

Regulations
on the Peculiarities of the Activities of a Foreign Lawyer on the Territory of Ukraine

1. General provisions

1.1. The Regulations on the Peculiarities of the Activities of a Foreign Lawyer on the Territory of Ukraine (hereinafter referred to as the Regulations) have been developed and approved by the Bar Council of Ukraine in accordance with the provisions of the Law of Ukraine “On the Bar and the Practice of Law”, taking into account the requirements of Article 9 of the Constitution of Ukraine, Ukraine's international obligations as a member of the World Trade Organisation and as a signatory to the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand.

1.2. These Regulations define the requirements for lawyers of foreign states and the list of documents to be submitted by them in order to obtain the right to practise law in Ukraine on a permanent basis; the procedure for including lawyers of foreign states in the Unified Register of Advocates of Ukraine (hereinafter referred to as the URAU); the peculiarities of the status of a foreign lawyer when practising law in Ukraine on a permanent basis; the peculiarities of cooperation between the Bar self-government bodies of Ukraine and the Bar self-government bodies of the foreign state of origin; the peculiarities of obtaining the status of the Ukrainian advocate by a foreign lawyer by passing a qualification exam or after a 3-year period of practicing law in Ukraine; the procedure for the provision of cross-border services by foreign lawyers in Ukraine.

1.3. The Regulations apply to lawyers from foreign countries who apply for status for the first time, repeatedly, or after the termination of their right to practise law as a foreign lawyer in Ukraine.

1.4. The purpose is to ensure transparent and non-discriminatory conditions for foreign lawyers to access legal practice in Ukraine.

1.5. The terms used in this document have the following meanings:

- 1) lawyer of a foreign state is a person who is a citizen of a foreign state that is a member of the World Trade Organisation/European Union/European Atomic Energy Community, authorised to practise professionally in Ukraine, who meets the requirements of the legal profession in terms of education and qualifications, as well as the basic rules for its organisation and practice, under the professional title assigned in the foreign state of origin;
- 2) cross-border practice of law – a one-time or temporary activity (not exceeding 6 months) in the field of legal services, carried out in Ukraine by a lawyer of a foreign state who practises law on a permanent basis in another state;
- 3) permanent practice of law – the permanent and systematic provision of legal services by a lawyer from a foreign state on the territory of Ukraine;

- 4) foreign state of origin – a state in which a lawyer from a foreign state has acquired the right to practise law under the professional title assigned in that state;
- 5) host state – the state of Ukraine, in which a foreign lawyer has acquired the right to practise law in accordance with the terms and conditions established by Ukrainian legislation and acts of the Bar Council of Ukraine;
- 6) professional title obtained in the state of origin – a professional title that a person has obtained in the state of origin after undergoing the relevant qualification procedures in the state of origin to practise professionally;
- 7) joint practice of lawyers of foreign states – the right of lawyers of foreign states to practise law in the form of a law firm, as defined by Ukrainian legislation;
- 8) competent authority of the foreign state of origin – a representative body of the state of origin to which some or all lawyers of the relevant state directly or indirectly belong or are registered, and which bears certain responsibility for the organisation or regulation of the legal profession in accordance with the legislation of such foreign state;
- 9) cooperation agreement – an agreement between a Ukrainian advocate and a lawyer of a foreign state, concluded for the purpose of representing clients in Ukrainian courts of all levels by a lawyer of a foreign state on the territory of Ukraine through a Ukrainian advocate.

2. Procedure for the submission of documents by a lawyer of a foreign state who intends to practise law on a permanent basis in Ukraine

2.1. A lawyer of a foreign state who is entitled to practise law (activity) in the relevant foreign state of origin and intends to practise law on a permanent basis in Ukraine, must personally apply to the Qualification and Disciplinary Commission of the Bar of the region (hereinafter referred to as the QDC) at his/her place of residence or stay in Ukraine with an application for inclusion in the URAU (Appendix No. 1).

2.2. Together with the application for inclusion in the URAU, the applicant shall submit the following documents:

2.2.1. A copy of an identity document, presenting the original for inspection by a QDC official.

2.2.2. A copy of a document confirming, in accordance with the procedure established by law, information about the applicant's residence or stay in Ukraine, the duration and status of his/her stay (visa; permanent residence permit; temporary residence permit; refugee certificate; certificate of a person in need of additional protection; certificate of a person granted temporary protection; certificate of application for protection in Ukraine, mark in the passport of the person crossing the border of Ukraine for citizens of foreign states who are allowed by Ukrainian law to enter Ukraine for a certain period of time without a visa).

