

## **POLICY NOTE**

### **THE EUROPEAN UNION (AMENDMENTS IN RESPECT OF THE ACCESSION OF CROATIA) (SCOTLAND) REGULATIONS 2013**

**SSI 2013/177**

The above instrument was made in exercise of the powers conferred on the Scottish Ministers by section 2(2) of the European Communities Act 1972. The instrument is subject to the negative procedure.

#### **Policy Objectives**

The purpose of this instrument is threefold.

Firstly, it amends the European Communities (Services of Lawyers) Order 1978 (which implemented, on a UK basis, Council Directive No. 77/249/EEC, dated 22 March 1977, to facilitate the effective exercise by lawyers of the freedom to provide services) to implement adaptations to that Directive resulting from the accession of Croatia to the European Union under the Treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9<sup>th</sup> December 2011 (OJ No L 112, 24.04.12) (“the Treaty”).

Secondly, it amends the European Communities (Lawyer’s Practice) (Scotland) Regulations 2000 (which implemented, in Scotland, Council Directive No. 98/5/EC, dated 16 February 1998, to facilitate practise of the profession of lawyer on a permanent basis in certain States other than the State in which the professional qualification was obtained and to be able to integrate into the host State profession after three years of regular and effective practice) to implement adaptations to that Directive resulting from the accession of Croatia to the European Union under the Treaty.

Thirdly, it makes further amendments to primary and secondary legislation so as to ensure that certain definitions of “EEA State” which are used will incorporate a reference to Croatia following its accession to the European Union under the Treaty. This is to avoid any doubt that those existing definitions may not include Croatia upon accession.

#### **Consultation**

Given the fact that the amendments made by the regulations are of a consequential and technical nature, no formal consultation was undertaken. The Scottish Government has, however, liaised with the UK Government regarding the provision that it is to be made in respect of the accession of Croatia.

#### **Financial effects**

The changes made by this instrument are unlikely to have any financial effects.

## **Choice of Procedure**

The Scottish Government is relying on powers under the European Communities Act 1972 to make the necessary changes. Section 2(2) of that Act enables the Scottish Ministers to elect for an instrument to be subject to the affirmative or negative procedure. While noting that this instrument includes amendments to primary legislation, the Scottish Government has elected to adopt the negative procedure in view of the fact that those amendments are of a consequential and technical nature.

**Scottish Government**  
**May 2013**