

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Fürstliches Landgericht dated 9 April 2013 in the case of Metacom AG v Rechtsanwälte Zipper & Collegen

(Case E-6/13)

A request has been made to the EFTA Court by a letter of 9 April 2013 from Fürstliches Landgericht (Princely Court of Justice, Liechtenstein), which was received at the Court Registry on 15 April 2013, for an Advisory Opinion in the case of Metacom AG v Rechtsanwälte Zipper & Collegen, on the following questions:

- 1. Can a European lawyer bringing proceedings in another EEA State in his own name and not pursuant to the mandate of a third party rely on Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ 1977 L 78, p. 17)?**
- 2. Is an obligation on European lawyers to notify the authorities of the host State (as provided for here in Article 59 of the Liechtenstein Lawyers Act (*Rechtsanwaltsgesetz*)) compatible with Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ 1977 L 78, p. 17) and, in particular, with Article 7 of that directive?**
- 3. If Question 2 is answered in the affirmative: Having regard to Directive 77/249/EEC, may a failure to provide notification in the host State on the part of a European lawyer engaged in the provision of services result in the consequence that the lawyer concerned may not claim lawyers' fees in accordance with the scale of fees provided for in the host State (in Liechtenstein the fees provided for in the Lawyers' Fees Act (*Gesetz über den Tarif für Rechtsanwälte und Rechtsagenten*) and the Lawyers' Fees Regulation (*Verordnung über die Tarifsätze der Entlohnung für Rechtsanwälte und Rechtsagenten*))?**
- 4. Where a European lawyer engaged in the provision of services has only notified the authorities in the host State at a later date may this subsequent notification result in the consequence that the lawyer may only claim fees in accordance with the scale of fees provided for in the host State in relation to the period following that notification but not in relation to procedural steps taken prior to that date?**
- 5. Having regard to Directive 77/249/EEC, does the answer to Questions 3 and 4 depend on whether at the start of the proceedings the court of the host State referred the European**

lawyer engaged in the provision of services to the obligation under the law of that State to notify the authorities?