

REGULATIONS ON CONTINUOUS PROFESSIONAL DEVELOPMENT

Article 1

Continuous professional development (CPD) means that a lawyer must regularly train himself and take refresher courses in legal or practice-related subject matters by attending recognised courses, teaching or giving lectures, or publishing within the meaning of these regulations.

Article 2

Every lawyer has an ethical duty to undergo continuous professional development.

Points are awarded for continuous professional development.

Every lawyer must accumulate at least 16 points in each judicial year.

BUBA classes (for the certificate of competence to practice as a lawyer) serve as continuous professional development for trainee lawyers during the first three years of their traineeship.

If the first three years come to an end during the judicial year, or a lawyer is re-registered during the judicial year, the minimum number of points to be accumulated will be determined on a pro-rata basis.

Article 3

3.1 One point is awarded for attending one recognised classroom hour.

3.2 Two points per classroom hour are awarded for lecturing

- at a university or institute of higher education; or
- a recognised course or a course given as part of the training of trainee lawyers, subject to a maximum of ten points.

3.3 Two points per classroom hour are awarded for giving a legal lecture at academic level.

- 3.4 One point is awarded for writing a legal article, of up to 1,000 words, that is published in legal literature or equivalent publications and a further point is awarded for every additional 1,000 words.
- 3.5 A course that is recognised by either the *Ordre des barreaux francophones et Germanophone* (the Bar Council of French and German-speaking lawyers in Belgium), or a foreign bar that is a member of the Council of Bars and Law Societies of Europe (CCBE), may be recognised.

A lawyer wishing to attend or who has completed such a course may request recognition of that course.

Following advice from the recognition commission, the Flemish Bar Council may enter into course recognition agreements with other bars or organisations.

- 3.6 Thirty-two points are awarded for completing the standard curriculum, as recognised by way of decree, at a law faculty established within Belgium, which leads to the award of an additional diploma.
- 3.7 Thirty-two points are awarded for attending the "professional training in cassation proceedings" course, organised by the Bar Council at the Court of Cassation.
- 3.8 A course organised by a law firm can only be recognised if it is also open to lawyers who do not belong to that firm.*
- The firm that organises the course is obliged to pay the applicable dossier fee, as referred to in Article 5.3, to the Flemish Bar Council.
- 3.9 A surplus of points, subject to a maximum of sixteen, may only be carried over to the next judicial year.
- 3.10 A lawyer is free to compile his own training and refresher course programme, provided that at least half of the points relate to legal subject matters.

Article 4

- 4.1. The Flemish Bar Council establishes a recognition commission.
- 4.2 The recognition commission consists of seven members: the manager of the education and training department of the Flemish Bar Council (who is the chairman of the commission), three lawyers and three academics. The members' term of office is two years and is renewable.

- 4.3 The General Meeting of the Flemish Bar Council appoints the members of the recognition commission.
- 4.4 The recognition commission is established at the registered office of the Flemish Bar Council.
- 4.5 The recognition commission decides by an ordinary majority of votes. It is only validly constituted when at least four members are present. In the event of an equality of votes, the chairman will have the casting vote.

Article 5

- 5.1 The recognition commission decides which activities, as referred to in Article 1, will be recognised.
- 5.2 Both the course presenter and the individual lawyer can address a recognition application to the recognition commission.
- 5.3 A recognition application by the course presenter is only admissible if he has paid a fee (the dossier fee) to the Flemish Bar Council equal to one time the full registration fee of each potential participant, subject to a minimum of €100 and a maximum of €625.

This provision does not apply to courses that are organised on a completely independent basis by the bars, alliances among bars, or conferences.

- 5.4 The applicant must attach a dossier to the course recognition application with an undertaking to issue attendance certificates after verifying attendance, and which contains at least the following details:
 - 1. course date and venue;
 - 2. subject of the course, with titles of the different lectures (if applicable);
 - 3. number of hours for which recognition is being requested;
 - 4. identity of the speaker;
 - 5. target group;
 - 6. participation fee;
 - 7. confirmation whether a syllabus is available for the participants;
 - 8. the manner in which the course(s) on offer will be advertised.
- 5.5 In reaching its decision to recognise and award points, the recognition commission will take into account the quality and accessibility of the course.
The recognition commission may carry out an on-site quality inspection of the course at all times.

- 5.6 The recognition commission will reach a decision within one month of the application. The recognition commission must motivate every rejection of a recognition application.
- 5.7 The course presenter may mention the recognition of the awarded points.
The recognised courses on offer will be listed on the Flemish Bar Council's website.

Article 6

- 6.1 A lawyer must report in writing every year, and by no later than the 30th of September of the year following the training year, to the chairman of his Bar Council about the training programme that he has completed and also submit documentary proof thereof.
- 6.2 The chairman of the Bar Council must forward the processed data of his bar to the Flemish Bar Council by no later than 31 March.

Approved at the general meeting of 02.06.2004.

* amendment approved at the general meeting of the Flemish Bar Council of 22.02.2006, published in the Belgian Official Journal on 06.03.2006, and entered into force on 06.06.2006.

Also see Court of Cassation ruling of 22.12.2005 (Cass. no. C. 04.0421.N/1, 22 December 2005, unpublished).