

# EUROPOS PARLAMENTAS

2004



2009

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*Vidaus rinkos ir vartotojų apsaugos komitetas*

NEGALUTINIS  
2004/2155(INI)

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## PRANEŠIMO PROJEKTAS

dėl vidaus rinkos naujose valstybėse narėse: situacija, galimybės ir tai, ko dar reikia išmokti  
(2004/2155(INI))

Vidaus rinkos ir vartotojų apsaugos komitetas

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## PASIŪLYMAS DĖL EUROPOS PARLAMENTO REZOLIUCIJOS

dėl vidaus rinkos naujose valstybėse narėse: situacija, galimybės ir tai, ko dar reikia išmokti

2004/2155(INI)

*Europos Parlamentas,*

- atsižvelgdamas į EB steigimo sutartį<sup>1</sup>,
  - atsižvelgdamas į Čekijos Respublikos, Estijos, Kipro, Latvijos, Lietuvos, Vengrijos, Maltos, Lenkijos, Slovėnijos ir Slovakijos stojimo sutartis<sup>2</sup>,
  - atsižvelgdamas į Vidaus rinkos pasiekimų įvertinimą Nr. 13 (2004 m. liepos mėn.),
  - atsižvelgdamas į tarpinstitucinį susitarimą dėl tobulesnio įstatymų leidimo<sup>3</sup>,
  - atsižvelgdamas į 1 579 vidaus rinkos direktyvas, kurių galutinis perkėlimo į nacionalinę teisę terminas – 2004 m. lapkričio 15 d.,
  - atsižvelgdamas į Komisijos pranešimą Tarybai, Europos Parlamentui, Europos ekonomikos ir socialinių reikalų komitetui ir Regionų komitetui „Vidaus rinkos strategija – Prioritetai 2003–2006 m.“ (KOM(2003)0238),
  - atsižvelgdamas į Komisijos pranešimą Tarybai, Europos Parlamentui, Europos ekonomikos ir socialinių reikalų komitetui ir Regionų komitetui „Vidaus rinkos strategijos (2003–2006) įgyvendinimo ataskaita“ (KOM(2004)0022),
  - atsižvelgdamas į Wim Kok pirmininkaujamos aukšto lygio grupės 2004 m. lapkričio mėn. išleistą ataskaitą „Susiduriant su problema: Lisabonos strategija dėl augimo ir užimtumo“,
  - atsižvelgdamas į *EuroChambres* (ES prekybos ir amatų rūmų asociacijos) ir SBRA išleistą ataskaitą „CAPE 2004 m. apžvalga: bendras pasiruošimas plėtrai Vidurio Europoje“,
  - atsižvelgdamas į Darbo tvarkos taisyklių 45 straipsnį,
  - atsižvelgdamas į Vidaus rinkos ir vartotojų apsaugos komiteto ataskaitą (A6-0000/2004),
- A. kadangi Sutarties 3c straipsnyje teigiama, kad Bendrijos veikla apims vidaus rinkos kūrimą, o tai pasireikš naikinant kliūtis laisvam prekių, asmenų, paslaugų ir kapitalo judėjimui tarp valstybių narių,

<sup>1</sup> OL C 325, ~~24.12.2002~~ 12 24, p. 1

<sup>2</sup> OL L 236, ~~23.9.2003~~ 9 23, p. 17.

<sup>3</sup> OL C 321, ~~31.12.2003~~ 12 31, p. 1.

