

Ireland

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information has been provided by Ireland in the context of the implementation of the Services Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the European Commission in respect of compliance with EU law in general or with the Services Directive in particular. National legal provisions might have suffered amendments during the mutual evaluation process so interested parties are invited to check national legislation in force.

Information on the Services Directive and the implementation process in Ireland can be found on the following website of the Irish Department for Enterprise, Trade and Innovation:

<http://www.deti.ie/trade/marketaccess/singlemarket/servicesdirective.htm>.

Main changes to Irish legislation

Ireland has chosen to implement the Services Directive through a horizontal framework law which is expected to be adopted in the near future¹. Ireland has also indicated that it intends to make certain changes to existing (sector-specific) legislation.

Examples of authorisation schemes imposed on service providers established in Ireland

Ireland has notified several authorisation schemes in particular in the retail sector and as regards tourism and education.

In the retail sector Ireland has notified a number of authorisation schemes as regards the retail of specific goods, e.g. for wholesale/retail suppliers of video/DVD works for sale or rent². Ireland also maintains an authorisation scheme for trading in private places for limited periods³. A substantial number of local by-laws in various parts of Ireland which impose the need for a licence to be obtained before goods can be sold on beaches⁴ or in harbours⁵ have also been notified.

In the tourism sector Ireland has notified an authorisation requirement on travel agencies (sale of travel and package holidays departing from a point within the State to a destination outside the State or Northern Ireland)⁶. In addition, providers who offer tourist accommodation and want to describe the accommodation as a hotel, guest house, holiday cottage, caravan and camping site (park), or youth hostel etc., need to comply with a registration requirement (and comply with quality standards)⁷.

¹ A consultation has taken place on the draft horizontal law. See http://www.deti.ie/trade/marketaccess/singlemarket/servicesdirective_cons.htm

² Video Recordings Act 1989 (No. 22/1989).

³ Occasional Trading Act 1979 (No. 35/1979).

⁴ E.g. Kerry County Council Amended (Beach) Bye-laws, in exercise of powers conferred by the Local Government Act 2001 (No. 37/2001); Bray Promenade Esplanade and Seashore Bye-laws, pursuant to the provisions of the Public Health Acts, Amendment Act 1907.

⁵ Mayo County Council Newport Harbour Bye-Laws, in exercise of the powers conferred by the Local Government Act 2001 (No. 37/2001).

⁶ Transport (Tour Operator and Travel Agents) Act 1982 (No. 3/1982).

⁷ Tourism Traffic Acts 1939-2003.

In the private education and training sector, Ireland has notified authorisation schemes for driving instructors⁸ and, in some locations, for the provision of tuition (for example in surfing or other watersports) on the beach⁹.

Other authorisation schemes concern employment agencies¹⁰, vehicle refinishing operators¹¹, petrol storage installations involved in the loading of petrol into/from mobile containers¹², different services as regards horse and dog racing, inter alia for trainers and riders of horses¹³, and the training¹⁴, public sale¹⁵ and breeding by artificial insemination of greyhounds¹⁶.

In addition, Ireland has stated that licenses for auctioneers, estate agents and property management agents will be introduced¹⁷.

Examples of other types of requirements imposed on service providers established in Ireland

Ireland has indicated that quantitative restrictions can be imposed on premises authorised to sell alcohol. This includes public houses (pubs), hotels, restaurants, theatres and off-licences (shops selling alcohol for consumption elsewhere)¹⁸.

On the basis of the reports from Ireland, it is also clear that a legal form requirement exists for the profession of barrister¹⁹.

A fixed tariff is imposed on employment agencies, whose fees may not exceed a scale approved by the Minister for Enterprise, Trade and Innovation²⁰.

⁸ Road Traffic (Driver Instructor Licencing) (No. 2) Regulations 2009 (S.I. No. 203/2009).

⁹ Donegal County Council Regulation and Control of Certain Beaches Bye-Laws 2009, in exercise of the powers conferred by the Local Government Act 2001 (No. 37/2001); Beach Bye-Laws for the Administrative Area of Clare County Council.

¹⁰ Employment Agency Act 1971 (No. 27/1971); Employment Agency Regulations 1972 (S.I. No. 255/1972); Employment Agency Act 1971 (Commencement) Order 1972 (S.I. No. 256/1972); Employment Agency (Exemption) Order 1972 (S.I. No. 257/1972); Employment Agency Regulations 1976 (S.I. No. 318/1976); Employment Agency Regulations 1978 (S.I. No.288/1978); Employment Agency Regulations 1988 (S.I. No. 319/1988); Employment Agency Regulations 1993 (S.I. No 49/1993).

