

Decision of the Board of Representatives of 4 December 2014 establishing the legal profession bye-law (Legal Profession Bye-law)

The Board of Representatives of the Netherlands Bar,

Whereas, for reasons of awareness and reduction in the number of rules regulations, it is desirable to harmonise and simplify the existing bye-laws and to integrate them into one bye-law;

In view of the proposal of the general council;

Having regard to Sections 4(5), 9b(6), 9c(2), 9j(3) and (4), 28(1) and (2), 32a(5), and 36a(5) of the Dutch Act on Advocates;

Enacts the following bye-law:

Chapter 1. Definitions

Part 1.1. Definitions

Article 1.1. Definitions

In this Bye-Law and the provisions based thereon, the following terms will have the following meanings:

- advocate: any advocate registered in the Netherlands;
- advocate at the Supreme Court of the Netherlands: any advocate as referred to in Section 9j(1) of the Act on Advocates;
- advocate's pass: the means provided by the Netherlands Bar that serves to identify the advocate as such;
- means of authentication: an electronic medium that contains a set of properties by which the identity of a natural person can be established;
- practitioner of an admitted liberal profession: a professional within the meaning of Article 5.4(1)(b) and (c);
- vocational training for advocates: the training referred to in Section 9c of the Act on Advocates;
- external trainee: any trainee who, by virtue of Section 9b(3) of the Act on Advocates, is granted exemption from the obligation to maintain an office at a principal's firm;
- CCBE: Council of Bars and Law Societies of Europe;
- training certificate for the legal profession: the proof referred to in Section 8c(3)(b) of the Act on Advocates that the examination referred to in Section 9c of that Act has been passed successfully;
- President: the Local Bar President, referred to in Section 22(2) of the Act on Advocates;
- client monies: funds relating to the service provided by the advocate which are not intended for the advocate in connection with their acting in that capacity, but for the client or a third party, with the exception of disbursements and court fees;
- financial result: the total sum of the principal amount, interest and expenses received, including payment under Article 6:96 of the Dutch Civil Code ("DCC") and any cost awards;
- accredited training institution: a training institution that has obtained the accreditation referred to in Article 3.25;
- confidential information holder: an advocate or a person with a duty of confidentiality or a legal profession privilege derived from the advocate;
- confidential information holder's number: a telephone or fax number generally used by confidential information holders for confidential communication;
- holding legal entity: a legal entity whose de facto activity under the articles of association is to directly or indirectly hold shares in a practising legal entity, to be member of a cooperative or to participate in a similar way in a practising legal entity;
- complaint: any written expression of dissatisfaction from or on behalf of the client towards the advocate or the individuals working under their responsibility regarding the conclusion and performance of an agreement to perform services, the quality of the

service or the level of the fee note, which is not a complaint within the meaning of paragraph 4 of the Act on Advocates;

- principal: the advocate under whose supervision the trainee practises;
- practising as an employee: an advocate who has an employer on the basis of an employment contract or appointment;
- practising legal entity: any legal entity practising law, which satisfies the requirements set out in Article 5.7 and is not a holding legal entity;
- Council of the Local Bar: the Council of the Local Bar in the district referred to in Section 22, subsection 1 of the Act on Advocates;
- group practice: a group practice as referred to in Article 5.3;
- specific costs: costs associated with the handling of a case, which will include in any event
 - a. costs incurred, on the advocate's instruction, for medical advice and the provision of medical information, investigations into the circumstances or engagement of computation firms, employment experts and loss adjusters; and
 - b. the advocate's travel expenses, expenses for witnesses and interpreters, bailiffs' fees, costs of judicial and extrajudicial experts appointed between parties, court registry fees, and the amount of any cost award of the litigant;
 - traineeship: the practising by an advocate under the supervision of a principal;
 - trainee: an advocate who is obliged to practise under the supervision of a principal;
 - self-employed trainee: a trainee who practises at their own risk and expense;
 - client monies foundation: a foundation whose object is to manage client monies;
 - implementing organisation: the implementing organisation referred to in Article 3.23.

Chapter 2. Organisation of the Netherlands Bar

Part 2.1 Councils and committees

Paragraph 2.1.1. Advisory Board

Article 2.1. Members of the Advisory Board

1. The members of the Advisory Board sit on the board as individuals and fulfil their role without any form of consultation or feedback.
2. They are appointed based on expertise and experience that is necessary for proper performance of the duties of the Advisory Board.

Article 2.2. Mandate of the Advisory Board

1. Without prejudice to the provisions of Section 32a(2) of the Act on Advocates, the Advisory Board has the task of advising the general council on the social positioning of the Netherlands Bar and on main points of policy that the general council submits to the Advisory Board for that purpose.
2. Without prejudice to the provisions of Section 32a(3) of the Act on Advocates, the general council arranges for publication of the request for advice referred to in paragraph 1, and the response to that advice.

Article 2.3. Appointment of members of the Advisory Board

1. On the proposal of the general council the Board of Representatives appoint the members of the Advisory Board for a period of no more than four years.
2. A member can be reappointed once.

Article 2.4. Advisory Board procedure

1. The general council will appoint a chair from among the members.

2. The Advisory Board will determine its own procedure.

Paragraph 2.1.2. Local Bar Presidents' Consultative Panel

Article 2.5. Members of the Local Bar Presidents' Consultative Panel

1. There is a Local Bar Presidents' Consultative Panel that comprises the Local Bar Presidents.
2. The President and secretary of the general council participate in the meeting of the Local Bar Presidents' Consultative Panel, unless the latter decides otherwise.

Article 2.6. Duties of the Local Bar Presidents' Consultative Panel

The duties of the Local Bar Presidents' Consultative Panel are as follows:

- a. the exchange of information and knowledge regarding supervision and complaints handling;
- b. the spotting and discussion of developments in the field of supervision and complaints handling;
- c. the gathering of information concerning supervision and complaints handling for reporting purposes, referred to in Article 2.24; and
- d. the exchange of information and knowledge to promote a uniform performance of tasks assigned to the Presidents and the Councils of the Local Bar by or under the Act on Advocates.

Article 2.7. Procedure for Local Bar Presidents' Consultative Panel

1. The Local Bar Presidents' Consultative Panel will choose a chair from among its number.
2. The Local Bar Presidents' Consultative Panel will determine its own procedure.

Paragraph 2.1.3. Cassation committee

Article 2.8. Members of the cassation committee

1. There is a cassation committee that comprises at least five members who are experts in the field of cassation in civil cases.
2. A member of the cassation committee cannot be a member of or work for:
 - a. the Supreme Court of the Netherlands;
 - b. the public prosecutor's office at the Supreme Court;
 - c. the general council;
 - d. the Board of Representatives;
 - e. the Supervisory Board;
 - f. the Councils of the Local Bar;
 - g. the disciplinary boards;
 - h. the disciplinary court;
 - i. the Advisory Board.

Article 2.9. Mandate of cassation committee

The cassation committee's task is to verify, on behalf of the general council, the competence of advocates wishing to receive the endorsement of 'advocate at the Supreme Court' pursuant to Article 4.12(1), and to assess the competence of advocates at the Supreme Court, pursuant to Article 4.14(1).

Article 2.10. Appointment of members of the cassation committee

1. The general council will appoint the members of the cassation committee for a period of no more than four years.
2. A member can be reappointed once.

Article 2.11. Cassation committee procedure

1. The general council will appoint a chair from among the members.
2. The cassation committee will determine its procedure in consultation with the general council.

Paragraph 2.1.4. Dutch CCBE delegation, committees and working groups

Article 2.12. Members of the CCBE delegation, committees and working groups

1. The delegation to the CCBE comprises at least four members, including the President of the Netherlands Bar, a member of the general council and the information officer.
2. The general council can admit one or more representatives of the Netherlands Bar to the committees or working groups set up by the CCBE.

Article 2.13. Mandate of the CCBE delegation, committees and working groups

1. The task of the delegation to the CCBE is to represent the Netherlands Bar in the standing committee and plenary meeting of the CCBE.
2. The task of the Dutch representation in CCBE committees and working groups, in liaison with the general council, is to represent the Netherlands Bar and advise the general council on European laws and regulations and policy issues that may be relevant for the legal profession and the litigant in general.

Article 2.14. Appointment of the CCBE delegation, committee members and working group members

1. The general council will appoint the members of the delegation for a period of no more than four years.
2. At the request of the CCBE the general council will appoint the Dutch representatives in CCBE committees and working groups for a period of no more than four years.
3. A member of the delegation, committee or working group can be reappointed once.
4. Membership of the delegation, a committee or working group will end by law upon termination of membership of the general council.
5. Membership of a committee or working group will end by law upon closing down of the committee or working group.

Article 2.15. Procedure of the CCBE delegation, committee and working group

1. A member of the general council who is not the President of the Netherlands Bar will be head of the delegation.
2. The Dutch representation in a committee or working group will report to the delegation and the general council after attending a meeting.
3. Information will be exchanged via the information officer employed by the Netherlands Bar.

Paragraph 2.1.5. Advisory committee on regulation

Article 2.16. Members of the advisory committee on regulation

1. There is an advisory committee on legislation that comprises four to eight advocates.
2. A member of the advisory committee on regulation cannot be a member of the Board of Representatives, the general council, a disciplinary board or the disciplinary court.

Article 2.17. Mandate of the advisory committee on regulation

1. The advisory committee on regulation's task is to offer the general council solicited and unsolicited advice on proposals for legislation of the Netherlands Bar with respect to judicial quality and the consequences of regulation for advocates' professional performance and practice.
2. As far as regulation of the Netherlands Bar is concerned, the general council reports to the committee on the consequences of the advice and sends the advice together with the draft legislation to the Board of Representatives.
3. A member of the general council can attend the committee's meetings.

Article 2.18. Appointment of members of the advisory committee on regulation

1. The general council will appoint the members of the advisory committee on regulation for a period of no more than four years.
2. A member can be reappointed once.

Article 2.19. Procedure of the advisory committee on regulation

1. The general council will appoint a chair from among the members.
2. The advisory committee on regulation will determine its procedure in consultation with the general council.

Paragraph 2.1.6. Other advisory committees

Article 2.20. Members of other advisory committees

The general council can set up an advisory committee for a field of law or policy area, which will comprise at least three members.

Article 2.21. Mandate of other advisory committees

An advisory committee's task is to offer the general council solicited and unsolicited advice on proposals for laws and regulations and policy issues that are relevant to the legal profession and the litigant in general.