- B. kadangi Sutarties 3h straipsnyje teigiama, kad Bendrijos veikla apims valstybių narių įstatymų derinimą bendros rinkos mastu,
- C. kadangi Sutarties 10 straipsnyje kviečiama valstybes nares imtis visų atitinkamų priemonių užtikrinti, kad bus atlikti išsipareigojimai, atsiradę dėl Bendrijos institucijų veiksmų ir Sutarties vykdymo, ir kadangi šiame straipsnyje taip pat numatoma, kad valstybės narės turėtų susilaikyti nuo bet kokių priemonių, galinčių pakenkti pasiekti Sutarties tikslus,
- D. kadangi Sutarties 14 straipsnio 2 dalyje teigiama, kad vidaus rinka apima plotą be vidinių sienų, kuriame, pagal Sutarties nuostatas, užtikrinamas laisvas prekių, asmenų, paslaugų ir kapitalo judėjimas,
- E. kadangi Sutarties 18 straipsnyje teigiama, kad, priklausomai nuo tam tikrų sąlygų, kiekvienas Europos Sąjungos pilietis turės teisę laisvai judėti ir gyventi valstybių narių teritorijoje,
- F. kadangi Sutarties 23 ir 24 straipsniuose numatomas laisvas prekių judėjimas Bendrijoje,
- G. kadangi Sutarties trečios dalies III antraštėje numatomas laisvas asmenų, paslaugų ir kapitalo judėjimas Bendrijoje,
- H. kadangi įkurta Europos bendrijos vidaus rinka pasitvirtino esanti neabejotinai sėkminga ir tapo ekonominės sanglaudos ir pažangaus regioninių skirtumų šalinimo varomąja jėga,
- I. kadangi vidaus rinkos kūrimas gali būti užbaigtas tik visoms valstybėms narėms perkėlus į nacionalinę teisę ir įgyvendinus vidaus rinkos direktyvas,
- J. kadangi neperkėlus direktyvų į nacionalinę teisę, nesilaikant jų ir neverčiant jų laikytis dides regioniniai skirtumai,
- K. kadangi dėl pavėluoto ar neteisingo įstatymų perkėlimo į nacionalinę teisę verslas ir vartotojai neteks ekonominės vidaus rinkos naudos,
- L. kadangi veiksmingas Europos Sąjungos įstatymų perkėlimas į nacionalinę teisę ir įgyvendinimas padės plėsti abipusį vyriausybės, piliečių ir verslo sektoriaus pasitikėjimą,
- M. kadangi Lisabonos strategijos pagrindinis tikslas – iki 2010 m. paversti ES dinamiškiausia ir konkurencingiausia, žinių pagrindu augančia ekonomika pasaulyje, kurios plėtra būtų suderinta su didesniu ir geresnės kokybės užimtumu ir socialine sanglauda,
  1. yra įsitikinęs, kad norint naudotis visomis naujos padidėjusios Europos rinkos galimybėmis, reikia perkelti ir įgyvendinti visas vidaus rinkos direktyvas – tai pašalintų likusias kliūtis laisvam prekių, asmenų, paslaugų ir kapitalo judėjimui;
  2. rekomenduoja naujoms valstybėms narėms sukurti strategijas, pagal kurias būtų veiksmingai vykdomi ES įstatymai, ir patobulinti vartotojų, gamintojų, prekybininkų ir teismų informavimą apie naujus įstatymus;

3. primygtinai reikalauja, kad valstybės narės rimtai priimtų siūlomą Europos Tarybos tikslą perkelti į nacionalinę teisę 1,5 proc. direktyvų ir kad kiekviena valstybė narė duotų politinį pasižadėjimą iki tam tikro termino perkelti į nacionalinę teisę vėluojamas perkelti direktyvas;
4. palaiko tai, kad kai kurios valstybės narės įgyvendino abipusio pripažinimo principą įstatymuose, taip pat kad kai kurios valstybės narės priėmė horizontalią abipusio pripažinimo išlygą, kuri automatiškai pripažįsta šį principą neharmonizuotose zonose;
5. ypač palaiko daugybės naujų valstybių narių veiklą priimant Europos produktų standartus, daugeliu atvejų žymiau anksčiau už senąsias valstybes nares;
6. kviečia naujų valstybių narių valdžią plėtoti ir tobulinti administracines funkcijas taip mažinant spragą tarp formalaus laikymosi ir faktiško ES įstatymų vykdymo;
7. pateikia siūlymus naujoms valstybėms narėms Lisabonos strategijos tikslams pasiekti: didinti investicijas į tyrimus ir plėtrą, kurios šiuo metu yra žymiai mažesnės už ES vidurkį, skatinti tyrimų institucijų ir verslo sektoriaus bendradarbiavimą, taip pat veiksmingiau plėtoti švietimo ir ugdymo sistemas siekiant patobulinti darbo rinkos kokybę, atsižvelgiant į rekomendacijas, pateikiamas neseniai išleistoje ataskaitoje Susiduriant su problema: Lisabonos strategija dėl augimo ir užimtumo;
8. pastebi didelę veiksmingos intelektinės nuosavybės santvarkos svarbą skatinant inovacijas ir naujų idėjų pritaikymą komercinei veiklai; ragina naujas valstybes nares užtikrinti veiksmingą patentų ir autorių teisių apsaugos sistemų veikimą ir atitinkamą priemonių, stabdančių klastojimą, finansavimą;
9. atsižvelgdamas į intelektinės nuosavybės apsaugos svarbą išradimų srityje, įskaitant ir skaitmenines technologijas, kviečia Tarybą paskubėti pritarti naujoms patentų priemonėms, kurios sukurtų patikimą šios srities techninių išradimų patentavimo sistemą;
10. kviečia nacionalinės, regioninės ir vietinės savivaldos institucijas naujose valstybėse narėse sukurti lanksčią ir dinamišką darbo rinką, kuri padidintų užimtumą privačiame sektoriuje ir išspręstų struktūrinio užimtumo ir regioninių skirtumų problemas;
11. pastebi veiksmingos profesinių kvalifikacijų sistemos kūrimo ir abipusiai pripažįstamų standartų skatinimo svarbą; pateikia siūlymus Komisijai teikti papildomą finansavimą, kuris padėtų išplėsti naujose valstybėse narėse profesines institucijas ir skatinti aukštos kvalifikacijos darbo jėgos augimą;
12. pabrėžia vidaus rinkos galutinio sukūrimo svarbą, kuri sumažintų socialinius ir regioninius skirtumus tarp naujų valstybių narių;
13. pastebi dinamiškos paslaugų rinkos svarbą kuriant darbo vietas ir steigiant naujas įmones; pabrėžia ypatingą svarbą naujų valstybių narių ekonomikai pasiūlytos Direktyvos dėl vidaus rinkos paslaugų ir kviečia Parlamentą ir Tarybą ją kuo greičiau patvirtinti;