2.2.3. A document of the established form (certificate, extract) from the competent authority of the foreign state of origin in which the foreign lawyer has the right to practise law, indicating information about:

- a) the date of the decision and the authority that issued the licence to practise law;

b) the category of cases in which the applicant has the right to practise (if there are restrictions in the country of origin).

This document is valid for three months from the date of issue by the relevant authority.

2.2.4. A document confirming that, at the time of applying to the QDC, the applicant is practising law in his/her country of origin. If a lawyer from a foreign state is engaged in joint professional activities with other professionals in the country of origin, he/she must indicate this in the application and provide information on the form of such joint professional activities. A lawyer from a foreign state must provide information about the name, form of organisation of such joint professional activity and the address where it is carried out, as well as, at the request of the QDC, the names and surnames of other members of the legal form of joint activity.

2.2.5. A document confirming the presence or absence of cases of disciplinary liability of the applicant during his or her practice as a lawyer and the status of disciplinary sanctions (active, expired) in the foreign state of origin.

2.2.6. A document confirming the continuous professional development of a lawyer of a foreign state in accordance with the requirements of the foreign state of origin. In the absence of such requirements in the foreign state of origin, a lawyer of a foreign state is required to complete the "Lawyer of a Foreign State" programme, which is developed and implemented by the Higher School of Advocacy of the UNBA. A foreign lawyer may provide certificates (other supporting documents) and materials on participation in professional development events conducted and/or recognised by an organisation that is a signatory to the CCBE Memorandum on Mutual Recognition of Lawyers' Cross-Border Continuing Professional Development. The QDC sends the document provided by the foreign lawyer to confirm their continuing professional development in their country of origin to the Higher School of Advocacy of the UNBA for verification of its authenticity.

2.2.7. A document confirming the future/current location of the organisational forms of the foreign lawyer's legal practice in Ukraine.

2.2.8. A payment document confirming the applicant's payment to the account of the relevant QDC and Higher Qualification and Disciplinary Commission of the Bar (hereinafter – HQDC) of a one-time contribution to ensure the functioning of Bar self-government in terms of organisational and technical support in the amount established by the decision of the Bar Council of Ukraine.

2.3. The documents specified in subparagraphs 2.2.3.-2.2.6. of the Regulations must be legalised or apostilled, unless otherwise provided by international treaties of Ukraine.

2.4. The documents referred to in paragraph 2.2. of the Regulations, which are not in Ukrainian, must be accompanied by a notarised translation into Ukrainian in accordance with the procedure established by the laws of Ukraine.

2.5. The grounds for refusing to include a foreign lawyer in the Unified Register of Advocates of Ukraine are:

- the existence of a decision by the relevant Qualification and Disciplinary Commission of the Bar to terminate the right to practise as a lawyer in Ukraine - for two years from the date of such a decision;

- the existence of a decision by the relevant Qualification and Disciplinary Commission of the Bar to exclude such a lawyer from the Unified Register of Advocates of Ukraine - within two years from the date of such a decision;
- failure to submit the documents required by the Regulations, or their non-compliance with the requirements established by the Regulations.

2.6. A lawyer of a foreign state included in the Unified Register of Advocates of Ukraine is obliged to submit the documents specified in subparagraphs 2.2.1-2.2.7 of the Regulations and a document confirming payment of the annual fee for ensuring the functioning of Bar self-government in the amount specified by the decision of the Bar Council of Ukraine to the Qualification and Disciplinary Commission of the Bar annually (within fifteen days after the expiry of the annual period from the date of inclusion of the lawyer in the Unified Register of Advocates of Ukraine).

2.7. In the event of imposition of martial law in Ukraine or other significant circumstances in his/her professional/personal life, a foreign lawyer has the right to fulfil the obligation to submit documents annually, as specified in paragraph 2.6, by sending the relevant documents by post to the official postal address of the relevant QDC.

2.8. In the event of refusal to include a foreign lawyer in the Unified Register of Advocates of Ukraine on the grounds provided for in paragraph 2.5 of these Regulations, the fee of a foreign lawyer provided for in paragraph 2.2.8 of these Regulations shall not be refunded.

3. Procedure for considering the issue of inclusion in or exclusion from the Unified Register of Advocates of Ukraine of a lawyer of a foreign state who practises law on a permanent basis in Ukraine

3.1. The QDC shall consider the application and documents submitted by the foreign lawyer within ten calendar days of their receipt and shall decide whether to include or refuse to include such lawyer in the URAU. When considering the application and documents submitted by the foreign lawyer, the QDC shall establish that the foreign lawyer does indeed have a valid certificate of the right to practise law in the foreign state of origin by contacting the competent authority of the foreign state of origin and the authenticity of the cooperation agreement concluded between the foreign lawyer and the Ukrainian advocate by sending a written request to the Ukrainian advocate in accordance with the data specified in the URAU.