Article 2.22. Appointment of members of other advisory committees

1. The general council will appoint members for a period of no more than four years.
2. A member can be reappointed twice.

Article 2.23. Procedure of other advisory committees

1. The advisory committee will choose a chair from among the members.
2. The advisory committee will determine its procedure in consultation with the general council.

Paragraph 2.1.6a. Disciplinary justice committee

Article 2.23a. Members of disciplinary justice committee

1. There is a disciplinary justice committee comprising three to six advocates.
2. A member of the disciplinary justice committee cannot be a President, or a member of the general council, a disciplinary board or the disciplinary court.

Article 2.23b. Mandate of disciplinary justice committee

The disciplinary justice committee's task is to select disciplinary decisions and if required to annotate them for publication in the advocates gazette.

Article 2.23c. Appointment of members of disciplinary justice committee

1. The general council will appoint the members of the disciplinary justice committee for a period of no more than four years.
2. A member can be reappointed once.

Article 2.23d. Procedure of disciplinary justice committee

1. The general council will appoint a chair from among the members.
2. The disciplinary justice committee will determine its procedure in consultation with the general council.

Paragraph 2.1.7. Reporting and support

Article 2.24. Report of activities

1. The Advisory Board will issue an annual report on its activities to the general council, which will bring this to the notice of the Board of Representatives.
2. The Local Bar Presidents' Consultative Panel will issue an annual report of its activities to the Board of Representatives and the Supervisory Board.
3. The reports are public and the general council will publish these electronically.

Article 2.25. Secretariat to the committees

1. The general council will provide a secretariat for:
 - a. The Local Bar Presidents' Consultative Panel;
 - b. the cassation committee;
 - c. the advisory committee on regulation.
2. The general council can provide a secretariat for the Advisory Board and the other advisory committees referred to in Article 2.20.

Part 2.2. Income and expenditure

Paragraaf 2.2.1. Contributions to the Netherlands Bar

Article 2.26. Liability for financial contribution

Any advocate who is registered with the bar on 1 January of any given year will owe the full financial contribution due for that year to cover costs to be incurred by the Netherlands Bar, within the meaning of Section 32(2) of the Act on Advocates.

Article 2.27. Proposal for level of financial contribution

1. The general council will issue a proposal to the Board of Representatives annually for the level of financial contribution, which may vary depending on:
 - a. the level of gross income from the advocate's work in the second year preceding the year for which the financial contribution is due;
 - b. the duration or conditional nature of the advocate's registration on 1 January of that year.
2. The general council can set rules on:
 - a. the method of calculation and the proof of the gross income from work;
 - b. the categorisation, depending on the level of the gross income from work, the duration or the conditional nature of the registration.

Paragraph 2.2.2. Course and examination fees

Article 2.28. Course and examination fees for vocational training for advocates

1. The implementing organisation will charge any trainee participating in vocational training for advocates, or entering the examination referred to in Article 3.19(1), course and examination fees. The invoice for the course and examination fees can be drawn up in the name of the trainee's firm.
2. The level of the course and examination fees will be set by the general council.
3. In the event of early termination of participation in the vocational training for advocates, the advocate will still owe course and examination fees.
4. The general council may derogate from paragraph 3 in cases where application thereof would lead to serious inequity.

Article 2.29. Costs of examination and test of competence in cassation

To take the examination referred to in Article 4.12 and for the test of competence referred to in Article 4.14, the advocate will owe a fee to be set by the general council.

Paragraph 2.2.3. Attendance fees and allowances

Article 2.30. Allowance for the general council

The Board of Representatives sets the allowance for the activities of the President and the other members of the general council.

Article 2.31. Beneficiaries of attendance fee and travelling allowance

1. The general council will award an attendance fee and travelling allowance to:
 - a. members of the disciplinary board and disciplinary court who are also advocates;
 - b. members and deputy members of the Board of Representatives and members of the Board of Representatives appointed to the financial committee referred to in Section 32(3) of the Act on Advocates;
 - c. members of the Advisory Board, the civil cassation committee and the civil cassation advisory committee;
 - d. members of the editing team of the advocates gazette who are also advocates;
 - e. members of the Dutch Foundation for the Vocational Training of Advocates (*Stichting beroepsopleiding advocaten*).
2. Deputy members referred to in paragraph 1(b) are understood to be any members chosen to act as such.

Article 2.32. Beneficiaries of travelling allowance

The general council will reimburse the travel expenses of:

- a. the President and other members of the general council;
- b. the members of the advisory committees appointed by the general council;
- c. the members of the advisory committee on regulation;
- d. anyone who attends a meeting at the request of the President of the Netherlands Bar, the general council or the Board of Representatives and who officially represents the Netherlands Bar;
- e. the members of a preparatory committee set up by the Board of Representatives.

Article 2.33. Accommodation allowance

The general council can reimburse accommodation costs if it deems it practicable.

Article 2.34. Other beneficiaries

The general council can, in special cases, award an allowance to individuals other than those referred to in Articles 2.31 and 2.32.

Article 2.35. Level of attendance fee and travelling allowance

1. The general council will set the level of the attendance fee, which may differ depending on the beneficiary and duration.
2. The general council will set the level of travelling allowance, which may differ depending on mode of transport.

Article 2.36. Further rules on method of claim

1. The general council will set rules on the way in which the allowances referred to in this paragraph are claimed.
2. The general council may require further evidence from the applicant, to accompany the request for an attendance fee or other allowance.

Paragraph 2.2.4. Subsidy for support of disciplinary tribunals

Article 2.36a. Scope

This paragraph applies to the provision of a subsidy for activities carried out by the Dutch Foundation for the Support of Disciplinary Tribunals for the Legal Profession (*Stichting Ondersteuning Tuchtcolleges Advocatuur*), which fit in with the foundation's objectives under its articles.

Article 2.36b. Application by analogy

1. Part 4.2.8 of the General Administrative Law Act applies to all subsidies granted in a financial year.
2. Section 4:76 of the same Act will apply by analogy, if the recipient of the subsidy derives a significant amount of their income from the subsidy.

Article 2.36c. Subsidy ceiling and budget reserve

1. The general council can decide annually, when setting the budget, to set a subsidy ceiling.
2. When announcing a subsidy ceiling the general council will point out the possibility that the subsidy ceiling may be lowered and in doing so include the implications for the applications that have already been submitted.

3. A subsidy financed by a budget that has not yet been established will only be awarded on condition that sufficient funds are made available in the budget.

Article 2.36d. Application for subsidy

1. Applications for subsidy will be submitted to the general council in writing.
2. Applications must be submitted no later than 1 October of the calendar year preceding the calendar year to which the application relates.

Article 2.36e. Equalisation reserve

The Foundation for the Support of Disciplinary Tribunals for the Legal Profession will form an equalisation reserve with due regard for Section 4:72 of the General Administrative Law Act.

Article 2.36f. Award of subsidy

1. The general council can decide to grant a subsidy with due regard for the financial funds and the subsidy ceiling included in the budget of the Netherlands Bar.
2. The general council will make a decision on the full application for subsidy by 31 December of the calendar year in which the application is submitted.
3. The general council can attach conditions to the award of the subsidy.
4. The general council will indicate in the subsidy decision how the recipient is to account for the subsidy.
5. If a subsidy is granted, the entire amount will be transferred as a lump sum payment.

Article 2.36g. Obligations and consent

1. The general council can impose on the subsidy recipient the obligations set out in Section 4:37 of the General Administrative Law Act.
2. The general council can impose on the subsidy recipient the obligation of prior consent for actions referred to in Section 4:71(1) of the General Administrative Law Act.
3. Without prejudice to paragraphs 1 and 2, the general council can impose obligations relating to:
 - a. taking on obligations with a term of more than a year;
 - b. increasing the subsidy recipient's staff complement;
 - c. exhausting and mutually complementing budget items;
 - d. the maximum size and annual increase of the equalisation reserve;
 - e. the calculation of hourly rates, the use of cost concepts and production standards;
 - f. the production linked to the subsidy during a calendar year;
 - g. the way in which payments are made and authorised.

Article 2.36h. Accounting and fixing of subsidy

1. Any application for fixing of subsidy will be submitted in writing to the general council no more than thirteen weeks after performing the activities for which the subsidy was awarded.
2. The application must in any case be accompanied by:
 - a. a substantive report showing that the activities for which the subsidy was awarded have been performed;
 - b. an overview of the activities and the associated expenditure and income in a financial report or annual accounts; and
 - c. a balance sheet for the recent subsidy period with explanatory notes.

3. The general council can derogate from the provisions of the second paragraph or request other information that is relevant to the fixing of subsidy.
4. The general council will decide on any application for fixing of subsidy within thirteen weeks of receipt of the full application.

Part 2.3. Employment conditions for Supervisory Board staff members

Article 2.37. Employment conditions for Supervisory Board staff members

The employment conditions for staff members of the office of the Netherlands Bar will apply by analogy to the secretary and other Supervisory Board staff members.

Chapter 3. Traineeship

Part 3.1. Traineeship

Paragraph 3.1.1. General

Article 3.1. Start of traineeship

The traineeship will start once the trainee has been sworn in, the traineeship and the principal have been approved and the practice has started.

Article 3.2. Completed traineeship

1. The traineeship is complete when the deadline mentioned in Section 9b(1) or (2) of the Act on Advocates expires and:
 - a. the trainee has the training certificate for the legal profession;
 - b. the trainee satisfies the provisions of Articles 3.9 and 3.10(1); and
 - c. the Council of the Local Bar judges, after the principal and the trainee have been consulted, that the trainee has sufficient practical experience within the meaning of Section 9b(2) of the Act on Advocates.
2. The Council of the Local Bar will give the trainee whose traineeship has been completed in accordance with paragraph 1 a certificate to say that the traineeship is complete.

Article 3.3. Part-time

1. Any trainee who is in part-time employment will practise for at least 24 hours a week.
2. In derogation of paragraph 1, any self-employed trainee who is in part-time employment will practise for at least 32 hours a week.
3. Any trainee who wishes to work part-time will inform the Council of the Local Bar of the intended number of hours to be worked per week, prior to practising and prior to any change in the number of hours to be worked per week.

