

JUDGMENT OF THE COURT**of 27 November 2013****in Case E-6/13****Metacom AG v Rechtsanwälte Zipper & Collegen**

(Lawyers' freedom to provide cross-border services — Directive 77/249/EEC — Self-representation — Notification requirement in national law — Consequences of failure to notify)

(2014/C 88/10)

In Case E-6/13, Metacom AG v Rechtsanwälte Zipper & Collegen — REQUEST to the Court under Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by Fürstliche Landgericht des Fürstentums Liechtenstein (Princely Court of the Principality of Liechtenstein), concerning the interpretation of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of the freedom to provide services, the Court, composed of Carl Baudenbacher, President, Per Christiansen (Judge- Rapporteur) and Páll Hreinsson, Judges, gave judgment on 27 November 2013, the operative part of which is as follows:

1. A lawyer bringing proceedings in his own name in an EEA State other than the one in which he is established may rely on the freedom to provide services and Directive 77/249/EEC if he is acting in a professional capacity, and if the national legal order of the host State foresees that a lawyer may act on his own behalf in the capacity as a lawyer in legal proceedings.
2. A national rule such as Article 59 of the Liechtenstein Lawyers Act, whereby a lawyer established in another EEA State is required, in all circumstances and on his own motion, not only to provide documentation to establish his qualifications as a lawyer, but also to notify the competent authorities of the host State prior to providing services in that State, and to renew the notification yearly, is contrary to Article 7(1) of Directive 77/249/EEC and to Article 36 EEA.
3. Failure to comply with a national rule such as Article 59 of the Liechtenstein Lawyers Act cannot be a relevant consideration as regards the possibility of claiming legal fees relating to the cross-border provision of services by a lawyer.