14. primygtinai reikalauja, kad naujų valstybių narių nacionalinės, regioninės ir vietinės savivaldos institucijos patobulintų ir išplėstų užduotis platinti informaciją apie ES ir vidaus rinkos įstatymus ir jų veikimą; rekomenduoja skirti ypatingą dėmesį reklamuojant vidaus rinkos galimybes įmonėms;
15. kviečia naujas valstybes nares užtikrinti neteismines sureguliuavimo ir problemų sprendimo priemones, pavyzdžiui, „SOLVIT“<sup>1</sup>, kad būtų gautas tinkamas finansinis jų plėtros ir veikimo palaikymas – tai užtikrintų, kad Europos piliečiai ir verslas disponuotų problemų, su kuriomis jie gali susidurti plečiantis vidaus rinkai, sprendimo priemonėmis;
16. palaiko Europos Komisijos 2004 m. spalio 20 d. pradėtą ypatingą pažeidimų nagrinėjimo procedūrą prieš naujas valstybes nares, kurios iki nurodyto termino, t. y. iki 2004 m. gegužės 1 d. neperkėlė direktyvų į nacionalinę teisę;
17. yra įsitikinęs, kad norint palengvinti ES įstatymų perkėlimą į nacionalinę teisę, reikia dažniau skelbti atnaujintą informaciją apie įstatymų perkėlimo į nacionalinę teisę padėtį. Ši informacija turėtų papildyti Vidaus rinkos pasiekimų įvertinimą, ji taip pat turėtų būti naudojama sudarant valstybių narių, atsiliekančių įstatymų perkėlimo į nacionalinę teisę procese, „gėdos sąrašą“;
19. laikosi nuomonės, kad Komisija turėtų pradėti dabartinių ES įstatymų racionalizaciją ir įstatymus supaprastinti. Tai būtų labai naudinga perkeliant įstatymus į nacionalinę teisę ir juos vykdančiam, be to, tai skatintų judėjimą ir prekybą Bendrijos viduje ir paspartintų Europos ekonomikos augimą;
20. pastebi paprastos ir veiksmingos kontrolės aplinkos, minimizuojančios verslo išlaidas ir maksimizuojančios reikalavimų atitikimą, svarbą; skatina naujas valstybes nares perkelti į nacionalinę teisę vidaus rinkos *acquis* kuo paprastesniu būdu. Pateikia siūlymus naujoms valstybėms narėms aktyviau palaikyti geresnes Komisijos įstatymų leidimo programas ir perkelti dabartines žinias apie esamo *acquis* sudėtingumą, kol tai nėra primiršta;
21. pateikia siūlymus, kad Pasiekimų įvertinimas turėtų būti atliekamas Europos Tarybos lygiu ir politiniame lygmenyje turėtų būti pripažintas kaip viena iš įstatymų perkėlimo į nacionalinę teisę gairių;
22. prašo Europos Parlamento rodyti daugiau iniciatyvos stebint ir raginant perkelti direktyvas į valstybių narių nacionalinę teisę;
23. atšaukia savo paties įsipareigojimą aktyviai daryti poveikį, kur yra tinkama ir reikalinga, perorientuoti Lisabonos darbotvarkę pagal vidurio semestro aukšto lygio grupės, kuriai

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<sup>1</sup> SOLVIT – tai savanoriškas tiesioginis problemų sprendimo tinklas, kuriame ES valstybės narės dirba kartu sprendžiant be teismo procedūrų problemas, atsiradusias dėl netinkamo Vidaus rinkos įstatymo taikymo, atlikto viešuoju sektoriumi. SOLVIT centrai yra visose ES valstybėse narėse. SOLVIT centrai gali padėti nagrinėjant skundus tiek iš piliečių, tiek iš verslo sektoriaus. Jie sudaro nacionalinės valdžios dalį ir įsipareigoja pateikti realius problemų sprendimus per dešimt savaičių.

pirmininkauja Wim Kok, atsiliepiama, taip užtikrinant veiksmingą tikslų įgyvendinimą;

24. paveda Pirmininkui perduoti šią rezoliuciją Tarybai, Komisijai ir valstybių narių vyriausybėms.