Article 3.4. Traineeship terminated or suspended

1. The traineeship will end without traineeship certificate:
 - a. by mutual agreement between principal and trainee;
 - b. if notice is given by the trainee;
 - c. If notice is given by the principal, having obtained approval from the Council of the Local Bar;
 - d. due to an official decision of the Council of the Local Bar.
2. The traineeship will be suspended by law:

- a. if the trainee does not practise for more than three months, unless this is the result of statutory maternity leave;
 - b. if the trainee has no principal or is not practising under the principal's supervision;
 - c. if the principal is suspended, is no longer practising or can no longer supervise the trainee;
 - d. as soon as the principal and the trainee are no longer registered in the same district.
3. The notice referred to in paragraph 1(c) can be given without the prior approval of the Council of the Local Bar if the training certificate for the legal profession can no longer be submitted during the period referred to in Section 8c(2) of the Act on Advocates.
 4. The approval referred to in paragraph 1(c) will only be refused if the notice is unreasonable.
 5. The principal will immediately notify the Council of the Local Bar of the termination of the traineeship or suspension referred to in paragraph 1, opening words and parts (a), (b) and (c) and paragraph 2.

Paragraph 3.1.2. Approval of traineeship and principal

Article 3.5. Approval of traineeship and principal

1. The Council of the Local Bar will be responsible for approving the traineeship and the intended principal.
2. The trainee will submit the request for approval of the traineeship and the intended principal using a form designed for that purpose by the general council, together with the documents to be provided.

Article 3.6. Assessment of application for approval

1. The Council of the Local Bar can withhold the approval referred to in Article 3.5 if:
 - a. the intended principal or their firm has had disciplinary or criminal sanctions imposed;
 - b. disciplinary complaints have been received about the intended principal or there has been evidence of irregularities or well-founded suspicions about them or their firm;
 - c. the intended principal has been or was registered as an advocate in the Netherlands for a period of less than seven years;
 - d. the intended principal has not followed a course or training programme for principals;
 - e. the intended principal is already supervising either an external trainee or a self-employed trainee;
 - f. the intended principal is already supervising two or more trainees and the duration of the traineeship of one of those trainees is less than a year;
 - g. the intended principal is not deemed suitable to be a principal;
 - h. there are other grounds to suppose that there will be insufficient supervision in practice.
2. If the advocate is registered pursuant to Section 2a of the Act on Advocates the period referred to in paragraph 1(c) is four years.
3. The Council of the Local Bar will in any case withhold approval:
 - a. If the intended principal has been or was registered as an advocate in the Netherlands for a consecutive period of less than five years;
 - b. in the case of an external trainee or self-employed trainee, if the intended principal has been or was registered as an advocate in the Netherlands for a period of less than seven years.
4. If the advocate is registered in accordance with Section 2a of the Act on Advocates then the period referred to in paragraph 3(a) will be two years and the period referred to in paragraph 1(b) will be four years.

Article 3.7. Mediation in finding a principal

If the principal is suspended during practice, is no longer practising or can no longer supervise the trainee, the Council of the Local Bar can mediate in finding another principal.

Paragraph 3.1.3. Trainee's obligations

Article 3.8. Trainee's obligations

1. The trainee will provide the principal with the information they require to satisfy the obligations set out in Article 3.13.
2. The trainee will inform the Council of the Local Bar if the traineeship has been terminated in the interim or has been suspended by law, with the exception of the situations referred to in Article 3.4(1)(c) and Article 3.13(6).

Article 3.9. Trainee's practical experience

1. At the end of the traineeship the trainee will be able to duly practise independently and will have acquired the following practical experience as a minimum:
 - a. acted five times in court in defended actions, with the principal having attended at least one counsel's speech or hearing;
 - b. produced ten court documents;
 - c. gained experience in two of the three main areas referred to in Article 3.15(1)(b) or, if that is not possible, in several areas of law within a main specialisation.
2. The trainee will perform the work assigned to them by the principal or employer, on the understanding that the performance of the obligations set out in Article 3.13(2) have priority.

Article 3.10. Activities in the district

1. By the end of the traineeship the trainee will have obtained ten training credits for activities that the Council of the Local Bar offers – or has someone offer – for trainees and will have attained a 'pass' grade for the moot court exercise.
2. The Council of the Local Bar will ensure that the activities mentioned in paragraph 1 and the moot court exercise contribute to the vocational training and the development of the trainee's skills.
3. The Council of the Local Bar will award one credit per hour for the activities referred to in paragraph 1, apart from the moot court exercise.
4. If the trainee transfers to another district, the training credits referred to in paragraph 1 and the pass for the moot court exercise will transfer with them.

Article 3.11. External trainee or self-employed trainee

An external trainee or self-employed trainee:

- a. will organise their office properly, including their services to the client, and their administration, including bookkeeping; and
- b. will only take on cases that they can handle properly given their office organisation.

Article 3.12. Self-employed trainee's liquidity and bookkeeping

1. The self-employed trainee will always have access to a suitable credit facility or sufficient capital to cover the costs of the gross minimum wage for a year plus the other costs of practice.

2. At least twice a year the self-employed trainee will send the Council of the Local Bar the balance sheet and the profit and loss account that have been signed as seen by the principal. The self-employed trainee will provide the Council of the Local Bar with explanatory notes or further information if requested to do so.

Paragraph 3.1.4. Principal's obligations

Article 3.13. Principal's obligations

1. The principal will manage the trainee and give them information and advice with regard to practice in the broadest sense of the word. In so doing, they will pay particular attention to the introduction of the trainee to – and the trainee's attitude towards – the judiciary, colleagues in the profession and clients. They will monitor the development of the trainee in a systematic and structural manner.
2. The principal will ensure that the trainee complies with the obligations that apply to the trainee, including the obligations referred to in Articles 3.8 to 3.12, Articles 3.17 to 3.19 and Article 2.28, and the measures established by the general council, including training measures.
3. The employer will give any trainee who is practising as an employee at its offices, and who maintains an office there, the opportunity to comply with the obligations set out in paragraph 2 during office hours on full pay, and to make the necessary preparations to that end.
4. The principal where the trainee maintains their office will give the trainee appropriate work, with due regard for paragraph 2.
5. When supervising an external trainee or self-employed trainee the principal will pay particular attention to the set-up of the trainee's office, including services to the client and the accounts including bookkeeping.
6. The principal will inform the Council of the Local Bar if the trainee is not practising for some time.
7. The principal of any trainee who:
 - a. is not a self-employed trainee and who maintains an office with the principal will issue a written report to the Council of the Local Bar at least once a year regarding the progress of the traineeship, or more often if the Council deems it necessary;
 - b. is a self-employed trainee or external trainee and who maintains an office with the principal will report to the Council of the Local Bar at least once every six months regarding the progress of the traineeship, or more often if the Council deems it necessary.
8. The principal will assist with the training of a trainee and also cooperate with the training measures pursuant to Article 3.14(1).

Part 3.2. Vocational training for advocates

Article 3.14. Training and examination regulations

1. The general council will establish training regulations that will include the content of the vocational training for advocates, the course components, the scope thereof and the training measures. The final attainment levels, examination requirements and the curriculum of the vocational training for advocates are included in this. The training regulations may also include the duties of an implementing organisation within the meaning of Article 3.23 and powers regarding education may be delegated.
2. The general council will establish examination regulations with rules for the set-up and organisation of the examination, the way in which and the times at which they can be participated in, the way in which the examination is taken and the institution, composition and duties of the examination board and the delegation of powers regarding the examination to the examination board.

Article 3.15. Structure of courses

1. The vocational training for advocates will comprise the following components:
 - a. skills and ethics;
 - b. the main specialisations of civil and civil procedural law, administrative and administrative procedural law or criminal and criminal procedural law;
 - c. other cognitive courses.
2. The teaching of the vocational training for advocates starts twice a year.

Article 3.16. Admission to vocational training for advocates

1. A trainee will register with the implementing organisation for the vocational training for advocates before or at the start of their traineeship, via the Netherlands Bar.
2. A trainee will be admitted to the vocational training for advocates and be given the opportunity to follow the study programme if and as long as:
 - a. they have a bar registration;
 - b. the traineeship is ongoing;
 - c. the course and examination fees have been paid by the deadline; and
 - d. the general council has not terminated the participation in the vocational training for advocates on account of fraud.
3. Any trainee who is no longer admitted to the vocational training for advocates will retain their opportunities to take tests.
4. The general council may derogate from paragraph 2, opening line and subparagraphs (b) and (c) in cases where application thereof would lead to serious inequity.

Article 3.17. Participation in study programme

1. The trainee will participate in the study programme in all components of the vocational training for advocates and prepare in the manner prescribed in the training regulations.
2. The trainee will participate in the study programme of the first cycle of the vocational training for advocates that is offered after the start of the traineeship.
3. Any trainee who does not follow the study programme in the different components of the vocational training for advocates immediately after the start of the traineeship will be deemed not to have passed the tests taken for that component.
4. Participation in the study programme in those components of an accredited training programme as referred to in Article 3.25 will be regarded as equivalent to the study programme in the components referred to in Article 3.15(1) (b) and (c).
5. The general council may derogate from paragraphs 2 or 3 if application thereof would lead to serious inequity.

Article 3.18. Exemption from participation in study programme

1. The general council can, on written request from the trainee, grant full or partial exemption from the obligation to participate in the study programme referred to in Article 3.17(1) and (2). This exemption does not include exemption from the obligation to sit a test in all components of the examination.
2. Exemption will be granted if the trainee satisfactorily demonstrates – based on training and practice in each of the areas of law for which exemption is requested – that they have acquired an equivalent theoretical and practical skill.

3. The general council will take advice from the examination board if the nature of the request gives cause to do so.
4. The general council can attach conditions to the exemption referred to in paragraph 1.

Article 3.19. Examination

1. The vocational training for advocates is associated with an examination, which consists of a number of tests to be taken for each component.
2. A trainee will take a test in all components of the examination.
3. The trainee will be admitted to the various examination components if they have satisfied the obligations set out in Article 3.17(1), or have been granted an exemption from these as referred to in Article 3.18(1).
4. The trainee will participate in the first test opportunity for the component immediately after they have followed the study programme in that component.
5. If the trainee does not pass the test referred to in paragraph 4, they will take the test at the next opportunity they are offered.
6. The trainee can sit a test no more than three times per component.
7. If the trainee does not make use of the opportunity they are offered to take the test, as referred to in paragraphs 4 and 5, the test cannot be considered a pass.
8. If exemption from study within the meaning of Article 3.18(1) is granted, or the study of an accredited programme is pursued, paragraphs 4 and 5 apply by analogy, as if the study programme had been followed as part of the vocational training for advocates.
9. The general council may derogate from paragraphs 3 to 8 in cases where application thereof would lead to serious inequity.

