



Reports of Cases

Case C-99/16

Jean-Philippe Lahorgue

v

Ordre des avocats du barreau de Lyon and Others

(Request for a preliminary ruling
from the tribunal de grande instance de Lyon)

(Reference for a preliminary ruling — Freedom to provide services — Directive 77/249/EEC — Article 4 — Practice of the legal profession — Router for accessing the private virtual network for lawyers (RPVA) — Router for RPVA access — Refusal to issue to a lawyer registered at a Bar of another Member State — Discriminatory measure)

Summary — Judgment of the Court (Third Chamber), 18 May 2017

1. *Questions referred for a preliminary ruling — Jurisdiction of the Court — Need to reformulate the questions*

(Art. 267 TFEU)

2. *Freedom to provide services — Lawyers — Directive 77/249 — Refusal, on the part of the competent authorities of a Member State, to issue a router for accessing the private virtual network for lawyers to a lawyer duly registered at a Bar of another Member State — Restriction on the freedom to provide services — Justification by reasons in the public interest — Protection of the recipients of legal services and the proper administration of justice — To be determined by the national court — Elements to be taken into consideration*

(Arts 56 TFEU and 57, third para., TFEU ; Council Directive 77/249, Art. 4)

1. See the text of the decision.

(see para. 21)

2. The refusal, on the part of the competent authorities of a Member State, to issue a router for access to the private virtual network for lawyers to a lawyer duly registered at a Bar of another Member State, for the sole reason that that lawyer is not registered at a Bar of the first Member State, in which he wishes to practise his profession as a free provider of services, in situations where the obligation to work in conjunction with another lawyer is not imposed by law, constitutes a restriction on the freedom to provide services under Article 4 of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services, read in the light of Article 56 TFEU and the third paragraph of Article 57 TFEU. It is for the national court to determine whether such a refusal, in the light of the context in which it is put forward, genuinely serves the objectives of consumer protection and the proper administration of justice which might justify it and whether the resulting restrictions do not appear to be disproportionate in regard to those objectives.

(see para. 42, operative part)