



Information

for European lawyers and law firms from the United Kingdom of Great Britain and Northern Ireland regarding their entitlement to provide legal services in the territory of the Czech Republic in the case of a no-deal Brexit

In the event there is no agreement reached with respect to the withdrawal of the United Kingdom from the European Union, or there is no alternative regulation of the relations between the Czech Republic and the United Kingdom (for example a bilateral international agreement), the entitlement of lawyers and law firms from the United Kingdom to provide legal services in the territory of the Czech Republic will be governed by Act No. 85/1996 Sb., on the Legal Profession, and Act No. 74/2019 Sb., on Amending Certain Matters in Connection with the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union (hereinafter only “the Brexit Act”). Under this legislation the hard Brexit will have the following implications:

1) Lawyers from the United Kingdom having their names recorded in the Register of Lawyers will remain lawyers entitled to practice after Brexit; their status will not change since they became lawyers in accordance with the Czech legal order. It concerns both UK citizens and other countries' citizens.

2) Lawyers from the United Kingdom being United Kingdom citizens and having their names recorded in the Register of European Lawyers will remain established European lawyers after Brexit; their status will not change. Lawyers from United Kingdom who are nationals of another country than United Kingdom lose this right.

3) Lawyers from the United Kingdom who provide legal services in the Czech Republic occasionally or temporarily as visiting European lawyers will lose their status of European lawyers after Brexit and they will be regarded as third country lawyers, regardless of their nationality; their entitlement to provide legal services in the Czech Republic will thus subject them to entering their name in the Register of Lawyers under Sect. 5a of the Act on the Legal Profession, i.e. upon successful completion a recognition exam; however, their entitlement to provide legal services will be limited to the legal order of the United Kingdom.

4) Lawyers from the United Kingdom who are nationals of the United Kingdom and who, before the United Kingdom's withdrawal from the EU, have applied for their entry in the Register of Lawyers under Sect. 5b or Sect. 5c of the Act on the Legal Profession, may be entered in the Register of Lawyers even after this date. The same applies to pending applications for entry in the Register of European Lawyers.

5) Law firms with their registered seat in the United Kingdom which are recorded in the Commercial Register of the Czech Republic may continue to provide legal services in the territory of the Czech Republic after the United Kingdom's withdrawal from the EU, however, on the condition that their partners are entitled to practice the legal profession not only in the United Kingdom but also in one of the EU member states (e.g. Ireland). Failure of British law firms' partners to fulfil this condition will constitute grounds for termination of business activities of such law firms in the Czech Republic.

The above-mentioned implications result from the following:

Sect. 22 of the Brexit Act stipulates that „A United Kingdom national registered on the Register of European Lawyers on the effective date of this Act shall be considered a citizen of the European Union



for the purposes of evaluation of the requirement set out in the Section 2 (1) (b) of the Act on the Legal Profession. The United Kingdom shall be considered a member state of the European Union for the purposes of evaluating whether a United Kingdom national satisfies the requirements set out in the first sentence.“ This clearly means that in case of a do-deal Brexit, United Kingdom nationals entered in the Register of European Lawyers will not be deprived of their entitlement to practice the legal profession. On the other hand, the Brexit Act does not address the status of visiting British lawyers to whom no such protection measure applies, and they will thus become third country lawyers. Such lawyers will, therefore, be entitled to provide legal services in the territory of the Czech Republic only upon having their name entered in the Register of Foreign Lawyers under Sect. 5a of the Act on the Legal Profession, i.e. upon successful completion of a recognition exam.

The transitional provision (Sect. 29(1)e) constitutes another important provision of the Brexit Act under which the United Kingdom national is to be considered a citizen of the European Union if they are a party to proceedings concerning the entry of their name in the Register of Lawyers under Sect. 5b or 5c of the Act on the Legal Profession, or in the Register of European Lawyers. However, this provision applies only to those British lawyers who submitted their application for entry in the Register of European Lawyers or Register of Lawyers under Sect. 5b or 5c of the Act on the Legal Profession before Brexit. In this case, such lawyers will be considered citizens of an EU Member State even after Brexit. Lawyers who would be registered based on such application will, therefore, be entitled to provide legal services in the territory of the Czech Republic as established European lawyers or lawyers under Sect. 5b or Sect. 5c of the Act on the Legal Profession even after Brexit.

The Brexit Act does not affect UK law firms; these will then be subject to provisions of Part 4 of the Act on the Legal Profession in which Sect. 35s(1)b stipulates that such law firms may provide legal services in the Czech Republic only if their partners (shareholders) are lawyers who are entitled to practice the legal profession in one of the EU Member States. Therefore, if partners of UK law firms have obtained entitlement to provide legal services not only in the United Kingdom but also in another EU member state, these law firms may continue to provide legal services in the Czech Republic; failure to comply with this condition will result in such a law firm being deprived of its entitlement to provide legal services in the territory of the Czech Republic.

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