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Legal profession - Application for admission as a national of a Member State of the World Trade Organisation

Lawyers from countries outside the EU may apply for admission under § 206 BRAO if they come from a country that is a member of the World Trade Organisation and is listed in the current Implementing Regulation to § 206 BRAO.

The lawyer is entitled to provide legal services under the professional title of his/her country of origin. He/she shall indicate the country of origin when using the professional title. He/she shall be entitled to use the designation "Member of the Bar" at the same time in professional dealings (§ 207(4) BRAO).

Members of the Member States of the World Trade Organisation who exercise a profession corresponding in training and powers to the profession of lawyer under this Act shall be entitled to provide legal services in the field of the law of the State of origin and international law. The professions shall be determined by the Federal Ministry of Justice by means of a statutory order (section 206(1) BRAO).

Nationals of other states who practise a profession which corresponds to the profession of a lawyer under German law in terms of training and powers are entitled to provide legal services in the field of the law of the state of origin if reciprocity with the state of origin is guaranteed. The Federal Ministry of Justice shall, with the consent of the Federal Parliament, determine by ordinance the states to whose nationals this applies and the professions (section 206(2) of the Federal Lawyers' Act).

- Admission to the Bar shall take effect upon receipt (handing over) of the order of admission.

Prerequisites

- **Admitted lawyer in the home country**
- **Proof of professional liability insurance**

The original or an officially certified copy of the conclusion of a professional liability insurance pursuant to § 51 BRAO or the submission of a provisional confirmation of cover must be submitted.

Documents required

- **Application for admission pursuant to § 206 BRAO**
Submit the application with all attachments. The attachments must be also completed and signed. The attachment Personal data sheet must be submitted with a photo.
- **Proof of a certificate from the country of origin**
An original and a certified translation of a certificate issued by the competent authority in the country of origin showing membership of a legal profession in accordance with the Ordinance on the Implementation of the Professional

Titles referred to in section 206 of the Federal Lawyers' Act (BRAO) shall be submitted. The certificate shall be submitted to the Bar on an annual basis.

- **Proof of criminal record extract**

An extract from the criminal record of the home country must be submitted.

- **Proof of birth certificate**

The original or an officially certified copy of the birth certificate must be submitted. In the case of a change of name, documentary proof of the name (marriage certificate/extract from the family register) is also required.

- **Proof of academic degree**

The original or an officially certified copy must be submitted in the case of an existing academic degree, if applicable.

- **Proof of professional liability insurance**

The original or an officially certified copy of the conclusion of a professional liability insurance pursuant to section 51 BRAO or the submission of a provisional confirmation of cover must be submitted. The insurance must be taken out with an insurance company authorised to do business in Germany.

- **Proof of payment of fees**

Proof of payment of the fee must be submitted. The Bar charges a fee of € 235 for processing the application. The fee is due upon submission of the application to the Bar.

- **Proof of a residence permit**

The original or an officially certified copy of a residence permit must be submitted.

- **Proof of permission to work**

Proof of permission to work must be submitted.

- **Proof of nationality**

Proof of nationality (certified copy of a valid identity document) must be submitted.

Forms

- **Application for admission pursuant to § 206 BRAO**

(https://www.rak-berlin.de/download/mitglieder_pdfs_formulare/Formular_Ant_rag_206.pdf)

Fees

235,00 Euro.

Legal basis

- **Federal Lawyers' Act**

(<https://www.gesetze-im-internet.de/brao/BJNR005650959.html>)

- **Regulation for the implementation of section 206 of the Federal Lawyers' Act**

(https://www.gesetze-im-internet.de/brao_206dv/BJNR288600002.html)

- **Fee schedule of the Berlin Bar Association**

(https://www.rak-berlin.de/download/rak_berlin_pdfs/2022_03_02_GebOrdnung_RAK.pdf?m=1647858302&)

Average time to process request

Approx. 8 weeks

Notes on responsibility

The Berlin Bar Association is responsible for admission pursuant to § 206 BRAO.