Article 3.20. Exemption from the examination

1. The general council can, on written request from the trainee, grant full or partial exemption from the obligation to take a test in all components of the examination referred to in Article 3.19(2).
2. The exemption also includes an exemption from the obligation to participate in the relevant component of the vocational training for advocates.
3. The general council can attach conditions to the exemption referred to in paragraph 1.

Article 3.21. Certificate

1. Any trainee who has successfully sat the examination will receive the training certificate for the legal profession from the general council.
2. In the examination regulations referred to in Article 3.14(2), the general council can delegate the issue of the certificates referred to in paragraph 1 to the examination board.

Article 3.22. Period of grace

1. The general council can admit a trainee who has been disbarred under Section 8c(3) of the Act on Advocates to a test in the examination components that they have not yet passed, no more than twice within two years of disbarment, unless the number of opportunities to take a test referred to in Article 3.19(6) is exceeded as a result.
2. The request referred to in paragraph 1 will only be honoured if:

- a. the component of the vocational training for advocates to which the request relates has been taken or if an exemption as referred to in Article 3.18(1) has been granted for it, and
- b. in the general council's opinion, the derogation would lead to serious inequity.

Part 3.3. Organisation for vocational training for advocates

Article 3.23. Implementing organisation for vocational training for advocates

The general council will conclude a contract with an implementing organisation regarding the implementation of the vocational training for advocates, including the authority to take examinations and with due regard for the provisions of the Act on Advocates or by or under this Bye-Law.

Article 3.24. Assessment of quality and advice

The general council will appoint an organisation whose task is to:

- a. assess the quality and the implementation of the vocational training for advocates by the implementing organisation and the accredited training institutions;
- b. provide the Netherlands Bar with solicited and unsolicited advice on the vocational training for advocates, including final attainment levels and test attainment levels.

Part 3.4. Accreditation of vocational training for advocates

Article 3.25. Accreditation of vocational training for advocates

1. Any training institution that wishes to offer the components of the vocational training for advocates set out in Article 3.15(1) (b) and (c) must submit an application to the general council to have the training programme accredited.
2. In any case the application must be accompanied by:
 - a. a recommendation regarding the quality of the training, given by a firm of consultants appointed by the general council;
 - b. a description of the training, the courses, the lecturers and the teaching method.
3. The general council will award accreditation if:
 - a. the training includes at least one of the main specialisations referred to in Article 3.15(1)(b);
 - b. the training institution and the training satisfy the accreditation conditions set by the general council, referred to in paragraph 4; and
 - c. the continuity of teaching is assured.
4. The general council can attach conditions to the accreditation. These conditions may, among other things, relate to the duration of the accreditation, the provision of assistance in investigations into the quality of the training, and a reporting obligation.
5. The general council can establish further rules relating to the assessment of the application and the awarding of the accreditation.
6. The general council can withdraw the accreditation if, in its opinion, the requirements, conditions and rules referred to in paragraphs 3, 4 and 5 have not been satisfied, or if the training institution or the content of the training are otherwise unsatisfactory.

Chapter 4. Advocate's professional competence

Part 4.1. Professional competence

Paragraph 4.1.1. General

Article 4.1. Expertise

1. An advocate will be competent in the practice of their profession, by which it is understood that they have the professional knowledge and skill needed to practise.
2. An advocate will only take on cases for which they have the expertise or for which they call on the expertise of a third party.

Paragraph 4.1.2. Professional knowledge and skill

Article 4.2. Scope

1. This paragraph applies to any advocate who has been on the bar register for three years or more (continuously or otherwise).
2. This paragraph applies to any advocate registered under Section 16h of the Act on Advocates.

Article 4.3. Professional knowledge and skill

Every year, the advocate will demonstrate that they are maintaining and developing their professional knowledge and skill for areas of law relevant to their practice.

Article 4.4. Training credits

1. An advocate will obtain at least twenty training credits every calendar year, at least half of which relate to legal activities in an area of law relevant to their practice.
2. Without prejudice to the provisions of paragraph 1, any advocate who has been registered for at least six months will obtain at least ten training credits every calendar year in each area of law in which they plan to register the following calendar year as referred to in Article 6.32.
3. If this paragraph applies to an advocate for less than eleven months in any calendar year, the number of training credits referred to in paragraph 1 will be reduced pro rata.
4. Any advocate who has obtained at least ten training credits relating to legal activities in an area of law relevant to their practice can compensate for a shortfall in training credits as referred to in paragraphs 1 and 2, up to a maximum of ten, by using any excess credits that they obtained in the previous calendar year.
5. An advocate obtains one training credit for:
 - a. every whole hour of academic or post-academic study that they have followed that benefits their practical experience or practice, if:
 - the teaching is given by expert lecturers;
 - the identity and presence of the participating advocate are established;
 - the study does not relate to vocational training for advocates; and
 - if the study is followed via distance learning only – it ends with a test, for which a 'pass' grade is obtained and the average time allocation is indicated in advance;
 - b. every half hour that they have taught academic or post-academic study that benefits practical experience or practice;
 - c. every 500 words of a legal article that they have written and that is published in legal literature;
 - d. other activities, for which the general council can set further rules regarding the number of training credits that can be obtained.

6. The general council will set rules:
 - a. governing a non-exhaustive list of activities for which no training credits can be obtained;
 - b. on the accreditation of training institutions whereby these can indicate in advance how many training credits are awarded to a training programme.
7. An advocate will demonstrate that the training credits were obtained by submitting sufficient evidence with a mention, where applicable, of the registered areas of law – as referred to in Article 6.32 – to which the training credits relate.

Article 4.5. Catch-up obligation

1. If an advocate does not satisfy the provisions of Article 4.4(1) to (3), they must make up the shortfall in training credits within twelve months of the end of the calendar year in question.
2. The training credits caught up pursuant to paragraph 1 will not count as training credits within the meaning of Article 4.4(1), or as an excess within the meaning of Article 4.4(3).
3. This article will not alter the fact that the President can submit an objection under Section 46f of the Act on Advocates.

Article 4.6. Returner scheme

1. Any advocate who has not been registered for more than a year will obtain twenty training credits – in the twelve months after being sworn in – with legal activities in an area of law relevant to their practice, in addition to the provisions of Article 4.4(1) and (2).
2. An advocate can put in a request to the Council of the Local Bar within four weeks after being sworn in for full or partial exemption from paragraph 1, demonstrating that they have sufficient up-to-date knowledge of areas of law relevant to their practice.
3. The Council of the Local Bar can attach conditions to the exemption referred to in paragraph 2.

Article 4.7. Long-term sick leave

1. If an advocate has not practised for more than six months due to illness, they can have recourse to paragraphs 2 to 4.
2. Article 4.4(1) will not apply while the advocate is not practising. Article 4.5 will not apply to a shortfall in training credits that occurred before paragraphs 3 and 4 applied.
3. The moment the advocate resumes practice, either fully or partially:
 - a. the number of training credits referred to in Article 4.4(1) that they need to obtain in the calendar year that they resume practice will be reduced proportionally pursuant to Article 4.4(2); and
 - b. the advocate will obtain the following within twelve months in an area of law relevant to their practice:
 - five training credits if the advocate has not practised for less than twelve months;
 - ten training credits if the advocate has not practised for twelve months or more but less than twenty-four months;
 - twenty training credits if the advocate has not practised for more than twenty-four months;
4. An advocate can, within four weeks of resuming practice – either fully or partially – submit a request to the Council of the Local Bar for full or partial exemption from paragraph 3(b), and will demonstrate that they have sufficient up-to-date knowledge of the areas of law relevant to their practice. The Council of the Local Bar can attach conditions to the exemption.

Part 4.2. Competence requirements – cassation

Paragraph 4.2.1. Advocate at the Supreme Court of the Netherlands

Article 4.7a. Competence in cassation

An advocate with the endorsement of ‘advocate at the Supreme Court’ has the knowledge and competence to duly and independently draw up cassation advice, grounds of cassation and cassation defences.

Article 4.8. Training requirements

1. An advocate at the Supreme Court in civil cases will obtain at least half the number of training credits that they need to obtain annually pursuant to Article 4.4 in fields that lead to a deepening of their knowledge of civil and civil procedural law and the command of cassation technique.
2. The general council can impose further rules on the fields in which the training credits referred to in paragraph 1 can be obtained.

Article 4.9. Practice requirements

1. After obtaining the endorsement of ‘advocate at the Supreme Court’, an advocate at the Supreme Court will handle at least twelve cassation cases every three years, at least six of which have led to a judgment by the Supreme Court. This will not include cases in which the ground for cassation was rejected as inadmissible pursuant to Section 80a of the Dutch Judiciary Organisation Act (*Wet op de rechterlijke organisatie*).
2. If there are special circumstances, the general council may grant an advocate with the unconditional endorsement of ‘advocate at the Supreme Court’ full or partial exemption from the obligation referred to in paragraph 1. The general council can attach conditions to the exemption.
3. The exemption referred to in paragraph 2 will be requested before the end of the three-year period referred to in paragraph 1, and will only apply to the period for which exemption is requested.
4. The general council may set further rules on how much of a case is allocated to an advocate where there is more than one representing advocate.

Paragraph 4.2.2. Certificate of endorsement in civil matters

Article 4.10. Issue of certificate by general council

1. The general council will issue the certificate referred to in Section 9j(2) of the Act on Advocates if the advocate meets the requirements of Article 4.11(1), or Article 4.13.
2. The general council may set further rules on the way in which the advocate is to prove that they meet the set requirements.

Article 4.11. Obtaining the certificate of conditional endorsement

1. An advocate will obtain, on request, a certificate from the general council that can be used to apply for the conditional endorsement of ‘advocate at the Supreme Court’ in civil matters, if:
 - a. in the twelve months preceding the request they obtained at least ten training credits in fields leading to a deepening of their knowledge of civil law, civil procedural law and the command of cassation technique; and
 - b. they have passed an oral examination, showing that they have sufficient knowledge of the principles, assumptions and rules of civil procedural law, in particular appeal and cassation procedural law, as well as elements of private law in an area of law relevant to the advocate’s practice.

2. The conditional endorsement applies for a period of three years.
3. The general council can grant exemption from paragraph 1(a) if – prior to the request referred to in paragraph 1 – the advocate was not registered as an advocate and demonstrates that they have acquired competence that is up-to-date and clearly equivalent to the requirements set in paragraph 1(a).
4. The general council can extend the period referred to in paragraph 2 by no more than 12 months if special circumstances mean that the advocate cannot comply with the obligation set out in Article 4.9(1).
5. Any advocate who has not achieved a pass grade for the test of competence cannot resit the examination referred to in paragraph 1(b) within five years of deletion of the conditional endorsement.