¹¹ Limitation of Emissions of Volatile Organic Compounds Due to the Use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007 (S.I. No. 199/2007).

¹² Air Pollution Act 1987 (Petroleum Vapour Emissions) Regulations 1997 (S.I. No. 375/1997).

¹³ Irish Horse Racing Industry Act 1994 (No. 18/1994); Horse and Greyhound Racing Act 2001 (No. 20/2001).

¹⁴ Greyhound Trainers' Regulations 1961 (S.I. No. 58/1961).

¹⁵ Public Sales of Greyhounds Regulations 1966 (S.I. No. 76/1966).

¹⁶ Artificial Insemination of Greyhounds Regulations 2005 (S.I. No. 561/2005).

¹⁷ Property Services (Regulation) Bill 2009, available at <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2009/2809/document1.htm>.

¹⁸ Ireland has not specified the relevant legislation. See Intoxicating Liquor Act 2000 (No. 17/2000); Intoxicating Liquor Act 2008 (No. 17/2008).

¹⁹ Ireland has identified the European Communities (Lawyers' Establishment) Regulation 2003 (S.I. No. 732/2003) as the relevant legislation. See also Code of Conduct of the Bar of Ireland, available at <http://www.lawlibrary.ie/viewdoc.asp?DocID=581>.

²⁰ Employment Agency Act 1971(No. 27/1971); Employment Agency Regulations 1972 (S.I. No.255/1972); Employment Agency Act 1971 (Commencement) Order 1972 (S.I. No. 256/1972); Employment Agency (Exemption) Order 1972 (S.I. No.257/1972); Employment Agency Regulations 1976 (S.I. No. 318/1976); Employment Agency Regulations 1978 (S.I. No.288/1978); Employment Agency Regulations 1988 (S.I. No. 319/1988); Employment Agency Regulations 1993 (S.I. No. 49/1993).

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

An obligation to exercise a service activity exclusively has been reported in relation to solicitors²¹ and barristers²².

Examples of requirements which apply to service providers established in other Member States and providing services in Ireland

Requirements to have an establishment in Ireland have been reported for the public sale²³ and the breeding by artificial insemination of greyhounds²⁴.

Authorisations have inter alia been reported for travel agencies (sale of travel and package holidays departing from a point within the State to a destination outside the State or Northern Ireland)²⁵, for driving instructors²⁶, employment agencies²⁷, collecting societies²⁸, the training of greyhounds for reward²⁹, the training and riding of race horses³⁰ and at local level for the selling of goods in public places³¹.

²¹ Solicitors Act 1954 (No. 36/1954).

²² Ireland has identified the European Communities (Lawyers' Establishment) Regulation 2003 (S.I. No. 732/2003) as the relevant legislation. See also Code of Conduct of the Bar of Ireland, available at <http://www.lawlibrary.ie/viewdoc.asp?DocID=581>.

²³ Public Sales of Greyhounds Regulations 1966 (S.I. No. 76/1966).

²⁴ Artificial Insemination of Greyhounds Regulations 2005 (S.I. No. 561/2005).

²⁵ Transport (Tour Operator and Travel Agents) Act 1982 (No. 3/1982).

²⁶ Road Traffic (Driver Instructor Licencing) (No.2) Regulations 2009 (S.I. No. 203/2009).

²⁷ Employment Agency Act 1971 (No. 27/1971); Employment Agency Regulations 1972 (S.I. No. 255/1972); Employment Agency Act 1971 (Commencement) Order 1972 (S.I. No. 256/1972); Employment Agency (Exemption) Order 1972 (S.I. No. 257/1972); Employment Agency Regulations 1976 (S.I. No. 318/1976); Employment Agency Regulations 1978 (S.I. No. 288/1978); Employment Agency Regulations 1988 (S.I. No. 319/1988); Employment Agency Regulations 1993 (S.I. No. 49/1993).

²⁸ Copyright & Related Rights Act 2000 (No. 28 /2000); Copyright & Related Rights (Register of Copyright Licensing Bodies) Regulations 2002 (S.I. No. 463/2002); Copyright & Related Rights (Register of Licensing Bodies for Performers Property Rights) Regulations 2008 (S.I. No 306/2008).

²⁹ Greyhound Trainers' Regulations 1961 (S.I. No. 58/1961).

³⁰ Irish Horse Racing Industry Act 1994 (No. 18/1994); Horse and Greyhound Racing Act 2001 (No. 20/2001).

³¹ Bye-laws made under the Casual Trading Act 1995 (No. 19/1995) and the Casual Trading Act 1995 (Forms) Regulations 1996 (S.I. No. 146/1996), for example by Cork City Council, Dublin City Council and Limerick County Council.