

# Liberal Professions in Poland

**one year on**

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## **AGENDA:**

- Background,
- OCCP's report,
- Public debate,
- Legislative process,
- Reform.

# Background

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Widespread public criticism of the legal professions

- hindering entry,
- nepotism,
- protecting incompetent practitioners,
- limiting access to justice.

Parties involved in the discussion

(press, NGOs, organizations of students and graduates,  
the government & parliament, ombudsman, the Commission, the OCCP)

# OCCCP's report

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## Internal incentives:

- Proceedings in the field of professional services,
- Need for a more systematic approach to the subject.

## External incentives:

- Analytical work by the Commission and NCAs,
- Public debate in Poland.

# Report – chief concerns

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## Problematic entry

- almost exclusive control over recruitment process,
- not objective and unclear admission criteria.

## Conduct restrictions

- ban or heavy limitations on advertising,
- loyalty clause,
- restrictions on a professional seat.

## Restrictions on the form of practice

- incorporation not allowed,
- partnerships only with lawyers.

## Public debate

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awareness

platform

two draft bills

change

Outcome?

## Legislative process

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### First Step – Sejm

competition-oriented minority proposal of the draft bill passed

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### Second Step – Senat

unexpected success despite overwhelming opposition

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### Last Step – President's Signature

acceptance despite strong lobbying from lawyers' corporations and the Ministry of Justice.

Main changes:

## **Transparency and objectivity of the entry process**

- Exclusive control of professional associations over entry process abolished
- Ministerial commissions set up to conduct traineeship and professional examinations



## Main changes:

### **More avenues to entry and lower mobility barriers between legal professions**

- Concluding traineeship not required of persons with:
  - a Ph.D. in law
  - 5 years of experience in applying or creating law
- Persons who passed an advocate, legal advisor, notary, prosecutor or judge examination may demand to be put on the roll of advocates or legal advisors

Main changes:

## **Creation of a „routine services” sector**

- Providing legal advice open to law graduates,
- Becoming a licensed lawyer necessary, however, to represent the client before courts.

- substantial increase in the number of professionals,
- decline of artificial divisions between legal professions,
- creation of a new „low cost” segment,
- possible influence on conduct regulations – law graduates providing legal advice are not forbidden to advertise,
- increased access to legal services,
- more competition.

Thank you

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