Article 4.12. Taking the examination

1. The examination to obtain the certificate referred to in Article 4.11(1) will be taken on behalf of the general council by at least two members of the cassation committee who are experts in the field of cassation in civil matters, once an advocate has demonstrated that they satisfy Article 4.11(1)(a).
2. If they fail, they may only resit once.
3. The general council may set further rules on the content and subject matter of the examination and the way in which it is applied for and taken.

Article 4.13. Obtaining the certificate of unconditional endorsement

An advocate with the conditional endorsement will obtain, on request, a certificate from the general council that can be used to apply for the unconditional endorsement of 'advocate at the Supreme Court' in civil matters, if they:

- a. demonstrate that they satisfy Article 4.8(1);
- b. demonstrate that they satisfy Article 4.9(1), where they have not obtained exemption for this; and
- c. pass a test of competence, demonstrating that they have the knowledge and competence to duly and independently draw up cassation advice, grounds of cassation and cassation defences.

Article 4.14. Taking the test of competence

1. The test of competence is taken on behalf of the general council by at least two members of the cassation committee who are experts in the field of cassation in civil matters, once an advocate has demonstrated that they satisfy Article 4.13, opening words and subparagraphs (a) and (b), and entails the discussion of two cassation files submitted by the advocate.
2. If they fail the test of competence, they may only resit once.
3. The general council can set further rules on the content of the test of professional competence, the way in which it is applied for and taken, and the cassation files to be submitted.

Chapter 5. Practice structures

Part 5.1. General

Article 5.1. Compromise of freedom and independence

1. The advocate is not permitted to enter into legal relationships, or to allow these to continue to exist, whereby doing so might compromise the freedom and independence in the exercise of their profession, including the representation of party interests and the associated relationship of trust between the advocate and their client.
2. The advocate is not permitted to practise, whether as an employee or otherwise, in a form whereby doing so might compromise the freedom and independence in the exercise of their profession, including the representation of party interests and the associated relationship of trust between the advocate and their client.

Article 5.2. Arrangements for practice

The advocate will practise in one or more of the following ways:

- a. self-employed as a sole trader or in the form of a practising legal entity over which they exercise control;
- b. in a group practice as referred to in Article 5.3, where the advocate is not employed by that group practice;
- c. employed by an employer as referred to in Article 5.9.

Part 5.2. Collaboration

Article 5.3. Group practice

The term group practice is only used to refer to the situation whereby an advocate:

- a. practises at joint risk and expense with another natural person, a group practice or a legal entity; or
- b. shares the authority or ultimate responsibility over the practice with another natural person, a group practice or a legal entity.

Article 5.4. Permitted group practices

1. An advocate can only enter into a group practice with:
 - a. other advocates, practising legal entities and group practices;
 - b. advocates who are not registered in the Netherlands, who are members of a professional organisation of advocates abroad, which is recognised by the general council;
 - c. members of the Royal Dutch Association of Civil-law Notaries, the Dutch Association of Tax Advisors, the Netherlands Institute of Patent Attorneys and university-educated members of the Register of Tax Advisors.
2. The general council may recognise professional organisations abroad as referred to in paragraph 1(b) if the foreign professional practitioners exercise their profession freely and independently and are subject to disciplinary law comparable to Dutch disciplinary law. The general council will consider in its decision whether advocates registered with the Netherlands Bar may enter into a group practice with members of those professional organisations under the laws of the other country.

Article 5.5. Naming

The advocate is not permitted in their interaction with third parties to present themselves under a common name with parties other than the professional practitioners, group practices and practising legal entities mentioned in Article 5.4(1).

Part 5.3. Directors

Article 5.6. Directors of group practices and legal entities

1. If the group practice or the practising legal entity has a board, the majority of the board and its chair will be advocates or practitioners of an admitted liberal profession.
2. Any director who is not an advocate or practitioner of an admitted liberal profession:
 - a. will not be or have been bankrupt or subject to a moratorium on payments and will not be or have been subject to natural persons' debt rescheduling;
 - b. will not have been sentenced by a disciplinary court, where:
 - for former advocates: suspension or disbarment was pronounced or a suspension or measure under Section 60b of the Act on Advocates was imposed;
 - for former civil-law notaries: suspension or removal from office was pronounced;
 - for former tax advisors: suspension or expulsion from membership of the Register of Tax Advisors was imposed or a suspension or removal from membership of the Netherlands Association of Tax Advisors was pronounced;
 - for former patent attorneys: suspension or removal of the right to act as a patent attorney was pronounced; and
 - c. will be able to submit a certificate of good conduct as referred to in Section 28 of the Dutch Judicial Information and Criminal Records Act (*Wet justitiële en strafvorderlijke gegevens*).
3. A director will report to the Council of the Local Bar any intended appointment as director of a non-advocate or anyone who is not a practitioner of an admitted liberal profession, with a covering statement signed by the intended director that they have met the requirements referred to in paragraph 2(a) and (b), and the certificate of good conduct, referred to in paragraph 2(c).

Part 5.4. Legal entities

Article 5.7. Incorporation of practising legal entities

1. The articles of association of a practising legal entity will meet the following requirements:
 - a. the object of the legal entity will be limited to legal practice, participating in and managing practising legal entities, investing its capital and the capital of the practising legal entities within the group, and performing any and all activities associated with the above;
 - b. the description of the object will provide that legal practice be conducted with due regard for all regulations that apply to the profession;
 - c. the articles of association will stipulate that the majority of the directors, the chair and, where applicable, all direct or indirect shareholders, are advocates or practitioners of an admitted liberal profession who practise within the practising legal entity, or are a holding legal entity that satisfies paragraph 2;
 - d. The articles of association of a practising legal entity can provide for the possibility referred to in Article 5.8(3).
2. The articles of association of a holding legal entity will meet the following requirements:
 - a. the object of the legal entity will be limited to participating in and managing practising legal entities, investing its capital and the capital of the practising legal entities within the group, and performing any and all activities associated with the above;
 - b. the articles of association will stipulate that all directors and, where applicable, all direct or indirect shareholders, are advocates or practitioners of an admitted liberal profession who practise within the practising legal entity in which the holding legal entity holds shares directly or indirectly or are a holding legal entity that may or may not hold shares for which depositary receipts without meeting rights have been issued.
3. If the practising legal entity is a private limited company or a public limited company, the articles of association and the applicable regulations will also provide that only registered shares and depositary receipts be issued.

4. If the practising legal entity comprises members and has no shareholders, then references to 'shareholders' in paragraphs 1 and 2 should be taken to mean as: members.
5. If the legal entity has no articles of association, paragraph 1 or 2 will apply to the agreement stipulating the object and manner of collaboration.

Article 5.8. Shareholding and voting rights

1. All shares in a practising legal entity and a holding legal entity with capital divided into shares and their associated voting rights or depositary receipts for shares are held by:
 - a. advocates or practitioners of an admitted liberal profession who practise within the practising legal entity or within a practising legal entity whose shares are held by them indirectly; or
 - b. holding legal entities, whose boards consist solely of advocates or practitioners of an admitted liberal profession.
2. Paragraph 1 will not apply with regard to those shares until six months after the stepping down or death of a shareholder.
3. In derogation of paragraph 1, individuals working in a practising legal entity who are not an advocate or practitioner of an admitted liberal profession can jointly acquire economic entitlement in that practising legal entity, up to a maximum of ten per cent of the profit of the practising legal entity.

Part 5.5. Practising in employment

Article 5.9. Permitted employment

An advocate can only practise as an employee of:

- a. an advocate;
- b. a practitioner of an admitted liberal profession;
- c. a group practice, as long as it satisfies Articles 5.4 and 5.6;
- d. a practising legal entity;
- e. an insurer who only practises legal expenses insurance – and as such complies with the conditions set in the Dutch Financial Supervision Act – or a legally independent claims settlement firm as referred to in Section 4:65(1)(b) of that Act, or a similar institution, as long as it satisfies Articles 5.11 to 5.13;
- f. an organisation with an idealistic objective, as long as this satisfies Article 5.10; or
- g. another employer, as long as in that employment the advocate only acts for that employer or legal entities in the employer's group, and the activities are mainly focused on legal practice.

Article 5.10. Permitted organisations with idealistic objective

1. An organisation with an idealistic objective as defined in Article 5.9(f):
 - a. limits its activities actually and under the articles of association to pursuing an idealistic non-profit objective that, societally, is of essential importance and that, by its nature, runs parallel with the common interest of its members or those who are similarly affiliated to the organisation;
 - b. has incorporated the provision of legal assistance into an organisational unit that functions sufficiently independently of the other parts of the organisation;
 - c. has a financial economic stability such that proper practice by an advocate employed by that organisation is assured.
2. Furthermore, practising as an employee of an organisation with an idealistic objective as defined in Article 5.9(f) is only permitted if it is done for that employer or its members as such, however in the latter case only as long as the legal assistance provided by the advocate is limited to:
 - a. representation of the interests of the members, which can be deemed to fall within the context of that idealistic objective without being inconsistent with the interests of other members; and

- b. the handling of cases in respect of which, by their nature, it is assumed that the other party cannot turn to that employer for legal assistance.

Article 5.11. Insured legal expenses

1. Any advocate employed by an employer as referred to in Article 5.9(e) can only act in that capacity on behalf of the employer or those insured with that employer.
2. If the advocate referred to in paragraph 1 is asked to defend, represent or promote the interests of the insured in judicial or administrative proceedings, they will offer the insured the choice to entrust the promotion of their interests to an advocate or another expert of their choice who is authorised by law.

Article 5.12. Professional charter

1. An advocate can only practise as an employee of an employer as referred to in Article 5.9(e), (f) and (g) if they have a charter signed by them and their employer, which corresponds to the model referred to in paragraph 3.
2. Paragraph 1 will apply by analogy to any advocate employed by an employer as referred to in Article 5.9(c) and (d) where control over the practising legal entity or the group practice is vested, in the majority, with non-advocates.
3. The general council will establish a model for the professional charter and can, in the event of changes to that model, determine when an existing professional charter must be amended.