## EXPLANATORY STATEMENT

### Current Situation in the new Member States

A detailed outline of the Internal Market Directives that have not been transposed before their deadline by each new MS, can be found in Annex I.

The following summary gives a more general view on the status of transposition in the new MS. It is important to notice that Lithuania, Hungary and Poland show quite good results:

04/11/2004	CZ	EE	CY	LV	LT	HU	MT	PL	SI	SK	EU
Transposition deficit out of 1579 Internal Market Directives with latest deadline 15.11.2004	13,1%	8,0%	4,6%	8,1%	0,6%	2,4%	13,6%	3,3%	4,6%	9,9%	5,0%

#### *Free Movement of Goods*

- New Approach Technical Harmonisation: Especially Estonia is still lacking behind in this area.
- Motor Vehicles: Cyprus is lacking behind in the transposition of the Type-Approval Directives. A large majority of new MS has still not transposed the Directives concerning Registration Documents.
- Foodstuffs: The Czech Republic, Malta and Slovakia still have to make considerable efforts.
- Cosmetics: From the Czech Republic more effort are necessary.
- Public Procurement: The Czech Republic still has not transposed the Directive on the coordination of the procurement entities operating in the water, energy, transport and telecommunication sectors (note that for the latter two sectors there are still temporary transposition obligations).
- Specialised area: Some MS still need to transpose a number of Directives.

#### *Free Movement of Persons*

- Mutual Recognition of Professional Qualifications: Especially the Czech Republic, but also Latvia, have to make considerable efforts in this area.
- Citizen's Rights: The Czech Republic and Latvia still have to transpose Directives concerning the right of non-nationals to participate in municipal elections.
- Free movement of workers: The Czech Republic has not yet transposed the Directives on equal treatment for men and women in the labour market

#### *Freedom to Provide Services*

- Banking Sector: The Directive regarding the strengthening of the powers of the banking supervisory authorities has only been partially transposed in the Czech Republic, Estonia, Hungary, Poland and Slovenia
- Insurance Sector: Latvia, Poland and Slovenia are lagging considerably behind in their transposition. These three countries as Estonia and Slovakia have only partially transposed the Directives concerning non-life and life insurance. Also, the Directives concerning insurance undertakings and motor vehicle insurance remain to be transposed by some MS.
- Investment Sector: The Czech Republic, Latvia and Slovakia have not yet transposed the Financial Collateral Directive.
- Information-Society Services: The Czech Republic and Estonia still have to make considerable efforts in this area.
- Protection of Personal Data: The Directive on Privacy and Electronic Communication has not yet been transposed in the Czech Republic, Estonia and Cyprus.

*Free Movement of Capital*

- The Directive on taxation of savings in the form of interest payment still has to be transposed by Estonia, Latvia and Slovakia.

Data summarising the support for Accession to the EU in the corporate sector, and the knowledge on EU legislation in the corporate sector can be found in Annex II.

The following table outlines the problems notified to the Solvit centres that have been encountered by nationals and non-nationals in the new MS or travelling to the new MS. The figures show that more effort needs to be done from the old MS towards the new ones.

Problem Type	Quantity	Complaint by a national from a new MS	Complaint against a new MS
Market Access for Products	13	Czech	CZ EE SK
Market Access for Services	6	Hungarian Polish	HU
Motor Vehicle Registration	3	Cypriot	CZ
Social Security	5	Czech Polish	<i>no complaints</i>
Establishment as Self-employed or as a Company	4	Czech	SK
Employment Rights	4	Czech Polish	<i>no complaints</i>
Access to education	3	Czech Maltese Slovakian	<i>no complaints</i>
Recognition of Professional Qualifications	3	Czech Maltese Polish	<i>no complaints</i>

Residence Permits	6	Latvian Polish Slovakian Slovenian	EE
Border Controls	6	Polish Hungarian	LT EE
Taxation	3	Polish	PL SK