3.2. The decision of the QDC shall be made in Ukrainian in writing and shall contain the following information: the date of the decision; the surname, first name and patronymic of the foreign lawyer in respect of whom the decision is made; information on the compliance or non-compliance of the foreign lawyer with the requirements of Article 59 of the Law of Ukraine “On the Bar and the Practice of Law”; compliance of the documents provided by the applicant with these Regulations; information about the decision taken, the procedure and the deadline for appealing it.

3.3. A copy of the decision of the QDC shall be sent within three days of its adoption to:

- 1) the lawyer of a foreign state;
- 2) the relevant regional Bar council;
- 3) the competent authority of the foreign state of origin.

3.4. The decision of the QDC to refuse to include a lawyer from a foreign state in the URAU may be appealed within thirty days of its receipt to the HQDC or to the court.

3.5. The regional Bar council shall include information about the foreign lawyer in the URAU no later than the working day following the date of receipt of the relevant decision of the QDC. After the foreign lawyer has paid the fee in the amount specified by the decision of the Bar Council of Ukraine, the regional Bar Council shall issue a foreign lawyer's certificate to the foreign lawyer.

3.6. Within 10 calendar days of receiving a copy of the QDC decision on inclusion in the URAU, the foreign lawyer is required to create his/her own Personal Account in the URAU.

3.7. A foreign lawyer shall be subject to exclusion from the URAU in the following cases:

- 1) permanent or temporary deprivation of the right to practise law in the foreign state of origin;
- 2) failure to comply with the requirements of paragraph 2.6 of these Regulations;
- 3) imposing disciplinary sanctions on a lawyer of a foreign state in the form of deprivation of the right to practise law on a permanent basis in Ukraine for committing a disciplinary offence;
- 4) failure to pay the annual contribution to ensure the functioning of Bar self-government.

3.8. The QDC shall decide on the exclusion of a foreign lawyer from the URAU within 10 calendar days from the moment of discovery of information on the grounds specified in paragraph 3.7 of these Regulations.

3.9. The decision of the QDC to exclude a foreign lawyer from the URAU shall be made in Ukrainian in writing and shall contain the following information: the date of the decision; the surname, first name and patronymic of the foreign lawyer in respect of whom the decision is made; information on the grounds for exclusion from the URAU, the procedure and time limit for appealing against it.

3.10. A copy of the decision of the QDC shall be sent within three days of its adoption to:

- 1) the lawyer of a foreign state;
- 2) the relevant regional Bar Council;
- 3) the competent authority of the foreign state of origin.

3.11. The decision of the QDC to exclude a foreign lawyer from the URAU may be appealed within thirty days of its receipt to the HQDC or to the court.

4. Peculiarities of the status of a lawyer of a foreign state who is included in the URAU and practises law on a permanent basis in Ukraine

4.1. Foreign lawyers who practise law in Ukraine on a permanent basis may perform all types of legal activities specified in Article 19 of the Law of Ukraine "On the Bar and Practice of Law" in matters of international law, the legislation of the foreign state of origin and Ukrainian law. A foreign lawyer has the right to represent clients in Ukrainian courts of all levels only jointly with a Ukrainian advocate on the basis of a relevant cooperation agreement with the mandatory written consent of the client.

4.2 When practising law on a permanent basis, a foreign lawyer included in the URAU must use his/her professional title, assigned in the foreign state of origin, expressed in Ukrainian, indicating the professional organisation of which the foreign lawyer is a member in the foreign state of origin.

4.3. A lawyer of a foreign state who, in his or her foreign state of origin, carries out joint professional activities aimed at joint practice in the field of provision of legal services, has the right to use the name of such professional activity, expressed in Ukrainian, alongside his or her professional title assigned in the foreign state of origin.

4.4. A lawyer of a foreign state included in the URAU shall be obliged to pay annual contributions to the account of the relevant regional Bar Council to ensure the functioning of the Bar self-government in Ukraine in the amount established by the decision of the Bar Council of Ukraine. For the first time, a lawyer from a foreign state is obliged to pay such an annual contribution within three days from the date of inclusion of information about him/her in the URAU, about which a lawyer is notified by e-mail, and subsequently – by 31 January of the current year.

4.5. When a foreign lawyer practises law on a permanent basis in Ukraine, he/she is subject to the professional rights and obligations of an advocate and the guarantees of legal practice as defined by the Law of Ukraine “On the Bar and Practice of Law” and the decisions of the bodies of Bar self-government of Ukraine.