Article 5.13. Prevention of conflicting interests

1. Any advocate practising as an employee will not be permitted to act for one or more clients, if their employment means that they have to take into account interests that conflict with the interests of the client or clients or if this is a likely development.
2. The practice by an advocate **employed** by an employer will be compatible with that advocate's legal practice outside that employment, provided they adequately ensure that no conflict of interests can arise, that there is no confusion regarding the capacity in which they are acting and that they report this legal practice to the President.

Article 5.14. Apparent capacity

Any advocate employed by an employer will retain the capacity of advocate when carrying out any duties as part of their employment and they will always make that capacity clearly apparent to third parties.

Article 5.15. Informing the President when practising in employment

1. Any advocate referred to in Article 5.12(1) will provide the President with a copy of the professional charter signed by them and their employer prior to practising in employment.
2. Any advocate referred to in Article 5.12(2) will provide the President with a copy of the professional charter signed by them and their employer within a week of the situation referred to in that paragraph arising.

Chapter 6. Office organisation

Part 6.1. Internal organisation and description of procedure

Article 6.1. Scope

This section does not apply to trainee advocates, with the exception of self-employed trainees and external trainees.

Article 6.2. Set-up of organisation and services

1. The advocate will properly set up the organisation of their office and also the services to the client.
2. The general council may set further rules on the provisions of paragraph 1 after the Board of Representatives has been consulted.

Article 6.3. Taking on cases

An advocate will only take on cases that they can handle properly given the organisation of their office.

Article 6.4. Description of procedure

1. The advocate will describe the way in which they satisfy the rules that apply to them regarding:
 - a. competence;
 - b. office organisation;
 - c. accounts;
 - d. client monies;
 - e. the Dutch Money Laundering and Terrorist Financing (Prevention) Act (*Wet ter voorkoming van witwassen en financiering terrorisme*);
 - f. file and case management;
 - g. information management;
 - h. risk management;
 - i. client relations;
 - j. conflict of interests.
2. The general council can impose further rules regarding the description referred to in paragraph 1.

Part 6.2. Accounts

Article 6.5. Duty to keep accounts

1. To the extent that this has not already been provided for in Article 2:10 or 3:15i DCC:
 - a. an advocate will keep the accounts for their practice and store the books, records and other data carriers in such a way that the rights and obligations can be ascertained from these at all times;
 - b. an advocate will draw up the balance sheet and the profit and loss account within six months of the end of the financial year.
2. Without prejudice to the provisions of Sections 33 and 34 of the Dutch Money Laundering and Terrorist Financing (Prevention) Act, the advocate will keep the accounts in such way that it is evident that they are complying with the law.

Part 6.3. Confidential information holders' numbers

Paragraph 6.3.1. Purpose of registering confidential information holders' numbers

Article 6.6. Purpose of registration

The secretary of the general council will register numbers for holders of confidential information with a view to providing these to third parties to guarantee the confidentiality of the communication between advocate and client.

Paragraph 6.3.2. Provision of confidential information holders' numbers

Article 6.7. Provision to central investigative authorities

1. The secretary of the general council can provide confidential information holders' numbers to parties involved in an investigation for the purpose referred to in Article 6.6.
2. The Netherlands Bar will conclude an agreement with the parties involved in the investigation after having consulted the Board of Representatives.

Article 6.8. Disclosure to third parties

1. The secretary of the general council can, at an advocate's request, provide the advocate's numbers for confidential information holders to parties other than those involved in an investigation, for the purpose referred to in Article 6.6.
2. The Netherlands Bar will conclude an agreement with these third parties after having consulted the Board of Representatives.

Article 6.9. Processing of notifications of confidential information holders' numbers

The secretary of the general council will process notifications regarding confidential information holders' numbers as quickly as possible in the register of confidential information holders' numbers.

Paragraph 6.3.3. List of confidential information holders' numbers

Article 6.10. List of confidential information holders' numbers

1. The advocate will give the secretary of the general council a list of the numbers they have for confidential information holders and for those individuals with a legal profession privilege derived from the advocate.
2. The general council will set further rules on the numbers that the advocate gives, depending on the type of practice, types of holders or forms of group practice.
3. The advocate will immediately pass all changes regarding one or more of their confidential information holders' numbers to the secretary of the general council.

Article 6.11. Duty of care of confidential information holders' numbers

1. An advocate will use a confidential information holder's number given pursuant to Article 6.10 for confidential communication, unless serious circumstances dictate otherwise.
2. The advocate will ensure that a person with a legal profession privilege derived from the advocate makes use of the confidential information holder's number given to them pursuant to Article 6.10 for their confidential communication.
3. The advocate will ensure that any individual without legal profession privilege or without legal profession privilege derived from the advocate does not use this number.

4. The advocate will ensure that a person with legal profession privilege derived from the advocate does not allow a person without legal profession privilege to use their telephone or fax machine with the confidential information holder's number.

Article 6.12. Misuse or loss of listed confidential information holders' numbers

1. Any advocate who allows or has allowed their telephone or fax machine with the confidential information holder's number to be used under coercion will notify the secretary of the general council as soon as possible.
2. In the event of loss or theft of a mobile phone with a confidential information holder's number, the advocate will block the number as soon as possible and notify the secretary of the general council as soon as possible.
3. The advocate will ensure that a person with a legal profession privilege – derived from the advocate – who allows or has allowed their telephone or fax machine with the confidential information holder's number to be used under coercion or because the handset is no longer within their control due to loss or theft will notify the secretary of the general council as soon as possible. Paragraphs 1 and 2 will apply by analogy.

Part 6.4. Advocate's pass and means of authentication

Article 6.13. Advocate's pass

1. An advocate will have an advocate's pass that has been issued by a supplier selected by the general council pursuant to Article 6.16.
2. The advocate's pass is also the means of authentication for the secure internet environment of the Netherlands Bar and the Local Bars.

Article 6.14. Authorised persons

1. An advocate can apply for a means of authentication for persons authorised by them.
2. An advocate can only authorise persons who work under their responsibility and advocates who work in the same office or at the same address.
3. The advocate will ensure that the authorised person uses the means of authentication in accordance with their instructions and with due regard for the provisions under or pursuant to this part.

Article 6.15. Informing in the event of loss or damage

The advocate will inform the supplier of the means of authentication immediately:

- a. in the event of loss of or damage to their advocate's pass or the means of authentication of those persons authorised by them;
- b. if the authorisation for the authorised person is withdrawn.

Article 6.16. Selection of suppliers and further rules

1. The general council will select the suppliers of the advocate's pass and the means of authentication.
2. The general council can set further rules on the advocate's pass and the means of authentication, among other things with regard to the application for these, and the issue and validity thereof.

Article 6.17. Information from secretary of the general council

The secretary of the general council will inform the supplier of the advocate's pass and the means of authentication immediately in the event of any suspension of the traineeship, disbarment, or suspension of the advocate's practice.

Part 6.5. Client monies

Paragraph 6.5.1. Client monies

Article 6.18. Scope of client monies

Section 6.5 will not apply to any advocate acting in a capacity resulting from a judicial appointment, if and insofar as a provision for the management of client monies has been made.

Article 6.19. Client monies

1. An advocate will ensure that client monies are transferred either directly to the beneficiary or to the bank account of the client monies foundation at the advocate's disposal.
2. Any advocate holding client monies will transfer the funds, as soon as the opportunity arises, into the bank account of the client monies foundation or beneficiary and administer the amount, date and method of receipt, date of transfer, the beneficiary and the name of the advocate handling the case.
3. An advocate will not use client monies as security for themselves, their practice or any third party.
4. An advocate can agree in writing with the beneficiary that client monies are to be used to settle any fee note. If the beneficiary challenges a fee note within a reasonable period, the right to use client monies to settle this fee note will lapse.
5. If client monies are used to settle their fee note, the advocate will confirm this to the beneficiary in writing.

Article 6.20. Securities and valuables

1. If possible, Article 6.19 will apply by analogy to securities and valuables that the advocate receives as client monies.
2. The advocate may only accept or keep monies, negotiable securities, valuables or other items, if they have satisfied themselves which monies, negotiable securities, valuables or other items these are and that in the context of a case handled by them this serves a reasonable purpose.

Paragraaf 6.5.2. Client monies foundation

Article 6.21. Availability of client monies foundation

1. An advocate will have a client monies foundation at their disposal, which meets the requirements included in Article 6.22.
2. In derogation of paragraph 1, any advocate who does not receive client monies as part of their practice will be exempt from the obligation to have access to a client monies foundation.
3. An advocate will notify the President in writing if:
 - a. they do not have a client monies foundation at their disposal;
 - b. there is any change with respect to the availability of a client monies foundation.

Article 6.22. Requirements of client monies foundations

1. The client monies foundation will have articles pursuant to the model referred to in paragraph 10; the name of the foundation will contain, as a minimum, the words 'stichting' (foundation), 'beheer' (management) and 'derdengelden' (client monies).
2. The client monies foundation is intended for an effective implementation of Article 6.19.
3. The client monies foundation will not be used for any other purpose than the management of client monies.
4. If the foundation receives client monies, it will have a bank account available for this purpose. Any client monies foundation that is available to several firms will open a separate bank account for each firm, if that firm receives client monies.
5. The following may be appointed officers of the foundation:
 - a. advocates;
 - b. other practitioners of liberal professions, if entering into a group practice with them is permitted; and
 - c. accountants within the meaning of Section 1 of the Dutch Accountancy Profession Act (*Wet op het accountantsberoep*).
6. The following may not be appointed officers of a foundation:
 - a. trainees, with the exception of self-employed trainees who do not work under the supervision of an officer of the foundation;
 - b. those who work under the responsibility of or are subordinate to an officer of the foundation;
 - c. those who are employed by the firm of an officer of the foundation or with the firm that is affiliated to the foundation.
7. The foundation will provide the President, if necessary, with the information required of advocates under the Act on Advocates or this Bye-Law.
8. The foundation will be represented in legal and other matters by two board members acting jointly, at least one of whom is an advocate.
9. An agreement will be concluded between the foundation and the advocate or their firm, in accordance with the model referred to in paragraph 10.
10. The general council can determine models for the articles of the client monies foundation and for the agreement between the foundation and the advocate or their firm and can – in the event of changes to these models – determine when existing articles and agreements between the foundation and the advocate or their firm may be amended.

Article 6.23. Officer of client monies foundation

1. An advocate who is officer of a client monies foundation is obliged to comply with the provisions of this part.
2. An advocate who is officer of a client monies foundation will not cooperate with activities contrary to the provisions of this part.
3. An advocate who is officer of a client monies foundation will transfer client monies to the beneficiary immediately, as soon as the instruction to do so is given by or on behalf of the advocate handling the case, with due regard for Article 6.22(8).