### Recommendations towards the Member States

To exploit the full potential of the new expanded European Market all the Internal Market Directives have to be transposed and implemented to quickly remove remaining barriers on movement of goods, persons, services and capital. Each Directive that is implemented after its deadline reduces competitiveness for our economy and this may not be tolerated anymore; the legal and administrative barriers have to be removed preventing fragmentation of the Internal Market. Transposition is the first step. Proper application and enforcement are the second step. The new MS should develop implementation strategies for efficient application of EU legislation and improvement of awareness about new legislation among consumers, producers, sellers and courts. These two steps are the foundation for the construction of a competitive economy which will be able to stimulate economic growth for all MS, provide jobs to European citizens and create a sound entrepreneurial climate for the creation of SMEs. In this period of economic recovery it is also a precondition to instate a feeling of mutual trust between governments, citizens and businesses. The effort by the new MS during the last months of the transposition process has to continue.

The 1.5% target defined by the European Councils regarding the transposition deficit of Directives, has to be taken seriously by all MS and be backed by a strong political commitment by each MS to transpose the overdue Directives by a certain date. At present just a minority of the MS are meeting this 1.5% target. If the commitment is not met then an infringement procedure should be opened against the MS.

The mutual recognition principle is a leading instrument for promoting unhindered intra-Community trade within the EU-25. Therefore, we welcome the implementation of this principle by the new MS and the adoption by some MS of a horizontal mutual recognition clause which automatically implements this principle in the non-harmonised area. This promotes mutual trust between the EU-15 and the new MS.

We call on national authorities of the new MS to develop and improve their administrative capacity in all areas concerning the proper functioning of the Internal Market. Efficient regulatory authorities, testing systems and a good administrative cooperation between MS are instruments that introduce mutual trust between governments, citizens and businesses. Thanks to the creation of such efficient instruments, MS will feel more confident of conducting intra-community trade and fully opening their markets. Under-developed administrations, too much

bureaucracy, a lack of financial resources and a lack of skilled personnel are the main reasons for the gap between the formal compliance and the enforcement of EU legislation.

According to the Kok report the EU-25 will have to make more effort than the previous EU-15 in achieving the goals of the Lisbon Strategy. Therefore the new MS will also have to step up their efforts considerably and take into consideration the recommendations made by the High Level Group chaired by Wim Kok. Furthermore, a better contact between research institutions and businesses is also necessary to transform research initiatives into commercially viable processes and products. Therefore it is recommended for the old MS to be more open to cooperation with universities, research and education institutions from the new MS.

The creation of SMEs has to be promoted. Therefore, adequate supply of early-stage financing and advantageous fiscal policies is instruments that have to be provided by national governments of the new MS.

We call on national, regional and local authorities in the new MS to develop a flexible dynamic labour market so to increase private sector employment, to solve the problem of structural unemployment and regional disparities. This can be achieved by promoting wage bargaining systems to allow wages to better reflect productivity differentials; by improving the possibility to gain employment and to progress in work; and by reforming, improving and adapting the educational institutions and training systems to the new market demands.

Urges providers of EU information to continue and strengthen their task of disseminating information concerning the legislation and functioning of the EU and its Internal Market. According to the CAPE 2004 Survey, 43% of companies in the new MS admit not to exploit the information sufficiently. By making the access to information easier and more efficient companies could increase their chances in the market.

Urges the national authorities to intensify campaigns concerning Solvit centres. According to recent figures there has been an increase in case flow by 78% since May 2004 which is partly due to enlargement and partly due to new promotion campaigns in all MS. In the EU-15 the centres have been used in over 300 cases in the last two years to solve problems.

Following a comparison conducted right before Accession between quality and usefulness of the different information sources, it is striking to notice that the providers of EU information, which should in principle possess the best information, are ranked very badly out of 17 different information sources. Internet and on-line EU sources score the best. The Government and the competent Ministries (6/17), the Euro Info centres (9/17), universities (13/17), diplomatic representatives of the EU in the home country (14/17), and the National Negotiating Team for Accession to the EU (15/17) do not immediately follow them. Effort should be put in improving these sources of information.

There is a strong correlation between level of information and degree of implementation of the EU legislation. A lack of organisation within the companies, a lack of interest for compliance with EU legislation and a lack of financial resources are some of the reasons why companies

have not enough advanced their implementation programs. All parties involved have to contribute to a faster compliance by all companies with the new EU rules.

### **Recommendations towards the European Commission**

We welcome the launching of a special infringement procedure on 20th October 2004 by the Commission against the new MS who have not transposed the Directives with a deadline before 1st May 2004. This procedure is in its first stage where the non-notification of the transposition is verified. Afterwards MS will be given two months the time to reply to the conclusions of the Commission. In addition to this procedure on absence of transposition, the Commission should also examine in due course the conformity and quality of the transposition by the new MS.