4.6. Lawyers of a foreign state who practise law on a permanent basis in Ukraine may do so individually or in the organisational and legal forms of a law firm or a law office (organisational forms of legal practice). A lawyer of a foreign state may work on the basis of contracts for the provision of legal services on a contractual basis with a law firm or a law office. Lawyers of a foreign state may practise jointly with lawyers of foreign states only in the form of a law firm.

4.7. In the event of a disciplinary offence committed by a foreign lawyer included in the Unified Register of Advocates of Ukraine, he or she shall be subject to disciplinary liability in accordance with the procedure provided for by the Law of Ukraine “On the Bar and Practice of Law” for advocates of Ukraine, taking into account the peculiarities established in paragraph 4.8. of these Regulations.

4.8. Disciplinary sanctions may be applied to a foreign lawyer included in the Unified Register of Advocates of Ukraine only in the form of a warning or exclusion from the Unified Register of Advocates of Ukraine.

4.9. The Qualification and Disciplinary Commission of the Bar shall notify the relevant state authority or Bar self-government body of the foreign state of origin of the imposition of disciplinary sanctions on a lawyer of a foreign state.

4.10. Lawyers from foreign states who are entered in the Unified Register of Advocates of Ukraine are subject to the Rules of Professional Conduct approved by the Congress of Advocates of Ukraine, as well as the ethical and deontological standards governing lawyers in their foreign state of origin.

4.11. Lawyers from foreign states, if they are members of the European Union and/or the Council of Europe (European Community), when practising law or engaging in any professional contacts in Ukraine (regardless of their physical presence in Ukraine at that time), are also subject to the Code of Conduct for European Lawyers of the CCBE (Council of Bars and Law Societies of Europe). The relationship and correlation between different sources of deontological standards shall be based on the principles enshrined in the Rules of Professional Conduct for Advocates, approved by the Congress of Advocates of Ukraine.

4.12. In the event of a violation of the Rules of Professional Conduct or the Code of Conduct for European Lawyers, a foreign lawyer practising law in Ukraine may be subject to disciplinary sanctions in accordance with the Law of Ukraine “On the Bar and Practice of Law.”

4.13. A lawyer from a foreign state may apply to the Bar self-government bodies for protection of his/her professional rights and duties, participate in educational and methodological events held by the Qualification and Disciplinary Commissions of the Bar, the Higher Qualification and Disciplinary Commission of the Bar, regional bar councils, the Bar Council of Ukraine, and the Ukrainian National Bar Association.

4.14. A lawyer of a foreign state who practises law on a permanent basis in Ukraine may participate in elections to Bar self-government bodies without the right to stand for election or be elected to them.

5. Cooperation between Bar self-government bodies of Ukraine and Bar self-government bodies of the foreign state of origin

5.1. The QDC and the regional Bar council may maintain regular contact with the relevant bodies of Bar self-government of the foreign state of origin for the purpose of promptly exchanging information about a lawyer of a foreign state. The Bar Council of Ukraine assists regional Bar self-government bodies in maintaining such communication and, if necessary, corresponds with the Bar self-government bodies of the foreign state of origin on their behalf.

5.2. If the disciplinary chamber of the Qualification and Disciplinary Commission of the Bar decides to initiate disciplinary proceedings against a lawyer from a foreign state who practises law in Ukraine, a copy of such a decision to initiate disciplinary proceedings, specifying the place, date and time of its consideration, shall be sent to the competent authority of the foreign state of origin.

5.3. Representatives of the competent authority of the foreign state of origin shall have the right to be present and heard during the meeting of the disciplinary chamber of the Qualification and Disciplinary Commission of the Bar regarding the consideration of disciplinary proceedings against a lawyer of a foreign state, even if the consideration of the case of disciplinary responsibility of a lawyer of a foreign state is closed from the public.

5.4. The QDC shall notify the relevant state authority or Bar self-government body of the foreign state of origin, in which the lawyer obtained the status of a lawyer or acquired the right to practise law, of the imposition of disciplinary sanctions on a lawyer of a foreign state within 3 calendar days from the date of entry into force of the decision.

5.5. If a lawyer from a foreign state appeals a decision in a disciplinary case to the Higher Qualification and Disciplinary Commission of the Bar or to a court, representatives of the competent authority of the foreign state of origin shall have the right to be present and heard during the consideration of the appeal against the decision in the disciplinary case.

5.6. Any communication between the Bar self-government bodies of the host state and the foreign state of origin shall be confidential and shall be conducted in compliance with the provisions of the legislation on the protection of personal data.

