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IRELAND**  
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## **Response to the Better Regulation Group Consultation Paper on Regulatory Appeals**

Chambers Ireland welcomes the opportunity to present on this issue. As Ireland's largest business organisation, representing over 13,000 businesses through 60 member chambers, on the island of Ireland, Chambers Ireland has an interest in ensuring the country remains competitive and that the conditions for continued economic development across the regions are fostered through innovative public policy.

Transparency and the speediness of the process are important elements for evaluating appeals mechanisms. It is important to review all elements of the process with a view to minimising any delays that might arise. In addition, the appeal court must have access to the expertise needed to make an informed decision on the matter under consideration.

Chambers Ireland is of the belief that regulatory appeals mechanisms are not operating at their optimum potential. These appeals often involve very complex issues involving significant numbers of subject matter experts and specialised terminology. This demands a high level of knowledge of the relevant appeals body. Decisions may be delayed by the need of the relevant decision maker to 'read himself / herself' into the brief and accordingly issues of key strategic importance that have been determined by the pertinent industry regulator may be delayed unnecessarily. Chambers Ireland is also concerned about the possibility of a decision being made without a detailed understanding of the problems and issues facing the sector being taken into account.

It is our opinion that current appeals mechanisms are too costly and raise unnecessary barriers for legitimate challenges to be undertaken. Accordingly, Chambers are supporters of the development of an alternative dispute resolution system in Ireland that could be used to making binding and more cost effective decisions.

Chambers are of the opinion that this economy needs a twin track approach to resolving regulatory disputes.

1. We believe that the Commercial Court's remit should be extended to enable it to examine regulatory appeals via an entity operating within its remit.
2. We are also supporters of the establishment of an Alternative Dispute Resolution (ADR) System, that could make binding decisions between parties that are challenging a decision.

As a model of best practice, Chambers Ireland supports the work of the current Commercial Court. It is our view that this Court operates an effective and efficient system. It has built up the required body of knowledge, expertise and corporate memory needed to deal with issues as they arise in a fair and expeditious manner and, therefore, serious consideration should be given to extending the use of the Commercial Court to deal with regulatory appeals.

Chambers Ireland supports the Commercial Courts promotion of the resolution of cases through binding voluntary arbitration.

We would be delighted to discuss this with you further if desired.

Chambers Ireland  
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