

The future of the UK's relationship with the European Union

House of Lords Debate – Thursday 31 January 2013

The Law Society is the independent professional body, established for solicitors in 1825, that works globally to support and represent its 166,000 members, promoting the highest professional standards and the rule of law

Key points

This briefing responds to the position on the future of the UK's relationship with the European Union (EU) which Prime Minister David Cameron set out in his speech on 23 January 2013.

- UK membership of the EU has brought enormous benefits to solicitors, law firms and their clients, most particularly through the ability to trade, provide services and establish across the EU and to seek effective redress to cross-border legal issues.
- The Law Society welcomes the Prime Minister's statement that continuing access to the single market is vital to British businesses and British jobs as much as maintaining the UK's say in the setting of EU rules.
- However, the Society is concerned about the uncertainty resulting from the commitment to an "in/out" referendum on the basis of hypothetical renegotiations of the EU settlement. Legal uncertainty is of obvious concern to lawyers, but so too is economic uncertainty which impacts both lawyers and their clients – be it as individuals, businesses or investors.

Breadth of the Law Society's interest in the UK's relationship with the EU

1. The legal services sector plays a key role in the UK economy, the UK's competitive advantage and in improving the efficiency of doing business. Legal services directly contributed £26bn to the UK economy in 2011. This included almost £4bn of exports – a substantial volume of which went to other EU countries.
2. The UK legal services sector is globally focussed with offices and lawyers based throughout Europe and the world. Law firms exist in order to service the needs of their customers; these are commonly British businesses trading throughout the single market.
3. The legal profession works day-to-day with clients throughout the EU dealing with a broad range of legal issues across a diverse range of fields ranging from competition law to criminal justice.
4. It is for these reasons that the Law Society and the legal profession has an interest in the stability of the UK's position within the EU and the future role of the UK at the heart of EU rule-making.

The Law Society's EU priorities

5. The Law Society has identified four areas for priority action in an EU context. The Law Society believes that the EU is a powerful tool for achieving success in each of these areas.
6. **Improving the internal market:** The UK has been a key player in the creation and success of the internal market to date. The UK must continue its involvement to ensure that the internal market continues to grow and adapt to today's business environment. Access to the internal market is vital to UK businesses and the UK economy as a whole. Solicitors play an important role in facilitating the smooth operation of the economy. They ensure that the rights of consumers, employees and business are protected. The Society seeks a legal environment in the EU that is certain, clear as to rights and duties, and effective as to means of redress. The competitiveness of the EU and therefore the UK, ultimately depends on this.
7. **Meeting global challenges:** The Society and its members constitute a liberal and internationally-minded legal profession serving clients throughout the world. The vibrant, growing legal services market helps to guarantee the EU's position as a centre of global commerce. Many challenges are faced by lawyers, individually and collectively, not only in our home jurisdiction but also globally. Membership of the EU strengthens the UK position on the global stage. The combined power of the EU trading bloc is a major asset in negotiating FTAs with countries across the globe.
8. **Guaranteeing rights:** The Society strongly believes in protecting civil and criminal rights. Since its creation the EU has granted rights to the individual, such as those to non-discrimination and to move, work and reside freely within the EU, and committed itself to observing existing human and fundamental rights. A unique aspect of the EU compared to other international organisations is the possibility of private enforcement of these rights against other natural or legal persons and against the Member States themselves. The EU has taken significant steps towards ensuring equal treatment; in particular in the work place through initiatives such as the Equality Directive and Equal Pay Directive. The Society is keen to ensure that UK works alongside other Members States as the EU continues to protect and uphold such rights whilst respecting differing legal traditions.
9. **The legal profession:** One of the Society's primary roles is to represent the interests of solicitors and solicitors' practices. The EU has enabled an enhanced framework for freedom of provision of legal services and freedom of establishment for lawyers and law firms. Although this system is susceptible to further improvements, it has enabled the solicitor's profession to thrive. Furthermore it has been a liberalising force, opening other legal professions and professional markets throughout Europe.

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