6. Peculiarities of obtaining the status of the advocate of Ukraine by a lawyer of a foreign state that is a member of the European Union and/or the European Atomic Energy Community in Ukraine for the purpose of practising law

6.1. A lawyer from a foreign state who has the professional qualifications necessary to practise law and obtained in a foreign state of origin that is a member of the European Union and/or the European Atomic Energy Community may practise law in Ukraine using the status of the Ukrainian advocate under the following conditions:

- 1) the person has a command of the official language at a level determined in accordance with the Law of Ukraine “On Ensuring the Functioning of the Ukrainian Language as the State Language”;
- 2) the person has at least two years of professional experience in the foreign state of origin, as confirmed by the competent authority of the foreign state of origin that recognised such qualification;
- 3) the person has passed a qualification exam in accordance with the requirements of the Law of Ukraine “On the Bar and the Practice of Law”;
- 4) the person has taken the oath of an advocate of Ukraine;
- 5) the person has obtained a certificate of the right to practise law.

6.2. If the requirements specified in paragraph 6.1 are met, a lawyer of a foreign state is exempt from undergoing a traineeship and may practise law in Ukraine under the professional title of “advocate” without the need to indicate the professional title obtained in the foreign state of origin.

6.3. A lawyer of a foreign state who has obtained the right to practise law in Ukraine under the professional title of “advocate” shall be subject to all the rights and obligations of advocates of Ukraine established by the legislation of Ukraine and the acts of the Bar Council of Ukraine.

6.4. A lawyer of a foreign state who has failed the qualification examination may be admitted to retake such examination no earlier than six months later. A lawyer of a foreign state who has failed the qualification examination again may be admitted to the next qualification examination no earlier than one year later.

6.5. A lawyer from a foreign state who has failed the qualification examination may, within thirty days of receiving the decision of the Bar Qualification and Disciplinary Commission, appeal it to the Higher Qualification and Disciplinary Commission of the Bar or to a court, which may leave the contested decision unchanged, or oblige the Qualification and Disciplinary Commission of the Bar to conduct a repeat qualification examination at the earliest opportunity.

6.6. The provisions of this section shall enter into force on the date of Ukraine's official accession to the European Union.

7. Peculiarities of obtaining the status of the advocate of Ukraine by a lawyer of a foreign state that is a member of the European Union and/or the European Atomic Energy Community after a 3-year period of practicing law in Ukraine

7.1. A lawyer from a foreign state that is a member of the European Union and/or the European Atomic Energy Community, entered in the Unified Register of Advocates of Ukraine on the grounds specified in Section 2 of these Regulations, who can prove that he/she has effectively and regularly practised law in Ukraine on a permanent basis as a lawyer of a foreign state for at least three years, practising Ukrainian law, shall be entitled to obtain the status of “advocate of Ukraine” after fulfilling the conditions set out in Section 7 of these Regulations.

7.2. After 3 years of continuous practice of law in Ukraine, a lawyer of a foreign state has the right to apply to the Qualification and Disciplinary Commission of the Bar at his/her place of residence with the application to obtain the status of “advocate of Ukraine” together with evidence of such continuous practice (Appendix No. 2). Breaks in continuous practice lasting up to three weeks are, as a rule, breaks caused by everyday life events. If the break lasts longer, the specific circumstances of each individual case are decisive. The QDC takes into account the reasons, as well as the duration and frequency of breaks in the practice of law by a foreign lawyer.

7.3. The applicant must provide evidence of the number of cases he/she has handled in the field of Ukrainian law, their nature, and the duration of his/her practice. He/she must provide the QDC with any information and documentation that can be used as evidence. The QDC may ask the applicant to provide more detailed information about the information and documentation provided, either orally or in writing.

7.4. As evidence confirming his/her activity in legal matters relating to Ukrainian law, the applicant must submit a list of cases, which, as a rule, must contain the following information: case number, subject matter, duration of activity, nature and scope of activity, status of the case. At the request of the QDC, samples of the applicant's procedural documents must be provided, in which all data shall be anonymous.

7.5. When making its decision, the QDC takes into account the nature and scope of professional activity, as well as knowledge, professional experience in Ukrainian law and evidence of continuous professional development in Ukrainian law by a lawyer from a foreign state.

7.6. During the oral interview, the QDC assesses whether the applicant has carried out effective and regular activities as a lawyer of a foreign state in Ukraine on issues of Ukrainian law and whether he or she has the opportunity to continue these activities. The topics of the interview are selected on the basis of evidence of the applicant's professional practice and other professional experience in the field of Ukrainian law.

7.7. A lawyer from a foreign state that is a member of the European Union and/or the European Atomic Energy Community, entered in the Unified Register of Advocates of Ukraine on the grounds specified in Section 2 of these Regulations, who can prove that he or she has effectively and regularly practised law in Ukraine on a permanent basis as a lawyer of a foreign state for at least three years, but whose practice in Ukrainian law has lasted for less than that time, shall also be entitled to obtain the status of “advocate of Ukraine” under the conditions specified in paragraphs 7.2-7.6.