We are convinced that more often updates of the status of transposition, as published in the Internal Market Scoreboard, would facilitate the transposition process. The Scoreboard is published only once a year and this is useful but not enough. In addition to the Scoreboard, the Commission should start an electronic database so that the status of transposition is up-to-date and the barriers to the functioning of the Internal Market can be faster identified.

Excessive regulation is another obstacle to economic growth and therefore it needs to be reduced so to enhance productivity, encourage job creation and to promote a business friendly climate. In most of the new MS economies have been converted from a planned economy to a market economy and so they are still in a process of development. Simplification of the existing and future regulation is necessary so to facilitate the development of these new economies. The consolidation and improvement of the EU legislation can be a great help to the completion of the Internal Market in the new MS. The Commission should continue streamlining existing Directives, making them more intelligible, gathering together parts that are dispersed and remove parts which are too vague or might have become obsolete. Especially in some sectors it is time for better and smarter regulation.

### **Recommendations towards the Council of Ministers**

Suggests the Scoreboard be upgraded to a European Council level and be recognised on a political level so that it becomes the reference on the status of transposition. Together with the Scoreboard and an electronic transposition database the European Council should create a blame-shame list of all the MS who are lacking behind in their transposition

### **Recommendations towards the European Parliament**

We invite the European Parliament to play an increased proactive role in the monitoring performance and pressuring process towards MS to transpose the Directives. The European Parliament has become a driving force in the construction of the Internal Market thanks to its further growing co-legislative powers. Therefore it could also apply political pressure on MS to transpose the Internal Market Directives.

Recalls its own commitment to actively influence a re-orientation, where appropriate and necessary, of the Lisbon agenda following the mid-term review under the High Level Group chaired by Wim Kok so to ensure an effective implementation of the goals.

## ANNEX I: Internal Market Directives not transposed before 15.11.2004

- *Free Movement of Goods*

1. New Approach Technical Harmonisation

- Directive 1993/68 amending Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medicinal devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits): EE
- Directives 2000/70 + 2001/104 concerning medical devices: EE
- Directive 1993/15 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses: EE
- Directive 2002/31 with regard to energy labelling of household air-conditioners: CY
- Directive 2002/96 concerning waste electrical and electronic equipment: CZ, EE, HU, MT, PL, SI, SK

2. Old Approach Technical Harmonisation

Motor Vehicles

- Directive 2001/116 relating to the type-approval of motor vehicles and their trailers: CY
- Directive 2002/24 relating to the type-approval of two or three-wheel motor vehicles: CY
- Directive 1975/323 relating to the power connection fitted on wheeled agricultural or forestry tractors for lighting and light-signalling devices on tools, machinery or trailers intended for agriculture or forestry: CY
- Directive 2003/77 concerning type-approval of two-or three wheel motor vehicles: CZ, CY, LV
- Directive 2003/76 relating to measures to be taken against air pollution by emissions from motor vehicles: CZ, CY, LV
- Directive 1999/37 concerning registration documents for vehicles: CZ, CY, MT, PL, SI, SK
- Directive 97/68 relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery: SK
- Directive 2001/63 relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery: PL and SK

Construction

- Directive 1993/68 amending Directive 89/106/EEC concerning construction products: EE

Foodstuffs

- Directive 1999/2 concerning foods and food ingredients treated with ionising radiation: CZ and SI
- Directive 1993/43 concerning hygiene of foodstuffs: CZ, SI
- Directive 1999/3 on the establishment of a Community list of foods and food ingredients treated with ionising radiation: CZ
- Directives 1989/398 + 1999/41 relating to foodstuffs intended for particular nutritional uses: CZ
- Directives 1996/5 + 1998/36 on processed cereal-based foods and baby foods for infants and young children: CZ
- Directive 1998/83 on the quality of water intended for human consumption: CZ
- Directive 1980/777 relating to the exploitation and marketing of natural mineral waters: CZ
- Directive 1991/71 relating to flavourings for use in foodstuffs and to source materials for their production: CZ
- Directive 1996/8 on foods intended for use in energy-restricted diets for weight reduction: CZ
- Directive 1989/107 concerning food additives authorized for use in foodstuffs intended for human consumption: CZ
- Directives 1976/399 + 1978/144 and Directive 1981/20 concerning the colouring matters authorized for use in foodstuffs intended for human consumption: CZ and SK
- Directive 1994/35 on sweeteners for use in foodstuffs: CZ
- Directive 1995/2 on food additives other than colours and sweeteners: CZ
- Directive 1990/496 on nutrition labelling for foodstuffs: CZ
- Directive 2001/112 relating to fruit juices and certain similar products intended for human consumption: SK
- Directive 2001/114 relating to certain partly or wholly dehydrated preserved milk for human consumption: SK
- Directives 78/663 + 1990/612 + 1992/4 laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs: SK
- Directive 1982/504 laying down specific criteria of purity for emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs: PL, SK
- Directive 1981/712 laying down Community methods of analysis for verifying that certain additives used in foodstuffs satisfy criteria of purity: SK
- Directive 1987/250 on the indication of alcoholic strength by volume in the labelling of alcoholic beverages for sale to the ultimate consumer: SK
- Directive 1976/621 relating to the fixing of the maximum level of erucic acid in oils and fats intended as such for human consumption and in foodstuffs containing added oils or fats: LV
- Directive 1999/4 relating to coffee extracts and chicory extracts: LV
- Directive 1993/99 on the subject of additional measures concerning the official control of foodstuffs: LV
- Directive 1996/43 in order to ensure financing of veterinary inspections and controls on live animals and certain animal products: CZ and MT
- Directive 1997/79 as regards the organisation of veterinary checks on products entering the Community from third countries: CZ and LT

