

Submission created from emailed submission

Date: 09/06/2020

Subject: FW: Submission on the Unification of the solicitors profession and the barristers profession

To whom it may concern,

The Department of Education and Skills serves as the coordinator for Directive 2005/36/EC on the recognition of professional qualifications and has been assigned responsibility for Directive 2018/958/EU on a proportionality test before adoption of new regulation of professions.

The European Parliament and the European Council adopted Directive 2018/958/EU on a proportionality test before the adoption of new regulation professions. The aim of the Directive is to establish a transparent and predictable framework for Member States to assess proportionality before adopting new regulation. It aims at preventing disproportionate measures by:

- making proportionality checks more objective, comprehensive and comparable;
- ensuring the rules are applied in an equal manner by all national authorities;
- requiring solid evidence and involvement of stakeholders in policy making;
- stimulating innovation while ensuring that rules are up to date due to periodic reviews; allowing for the analysis to be publicly available and thus enable peer review.

This Directive builds on existing provisions set out under Directive 2005/36/EU as amended by Directive 2013/55/EU on the recognition of professional qualifications. Under this Directive, an extensive transparency and proportionality exercise was required of all existing regulated professions in each Member State. Based on this collective data, the Commission found that uneven scrutiny of the regulation of professions has a negative impact on the Single Market, the provision of services and the mobility of professionals. A coherent EU legal framework introducing a common and comparable EU-wide assessment mechanism will assist in the alleviation of the fragmenting effect frequent changes to professional regulation has on the Single Market and will reduce the divergence in quality of regulation between Member States.

The aim of the Directive is to establish a transparent and predictable framework for Member States to assess proportionality before adopting new regulation. This directive is to be transposed in to Irish law by 30th July 2020.

The Proportionality Directive obliges Member States/Competent Authorities to carry out a proportionality assessment before introducing new or revising existing national legislative, regulatory or administrative provisions affecting access to or exercise of a regulated profession.

I trust the LSRA will review their obligations under Directives 2005/36/EU & Directive 2018/958/EU prior to any unification of the solicitor and barrister professions. The

Department may request a future meeting with the LSRA to discuss the proportionality directive and its implementation.

Kind regards

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