7.8. A decision of the QDC to refuse to grant a lawyer of a foreign state the right to practise law in Ukraine using the status of “advocate of Ukraine” may be appealed within thirty days of its receipt to the Higher Qualification and Disciplinary Commission of the Bar or to a court.

7.9. A lawyer of a foreign state who has obtained the status of “advocate of Ukraine” on the grounds specified in this section 7 may use it together with his or her professional title obtained in the foreign state of origin.

7.10. A lawyer of a foreign state who has obtained the right to practise law in Ukraine under the professional title of “advocate” shall be subject to all the rights and obligations of advocates of Ukraine established by the legislation of Ukraine and the acts of the Bar Council of Ukraine.

7.11. The provisions of this section shall enter into force on the date of Ukraine's official accession to the European Union.

8. Provision of cross-border services by lawyers of a foreign state on the territory of Ukraine

8.1. A lawyer of a foreign state shall have the right to practise cross-border law on matters of international law, the legislation of the foreign state of origin and Ukrainian law under one of the professional titles assigned in the foreign state of origin of the foreign lawyer, expressed in the official language of that state, indicating the competent authority of the foreign state of origin of which the lawyer is a member in that state of origin. If the cross-border activities of a foreign lawyer consist of representing clients in Ukrainian courts of all levels, the foreign lawyer has the right to carry out such activities only jointly with a Ukrainian lawyer on the basis of a relevant cooperation agreement with the mandatory written consent of the client.

8.2. After concluding an agreement with a client for the provision of legal services that requires the performance of cross-border legal activities in Ukraine, a foreign lawyer must, in advance and before commencing the provision of such legal services, notify the Bar Council of the relevant region in writing of their intention to perform cross-border legal activities in Ukraine. Such notification shall be sent in writing by post to the official postal address of the relevant regional Bar Council. The authenticity of the signature of the foreign lawyer on the notification shall be certified by a notary. In exceptional cases, where any delay that may arise as a result of compliance with the prior notification requirement may cause significant harm to the client of the foreign lawyer, the notification may be submitted on the next working day after the relevant procedural step.

8.3. The notification of the foreign lawyer to the Bar Council of the relevant region shall be sent in the form approved in Appendix No. 3 to these Regulations. Together with such notification, the foreign lawyer shall provide:

- 1) a copy of an identity document;
- 2) a copy of a document confirming the address of the practice of law in the foreign state of origin;
- 3) a document (valid for three months from the date of issue) in the established form (certificate, extract) from the competent authority of the foreign state of origin in which the foreign lawyer is entitled to practise law, indicating the following information:
 - a) the date of the decision and the authority that issued the licence to practise law;
 - b) the category of cases in which the applicant has the right to practise (if there are restrictions in the country of origin);
- 4) information about the type of legal services that are planned to be provided.

8.4. If the cross-border activities of a foreign lawyer consist of representing clients in Ukrainian

courts of all levels, the foreign lawyer is required to attach the following information to the notification:

- a) the case number and the court hearing the case;
- b) a copy of the relevant cooperation agreement concluded with the Ukrainian advocate.

8.5. The documents referred to in paragraphs 8.3-8.4 of the Regulations, which are not in Ukrainian, must be accompanied by a notarised translation into Ukrainian in accordance with the procedure established by the laws of Ukraine.

8.6. Upon receipt of a notification from a lawyer of a foreign state on the basis of paragraph 8.2, the Bar Council of the relevant region shall contact the competent authority of the foreign state of origin to confirm the information specified in the notification. If a foreign lawyer provides information about representing clients in Ukrainian courts, the Bar Council of the relevant region is obliged to verify the existence of a cooperation agreement between the foreign lawyer and Ukrainian advocate by sending a written request to the Ukrainian advocate in accordance with the data specified in the Unified Register of Advocates of Ukraine. After receiving the relevant confirmation from the competent authority of the foreign state of origin and, in certain cases, from the Ukrainian advocate, the Bar council of the region issues the foreign lawyer with an electronic confirmation certificate confirming that it has received information about the lawyer's activities.

8.7. When a lawyer from a foreign state carries out cross-border activities in Ukraine, he/she is subject to the Rules of Professional Conduct of the foreign state of origin, except in cases of representation of clients in Ukrainian courts of all levels.