- Directive 1991/688 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries: MT
  - Directive 1991/69 on health and veterinary inspection problems upon importation of bovine animals and swine, fresh meat or meat products from third countries, in order to include ovine and caprine animals: MT
  - Directive 1996/91 on health and veterinary inspection problems on importation of animals of the bovine, ovine, caprine and porcine species, fresh meat and meat-based products from third countries: MT
  - Directive 1992/36 amending, with regard to African horse sickness, Directive 90/426/EEC on animal health conditions governing the movement and import from third countries of equidae: MT
  - Directive 2002/16 on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs: MT
  - Directive 1989/608 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters: CZ, HU
  - Directive 1991/494 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat: EE and LV
  - Directives 2003/34 + 2003/36 relating to restrictions on the marketing and use of certain dangerous substances and preparations (substances classified as carcinogens, mutagens or substances toxic to reproduction — c/m/r): PL
  - Directive 2003/53 relating to restrictions on the marketing and use of certain dangerous substances and preparations (nonylphenol, nonylphenol ethoxylate and cement): EE
  - Directive 1988/344 on extraction solvents used in the production of foodstuffs and food ingredients: CZ
  - Pesticides: CZ, MT
  - Pharmaceutical Products
  - Directives 1978/25 + 1981/464 relating to the colouring matters which may be added to medicinal products: MT
  - Directive 1989/105 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems: CZ
  - Chemical Products
  - Directive 1998/8 concerning the placing of biocidal products on the market: CZ and MT
  - Directive 1994/31 on hazardous waste: CZ
  - Cosmetics
  - Directives 1980/1335 + 1982/434 + 1983/514 + 1985/490 + 1987/143 + 1990/207 relating to methods of analysis necessary for checking the composition of cosmetic products: CZ
3. Public Procurement
- Directive 1993/38 concerning coordinating the procurement entities operating in the water, energy, transport and telecommunication sectors: CZ

4. Specialised area
- Directive 1991/477 on control of the acquisition and possession of weapons: EE, CY, SI
  - Directive 1993/7 on the return of cultural objects unlawfully removed from the territory of a Member State: PL, SK
  - Directive 2001/37 concerning the manufacture, presentation and sale of tobacco products: EE
  - Directive 1987/219 relating to the sulphur content of certain liquid fuels: CY and SK
  - Directive 1993/12 relating to the sulphur content of certain liquid fuels: CZ
- *Free Movement of Persons*
    1. Mutual Recognition of Professional Qualifications
 

General System

      - Directives 1994/38 + 1995/43 + 1997/38 + 2000/5 on a second general system for the recognition of professional education and training: LV

Sectoral System

      - Directives 1977/452 + 1977/453 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of nurses responsible for general care, including measures to facilitate the effective exercise of this right of establishment and freedom to provide services: CZ
      - Directives 1980/154 + 1980/155 relating to the taking up and pursuit of the activities of midwives: CZ
      - Directives 1978/686 + 1978/687 concerning the mutual recognition of diplomas, certificates and other evidence of the formal qualifications of practitioners of dentistry, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services: CZ
      - Directive 1985/432 in respect of certain activities in the field of pharmacy: CZ
      - Directive 1985/433 concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy: CZ, EE
      - Directives 1993/16 + 1998/63 + 1999/46 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications: CZ
      - Directive 1998/63 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications: CZ and SI
      - Directive 1986/653 relating to self-employed commercial agents: SK
      - Directive 1990/658 amending certain Directives on the recognition of professional qualifications consequent upon the unification of Germany: CZ
    2. Citizen's rights
      - Directive 1994/80 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals: LV