Part 6.6. Professional liability

Article 6.24. Professional indemnity insurance

1. The advocate will be adequately insured to cover their professional indemnity risk.
2. Paragraph 1 does not apply to the risk of an advocate practising as an employee causing damage to their employer or legal entities in the group affiliated to the employer, insofar as the employer or legal entities in the group affiliated to the employer indemnify them against this damage in writing beforehand. In that case, any advocate practising as an employee will still be subject to the obligation to take out indemnity insurance for damage that they as an advocate might cause to third parties.
3. Paragraph 1 does not apply to the risk of an advocate practising as an employee causing damage to third parties, if the employer is the State and the State indemnifies the advocate against this in writing in advance in accordance with the model referred to in paragraph 5.
4. The advocate will take out the insurance with an insurance company that is likely to satisfy reasonable requirements in respect of solvency.
5. The general council will establish a model for the indemnity and can, in the event of changes to that model, determine when existing indemnities should be amended.

Article 6.25. Insurance cover

The insurance referred to in Article 6.24(1):

- a. will, as a minimum, cover each advocate or, if applicable, each group practice for damage up to EUR 500,000 per claim and up to twice that amount per insurance year;
- b. will also cover the advocate's civil liability for acts and omissions by people working under their responsibility;
- c. will cover the damage arising from all activities that may be part of the advocate's professional performance, including acting as trustee in bankruptcy, as administrator in a (provisional) moratorium on payment, and in any other capacity in which the advocate is appointed by the court, or as mediator, binding advisor or arbitrator;
- d. will, as a minimum, be valid for incidents in the Member States of the European Union and countries that have signed up to the Agreement on the European Economic Area and Switzerland;
- e. will include an excess of no more than EUR 12,500 per claim for an advocate or a group practice of two advocates;
- f. will include an excess of no more than EUR 5,000 multiplied by the number of insured advocates, up to a maximum of EUR 100,000 per claim for a group practice of three or more advocates.

Article 6.26. Limit to liability

An advocate may agree in writing with the client that their professional liability, apart from the amount of excess, is limited to the amount for which the insurance gives claim to a payment, if:

- a. the advocate satisfies Article 6.24;
- b. the insurance satisfies Article 6.25.

Part 6.7. Payments to and by advocate

Article 6.27. Payments to and by advocate

1. The advocate will only make or accept payments as part of their practice by bank transfer subject to the provisions of paragraphs 2 and 3.

2. The advocate can therefore only make or accept payments in cash, as part of their practice, if there are facts or circumstances that justify doing so and with due regard for the provisions of paragraph 3.
3. If, as part of a case or over a period of no more than a year, the advocate will be making or accepting one or more cash payments with a combined value of EUR 5,000 or more for the same client, the advocate will discuss this with the President prior to any such transaction or acceptance. If this prior consultation is not reasonably possible, it will take place immediately after that payment is made or accepted.

Part 6.8. Complaints and disputes

Article 6.28. Office complaints mechanism

1. The advocate will have an office complaints mechanism that satisfies the provisions of paragraph 2. The advocate will ensure that complaints are handled in accordance with the office complaints mechanism.
2. The office complaints mechanism referred to in paragraph 1 will in any case provide:
 - a. for the way in which the advocate, the practising legal entity or the group practice handles complaints about the conclusion and implementation of an agreement to perform services, the quality of the service provision and the level of the fee note;
 - b. that the office complaints mechanism also applies to persons working under the responsibility of the advocate;
 - c. for which advocate is in charge of handling the complaint, and thereby acts as complaints officer;
 - d. that within a month of receipt of the complaint the complaints officer notifies the complainant and the accused in writing – giving reasons, and possibly accompanied by recommendations – of their opinion on the validity of the complaint;
 - e. that the complaints officer by way of derogation from the deadline referred to in subparagraph (d), notifies the complainant and the accused, giving reasons and stating the period within which an opinion on the validity of the complaint will be given;
 - f. that the complainant and the accused are given the opportunity to give an explanation of the complaint;
 - g. that the complainant does not owe any compensation for the costs of handling the complaint.
3. The advocate, the practising legal entity or the group practice will declare the office complaints mechanism referred to in paragraph 1 applicable to any agreement to perform services concluded with the client.

Article 6.29. Dispute resolution

1. An advocate, the practising legal entity or the group practice will agree a choice of forum clause with the client for disputes over the conclusion and the performance of the agreement to perform services, the quality of the service and the level of the fee note.
2. If an advocate, practising legal entity or group practice includes in the agreement to perform services the fact that disputes about the conclusion and the performance of this agreement, the quality of the service and the level of the fee note are to be submitted to an authority other than the competent court for settlement, then this dispute resolution will always be effected on the basis of an arbitration agreement as referred to in Article 1020 of the Dutch Code of Civil Procedure or on the basis of a settlement agreement as referred to in Article 7:900 DCC.

Article 6.30. Complaints registration

The complaints officer will keep a list of all complaints that have been received, with the subject of the complaint.

Part 6.9 Registration of areas of law

Article 6.31. Scope

1. This part applies to any advocate who has been on the bar register for three years or more (continuously or otherwise).
2. This part applies to any advocate registered under Section 16h of the Act on Advocates.

Article 6.32. Article 6.32 Entry in the register of areas of law

1. An advocate registers with the bar in at least one and no more than four areas of law in which they have obtained ten training credits as referred to in Article 4.4(2), based on a list of the areas of law referred to in paragraph 5.
2. Any advocate who has obtained ten training credits as referred to in Article 4.4(2), in the previous calendar year in a relevant registered area of law, will announce and publicly disclose the fact that they are registered in a manner in accordance with the model referred to in paragraph 4.
3. In the event of any changes, the advocate will immediately update their bar registration and their public announcement as referred to in paragraph 2.
4. The general council will establish a model for the announcement and public disclosure of the registration.
5. The general council will establish a list of areas of law, on which 'general practice' will always feature.
6. The general council will set further rules about the way in which the bar registration takes place and the announcement and public disclosure of the registration.

Chapter 7. Advocate-client relationship

Part 7.1. Checks by advocate

Article 7.1. ID checks on client and legality of instruction

1. On acceptance of the instruction the advocate will ascertain the identity of the client and, if applicable, the identity of the intermediary giving the instruction on behalf of the client, unless the nature or circumstances of the case make this impossible.
2. On acceptance of the instruction the advocate will verify whether there are reasonable indications that the instruction serves to prepare, support or shield illegal activities.

Article 7.2. Doubts as to client's identity

1. The advocate may rely on the correctness of the information provided by the client as long as there are no reasonable indications to the contrary.
2. If the advocate has reasonable doubt, or if there are circumstances that justify reasonable doubt, about the correctness of the information provided by or on behalf of the client or the identity of the client or intermediary, the advocate will conduct an investigation into the correctness of the information provided, the client's background, the intermediary or the aim of the instruction, unless the nature or circumstances of the case render this impossible.

Article 7.3. Refusal of service

The advocate will refrain from providing services or step down from an instruction, if in reasonableness they have not obtained sufficient details as referred to in Articles 7.1 and 7.2, or if in reasonableness indications exist that the instructed services serve to prepare, support or shield illegal activities.

Part 7.2. Communication (general)

Article 7.4. Provision of information

1. In their interaction with third parties the advocate will avoid any false, misleading or incomplete representations of information regarding the method of practice or regarding any form of collaboration.
2. Any advocate acting for one or more clients who are not the advocate's employer will – in addition to Articles 6:230b to 6:230 DCC – announce and publicly disclose:
 - a. the individual, group practice or legal entity with which the client will be concluding the agreement to perform services;
 - b. whether they are acting under a joint name and if so with whom, and whether there is a group practice and if so, which legal form it takes;
 - c. the way in which the replacement or deputising has been arranged in principle, unless this is exercised within the firm or by a member of the group practice;
 - d. whether the advocate is insured for professional indemnity individually or jointly with others;
 - e. the office complaints mechanism referred to in Article 6.28(1);
 - f. that, if applicable, they cannot receive any client monies because they do not have a client monies foundation;
 - g. which areas of law the advocate has registered within the meaning of Article 6.32(2).

Article 7.5. Letter of engagement

1. The advocate will inform their client about the person, group practice or legal entity with whom the client is concluding the agreement to perform services.
2. The advocate will inform the client about who will be involved in performing the services.

Part 7.3. Civil cassation advice

Article 7.6. Advising clients in civil cassation

The advocate at the Supreme Court of the Netherlands will advise the client or, if applicable, the instructing advocate, promptly in writing about:

- a. the chances of an appeal on the main issue or cross-appeal in cassation or cassation defence;
- b. the costs and risks associated with that appeal in cassation or cassation defence;
- c. the expediency of the appeal in cassation or cassation defence, having regard to the legal process to be expected after reversal and any referral or remission.

Part 7.4. Contingency pay

Paragraph 7.4.1. Ban on contingency pay

Article 7.7. Ban on contingency pay

1. The advocate is not at liberty to agree that:
 - a. a fee will be charged only in the event of securing a particular result, or
 - b. that the fee will be a proportional amount of the value of the result to be achieved through their assistance.
2. Paragraph 1 will not apply in cases that satisfy paragraphs 7.4.2 or 7.4.3.

Paragraph 7.4.2. Collection rate

Article 7.8. Exception to collection rate

An advocate can make use of a collection rate that is customary and accepted within the legal profession.

Paragraph 7.4.3. Personal injury and loss of dependency cases experiment

Article 7.9. Conditions of personal injury and loss of dependency cases

An advocate may apply the provisions of this paragraph in personal injury and loss of dependency cases if:

- a. liability was not immediately acknowledged or not reasonably established, or if problems of any importance are foreseen with respect to damage or causality, and
- b. the client is not eligible for the government-financed legal aid, or expressly waives it.

Article 7.10. Advocate's fee

The advocate may agree with their client that they will not charge any fee if the financial result for the client is less than or equal to zero, and

- a. if the specific costs are to be borne by the client, that the advocate will multiply their usual hourly rate by a factor of no more than 2, and that they will charge a fee, including general office expenses and VAT, of no more than 25 per cent of the financial result; or
- b. if the advocate involved settles all specific costs and only charges the litigant these costs where the financial result to be attained gives scope for this, that they will multiply their usual hourly rate by a factor of no more than 2.5, and that they will charge a fee, including general office expenses and VAT, of no more than 35 per cent of the financial result and that awarded costs will accrue to them.