8.8. If the cross-border practice of law by a foreign lawyer in Ukraine consists of representing clients in Ukrainian courts of all levels, then in such a case, the foreign lawyer shall be subject to the Rules of Professional Conduct approved by the Congress of Advocates of Ukraine, as well as the requirements of ethical and deontological norms governing lawyers in the foreign state of origin of the foreign lawyer.

8.9. Lawyers from foreign states, if they are members of the European Union and/or the Council of Europe (European Community), are also subject to the Code of Conduct for European Lawyers of the CCBE (Council of Bars and Law Societies of Europe). The relationship and correlation between different sources of ethical standards shall be based on the principles enshrined in the Rules of Professional Conduct for Advocates, approved by the Congress of Advocates of Ukraine.

8.10. Upon completion of cross-border activities in Ukraine, a foreign lawyer is required to send a notification of the termination of such activities to the relevant regional Bar Council.

Appendix 1

APPLICATION FOR INCLUSION IN THE UNIFIED REGISTER OF ADVOCATES OF UKRAINE AS A FOREIGN LAWYER PRACTISING LAW ON A PERMANENT BASIS IN UKRAINE

To the Qualification and Disciplinary Commission of the Bar of the _____ region

From the applicant:

Surname, first name, patronymic (in Ukrainian): _____

Surname and first name (in the language of the country of origin, in Latin characters):

Date of birth: dd.mm.yy _____

Nationality: _____

Professional title in the country of origin (in the language of the country of origin and Ukrainian transliteration): _____

Name and contact details of the professional organisation/competent authority in the country of origin of which the applicant is a member: _____

Applicant's contact details in Ukraine: telephone _____; e-mail _____

Address of residence/stay in Ukraine: _____

Legal basis for stay in Ukraine (visa/residence permit, etc.): _____
Number/series: _____; issued: _____; valid until: _____

Joint professional activity in the country of origin (if any):

Yes/No (delete as appropriate).

Form: _____; name: _____; address: _____; other participants (full name): _____

I request:

to include me in the Unified Register of Advocates of Ukraine as a lawyer of a foreign state who intends to practise law on a permanent basis in Ukraine, and, after the relevant decision has been made by the Qualification and Disciplinary Commission of the Bar, to issue me with a foreign lawyer's certificate in accordance with the procedure set out in the Regulations.

INFORMATION ABOUT STATUS IN THE COUNTRY OF ORIGIN

Date and authority that granted the right to practise law: _____

Categories of cases in which I am entitled to practise (including any restrictions):

Confirmation of current practice of law (form and place):

ORGANISATIONAL FORMS OF ACTIVITY IN UKRAINE

Planned/current location of the organisational form (law firm/law office/individual practice):

Name (if available): _____

Tax and other registration details (if available): _____

CONFIRMATION OF CONTINUOUS PROFESSIONAL DEVELOPMENT

Requirements of the country of origin regarding CPD: **yes / no**

Documents/CPD certificates or confirmation of completion of the “Lawyer of a Foreign State” programme of the Ukrainian National Bar Association (if there are no CPD requirements in the country of origin): _____

LIST OF DOCUMENTS SUBMITTED (in accordance with clause 2.2 of the Regulations)

1. Copy of identity document (original presented for inspection).
2. Document confirming residence/stay in Ukraine, duration and status (visa/permit/other).
3. Document from the competent authority of the state of origin (certificate/extract) confirming the right to practise law, indicating:
 - a) the date of the decision and the competent authority;
 - b) categories of cases (including restrictions).

Validity period: 3 months from the date of issue.

4. Document/certificate confirming current practice of law; information on joint professional activities (form, name, address, participants) — if available.
5. Document confirming the presence/absence of disciplinary sanctions and their status (active/expired) in the country of origin.
6. Documents regarding continuing professional development (CPD) or confirmation of completion of the HSA UNBA programme.
7. Document confirming the location of organisational forms of activity in Ukraine.
8. Payment document confirming payment of a one-time contribution to ensure the functioning of Bar self-government (amount in accordance with the decision of the Bar Council of Ukraine).

Reminder regarding formalities: documents under sub-clauses 2.2.3–2.2.6 must be legalised or apostilled (unless otherwise provided by international treaties of Ukraine), and documents in a foreign language must be accompanied by a notarised translation into Ukrainian (sub-clauses 2.3–2.4).

STATEMENTS AND CONSENTS

I confirm the accuracy of the information and documents provided. I give my consent to the QDC to contact the competent authority of the country of origin to verify the information, as well as to process my personal data in accordance with Ukrainian legislation on the protection of personal data. I am aware of the grounds for refusal to be included in the URAU and the annual obligations to submit documents and pay fees.

