

## SUMMARY

# **ECJ 10 March 2021, Case C-739/19 (An Bord Pleanála), Other Forms of Free Movement**

## ***VK – v – An Bord Pleanála, Irish Case***

### **Summary**

In principle, a Member State can require an attorney-at-law from another Member State to cooperate with a local attorney-at-law during litigation, but a general obligation not taking the experience of the visiting lawyer into account would go beyond what is necessary in order to attain the objective of the proper administration of justice

### **Question**

Must Article 5 of Directive 77/249, in the light of the objective of the sound administration of justice, be interpreted as precluding a lawyer, provider of representation services in respect of his or her client, from being required to work in conjunction with a lawyer who practises before the judicial authority in question and who would be responsible, if necessary, towards that judicial authority, under a system placing lawyers under ethical and procedural obligations such as that of submitting to the judicial authority in question any legal element, whether legislative or case-law-based, for the purposes of the proper course of the procedure, from which the litigant is exempt if he or she decides to conduct his or her own defence?

### **Ruling**

Article 5 of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services must be interpreted as meaning that:

it does not preclude, as such, in the light of the objective of the proper administration of justice, a lawyer, provider of representation services in respect of his or her client, from being

required to work in conjunction with a lawyer who practises before the judicial authority in question and who would be responsible, if necessary, towards that judicial authority, under a system placing lawyers under ethical and procedural obligations such as that of submitting to the judicial authority in question any legal element, whether legislative or case-law-based, for the purposes of the proper course of the procedure, from which the litigant is exempt if he or she decides to conduct his or her own defence;

the obligation for a visiting lawyer to work in conjunction with a lawyer who practises before the judicial authority in question, in a system in which the latter have the possibility of defining their respective roles, the sole purpose of the lawyer who practises before the judicial authority in question being, as a general rule, to assist the visiting lawyer to ensure the proper representation of their client and the proper fulfilment of his or her duties to that judicial authority is not disproportionate, in the light of the objective of the proper administration of justice;

a general obligation to work in conjunction with a lawyer who practises before the judicial authority in question not allowing account to be taken of the experience of the visiting lawyer would go beyond what is necessary in order to attain the objective of the proper administration of justice.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2021-03-10

**Case number:** C-739/19