- Directive 1996/30 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals: CZ, LV
3. Free movement of workers
- Directive 1998/49 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community: CZ
  - Directive 1976/207 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions: CZ
  - Directive 1979/7 on the progressive implementation of the principle of equal treatment for men and women in matters of social security: CZ
  - Directive 1986/613 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood: CZ
  - Directives 1986/378 + 1996/97 on the implementation of the principle of equal treatment for men and women in occupational social security schemes: CZ
- *Freedom to Provide Services*
    1. Banking Sector
      - Directive 1995/26 concerning the strengthening of the powers of the banking supervisory authorities: CZ, EE, HU, PL, SI
      - Directive 2001/24 concerning the reorganisation and winding-up of credit institutions: CZ, SK
      - Directive 2000/46 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions: EE
    2. Insurance Sector
      - Non-life and life insurance Directives (1973/239 + 1988/357 + 1992/49 + 2002/83) have only been partially transposed by EE, LV, HU, PL, SI, SK
      - Directive 1987/344 relating to legal expenses insurance: CZ, SI, SK
      - Directive 1991/674 on the annual accounts and consolidated accounts of insurance undertakings: LT, PL, SI
      - Directive 1998/78 on the supplementary supervision of insurance undertakings in an insurance group: EE, LV, PL, SI, SK
      - Directive 2001/17 on the reorganisation and winding-up of insurance undertakings: CZ, EE, PL, SI, SK
      - Directive 1990/618 as regards motor vehicle liability insurance: LV
      - First Motor Vehicle Insurance Directive 1972/166: LV, SI
      - Second Motor Vehicle Insurance Directive 1984/5: LV, PL, SI
      - Third Motor Vehicle Insurance Directive 1990/232: LV, MT, SI
      - Fourth Motor Vehicle Insurance Directive 2000/26: LV, MT, PL, SI
      - Directive 1987/343 as regards credit insurance and suretyship insurance: CZ, EE, PL
    3. Investment Sector
      - Directive 2002/47 concerning financial collateral arrangements: CZ, LV, SK
      - Directive 1993/22 concerning investment services in the securities field: CZ
    4. Information-society services

- Access Directive 2002/19: CZ, EE, CY
  - Authorisation Directive 2002/20: CZ, EE
  - Framework Directive 2002/21: CZ, EE
  - Universal service Directive, 2002/22: EE, CY
  - E-commerce Directive, 2000/31: CZ, LV
  - Directive 2002/77 on competition in the markets for electronic communications networks and services: EE
5. Protection of Personal Data
- Directive 2002/58 concerning privacy and electronic communication: CZ, EE, CY
- *Free Movement of Capital*
    - Directive 2003/48 concerning the taxation of savings income in the form of interest payment: EE, LV, SK

## ANNEX II: Corporate Readiness for Enlargement in the new MS

### 1) Global view in 2004

- 90% of the corporate sector supported the Accession
- 59% of the corporate sector optimistic about their business prospects (down from 69% in 2002), while the 'no impact' and 'pessimistic' business prospects have increased (respectively 13% to 20%, and 12% to 16%)
- 75% companies claim to be 'fully or partially' informed about the Acquis
  - 89% of bigger companies (>250 employees)
  - 61% of SME (1-50 employees)
- 32% of companies had not started yet with their implementation preparations.
- 16% of companies had implemented their implementation programmes successfully
- companies feel that their compliance with the Acquis is on average 2.4/4 (1- very low, 2- moderate, 3- high, 4- full)
- the problem areas in Acquis implementation:
  1. rules of competition
  2. product certification, technical regulations, standards
  3. consumer protection and producer liability
  4. labels, trademarks, patents
- the anticipated effects of joining the Internal Market
  1. tougher competition in the home market by European companies
  2. easier access to EU markets
  3. more transparent business practices on the home market (competition rules, state aids, public procurement)
  4. bigger inflow of FDI

### 2) Knowledge

- 'fully or partially' informed on EU legislation by country
  - 2001: 52%
  - 2003: 64%
  - 2004: 75%
- 'practically no' information on EU legislation by country
  - 2001: 27%
  - 2003: 24%
  - 2004: 14%
- the sectors which are the best 'fully or partially' informed on EU legislation:

Manufacturing:	76%
Electricity, gas and water supply:	75%
Financial services:	76%
- the sectors which have 'practically no information' on EU legislation:

Hotels and restaurants:	32%
Mining and quarrying:	24%
Construction:	23%