Place _____ Date “ “ _____ 20__

Signature of applicant _____

Appendix 2

APPLICATION FOR THE STATUS OF “ADVOCATE OF UKRAINE” AFTER A THREE-YEAR PERIOD OF PRACTISING LAW IN UKRAINE AS A LAWYER OF A FOREIGN STATE

To the Qualification and Disciplinary Commission of the Bar of _____ region

From the applicant:

Surname, first name, patronymic (in Ukrainian): _____

Surname and first name (in the language of the country of origin, in Latin characters):

Professional title in the country of origin: _____

Nationality: _____

Date of inclusion in the Unified Register of Advocates of Ukraine as a foreign state advocate: “ “
_____ 20

URAU personal account (link to profile): _____

Contact details in Ukraine: telephone _____; e-mail _____

Organisational form of activity in Ukraine: individual practice/law firm /law office (name):

I request:

grant me the right to practise law in Ukraine using the status of “advocate of Ukraine” in accordance with Section 7 of the Regulations.

PROOF OF EFFECTIVE AND REGULAR PRACTICE (at least 3 years)

Period of practice in Ukraine: from “ ” _____ 20 to “ ” _____ 20

Breaks (if any): dates and reasons: _____

CPD in Ukrainian law (list of events/courses, date, organiser, supporting documents):

LIST OF CASES ON UKRAINIAN LAW

(a summary list is provided; at the request of the QDC, samples of procedural documents with anonymised client data are submitted)

Brief summary of involvement (over 3 years):

Total number of cases: _____

Approximate share of Ukrainian law practice: _____ %

Key areas (sectors): _____

ATTACHED DOCUMENTS

1. Explanatory note with a general description of practice over 3 years.
2. Confirmation of participation in cases (powers of attorney/agreements, extracts from registers of court decisions, other documents).
3. Samples of the applicant's procedural documents with anonymised personal data of clients (at the request of the QDC).
4. Documents on advanced training in Ukrainian law (certificates, programmes, etc.).
5. Other materials confirming the effectiveness and regularity of activities (letters of recommendation, references, etc.).

STATEMENTS AND CONSENTS

I confirm that the information provided is true; the documents have been provided in full or will be submitted at the request of the QDC.

I consent to the processing of personal data and verification of information, including contacting the relevant competent authorities/institutions in my country of origin.

I confirm that the submitted sample documents contain anonymised client data and do not disclose attorney-client privilege beyond what is necessary for the assessment of qualifications.

Place _____ Date “ ” _____ 20

Signature of the applicant _____

Appendix 3

NOTIFICATION OF INTENTION TO PROVIDE CROSS-BORDER LEGAL SERVICES IN UKRAINE

To the Bar Council of _____ region

(sent in advance, in writing, by post; the authenticity of the signature of the foreign state lawyer on the notification is certified by a notary)

From a lawyer of a foreign state:

Surname, first name, patronymic (Ukrainian): _____

Surname and first name (in the language of the country of origin, in Latin characters):

Nationality: _____

Professional title in the country of origin (in the language of the country of origin and in Ukrainian transliteration): _____

Professional organisation/competent authority in the country of origin (name, address, contacts):

Address of practice in the country of origin: _____

Contact details: telephone _____; e-mail _____

I hereby notify of my intention to provide cross-border legal services in Ukraine in the following areas:

- international law/legislation of the country of origin/Ukrainian law (underline as appropriate)
- brief description of planned services:

Period of service provision (approximate): from “ ” _____ 20 to “ ” _____ 20 (no longer than 6 months)

In case of representation of clients in Ukrainian courts (must be filled in, if applicable):

Court and case number: _____

Ukrainian advocate with whom a cooperation agreement has been concluded:

Full name: _____; registration details in the Unified Register of Advocates of Ukraine: _____

Contact details: telephone number _____; e-mail _____

Written consent of the client to such cooperation: attached / will be provided

ATTACHED DOCUMENTS (in accordance with paragraphs 8.3–8.4 of the Regulations)

1. Copy of identity document.
2. Copy of a document confirming the address of the foreign lawyer's practice in the country of origin.
3. Document from the competent authority of the country of origin (certificate/extract, valid for 3 months from the date of issue) indicating:
 - a) the date of the decision and the authority that granted the right to practise law;
 - b) categories of cases (including restrictions).
4. Information about the type of planned legal practice in Ukraine.
5. **If representation in Ukrainian courts is planned:**
 - case number and court;
 - a copy of the cooperation agreement with an Ukrainian advocate;
 - written consent of the client.

Reminder about formalities: documents not written in Ukrainian must be accompanied by a notarised translation into Ukrainian (clause 8.5).

Place _____ **Date** “ ” _____ **20** _____

Signature of the foreign lawyer _____

(Notarised certification of the authenticity of the signature is obligatory)