

***The recent reform experiences in Italy***

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(English abstract)

The European Commission report on "Competition in Professional Services" of February 9<sup>th</sup> 2004 pointed out Italy's critical situation. With reference to the six professional categories examined in the report, Italy was listed at the top of the list of the Member States in terms of level of regulation (the following year 2005 Italy was at the second position in the European ranking).

The report outlined the unjustified competition restrictions which represent concrete obstacles both for consumers, limiting their freedom of choice, and for professional, limiting their capacity to offer competitive services in terms of quality and price.

In 2004 the full range of such restrictions was detectable in Italy, such as: the fixation of mandatory minimum fees; the prohibition of using advertising for the offered services; barriers to professional entry; restriction to interdisciplinary companies...

A significant and sudden change of the picture occurred in June 2006, when the Italian Government issued a new regulatory system concerning free market and competition, the so called "Bersani Decree" (Title 1 of Law 4 August 2006 nr. 248).

**The new provisions** on competition and consumers' rights are deeply changing citizens-consumers and service suppliers relationship, by introducing innovative facilities and opportunities with the purpose of enhancing open market, flexibility, employment opportunities, free competition and consumers protection tools.

The reforms introduced in the Italian legislation refer to the following sectors:

a) Professions - More flexibility, more freedom of choice (art. 3 , Bersani Decree)

Professionals will be free to offer an increasingly competitive service, with a broader choice for consumers.

- No more minimum or mandatory fees. Fees will be negotiated by the parties and may be related with the service performance.
- Self-employed professionals can advertise their services. Clients can make more informed decisions, based on what they really need.
- Green light to interdisciplinary companies consisting of diverse professionals (architects, lawyers, accountants, etc.). A broader offering of integrated services, with more competitive Italian firms at an international level.

b) Pharmacies - Over -the-counter medicines sold in stores (art.5 Bersani Decree)

- Over-the-counter and non-prescription drugs can be sold also in supermarkets. Buying medication will be easier; more jobs for pharmacists.
- Free rebates on drugs
- Free quantity and variety of drugs for wholesalers, with the advantage of having no inventories and offer more affordable prices
- Pharmacist companies can run more pharmacies (a maximum of four) also outside the province
- Beyond the legacy principle. A heir, without the requirements to run a family pharmacy (degree and registration in the pharmacists' register) shall sell it within two years from the parent's death

c) Transfer of Property - From the seller to the buyer without going to the notary (art.7 Bersani Decree)

To make the transfer of a property legally binding (cars, motorbikes, boats etc.), you no longer have to go to a notary; any Municipality or car driver electronic office can issue an authentication on demand, thus eliminating the cost of notary fees for users.

d) Antitrust Authority (art. 14 Bersani Decree)

According to the new Commission Regulation on competitiveness, Antitrust Authority' role have been strengthened introducing new provisions to the relevant founding law (l. 287/1990). In particular, the strengthening of Antitrust powers has been improved by the introduction of:

- precautionary measures;
- the commitment for enterprises to remove the violation before the sentence;
- the reduction or the lift of sanctions in case of collaboration.