Article 7.11. Special standards for advocate

1. As a minimum, prior to concluding the agreement the advocate will inform the client in writing of:
 - a. the possibility of government financed legal aid, recourse to private legal expenses insurance and the advocate's fee based on an hourly rate to be paid regardless of the outcome of the case;
 - b. the reasonably foreseeable course of proceedings;
 - c. the reasonably foreseeable specific costs in these proceedings and the possibilities mentioned in Article 7.10.
2. The advocate will provide the client with a risk assessment containing written information regarding the expectation in respect of the work to be carried out by the advocate and the costs to be incurred.
3. The advocate can only terminate the legal assistance prematurely if there are important grounds and with all due care having been taken.
4. The advocate can only conclude a settlement agreement with the opposing party or bring or terminate judicial proceedings after written acceptance by the client.
5. The advocate will establish the circumstances of the case, on the grounds of which every case will comply with Article 7.9.

Article 7.12. Substance of the agreement

An agreement that contains arrangements on the fee will be signed by both parties and will always contain:

- a. a description of the instruction;
- b. the information referred to in Article 7.11(1), (2) and (5);
- c. the following financial arrangements:
 - the percentage of the ultimate financial result that applies according to the agreement for the calculation of the maximum fee in the fee note;
 - the anticipated financial result; and
 - the advocate's agreed hourly rate;
 - whether the specific costs are at the litigant's or advocate's risk;
- d. an arrangement for cases where:
 - the client withdraws the instruction in the interim without a clear view of the described result to be achieved, including the payment of a reasonable fee for hours worked and the payment of costs incurred;
 - the client withdraws the instruction in the interim with a clear view of the described result to be achieved;
- e. an arrangement that focuses on the transfer of the case to another advocate in the event of interim withdrawal of the instruction;
- f. the provision referred to in Article 7.11(3), that the advocate can only terminate the legal assistance in the interim if there are important grounds and with all due care having been taken, determining the way in which the fee will be charged in that case;
- g. a provision with the tenor of Article 7.11(4);
- h. a provision in which it is laid down that after signing the agreement the client can still cancel it unilaterally without consequences within a reasonable period of reflection to be determined in the agreement.

Article 7.13. Informing the President of a contingency fee

1. Any advocate who intends to conclude an agreement for the first time as referred to in Article 7.10 will notify the President of this intention in advance.
2. Any advocate who applies the provisions of paragraph 7.4.3 in one or more cases will provide the President with the following information of their own volition within two months of the end of every calendar year, using a form prepared by the general council:
 - a. their name and the name of their firm;
 - b. the number of contingency pay arrangements;
 - c. any anticipated damages plus those agreed or awarded, if applicable;
 - d. their usual rate and the agreed hourly rate;
 - e. the number of hours that they have spent on the case in total;
 - f. the agreed form of remuneration, the applicability of Article 7.10(a) or (b), and the amount of the specific expenses;
 - g. the (target) group of litigants;
 - h. the number of cases in which compensation has been awarded;
 - i. whether the advocate is a member of a specialist association and if so, which;
 - j. whether the legal assistance provided by the advocate has been terminated in the interim.
3. The Presidents will provide the general council with all the information that is relevant for the assessment of the effectiveness and the effects of paragraph 7.4.3.

Chapter 8. Decision-making and legal protection

Article 8.1. Decisions under conditions

The Council of the Local Bar can attach conditions to:

- a. decisions taken pursuant to Section 9b(2), (3) and (4) of the Act on Advocates;

- b. approvals referred to in Articles 3.5 and 3.6.

Article 8.2. Exclusion of application of *lex silencio positivo*

For the purpose of Section 28(1), last sentence of the Dutch Services Act, paragraph 4.1.3.3 of the General Administrative Law Act will not apply to the following decisions:

- a. the statement that the traineeship is complete, as referred to in Article 3.2(2);
- b. the approval of the traineeship and the intended principal, as referred to in Article 3.5(1);
- c. the exemption from the study programme, as referred to in Article 3.18;
- d. the exemption from the examination, as referred to in Article 3.20;
- e. the accreditation of a training programme, as referred to in Article 3.25;
- f. the exemption from the training credits in civil cassation, as referred to in Article 4.11(3).

Article 8.3. Administrative appeal

1. Without prejudice to the provisions of Section 9b(5) of the Act on Advocates, an interested party may lodge an administrative appeal with the general council against the following decisions of the Council of the Local Bar or the conditions attached to those decisions:
 - a. the extension of the traineeship referred to in Section 9b(2) of the Act on Advocates, first or second sentence;
 - b. the granting of an exemption under Section 9b(3) of the Act on Advocates;
 - c. the appointment of a principal under Section 9b(4) of the Act on Advocates;
 - d. the refusal to issue a certificate referred to in Article 3.2(2);
 - e. the approval by the Council of the Local Bar of the cancellation of the traineeship by the principal, referred to in Article 3.4(1), opening words and (c);
 - f. the approval of a principal referred to in Article 3.5(1) and (2);
 - g. the refusal to approve a principal's supervision referred to in Article 3.6(1) and (3);
2. An interested party may lodge an administrative appeal with the general council against a decision of the Council of the Local Bar under Article 4.6(2) and (3) and Article 4.7(4).

Article 8.4.

Repealed.

Chapter 9. Transitional law

Part 9.1. Traineeship

Article 9.1. Transitional law – Traineeship Bye-Law

1. For trainees who have a certificate issued pursuant to the Traineeship Bye-Law 2005 showing that the examination referred to in Section 9c of the Act on Advocates has been passed successfully and for trainees sworn in before 1 March 2013 or registered for the vocational training who have been registered with the bar continuously since the effective date of this Article, the Traineeship Bye-Law 2005 and the provisions based on it will continue to apply until the trainee has satisfied the obligations arising from it.
2. If the trainee referred to in paragraph 1 is not in possession of the certificate mentioned in paragraph 1 on 1 September 2014, the general council can, in derogation of paragraph 1, impose alternative measures on the trainee to complete the vocational training.
3. If the trainee referred to in paragraph 1 does not succeed in completing the traineeship before 1 March 2016, the Council of the Local Bar or the general council can give them the opportunity to complete the training measures referred to in Article 11 of the Traineeship Bye-Law 2005 in an alternative manner.
4. Any trainee other than the one referred to in paragraph 1 can ask the general council to be admitted to the vocational training under Traineeship Bye-Law 2005 if they

- a. do not meet the requirement of uninterrupted bar registration referred to in paragraph 1,
 - b. have already been sworn in,
 - c. had already begun vocational training under Traineeship Bye-Law 2005; and
 - d. have not attained a certificate as referred to in Section 8c(2) of the Act on Advocates.
5. The general council may decide, at the request of the trainee referred to in paragraph 4, that the provisions of the Traineeship Bye-Law 2005 apply to the trainee if they were sworn in before the study programme to be followed or the examination to be taken, which are still being taught or taken pursuant to the Traineeship Bye-Law 2005.

Article 9.2. Inclusion of Traineeship Bye-Law 2012

Decisions taken under Traineeship Bye-Law 2012 will be regarded as decisions taken under this Bye-Law.

Part 9.2. Competence

Article 9.3. Transitional law – training credits

1. The provisions of paragraphs 2 and 3 will apply in addition to the possibility mentioned in Article 4.4(3), of compensating a shortfall in training credits.
2. An advocate can use any excess training credits obtained in 2013 to compensate any shortfall in training credits in 2015, up to a maximum of ten, if they:
 - a. satisfied Article 3 of the Competence Bye-Law in 2014, with a credit surplus;
 - b. obtained at least 10 training credits in 2015; and
 - c. had no arrangements with the President in 2012 and 2013 to catch up on training credits.
3. An advocate can use any excess training credits obtained in 2014 to compensate any shortfall in training credits in 2016, up to a maximum of ten, if they:
 - a. satisfied Article 4.4 in 2015 and after any application of Article 4.4(3), with a credit surplus;
 - b. obtained at least 10 training credits in 2016; and
 - c. had no arrangements with the President in 2013 and 2014 to catch up on training credits.

Part 9.3. Collaboration

Article 9.4. Transitional law – directors and articles of association

1. Any group practice or practising legal entity that, before the effective date of Article 5.6, has a director that does not satisfy Article 5.6(2), opening lines and (b), will be governed by Article 5.6(2) for a year after the effective date of that article.
2. Article 5.7 will apply to articles of association of practising and holding legal entities that exist on the effective date of that article if those articles of association are amended after that date or five years after the effective date of that article.

Chapter 10. Final provisions

Article 10.1. Repeal of existing bye-laws

The following bye-laws are being repealed:

- a. the Advisory Board Bye-Law;
- b. the Competence Requirements for Civil Cassation Bar Bye-Law;
- c. the Financial Contribution Bye-Law;
- d. the Traineeship Bye-Law 2012;
- e. the Accounting and Financial Integrity Bye-Law;
- f. the Number Recognition Bye-Law;
- g. the National Bar Presidents' Consultative Panel Supervision Bye-Law;
- h. the Competence Bye-Law;
- i. the Practice in Employment Bye-Law;
- j. the Practice (Contingency Pay component) Bye-Law;
- k. the Practising Legal Entity Bye-Law;
- l. the Collaboration Regulation 1993.

Article 10.2. Repeal of existing regulations

The following regulations are being repealed:

- a. the Attendance Fees and Allowances Regulations 2012;
- b. the Regulations for the Advisory Committee on Regulation;
- c. the Regulations for the Advisory Committees on Legislation;
- d. the Competence Regulations;
- e. the Accreditation of Training Institutions Regulations;
- f. the Directive on the Complaints and Dispute Settlement Scheme for the Legal Profession;
- g. the Legal Profession (Registration of Areas of Law) Directive;
- h. the Legal Profession (Registration of Areas of Law) Regulations;
- i. the Competence Requirements for Civil Cassation Bar Regulations.

Article 10.3. End of personal injury and loss of dependency cases experiment

The following changes will come into effect from 1 January 2024:

- A. In Article 7.7(2), the sentence 'or the paragraph 7.4.3' will be deleted.
- B. Paragraph 7.4.3 will be deleted.

Article 10.4.

Repealed.

Article 10.5. Effective date

The articles in this Bye-Law will come into effect on a date to be determined by the general council, which can be fixed differently for the various articles and subparagraphs thereof.

Article 10.6. Short title

This Bye-Law will be known as: the Legal Profession Bye-Law.