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LEGISLATIVE DECREE 142 OF 16 OCTOBER 2020

Transposition of Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions

Article 3

Ex ante assessment of new measures and monitoring

- 1.** In the context of the regulatory impact analysis (RIA) of regulatory acts or the drafting of administrative acts introducing new provisions restricting access to, or the pursuit of, regulated professions, or that amend existing ones, the regulatory bodies under Article 2(1)(c) must carry out a proportionality assessment in accordance with this Decree. This assessment shall be conducted using the questionnaire provided in the table set out in Annex I. The table shall be completed by providing, for each question, a specific and sufficiently detailed explanation to make it possible to assess compliance with the principle of proportionality. The duly completed table forms an integral part of the documentation accompanying the above-mentioned acts. The reasons for considering that a provision is justified and proportionate must be substantiated by qualitative and, wherever possible and relevant, quantitative elements.
- 2.** The extent of the assessment shall be proportionate to the nature, the content and the impact of the provision, and must be carried out in an objective and independent manner.
- 3.** For the purposes of paragraphs 1 and 2, prior to the final adoption of a regulatory act or general administrative act that restricts access to, or the pursuit of, regulated professions, the regulatory bodies must transmit the draft measure, along with the table referred to in paragraph 1, to the Italian Competition Authority, which shall issue its opinion on the matter.

3-bis. For draft laws originating from sources other than the Government, or for parliamentary amendments that introduce new provisions restricting access to, or the pursuit of, regulated professions, or that amend existing ones, the proportionality assessment referred to in paragraphs 1 and 2 shall be carried out by the competent administration responsible for the

relevant regulated profession. This is done as part of the drafting process aimed at formulating the Government's position on the draft law and its opinion on the proposed amendments. For the proportionality assessment of amendments, the opinion referred to in paragraph 3 is not required.

4. When the acts referred to in paragraph 1 are adopted by professional bodies, the opinion referred to in paragraph 3 shall be issued by the supervisory authorities.

5. After their adoption, the regulatory bodies shall monitor whether new or amended regulatory or administrative provisions restricting access to, or the pursuit of, regulated professions comply with the principle of proportionality, having due regard to any developments occurring after their adoption.