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Legal services based on special expertise Registration of persons who provide legal services under foreign law

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<https://fimportal.de/xzufi-services/S1000020010000011487/S100002>

Modul	Sachverhalt
Leistungsschlüssel	99094002019002
Leistungsbezeichnung I	Legal services based on special expertise Registration of persons who provide legal services under foreign law
Leistungsbezeichnung II	Legal services based on special expertise Registration of persons who provide legal services under foreign law
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hamburg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	<div lang="en-x-mtfrom-de">consultation</div>, <div lang="en-x-mtfrom-de">Legal Services Register</div>,

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	<div lang="en-x-mtfrom-de">Legal services</div> , <div lang="en-x-mtfrom-de">Registration</div>, <div lang="en-x-mtfrom-de">District court, legal service provider</div>, <div lang="en-x-mtfrom-de">District court, permission for legal advice / legal assistance in a foreign law</div>, <div lang="en-x-mtfrom-de">consultants</div>, <div lang="en-x-mtfrom-de">foreign law</div>, <div lang="en-x-mtfrom-de">Extrajudicial legal services</div>
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> • [§ 10 Legal Services Act (RDG)](https://www.gesetze-im-internet.de/rdg/_10.html) • [§ 11 RDG](https://www.gesetze-im-internet.de/rdg/_11.html) • [§ 12 RDG](https://www.gesetze-im-internet.de/rdg/_12.html) • [§ 13 paragraph 1 RDG](https://www.gesetze-im-internet.de/rdg/_13.html)
Teaser	If you want to provide out-of-court legal services under foreign law on a commercial basis, you must register and have them entered in the legal services register.
Volltext	Anyone wishing to provide out-of-court legal services under foreign law must register with the competent

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authority.

You must be personally suitable and reliable. Important standards for the required reliability are the past life (in particular any criminal offenses) and the economic circumstances. You also need proof of special expertise (theoretical and practical) in the relevant areas of law. Professional liability insurance with a minimum insured sum of EUR 250,000.00 for each insured event must be taken out. Natural and legal persons as well as companies without legal personality can be registered. The request may be limited to one or more of the above areas of law. If this is necessary for the protection of those seeking justice or legal transactions, the registration can be made dependent on conditions or associated with requirements.

Erforderliche Unterlagen

- Summary of the vocational training course and previous professional practice,
 - Certificate of good conduct (document type O),
 - Declaration as to whether insolvency proceedings are ongoing against the applicant or whether an entry has been made in the list of debtors in the last three years prior to the application,
 - Documents to prove the theoretical (§ 2 RDV) and practical (§ 3 RDV) expertise:

1. Legal services in a foreign law require special expertise in the foreign law or in the sub-areas of the foreign law for which registration is requested. In the field of legal services in a foreign law, the theoretical expertise is usually proven by a certificate from a foreign authority that the person to be registered is or was lawfully established in the foreign country to practice the legal profession or a comparable legal advisory profession. The degree certificate from a foreign university on the successful completion of a course of study that corresponds in scope and content to the courses of study mentioned in paragraph 1 sentence 3 RDV is sufficient as proof of theoretical expertise. If the application is limited to a sub-area, a certificate from a foreign authority stating that the person to be registered is or was lawfully established

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in the foreign country to practice a profession that includes the sub-area applied for is sufficient as proof of theoretical expertise. Proof of expertise in a foreign law only extends to the law to which the submitted certificates refer,

2. A certificate from a foreign authority stating that the person to be registered is or was lawfully established in the foreign country to practice the legal profession or a comparable legal advisory profession is also sufficient as proof of practical expertise,

- professional liability insurance with a minimum insured sum of 250,000 euros for each insured event.

In the case of legal persons or unincorporated companies: the above evidence, with the exception of professional indemnity insurance, must be provided separately for each qualified person.

In addition, proof must be provided for each qualified person that they meet the requirements of Section 12, Paragraph 4, Sentence 2 of the RDG. Evidence must therefore be provided for the following points:

- permanent employment in the company,
- Independence from instructions and authority to issue instructions,
- Authorization to represent in external relations.

Voraussetzungen

- personal suitability and reliability;
- theoretical and practical expertise in the area or sub-area of § 10 para. 1 RDG in which the legal services should be provided;
- professional liability insurance
- Legal persons and unincorporated companies must nominate at least one natural person who fulfills all the necessary requirements (qualified person). The Qualified Person must
 - permanently employed in the company,
 - in all matters relating to the company's legal services, independent of instructions and authorized to issue instructions, as well as
 - be authorized to represent externally.

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Kosten	<p>150 euros</p> <p>Note: The fees for matters under the Legal Services Act are determined according to Section 1 Paragraph 2 No. 3 of the Judicial Administration Costs Act. No. 1110 Registration according to the RDG.</p> <p>When registering a legal person or a company without legal personality, the fee also covers the registration of a qualified person in the Legal Services Register. €150.00</p> <p>No. 1111 entry Entry of a qualified person in the legal services register if the entry is not covered by fee 1110, per person: €150.00</p> <p>No. 1112 Revocation or Withdrawal of Registration €75.00</p>
Verfahrensablauf	<ul style="list-style-type: none"> • You apply for registration in the legal services register in the field of legal services in a foreign law and submit the application together with the other documents to the competent authority. • The competent authority will examine your application. • As soon as all the requirements have been met and all the evidence has been provided, the competent authority will register and arrange for it to be publicly announced in the legal services register. • You will receive notification as to whether you have been registered.
Bearbeitungsdauer	<p>Approx. 4 weeks from receipt of the complete documents. A decision on the application must be made within a period of three months.</p>
Frist	<p>In principle, an activity according to the RDG may only be carried out after registration. There are no application deadlines for registration.</p>
weiterführende Informationen	<p>https://justiz.hamburg.de/gerichte/amtsgericht-hamburg https://justiz.hamburg.de/gerichte-segmente/ https://www.rechtsdienstleistungsregister.de/</p>

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	https://www.rechtsdienstleistungsregister.de/
Hinweise	<p>There are the following hints:</p> <p>Prohibition: Persons or associations according to §§ 6, 7 paragraph 1 and § 8 paragraph 1 no. 4 and 5 RDG can be prohibited from providing legal services for a maximum of five years if permanently unqualified legal services are provided to the detriment of the person seeking legal services.</p> <p>Legal services register and public notice: According to § 16 RDG, a transnational register of legal services will be set up. This serves to provide free information to those seeking legal advice, to persons offering legal services, to legal transactions and to other public bodies. The legal services register lists persons who are permitted to provide legal services in one or more of the areas or sub-areas specified in Section 10 (1) RDG (debt collection services, pension advice and legal services under foreign law), and persons or associations who are permitted to provide legal services in accordance with Section 9 Para. 1 RDG has been definitively prohibited, made public. The public announcement according to § 16 paragraph 3 sentence 1 RDG takes place several times a day through a central publication of all registration authorities on these pages. The publicly disclosed data will be deleted if the requirements of Section 17 RDG are met.</p>
Rechtsbehelf	Complaint before the administrative court contradiction
Kurztext	<ul style="list-style-type: none"> • Legal services based on special expertise Registration of persons who provide legal services under foreign law • Out-of-court legal services under foreign law may only be provided by persons who have proven their expertise to the responsible court • Prerequisites for registration are personal suitability and reliability, theoretical and practical expertise in the field of pension advice and professional liability insurance
Ansprechpunkt	

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Zuständige Stelle	Hamburg District Court
Formulare	
Ursprungsportal	Behördenfinder Hamburg, Authority finder Hamburg (Currently this link is only available in german)