - who runs it?

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Are there alternative access routes to the training?

No

The only exception is Directive 98/5/EC of 17 February 1998 (for lawyers practising in Belgium who have acquired

qualifications in another Member State).

Format and content of the initial training

What is the duration and time frames of the training?

'In order to be registered with the Bar Association, it is necessary, subject to the application of Article 428a (2), to have completed three years' training period' (Article 434 of the Judicial Code).

See Article 3.14 et seq. of the Code of Ethics for the content of years of training (courses, tests, training obligations).

How is the training organised?

Training is organised internally as per Article 3.23 of the Code of Ethics.

Initial legal professional training is organised by the professional training centres. Four professional training centres are set up, comprising the following Bar Associations: Brussels; Namur-Dinant-Luxembourg; Charleroi-Mons-Brabant Wallon-Tournai; Liège-Eupen-Huy-Verviers.

The Director of the professional Training Centre shall organise and coordinate legal professional training courses and tests.

Who are the trainers?

Teachers are lawyers enrolled in the Bar Association, registered with one of the bar associations under the jurisdiction of the professional Training Centre. They teach on a voluntary basis and sometimes work in pairs with magistrates specialising in the subject taught.

They are therefore trainers in addition to their profession of lawyer.

It is the professional training centres that manage these subjects.

What is the content and objectives of the initial training?

First year of traineeship (Article 3.14 of the Code of Ethics)

The course and, unless specifically provided for, the test shall consist of a program of 84 hours comprising the following subjects:

1° ethics (16 hours),

2° the practice of civil procedure (16 hours),

3° the practice of criminal proceedings, including the defence of persons deprived of liberty or heard by the police, the public prosecutor's office or an investigating judge (16 hours),

4° the practice of administrative procedure (8 hours),

5° legal aid (8 hours),

6° tax and social security obligations arising from the Code of Economic Law and with regard to the prevention of money laundering (8 hours),

7° alternative forms of dispute resolution (8 hours),

8° the IT tools made available to lawyers (4 hours)

Second and third years of traineeship (Article 3.14a of the Code of Ethics)

A trainee who has obtained the certificate of competence for the profession of lawyer in accordance with Article

3.16 (1) must, during his second and third years of his traineeship, attend practical professional training courses relating to:

1° ethics (minimum 12 hours),

2° European law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (minimum 12 hours),

3° for a minimum of 24 hours, one or more non-exhaustive subjects chosen from the following options:

- the rights of young people (minimum 8 hours),
- provisional administration of property and persons (minimum 8 hours),
- the law of foreigners (minimum 8 hours),
- detailed criminal law, including the enforcement of sentences and the court for the enforcement of sentences (minimum 8 hours),
- insolvency law (natural and legal persons) (minimum 8 hours),
- the right to seizure and enforcement (minimum 8 hours), – family law (minimum 8 hours),
- reading balance sheets and annual accounts (minimum 8 hours),
- the right to liability and compensation for personal injury, including the Fund for compensation for victims of intentional acts of violence (minimum 16 hours),
- labour and social security law (minimum 16 hours)'.

They must also take part, for a minimum of four days, in one or more seminars devoted, in particular, to written communication, verbal communication, communication with regard to the media, advocacy, meetings, negotiation, collaborative law, mediation, mediation, lawyers and mediation, etc.

Certain specific training courses organised by the professional training centres which enable the trainee to follow the work of a member of another profession may be assimilated by these Centres.

Who designs the initial training programmes?

Article 3.24 of the Code of Ethics

'Without prejudice to the powers of the Ordre des barreaux francophones et germanophone to take such initiatives as it deems useful to standardise the requirements and content of initial training, each professional training centre shall adopt the objectives and content of the initial professional training, as well as any rules of procedure, after consulting the Management Board of the Ordre des barreaux francophones et germanophone and, where the professional training centre is common to more than one Bar Association, its members. He shall decide on the additional matters proposed to the trainee and may make them compulsory'.

What methodology is used for the training?

See answer to "[What is the content and objectives of the initial training?](#)" above.

What practical elements of the training are applicable to the trainees?

See answer to "[What is the content and objectives of the initial training?](#)" above.

How are trainees evaluated/assessed? How often and by whom?

First year of traineeship:

See Article 3.16:

At the first session following the completion of the course, the trainee must take the test (= certificate of aptitude for the profession of lawyer), consisting of a written question on the following matters (civil procedure, criminal procedure, administrative procedure, organisation of the cabinet and tax obligations, legal aid) and an oral query on the course of ethics.

+ Article 3.18:

'The written tests referred to in Articles 3.16 (1) and 3.17 (1) shall be organised jointly by the professional training centres. The oral ethics test shall be organised by each professional training centre on the basis of a panel of questions drawn up by the O.B.F.G., under the direction of the director of the O.B.F.G. responsible for ethics.'

As regards the scoring:

A trainee who has obtained a score of at least 10 out of 20 in all subjects shall be awarded the certificate of competence to practice as a lawyer. They may also be awarded this certificate by the selection board if they have obtained a score of 10 out of 20 in at least five subjects and an average of 50 % of the points for all subjects.

Second and third years of traineeship:

CF Article 3.14a

- course
- seminars

Participation in courses and seminars is mandatory and is an obligation of the traineeship.

Are there any training activities carried out in conjunction with other legal professionals? If yes: How does it work?

Article 3.2 of the Code of Ethics

'A traineeship period completed abroad in a law firm, in an undertaking with a in-house lawyer or as a legal secretary to an international court, may be taken into account for the duration of the traineeship, subject to the following three conditions:

- *the trainee must have completed one year's traineeship and, during that period, have fulfilled his obligations;*
- *the trainee must have obtained the prior authorisation of the lessor;*
- *the trainee must have provided the lessor with a detailed report on his activities during the period in question.*

This report must be approved by his traineeship supervisor (s), by the in-house lawyer with whom he has completed his traineeship or by the magistrate to whom he has been a legal secretary'.

This provision is currently under review with a view to possibly extending the possibilities of secondment.

What are the specificities regarding EU law training, linguistic training and European components of initial training, for example participation in CCBE or ELF activities?

It is a second year of traineeship's course (see Article 3 (14a)).

European law, including the European Convention for the Protection of Human Rights and Fundamental Freedoms (minimum 12 hours)

How many trainees are accepted for training? Are the numbers of trainees adjusted annually and by who?

Termination of the initial training and qualification process

Does the initial training conclude with a final exam? How is it organised? Who is responsible for the exam?

See answer question 3.8

After passing the CAPA test and fulfilling his/her traineeship obligations in accordance with the Code of Ethics, the

trainee applies to his/her Bar Council for admission to the Bar Council.

Is there a further recruitment procedure to become a lawyer upon completion of the initial training?

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